

Fact Sheet About the Hazardous Waste Generator Improvements Final Rule

The RCRA Hazardous Waste Generator Improvements Rule took effect May 30, 2017! EPA finalized a rule that revises the hazardous waste generator regulations by making them easier to understand and providing greater flexibility in how hazardous waste is managed to better fit today's business operations. The revisions will also protect Americans by enhancing the safety of facilities that create hazardous waste and the response capabilities of emergency responders by improving risk communication. The new rule directly responds to feedback from our regulated community, states, communities, and other stakeholders and represents a significant investment in evaluating and addressing the challenges in the hazardous waste generator program.

Revisions: This final rule includes over 60 changes to the hazardous waste generator regulations that clarify existing requirements, increase flexibility, and improve environmental protection. These changes also reorganize the regulations to make them easier to follow and make certain technical corrections. The list below provides examples of some of the more significant changes in the final rule for each category.

Provisions to increase flexibility for generators of hazardous wastes:

- Allowing very small quantity generators (VSQGs) (previously known in the federal regulations as "conditionally exempt small quantity generators" - CESQGs) to send hazardous waste to a large quantity generator (LQG) that is under the control of the same person and consolidate it there before sending it on to management at a RCRA-designated facility, provided certain conditions are met. In some situations, organizations in industry, government, and academia may have satellite locations that qualify as VSQGs and that could take advantage of this provision to send their materials to an LQG within their company and ultimately to manage the hazardous waste in an environmentally sound manner rather than as an exempt waste.
- Allowing a VSQG or a small quantity generator (SQG) to maintain its existing generator category in the case of an event in which the VSQG or SQG generates a quantity of hazardous waste in a calendar month that would otherwise bump the generator into a more stringent generator regulatory category. Under this provision, generators that satisfy the listed conditions do not have to comply with the more stringent generator standards when an unusual event such as a cleanout or an act of nature causes its generator category to temporarily increase.

Improvements of environmental protection:

- Updating the emergency response and contingency planning provisions for SQGs and LQGs to include Local Emergency Planning Committees (LEPC) among those emergency planning organizations with which a generator may make response arrangements and to require that new and existing LQGs submit quick reference guides with the key information when they either develop or update their contingency plans to local responders for easy access during an event.
- Requiring periodic re-notification for SQGs every four years (SQGs only notify once under the current system).
- Revising the regulations for labeling and marking of containers and tanks to clearly indicate the hazards of the hazardous waste contained inside.

Provisions to improve generator compliance:

- Clarifying inconsistent guidance on which generator category applies when a generator generates both acute and non-acute hazardous waste in a calendar month.
- Revising the regulations for completing the RCRA biennial report to be consistent with the current instructions distributed with the form.
- Replacing the phrase "conditionally exempt small quantity generator" with the phrase "very small quantity generator" to be consistent with the other two generator categories—LQGs and SQGs.

Reorganization of the hazardous waste generator regulations:

- Moving the VSQG regulations from section 261.5 of Title 40 of the Code of Federal Regulations (CFR) into [40 CFR part 262](#), where the regulations for SQGs and LQGs are located.
- Moving a number of the generator regulations that are currently located in other parts of the hazardous waste standards into 40 CFR part 262 to replace the current lists of cross references.

Technical corrections:

- Correcting inadvertent errors in the regulations, obsolete programs, and unclear citations.