INFORMATION SHEET

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

# E-101 Hazardous Waste Generator Overview

Questions and Answers

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1. What's the difference between very small quantity generator (VSQG) and the old conditionally exempt small quantity generator (CESQG)?

   *The CESQG category was renamed to VSQG as part of the Hazardous Waste Generator Improvements Rule, which was published on Nov. 28, 2016.*

2. How does one move up and down generator categories?

   *Moving up or down categories is determined by the amount of hazardous waste you generate in a calendar month or accumulate on-site.*

3. How can used oil can be managed under Indiana waste rules?

   *For more information on how used oil can be managed under 329 IAC 13, visit: idem.IN.gov/waste/hazardous-waste/used-oil.*

4. Is there any limit on how much new oil can be stored onsite?

   *IDEM does not regulate/limit the amount of new oil that can be stored at a site. A facility can store up to 1,320 gallons of oil (above ground) on-site without to a Spill Prevention, Control, and Countermeasure (SPCC). Additional information on SPCC rules can be found on the U.S. EPA website, Overview of the Spill Prevention, Control, and Countermeasure (SPCC) Regulation.*

5. Should a VSQG get an Environmental Protection Agency (EPA) identification number if they move into a small quantity generator (SQG) for one month?

   *Yes, if you move into the SQG category, even for a month, you will be required to obtain an EPA identification number.*

6. If I have more than two episodic events in one calendar year, do I change my federal status for the whole year or just for that month?

   *A generator may not have more than two episodic events in a calendar year.*

   *A generator may petition IDEM for a second episodic event in a calendar year without impacting its generator category if the facility has already held a planned episodic event in the calendar year and petitions IDEM for an additional unplanned episodic event in that same calendar year within 72 hours of the unplanned event.*

   *Or*

   *If a facility has already experienced an unplanned episodic event in a calendar year, the generator may petition IDEM for an additional planned episodic event in that calendar year. The petition must be made to the IDEM in writing, either on paper or electronically. The generator must retain written approval in its records for three years from the date the episodic event ended.*

7. Should generators no matter what status, have a U.S. EPA identification number?

   *Although not required for VSQGs, it is recommended that you obtain a U.S. EPA identification number for best management practices. Additionally, if you happen to "bump up" to an SQG, you will already have the required U.S. EPA identification number.*

8. Who do I contact at IDEM to report an episodic event?

   *The VSQG or SQG must notify IDEM no later than thirty calendar days prior to initiating a planned episodic event using U.S. EPA Form 8700-12 via the online RCRAInfo portal. Please refer to Question 10 if the episodic event is unplanned.*

9. When does the LQG's year begin and end?

   *The reporting period spans the calendar year, Jan. 1 through Dec. 31.*

10. How do I report an unplanned episodic event?

    *In the event of an unplanned episodic event, the generator must notify IDEM within 72 hours of the unplanned event by phone at 317-234-6923, email myRCRAid@idem.IN.gov, or fax at 317-234-0428 and then submit U.S. EPA Form 8700-12 to IDEM through the RCRAInfo portal online within seven calendar days.*

    *For more information, please refer to IDEM's Alternative Standards for Episodic Generation Guidance document, idem.IN.gov/waste/files/hw_alt_standards_guidance.pdf.*

11. Where do you suggest placing the label on a hazardous waste collection container if the label falls off easily or gets worn off by chemicals or oils, etc.?

    *The requirement is for the generator to label the container. The generator is not required to use an adhesive label and other means of labeling may be required based upon environment and chemical exposure. Suggest cleaning the drum regularly so the label does not fall off. The generator may consider other options such as attaching a wire tag with the required information or replacing any worn out or fallen off label as soon as observed.*

12. How many pallets high can you stack your hazardous waste containers?

    *Please refer to IDEM's non-rule policy regarding container stacking: idem.IN.gov/files/nrpd_waste-0016.pdf.*

13. What is the definition of "closed" drum? Does a lid that is resting on the rim meet this? Does it need to be latched?

    *The U.S. EPA did not define "closed" but explained in the preamble that the purpose of the requirement to keep a container hold hazardous waste closed was to "to minimize emissions of volatile wastes, to help protect ignitable or reactive wastes from sources of ignition or reaction, to help prevent spills, and to reduce the potential for mixing of incompatible wastes and direct contact of facility personnel with waste." [May 19, 1980; 45 FR 33199]*

    *A "closed drum" means the lid completely encloses the contents and forms a tight seal, preventing leaks, spills, and the escape of vapors. This ensures the waste is contained and minimizes the risk of exposure to humans and the environment. 40 CFR 262.15 (a)(4) refers to:*

*"A container holding hazardous waste must be closed at all times during accumulation, except:*

*(i) When adding, removing, or consolidating waste; or*

*(ii) When temporary venting of a container is necessary*

*(A) For the proper operation of equipment, or*

*(B) To prevent dangerous situations, such as build-up of extreme pressure."*

14. For LQG is the point of generation, is there a satellite accumulation area or does the waste need to go directly from the point of generation to offsite?

*From the CTAP staff's interpretation of this question, yes, a LQG can have a satellite accumulation area(s). Waste goes to central accumulation area and/or disposal from the satellite area. The satellite accumulation area can accumulate up to 55 gallons per waste stream or one quart of acute hazardous waste. If you have additional questions and/or clarification, please contact CTAP staff.*

15. Does satellite accumulation allow one 55-gallon drum per each waste profile?

*Yes, up to 55 gallons for each different waste profile.*

16. Can you clarify "at or near" any point of generation for satellite accumulation area for the following situation: If waste is stored in day storage container at the point of generation, should it be marked satellite storage area or if this container is put away in the nearest satellite area? Would the day storage not be considered as a satellite area?

*Here are a few definitions for clarification:*

*Point of generation:*

- *This refers to the location where hazardous waste is initially produced. It could be a specific piece of equipment, a workbench, or any area where the waste is first created.*
- *Identifying the point of generation is important because it determines the applicable regulations and storage requirements for the waste.*

*At or near the point of generation:*

- *This refers to the temporary storage of hazardous waste in containers close to where it is generated.*
- *40 CFR 262.15, allows small quantities of hazardous waste (up to 55 gallons of liquids or one quart of acutely hazardous waste) to be stored in this way without needing a hazardous waste storage permit.*
- *This temporary storage allows generators to accumulate waste efficiently before disposal or treatment without requiring dedicated storage facilities.*

*The day storage container may be a satellite accumulation container if located at or near the point of generation and under the control of the operator. If the contents of the satellite accumulation contain are placed into a second container accumulating waste from additional sources, the second container is not a satellite accumulation container and should be managed as an accumulation container. If you have additional questions and/or clarification, please contact the CTAP staff.*

17. What are the requirements for hazardous waste secondary containment?

*Please refer to 40 CFR 264.175 – Containment for a full description of containment of hazardous waste. A few key points from 40 CFR 264.175, include:*

- *Secondary containment system must be impervious and free of cracks or gaps.*
- *Containers should not sit in their own waste, so secondary containment unit must be either sloped or specifically designed to quickly and easily remove spilled or leaking liquids.*
- *The secondary containment system "must have sufficient capacity to contain at least 10% of the total volume of the primary containers or 100% of the volume of the largest container, whichever is greater."*
- *Precipitation (or run-on) must be prevented from entering the secondary containment system unless the system has sufficient capacity to contain any run-on in addition to the volume capacity requirements.*
- *Any waste that has spilled or leaked into the secondary containment area (or any accumulated precipitation like we talked about) must be removed in as timely a manner as is necessary to prevent overflow.*

18. Does IDEM requires SQG and LQGs to post a form or sign to post with emergency contact information and safety measures at the storage area? Do you have to post these at satellite accumulation areas as well?

*Per 40 CFR 262.16 - Conditions for exemption for a small quantity generator that accumulates hazardous waste, "the small quantity generator must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:*

*(A) The name and emergency telephone number of the emergency coordinator;*
*(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and*
*(C) The telephone number of the fire department, unless the facility has a direct alarm."*

*Large Quantity Generators must follow the requirements of 40 CFR 262 Subpart M - Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators.*

19. What is the difference between a manifest and a bill of lading?

*The Hazardous Waste Manifest System is a set of forms, reports, and procedures designed to seamlessly track hazardous waste from the time it leaves the generator until it reaches the off-site waste management facility that will store, treat, or dispose of the hazardous waste. The manifest system allows the waste generator to verify that its waste has been properly delivered and that no waste has been lost or unaccounted for in the process. The manifest is required by both the U.S. Department of Transportation (DOT) and the U.S. EPA. When completed, it contains information on the type and quantity of the waste being transported, instructions for handling the waste, and signatures of all parties involved in the off-site treatment, recycling, storage, or disposal of the waste. This process ensures critical accountability throughout transportation and disposal. Once the waste reaches its destination, the receiving facility returns a signed copy of the manifest to the generator, confirming that the waste has been received.*

*A bill of lading is less concerned with the nature and extent of the goods of the shipment and describes the terms of the shipment.*

20. What are the requirements for the person signing for the disposal of hazardous waste?

*Per 49 CFR 172.205 - Hazardous Waste Manifest, "(c) The original copy of the manifest must be dated by, and bear the handwritten signature of, the person representing:*

*(1) The shipper (generator) of the waste at the time it is offered for transportation, and*

*(2) The initial carrier accepting the waste for transportation."*

*The person is defined as an individual, corporation, company, association, firm, partnership, society, joint stock company; or a government, Indian Tribe, or authority of a government or Tribe, that offers a hazardous material for transportation in commerce, transports a hazardous material to support a commercial enterprise, or designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce. This term does not include the United States Postal Service or, for purposes of 49 U.S.C. 5123 and 5124, a department, agency, or instrumentality of the government.*

*The person signing a hazardous waste manifest is certifying that the information on the manifest is accurate and that the that the shipment has been prepared in accordance with EPA and DOT regulations. EPA has determined that the person signing the manifest must have both RCRA training and DOT training.*

21. Should LQGs request a copy of the manifest at 45 days, not 35 days, if it has not been received by the generator?

*Per 40 CFR 262.42 – Exception Reporting, an LQG who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.*

*A LQG must submit an exception report to the U.S. EPA Regional Administrator for the region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.*

22. If I have access to the manifest posted on waste service provider's portal, do I have to receive the physical copy of the manifest within 45 days for exception reporting report compliance?

*If you have access to the manifest posted on the waste service provider's portal, then you do not have to receive the physical copy of the manifest within 45 days.*

23. What is the difference between a waste determination form and a waste profile?

*Generally, a waste determination is used for determining if the waste is a hazardous waste. This includes running tests, samples, etc. A waste profile is something used for proper disposal or treatment. These are required by disposal facilities. It helps them determine if they can safely handle the material, what are the risks, and what treatment methods are needed.*

24. Does a person driving a powered industrial vehicle that moves hazardous waste/material need to have the hazardous waste training?

    *Semi drivers moving waste offsite would be subject to Department of Transportation rules and regulations. Tow motors or other motorized transport moving containers (up to and including roll-off containers) onsite would be subject to Resource Conservation and Recovery Act (RCRA) training.*

25. How often are waste profiles required? Is done only when the process changes?

    *Waste profiles are always needed when the process changes. It's important to note, local disposal/treatment facilities may also have different expiration timeframes for waste profiles. We recommend checking with your disposal site on their expiration timeframes*.

26. Are you required to include universal waste in the quick reference guide (QRG)?

    *No. Universal waste is not required to be included in the QRG for LQGs. The QRG primarily focuses on hazards associated with traditional hazardous wastes, not universal waste. However, if your universal waste poses significant dangers, mentioning it in the QRG for emergency responders' awareness could be a good practice.*

27. Does an LQG have to continue central accumulation area inspections during times when no waste is present?

    *No. The requirement is to inspect tanks or containers with waste. If no waste is present, you are not requirement to inspect the central accumulation area.*

28. Why do they consider a SQG a biennial reporting when you need to complete an annual report regardless of your status?

    *Per Indiana Code (IC) 13-22-4-3.1 Reports regarding hazardous waste and shipments, "...shall, before March 1 of each year, submit to the department either the biennial report required by the United States Environmental Protection Agency concerning the person's waste activities during the previous calendar year, or an annual report on forms provided by the department...."*

    *Indiana requires SQGs to submit an annual manifest report every year and LGQs the biennial report every odd numbered year and annual manifest report every year. With the hazardous waste generator improvement rule, U.S. EPA required a renotification for SQGs.*

29. As part of a process, is point of generation into a drum the same as point of accumulation for LQG?

    *Please refer to Question 16.*

30. How long does it typically take to receive a response from a request submitted on the Compliance and Technical Assistance (CTAP) Portal?

    *Each response time is specific to the question. However, you should receive a response from a CTAP representative within 72 business hours to confirm they received your question. If you have not received feedback from a CTAP representative within 72 business hours, please email ctap@idem.IN.gov or call 800-988-7901.*

**Websites Mentioned During the E101: Hazardous Waste Generator Overview**

Access RCRAInfo Training
idem.IN.gov/waste/files/hw_rcra_id_zen_training.pdf

Code of Federal Regulations
ecfr.gov/current/title-40/chapter-I/subchapter-I

Environmental Education for Regulated Entities (E101)
on.IN.gov/E101

Extension for On-Site Accumulation of Hazardous Waste
idem.IN.gov/waste/files/hw_info_onsite_extension.pdf

National Fire Protection Association Code 704
nfpa.org/codes-and-standards/7/0/4/704?l=67

Request a Federal U.S. EPA ID Number
idem.IN.gov/waste/files/hw_rcra_id_myrcraid_instructions.pdf

Self-disclosure and Environmental Audit Policy
idem.IN.gov/idem/ctap/self-disclosure-and-environmental-audit-policy

Self-Disclosure and Environmental Audit Policy Fact Sheet
idem.IN.gov/files/factsheet_ops_outreach_ctap_self-disclosure.zip

Setup a RCRAinfo Account
idem.IN.gov/waste/files/hw_rcra_id_register_industry_user.pdf

Summary of requirements for each class of hazardous waste generator
epa.gov/hwgenerators/hazardous-waste-generator-regulatory-summary

U.S. EPA Managing your Hazardous Waste: A Guide for Small Businesses
epa.gov/sites/default/files/201910/documents/10008_managingyourhazwaste_508pdf_october_16_2019.pdf

U.S. EPA Method for Determining the Compatibility of Hazardous Wastes
epa.gov/sites/default/files/2016-03/documents/compat-haz-waste.pdf

U.S. EPA RCRA Info Industry Help and Guidance
rcrainfo.epa.gov/rcrainfo-help/application/industryHelp/assets/docs/RCRAInfoIndustryHelpAndGuidance.pdf

U.S. EPA Summary of Requirements for Hazardous Waste Generators
epa.gov/hwgenerators/hazardous-waste-generator-regulatory-summary