

# RCRA 101 For Distribution Cooperatives: Module 1

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## Disclaimer:

The materials available as part of this webinar are **for informational purposes only** and not for the purpose of providing legal advice.

These modules will **only** cover federal regulations. Some states have programs broader or **more stringent** than federal requirements. You should contact your state regulators, tribal representatives, statewide association, and legal counsel to obtain advice with specific requirements in your state and certainly with respect to any particular issue or problem.

# Today's Webinar

## What will be covered:

- Overview of federal hazardous waste rules that may apply to your co-op
- Examples of hazardous wastes your co-op may generate
- Locations & activities where you may generate a hazardous waste
- Wastes that can be managed under other programs
- References for additional information

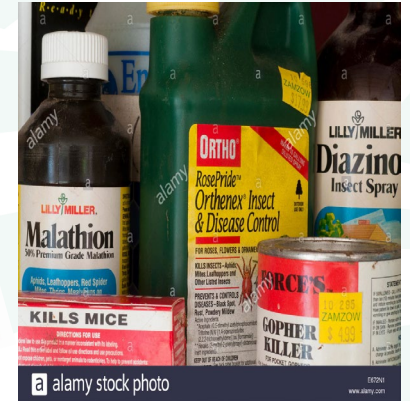
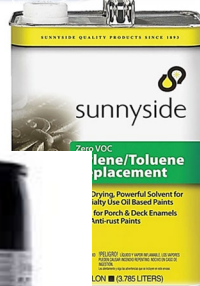
## What will not be provided:

- Legal advice
- Everything you need to know about managing hazardous waste
- Detailed information on hazardous waste:
  - Generation\*/Transportation/Disposal
  - Universal Waste\*/Used Oil\*/Treated Wood\*
  - State requirements
- Some of these (\*) are topics for other webinars



# Does your Co-op Generate Any of These?

If so, this webinar is for You!





# What is RCRA?

The **Resource Conservation and Recovery Act**, is the federal law governing waste management to:

- Protect human health and the environment
- Reduce waste and conserve energy and natural resources
- Reduce or eliminate the generation of hazardous waste as expeditiously as possible



The United States Environmental Protection Agency (EPA) writes and administers the federal regulations implementing RCRA. In most cases states have been delegated authority to implement and enforce the regulations.

States waste laws and regulation **may be more stringent** than the federal rules.

# What does RCRA cover?

- Hazardous waste from “cradle-to-grave” (Subtitle C)
- Non-hazardous solid waste (Subtitle D)
- Underground Storage Tank Program (Subtitle I)

\* Non-Hazardous Waste and Underground Storage Tanks will not be discussed in this presentation



# Key RCRA Hazardous Waste Terms

- Solid Waste
- Hazardous Waste
- Generation
- Transport
- Treatment, Storage, and Disposal (TSD)



# What RCRA is not ... some examples

## **RCRA doesn't directly cover (but other laws will cover):**

- Release of chemicals to a water bodies, wetlands, or air
- Regulation and management of PCB's
- Regulate the generation of electricity
- Regulate and manage radioactive materials
- Regulate the management of abandoned hazardous materials sites
- Specific personal protective devices when dealing with hazardous materials
- Outline training requirements for hazardous materials workers
- Endangered or protected wildlife species protection

# What is a Solid Waste?

- **Solid Waste** - is any ***discarded*** material that is not explicitly excluded in the regulation.

A material is “discarded” if it is:

- Abandoned
- Recycled

“Solid Waste” can be solid, sludge, liquid, or contained gas.

Examples: garbage, refuse, sludge, and other discarded material





# What is a Hazardous Waste?

- Two categories of Hazardous Waste
  - Exhibits a RCRA hazardous *characteristic*:
    - Ignitability, corrosivity, reactivity, or toxicity
    - Defined in regulation (drain cleaner, acid etc.)
  - Explicitly *listed* in regulation:
    - General sources (e.g. spent solvents) or specific waste materials
    - Certain commercial chemical products that become waste when “discarded” (e.g. certain banned pesticides)





# Hazardous Waste Exclusions & Exemptions

## Excluded:

- Solid wastes that are not hazardous wastes (*these are managed under state non-hazardous regulations*)
- Materials that are not solid wastes (*materials that have not been “discarded”. Materials that continue to be used in specific process.*)

## Exempted:

- Certain mixtures of solid and hazardous wastes (*used oil filters properly punctured and drained can be recycled*)



**EXCLUDED RECYCLABLE MATERIAL**

STATE AND FEDERAL LAW PROHIBIT IMPROPER DISPOSAL.  
IF FOUND, CONTACT THE NEAREST POLICE OR PUBLIC SAFETY  
AUTHORITY, THE U.S. ENVIRONMENTAL PROTECTION AGENCY  
OR THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL.

GENERATOR INFORMATION:

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
MANIFEST TRACKING NO. \_\_\_\_\_

EPA ID NO. \_\_\_\_\_  
EPA WASTE NO. \_\_\_\_\_ CA WASTE NO. \_\_\_\_\_ ACCUMULATION START DATE \_\_\_\_\_

CONTENTS, COMPOSITION: \_\_\_\_\_

PHYSICAL STATE: ☐ SOLID ☐ LIQUID | HAZARDOUS PROPERTIES: ☐ FLAMMABLE ☐ TOXIC  
☐ CORROSIVE ☐ REACTIVITY ☐ OTHER \_\_\_\_\_

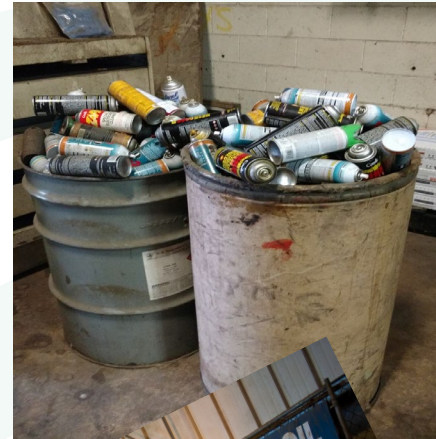
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# What is Regulated under RCRA?

- Generation
- Storage
- Transportation
- Treatment
- Disposal



# Hazardous Waste Generation

- Generate hazardous waste
  - Includes discarded commercial products
- Must make a “**determination**” that a material is a “**waste**” – that it is “**discarded**”
  - The “point of generation” and before any dilution, mixing or alteration of the waste occurs
  - Don’t mix hazardous waste with non-hazardous waste – only creates more hazardous waste!





# Do Distribution Co-ops Generate Hazardous Waste?

## Maybe ...

### Do you have:

- Oils \*
- Fuels
- Solvents (Automotive, painting, cleaning etc.)
- Solvent wipers & rags
- Pesticides/Herbicides
- Batteries \*
- Paints
- Computer Equipment
- Mercury-containing bulbs and equipment \*
- Florescent light ballasts \*

Note: \* = Universal Waste



# Universal Waste

## What is the Universal Waste Rule?

- EPA chose “universal” to describe the nature of certain commonly generated hazardous wastes
- Developed to ease the regulatory burden of widely generated, low-risk Hazardous Waste
- Reduce the quantity of these Hazardous Waste going to municipal solid waste landfills or combustors
- Code of Federal Regulations (40 CFR 273) details requirements



# Can Distribution Co-ops be Hazardous Waste Generators?

## Maybe still ... do you:

- Combine used oil with flammable material or solvents
- Use rags or wipes when using solvents in areas such as a mechanics bay or on job sites
- Store pesticides (herbicides) for building and right of way management
- Use and store paint and related liquids for vehicle maintenance
- Rehabilitate electric equipment that contains oil (drain, fill, clean, paint etc.)
- Utilize parts washers in mechanics area with regulated solvents
- Collect and store old batteries for disposal
- Collect and store mercury containing lamps and equipment for disposal
- Store old/used poles and cross arms for disposal





# Three Categories of Hazardous Waste Generators:

1. Very Small Quantity Generators (VSQG)\* In any month:
  - Generates <220 lbs./month \**Previously known as Conditionally Exempt Small Quantity Generator*
2. Small Quantity Generator (SQG): In any month:
  - Generates between 220 and 2,200 lbs./month
  - Stores up to 13,200 pounds
3. Large Quantity Generator (LQG): In any month:
  - Generates > 2,200 lbs.
  - Stores > 13,200 lbs.



**You want to be a VSQG\* or SQG – You do not want to be a LQG!**

*\*Some states may still use Conditionally Exempt Small Quantity Generator term*

# More HW Generated = More Regulation

	VSQG	SQG	LQG
<b>HW Generation Limit</b>	≤ 220 lbs/month	220 to 2,200 lbs/month	>2,200 lbs/month
<b>Acute HW Generation Limit</b>	<2.2 lbs/month	<2.2 lbs/month	>2.2 lbs/month
<b>Accumulation Quantity Limits</b>	<220 lbs HW at any time	<13,200 lbs at any time	No limit
<b>Accumulation Time Limits</b>	None	≤180 days	≤90 days
<b>EPA Generator ID Number</b>	Not required	Required	Required
<b>Personnel Training</b>	Not required	Basic training required	Required
<b>HW Manifests</b>	Not required	Required	Required
<b>Biennial Reporting</b>	Not required	Not required	Required
<b>Emergency Procedures</b>	Not required	Required	Required
<b>Other</b>	<ul style="list-style-type: none"> <li>Ensure HW delivered to person or facility authorized to manage it</li> </ul>	<ul style="list-style-type: none"> <li>HW in tanks/containers per RCRA</li> </ul>	<ul style="list-style-type: none"> <li>Detailed permitting</li> <li>Financial assurance</li> <li>Subject to land disposal restrictions</li> </ul>

# Do you think your Distribution Co-Op is a Hazardous Waste Generator?

## If so, did you take a look at:

- Electric equipment rehabilitation areas (transformer, capacitor, etc.)
- Warehouses/store rooms
- Waste generated in the field (e.g. spent solvent or rags)
- Waste containers
- Drum storage areas
- Mechanics areas



# Ways to Minimize Your Generation Level

- **Pollution Prevention Programs:** May help to assist in reducing, minimizing or eliminating processes and associated wastes where possible (currently mostly state programs available). Process may reduce or even eliminate need to use chemical or develop storage or management area.
- **Universal Waste Programs:** Attempt to segregate Universal Waste materials, taking advantage of all opportunities to manage materials as Universal Waste and the flexibility federal regulations provide in this area.
- **Waste Segregation:** Do not mix hazardous waste with non-hazardous waste. Any such mixture must be counted and measured as hazardous waste.





# Hazardous Waste Transporters

**Hazardous Waste Transporters are engaged in moving (transporting) Hazardous Waste offsite by air, rail, highway, or water**

- RCRA Requirements for Hazardous Waste Transporters
  - ID number
  - Manifest compliance
  - Storage restrictions
  - Must immediately address discharge

*Note:* States may require additional requirements



# Consider before you ...

- Transport your own hazardous waste to a disposal facility?
- Clean-up chemical spills?
- Collect and transport mercury-containing devices and bulbs from members to your co-op
- Collect and transport used oil from members
- Transporting samples used to determine hazardous characteristics





# Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)

## TSDF facilities receive Hazardous Waste for treatment, storage or disposal.

- **Treatment:** Use processes (i.e., incineration, oxidation) to alter the character or composition of Hazardous Waste, allowing Hazardous Waste to be reused or reducing the amount of Hazardous Waste
- **Storage:** Temporarily holding Hazardous Waste until they are treated or disposed.
- **Disposal:** Permanently containing/destroying hazardous wastes (i.e. landfill or incineration)



# Consider before you ...

- Store or manage old poles/cross arms and other wastes beyond the time limits or in an inappropriate way for your generator category.
- Burn poles/cross arms or other waste – burning a hazardous waste is “treatment”
- Collect large quantities of bulbs/lamps and other equipment containing mercury beyond the time limits for your generator category
- Collect and store used solvents, rags, wipers in vehicle maintenance areas or in the field beyond the time limits for your generator category
- Puncture used aerosol cans to collect remaining free liquid
- Collect used oil from members or employees without sampling and completely verifying the material’s source



# RCRA Enforcement and Penalties for Non-Compliance

- Legal actions: Administrative, Civil, Criminal and Citizens Suits
- Important enforcement option by Regulators: Imminent and Substantial Endangerment
  - Allows federal and state Regulators to issue appropriate orders and bring legal action in federal court





# Civil Penalties for Non-Compliance

- \$70,117 per day, per violation (amended by increasing 50% in 2016)
- Violations easy to spot by novice Regulator Inspectors:
  - Paperwork, labeling and storage violations
- Example of Small Quantity Generator RCRA Violator:
  - Small Vermont manufacturing facility
  - Group of penalties totaling \$78,000
  - Drums kept for longer than 180 days with no permit to store
  - Storing “incompatible” wastes at same location (risk of toxic fumes, explosion or fire)
  - Mishandling of Universal Waste (batteries and mercury lamps)
  - Improper labeling of containers
  - Failure to conduct daily storage area inspections
  - Generated multiple inspections at other company facilities



# Resources for Additional Assistance

- RCRA Statute: 42 United States Code (USC) 6901 et seq.
- Hazardous Waste Regulations: 40 Code of Federal Regulation (CFR) Parts 260-282
- Universal Waste Regulations: 40 Code of Federal Regulations Part 273
- USEPA: Guide to Hazardous Waste Generators
- USEPA: RCRA Orientation Manual
- USEPA: List of Listed and Characteristically Hazardous Waste
- USEPA: Introduction to Generators
- USEPA: Notification of RCRA Subtitle C Activity
- USEPA: Broad Overview of E-Waste Policies in the U.S.



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