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Hazardous Waste/Generator Improvements Rule: Penny Wilson (Arkansas Department of Energy and Environment - Division of Environmental Quality) Arkansas Environmental Federation Presentation

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Ms. Penny J. Wilson of the Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) undertook a presentation at the Arkansas Environmental Federation Convention on November 18th titled:

Hazardous Waste – Generator Improvements Rule (“Presentation”)

Ms. Wilson serves as DEQ’s Office of Land Resources Compliance Branch Manager.

The Presentation was undertaken in two parts and consisted of five “modules.”

A key focus of the Presentation was the revisions to the federal Resource Conservation and Recovery Act (“RCRA”) regulations by the Generator Improvements Rule.

DEQ was one of the first states to receive from the United States Environmental Protection Agency (“EPA”) delegation of the RCRA Subtitle C hazardous waste program in the 1980’s. It maintains such delegation by ensuring that its program is in force and effect to and no less stringent than the federal RCRA program. As changes are made by EPA to the RCRA rules, delegated states like Arkansas incorporate them into their regulations.

EPA’s authorization of Arkansas’s hazardous waste management program means that the state is responsible for implementation in lieu of EPA. DEQ is provided the necessary legislation to administer this program through the Arkansas Hazardous Waste Management Act and the Arkansas Resource Reclamation Act.

Like many states, Arkansas has, however, enacted a number of requirements under its hazardous waste program that are either in addition to or more stringent than, or broader in scope, than the minimum standards of the RCRA program. As a result, in determining which regulatory requirements apply in Arkansas, it is necessary to review Arkansas Pollution Control and Ecology Commission Regulation No. 23

as opposed to the federal RCRA regulations. Regulation 23 is the state regulation addressing the RCRA program.

The objective of the federal and Arkansas programs is to provide a cradle to grave management scheme for hazardous waste to ensure they are not mismanaged in a manner that impact human health and the environment. The program is focused on hazardous waste. To be a hazardous waste the material must first meet the definition of solid waste. Further, it is the responsibility of all solid waste generators to determine whether their waste is hazardous. In the event a hazardous waste is generated, there are a number of standards that apply to how the waste is managed.

A hazardous waste generator, by rule, is any entity, by site whose acts or processes generate (produce or bring about) a solid waste that is:

- Listed in the hazardous waste regulations,
- Determined to be characteristically hazardous, or
- Otherwise identified as a hazardous waste

DEQ has recently noted that the RCRA Generator Improvements Rule promulgated by EPA was a needed update to the program because the rule:

- Is easier to understand, facilitating better compliance
- Provides greater flexibility in how hazardous waste is managed
- Closes gaps in the regulations

DEQ also states that the Generator Improvements Rule finalized a number of clarifications without increasing burdens, which included:

- A reorganization of the hazardous waste generator regulations so that they are all in one place

Module 1 of Ms. Wilson's Presentation addressed:

- Purpose of this training
- History of the Rule
- Generator universe
- Goals of the Final Rule
- Reorganization of the Generator Regulations
- New definitions
- Specific revisions to § 262.10

Module 2 addressed:

- Hazardous waste determinations
- Counting and hazardous waste generator categories
- Mixtures
- Marking and labeling

Module 3 addressed:

- VSQGs
- Episodic Generation
- VSQG Consolidation

Module 4 addressed:

- Satellite Accumulation Areas
- Waiver to 50-foot Requirement
- Waste Accumulation in Drip Pads & Containment Buildings
- Personnel Training for LQGs
- Emergency Preparedness & Planning

- Closure

Module 5 addressed:

- Recordkeeping
- Reporting

A copy of the slides can be downloaded [here](#).