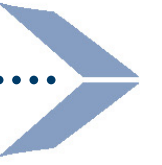


HAZARDOUS WASTE SEGMENT: REVISIONS TO HWGIR AND BEYOND

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Scope of Review...

1. **HWGIR Confusion Addressed**
2. **PHRM Waste Changes**
3. **PFAS Proposed Rule**

Direct Final Rules

HWGIR Revisions and Claw Back

88 FR 54086 (August 9, 2023)

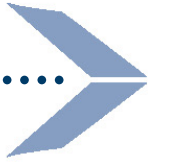
88 FR 84710 (December 6, 2023)

1. HWGIR



HWGIR Effective: December 7, 2023
Docket No. EPA–HQ–OLEM–2023–0081

89 FR 8606 (February 8, 2024)



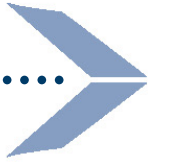
Rationale: “EPA inadvertently made typographical errors, included incorrect citations, and finalized language that was **unintentionally ambiguous.**”

Id.



“Over 100 Technical Corrections”

Id.



HWGIR Confusion

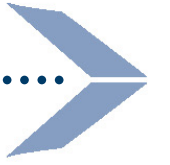
Notification

Determination

VSQG Classification

Closure LQG

Episodic Events



Notification: Removed 3010

Exempt: If generator “operating in compliance with generator [regs]”

NOTE: LQG v. SQG v. VSQG



Still Must File: EPA Id./File 8700-12 SQG and LQG

1. HWGIR



Affects: 262.1; 262.10(a)(2); and 262.16;
and five places in § 262.17 (§ 262.17(b),
(c), (d), (e), and (f))

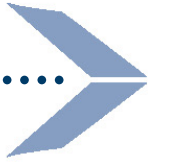
HW Determination: Adding Tests

Generator “**must also** determine whether the waste **exhibits one or more** hazardous characteristics?”

HWGIR 262.11(d)



“EPA did not intend” to require generators managing Waste Code listed for one characteristic to also determine other characteristics.



Both listed and characteristic:

- **Listed waste code** is sufficient
- Provided properly addressed
- Otherwise, codes for all

...But



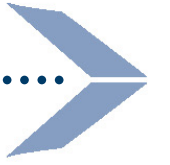
December 6, 2023: **Vacated** this change
to receive more comment...

88 FR 84710

VSQG Classification: Requirements...

- Accumulate > 1.0/100 kg/Month
- Accumulate > 1,000 kg on site.

262.14(a)(3),(4)



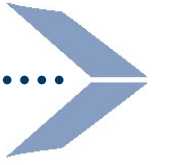
“Left out” Requirements

...Amends 262.14(a) (3) and (4)

1. HWGIR



- Notification as VSQG (262.18)
- Manifest (262, Subpart B)
- Container management (262, Subpart C)
- Recordkeeping/reporting (Subpart D)
- Offsite movement



SQG Classification: Should have cap for
for Onsite Accumulation

...Amends 262.16(b)(1)

1. HWGIR



“...quantity of acute hazardous waste accumulated on site **never exceeds 1 kilogram (2.2 pounds)....**”

...But



December 6, 2023: **Vacated** this change
to receive more comment...

88 FR 84710

Closure LQG: Should read

“[Notification applies] specifically to closure of [the] waste **accumulation units[s]** not **the whole facility.**”

262.17(a)(8)

Original Wording:

Notification may have waited until
closure of the Facility to notify
...But



December 6, 2023: **Vacated** this change
to receive more comment...

88 FR 84710



Pop Quiz

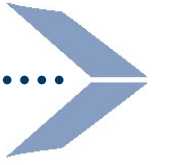
Does the term “accumulation unit” include containers at Satellite Accumulation Area?

1. HWGIR



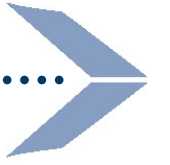
“LQG or SQG [may] treat[] hazardous waste in **accumulation units such as tanks or containers**....with the requirements of 40 CFR 262.34.”

OSWER No. 9451.1996(02) (April 1996)



Episodic Events No. 1: Forgot...Recordkeeping for VSQGs

...262.232(a)(5)



“EPA neglected to include a reference to § 262.44 in the generator regulations—recordkeeping requirements for small quantity generators—an important part of the manifest's cradle-to-grave tracking.”

VSQG Now Subject to...

- **Keep Manifests—3 years**
- **Exception Reporting--60 days (not signed)**
- **Additional Reporting---“may require”**

262.40-44.

Episodic Event No. 2: Oops...Again!

**Meant to start the 60 days clock for
offsite shipment on date of event, not
Accumulation**

262.32(b)



HWGIR Rules for Thee...



Waste Pharmaceuticals

Lab packs
Consolidation

Counting HW
Residues



Recall...

- Healthcare Facility: Care or PHRM
- Not Solid Waste:
 - “Reasonable expectation” (OTC)
 - “Use/reuse” or “reclaim”



Lab Packs No. 1: Segregating Wastes

- **“Metal-bearing”**
- Prohibited from incineration

Accumulate/Label: **Separate containers**

- **LDR Rules** apply
- Ar, Ba, Cd, Cr, Pb, Se, Ag—Mark **HW Codes**

266.502(d)(4)/508(a)(1)(iii)(C)/510(c)(4)



Lab Packs No. 2: No Incineration

- **17 listed PHRM**
- Prohibited from lab packs/incineration
- Under “alternative LDR treatment std.”

2. PHRM



NOTE: “Use of lab packs by healthcare facilities and reverse distributors for hazardous waste [PHRM] is **[otherwise] allowed** per the alternative LDR treatment standard of § 268.42(c).”

Counting HW: Determining Subpart P

- **Healthcare facility**
- HW generated in **Calendar Month**
- **Including PHRM**

266.504.

VSQG Consolidation: Consistent HWGIR

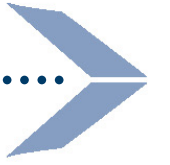
- VSQG healthcare facility
- May consolidate PHRM off-site
- “[t]o [LQG] provided [. . .]”

266.504(b)(1) and (2)



Container Residues: Consistent Policies

Three Things to Know...



IV bag “RCRA empty”

- **Fully administered or**
- **261.7 Empty (only if non-acute HW)**
266.507(c)



Other containers/delivery devices

“[PHRM] remaining in all other types of unused, partially administered, or fully administered containers must be managed as non-creditable [HW]”

266.507(d)



NOTE: “At healthcare facilities
operating under this subpart”

- Only VSQG **electing 266**
- Only containers **common to Healthcare**

Non-empty: Management

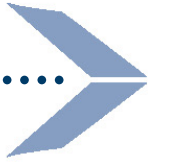
“Use revised definitions of ‘empty containers’ [but] must **manage non-empty containers as evaluated hazardous waste [PHRM].**”

266.507(b)

2. PHRM



Just cleaned up PHRM rules...



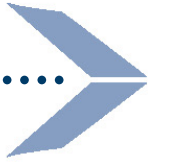
PFAS Proposed Rule

Prepublication Notice, Docket No. EPA-HQ-OLEM-2023-0278 (January 1, 2024)

Proposed Rule: Add to **Appendix VIII**

Nine PFAS compounds, their salts, and
their structural isomers

3. PFAS

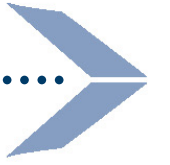


Including...

Perfluorooctanoic acid (PFOA)

Perfluorooctanesulfonic acid (PFOS)

Perfluorobutanesulfonic acid (PFBS)



Hexafluoropropylene oxide-dimer acid
(HFPO)

Perfluorononanoic acid (PFNA)

Perfluorohexanesulfonic acid (PFHxS)

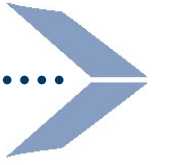
3. PFAS



Perfluorodecanoic acid (PFDA)

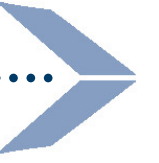
Perfluorohexanoic acid (PFHxA)

Perfluorobutanoic acid (PFBA)



Three Petitions to List as HW

UC Berkley, Public Employees for Environmental Responsibility (PEER), and Governor of New Mexico



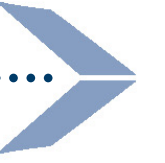
Not Immediate Affect: Not Listed HW

“Step toward...listing”



Immediate Affect: Corrective Action

“would facilitate and likely result in additional corrective action to address...releases of...PFAS”



Corrective Action at TSDF or Part B

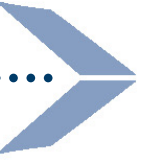
- **RCRA Facility Assessment**
- **RCRA Facility Investigation**
- **“Releases...from [SWMUs]”**



...and EPA Confirmed this Approach

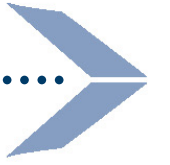
**Proposed Rule: Amendment of
Definition of Hazardous Wastes**

89 FR 8598 (February 8, 2024)



Problem for EPA: Federal Court (NM)

**RCRA Part B does not apply to
Hazardous Constituents, only HW.**



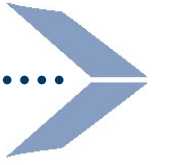
Affect: No SWMUs unless they
release HW and therefore,
Constituents not regulated.



Proposed Rule: **“Hazardous Waste”**

“...waste that is subject to requirements of RCRA [corrective action]”

260.10



NOTE: EPA must approve the Part B...



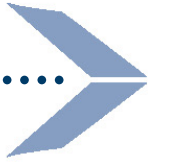
PFAS Cleanups begin....



Some of the **Changes** will stick...

1. **HWGIR**—

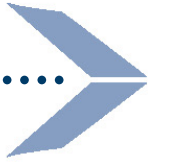
Notification, Episodic Events, and
Classifications



2. PHRM– Policies Adopted Lab packs, Consolidations, and Residues



3. PFAS Step 1: Cleanups



Take the **following steps...**

Step No. 1: **VSQG Double-check**

Step No. 2: **Audit the Plant Nurse**

Step No. 3: **Remediate PFAS Now**