

## SUMMARY OF HAZARDOUS WASTE REGULATIONS

This summary is to assist hazardous waste handlers in complying with federal and State of Florida regulations. Most of the following regulations have been in effect since November 19, 1980. Florida has adopted and incorporated portions of Title 40 Code of Federal Regulations (CFR) Parts 260-270 and 273 into its Florida Administrative Code (F.A.C.) as Chapter 62-730. In some instances, Chapter 62-730, F.A.C., contains more detail than the CFR as promulgated by the U.S. Environmental Protection Agency (EPA).

Hazardous wastes (HW) are wastes *listed* in 40 CFR Part 261, Subpart D as hazardous or they are wastes *characterized* in 40 CFR Part 261, Subpart C as hazardous by exhibiting one of four characteristics: *ignitability* (i.e., an oxidizer or flash point < 140°F), *corrosivity* (i.e., pH ≤ 2 or ≥ 12.5), *reactivity*, or *toxicity*.

A hazardous waste determination must be made of any waste material generated (§262.11). If the material is hazardous, then it must be recycled, treated, stored, or disposed at a HW facility authorized by DEP, EPA or another state. HW cannot be disposed on or in the ground, or in local landfills, septic tanks, or injection wells. Also, regardless of quantity, the generator of HW is ultimately responsible for the waste from "cradle to grave", and can be held liable for improper management of HW even though it may have been sent to an authorized HW management facility using a licensed transporter authorized by DEP.

Claims that material is not a waste or is exempt from must be documented. [Rule 62-730.030(4), F.A.C.] In addition, generators must keep records of HW generated that were subsequently managed pursuant to an exclusion. This includes wastes that were generated, accumulated and then disposed of in a wastewater treatment pretreatment unit or unit subject to the Clean Water Act.

A copy of the federal hazardous waste regulations (40 CFR Parts 260-268) can be obtained from public, college or law libraries; EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303-3104 (404/562-8579); the U.S. Government Printing Office, Washington, D.C. 20402; or the U.S. Government Printing Office, 100 West Bay Street, Suite 100, Jacksonville, Florida 32202 (904/353-0569). They are also available online at <http://www.gpoaccess.gov/cfr/index.html>. Copies of Chapter 62-730, F.A.C. may be obtained from the Department of Environmental Protection (DEP) at: [http://www.dep.state.fl.us/waste/quick\\_topics/rules/default.htm](http://www.dep.state.fl.us/waste/quick_topics/rules/default.htm).

This handout is based on DEP's understanding of the HW regulations. It should be read in conjunction with (and not as a substitute for) the federal and state HW regulations. This summary includes the principal components of the HW regulations. Requirements may change because of amendments to the regulations, new interpretations or guidance from EPA or DEP, judicial rulings, etc.

Ultimately, it is the facility's responsibility to stay current with the HW regulations and be in compliance with all applicable environmental regulations. Failure to

meet the applicable rules may subject facilities to more stringent standards. For example, small quantity generators (SQGs) dumping HW illegally not only become subject to disposal facility standards but will also be subject to enforcement actions. DEP has an agreement with EPA that mandates the assessment of penalties for violations of the Resource Conservation and Recovery Act (RCRA) requirements.

Many local governments have regulations and ordinances regarding the management of hazardous materials and/or wastes. Please check with those agencies for information on local requirements. New regulations may be adopted by EPA and become effective in Florida prior to adoption by DEP. **For information and copies of new regulations, go to: <http://www.epa.gov/epaoswer/osw/comments.htm>.**

### LAND DISPOSAL RESTRICTIONS

As of May 8, 1990, most hazardous wastes must be treated to meet Land Disposal Restriction (LDR) Universal Treatment Standards (UTS) prior to disposal in permitted hazardous waste landfills or surface impoundments. The LDR rule prohibits the dilution of restricted wastes as a substitute for effective adequate treatment.

Before treating a HW or disposing of it off site, the generator must determine whether the waste is subject to the LDR rules, what hazardous constituent levels are in the waste, and whether the waste must be treated or already meets the applicable treatment standard or prohibition level upon generation.

Generators who treat hazardous waste on site in tanks or containers under 40 CFR §262.34 must develop and follow a written waste analysis plan. The plan must be based on a detailed chemical and physical analysis of the waste. Records must be kept documenting treatment. Listed hazardous wastes must still be disposed of at a permitted hazardous waste landfill after treatment.

For the **initial** shipment of a HW shipped off site, the generator must notify treatment, storage and disposal facilities (TSDFs) of the nature and hazardous constituents of each HW shipped. The written generator notice must include:

- a) The initial manifest document number and all applicable EPA hazardous waste number(s) and treatability groups (See 40 CFR §268.40);
- b) A list of the hazardous constituents that must be treated;
- c) Waste analysis data (if available); and
- d) A signed certification if the generator is claiming that his waste already meets the treatment standard.

All notifications, certifications, and waste analysis data must be kept on-site for at least **three (3)** years from the date the waste was last sent to on or off site treatment or disposal. **The generator must submit a new notice if the waste or the receiving facility changes.**

The LDR rule provides for a few limited opportunities for delaying the effective date of prohibition, for a treatability variance, or for gaining an exemption from the prohibitions. This LDR explanation is a brief synopsis of a complex set of rules and regulations and is not all inclusive. Contact the EPA or DEP or review 40 CFR Part 268 for detailed information.

## **USED OIL REQUIREMENTS FOR ALL GENERATORS - 40 CFR PART 279**

1. Used oil may only be stored in tanks or containers.
2. Containers and tanks must be in good condition and not leaking.
3. Containers and tanks must be labeled "Used Oil."
4. Spills must be cleaned up, and contaminated materials disposed of properly.
5. Oil filters may not be disposed of at landfills. They must be recycled by an oil filter processor or municipal refuse incinerator (Chapter 62-710, F.A.C.).

**Used oil must have secondary containment for containers, existing tanks or above ground tanks.**

## **UNIVERSAL WASTE MANAGEMENT OPTIONS FOR ALL GENERATORS**

U.S. EPA's Universal Waste Rule (40 CFR Part 273) provides an alternative set of management standards for certain specific wastes in lieu of regulation under 40 CFR Parts 260 through 272. Currently, it applies to **recycling of batteries, some pesticides, and mercury containing devices and lamps**. Facilities that manage these wastes as Universal Waste (UW) do not need to count that waste toward their generator status or use hazardous waste manifests for shipping UW. Florida's Chapter 62-737, F.A.C., is broader in scope than EPA's UW Rule and therefore governs the management of mercury-containing lamps and devices in Florida.

## **HAZARDOUS WASTE REQUIREMENTS**

### **I. Conditionally Exempt Small Quantity Generators (CESQG) 40 CFR § 261.5.**

***CESQGs generate less than 100 kilograms of HW per month and less than 1 kilogram of acute HW (such as some pesticides, toxins or arsenic and cyanide compounds) per month.*** Many wastes that are recycled are included in this quantity determination.

1. Perform HW determination. [§262.11]
2. Cannot accumulate > 1000 kg at any time. [§261.5(g)(2)]
3. Ensure delivery of HW to a proper recycling facility or TSDF. [§261.5(g)(3)]
4. Keep records documenting proper disposal. [§62-730.030(3) & (4), F.A.C.]

### **II. Small Quantity Generators (SQG) 40 CFR Part 262.**

***SQGs generate 100 - 1000 kilograms of HW per month.*** Many wastes that are recycled are included in this quantity determination.

1. Obtain a DEP/EPA ID Number (§262.12) at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/documents/62-730/730\\_1b.pdf](http://www.dep.state.fl.us/waste/quick_topics/forms/documents/62-730/730_1b.pdf)

or phone 850/245- 8707.

2. Use manifest system [unless there is a reclamation agreement pursuant to §262.20(e)], and ship only to a permitted facility (Part 262, Subpart B).
3. Never exceed the 6000 kg accumulation/180 day storage time limit. [§262.34(d)(1)]
4. Emergency Planning [§262.34(d)(5)]:
  - a) Have at least one employee or a designee with authority as Emergency Coordinator (EC) on 24-hour call.
  - b) Next to the telephone, post
    - (i) the EC name and phone number;
    - (ii) fire department's number; and
    - (iii) location of fire extinguishers; spill control equipment/material, and fire alarm (if any).
  - c) Follow emergency procedures in §262.34(d)(5), including taking necessary steps to address spills and fires, and notifying the National Response Center (24-hour number: 800/424-8802) and the State Warning Point (850/413- 9911).
  - d) Upon request, the DEP will provide contingency plan guidance if the facility wishes to develop a more comprehensive emergency plan than required of SQGs.
5. Training of personnel regarding proper HW handling and emergency response. [§262.34(d)(5)(iii)]
6. Keep records (§262.44), including manifests, test results, etc., a minimum of three (3) years.
7. If tanks are used for management of HW, meet the tank requirements of §265.201. This includes daily and weekly inspections, required maintenance, spill response and closure standards.
8. **Meet the following requirements under III -- LQG Requirements, below:** Items 1, 2, 4, 5, 6, 12 to 15, 17, and 22.
9. If a SQG fails to meet applicable requirements, the full generator standards (and possibly TSDf standards) may apply. [§262.34(f)]

### **III. Large Quantity Generators (LQG) 40 CFR Part 262.**

***LQGs generate 1000 kilograms or more of HW per month or 1 kilogram or more of acute HW (such as some pesticides, toxins or arsenic and cyanide compounds) per month.*** Many wastes that are recycled are included in this quantity determination.

1. Perform HW determination (§262.11), including LDR waste analyses (§268.7).
2. Obtain a DEP/EPA ID number (§262.12) at

[http://www.dep.state.fl.us/waste/quick\\_topics/forms/documents/62-](http://www.dep.state.fl.us/waste/quick_topics/forms/documents/62-730/730_1b.pdf)

[730/730\\_1b.pdf](http://www.dep.state.fl.us/waste/quick_topics/forms/documents/62-730/730_1b.pdf)

or phone 850/245- 8707.

3. Use manifest system, and ship to a permitted facility (Part 262, Subpart B). State rules require the generator to complete Items 1 through 15 and the applicable parts of item 16, if required for international shipments, on Form 8700-22, and Items 21 through 32, on Form 8700-22A.

4. Meet pre-transport requirements for packaging, labeling, marking and placarding (Part 262, Subpart C).
5. Meet satellite accumulation rules. [§ 262.34(c)] Close and label these containers.
6. Label containers and tanks with the words "Hazardous Waste" and label containers with accumulation start dates. [§262.34(a)]
7. Do not store HW > 90 days. [§262.34(b)]
8. Keep all records for at least three (3) years (including manifests, test data, biennial reports, etc.) (Part 262, Subpart D).
9. File a biennial report for HW shipped off site. (Rule 62-730.160, F.A.C.)
10. File exception report for late or missing manifests from the designated facility. [§262.42]
11. Meet personnel training requirements, including documentation of training. [§§264.32(a)(4) & 265.16]
12. Maintain and operate the facility in a clean, safe manner. [§§262.34(a)(4) & §265.31]
13. Provide emergency equipment [§§262.34(a)(4) & 265.32]:
  - a) telephone or hand-held two-way radio;
  - b) internal communication or alarm system;
  - c) fire and spill control equipment (e.g. fire extinguishers, hoses, sprinklers, etc.);
  - d) neutralizing agents, spill adsorbents, overpack drums, standby 55-gallon drums, etc.; and
  - e) test and maintain the emergency equipment. [§§262.34(a)(4) & 265.33]
14. Maintain adequate aisle space for evacuation, inspecting drums, etc., e.g., no less than three (3) feet. [§§262.34(a)(4) & 265.35]
15. Attempt to make arrangements with local fire and police departments, hospitals, and emergency response contractors/equipment suppliers, with regards to emergency arrangements, hazards of materials handled, layout of facility, etc. [§§262.34(a)(4) & 265.37]
16. Have a contingency plan meeting the requirements of Part 265, Subpart D. [§262.34(a)(4)] Upon request, DEP will provide contingency plan guidance. Emergencies that require implementation of the contingency plan must be reported to DEP. Updated contingency plans must be distributed when facility conditions or emergency coordinators change.
17. Containers (e.g. drums, cans, etc.) must be kept closed and in good condition, inspected at least weekly, be compatible with the HW stored, and separated from other incompatible wastes (e.g. keep cyanides away from acids). [§262.34(a)(4) & Part 265, Subpart I] **Records must be kept of these inspections (Rule 62-730.160, F.A.C.).**
18. Ignitable or reactive HW must be stored at least fifty (50) feet from the facility's boundary line. [§262.34(a)(4) & Part 265, Subpart I]
19. Tanks must meet the requirements of Part 265, Subpart J [§262.34(a)(1)(ii)] (structural integrity; containment and detection of releases; inspections; response to leaks or spills; operating requirements; closure and post-closure care; special

requirements for ignitable, reactive and/or incompatible wastes; waste analysis and trial tests).

20. Special cautions (including "no smoking" signs) are required for ignitable or reactive wastes (§265.17).

21. Security (e.g. a locked fence) and bermed containment areas (with roof and impermeable floor) for HW storage areas are strongly recommended.

22. A Land Disposal Restrictions (LDR) Certification or Notification must accompany the initial manifest for a restricted waste. Generators who treat waste to meet land disposal restrictions must submit a waste analysis plan to DEP (§268.7).

23. Meet applicable air emission standards under 40 CFR Part 265, Subparts AA, BB and CC. [§§262.34(a)(1)]

**It is the facility's responsibility to comply with other applicable laws, such as Occupational Safety & Health Administration (OSHA) worker safety and protective clothing rules; fire codes; Florida's Right to Know Law; Superfund Amendments and Reauthorization Act (SARA); etc.**

**Hazardous waste may never be disposed of in septic tanks or on the ground.**

**Hazardous waste may only be burned in permitted hazardous waste incinerators. Do not dispose of hazardous waste by evaporation.**

#### **IV. Transporters (40 CFR Part 263) (62-730, F.A.C.)**

1. Obtain ID number (§263.11) at

[http://www.dep.state.fl.us/waste/quick\\_topics/forms/documents/62-730/730\\_1b.pdf](http://www.dep.state.fl.us/waste/quick_topics/forms/documents/62-730/730_1b.pdf) or phone 850/245- 8707.

2. Use manifest system (Part 263, Subpart B).

3. Ability to clean up hazardous waste discharges during transportation-related incidents (Part 263, Subpart C).

4. Provide annual documentation of financial responsibility. (Rule 62-730.170, F.A.C.)

5. Submit annual status update to DEP. (Rule 62-730.170, F.A.C.)

6. Transporters storing waste > 24 hours at a transfer facility must notify DEP and meet many TSD requirements (Rule 62-730.171, F.A.C.), including containment, operating record, contingency plan, training, security, and closure.

7. All transfer facilities operated in the state must have a unique ID number. (Rule 62- 730.171, F.A.C.)

8. Transfer facilities must submit closure plan and contingency plan to DEP. (Rule 62- 730.171, F.A.C.)

9. Transfer facilities must maintain a written record of when all hazardous waste enters and leaves the facility. (Rule 62-730.171, F.A.C.)

**Florida's hazardous waste regulations for transporters and transfer facilities are more comprehensive than the federal regulations.**

## **V. Treatment, Storage and Disposal Facilities (TSDF) (40 CFR Part 264 or Part 265).**

1. Obtain a DEP/EPA ID number (§264.11) at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/documents/62-730/730\\_1b.pdf](http://www.dep.state.fl.us/waste/quick_topics/forms/documents/62-730/730_1b.pdf).
2. Obtain a HW permit unless exempt (e.g. wastewater treatment units, elementary neutralization, etc.) and comply with permit conditions. Facilities receiving HW from off-site (including some recycling facilities) may be subject to TSDF requirements.
3. Must meet applicable generator standards (III, above).
4. Comply with general facility standards, including waste analyses, security, inspections, and personnel training (Part 264, Subpart B).
5. Maintain emergency equipment, adequate aisle space, and make arrangements with local authorities (Part 264, Subpart C).
6. Have a contingency plan meeting the requirements of Part 264, Subpart D.
7. Use manifest system and comply with recordkeeping requirements (Part 264, Subpart E).
8. Comply with groundwater monitoring requirements (Part 264, Subpart F).
9. Comply with closure and post-closure requirements (Part 264, Subpart G).
10. Maintain financial assurance for closure, post closure (if applicable) and liability (Part 264, Subpart H).
11. Comply with container management standards (Part 264, Subpart I).
12. Comply with tank management standards (Part 264, Subpart J).
13. Comply with additional requirements for individual units such as surface impoundments, waste piles, containment buildings, incinerators, drip pads, etc. (Part 264, Subpart K – Part 264, Subpart DD).
14. Meet applicable air emission standards (Part 264, Subparts AA, BB, and CC).
15. Meet applicable LDR requirements for treatment facilities, or as generators for wastes sent off site for further treatment (Part 268).

## **VI. Manifest Forms**

Title 40 CFR Part 262, Subpart B requires the use of the Uniform Hazardous Waste Manifest (EPA Form 8700-22 and 8700-22a) for hazardous waste shipments. Florida adopted 40 CFR Part 262, Subpart B by reference in Rule 62-730.160(1), F.A.C.

### **Obtaining Manifest Forms**

Florida does not supply manifests, but does supply a list of vendors from which copies of the manifest may be obtained. Copies may also be available from hazardous waste transporters or hazardous waste management facilities.

### **Manifest Copies**

40 CFR 262.22 requires the manifest to consist of a copy for:

1. the generator;
2. each transporter;
3. the owner/operator of the designated facility; and
4. a signed copy to be returned to the generator by the designated facility.

For regular shipments of hazardous waste, Florida does not require the submission of a manifest copy to DEP. However, manifests must be retained for **three (3)** years and are reviewed as part of hazardous waste compliance inspections conducted by DEP.

When hazardous wastes are shipped under an emergency EPA/DEP identification number, as defined in Rule 62-730.161, F.A.C., the generator must send a legible copy of all signed and returned manifests to DEP within 45 days of the last shipment.

The owner/operator of a designated facility must submit to DEP any manifests for which a significant discrepancy is discovered, as defined in 40 CFR 264.72 and 40 CFR 265.72, if the discrepancy is not resolved within 15 days.

A large quantity generator must submit a legible copy of a manifest to DEP if he has not received a copy of the signed manifest from the designated facility within 45 days of shipment. A small quantity generator must submit a legible copy of a manifest to DEP if the signed manifest is not received from the designated facility within 60 days of shipment.

### **Completing the Manifest**

Florida requires [Rule 62-730.160(1), F.A.C.] the completion of the following sections of the manifest in accordance with Appendix I of 40 CFR Part 262. Waste codes are listed in 40 CFR Part 261, Subparts C and D.

Form 8700-22

Items 1 – 15

Applicable parts of Item 16, if required for international shipments

Form 8700-22a

Items 21-32

Updated 8-14-06