



**IDAHO
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QUALITY**

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Hazardous Waste Generator Improvements Rule Fact Sheet

The US Environmental Protection Agency (EPA) finalized a rule that revises the hazardous waste generator regulations by making them easier to understand and providing greater flexibility in how hazardous waste is managed to better fit today's business operations. Idaho adopted new rules, including the generator improvements rule, effective March 28, 2018. As with previous rulemakings undertaken by the Idaho Department of Environmental Quality (DEQ) Hazardous Waste Unit, there is no grace period for implementing the new rules.

This final rule includes over 60 changes to the hazardous waste generator regulations that clarify existing requirements, increase flexibility, and improve environmental protection. These changes also reorganize the regulations to make them easier to follow and make certain technical corrections. The list below summarizes some of the more significant changes in the final rule.

Provisions to Improve Generator Compliance

- Clarifies inconsistent guidance on which generator category applies when a generator generates both acute and nonacute hazardous waste in a calendar month.
- Revises the regulations for completing the Resource Conservation and Recovery Act (RCRA) biennial report to be consistent with the current instructions distributed with the form.
- Replaces the generator category name "conditionally exempt small quantity generator" with the name "very small quantity generator" (VSQG) to be consistent with the other two generator categories—large quantity generators and small quantity generators (LQGs and SQGs).

Reorganization of the Hazardous Waste Generator Regulations

- Moves the VSQG regulations from section 261.5 of Title 40 of the Code of Federal Regulations (CFR) into 40 CFR part 262, where the regulations for SQGs and LQGs are located.
- Moves a number of the generator regulations that are currently located in other parts of the hazardous waste standards into 40 CFR part 262 to replace the current lists of cross references.

Improvements of Environmental Protection

- Updates the emergency response and contingency planning provisions for SQGs and LQGs to include local emergency planning committees (LEPC) among those emergency planning organizations with which a generator may make response arrangements. Also requires that new and existing LQGs submit quick reference guides with the key information when they either develop or update their contingency plans to local responders for easy access during an event (SQGs see [40 CFR 262.16](#); LQGs see [40 CFR Part 262 Subpart M \[262.250–.265\]](#)).
- Requires periodic renotification for SQGs every 4 years (SQGs only notify once under the current system). SQG renotification will begin in 2021 (see [40 CFR 262.18](#)).
- Revises the regulations for labeling and marking containers and tanks to clearly indicate the hazards of the hazardous waste contained inside (SQGs see [40 CFR 262.16](#); LQGs see [40 CFR 262.17](#)).

Provisions to Increase Flexibility for Hazardous Waste Generators (Optional Provisions)

- Allows VSQGs to send hazardous waste to an LQG that is under the control of the same person and consolidate it there before sending it for management at a RCRA-designated facility, provided certain conditions are met (see [40 CFR 262.14\(a\)\(5\)\(viii\)](#)). In some situations, organizations in industry, government, and academia may have satellite locations that qualify as VSQGs and could take advantage of this provision to send their materials to an LQG within their company and ultimately to manage the hazardous waste in an environmentally sound manner rather than as an exempt waste.
- Allows a VSQG or SQG to maintain its existing generator category in the case of an event in which the VSQG or SQG generates a quantity of hazardous waste in a calendar month that would otherwise bump the generator into a more stringent generator regulatory category. Under this provision, known as “Alternative Standards for Episodic Generation” (see [40 CFR 262.230-233](#)), generators that satisfy the listed conditions do not have to comply with the more stringent federal generator standards when an unusual event such as a cleanout or an act of nature causes its generator category to temporarily increase. An Idaho VSQG who uses the episodic generator provisions will be required to submit a hazardous waste annual report to DEQ. See the link below for more information on hazardous waste reporting in Idaho.

Technical Corrections

- Corrects inadvertent errors in the regulations, obsolete programs, and unclear citations.

Helpful Links

EPA Hazardous Waste Generators Webpage

www.epa.gov/hwgenerators

Generator Improvements Rule EPA FAQs

www.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-generator-improvements-final-rule

Generator Improvements Rule EPA CLU-In (Clean-up Information) Webinar

https://clu-in.org/conf/tio/hwgenerators_113016/

McCoy and Associates Generator Improvements Rule White Paper

www.mccoyseminars.com/library/rcra/wp/Generator.pdf

40 CFR Part 262 Hazardous Waste Generator Regulations

[www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?SID=e7706ea705bc2befbe7ab5f64d36a587&mc=true&node=pt40.28.262&rgn=div5)

[idx?SID=e7706ea705bc2befbe7ab5f64d36a587&mc=true&node=pt40.28.262&rgn=div5](http://www.ecfr.gov/cgi-bin/text-idx?SID=e7706ea705bc2befbe7ab5f64d36a587&mc=true&node=pt40.28.262&rgn=div5)

Hazardous Waste Reporting in Idaho

www.deq.idaho.gov/waste-management-and-remediation/hazardous-waste-in-idaho/epa-id-and-tracking-hazardous-waste/

For More Information

DEQ encourages interested parties to explore the information provided in the links above, particularly the EPA CLU-In webinar and the McCoy and Associates white paper for specific information on the generator improvements rule. Contact the DEQ Hazardous Waste Unit at (208) 373-0502 or your nearest DEQ regional office if you have specific questions:

- Boise: (208) 373-0550
- Coeur d’Alene: (208) 769-1422
- Idaho Falls: (208) 528-2650
- Lewiston: (208) 799-4370
- Pocatello: (208) 236-6160
- Twin Falls: (208) 736-2190