

Hazardous Waste Notification Requirements – What Pretreatment Programs Need to Know

Jay Pimpare

Regional Pretreatment Coordinator

18th Annual EPA/NERPCA Pretreatment Workshop

Chelmsford, MA

October 27, 2016



40 CFR 402.12(p)(1)

The Industrial User shall notify the POTW, EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notifications must include the name of the hazardous waste set forth in 40 CFR 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other).



Selected Federal Legislation

Resource Conservation and Recovery Act (RCRA)

Regulates the management of solid waste (e.g., garbage), hazardous waste, and underground storage tanks holding petroleum products or certain chemicals [40 CFR Part 261]



Selected Federal Legislation

Clean Water Act (CWA)

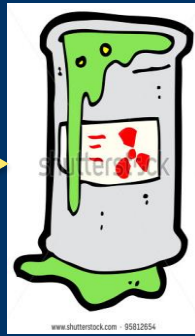
- Regulates the discharge of pollutants into waters of the U.S. and water quality standards
 - Includes discharge (disposal) of hazardous and toxic pollutants into POTWs [identified in CWA Sections 301 and 307]
 - 40 CFR Parts 122 – NPDES Permits
 - 40 CFR Part 403 - Pretreatment



Waste Regulation – RCRA or CWA?



Generation



Storage



Treatment



Discharge
into POTW



Regulated by
RCRA



Regulated by
CWA



Is it a Characteristic HW?

A waste is hazardous if it exhibits one or more of the following four characteristics under 40 CFR 261:

1. **Ignitability** (EPA Waste Code D001),
2. **Corrosivity** (EPA Waste Code D002),
3. **Reactivity** (EPA Waste Code D003), or
4. **Toxicity** (EPA Waste Code D004-D043)



Generators are responsible for characterizing their waste and hazardous and must determine whether a waste exhibits a characteristic by either testing or applying knowledge of the hazardous waste characteristic of the waste [§262.11].



§ 261.21 Characteristic of Ignitability

- (a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:
- (1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60 °C (140 °F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D 93-79 or D 93-80 (incorporated by reference, see § 260.11), or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D 3278-78 (incorporated by reference, see § 260.11).



§ 261.22 Characteristic of Corrosivity

- (a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:
- (1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040C in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § [260.11](#) of this chapter.



§ 261.23 Characteristic of Reactivity

- (a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:
- (1) It is normally unstable and readily undergoes violent change without detonating.
 - (2) It reacts violently with water.
 - (3) It forms potentially explosive mixtures with water.
 - (4) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
 - (5) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
 - (6) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
 - (7) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.
 - (8) It is a forbidden explosive as defined in 49 CFR 173.54, or is a Division 1.1, 1.2 or 1.3 explosive as defined in 49 CFR 173.50 and 173.53.
- (b) A solid waste that exhibits the characteristic of reactivity has the EPA Hazardous Waste Number of D003.



§ 261.24 Toxicity Characteristic

- (a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure, test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter, the extract from a representative sample of the waste contains any of the contaminants listed in table 1 at the concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this section.
- (b) A solid waste that exhibits the characteristic of toxicity has the EPA Hazardous Waste Number specified in Table 1 which corresponds to the toxic contaminant causing it to be hazardous.



Hazardous Waste Notification Requirements for POTWs and Pretreatment Programs



40 CFR 403.12(p)(1)

The Industrial User shall notify the POTW, EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notifications must include the name of the hazardous waste set forth in 40 CFR 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other).

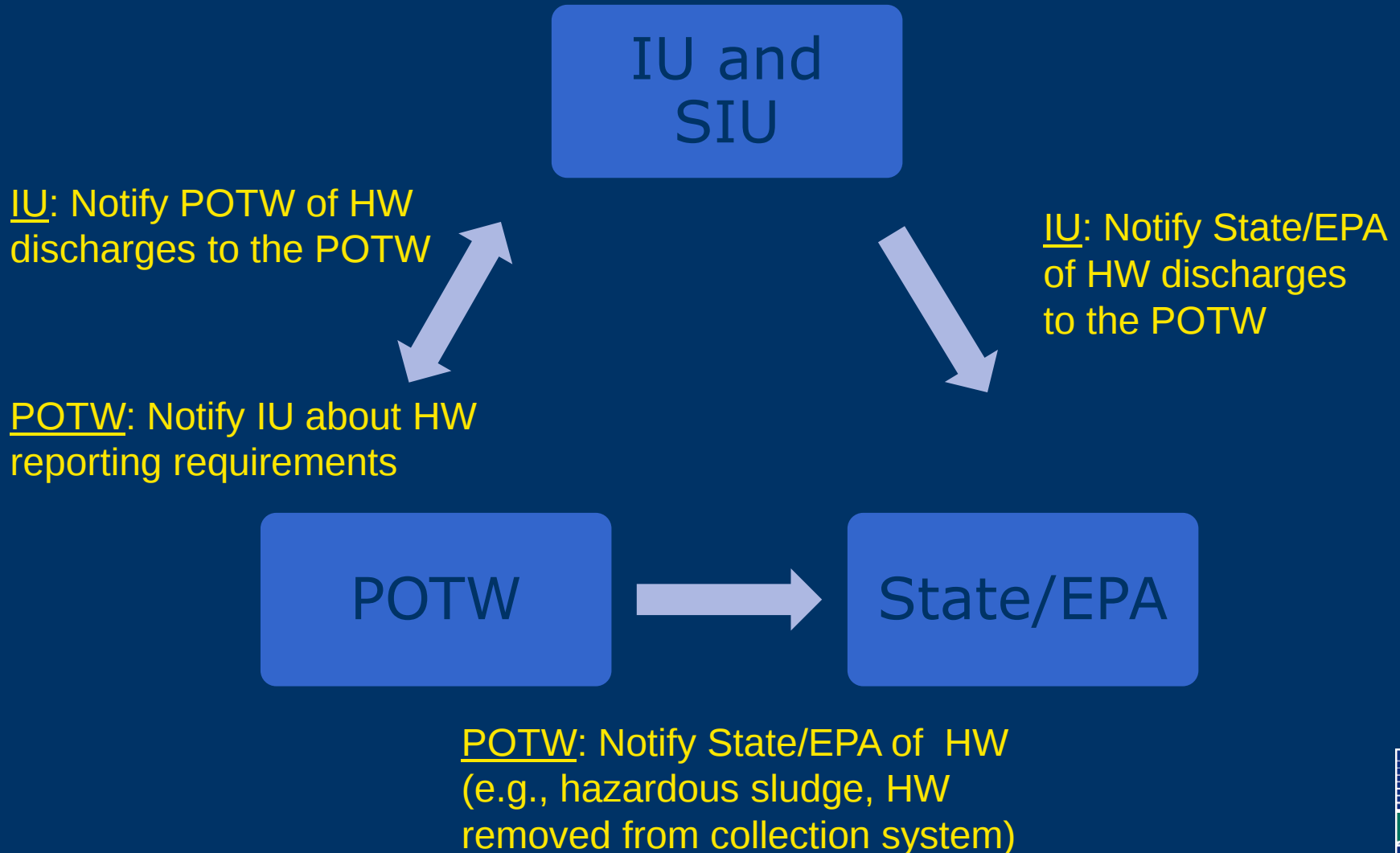


Notification by IU [403.12(p)]

- HW notification is **not** meant to prevent the initial release of hazardous waste into a sanitary sewer system
- IUs notify ***after*** they discharge, but should be encouraged to notify before they discharge
- It is the responsibility of the Control Authority (POTW) to follow up



HW Notifications



Notification by IU [403.12(p)]

- Written notification sent to:
 - Control Authority (approved program POTW)
 - State Coordinator
 - EPA New England
Regional Pretreatment Coordinator



Notification by IU [403.12(p)]

- One-time notification for each hazardous waste:
 - any amount of acute hazardous waste
 - **>15kg/month** (33.07 lbs.) of non-acute hazardous waste
- Exemption: **< 15kg/month** of non-acute hazardous waste



IU Notification [403.12(p)]

1. Name of the hazardous waste (40 CFR §261)
2. EPA Hazardous Waste Number (i.e., D003, F006, P003, or U005)
3. Type of Discharge (batch, continuous, or other)
4. Pollution Reduction Certification: program in place to reduce the volume and toxicity of hazardous waste that is generated, as economically practical.



IU Notification [403.12(p)]

If **>100 kg/month** of the waste is discharged, also include:

1. Identification of hazardous constituent
2. Estimation of the mass and the concentration of constituents.
3. Estimation of the mass of constituents expected to be discharged during the next 12 months.



POTW Notification – Recommended Procedures

- SIUs that have not received prior notification (e.g., new SIUs discharging or newly designated as SIU):
 - Language in permit application and/or permit
 - Send a letter
 - Notice in a mailing by the POTW
 - Inspections (document the communication)
 - Meetings (document the communication)
 - Other

