RCRA – DSW / HSM

Presented by:
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Ingenium®
HAZARD HEROES

RECYCLING HAZARDOUS WASTE…

Can I do it, or not?

Depends on how you're going to 'recycle' it.

(b) In such circumstances, the authorized officer shall solicit applications competitively by issuing a prospectus for persons to apply for a visitor services authorization. Notwithstanding Forest Service outfitting and guiding policy in Forest Service Handbook 2709.14, Chapter 50, when authorizations, including priority use permits for activities other than sport hunting and fishing, expire in accordance with their terms, they shall not be reissued if there is a need to limit use and when there is competitive interest by preferred operators.

* * * * *

Homer Wilkes,

Under Secretary, Natural Resources and Environment.

[FR Doc. 2023–26666 Filed 12–5–23; 8:45 am]

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Copyright Royalty Board

37 CFR Part 386

[Docket No. 23–CRB–0010–SA–COLA (2024)]

Cost of Living Adjustment to Satellite

Dated: November 30, 2023.

David P. Shaw,

Chief Copyright Royalty Judge.

[FR Doc. 2023–26741 Filed 12–5–23; 8:45 am]

BILLING CODE 1410–72–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261, 262, and 266

[EPA–HQ–OLEM–2023–0081; FRL 8687–03–OLEM]

RIN 2050–AH23

Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule; Technical Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial withdrawal of direct final rule.

SUMMARY: Because the EPA received adverse comment on eight amendments in the direct final rule published on August 9, 2023, we are withdrawing amendments to specific provisions through correction to the direct final rule. Because the EPA subsequently received adverse comment on eight amendments in that direct final rule, we are withdrawing only the eight affected amendments. All other amendments in that direct final rule will go into effect on the effective date (December 7, 2023). The eight specific amendments that are being withdrawn are:

1. Section 261.4(e)(1) introductory text related to sample waste generated or collected for the purpose of conducting treatability studies.
2. Section 262.11(d) introductory text related to identifying hazardous characteristics for listed hazardous wastes when the characteristic is already addressed by the listing.
3. Section 262.11(g) related to identifying hazardous characteristics for listed hazardous wastes when the characteristic is already addressed by the listing.
4. Section 262.16(b)(1) related to the accumulation limit for small quantity generators generating acute hazardous waste.
5. Section 262.17(a)(8)(i) introductory text related to LQG closure notification when closing a waste accumulation unit but not the whole facility.
6. Section 262.17(a)(8)(i)(A) related to LQG closure notification when closing a waste accumulation unit but not the

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Environmental Services
Oregon, Washington, Texas, California

WHY PAY ATTENTION?

- Reduce hazardous waste generation
- Move from LQG to SQG
- Save disposal costs
- Revenue generation

DEFINITIONS

What is DSW? 2015, 2018, or None

What are HSM Exclusions? 40 CFR 261.4(a) (not solid waste if reclaimed)

What is an HSM? Waste (Spent, By-product, Sludge)

What about 261.2(e)? Not solid waste if recycled by use/reuse

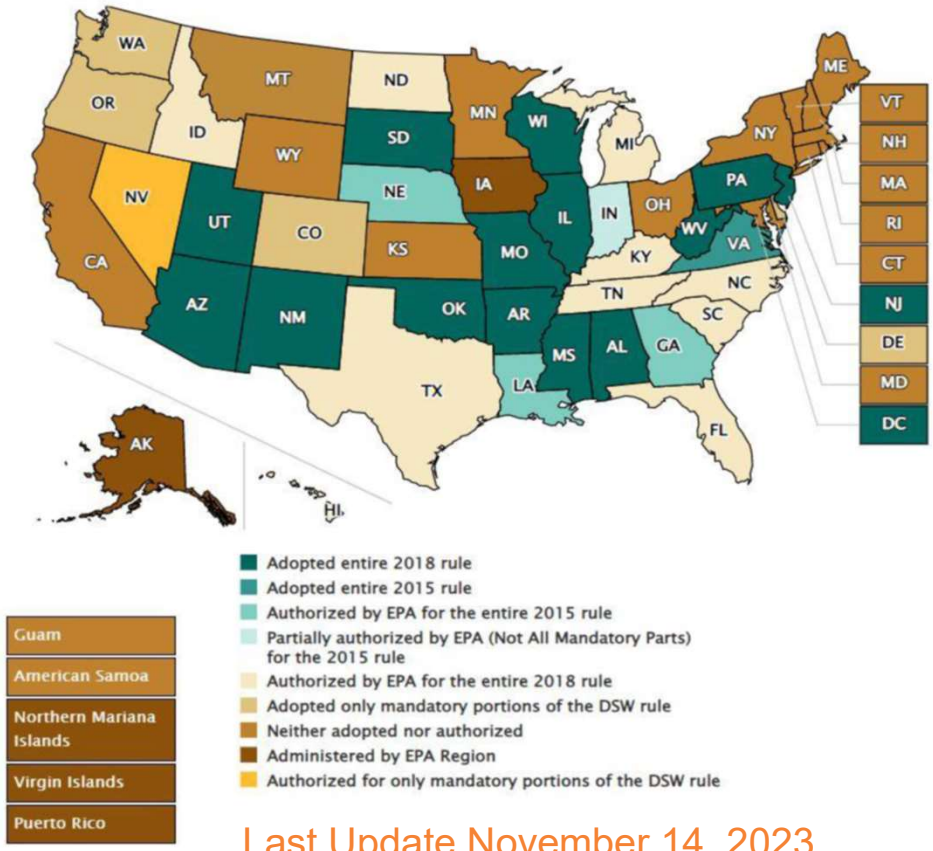
What is RECYCLING? Use, reuse, reclaim

What is RECLAIMING? Processed to recover or regenerate

What is RE-USE? Used as ingredient to make product or as effective substitute

STATE BY STATE (2015 / 2018)

- OR – Only Mandatory Provisions 2018
- WA – Only Mandatory Provisions 2018
- ID – All 2018
- MT - No



Last Update November 14, 2023

STATE BY STATE USE

		Receiving State		
		No Exclusion	2015 Verified Recycler Exclusion	2018 Transfer-Based Exclusion
Generating State	No Exclusion	Shipments are Hazardous Waste	Shipments are Hazardous Waste	Shipments are Hazardous Waste
	2015 Verified Recycler Exclusion	Shipments are Excluded in Generator State but Hazardous Waste in Receiving State	Shipments are Excluded	Shipments are Excluded if they go to RCRA Permitted Recycler
	2018 Transfer-Based Exclusion	Shipments are Excluded in Generator State but Hazardous Waste in Receiving State	Shipments are Excluded if they go to RCRA Permitted Recycler or to a Verified Recycler on which the Generator Performs a Reasonable Efforts Audit	Shipments are Excluded

Source: https://www.epa.gov/system/files/documents/2022-08/Implementation_Guide_for_the_DSW_Exclusion_at_40_CFR_261_4_a_24_Final_508.pdf

CYA WITH DOCUMENTATION

- To ensure it is HSM – Profile it
- To ensure it is being recycled – Contract it
- To ensure your regulators agree – Notarize it

PROFILE

1. CUSTOMER INFORMATION:	
Company Name:	
Contact:	
Phone Number:	
Street Address:	
City, State and Zip Code:	

2. BILLING INFORMATION: ☐ *Check here if billing address is the same as the generator address.*	
Contact:	
Street Address:	
City, State and Zip Code:	

3. MATERIAL AND PROCESS DATA: *Describe the material and the process that produces the material.*

Indicate material constituents and composition in %	***Constituent***	***%***	***Constituent***	***%***	***Constituent***	***%***	***Constituent***	***%***

Does this material change frequently in composition	☐ Yes ☐ No

The following information must be provided:

Description:	☐ Liquid ☐ Solid	APHA Color (0-500)	☐ Enter #: ( ) ("0" = Water White/ "500" =Impure)
Origin:	Surplus Product? ☐ Yes ☐ No	Or A Mixture of Raw Materials: ☐ Yes ☐ No	
Raw Material:		Used Material:	
☐ Safety Data Sheet for Raw Material Constituents		☐ Analytical Results	☐ Waste Profile
☐ Client Confirms That No Other Contaminant Has Been Added		☐ No process change has occurred (analytical/profile >1 year).	

MATERIAL DISCOVERED UPON RECEIPT, MAY BE CONSIDERED NON-CONFORMING AND THEREFORE SUBJECT TO REJECTION AT INGENIUM'S DISCRETION.

PROFILE

APPLICABILITY ASSESSMENT

6. **FEDERAL CONTINUED USE / REUSE ASSESSMENT -** 40 CFR 261.2(e) ☐ Not Applicable			
Yes	**No**	**N/A**	**Description**
☐	☐	☐	Has this material been used, abandoned, or speculatively accumulated? If no – this material may be a product and not subject to solid waste rules.
☐	☐	☐	This material will be used or reused as an ingredient in an industrial process to make a product, provided that the materials are not being reclaimed.
☐	☐	☐	This material will be used or reused as an effective substitute for commercial products.
☐	☐	☐	This material will be returned to the original process without first being reclaimed.
☐	☐	☐	The material will NOT be used in a manner constituting disposal or used to make products applied to the land.
☐	☐	☐	The material will NOT be burned for energy recovery, used to produce a fuel, or contained in fuels.
☐	☐	☐	The material will NOT be accumulated speculatively.
☐	☐	☐	The material is NOT classified as EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, F028.
☐	☐	☐	The material will NOT be processed through an Halogen Acid Furnace.
☐	☐	☐	There material does NOT contain hazardous constituents at levels which are not normally found in the materials or products it is substituting for.
☐	☐	☐	Documentation of legitimate reclamation has been created 40 CFR 260.43. See Section 6C.
☐	☐	☐	There is a known market or disposition for the material AND a contract or letter from the receiving facility will be used to demonstrate this market or disposition.

If one or more answers are "Yes," this material may be excluded from the definition of "solid waste" under RCRA Regulations, Subtitle C.
If this material is generated in California, section 6B and 7 are also required.

PROFILE

6A. FEDERAL HAZARDOUS SECONDARY MATERIAL (HSM) ASSESSMENT – 40 CFR 261.4(a)(24) ☐ Not Applicable			
Yes	**No**	**N/A**	**Description**
☐	☐	☐	Has this material been used, abandoned, or speculatively accumulated? If no – this material may be a product and not subject to solid waste rules.
☐	☐	☐	Is this material a hazardous secondary material (e.g., spent material, by-product, or sludge) that, when discarded, would be identified as hazardous waste? If no – this material may not be a HSM and not subject to the HSM Exclusions.
☐	☐	☐	Has the generating state, and the receiving state adopted the same version of the EPA Definition of Solid Waste exemptions for HSM? If no – this material may not be subject to the HSM Exclusions.
☐	☐	☐	This material will be handled only by the generator, transporter, intermediary and receiving facilities…transported as applicable under DOT regulations…and held for less than 10 days at any transfer facility?
☐	☐	☐	Documentation of legitimate reclamation has been created 40 CFR 260.43. See Section 6C.
☐	☐	☐	The material must be contained (container is labeled, in good condition and compatible with the material)
☐	☐	☐	Generator has determined receiving facility is RCRA permitted facility, or Verified Recycler, or generator has done due diligence as applicable to 2015 vs 2018 DSW rules adopted.
☐	☐	☐	Documentation (contract) is in place to assert that the receiving facility will legitimately reclaim the material, and properly manage the material (including residuals) to protect human health and the environment. 40 CFR 261.4(a)(24)(v)(B)
☐	☐	☐	The generating facility has a certification statement on file asserting compliance with 40 CFR 261.4(a)(24)(v)(C)
☐	☐	☐	The generating facility maintains records of shipments and receipts of the HSM as per 40 CFR 261.4(a)(24(v)(E)

If all answers are Yes, this material may be excluded from solid waste.
If this material is generated in California, section 6B and 7 are also required.

PROFILE

6C. LEGITIMATE RECYCLING – 40 CFR 260.43			
Yes	**No**	**N/A**	**Description**
☐	☐	☐	Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. 40 CFR 260.43(a)(1) *see full text of regulation
☐	☐	☐	The recycling process must produce a valuable product or intermediate (sold to third party or used as an effective substitute). 40 CFR 260.43(a)(2) *see full text of regulation
☐	☐	☐	The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control (contained, protected). 40 CFR 260.43(a)(3) *see full text of regulation
☐	☐	☐	Consider if the product of the recycling process does not: (40 CFR 260.43(b)1) (i) Contain significant concentrations of any hazardous constituents found in appendix VIII of part 261 that are not found in analogous products; or (ii) Contain concentrations of hazardous constituents found in appendix VIII of part 261 at levels that are significantly elevated from those found in analogous products, or (iii) Exhibit a hazardous characteristic (as defined in part 261 subpart C) that analogous products do not exhibit.

If all answers are Yes, this material may be considered legitimately recycled.
Support all assertions with documentation (e.g. contracts with recycling facility, list of commodities, statements from recycling facility)

CONTRACT

- Establish there is a need/market.
- Establish that this material is “commodity-like”.
- Establish how this material will be used.

Per your request, please find below answers to the questions required to approve the Waste CHEMICAL X as an Excluded Recyclable Material.

Can you provide us your Federal EPA Identification number? yes

What is the EPA ID #? ABC123000123

What is their current volume of virgin CHEMICAL X needed at the end user? 300,000-400,000# annually

Using this waste CHEMICAL X from (Client), how much volume will this is expected to be used? 200,000# annually depending on availability of supply

The waste CHEMICAL X from (Client) can be directly fed into their existing process (direct use) without any pre-treatment or reclamation? yes

What is the cost difference between a 55-gallon drum of virgin CHEMICAL X (current use) versus a 55-gallon drum of waste CHEMICAL X? Undetermined at this time , to be finalized

Will you have a contract with (Client) for the waste CHEMICAL X? Yes

CHEMICAL X WILL BE USED IN PRODUCT FORMULA THAT INCLUDES CHEMICAL X AND ACETONE AS MAIN COMPONENTS. THIS PRODUCT IS SOLD TO VARIOUS CUSTOMERS.

If you have any questions or need further information, please feel free to contact PHONE NUMBER

Sincerely,
MR. Big Shot
VICE PRESIDENT

NOTARIZE

- If Recycling HSM, Notarize via 8700-12 (or State equivalent).
- Consider letter with local regulators.

Generator

Need

Receiver

Contingency

RE: Excluded Recyclable Material (ERM) – Chemical X

It is the intent of Company A to manage it's waste Chemical X as an Excluded Recyclable Material / Hazardous Secondary Material under 40 CFR 261.2(e) / 40 CFR 261.4(a)(24). This letter is intended to document the reasoning for this management.

Company A generates waste Chemical X at it's facility locat in ____. Company A intends to send it's Chemical X to the following facility for direct feed into it's existing process (direct use) without any pre-treatment or reclamation:

Name and Address of Receiving Facility

Receiving Facility B currently has a need for approximately XXXXXXXX pounds annually of Chemical X, and using the Chemical X from Company Z will eliminate the need for approximately YYYYYY pounds depending on availability. Receiving Facility B will use this material to manufacture corrosion inhibitors for the XXXXX industry. This is one of the components in formulation that assists in oil and gas production and processing. Company A will enter into a contract with Receiving Facility B for this form of recycling.

In the event that Receiving Facility B cannot use the Chemical X it receives from Company A, it will contact Company A to arrange for return shipment of the non-usable Chemical X.

If you have any questions or need further information, please feel free to contact PHONE NUMBER

Sincerely,

EXAMPLES OF SUCCESS

Life Science Industry

- Used corrosive waste sent to facility for direct reuse as effective substitute (261.2(e))
    1. Contract - direct substitute
    2. ~200,000lbs annually
    3. So that's 200,000lbs not as RCRA waste

EXAMPLES OF SUCCESS

Life Science Industry

- Used solvent sent for effective substitute (261.2(e))
    1. Contract – direct substitute
    2. ~20 x 55 gal drums annually
    3. ~50% reduction in disposal costs ($3500 disposal vs $1600 for transport)
    4. Product is sold at $1/gal ($1100 revenue ‘WIN’)

EXAMPLES OF SUCCESS

Semi-Conductor Industry

- *Off-spec solvent sold as product
    1. Contract – sold to third party
    2. 1,100 TONS (2 Million Pounds)
    3. Materials was sold as a product ($1.2M)
    4. Material would have cost >$3M
    5. Net Gain – over $4M
    6. HUGE WIN

THANK YOU

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