

## **Are you aware of the mandatory and optional provisions that DTSC is working to adopt in order to comply with the US EPA Generator Improvements Rule?**

As a provider of Hazardous Materials & Waste Training my company, Transportation Skills Programs, does its very best to train our customers on the most up to date federal regulations in our industry. Recently, we have been asked by many of our customers to review the Generator Improvement Rule and how it is effecting them in CA due to DTSC's difference in adoption of them compared to other states.

After doing some research we have come up with a list from DTSC of their mandatory and optional provisions on the GIR. Behind the Code of Federal Register references provided by DTSC **below, I have listed the page reference to the same regulation in our 2017/18 Hazardous Materials Substances and Wastes Compliance Guide.**

### **Mandatory Provisions**

The following provisions have been identified by DTSC as **mandatory provisions** that will be adopted via the rulemaking process:

- A re-notification requirement for small quantity generators and large quantity generators (40 CFR 262.18(d)) - **pg. EPA 1251**
- Additional marking and labeling requirements for containers and tanks (40 CFR 262.15(a)(5) - **pg. EPA 1239**, 262.16(b)(6) - **pg. EPA 1242**, 262.17(a)(5) - **pg. EPA 1246**, 263.12(b) - **pg. EPA 1308** and 268.50(a)(2)(i) -**pg. EPA 1485**
- Additional pre-transportation marking requirements for containers (40 CFR 262.32(b) and (c)) - **pg. EPA 1259**
- New large quantity generator closure requirements (40 CFR 262.17(a)(8)) - **pg. EPA 1248**

- Increased requirements for satellite accumulation areas (40 CFR 262.15(a)(3))-  
**pg. EPA 1238**
- New requirements added to the preparedness, prevention, and emergency procedures for small quantity generators and large quantity generators including:
  - Documenting that arrangements with local authorities were made or attempted to be made by the generator and;
  - A quick reference guide that summarizes a large quantity generator's contingency plan (40 CFR 262.16(b)(8)(iv) - **pg. EPA 1243**, 262.256 - **pg. EPA 1293** and 262.262(b)) - **pg. EPA 1294**
  - Additional requirements for containers holding ignitable and reactive wastes for large quantity generators (40 CFR, 262.17(a)(1)(vi)(B)) - **pg. EPA 1245**
- New definitions for large quantity generator, small quantity generator and non-acute hazardous waste (40 CFR, 260.10) - **pg. EPA 1066 (DEFINITIONS START)**

**LQG- pg. EPA 1073, SQG- pg. EPA 1076, NON-ACUTE- pg. EPA 1074**

## Optional Provisions

**DTSC may also adopt other provisions** of the GIR identified as either less stringent than, or no more or less stringent than US EPA's previous regulations. These provisions are **considered optional** because DTSC is not required to adopt them to maintain its authorization to administer California's hazardous waste program in lieu of RCRA.

The following are some provisions that have been identified by DTSC as optional provisions that may be adopted by DTSC via the rulemaking process:

- Changed the term conditionally exempt small quantity generator to very small quantity generator (40 CFR 260.10) - **pg. EPA 1079**

- New requirements allowing very small quantity generators to voluntarily send their hazardous waste to large quantity generators (40 CFR 262.14(a)(5)(vii)- **pg. EPA 1237 & 1238** and 262.17(f) - **pg. EPA 1250**
- Special requirements for accumulating ignitable/reactive wastes for large quantity generators (40 CFR 262.17(a)(1)(vi) - **pg. EPA 1245**
- New requirements for generators that temporarily change generator category as a result of an episodic event (40 CFR 262 subpart L) - **pg. EPA 1289**
- The addition of language to hazardous waste determination criteria to improve program efficiency (40 CFR 262.11) - **pg. EPA 1234**
- Distinguishing between independent requirements and conditions for exemption (40 CFR 262.10(a) and (g)) - **pg. EPA 1232 & 1233**
- Revisions to the satellite accumulation area requirements for small quantity generators and large quantity generators (40 CFR 262.15) - **pg. EPA 1238 & 1239**
- Moved/integrated regulations in 40 CFR, including section 261.5, 262.12 and section 262.34 into part 260 (definitions section) **pg. EPA 1066** , section 262.13 (New generator category determination section ) **pg. EPA 1235**, section 262.14 (New conditions for exemption for very small quantity generators section) - **pg. EPA 1237**, 262.15 (New satellite accumulation area conditions for exemption for small quantity generators and large quantity generators section) **pg. EPA 1238**, 262.16 (New conditions for exemption for small quantity generators section), **pg. EPA 1239**, 262.17 (New conditions for exemption for large quantity generators section) **pg. EPA 1245** and 262.18 (New EPA ID#s section) - **pg. EPA 1251**.

You can see that these mandatory and optional provisions can be easily found inside our guide, this same reference guide used during our training seminar. Let us assist you by educating you on these updates/changes.