

## FAQ's related to the Definition of Solid Waste rule:

### 1. Who has to fill out the Addendum to the Site Identification Form: Notification for Managing Hazardous Secondary Material?

Facilities that are managing hazardous secondary material under 40 CFR 261.2(a)(2)(ii), 40 CFR 261.4(a)(23), (24), and/or (25) must fill out the Addendum prior to managing hazardous secondary material and by March 1 of every even numbered year thereafter. These regulations were finalized in October 2008 under the Revisions to the Definition of Solid Waste Final Rule (known as the "DSW rule"),

Note: these regulations are only available in certain states where the DSW rule is effective.

### 2. Where are these regulations effective right now?

As of October 1, 2009, these regulations were effective in Alaska, Iowa, New Jersey, and Pennsylvania. These regulations are also effective in tribal areas and in many territories. For a complete, up-to-date list of where the DSW rule is effective, please see <http://www.epa.gov/epawaste/hazard/dsw/statespf.htm>.

### 3. I already notified that I am managing hazardous secondary material under these regulations. Do I still have to fill out the Addendum?

Yes. Under these regulations, you are required to renotify by March 1 of each even-numbered year. Therefore, your next renotification is due by March 1, 2010.

### 4. Do I have to report my hazardous secondary material activity on a GM/WR form?

In most cases, **do not** report hazardous secondary materials that are managed under 40 CFR 261.2(a)(2)(ii), 261.4(a)(23), (24), or (25) on a GM or WR form. These hazardous secondary materials are not solid wastes, and thus are not hazardous wastes. However, if these hazardous secondary materials are mixed with a RCRA hazardous waste, the entire mixture is a hazardous waste and must be reported as a hazardous waste.

### 5. If I manage hazardous secondary material, am I still an LQG/recycler/TSD, etc. for purposes of Item 10 on the Site ID form?

Maybe. Item 10 on the Site ID form is specific to your *hazardous waste* activity. Therefore, you will need to fill out Item 10 based on the hazardous waste you generate, transport, store, treat, reclaim, dispose etc. Any hazardous secondary material you manage is not solid waste, and thus not hazardous waste, and would not count towards your generator status.

## **6. What do I do if I stop managing hazardous secondary material in the future?**

If you stop managing hazardous secondary material (meaning you do not expect to manage any amount of hazardous secondary material under the exclusion(s) for at least one year), you must submit a completed Site ID Form, including the Addendum, within thirty (30) days pursuant to 40 CFR 260.42.

## **7. Where can I go for more information about the rule?**

Visit <http://www.epa.gov/epawaste/hazard/dsw/impresource.htm> for more information about the DSW rule.

### **FAQ's related to the Subpart K rule:**

#### **1. If I've previously notified that I opted into the Academic Laboratories Rule (Subpart K), do I need to fill out box 10.D on the Site ID form portion of the Biennial Report?**

Yes. Question 1 of Box 10.D is written so that you can check "yes" if you are already operating under Subpart K. Please fill out this box when submitting your biennial report even if you already notified that you opted into Subpart K.

#### **2. I'm submitting my Biennial Report and I want to opt into the Academic Laboratories Rule (Subpart K) at the same time. What do I do?**

Complete your Biennial Report as usual. When you fill out the Site ID portion of the Biennial Report, make sure to fill in box 10.D and indicate that you are opting into Subpart K. In addition, indicate whether you are a college or university, or a teaching hospital or non-profit research institute that is owned by or formally affiliated with a college or university.

#### **3. Do I need to report my hazardous waste on the Biennial Report if I'm operating under the Academic Laboratories Rule (Subpart K)?**

Yes, according to federal regulations, if your facility is a Large Quantity Generator (LQG) and is operating under Subpart K, you need to report your hazardous waste on the Biennial Report. Some states require Small Quantity Generators (SQGs) to report to the Biennial Report, as well.

#### **4. How do I report routinely generated laboratory hazardous waste under the Academic Laboratories Rule (Subpart K)?**

Routinely generated laboratory hazardous waste (e.g., used solvents) should be reported using the GM form the same way you have reported it in the past. For example, if you are reporting 10 tons of spent methylene chloride (halogenated

solvent), you would use the EPA Hazardous Waste code of F002. The source code would be G22 for “laboratory analytical wastes (used chemicals from laboratory operations).” The form code could be W202 for “concentrated halogenated (e.g., chlorinated) solvent.” And finally, report the quantity of methylene chloride that was generated (i.e., 10 tons).

## **5. Do I need to report my laboratory clean-out hazardous waste?**

It depends. Under the Academic Laboratories Rule (Subpart K), your facility may take part in what is called the laboratory clean-out incentive. This incentive may be used once per 12 months per laboratory and allows 30 days to conduct a laboratory clean-out. Unused commercial chemical products and unused characteristic hazardous waste generated by the laboratory clean-out do not have to be counted toward your facility’s generator status. This incentive is designed to alleviate episodic generation issues associated with laboratory clean-outs of old expired but often unused hazardous wastes (i.e. acute hazardous waste that has a 1 kg volume limit a month and causes you to become an LQG).

Because eligible academic entities do not have to count unused laboratory clean-out waste towards their generator status, facilities that are normally SQGs or CESQGs most likely will maintain their traditional generator status even if they conduct laboratory clean outs. If your facility is an SQG or CESQG and maintains that status by using the laboratory clean-out incentive, then under the federal regulations, you do not need to submit a Biennial Report because SQGs and CESQGs are not subject to Biennial Reporting requirements.

However, if your facility is normally an LQG (e.g., because of non-laboratory operations or everyday laboratory operations), and continues to be an LQG despite not counting unused HW towards its generator status, then you must report to the Biennial Report and you should report all of your hazardous waste including your laboratory clean-out hazardous waste.

However, note that unused laboratory clean-out waste is reported differently than other hazardous waste. When you fill out the GM Form of the Biennial Report for this waste, you should use the newly created source code G17 for “Subpart K laboratory clean-out waste.” Because laboratory clean-out waste is not counted towards your generator status, you should indicate “zero” in the “quantity generated” box for this waste. Because laboratory clean-out waste is counted for purposes of off-site management, you should indicate the appropriate off-site management code and include the quantity in the total quantity shipped (off-site) box. For example, if you discard unused acetone from a laboratory clean-out, when you fill out the GM form of the Biennial Report, you will use the hazardous waste code of U002, the source code G17, and the form code W203. In the “quantity generated” box, you will indicate zero. Then, you will report in section 3 of the GM form that this waste was shipped off-site for treatment, disposal, or recycling and include an off-site management method code, such as H040.

Finally, you will report the quantity of unused acetone (U002) that is shipped off-site.