	OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: July 30, 2004	Subject: Conditionally Exempt Small Quantity Generators Waste Collected by Local Authority Household Waste		Category:
Revised Date:	Division/Office and Program Names: OWMRP-Hazardous Waste and Liquid Industrial Waste Programs		<input type="checkbox"/> Internal/Administrative <input checked="" type="checkbox"/> External/Non-Interpretive <input type="checkbox"/> External/Interpretive
Reformatted Date December 18, 2012	Number: OWMRP-111-121-2	Page: 1 of 3	

A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

INTRODUCTION, PURPOSE, OR ISSUE:

Very small hazardous waste generators, termed conditionally exempt small quantity generators (CESQGs), are excluded from many hazardous waste management requirements pursuant to the administrative rules promulgated under Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Liquid wastes, although conditionally excluded from Part 111, are subject to the requirements of Part 121, Liquid Industrial Wastes, of the NREPA.

Certain local authorities are interested in collecting and properly disposing of hazardous waste generated by CESQGs through a household hazardous waste collection program (HHW Program). This policy applies to those HHW Programs operated by local authorities. In order to facilitate the diversion of these exempted quantities of hazardous waste from legitimate, yet less desirable, disposal methods, the Office of Waste Management and Radiological Protection (OWMRP) provides this policy as guidance.

AUTHORITY:

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DEFINITIONS:

Local Authority: a government entity, usually a district, county, or city health department in a municipality. In some cases, the local authority arranges with another entity to operate the HHW collection. In such cases, the operator may serve as the generator and meet the stated requirements provided there is a specific, written agreement between the local authority and the operator, specifying this designation.

POLICY:

- A generator of liquid industrial waste (LIW) is not required to "obtain and utilize" a generator identification number, in accordance with the requirements of

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Sections 324.12103(1)(b) of Part 121 if a site identification number is not required for the shipment of LIW. This occurs in the following instances:

- A generator is transporting its own waste, 55 gallons or less, in accordance with the requirements of Section 324.12103(4), or
 - The waste is managed in accordance with the requirements of Section 324.12103(4) at the site of generation, or
 - The waste is managed under requirements of the OWMRP-121-3 policy and procedure entitled, "Consolidated Manifest Management Procedure."
- A CESQG transporting its own LIW to a HHW Program must do so in compliance with Section 324.12103(4). If the quantity is 55 gallons or less, a document other than a manifest may be used that includes the source, quantity, and the HHW Program receiving the LIW. The CESQG is required to obtain a signature from the HHW Program demonstrating receipt. The signature requirement may be satisfied by the HHW Program providing the CESQG with a signature on a document created by the HHW Program that accurately reflects the company name, address, contract person, date, time, waste type or description, and quantity of waste accepted. A CESQG transporting its own LIW in an amount greater than 55 gallons, or contracting to have its LIW transported to an HHW Program, must obtain a site identification number from the DEQ and initialize a manifest.
 - A CESQG transporting its own LIW is exempt from registration and permitting as required under the Hazardous Materials Transportation Act, 1998 PA 138 (Act 138). Act 138, however, requires all motor carriers (including a CESQG transporting its own LIW) to maintain financial responsibility and submit documentation (Form MCS-90) of that coverage to the DEQ. The DEQ will not enforce this requirement for a generator transporting its own LIW to an HHW Program in quantities of 55 gallons or less, providing the generator is in compliance with the transportation requirements of Title 49 of the Code of Federal regulations, Parts 100 to 199.
 - The HHW Program must ensure that the wastes received are from CESQGs, households, or are otherwise exempt from Part 111. Any amount of hazardous waste received by an HHW Program from a small quantity hazardous waste generator or a large quantity hazardous waste generator is a violation of Part 111. A CESQG utilizing an HHW Program must, at a minimum, certify that it understands how a CESQG is defined and that it meets the conditions necessary for its waste to be subject to the reduced Part 111 requirements.
 - A CESQG must characterize its waste and maintain documentation of the characterization in accordance with the provisions of Part 111. The HHW Program must

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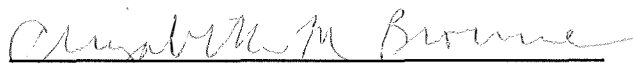
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maintain a copy of that CESQG characterization. Proper waste characterization received by the HHW Program for all CESQG waste will aid in reducing costs and liabilities regarding the management of these wastes.

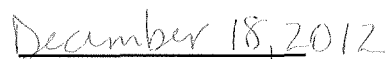
- The HHW Program that accepts CESQG hazardous wastes may assume generator responsibilities or contract with a disposal vendor and, as part of the contract, the vendor can assume the Part 121 generator responsibilities and be named the generator on the manifest. CESQG hazardous wastes collected and managed by the HHW Program remain CESQG regulated waste. The HHW Program will transport hazardous waste generated by CESQGs to a designated hazardous waste facility utilizing a manifest. CESQG nonhazardous liquid waste will be transported to either a designated hazardous waste facility or a designated liquid industrial waste facility utilizing a manifest. Any waste collected by the HHW Program may be recycled or delivered to a facility that will recycle the material in accordance with applicable requirements.
- CESQG hazardous waste and household hazardous waste can be consolidated and managed together.
- The HHW Program must maintain records that track the receipt, characterization, storage, and off-site management of the CESQG regulated waste.

Failure to comply with this policy or Part 111 and Part 121 requirements will be viewed as a significant violation and may subject the generator or HHW Program to escalated enforcement under Part 111.

OFFICE CHIEF APPROVAL:



Elizabeth M. Browne, Chief
Office of Waste Management and Radiological Protection



Date