

Atlanta Environmental Management, Inc.

Newsletter



Special Update

Biennial Hazardous Waste Reports Due March 1, 2012

Hazardous Waste Reports for 2011 must be submitted by March 1, 2012. This Special Edition newsletter is intended to serve as a reminder and to offer guidance and assistance to facilities with this requirement.

Large Quantity Generators (LQGs) of hazardous waste in the State of Georgia are also required to submit a biennial hazardous waste reduction progress report, as further described at the conclusion of this Special Edition newsletter.

BACKGROUND

The Resource Conservation and Recovery Act (RCRA) requires hazardous waste treatment, storage, and disposal (TSD) facilities and LQGs to submit a Hazardous Waste Report every two years. The Hazardous Waste Report, also known as the Biennial Report, must be submitted by March 1 of every even-numbered year and must include information on the facility's activities during the previous, odd-numbered calendar year.

The Hazardous Waste Report (EPA Form 8700-13 A/B) identifies the type of each hazardous waste generated on site and received from off site, the activity by which the wastes were generated, and the quantity of each waste generated. The management method by which each waste was treated, recycled, or disposed, and the quantity of waste managed are also identified in the reports.

The requirement for LQGs to submit biennial Hazardous Waste Reports is mandated by Section 3002 of RCRA. RCRA Section 3004 mandates TSD facilities to submit biennial Hazardous Waste Reports. The implementing regulations are found at 40 CFR Parts 262.40(b) and (d); 262.41(a)(1)–(5), (a)(8), and (b); 264.75(a)–(e) and (j); 265.75(a)–(e) and (j); and 270.30(l)(9), and in the equivalent parts of the rules of authorized States.

EPA uses Biennial Report data for planning and developing regulations, compliance monitoring, and enforcement. Also, Biennial Report data allow the Agency to determine whether its regulations are having the desired effect on the generation and management of hazardous waste. For example, Biennial Report data provide information on whether waste manage-

ment has shifted from one method of disposal to another. Some States use the Report data for planning, fee assessment, compliance monitoring, and enforcement.

WHO HAS TO REPORT?

All owners and operators of TSD facilities and all LQGs must submit a Biennial Report. A facility is considered to be a TSD facility if it treated, stored, or disposed of RCRA-regulated hazardous waste on site during the reporting year (i.e., 2011).

A generator is an LQG if the facility did any of the following in the reporting year:

- Generated, in any single calendar month, 1,000 kilograms (kg) (2,200 pounds [lb]) or more of hazardous waste.¹
- Generated, in any single calendar month, or accumulated at any time, more than 1 kg (2.2 lb) of acute hazardous waste.
- Generated, in any single calendar month, or accumulated at any time, more than 100 kg (220 lb) of spill cleanup material contaminated with RCRA acute hazardous waste.

WHEN TO REPORT AND EXTENSIONS

The Hazardous Waste Reports for 2011 must be submitted to the authorized State or EPA Regional Office by March 1, 2012. Individual States may allow extensions of the deadline. For example, Georgia EPD allows written requests for extensions for facilities with extenuating circumstances or other difficulties in meeting the March 1 deadline. However, no extensions will be given beyond April 1, 2012. The Georgia Hazardous Waste Compliance Program should be contacted in writing to request an extension.

CONFIDENTIALITY

Some businesses consider some of their hazardous waste information to be Confidential Business Information (CBI). A business may, if it desires, protect its Biennial Report infor-

¹A biennial report must be filed if the generator qualified as an LGQ during only one month of the reporting calendar year.

mation from public disclosure by asserting a claim of confidentiality covering all or part of its information. When a claim is made, EPA or the authorized State will treat the information in accordance with the confidentiality regulations in 40 CFR Part 2, Subpart B. The information collection procedures must also comply with the Privacy Act of 1974 and OMB Circular 108.

WHAT TO SUBMIT AND WHAT TO REPORT

The Hazardous Waste Report consists of four reporting forms or sections:

Site ID Form—All sites required to file the 2011 Hazardous Waste Report must submit a RCRA Subtitle C Site Identification Form (Site ID Form) as a component of the Report. Facilities that will begin managing, or are managing, or will stop managing hazardous secondary material must also submit a Site Identification Addendum as a component of the Report pursuant to 40 CFR 260.42. These regulations exclude certain hazardous secondary materials being reclaimed from the RCRA Subtitle C definition of solid waste, provided that certain requirements and conditions are met.

GM Form—A site required to file the 2011 Hazardous Waste Report must submit a Waste Generation and Management (GM) Form or Forms for all hazardous waste that was used to determine the site's generator status. Hazardous waste must be reported if it was:

- Generated and accumulated on site and subsequently managed on site or shipped off site in 2011, or
- Generated and accumulated on site in 2011 but not managed on site or shipped off site until after 2011, or
- Generated and accumulated on site prior to 2011 but either managed on site or shipped off site in 2011, or
- Imported from a foreign country in 2011.

Examples of RCRA hazardous wastes to be reported include those that were:

- Generated on site from a production process, service activity, or routine cleanup, or
- Generated from equipment decommissioning, spill cleanup, or remedial cleanup activity, or
- Shipped off site, including hazardous waste that was received from off site (reported on the Waste Received From Off-Site Form [WR Form]) and subsequently shipped off site without being treated or recycled on site, or
- Removed from on-site storage for treating, recycling, or disposing on site or shipped off site, or
- Derived from the management of non-hazardous waste, or
- Derived from the on-site treatment (including reclamation), disposal, or recycling of previously existing hazardous waste (as a residual).

Unless required by an authorized state, a GM Form should not be submitted for any hazardous waste shipped directly to a foreign country. Facilities that export hazardous waste must file a separate Annual Report under 40 CFR 262.56. (This Annual Report will be in addition to the Hazardous Waste Report, if a State requires submittal of a Hazardous Waste Report.)

WR Form—A site that is required to file the 2011 Hazardous Waste Report must submit a Waste Received From Off Site (WR) Form(s) if, during 2011, it received RCRA hazardous waste from off site and managed the waste on site (including subsequent transfer off site).

OI Form—A site must complete an Off-Site Identification (OI) Form(s) only if an authorized State requires it. Instructions for the OI Form are on the back of the form. Submission of the OI Form is not required by EPA or by all authorized States. For example, the Georgia Environmental Protection Division (EPD) does not require an OI Form to be submitted.

CHANGES FROM THE 2009 FORM

EPA has made several changes to the 2011 Hazardous Waste Report in connection with definitions, source codes, form codes, and instructions. Minor changes were also made to the Site ID Form and to Form GM.

1. **Clarified Underground Injection Control (UIC) Instruction**—Facilities that generate, treat, store, or dispose of hazardous waste and place the waste into an underground injection well (e.g., a Class I well) located at their site must mark "Yes" in Section 10.A.9 of the Site ID Form.
2. **Added "Waste Pharmaceuticals" and "Dried Paint" to the list of Form Codes**—Form code W005 has been added to track waste pharmaceuticals managed as hazardous waste. Form code W406 has been added to track dried paint (paint chips, filters, air filters, other).
3. **Modified the description for Source Codes G11, G24, G25, and W206**—The source code for G11 is now described as "Discarding off-specification, out-of-date, and/or unused chemicals or products." The source code for G24 is now described as "Solvent or product distillation as part of production process (including totally enclosed treatment systems). Does not include batch treatment in a separate process." The source code for G25 is now described as "Hazardous waste management—indicate management method (for residuals from regulated hazardous waste processes—enter the related H code). The code for W206 is now described as "Waste oil managed as hazardous waste."
4. **Revised "Groundwater Contaminated by Hazardous Waste" instructions**—Replaced the term "leachate"

with “hazardous waste” and added further instructions regarding contaminated media.

5. **Clarified instructions for on-site management**—Modified the language to clarify that filers should choose the management method code that best identifies the last substantive purpose/operation it performs on site.
6. **Revised wording of Box 10.D (Academic Labs) and the Addendum to the Site ID Form (Hazardous Secondary Material)**—Wording changes implemented to both the Site ID Form and instructions to help minimize confusion for reporting under these rules.
7. **Clarified “Short-Term Generator”**—Added examples, further instruction, and a definition for short-term generator.
8. **Developed the “Biennial Reporting: Reportable and Non-Reportable Wastes” reference document**—This document offers instruction for determining which wastes should be reported. This document can be found at <http://www.epa.gov/epawaste/inforesources/data/biennialreport/index.htm>.
9. **Revised note for Treater, Storer, or Disposer of Hazardous Waste**—The note under Box 10.A.6 in the Site ID Form now reads “Note: A hazardous waste Part B permit is required for these activities.”
10. **Added instruction for source code G61**—If reporting source code G61 (hazardous waste received from off site for storage/bulking, and transfer off site for treatment or disposal), the generation amount must be zero (0) in Section 1, Item F.
11. **Added example of sequential process**—This example complements the existing non-sequential process for reporting on-site management.
12. **Modified language for GM Form, Section 2 On-Site Generation and Management**—Section 2 now asks “Was any of this hazardous waste that was generated at this facility treated, disposed, and/or recycled on-site?”
13. **Added definition for Waste Minimization and Waste Oil (Biennial Report Only)**—A definition for Waste Minimization has been added:

“The reduction, to the extent feasible, of hazardous waste that is generated or subsequently treated, stored, or disposed. It includes any source reduction or recycling activity undertaken by a generator that results in: (1) the reduction of total volume or quantity of hazardous waste; (2) the reduction of toxicity of hazardous waste; or (3) both, as long as

the reduction is consistent with the goal of minimizing present and future threats to human health and the environment.”

A definition for Waste Oil (Biennial Report Only) has also been added:

“Any oil that has been refined from crude oil, or any synthetic oil, that has been used, and as a result of such use, is contaminated by physical or chemical impurities and is managed as a hazardous waste.”

STATE-SPECIFIC REQUIREMENTS

Authorized States may impose reporting requirements above and beyond the federal requirements. If a State does so, it will attach information to (or delete information from) the forms and instructions. Alternatively, some States use a modified version of the reporting form or their own instructions and forms to fulfill their reporting requirements. Therefore, it is important that each filer contact their individual State agency about State-specific requirements.

The Georgia forms are available on line at http://www.gaepd.org/Documents/epdforms_hwb.html. A list of contacts for other states is available at <http://www.epa.gov/epawaste/inforesources/data/form8700/contact.pdf>.

2012 GEORGIA WASTE REDUCTION PLANS

Under authority of the Georgia Hazardous Waste Management Act, LQGs are required to develop Hazardous Waste Reduction Plans, submit such plans to the Director, submit biennially a hazardous waste reduction progress report, and set forth any amendments to the plan. TSDFs are not required to file these reports unless they are also LQGs.

To assist LQGs in the preparation of the required Hazardous Waste Reduction Plans, Georgia EPD has developed an instruction booklet and forms to serve as guidance. At a minimum, the Hazardous Waste Reduction Plans must analyze the hazardous waste generation at the site, describe and discuss the development and implementation of a hazardous waste reduction program, and evaluate methods and technologies that would further reduce hazardous waste generation.

AEM has more than 30 years of experience assisting regulated entities with many aspects of hazardous waste compliance, including Biennial Reporting. If you have questions regarding your obligations under RCRA or need assistance in meeting the reporting requirements described above, please feel free to contact Janet Hart (janet-hart@aem-net.com), President, at (404) 329-9006.

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AND ENGINEERING PROBLEMS!
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OPPORTUNITY TO WORK WITH YOU.**

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ABOUT US ...

AEM is a full-service environmental firm based in the southeastern United States, which has been in business for 24 years and has project locations nationwide. AEM's mission remains providing individualized, strategic, technically competent, responsive, yet highly cost-effective environmental consulting and engineering services. AEM has many long-term clients, including industrial, governmental, and commercial, many of whom have been clients for decades. Although company growth is an objective, it is our philosophy that growth is secondary to client service and quality. The company's primary loyalty is to its clients, not to the growth of the company, unless growth provides for better client service. Building strong and lasting relationships with our clients is the most important thing that we can do to achieve our goals and ensure long-term stability and business sustainability.

One quality that sets AEM apart from the competition is the personalized service, quick response, and attention given to clients—direct response to our clients' needs in a timely manner. We continuously work to improve the quality of our services to our clients.

AEM actively supports a number of charities including the U.S.O., Antares Orphan Foundation, the Humane Society of the United States, the Society for the Prevention of Cruelty to Animals, Make A Wish Foundation, and A Welcome Home Animal Rescue (AWHAR). AEM's president, Janet Hart, is also president of AWHAR, which is a 501(c)(3) nonprofit foundation.

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