

CBS Corporate Safety and Environmental Affairs

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MAJOR UPDATE TO HAZARDOUS WASTE GENERATOR REQUIREMENTS

The EPA has significantly revised (60 + changes) the existing RCRA hazardous waste management rules in a new rule. The Hazardous Waste Generator Improvements Rule goes into effect on May 30, 2017, with the caveat that each RCRA authorized state has some leeway in their adoption of the new provisions – must be as stringent unless they opt to keep parts of the existing rule. For some period of time, this will potentially lead to a patchwork of state by state requirements in the 48 authorized states.

How do we navigate this patchwork of requirements? Start with reviewing the rule changes and your current waste management practices.

The purpose of this newsletter is simply to provide high-level general information on the new rule. More information and assistance will follow in early 2017. Please do not hesitate to pose specific questions that arise.

As with the existing rule, much of what applies in the new rule is a function of the specific waste streams generated and their respective quantities by weight. So this is the place to start. Each location should begin by refreshing its inventory of waste streams. Importantly, this determines your Generator Category: Very Small Quantity Generator (VSQG), Small Quantity Generator (SQG) or Large Quantity Generator (LQG). VSQG was formerly a CESQG (Conditionally Exempt Small Quantity Generator). Compliance requirements vary to an extent by generator category.

From a practical perspective, what does the new rule impose? The short answer is more prescriptive procedures, documentation and recordkeeping, including:

- Determination of whether or not a waste is hazardous at the immediate time and point of generation (not later, such as when it is in a drum sitting in storage);
- Retention for at least three years of documentation showing the basis, tests or reasoning used in making the determination on why a waste is hazardous (or in reality, non-hazardous, if that is the case);
- Completion of a monthly inventory of hazardous waste generated – not how much has accumulated or shipped, but rather, *generated* in a calendar month – to confirm or change generator category;
- Addition of hazard information on hazardous waste containers;
- Up to weekly inspections of central and satellite accumulation areas to confirm conformance with prescribed collection, storage and handling practices;
- Adoption of specific emergency response (including outside services) and employee training requirements;
- Re-notification (filing form 8700-12) of generator category to the EPA on a scheduled basis;

Provided the states adopt them, the new rule also relaxes a couple of restrictions. A LQG will be able to receive and consolidate hazardous waste from a SQG if the SQG and LQG are under common ownership. Provisions will also allow for a VSQG or a SQG to have up to one unexpected episode per year of hazardous waste generation and not be thrown into a higher generator category (e.g. VSQG to SQG).

In summary, the Hazardous Waste Generator Improvements Rule is a major re-write of the current RCRA hazardous waste regulations. All locations generating hazardous waste will be impacted when the rule goes into effect. We will be providing guidance over the next several months towards achieving compliance with the requirements.



New Requirements for Shipping Lithium Batteries

Effective January 1, 2017, Fed Ex and UPS will change their requirements for shipping lithium batteries by air.

The change will require that all Fed Ex and UPS U.S. and international air shipments of lithium ion or metal cells and batteries shipped without equipment by a Fed Ex/UPS air service be prepared and shipped as fully regulated dangerous goods.

Shippers will need to enter into a FED Ex and/or UPS Dangerous Goods Service Agreement before shipping lithium ion or lithium metal batteries without equipment by air. This requirement does not apply to Fed Ex or UPS ground shipments within the U.S.