



# IHW Rule Update Feb 2022 – What Changed?

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May 11, 2022

# New and Updated Rules

- Generator Improvement Rule (GIR)
- Pharmaceutical Rule
- Universal Waste: Aerosol Cans
- Definition of Solid Waste
- Additional Updates

# Generator Improvement Rule

- Reorganization
- Waste Counting
- LQG Requirements
- Large Quantity Generator (LQG) Consolidation of Very Small Quantity Generator (VSQG) Waste
- Small Quantity Generator (SQG) Re-notification

# Generator Improvement Rule – Continued

- Episodic Generation
- Academic Lab Accumulation
- Satellite Accumulation Areas
- Labeling Requirements

# Generator Improvement Rule

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# Reorganization of Generator Regulations in CFR

Regulation	Prior CFR Citation	New CFR Citation	TAC Citation
Generator Category Determination	§261.5(c)-(e)	§262.13	§335.53(b)
Very Small Quantity Generators	§261.5(a), (b), & (f)-(g)	§262.14	§335.53(c)
Satellite Accumulation Areas	§262.34(c)	§262.15	§335.53(d)
Small Quantity Generators	§262.34(d)-(f)	§262.16	§335.53(e)
Large Quantity Generators	§262.34(a), (b), (g)-(i), & m	§262.17	§335.53(f)

- Registration requirements: 30 TAC §335.6



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# Waste Counting

Generator Category	Quantity of Acute Hazardous Waste per Month	Quantity of Non-Acute Hazardous Waste per Month	Quantity of Class 1 Industrial waste per month
Very Small Quantity Generator (VSQG)	Less than 1 kilogram (kg)	Less than 100 kg	Less than 100 kg
Very Small Quantity Generator*	Less than 1 kg	Less than 100 kg	Greater than 100 kg
Class 1 Industrial Only Generator*	None	None	Greater than 100 kg
Small Quantity Generator* (SQG)	Less than 1 kg	Greater than 100 kg and less than 1,000 kg	Any amount
Large Quantity Generator* (LQG)	Any amount	Greater than 1,000 kg	Any amount
Large Quantity Generator*	Greater than 1 kg	Any amount	Any amount

\*Solid waste registration required



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# Additional LQG Requirements

- Waivers of 50-Foot Requirement
- Emergency Preparedness Planning
- Quick Reference Guide

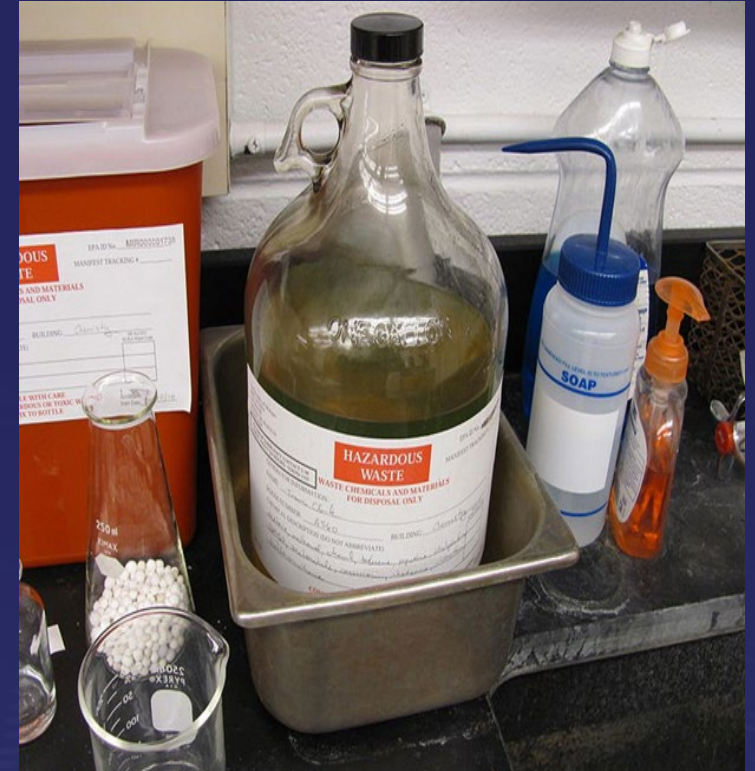


# Generator Improvement Rule

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# LQG Consolidation of VSQG Waste

- Allows VSQGs to send waste to LQGs under same owner/operator for handling and disposal
- LQG must submit Parts G and I of the Notification of Hazardous and Industrial Waste form (TCEQ-00002)
- For VSQG consolidated waste, add a unique waste code with Source Code G51 to the LQG's NOR
- Report VSQG waste on the LQG's annual waste summary



# LQG Consolidation of VSQG Waste – Shipping and Labeling

- Label VSQG waste with the date received
- Maintain records of shipments for three years
- Not required to use registered transporter or uniform waste manifest when transporting to LQG
- Follow DOT requirements when shipping to LQG





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# SQG Re-Notification

- Keeping your registration updated and submitting an annual waste summary each year will ensure compliance with the renotification requirement

The screenshot displays the TCEQ SQG Re-Notification web application. At the top, the TCEQ logo and name are visible. Below this is a navigation bar with tabs for 'Select Facility', 'Facility', 'Contacts', 'Billing', and 'Wastes'. The main content area shows a 'Select Year for AWS Record' dropdown set to '11/09/2020', a 'Facility SWR #: 95809', and 'Today's date is: 14:00'. Below this are tabs for 'Work Area', 'TCEQ Records', 'TCEQ Error Records', and 'Add Waste to AWS'. A 'Create New AWS' button is present. The 'Create New Annual Waste Summary' section prompts the user to 'Select the following criteria to search the work area.' It includes a 'Select Reporting Year:' label and a dropdown menu currently showing '2019'. At the bottom of this section are 'Create New AWS' and 'Cancel' buttons.

# Generator Improvement Rule

- **Episodic Generation**
  - Academic Lab Accumulation
  - Satellite Accumulation Areas
  - Labeling Requirements

# Episodic Generator Requirements

- Complete the event, including shipping waste off-site, within 60 days
- Notify TCEQ of planned events at least 30 days in advance and unplanned events within 72 hours
- Sites can have one planned or one unplanned event per calendar year and can petition for a second event
- Recordkeeping and manifesting
- Label containers as “episodic waste” with the begin date of the event

# Unregistered / Inactive Episodic Generator Notifications

- Formerly known as the One-Time Shipment program
- For generators who do not have an active solid waste registration and normally would not require one
- Required if a site generates greater than:
  - 100 kilograms of non-acute hazardous waste
  - 1 kg of acute hazardous waste, or
  - 100 kilograms of Class 1 industrial waste

# Unregistered / Inactive Episodic Generator Notifications - Continued

- Notify using TCEQ-00757
- Provides a temporary Texas registration number, temporary Texas waste codes, and, if necessary, a temporary EPA ID number
- Temporary waste codes for unregistered/inactive generators are valid for only the specified waste and only for that occurrence
- Report on Waste Shipment Summaries on the 25<sup>th</sup> of the month after waste shipment



# Episodic Notification for Registered Generators

- Submit TCEQ-20940
- Notification of Class 1 Industrial episodic events not required
- Available for VSQGs and SQGs
- Report episodic waste generation on the annual waste summary





# Generator Improvement Rule

- Episodic Generation
- **Academic Lab Accumulation**
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# Extending Waste Accumulation Time Limits for Academic Labs

- Eligible to academic entities
- Longer accumulation time: 12 months instead of 6 months
- If a site wants to manage waste under Subpart K, they must notify TCEQ by submitting Parts D and G of TCEQ-00002



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# Satellite Accumulation Areas

- Hazardous wastes cannot be mixed or placed in a container with other hazardous wastes that are incompatible
- Allows for containers to remain open temporarily under limited circumstances
- Provides maximum weight (1 kg) in addition to volume (1 quart) for acute hazardous waste limit
- Clarifies that “three days” means three consecutive calendar days

# Satellite Accumulation Areas

- Satellite accumulation areas subject to container compatibility, labeling and contingency plan requirements
- A drip pad will not meet the definition of “container” and therefore cannot be a satellite accumulation area
- SQGs can accumulate hazardous waste on drip pads without a permit

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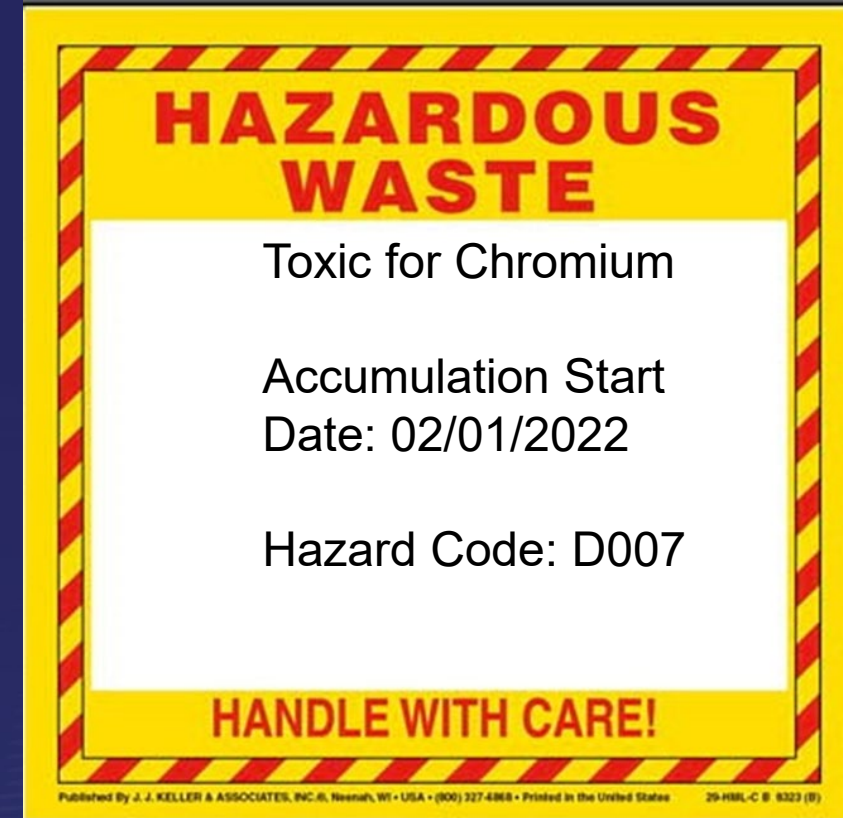


# Labeling Requirements

- Same as new federal requirements, adopted by reference
- Label on-site containers and tanks with hazards
- Label containers with waste codes before shipment



# Example Labels



# New and Updated Rules

- Generator Improvement Rule
- **Pharmaceutical Rule**
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# Pharmaceutical Rule

- Sewering prohibition effective nationwide August 21, 2019
- Alternatives for hazardous pharmaceutical waste management for healthcare facilities and reverse distributors
- Many currently registered facilities will no longer need registration
- Removes the P075 listing for over-the-counter nicotine replacement therapies
- Trade Fair Presentation on May 11 from 10:30 -11:30 am





# Pharmaceutical Reverse Distributors

- Comparable to LQG regulations
- An active a solid waste registration
- Annual waste summary reporting for their non-creditable hazardous pharmaceutical waste
- Adding waste codes for non-creditable hazardous pharmaceutical waste on their notice of registration
- Listing the waste codes on their notice of registration and EPA hazardous waste numbers when manifesting hazardous waste pharmaceuticals

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# New Universal Waste

- Aerosol cans can now be managed as universal waste
- Non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure
- Universal Waste Presentation:  
May 11, 2022 at 10:30 am



# Aerosol Cans and Paint Related Universal Waste

- Unpunctured aerosol cans containing paint can be managed as Aerosol Can Universal Waste
- Paint from punctured aerosol cans can be managed as Paint Universal Waste



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# Revisions to the Definition of Solid Waste

- Eliminates the verified recycler exclusion and reinstates the transfer-based exclusion
- Texas is now equivalent with 2018 Federal Definition of Solid Waste
- Texas no longer has verified recyclers, but you can take advantage of the transfer-based exclusion for off-site recycling
- Recordkeeping requirements

# Revisions to the Definition of Solid Waste – Factor 4

1. Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process
2. The recycling process must produce a valuable product or intermediate
3. The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control
4. The product of the recycling process must be comparable to a legitimate product or intermediate



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# Additional Updates

- Confidentiality Determinations for Hazardous Waste Export and Import Documents - can't be claimed as confidential business information
- Hazardous Waste Electronic Manifest System User Fee - establishes fees associated with electronic and paper manifests
- Foundry sands - conditional exclusion to codify existing guidance for reuse of spent foundry sands

# EPA Resources

Generator Improvement Rule website:

<https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements>

FAQs for implementing the Generator Improvement Rule:

<https://www.epa.gov/hwgenerators/frequent-questions-about-implementing-hazardous-waste-generator-improvements-final-rule>

Generator Improvement Rule Fact Sheet:

<https://www.epa.gov/hwgenerators/fact-sheet-about-hazardous-waste-generator-improvements-final-rule>

# EPA Resources - Continued

FAQ for Management of Hazardous Waste Pharmaceuticals:

<https://www.epa.gov/hwgenerators/frequent-questions-about-management-standards-hazardous-waste-pharmaceuticals-and>

Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulation:

<https://www.epa.gov/hw/increasing-recycling-adding-aerosol-cans-universal-waste-regulations>

Regulations for Hazardous Waste Generated at Academic Laboratories:

<https://www.epa.gov/hwgenerators/regulations-hazardous-waste-generated-academic-laboratories>

# TCEQ Resources

IHW Registration and Reporting Overview:

<https://www.tceq.texas.gov/permitting/registration/ihw/overview.html>

Hazardous Waste Pharmaceuticals Management

<https://www.tceq.texas.gov/permitting/registration/ihw/pharm>

Episodic Waste Generation

<https://www.tceq.texas.gov/permitting/registration/ihw/episodic>

# Sign Up for GovDelivery

- Receive updates, notification of IHW forms, rule, guidance, and procedure changes
- <https://www.tceq.texas.gov/goto/ihwgovdev>





# Questions?





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