

 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE  <b>Hazardous Waste Management</b>		NO. 4055
			DATE 5/5/2015
SUPERSEDES DIR #4055 Dtd. 4/30/2014	DISTRIBUTION A	PAGES PAGE 1 OF 8	DATE LAST REVISED
REFERENCES (Include but are not limited to)  See Section II	APPROVING AUTHORITY 		

**I. POLICY:** The Department of Corrections and Community Supervision (DOCCS) shall comply with Environmental Conservation Law, Article 27 - Title 9, "Industrial Hazardous Waste Management," and its implementing regulations, 6 NYCRR Parts 370-374.

It is the policy of the Department not to exceed, at any facility, the generation or storage specifications established by the Department of Environmental Conservation (DEC), which identify "Small Quantity Generators." In most situations, facilities should fall into the Conditionally Exempt Small Quantity Generators category (defined below).

## II. REFERENCES

- Environmental Protection Agency (EPA) Hazardous Waste Website: <http://www.epa.gov/osw/hazard/>
- DEC Hazardous Waste Website: <http://www.dec.ny.gov/chemical/8486.html>
- 6 NYCRR Part 371, "Identification and Listing of Hazardous Wastes"
- 6 NYCRR Part 372, "Hazardous Waste Manifest System and Related Standards for Generators, Transporters and Facilities"
- Directive #2121, "Personal Protective Equipment"
- Directive #4067, "Hazardous Materials Program"
- DOCCS Division of Health Services Policy Manual, Item #7.8, "Collection, Storage & Disposal of Regulated Medical Waste"
- 6 NYCRR Part 374-3, "Standards for Universal Wastes"
- EPA "Notification of Hazardous Waste Activity" (Form 8700-12 instruction package)

## III. DEFINITIONS

- A. Hazardous Waste: Any waste or combination of wastes which, because of its quantity, concentration, or physical or chemical characteristics, may:
1. Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
  2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

Notes:

1. Infectious waste is not covered by this directive; see Division of Health Services Policy Manual, Item #7.8.

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2. See 6 NYCRR Part 371, "Identification and Listing of Hazardous Wastes," for complete listing of hazardous wastes as defined by DEC.
- B. Acutely Hazardous Wastes: Extremely dangerous wastes such as used cyanide, strychnine, or dioxin compounds.
- C. Universal Waste: Any of the following hazardous wastes that are subject to the universal waste requirements as listed below:
1. Batteries: all rechargeable batteries, vehicle batteries, flashlight batteries, etc;
  2. Pesticides;
  3. Thermostats: temperature control devices containing metallic mercury; and
  4. Lamps: including but are not limited to fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.
- D. Hazardous Waste Generation: The act or process of producing hazardous waste.
- E. Hazardous Waste Management: The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes.
- F. Manifest: The form used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.
- G. Conditionally Exempt Small Quantity Generator: A facility that generates less than 100 kilograms of hazardous waste, or no more than 1 kilogram of acutely hazardous waste, per month. These generators may not store on-site more than a total of 1,000 kilograms of hazardous waste at any time. Conditionally Exempt Small Quantity Generators must ensure that hazardous waste is delivered to a person or facility that is authorized to manage it.
- H. Small Quantity Generator: A facility which generates between 100 and 1000 kilograms of hazardous waste, or no more than 1 kilogram of acutely hazardous waste, per month. These generators may not store on-site more than a total of 6,000 kilograms of hazardous waste at any time. Typically one 55 gallon drum of hazardous waste equals about 200 kilograms; 1 kilogram equals 2.2 lbs. If unsure whether the generated waste exceeds the Small Quantity Generator threshold, the waste should be weighted to accurately determine the quantity. A Small Quantity Generator must meet **all** of the following conditions:
1. Generate more than 100 but less than 1000 kilograms per month of hazardous waste;
  2. Generate less than 1 kilogram per month of acutely hazardous waste;
  3. Store less than 6000 kilograms of hazardous waste;
  4. Store less than 1 kilogram of acutely hazardous waste; and
  5. Store less than 5000 kilograms of universal waste.

**IV. RESPONSIBILITY:** At each facility, the Plant Superintendent (or functional equivalent if none assigned) and the Industrial Superintendent (if assigned) shall be responsible for management of hazardous wastes generated by activities or accumulated within areas of their functional responsibility. At the end of each month, the quantity and classification of hazardous waste generated over the previous 30 days shall be assessed to determine whether the facility is a Conditionally Exempt Small Quantity Generator, a Small Quantity Generator, or a greater than Small Quantity Generator. Hazardous waste generated from any facility construction project, including waste generated from a construction contractor, must be accounted for in quantity assessment. If a previous Conditionally Exempt Small Quantity Generator produces Small Quantity level Hazardous Waste quantities over a one month period, it shall follow all the requirements of a Small Quantity Generator described herein. If in the next successive month, or any month thereafter, generation quantities recede to levels below the Small Quantity Generator threshold, rules for a Conditionally Exempt Small Quantity Generator may be reapplied.

**V. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE**

- A. Hazardous Waste Determination: Each facility must determine if it generates or accumulates any hazardous wastes. A waste is hazardous if it is listed in 6 NYCRR Part 371. Even if it is not listed, it is still considered to be hazardous if it has one or more of the following characteristics:
1. **Ignitability:** It catches fire easily. Ignitable wastes include many organic solvents and some paint wastes and strong oxidizing agents. A liquid waste is ignitable if it has a flash point of less than 60°C (140°F).
  2. **Corrosivity:** It dissolves metals and other materials, or burns the skin. Corrosive wastes include waste rust removers, waste acid or alkaline cleaning fluids, and waste battery acid. Any liquid that has a pH of 2.0 or lower or 12.5 or higher is corrosive.
  3. **Reactivity:** It undergoes violent chemical reaction with water. Reactive wastes include those which generate toxic gases or fumes.
  4. **TCLP – Toxicity:** A waste sample is tested and shows toxicity by utilizing the Toxicity Characteristic Leaching Procedure (TCLP). TCLP toxic wastes contain high concentrations of heavy metals such as mercury, cadmium, lead, or certain pesticides that could contaminate groundwater, as well as a number of volatile or semi-volatile compounds. This type of testing must be performed by a certified environmental laboratory.

A list of hazardous wastes and acute hazardous wastes has been prepared by DEC and published in 6 NYCRR Part 371. Questions regarding the identification and characteristics of certain materials may be addressed, as appropriate, to the Divisions of Industries, Support Operations, Facilities Planning and Development, or Health Services, the Office of Counsel, the Departmental Fire/Safety Coordinator, and the NYS Division of Environmental Conservation (contact nearest Regional Office, or DEC's "Small Quantity Generator Hotline," 800-462-6553).

- B. Counting Hazardous Wastes: Each facility must count all quantities of “listed” and “characteristic” hazardous wastes (as described above) that:
1. Accumulate on-site for any period of time prior to subsequent management;
  2. Are packaged and transported off-site; and
  3. Are generated as still bottoms or sludges and removed from product storage tanks.
- It is not necessary to count used oil that will be reclaimed, or residues left in the bottom of emptied product containers or storage tanks.
- C. EPA Identification Numbers: Small Quantity Generators must obtain an EPA identification number. Conditionally Exempt Small Quantity Generators do not require an EPA identification number. Each facility with an industrial operation meeting or exceeding the thresholds of a Small Quantity Generator will obtain a separate number for industrial hazardous wastes. A Small Quantity Generator facility must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received a twelve-character EPA identification number, nor contract for the management of such wastes with any other party that does not have an EPA identification number. To obtain an EPA identification number, request an application through the EPA Region II Office in New York City, 212-637-4106. Contact Facilities Planning and Development to determine whether an EPA identification number exists for a particular facility.
- The EPA will respond by sending a three-page form, “RCRA Subtitle C Site Identification Form.” To complete this form, hazardous wastes must be identified by four-character EPA Hazardous Waste Numbers. For assistance in matching wastes and EPA numbers, contact DEC’s Manifest Section, 518-402-8738.
- D. Inventory Control: Each facility must maintain a perpetual inventory of all hazardous wastes. The facility inventory must include the following (see sample [Form #2079](#), “Hazardous Waste Inventory Record”):
1. Identification of the waste by container, as labeled;
  2. The date of generation or the beginning accumulation date for a specific container;
  3. A description of the container and its location;
  4. The date a particular container is sealed or the ending accumulation date;
  5. The weight of the container;
  6. EPA number (if a Small Quantity Generator); and
  7. The manifest document number, when disposed (if a Small Quantity Generator).
- E. Accumulation Limits: A Conditionally Exempt Small Quantity Generator may store up to 1000 kilograms of non-acute hazardous waste on-site at any time and may store such quantity on-site indefinitely. A Small Quantity Generator facility may store up to 6000 kilograms of non-acute hazardous waste on-site for up to 180 days or for up to 270 days if the waste must be shipped to a treatment, storage, or disposal site that is located over 200 miles away. A facility may store no more than 1 kilogram of acutely hazardous waste on-site for any length of time. A facility may store no more than 5000 kilograms of universal waste for no longer than one year from the date the universal waste is generated.

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**F. Storage Requirements**

1. Clearly mark the containers with the words "Hazardous Waste" and with words that identify the contents of the containers.
2. Keep containers in good condition, handle them carefully, and replace any leaking ones.
3. Do not fill a container if it may cause rupture, leaks, corrosion, or other failure.
4. Keep containers closed except when filling or emptying them.
5. Inspect containers for leaks and corrosion every week; an inspection log must be kept recording such weekly inspections, certifying the condition of all storage containers, and including the signature of the inspector(s) and dates of inspections.
6. Separate and protect reactive or ignitable wastes from sources of ignition or reaction.
7. Ensure that the waste being placed in a container will not react with the container itself or with any residue in the container.
8. Never store in the same container wastes that could react together to cause fire, leaks, or other releases.
9. Separate by a dike, berm, wall, or other device containers of waste which are incompatible with containers of other waste stored nearby.
10. Do not fill an uncovered storage tank higher than within 2 feet of the top; inspect level daily.
11. Where hazardous waste is continuously fed into a storage tank, the tank must be equipped with a means to stop the inflow such as a waste feed cut-off system or a by-pass system to a stand-by tank; inspect discharge control equipment daily.
12. Gather data from monitoring equipment once each day to ensure a storage tank is operating as designed.
13. Demonstrate the length of time that the universal waste has been accumulated from the date it becomes waste or is received by one of the procedures described below:
  - a. Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
  - b. Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
  - c. Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;
  - d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received; and
  - e. Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received.

14. Label or mark universal waste on each item or on the containers in which they are segregated and stored, as specified below:
  - a. Universal waste: batteries, waste batteries, or used batteries;
  - b. Universal waste: pesticides or waste pesticides;
  - c. Universal waste: mercury thermostats, waste mercury thermostats, or used mercury thermostats; and
  - d. Universal waste: lamps, waste lamps, or used lamps.

- G. Emergency Coordinator/Emergency Response: The following guidelines are pertinent to Small Quantity Generators only: The facility supervisory staff person(s) having immediate control of the process(es) generating hazardous waste(s) is/are designated as "Emergency Coordinator(s)" and must be on call at all times to coordinate emergency response measures. Designee name(s) and phone number(s) must be readily available to the Superintendent, Watch Commander, and the Fire & Safety Officer (refer to Red Book, Sec. 1). These designees shall develop procedures to respond to emergencies such as fire, spillage, and clean-up of contamination within their areas of responsibility.

In the event of an emergency threatening public health or when a spill has reached surface water, the facility must immediately notify the National Response Center (800-424-8802) and DEC (518-457-7362) with the following information:

1. Facility name, address, and EPA identification number;
2. The date, time, and type of incident;
3. The quantity and type of hazardous waste involved;
4. The extent of injuries, if any; and
5. The estimated quantity and disposition of recovered materials.

- H. Training: The following guidelines are pertinent to Small Quantity Generators only: Employees responsible for control and coordination of hazardous waste management shall receive initial training and annual refresher training commensurate with the materials they are handling. Training requirements are specified in 40 CFR Section 262.34(d) (5) (iii) which states that the generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

**VI. OFF-SITE DISPOSAL/MANIFEST REQUIREMENTS:** The following guidelines are pertinent to Small Quantity Generator only:

- A. Each facility which transports, or offers for transportation, hazardous waste must prepare a Hazardous Waste Manifest. The manifest is a paper document containing multiple copies of a single form. When completed, it contains information on the type and quantity of the waste being transported, instructions for handling the waste, and signature lines for all parties involved in the disposal process. The manifest is required by both the Department of Transportation (DOT) and the EPA. Each party that handles the waste signs the manifest and retains a copy for themselves. This ensures critical accountability in the transportation and disposal processes. Once the waste reaches its destination, the receiving facility returns a signed copy of the manifest to the generator, confirming that the waste has been received by the designated facility.

The hazardous waste manifest will typically be supplied by the licensed hauler or the disposal facility (only EPA approved registrants may supply the hazardous waste manifest). For a list of the manifest registry, go to [www.epa.gov/epawaste/hazard/transportation/manifest/registry/index.htm](http://www.epa.gov/epawaste/hazard/transportation/manifest/registry/index.htm).

- B. A recommended way to select a waste transporter and Treatment/Storage/Disposal Facility (TSDF) is to contact the Waste Transporter Permits Section at DEC (518-402-8707). DEC will provide a computer generated listing of transporters and facilities. Before transporting or offering for transportation offsite, a hazardous waste generator must package, label, and mark hazardous waste in accordance with applicable U.S. Department of Transportation Regulations.

A Small Quantity Generator must mark each container 119 gallons or less used in such transportation with the following words and information:

**HAZARDOUS WASTE – Federal Law Prohibits Improper Disposal:** If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address: \_\_\_\_\_ (Facility Name): \_\_\_\_\_

Generator's EPA Identification Number: \_\_\_\_\_

Manifest Tracking Number: \_\_\_\_\_

The markings must be durable, in English, and printed on or affixed to the surface of a package or on a label, tag, or sign. The markings must be displayed on a background of sharply contrasting color, un-obscured by labels or attachments, and must be located away from any other marking (such as advertising) that could substantially reduce its effectiveness.

To determine labeling requirements for specific wastes contact DEC, the designated transporter, or the TSDF.

- C. Prior to shipment, the hazardous waste generator must obtain written confirmation from the designated treatment, storage, or disposal facility that it:
1. Is authorized to receive shipment;
  2. Has the capacity; and
  3. Will provide or assure that the ultimate disposal method is followed for the particular hazardous waste on the manifest.
- D. Prior to shipment, the hazardous waste generator must obtain written confirmation from the designated transporter(s) that they are authorized to deliver the manifested waste to the designated treatment, storage, or disposal facility.
- E. Prior to shipment, the hazardous waste generator must instruct the transporter to contact it for alternate authorization in the event that an emergency prevents delivery at the designated TSDF. In such cases, the hazardous waste generator must make and confirm new arrangements orally, and then follow-up with a second manifest for any subsequent disposal site. In addition, an exception report must be sent to DEC concerning disposition of the first manifest.

- F. If a hazardous waste generator does not receive a return copy of the manifest within 15 days from a designated hazardous waste management facility to which it has shipped wastes, it must contact the transporter and/or disposal facility to find out why. The hazardous waste generator is potentially liable for any mismanagement of its hazardous waste transported off-site.

## **VII. HAZARDOUS WASTE GENERATION IN EXCESS OF SMALL QUANTITY GENERATOR LEVELS**

If a facility exceeds the generation threshold of a Small Quantity Generator (defined above), it shall immediately contact Facilities Planning and Development for further guidance. Large Quantity Generators are required to submit an Annual Report to DEC by March 1<sup>st</sup> each year and a Biennial Report to EPA by March 1<sup>st</sup> of each even numbered year and are subject to other heightened levels of regulatory compliance. As stated earlier in this directive, it is the policy of the Department not to exceed, at any facility, the generation or storage specifications established by the DEC which identify "Small Quantity Generators."