

# **COMPLIANCE ASSISTANCE PACKET**

**FOR**

## **HAZARDOUS WASTE GENERATORS**



**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF HAZARDOUS WASTE COMPLIANCE AND ENFORCEMENT**

# **INTRODUCTION**

## **Compliance Assistance Packet**

In an effort to assist new generators in complying with the hazardous waste regulations, the New Jersey Department of Environmental Protection is providing the information below and attached. The Department hopes the information proves helpful.

### **New Jersey Hazardous Waste Regulations**

New Jersey's hazardous waste regulations are found at N.J.A.C. 7:26G-1 et seq., adopted October 21, 1996 and announced at 28 NJR 4606. By this adoption, the Department "incorporated by reference" (with limited exception) the July 1, 1993 version of the Federal hazardous waste regulations at 40 CFR Parts 124, 260-266, 268 and 270, mandated by the Resource and Recovery Act of 1976 (RCRA) and amended by the 1984 Hazardous and Solid Waste Amendments (HSWA). Effective January 19, 1999 the Department amended the regulations to allow for prospective incorporation by reference, which means that all provisions of 40 CFR Parts 124, 260-266, 268 and 270 incorporated by reference are continually and automatically updated in order to maintain consistency with the most current Federal rules.

The requirements for hazardous waste generators are specifically found at N.J.A.C. 7:26G-6 et seq., which references 40 CFR Part 262 of the Federal regulations (with some exceptions and/or changes). A summary of the regulatory citations and a description of the requirements are included in this packet. Please note that there are two different summaries, one for Small Quantity Generators (SQGs) and another for Large Quantity Generators (LQGs), as the requirements are sometimes different. SQG and LQG categories are explained in this packet. A generator's category is based on hazardous waste generation rates, accumulation amounts (both via manifest history), and the quantity of waste present at the time of inspection by Department personnel.

### **Inspection Fees**

A fee schedule has been established for hazardous waste generators, transporters, and treatment, storage, and disposal facilities (TSDFs), in accordance with N.J.S.A. 13:1E-1 et seq., specifically 13:1E-6, 13:1E-18, 13:1E-42.2, and 13:1E-60d. Fee amounts can be found at: <http://www.state.nj.us/dep/enforcement/hw-fees.html>. The fee schedule is based on the Department's reasonable costs to perform its duties made necessary by the regulated community.

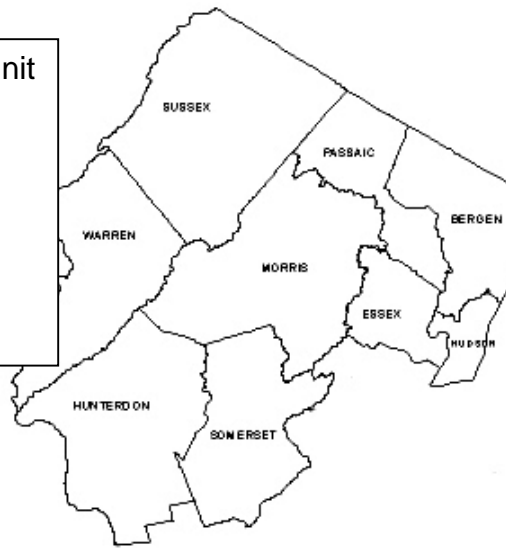
# Bureau of Hazardous Waste Compliance & Enforcement

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7 Ridgedale Avenue  
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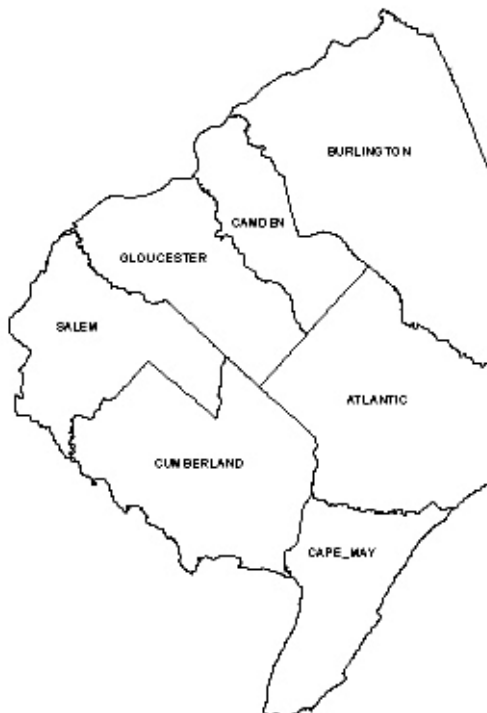
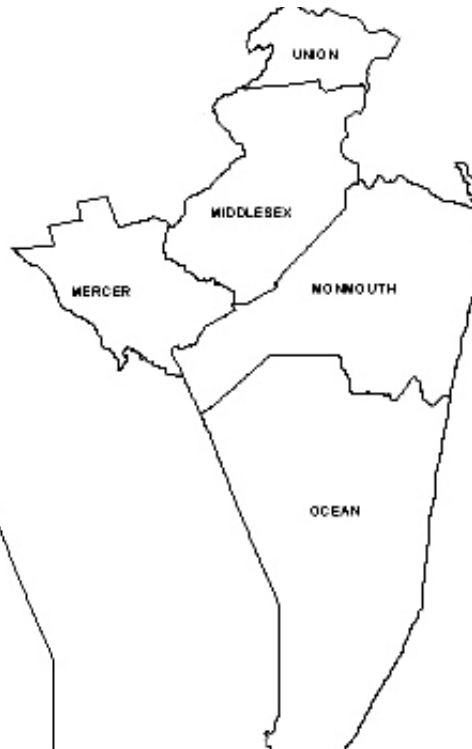
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## **GENERAL INFORMATION**

### **Contacting the NJDEP**

The following link will take you to the NJDEP Home Page where you can select from a variety of subject areas to obtain general information and points of contact: <http://www.state.nj.us/dep/index.html>

The following link will take you to the NJDEP Easy Access guide, which provides an alphabetical list of program and management contacts:

<http://www.nj.gov/dep/easyaccess/>

### **DEP Training Opportunities**

Hazardous Waste Compliance and Enforcement (HWC&E) reinitiated the Hazardous Waste Handler Seminar program in 2006. This was done as part of our Strategic Plan, which requires the DEP to “effectively balance compliance assistance, enforcement and education to achieve compliance and move the regulated community and the public towards environmental stewardship”.

Information on the Hazardous Waste Handler Seminar program is available at our Hazardous Waste Training Opportunities webpage. The webpage was developed to facilitate on-line seminar registration, and to keep the regulated community informed about this important program. The webpage was also developed to provide updated regulatory information, and survey the regulated community regarding the type of educational programs and general information they need. The webpage can be accessed by opening:

[http://www.state.nj.us/dep/enforcement/hw\\_seminar.html](http://www.state.nj.us/dep/enforcement/hw_seminar.html)

### **DEP Compliance Advisories**

Compliance and Enforcement has been issuing Compliance Advisories since 2003. Compliance Advisories are fact sheets that deal with a variety of environmental issues. They are referred to as either an Update, Alert or Warning. The advisories can be accessed by opening:

<http://www.state.nj.us/dep/enforcement/advisories.html>

### **USEPA Publications**

The USEPA offers many publications on a variety of subjects. Titles available include “Managing Your Hazardous Waste: A Guide for Small Businesses”, “Managing Laboratory Hazardous Waste”, and “Hazardous Waste Requirements for Large Quantity Generators”. To view a list of available USEPA publications open: <http://www.epa.gov/osw/inforesources/pubs/index.htm>

## WEB RESOURCES

The following contains a list of weblinks where a variety of environmental information can be obtained. This was adapted from a PowerPoint presentation that was delivered at a 2008 Hazardous Waste Handler Seminar. Information on the Hazardous Waste Handler Seminars is available at:

[http://www.state.nj.us/dep/enforcement/hw\\_seminar.html](http://www.state.nj.us/dep/enforcement/hw_seminar.html)

### Hazardous Waste Regulations

- **NJ** - <http://www.nj.gov/dep/enforcement/hw.html#regs>
- **EPA** - <http://www.epa.gov/epawaste/hazard/index.htm>
- **Hazardous Materials (DOT)** - <http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=200649>
- **OSHA** - [http://www.osha.gov/pls/oshaweb/owasrch.search\\_form?p\\_doc\\_type=STANDARDS&p\\_toc\\_level=0&p\\_keyvalue=](http://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=0&p_keyvalue=)
- **Regulations.gov** – Source for U.S. government regulations from over 300 agencies <http://www.regulations.gov/search/Regs/home.html#home>

### Federal Regulatory Guidance/Interpretation

- **RCRA Online** – Source for locating memos, interpretations, publications, outreach material on a wide range of RCRA issues and topics: <http://www.epa.gov/rcraonline/>
- **Frequently asked questions** - Search by topic or ask a question: [http://waste.custhelp.com/cgi-bin/waste.cfg/php/enduser/std\\_alp.php](http://waste.custhelp.com/cgi-bin/waste.cfg/php/enduser/std_alp.php)
- **National Environmental Compliance Assistance Clearinghouse** - Quick access guide to compliance tools, contacts, and planned activities from across the EPA and other compliance assistance providers: <http://www.epa.gov/compliance/assistance/clearinghouse.html>
- **EPA's Hazardous Waste Page** - <http://www.epa.gov/epawaste/hazard/index.htm>

### Compliance Assistance

- **Ask the DEP** – Submit your question to the DEP online so it can be forwarded to the appropriate DEP group for response: [http://www.nj.gov/cgi-bin/dep/contactdep\\_general.pl](http://www.nj.gov/cgi-bin/dep/contactdep_general.pl) (Emergency situations such as spills and illegal dumping should be reported to the DEP Action Hotline at 1-877-927-6337)
- **RCRA Training Modules** – Source for training modules on important RCRA topics such as Hazardous Waste Identification , Containers and Tanks, just to name a few: <http://www.epa.gov/epawaste/inforesources/pubs/hotline/rmods.htm>

- **OSHA Training Info** - <http://www.osha.gov/dcsp/ote/index.html>
- **DEP Hazardous Waste Compliance Assistance** - <http://www.state.nj.us/dep/enforcement/ca-intro.html>
- **DEP Hazardous Waste Handler Seminars:** [http://www.state.nj.us/dep/enforcement/hw\\_seminar.html](http://www.state.nj.us/dep/enforcement/hw_seminar.html)

### **Emergency Preparedness**

- **FEMA guide** - Developed by FEMA and a coalition of business groups, this guide provides advice on how to create and maintain a comprehensive emergency management program: <http://www.fema.gov/pdf/library/bizindst.pdf>
- **DOT Emergency Response Guidebook** - <http://phmsa.dot.gov/hazmat/library/erg>
- **DEP Discharge Prevention Containment & Countermeasures Plan** - <http://www.nj.gov/dep/rpp/brp/dp/dpfaq.htm>

### **Statutory and Regulatory Changes**

- **NJ** - <http://www.njleg.state.nj.us/>
- **US** - <http://thomas.loc.gov/>
- **NJDEP** - <http://www.nj.gov/dep/rules/>
- **EPA Listservs** - [https://lists.epa.gov/read/all\\_forums/](https://lists.epa.gov/read/all_forums/)
- **DEP News Releases** - [www.state.nj.us/dep](http://www.state.nj.us/dep)
- **DEP Public Participation Calendar** - Promotes events, seminars, meetings, and programs sponsored or co-sponsored by the DEP, or held in partnership with the DEP on State property: <http://www.nj.gov/dep/calendar/>

### **Enforcement Advisories**

- **EPA** <http://www.epa.gov/compliance/resources/newsletters/civil/enfalert/index.html>
- **DEP** - <http://www.nj.gov/dep/enforcement/advisories.html>

### **Enforcement History**

- **EPA** - <http://www.epa-echo.gov/echo/>
- **DEP Data Miner** - <http://www.nj.gov/dep/opra/online.html>

### **Business Information**

- **EPA Small Business Assistance** - <http://www.epa.gov/smallbusiness/>

- **EPA Business Opportunities** - <http://www.epa.gov/epahome/business.htm>
- **DEP Greenstart** - **FREE** multi-media compliance assistance program to help small businesses, municipalities, and schools interpret environmental regulations and evaluate compliance requirements in the areas of air, water and pesticides pollution control, solid and hazardous waste management, Right-to-Know, and Toxic Catastrophe Prevention Act. Submit your application to the DEP and an inspector will be in touch to schedule a site visit: <http://www.nj.gov/dep/enforcement/greenstart.htm>
- **DEP Small Business Assistance Program** - <http://www.nj.gov/dep/opppc/small.html>
- **DEP Business** - <http://www.nj.gov/dep/depbusiness.html>

### Waste Reduction/Going the Extra Mile

- **DEP Environmental Stewardship** - <http://www.nj.gov/dep/enforcement/stewardship/>
- **EPA Waste Minimization** - <http://www.epa.gov/epaoswer/hazwaste/minimize/index.htm>
- **EPA Waste Wise Program** - Voluntary program established by the USEPA to promote waste reduction (source reduction), recycling and recycled product procurement: <http://www.epa.gov/wastewise/>
- **DEP Waste Wise Program** - <http://www.nj.gov/dep/dshw/recycling/brbn03.htm>
- **DEP Pollution Prevention** - Information on preventing pollution of hazardous substances, promoting multi-media environmental management, increasing public awareness and reducing the use of toxic substances. <http://www.nj.gov/dep/opppc/>

### Zero Waste Resources

- **GrassRoots Recycling Network** - <http://www.grn.org/zerowaste/>
- **Earth Resource Foundation** - <http://www.earthresource.org/zerowaste.html>
- **Zero Waste International Alliance** - <http://www.zwia.org/>
- **Zero Emissions Research & Initiatives** - <http://www.zeri.org/>
- **Zero Waste Communities Yahoo Group** - <http://groups.yahoo.com/group/ZeroWasteCommunities/>
- **Zero Waste Business Yahoo Group** - <http://finance.groups.yahoo.com/group/ZWBusiness/>
- **Eco-Cycle** - <http://www.ecocycle.org/zero/index.cfm>

**HAZARDOUS WASTE GENERATOR CATEGORIES & PAPER DOCUMENTATION**

*[Code of Federal Regulations (40 CFR) references in brackets in table below]*

REQUIREMENTS	CESQG Exempt Small Quantity Generator [261.5]	Conditionally SQG Small Quantity Generator	LQG Large Quantity Generator
1) Monthly Generation Limits	≤ 220 lbs haz. waste &/or ≤ 2.2 lbs acute haz. waste *	>220 lbs but <2200 lbs haz. waste & ≤2.2 lbs acute haz. waste * [262.34(d)]	≥2200 lbs haz. waste or >2.2 lbs acute haz. waste *
2) Accumulation Quantity Limits	≤ 2200 lbs haz. waste &/or ≤ 2.2 lbs acute haz waste onsite	≤13,200 lbs haz. waste & ≤2.2 lbs acute haz waste onsite [262.34(d)]	No limit
3) Accumulation Time Limits	Unlimited	180 days [262.34(d)], 270 days if receiving facility >200 miles [(e)], extensions granted? [(f)]	90 days [262.34(a)], extensions granted? [262.34(b)]
4) EPA ID Number Required	No - voluntary (See NJX program information)	Yes – Contact: Region II USEPA 212-637-4106 [262.12]	Yes - Contact: Region II USEPA 212-637-4106 [262.12]
5) Hazardous Waste Manifest Required	No - Voluntary (See NJX program information)	Yes - unless waste is reclaimed pursuant to 262.20(e)(1)	Yes [262.20]
6) Manifest Copy Retention	None - voluntary	3 years [262.40(a)]	3 years [262.40(a)]
7) Exception Reporting (failing to receive copy of manifest with TSDF operator signature)	None	None - but within 60 days generator must submit copy of manifest with note that signed TSDF copy is missing [262.42(b)]	1) generator must contact initial transporter or the TSDF operator within 35 days of shipping date [262.42(a)] 2) generator must submit written exception report within 45 days of shipping date to NJDEP [262.42(a)]
8) Land Disposal Restriction notification/certification accompanying shipments	None	Required for certain haz. wastes. Keep your copy for 3 years [268.7]	Required for certain haz. wastes. Keep your copy for 3 years [268.7]
9) Biennial Report	None	None [262.44]	Submitted on each even year to report on manifest activity for previous odd year [262.41]
10) Inspections	None	1) Weekly for haz. waste storage containers [265.174] 2) Daily/weekly for haz. waste storage tanks [265.201(c)]	1) Weekly for haz. waste storage containers [265.174] 2) Daily/bimonthly/yearly for haz. waste storage tanks (log required) [265.195]
11) Haz. Waste Training	None	Basic – waste handling familiarization & emergency procedures (no drills required) [262.34(d)(5)(iii)]	Full training (no drills required) [265.16]
12) Preparedness & Prevention	None	Familiarize fire, police, hospital & have emergency response contractor agreement (formal fire inspection not required) [265.30-37]	Familiarize fire, police, hospital & have emergency response contractor agreement (formal fire inspection not required) [265.30-37]
13) Contingency Plan	None	Basic plan - By the phone: Emer. Coord., name & #, fire dept. #, & locat. of fire ext. & alarm & spill equipment [262.34(d)(5)(ii)]	Complete plan [265.50-56]

Notes: (1) The table does not represent all requirements. See regs. In brackets and see NJAC 7:26G , particularly Subchapters 5 through 11 as published in N.J. Register 10/21/96. (2) 1 x 55-gal drum = 440 lbs (200 kg) at specific gravity of 1. (3) > = greater than, < = less than, ≥ = equal to or greater than, ≤ = equal to or less than. \* 220 lbs of residue or contaminated media from cleanup of an acute hazardous waste spill on or into the land or water.



## UNIVERSAL WASTE SUMMARY GUIDE

*Batteries, Pesticides, Thermostats, Lamps, Mercury-containing Devices, Oil-based finishes & Consumer Electronics*

Definitions: 40 CFR 273.9 & NJAC 7:26A-1.3

REQUIREMENTS	<u>Large Quantity Handler</u>	<u>Small Quantity Handler</u>	<u>UW Transporter</u>
1) Accumulation Limits	≥5,000 kilograms (11,000 lbs.) [40 CFR 273.9 & NJAC 7:26A-1.3 ]	<5,000 kilograms (11,000 lbs.) [40 CFR 273.9 & NJAC 7:26A-1.3]	N/A
2) Accumulation Time Limits (Must Document)	1 Year - longer if prove necessary. [40 CFR 273.35]	1 Year - longer if prove necessary. [40 CFR 273.15]	May store UW at transfer facility for ≤ 10 days; > 10 days becomes Handler. [40 CFR 273.53]
3) Written Notice to DEP	Yes, except if have EPA HW ID #. [40 CFR 273.32]	No	No
4) EPA HW ID # Required	Yes - Region II USEPA (212-637-4106)	No	No
5) Annual Report to DEP March 1	Yes, report the types & amounts of UW received, stored and shipped in preceding calendar year. [NJAC 7:26A-7.5(e)]	No	No
6) Waste Management	Must manage UW in a way that prevents releases to the environment. [See specifics for different UW types at 40 CFR 273.33 & NJAC 7:26A-7.5]	Must manage UW in a way that prevents releases to the environment. [See specifics for different UW types at 40 CFR 273.13 & NJAC 7:26A-7.4]	Must comply with 49 CFR 171-180 if USDOT hazardous material as defined in 49 CFR 171.8 [40 CFR 273.52]
7) Prohibitions	No disposal, dilution or treatment. [40 CFR 273.31]	No disposal, dilution or treatment. [40 CFR 273.11]	No disposal, dilution or treatment. [40 CFR 273.51]
8) Labeling/markings	“Universal Waste” & specific UW [40 CFR 273.34, NJAC 7:26A-7.7]	“Universal Waste” & specific UW [40 CFR 273.14, NJAC 7:26A-7.7]	None specific for UW but must comply with 49 CFR 171-180 if USDOT haz material as defined in 49 CFR 171.8
9) UW Employee Training	Must insure all employees thoroughly familiar with proper UW handling & emergency procedures. [40 CFR 273.16]	Must inform all employees who handle UW on proper handling & emergency procedures. [40 CFR 273.36]	No
10) Response to Releases	Immediately contain & determine if HW. [40 CFR 273.37]	Immediately contain & determine if HW. [40 CFR 273.17]	Immediately contain & determine if HW. [40 CFR 273.54]
11) Off-Site Shipments	Only to other handler, destination facility or export. Notify DEP if receive HW. [40 CFR 273.38] (See e & f for rejection of shipments)	Only to other handler, destination facility or export. Notify DEP if receive HW. [40 CFR 273.18] (See e & f for rejection of shipments)	Only to other handler, destination facility or export. [40 CFR 273.55]
12) Shipping Papers	Shipping Papers copy for hazardous materials retained 2 yr. [49 CFR 172.201(e)] If not DOT haz. material, still need some type of shipping document identifying material shipped, quantity, origin, and destination.	Shipping Papers copy for haz. mat. retained 2 yr. [49 CFR 172.201(e)] If not DOT haz. material still need some type of shipping document identifying material shipped, quantity, origin, and destination.	Comply with 49 CFR 171-180 if USDOT hazardous material. If not DOT haz. material still need some type of shipping doc. identifying material shipped quantity, origin, and destination.
13) Tracking Shipments (Records)	Must keep record of UW shipments received or shipped off-site for 3 years. Include names, addresses, and quantity, of each type & dates. [40 CFR 273.39]	None – voluntary	None
14) Exports	Other than OECD countries must comply as primary exporter & with consent of receiving country (60-day notice). [40 CFR 273.40]	Other than OECD countries must comply as primary exporter & consent of receiving country (60-day notice). [40 CFR 273.20]	Other than OECD countries must not accept shipment without EPA Acknowledgment of Consent (60-day notice). [40 CFR 273.56]

### NOTES:

1. This UW Summary Guide does not represent all applicable requirements. [See 40 CFR 273 & NJAC 7:26A]
2. UW Handler – Generates or accumulates or receives UW from other Handlers or sends to other Handlers or destination facility.
3. Destination facility - treats, disposes, or recycles UW.
4. Household & CESQG HW is exempt from UW rules. Homeowners & perhaps CESQG can take UW to local HW collection days.
5. UW not counted in determining CESQG, SQG or LQG status.
6. UW Handlers are not required to have storage area inspections, contingency plans or use hazardous waste manifests.
7. OECD countries – Member of Organization for Economic Cooperation and Development.
8. If UW also a USDOT hazardous material as defined in 49 CFR 171.8 must comply with 49 CFR 171-180.
9. 100 std. 4-ft. fluorescent light bulbs weigh approx. 75 lbs. Crushed bulbs may need testing for TCLP to determine if HW.
10. More UW Info: [www.state.nj.us/dep/enforcement/hw-universal](http://www.state.nj.us/dep/enforcement/hw-universal)

03/25/10 JM

# **SUMMARY OF SMALL QUANTITY GENERATOR (SQG) HAZARDOUS WASTE REGULATIONS**

## **General Standards**

- 262.11 Must determine if “solid waste” is hazardous
- 262.12(a) Must have EPA Identification Number before treating, storing, transporting, offering for transportation, or disposing of hazardous waste
- 262.12(c) May only offer hazardous waste to a hazardous waste transporter or TSD facility that has received an EPA Identification Number

## **Container (<180-Day) Accumulation Areas**

- 262.34(a)2 Containers must be marked clearly with the accumulation start date and be visible for inspection
- 262.34(a)3 Containers must be marked clearly with the words “Hazardous Waste”
- 262.34(d) Wastes must not be accumulated over 180 days (if shipping less than 200 miles)
- 262.34(e) Wastes must not be accumulated over 270 days (if shipping over 200 miles)
- 265.171 Container must be in good condition or transfer contents to a new container
- 265.172 Containers must be compatible with waste
- 265.173 Containers must be kept closed and managed properly to prevent a rupture or leak
- 265.174 Container accumulation area must be inspected weekly
- 265.176 Containers of ignitable and reactive wastes must be located at least 50 feet from the facility’s property line
- 265.177 Incompatible hazardous wastes must be segregated

## **Satellite Accumulation Areas**

- 262.34(c)1 Quantity of waste must not exceed 55 gallons or 1 quart of acutely hazardous waste
- 262.34(c)1 Accumulation area must be at or near the point of generation and under the control of the operator

- 262.34(c)1ii Containers must be marked clearly with the words “Hazardous Waste” or with other words that identify the contents of the container
- 262.34(c)2 If the quantity of waste exceeds 55 gallons or 1 quart of acutely hazardous waste the container(s) must be marked with an accumulation start date and be moved from the satellite area to an accumulation area within 3 days
- 265.171 Containers must be in good condition or transfer contents to a new container
- 265.172 Containers must be compatible with waste
- 265.173 Containers must be kept closed and managed properly to prevent a rupture or leak

### **Pre-Transport Requirements**

- 262.30 Containers must meet DOT regulations under 49 CFR 173, 178, 179 for packaging before transport
- 262.31 Containers must meet DOT regulations under 49 CFR 172 for labeling before transport
- 262.32(a) Containers must meet DOT regulations under 49 CFR 172 for markings before transport
- 262.32(b) Containers of 119 gallons or less must meet DOT regulations under 49 CFR 172.304 before transport, which includes, in part, marking containers with generator’s name and address and manifest number
- 262.33 Placard or offer the initial transporter the appropriate placards according to DOT regulations (49 CFR 172, Subpart F)

### **Emergency Procedures**

- 262.34(d)5i Emergency Coordinator must be on site or on call
- 262.34(d)5iiA Name and telephone number of the emergency coordinator must be posted near the telephone
- 262.34(d)5iiB Location of fire extinguishers, spill control material, and fire alarm must be posted near the telephone
- 262.34(d)5iiC Telephone number of the fire department, unless there is a direct alarm, must be posted near the telephone

262.34(d)5iii Generator must ensure that employees are trained to handle hazardous waste and emergencies

262.34(d)5iv The facility must properly respond to and report an emergency

### **Preparedness and Prevention**

265.31 Maintain and operate facility to minimize the possibility of a fire, explosion, or discharge

265.32 Facility must be equipped with emergency equipment; communications or alarm system, a telephone or device to summon emergency assistance, portable emergency equipment, and adequate water supply

265.33 Facility must test and maintain emergency equipment

265.34 Maintain access to communication or alarm system wherever hazardous waste is being handled

265.35 Maintain sufficient aisle space for the unobstructed movement of personnel or equipment in and emergency

265.37 Make required arrangements or agreements with police, fire departments, and emergency response contractors, equipment suppliers, or local hospitals, or to document any such authority's refusal of such arrangements. Agreements required should designate primary emergency authority to a specific police and fire department where more than one police and fire department are involved. Arrangements required familiarizing local hospitals with the properties of hazardous waste handled at the facility and the types of injuries resulting from fires, explosions, or discharges at the facility

### **Manifest Requirements**

262.20(a)1 Prepare a manifest before transporting, or offering for transport, hazardous waste for offsite treatment, storage, or disposal or a treatment, storage and disposal facility who offers for transport a rejected hazardous waste load

262.20(a)1 Manifest must be properly completed

262.20(b) Designate on the manifest one facility that is permitted to handle the waste described on the manifest

262.20(d) If the transporter is unable to deliver the hazardous waste to the designated facility or alternate facility, (or waste is rejected by the designated or alternate facility), designate another facility or instruct the transporter to return the waste

- 262.21(g)1 Only EPA approved manifest forms may be used
- 262.21(g)2 Determine if the generator or consignment state regulates additional wastes or requires generator to submit copies of the manifest
- 262.23(a)1 Sign the manifest certification by hand
- 262.23(a)2 Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest
- 262.23(a)3 Retain one copy of the manifest signed by the generator and the initial transporter, in accordance with 262.40
- 262.23(b) Give transporter the remaining copies of the manifest
- 262.23(c) For shipments of hazardous waste within the United States solely by water, send 3 copies of the manifest dated and signed in accordance with this 262.23 to the designated facility or the last water transporter to handle the waste in the United States
- 262.23(d) For rail shipments of hazardous waste within the United States which originate at the site of generation, send at least 3 copies of the manifest dated and signed in accordance with 262.23 to the next non-rail transporter, designated facility, or last rail transporter in the United States
- 262.27 Generator who initiates a shipment of hazardous waste must certify to one of the statements in Item 15 of the uniform hazardous waste manifest
- 262.34(m) Sign the manifest upon receipt of a returned shipment of hazardous

### **Recordkeeping and Reporting Requirements**

- 262.40(a) Retain a copy of each manifest signed in accordance with 262.23(a) for 3 years
- 262.40(b) Retain a copy of hazardous waste report or exception report for 3 years
- 262.40(c) Keep records of any test results, waste analyses, or other determinations made in accordance with 262.11 for at least 3 years
- 262.40(d) Periods of retention referred to in this section (262.40) are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Commissioner of the NJDEP or his or her designee
- 262.42(b) Must comply with exception reporting requirements

# **SUMMARY OF LARGE QUANTITY GENERATOR (LQG) HAZARDOUS WASTE REGULATIONS**

## **General Standards**

- 262.11 Must determine if “solid waste” is hazardous
- 262.12(a) Must have EPA Identification Number before treating, storing, transporting, offering for transportation, or disposing of hazardous waste
- 262.12(c) May only offer hazardous waste to a hazardous waste transporter or TSD facility that has received an EPA Identification Number

## **Container (<90-Day) Accumulation Areas**

- 262.34(a) Waste must not be accumulated over 90 days
- 262.34(a)2 Containers must be marked clearly with the accumulation start date and be visible for inspection
- 262.34(a)3 Containers must be marked clearly with the words "Hazardous Waste"
- 265.171 Containers must be in good condition or transfer contents to a new container
- 265.172 Containers must be compatible with waste
- 265.173 Containers must be kept closed and managed properly to prevent a rupture or leak
- 265.174 Container storage area must be inspected weekly
- 265.176 Containers of ignitable and reactive wastes must be located at least 50 feet from the facility's property line
- 265.177 Incompatible hazardous wastes must be segregated

## **Satellite Accumulation Areas**

- 262.34(c)1 Quantity of waste must not exceed 55 gallons or 1 quart of acutely hazardous waste
- 262.34(c)1 Accumulation area must be at or near the point of generation and under the control of the operator

- 262.34(c)1ii Containers must be marked clearly with the words “Hazardous Waste” or with other words that identify the contents of the container
- 262.34(c)2 If the quantity of waste exceeds 55 gallons or 1 quart of acutely hazardous waste the container(s) must be marked with an accumulation start date and be moved from the satellite area to an accumulation area within 3 days
- 265.171 Containers must be in good condition or transfer contents to a new container
- 265.172 Containers must be compatible with waste
- 265.173 Containers must be kept closed and managed properly to prevent a rupture or leak

### **Pre-Transport Requirements**

- 262.30 Containers must meet DOT regulations under 49 CFR 173, 178, 179 for packaging before transport
- 262.31 Containers must meet DOT regulations under 49 CFR 172 for labeling before transport
- 262.32(a) Containers must meet DOT regulations under 49 CFR 172 for markings before transport
- 262.32(b) Containers of 119 gallons or less must meet DOT regulations under 49 CFR 172.304 before transport, which includes, in part, marking containers with generator’s name and address and manifest number
- 262.33 Placard or offer the initial transporter the appropriate placards according to DOT regulations (49 CFR 172, Subpart F)

### **Personnel Training**

- 265.16(a)1 Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility’s compliance with the requirements of 265.16
- 265.16(a)2 Training program must be directed by a person trained in hazardous waste management procedures
- 265.16(a)3 Training program must be designed to ensure that facility personnel are able to respond effectively to emergencies

- 265.16(b) Personnel have to successfully complete training within 6 months of the date of their employment or assignment to a new position at the facility
- 265.16(b) Personnel shall not work unsupervised before training program is completed
- 265.16(c) Personnel must take part in an annual review of training
- 265.16(d) Facility must maintain training records at the facility
- 265.16(e) Training records must be kept on current personnel until closure of facility

### **Preparedness and Prevention**

- 265.31 Maintain and operate facility to minimize the possibility of a fire, explosion, or discharge
- 265.32 Facility must be equipped with emergency equipment; communications or alarm system, a telephone or device to summon emergency assistance, portable emergency equipment, and adequate water supply
- 265.33 Facility must test and maintain emergency equipment
- 265.34 Maintain access to communication or alarm system wherever hazardous waste is being handled
- 265.35 Maintain sufficient aisle space for the unobstructed movement of personnel or equipment in and emergency
- 265.37 Make required arrangements or agreements with police, fire departments, and emergency response contractors, equipment suppliers, or local hospitals, or to document any such authority's refusal of such arrangements. Agreements required designating primary emergency authority to a specific police and fire department where more than one police and fire department are involved. Arrangements required familiarizing local hospitals with the properties of hazardous waste handled at the facility and the types of injuries resulting from fires, explosions, or discharges at the facility

### **Contingency Plan and Emergency Procedures**

- 265.51(a) Written contingency plan required for facility
- 265.51(b) Implement the plan in an emergency



- 265.52(a) Plan must describe the response action facility personnel and local authorities shall take
- 265.52(b) If the generator has a DPCC or SPCC Plan, it must be amended to incorporate hazardous waste management
- 265.52(c) Plan must describe arrangements agreed to by local authorities
- 265.52(d) Plan must list names, addresses, and phone numbers (office and home) of the facility's emergency coordinator(s)
- 265.52(e) Plan must include a list location and capabilities of all emergency equipment
- 265.52(f) Plan must describe evacuation procedures, evacuation signal(s) and routes
- 265.53 Maintain a copy of the plan at the facility with a copy sent to local police or fire departments, hospitals, or State and local emergency response teams
- 265.54 Review or amend the plan as necessary
- 265.55 Emergency coordinator must be thoroughly familiar with the plan and available at all times

### **Discharges of Hazardous Materials/Waste**

N.J.S.A.58:10-23.11(e) Facility must report a discharge to the DEP hotline

### **Manifest Requirements**

- 262.20(a)1 Prepare a manifest before transporting, or offering for transport, hazardous waste for offsite treatment, storage, or disposal or a treatment, storage and disposal facility who offers for transport a rejected hazardous waste load
- 262.20(a)1 Manifest must be properly completed
- 262.20(b) Designate on the manifest one facility that is permitted to handle the waste described on the manifest
- 262.20(d) If the transporter is unable to deliver the hazardous waste to the designated facility or alternate facility, (or waste is rejected by the designated or alternate facility), designate another facility or instruct the transporter to return the waste
- 262.21(g)1 Only EPA approved manifest forms may be used

- 262.21(g)2 Determine if the generator or consignment state regulates additional wastes or requires generator to submit copies of the manifest
- 262.23(a)1 Sign the manifest certification by hand
- 262.23(a)2 Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest
- 262.23(a)3 Retain one copy of the manifest signed by the generator and the initial transporter, in accordance with 262.40
- 262.23(b) Give transporter the remaining copies of the manifest
- 262.23(c) For shipments of hazardous waste within the United States solely by water, send 3 copies of the manifest dated and signed in accordance with this 262.23 to the designated facility or the last water transporter to handle the waste in the United States
- 262.23(d) For rail shipments of hazardous waste within the United States which originate at the site of generation, send at least 3 copies of the manifest dated and signed in accordance with 262.23 to the next non-rail transporter, designated facility, or last rail transporter in the United States
- 262.34(m) Sign the manifest upon receipt of a returned shipment of hazardous

### **Recordkeeping and Reporting Requirements**

- 262.40(a) Retain a copy of each manifest signed in accordance with 262.23(a) for 3 years
- 262.40(b) Retain a copy of hazardous waste report or exception report for 3 years
- 262.40(c) Keep records of any test results, waste analyses, or other determinations made in accordance with 262.11 for at least 3 years
- 262.40(d) Periods of retention referred to in this section (262.40) are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Commissioner of the NJDEP or his or her designee
- 262.41(a) Prepare and submit a single copy of a hazardous waste report of manifest activities to the Department by March 1

262.41(b) Submit a Hazardous Waste Report in accordance with the provisions of 40 CFR Parts 270, 264, 265, and 266 for any hazardous waste the generator treats, stores, or disposes of on site

262.42(a) Must comply with exception reporting requirements



**New Jersey Department of Environmental Protection  
County Environmental and Waste Enforcement  
Bureau of Hazardous Waste Compliance and Enforcement**

**Revised Position on Satellite Accumulation**

Effective Date: September 1, 2008

Approval: Michael R. Hastry, Chief  
Bureau of Hazardous Waste  
Compliance and Enforcement

NJ Application Rule [citations]: **N.J.A.C. 7:26G-6.1 specifically 40 C.F.R 262.34(c) - Accumulation Time...(Commonly known as Satellite Accumulation)**

**N.J.A.C. 7:26G-9.1 specifically 40 C.F.R 265.170 - Use and Management of Containers**

As both USEPA and NJDEP jointly administer the RCRA Enforcement Program in New Jersey, it is imperative for both these agencies, and the regulated community, to maintain consistent regulatory interpretations.

The satellite accumulation provision allows generators to accumulate, in specific areas, up to 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) in containers, with fewer requirements than normally required for central accumulation areas. These containers must be maintained in accordance with the applicable regulatory provisions, at or near the point of generation, and under the control of the operator of the process generating the waste. The concept behind satellite accumulation is that it allows reduced regulatory requirements for wastes routinely accumulated in containers off process lines, by limiting the amount of waste allowed to accumulate in the satellite areas and requiring that the area be under the direct control of the process operator.

Applicability:

The legitimacy of satellite accumulation area determinations shall be made on a case by case basis. NJDEP shall follow USEPA guidelines (attached) along with the following clarifications:

- A satellite accumulation area shall be limited to compatible waste streams. [Definition of a "waste stream": a material generated as a result of a distinct and limited process, procedure or activity.] As per the attached answer to Question

18, because EPA did not anticipate that generators would accumulate multiple hazardous wastes/containers in an SAA, a cross-reference to the requirements for the safe storage of incompatible wastes was not included as part of the container management standards for SAAs. Nevertheless, good management practices clearly dictate that incompatible wastes should be stored separately. Furthermore, in the event that any wastes, including incompatible wastes, are stored in such a way that they may pose an imminent and substantial threat to health or the environment, NJDEP and/or EPA can take enforcement action to eliminate the threat.

- As of the date of this Revised Position Paper, NJDEP no longer condones the use of a conveyance container (i.e. a laboratory safety can) to move or convey waste from an initial generation point (i.e. work station) to another satellite accumulation container. In order to maintain consistency with USEPA and avoid confusion, the conveyance container itself is considered a satellite accumulation container and has to be managed in accordance with N.J.A.C. 7:26G-6.1 specifically 40 C.F.R. 262.34(c).
- With regard to laboratory wastes, small containers (e.g., vials or tubes) which are too small to be labeled individually, can be placed in properly labeled larger containers, which would have the added benefit of secondary containment should the small containers break.
- Containers, such as beakers, flasks or other laboratory glassware including four-liter bottles, that are connected to laboratory apparatus or a piece of equipment, are not considered part of the process and are therefore subject to accumulation rules and regulations.
- A generator may accumulate waste in a satellite accumulation area exclusively, without having less than 90-day accumulation area or on-site authorized facility, provided each container is shipped off site within three days from the date "excess accumulation" begins.

***This Revised Position Paper supercedes NJDEP'S July 22 1998, 'Position Paper on Satellite Accumulation'.***

*This position paper is intended for use as guidance to the regulated community in understanding and complying with the satellite accumulation requirements. Determinations regarding a site's compliance with the satellite requirements are best made upon an inspector's best professional judgement after reviewing site specific information such as processes employed, waste handling procedures, type of waste, location and employee training.*

***If you have any questions concerning New Jersey's position on this subject, please contact your regional hazardous waste enforcement field office.***

## **Summary of generator satellite accumulation areas (SAA) regulations**

The satellite accumulation provisions allow generators to accumulate up to 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) in containers that are at or near any point of generation, and under the control of the operator, with fewer requirements than for central accumulation areas, provided the generator complies with the requirements of 262.34(c).

- Both LQGs and SQGs may establish satellite accumulation areas (SAA).
- Generators must label satellite containers of hazardous waste with the words “Hazardous Waste” or with other words that identify the contents of the containers.
- Generators must comply with 265.171 ‘Condition of containers’ requirements for satellite accumulation areas.
- Generators must comply with 265.172 ‘Compatibility of waste’ requirements for satellite accumulation areas.
- Generators must comply with 265.173 (a) and keep satellite accumulation containers closed, except when adding/removing wastes.
- Waste in excess of 55 gallons or 1 quart of acute hazardous waste must be removed within three days or the generator is required to comply with the 90-day area or 180-day area regulations, as appropriate.
- When a generator exceeds 55 gallons or 1-quart acute hazardous waste, the container must be marked with the date on which the 55 gallons (or 1 quart of acute hazardous waste) is exceeded.
- The generator must date container again when it is moved to central accumulation area.
- Three days means three consecutive days.
- There is no federal requirement that full containers of hazardous waste be removed from an SAA within three days of being filled.
- Generators may transfer hazardous waste between containers to facilitate storage, transportation, or treatment.
- Containers in SAAs do not have to comply with the air emission standards of Part 265 Subparts AA, BB, and CC.
- Inspections of SAAs are not required if SAA meets 262.34(c) requirements.
- Personnel working in SAAs not required to have training.
- It is permissible to have more than one waste in an SAA and more than one container of hazardous waste in an SAA.
- The regulations do not limit the total number of SAAs at a generator facility.
- Generators may not move hazardous wastes between SAAs.
- A single SAA may have multiple points of generation.
- Generators must include all hazardous waste in their SAAs in monthly quantities for determining their generator status.
- Containers attached to equipment discharging hazardous waste must comply with SAA regulations and is a point of generation.

- Small containers (vials or tubes) may be placed in properly labeled larger containers.

### **Frequently Asked Questions/Clarifications about Satellite Accumulation Areas**

1. Clarification: Provides clarification of the phrases "at or near point of generation" and "under control of operator. . ." for wastes that are generated at many individual locations and accumulated in satellite areas:

For like wastes generated from many individual locations EPA interprets the "at or near the point of generation..." language to include a specific satellite area designated by the generator that facilitates the accumulation of this material prior to moving it to a designated hazardous waste storage area. A generator should be able to define the locations of waste generation being served by a satellite accumulation area (within a generator facility or part of a facility). This is to ensure that a determination can be made as to when the 55-gallon limit has been reached for a particular satellite area. The condition that wastes accumulated under the satellite provision "be under the control of the operator of the process generating the waste" is met provided the generator demonstrates that the personnel responsible for generating and/or accumulating the waste have adequate control over the temporary storage of these wastes. The EPA recognizes that for many wastes, the person who first generates the waste may not be the same person responsible for the accumulation of all of these wastes; rather, another worker may have the responsibility of overseeing the temporary storage of wastes. It should be emphasized that the satellite accumulation provision was intended to accommodate situations where relatively small amounts of hazardous waste are unavoidably accumulated throughout a facility prior to placing them in designated hazardous waste storage areas; the goal is that this temporary accumulation is performed responsibly and safely, with adequate oversight and control. The applicability of the satellite accumulation provision will always depend upon a generator's particular set of circumstances, which are site-specific; therefore, any questions regarding specific wastes at specific facilities are best answered by the agency implementing the RCRA program for that particular facility.

2. Question: Can small quantity generators establish SAAs according to 262.34(c) for their hazardous waste?

**Answer:** Yes. Both LQGs and SQGs may take advantage of the reduced requirements while hazardous waste is in SAAs, provided it is managed in accordance with all the provisions of 40 CFR 262.34(c).1 If an SQG or LQG accumulates more than 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) at an SAA, the excess must be removed within three days. If after that period, the excess is not removed, LQGs must comply with 262.34(a) and SQGs must comply with 262.34(d), with respect to the excess amounts.

3. Question: If a generator accumulates more than 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) at an SAA, when should the generator date the

container(s)? When 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) is exceeded, or when the container is moved to the central accumulation area?

**Answer:** When 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) is exceeded in an SAA, the generator needs to date the container, so that the generator can move the excess to the 90-day or 180-day area within three days (262.34(c)(2)). Then when 3 days have passed, or when the container is moved to the central accumulation area, the generator needs to date the container again, so that it can be moved off-site within 90 or 180 days (262.34(a)(2) and 262.34(d)(4), respectively. (Of course, the container does not need to be dated after it is removed from the SAA if the excess waste is moved directly to a permitted or interim status unit.) This means that an LQG has up to 93 days and a SQG has up to 183 days for on-site accumulation time once 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) has been exceeded at the SAA - up to three days in the SAA, followed by up to 90 or 180 days in the central accumulation area.

4. **Question:** When a generator accumulates more than 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) at an SAA, the excess of 55 gallons (or the excess of 1 quart of acute hazardous waste) needs to be removed from the SAA within three days. What is meant by “three days”?

**Answer:** Three days means three consecutive days. It does not mean three working days or three business days. Originally, the Agency had proposed to use 72 hours as the time limit but realized that determining when 72 hours had elapsed would have required placing both the date and time of day on containers. In the final rule the Agency switched to using three days so that generators only need to date containers that hold the excess of 55 gallons of hazardous waste (or 1 quart of acute hazardous waste).

5. **Clarification:** The generator is allowed up to three days for waste transfer from a satellite accumulation area, or up to a 93 day accumulation time period for wastes in excess of the 55 gallon limit. The 90-day clock begins as soon as the waste is transferred to the generator’s 90-day accumulation area.

The owner/operator has up to a 93-day accumulation time for the excess waste generated at the satellite accumulation area (90-day clock in section 262.34(a), plus up to three days for waste transfer). The March 24, 1986 Federal Register, which clarifies small quantity generator provisions, states "...as soon as the 55-gallon limit has been exceeded in any satellite area, any excess waste is subject to all applicable RCRA requirements within three days. This means that the 180/270 day on site accumulation provision for 100-1000 kg/mo. generators applies to any excess waste three days after the 55-gallon limit has been exceeded." (51 FR 10162). If the generator chose to remove the waste from the satellite area before the three-day transfer provision expired, he would subject the waste to the 90-day clock provisions. For example, if the above operator chose to move his excess waste from



the satellite area after just one day, the 90-day accumulation time in Section 262.34 would begin as the waste entered the 90-day accumulation area, not after three days. The generator has chosen not to utilize the other two days that were available for transfer.

6. **Clarification:** The generator has three days after exceeding the 55 gallon satellite accumulation limit to comply with section 262.34(a); 90 day accumulation time period begins as soon as the three day period has expired (SEE ALSO: RPC# 10/1/90-01).

The satellite accumulation provision in §262.34(c) allows the generator three days after the 55-gallon accumulation limit is exceeded to transport the excess waste to the §262.34(a) storage area. Section 262.34(c) states that a generator who accumulates waste in excess of the accumulation limits "must, with respect to the amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter." Section 262.34(a) states that "a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that the requirements of §262.34 (a)(1)-(4) are met." Thus, within three days of accumulating over 55 gallons, the generator is required to comply with all applicable RCRA requirements with regard to that excess, including §262.34(a). The 90-day storage period begins as soon as the three-day period has expired when the excess amount becomes subject to the §262.34(a) requirements.

RO 12503

9453.1985(06)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY  
DECEMBER 85

7. **Clarification:** A generator has three days after the 55-gallon limit is exceeded to transfer excess waste from a satellite accumulation area. Excess waste is subject to Section 262.34(a) after three days. Contact the state agency for instances when quantities in excess of 110 gallons are generated. Federal interpretation is not binding in authorized states.

A generator who accumulates either hazardous waste or acutely hazardous waste listed in 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter. During the three-day period the generator must continue to comply with paragraphs (c)(1)(i) through (ii) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating. According to these provisions, the generator has 3 days after the 55-gallon limit has been exceeded to transfer the excess waste from the satellite area.

As to whether waste above the 55 gallon limit may be accumulated in the 3 day interim period and remain subject to the accumulation area provisions, it is necessary to refer to the preamble language of December 20, 1984, which considers the potential hazards of accumulating hazardous waste in these sites. In the December 20, 1984 Federal Register notice, the Agency states that "...the accumulation at satellite areas of up to 55 gallons of non-acutely hazardous waste is reasonable and safe and does not pose a threat to human health and the environment" (49 FR 49569, Dec. 20, 1984). However, in the discussion that followed, the Agency questioned the safety of the accumulation of non-acutely hazardous waste in amounts above the 55-gallon limit. "Because the weight of evidence suggests limited use by the regulated community of containers larger than 55 gallons and because spills of 110 gallons of non-acutely hazardous waste would pose a higher environmental threat, EPA does not believe that the satellite accumulation level should be higher than 55 gallons." The preamble language above illustrates the Agency's view that waste accumulation in satellite accumulation areas should not be excessive. Although it is clear that the Agency did not intend for amounts as large as 110 gallons to be accumulated on a routine basis, it is not specific about whether small amounts of non-acutely hazardous waste exceeding the 55-gallon limit may be accumulated routinely. The Agency understands that due to the nature of the production process, there may be special cases in which small quantities of wastes above the 55-gallon limit may need to be accumulated for brief periods in one accumulation area. Thus, we interpret that the satellite accumulation provisions of 40 CFR 262.34(c)(1) permit the generator to continue to accumulate nominal quantities of a non acutely hazardous waste in excess of the 55 gallon limit as long as the additional wastes accumulated during the 3-days are managed in accordance with section 262.34(c)(1). Any excess waste must be managed (including transferring that excess waste to the generator's 90-day accumulation area) in accordance with section 262.34(a) within three days. The Agency does not expect that any accumulation over the 55 gallon limit will be excessive and believes that most facilities should be aware of the process waste generation rate and should be able to arrange for the removal of any excess accumulation within the 3-day time frame, thereby avoiding excessive accumulation of waste over the 55 gallon limit. The Agency also understands that there may be one-time circumstances during which quantities in excess of 110 gallons are generated. In such cases, the Agency recommends that you contact your state waste management office for further guidance on how such occurrences should be handled. Also, because states may have regulations and interpretations that are more stringent than the federal regulations, the Agency strongly recommends that you check with your state waste management office (or Regional office in unauthorized states) for questions specific to the amount of waste allowed above the 55 gallon limit in the particular states where your clients operate. This interpretation is not binding on authorized states.

RO 14029

PPC 9451.1996(04)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

May 1, 1996

8. **Question:** If an SAA has a full 4-gallon container of hazardous waste, does the generator have to remove the container from the SAA within three days of being filled?

**Answer:** No. There is no federal requirement that full containers of hazardous waste be removed from an SAA within three days of being filled. Only the excess of 55 gallons of hazardous waste (or the excess of 1 quart of acutely hazardous waste) must be removed within three days.

9. **Question:** The container management standards of 265.173(a) state, "A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste." Does this mean that hazardous wastes have to be managed and/or disposed in the containers in which they were originally accumulated?

**Answer:** No. Generators may transfer hazardous waste between containers to facilitate storage, transportation, or treatment. For example, a generator may wish to consolidate several partially full containers of the same hazardous waste from an SAA into one container before transferring it to a central accumulation area. Generators also may transfer hazardous waste between containers in central accumulation areas. However, the 90-day or 180-day "clock" for accumulation does not restart if the hazardous waste is transferred to another container.

10. **Clarification:** Portable roll-off boxes meet the 260.10 definition of container and may be used for satellite accumulation as long as quantity limits, time limits, and other conditions of 262.34(c) are met. Any device meeting the definition of a container may be used for satellite accumulation.

If the roll-off boxes meet the definition of container found in Section 260.10 and are managed in accordance with the applicable container requirements of Sections 265.171, 265.172, and 265.173(a), they may be utilized in satellite accumulation. Section 260.10 defines "container" as "any portable device in which a material is stored, transported, treated, disposed of or otherwise handled." A roll-off box is a portable device. The container requirements include: (1) that the container be in good condition (i.e., not leaking), (2) that the container be of a material, or lined with a material, which is compatible with the waste, and, (3) that the container be closed during storage, except to add or remove waste. The other requirement under Section 262.34(c)(1) states that the container be marked with the words "Hazardous Waste" or other words that identify the contents. This is the extent of the physical requirements for satellite accumulation containers. Therefore, as long as the quantity limits and time limits for excess quantities are met, the roll-off box may be classified as a satellite accumulation container. However, for containers used in off-site shipment of hazardous waste, the Department of Transportation (DOT) packaging specifications for the hazard class must be met. DOT regulations

governing the transportation of hazardous materials are found in 49 CFR Parts 171 through 177.

RO 11442

9453.1989(07)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 13 1989

MEMORANDUM

11. **Clarification:** Placing a label with the words "Hazardous Waste" on the outside of a cabinet may satisfy the satellite accumulation area marking requirements provided the cabinet meets the definition of container. As a satellite accumulation area, the cabinet must be located at or near the point of generation, must be under control of the operator of the process where the wastes are initially generated, and must be maintained in accordance with the container standards. If the cabinet does not qualify as a satellite accumulation area, each individual container within the cabinet would need to be managed in accordance with the satellite accumulation area provisions.

#### Cabinets as Satellite Accumulation Areas

Placing a label with the words "Hazardous Waste" on the outside of the cabinet may satisfy the satellite accumulation area marking requirements provided the cabinet meets the definition of container. A container is a portable device in which material is stored, transported, treated, disposed of, or otherwise handled (§260.10). As a satellite accumulation area, the cabinet would have to be located at or near the point of generation and be under control of the operator of the process where the wastes are initially generated. In addition, the generator would have to maintain the cabinet in accordance with the container standards. These standards require that the cabinet be in good condition, be made of materials compatible with the waste that would be stored in it, and must always be closed during storage except when waste is being added or removed (§262.34(c)(1)(i)). If the cabinet does not meet the definition of container and cannot be managed according to the applicable container standards, each individual container within the cabinet would need to be labeled and managed in accordance with all other satellite accumulation area requirements.

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PB2001-103 672

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT

December 2001

12. **Question:** Do containers in SAAs have to comply with the air emission standards of Part 265 Subparts AA, BB, and CC?

**Answer:** No. Containers in SAAs are not required to comply with the air emission standards of Part 265 Subparts AA, BB, and CC. Likewise, SQGs are not required to comply with the air emission standards at their 180-day accumulation areas. LQGs, however, are required to comply with the RCRA air emission standards at

their 90-day accumulation areas. Therefore, when an LQG transfers waste from an SAA to a 90-day central accumulation area, the applicable portions of the air emission standards of Part 265 Subparts AA, BB, and CC must be met at the 90-day central accumulation area.

13. **Question:** Section 265.174 of Subpart I requires that containers be inspected at least weekly for leaks and deterioration caused by corrosion or other factors. Both LQGs and SQGs must inspect containers in their central accumulation areas. Are SQGs or LQGs required to inspect hazardous waste containers in SAAs?

**Answer:** No. Inspections of containers (whether weekly or some other frequency) in SAAs are not required, so long as the provisions of 262.34(c) are met. Section 265.174, which requires inspections, is not among the provisions listed in 262.34(c) for SAAs (see Table 1). However, the SAA regulations do require that waste containers in an SAA must be under the control of the operator of the process generating the waste, in good condition (265.171), compatible with its contents (265.172), and closed except when adding or removing waste (265.173), which should achieve the goal of inspections: containers that are free of leaks and deterioration .

14. **Clarification:** Large quantity generators (LQG) are not required to conduct a weekly inspection of containers in satellite accumulation areas so long as they comply with the provisions of 262.34(c). Authorized states may require weekly inspection of containers in satellite accumulation areas, as states may have more stringent requirements than the federal regulations.

#### Inspection of Satellite Accumulation Containers

A large quantity generator (LQG) that is accumulating hazardous waste on-site for 90 days or less in containers must comply with 40 CFR Part 265, Subpart I (§262.34(a)(1)(i)). Section 265.174 of Subpart I requires owners and operators to inspect containers weekly for leaks and deterioration caused by corrosion or other factors. Are LQGs required to inspect hazardous waste containers in satellite accumulation areas at or near the waste's point of generation in accordance with §262.34(c)? Hazardous waste containers used to accumulate hazardous waste at or near any point of generation ("satellite accumulation") and in compliance with §262.34(c) are not required to be inspected weekly. A generator accumulating hazardous waste in satellite accumulation areas must comply with §§265.171, 265.172, and 265.173(a) (§262.34(c)(1)(i)). These requirements include that a LQG ensure that the containers are in good condition, that the waste is compatible with the containers, and that the containers are kept closed except when necessary to add or remove waste. In addition, if the container begins to leak the generator must transfer the waste to a container that is in good condition. Section 265.174, regarding weekly inspection, is not a requirement for containers of hazardous waste in a satellite accumulation area. Therefore, LQGs are not required to conduct a weekly inspection of containers in satellite accumulation areas so long as they

comply with the provisions of §262.34(c). Authorized states may require weekly inspection of containers in satellite accumulation areas, as states may have more stringent requirements than the federal regulations.

RO 14418

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SUB-9224-99-012

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT

December 1999

15. **Question:** SQGs must conduct training in accordance with 262.34(d)(5)(iii) and LQGs must conduct training in accordance with 265.16. Do the RCRA regulations require training of personnel working in SAAs?

**Answer:** No. The RCRA regulations do not require training of personnel working in SAAs. Personnel that have access to or work in central accumulation areas, including those that move hazardous waste from a SAA to a central accumulation area, must be trained. As the ones actually generating hazardous waste, however, personnel working in SAAs need to be familiar enough with the chemicals with which they are working to know when they have generated a hazardous waste so that it will be managed in accordance with the RCRA regulations.

16. **Clarification:** Personnel moving waste from satellite accumulation areas to a 90-day (or 180-day) generator accumulation area must have appropriate training. An emergency coordinator must be accessible.

**Answer:** Generally, 40 CFR Part 262.34(d)(5)(iii) provides 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 operation and emergencies." Thus, if a person is handling hazardous waste, he or she should have had training in proper waste handling and emergency procedures appropriate to the types of waste handled, the management methods used, and the hazards presented by the waste type and waste management method. In addition "there must be at least one employee either on the premises or on call...with the responsibility for coordinating all emergency response measures..." (40 CFR 262.34(d)(5)(i)). This may apply when wastes are taken from a satellite accumulation area to a 90-day storage area and to persons who will be responsible for managing the waste (e.g., persons managing wastes in drums and tanks.)

17. **Clarification:** Contingency plans and personnel training not required for satellite accumulation areas.

EPA did address this issue when the satellite accumulation rule was promulgated in 1984 (49 FR 49570; December 20, 1984). EPA stated at that time, in response to several commenters, that "EPA believes that since only one waste will normally be accumulated at each satellite area, and since only limited quantities are allowed to accumulate, contingency and training plans are not necessary."

18. **Question:** The preamble to the final rule that added 262.34(c), states, “...only one waste will normally be accumulated at each satellite area.” Can there be more than one hazardous waste at an SAA? Can there be more than one container at an SAA?

**Answer:** Yes. It’s permissible to have more than one hazardous waste in an SAA. Likewise, it’s permissible to have more than one container of hazardous waste in an SAA. The regulations do not limit the number of hazardous wastes or the number of containers that can be placed in an SAA. The regulations limit only the total volume of hazardous waste at a single SAA to 55 gallons (or 1 quart of acute hazardous waste). If there are multiple containers of hazardous waste in an SAA, each container must be labeled in accordance with 262.34(c)(1)(ii). Because the Agency did not anticipate that generators would accumulate multiple hazardous wastes/containers in an SAA, a cross-reference to the requirements for the safe storage of incompatible wastes was not included as part of the container management standards for SAAs. Nevertheless, good management practices clearly dictate that incompatible wastes should be stored separately. Furthermore, in the event that any wastes, including incompatible wastes, are stored in such a way that they may pose an imminent and substantial threat to health or the environment, §7003 of RCRA allows the Agency to take enforcement action to eliminate the threat.

19. **Clarification:** A generator may accumulate up to 55 gallons of hazardous waste, or one quart of acutely hazardous waste, at a satellite accumulation area. EPA believes that only one waste would normally be accumulated at each area. There is no limit to the number of satellite areas at a generator site. A container in a satellite area does not have to be a specific size. There is no limit on the number of containers at a satellite area.

- a) A generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acutely hazardous waste, in containers at or near any point of generation where the waste initially accumulates and which is under the control of the operator of the process. EPA believes that only one waste would normally be accumulated at each satellite are, and that the exempted accumulation should be limited to 55 gallons. Although the total amount of hazardous waste that may be accumulated at any one satellite area is limited to 55 gallons, EPA intentionally did not limit the total number of satellite areas at a generator's facility nor specify the size of the containers to be used for accumulation (though we believe many facilities will use 55-gallon drums).
- b) The Federal regulations do not limit the number of containers that can be placed at a satellite accumulation area, rather, the regulations limit the total gallons accumulated to 55.

20. **Question:** Can a facility have multiple SAAs?

**Answer:** Yes. The regulations do not limit the total number of SAAs at a generator's facility. Likewise, the regulations do not limit the total amount of hazardous waste that can be accumulated at various SAAs across a facility. The regulations limit only the volume of hazardous waste that can be accumulated at a single SAA to 55 gallons (or 1 quart of acute hazardous waste). It's not possible in a memo for the Agency to delineate for all situations what constitutes a single SAA versus what constitutes separate SAAs. The regulations state that a generator may accumulate hazardous waste "in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste." For additional guidance about the Agency's intent, refer to the preamble to the final rule for SAAs, which states, "Certainly...a row of full 55 gallon drums spaced 5 feet apart along the factory wall," is not a row of distinct SAAs, but is one SAA.

21. **Clarification:** The 55-gallon limit applies to the total of all non-acutely hazardous waste in a satellite accumulation area. There is no limit on total number of satellite accumulation areas at a facility. There is no specific size of containers required for satellite accumulation.

The 55 gallon limit applies to the total of all the nonacutely hazardous waste accumulated at a satellite accumulation area. In the Federal Register notice of December 20, 1984 (49 FR 49568) EPA explicitly states that the 55 gallon limit on non-acutely hazardous waste applies to each satellite accumulation area. Although the total amount of hazardous waste that may be accumulated at any one satellite area is limited to 55 gallons, EPA intentionally did not limit the total number of satellite areas at a generator's facility nor specify the size of the containers to be used for accumulation. A case-by-case analysis is necessary to determine whether a generator is accumulating more than 55 gallons of waste at one satellite area, or whether a generator has more than one satellite area. An example of a situation that would not be in compliance with the regulations is given in the aforementioned Federal Register notice on page 49569, column 3. The appropriate State or EPA Regional office would make these case-by-case determinations.

22. **Question:** If a facility has multiple SAAs, can hazardous waste be moved from one SAA to another?

**Answer:** No. Generators may not move hazardous wastes between SAAs. Once a hazardous waste leaves an SAA, it must be destined for a central accumulation area that is regulated under 262.34(a) or (d) or for final treatment or disposal at a facility with a permit or interim status. However, a single SAA may have multiple points of generation. Movement or consolidation of hazardous waste within an SAA is permissible, as long as it remains "at or near" the "point of generation" and "under the control of the Operator of the process generating the waste." In addition, a generator may have more than one 90-day or 180-day central accumulation area,



and the regulations do not prohibit the movement of hazardous waste from one fully regulated central accumulation area to another, as long as the hazardous waste remains on-site. However, the 90-day or 180-day "clock" for accumulation does not restart if the hazardous waste is moved to another central accumulation area.

23. **Clarification:** Large quantity generators (LQG) and small quantity generators (SQG) with multiple satellite accumulation areas cannot move wastes between satellite accumulation areas. Waste that leaves a satellite accumulation area should be destined for an accumulation area, which is fully regulated under 262.34(a) or (d), or Parts 264 or 265.

An LQG or SQG cannot move wastes between satellite accumulation areas. Once a waste leaves a satellite accumulation area, the waste should be destined for an accumulation area, which is fully regulated under Sections 262.34(a) or (d), or Parts 264 or 265. The regulatory requirements for satellite accumulation areas are designed to provide the generator with a safe and efficient manner to accumulate limited amounts of hazardous waste at or near the point of generation, prior to moving the waste to a fully regulated storage area. This eliminates the need to frequently move smaller quantities of hazardous waste within the generator's facility (49 FR 49569; December 20, 1984). It was not EPA's intent to allow hazardous wastes to be moved from one satellite accumulation area to another. Furthermore, if waste is moved between satellite accumulation areas, this calls into question whether the waste is being stored in a satellite accumulation area "at or near the point of generation where wastes initially accumulate."

RO 14337

EPA530-R-99-005b

SUB-9224-99-002

RCRA/SUPERFUND HOTLINE MONTHLY REPORT

February 1999

24. **Question:** Do generators have to include the hazardous waste in SAAs in the monthly quantities for determining generator status (i.e., SQG or LQG)?

**Answer:** Yes. Generators must include all the hazardous waste in the various SAAs in their monthly quantities for determining generator status. Sections 261.5(c) and (d) identify hazardous wastes that do not have to be counted when determining generator status. Hazardous waste stored in SAAs is not on this list; therefore, hazardous waste in SAAs must be included in the generator's monthly quantity determination.

25. **Clarification:** Wastes in satellite accumulation area must be counted in generator's monthly waste quantity determination.

To determine their generator status, generators must count all hazardous waste generated at their facility in a calendar month. Wastes not included in the monthly determination are identified in Section 261.5(c). These are wastes either not subject

to regulation or subject to only the notification and reporting requirements in Sections 262.11, 262.12, 262.40(c) and 262.41. Wastes stored in the satellite accumulation area are subject to certain container standards (e.g., Sections 265.171, 265.172, and 265.173(a)). These regulations are not among those listed in 261.5(c). Therefore, wastes in the satellite accumulation must be included in the generator's monthly waste quantity determination.

RO 13312

9453.1989(03)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

AUGUST 89

26. **Clarification:** Wastes in satellite accumulation areas must be included in the generator's monthly waste quantity determination as well as other on-site quantity determinations.

The regulations at 40 CFR 261.5(c) state what is, and is not included when making quantity determinations. Hazardous waste that is not subject to regulation or that is subject only to §262.11, §262.12, §262.40(c) and §262.41 is not included in the quantity determinations of this part and parts 262 through 266, 268, and 270 and is not subject to any of the requirements of those parts. Hazardous waste that is subject to the requirements of §261.6(b) and (c) and subparts C,D, and F of part 266 is included in the quantity determination of this part and is subject to the requirements of parts 262 through 266 and 270. To determine generator status, generators must count all hazardous waste generated at their facility in a calendar month. Wastes not included in the monthly determination are either not subject to regulation or subject to only the notification and reporting requirements in 40 CFR section 262.22, 262.12, 262.40(c) and section 262.41 as cited above. Wastes stored in satellite accumulation areas are subject to certain container standards (e.g., sections 265.171, 265.172, and 265.173(a)). The container standards are not among those listed in RO 11812 section 261.5(c) as "not included in the quantity determination." Therefore, wastes in the satellite accumulation areas must be included in the generator's monthly waste quantity determination as well as other on-site quantity determinations. For further discussion of this and other generator requirements please see 51 FR 10151, March 24, 1986.

RO 11812

9451.1994(01)

United States Environmental Protection Agency

Washington, D.C. 20460

Office of Solid Waste and Emergency Response

February 10, 1994

27. **Question:** When a facility has equipment that discharges hazardous wastes to attached containers, do the containers that collect such wastes have to be in compliance with the SAA regulations?

**Answer:** Yes. Even if the discharging unit is not regulated under RCRA, the attached containers that collect hazardous wastes from such equipment must be in compliance with the SAA regulations, if those containers collect wastes that are listed or characteristic hazardous wastes. Waste containers in SAAs must be:

- in good condition (265.171)
- compatible with their contents (265.172)
- labeled with “words that identify the contents of the container” or the words “hazardous waste” (262.34(c)(1)(ii)).

In addition, the containers in SAAs must be closed, except when adding or removing hazardous waste (265.173(a)). Generators would not be required to keep such containers closed while hazardous waste is being added to the container; but generators would need to keep them closed when the hazardous waste is not being discharged to the attached container. The container(s) attached to such equipment is a point of generation. It is possible for there to be multiple pieces of equipment within one SAA, and thus multiple points of generation within a single SAA, provided all the pieces of equipment are “at or near” each other and “under the control of the operator of the process generating the waste.” Under this scenario, the total amount of hazardous waste in the SAA would be limited to 55 gallons (or 1 quart of acute hazardous waste) and a generator would be allowed to consolidate like hazardous wastes from multiple discharging units.

28. **Question:** If a facility has very small containers (e.g., vials or tubes) of hazardous waste that are too small to label with the words “hazardous waste” or “other words that identify the contents of the container,” how should the containers be labeled?

**Answer:** Generally, we would expect the small containers to be placed in properly labeled larger containers, which would have the added benefit of secondary containment should the small containers break. However, other approaches that would achieve the same result also would be acceptable.

### **Additional Information**

1. April 1990; RCRA/Superfund Hotline Monthly Report; RCRA Online #13365.
2. October 1990; RCRA/Superfund Hotline Monthly Report; RCRA Online #13410.
3. December 20, 1984; 49 FR 49568; Final Rule; Docket # RCRA-1984-0028.
4. November 1, 1993; Weddle to Ware; RCRA Online #11791.
5. February 1996; RCRA/Superfund Hotline Monthly Report; RCRA Online #13777.
6. December 1999; RCRA/Superfund Hotline Monthly Report; RCRA Online #14418
7. December 20, 1984; 49 FR 49570; Final Rule; Docket # RCRA-1984-0028.
8. December 20, 1984; 49 FR 49570; Final Rule; Docket # RCRA-1984-0028.
9. December 20, 1984; 49 FR 49569; Final Rule; Docket # RCRA-1984-0028.
10. February 1999; RCRA/Superfund Hotline Monthly Report; RCRA Online #14337.
11. February 10, 1994; Shapiro

## WEEKLY CONTAINER STORAGE AREA INSPECTION LOG

ITEM/WEEK	WEEK OF _____	WEEK OF _____	WEEK OF _____	WEEK OF _____	WEEK OF _____
Containers in good condition, not leaking?					
Containers closed when not in use?					
Containers properly marked?					
Container markings visible?					
Containers stored longer than allowed?					
Containers segregated by waste type?					
Ignitable or reactive waste stored >50' from property line?					
Adequate aisle space?					
Spill control, communication, safety, & fire equipment present?					
Name, date, and time of person performing inspection					
Corrective action taken (Use separate sheet as necessary)					



## **FINDING A WASTE FACILITY OR TRANSPORTER**

We have provided links to find lists of facilities that are authorized to accept various types of waste. These lists are for general information, and should not be considered a recommendation of any facility.

### **Hazardous Waste**

Hazardous Waste can only be shipped to a permitted Treatment, Storage and Disposal Facility (TSDF). To find a list of New Jersey TSDFs open:

<http://www.state.nj.us/dep/dshw/hwtf/anjhwhf.htm>

### **Class A Recyclable Materials**

These are source separated non-putrescible recyclable materials specifically excluded from Department approval prior to receipt, storage, processing or transfer at a recycling center. Class A Recyclable Materials currently include source separated non-putrescible metal, glass, paper, plastic containers, and corrugated and other cardboard. To find a list of Class A Recycling Centers open: <http://www.state.nj.us/dep/dshw/recycling/classa.pdf>

### **Class B Recyclable Materials**

These are source separated recyclable materials, which are subject to Department approval prior to receipt, storage, processing or transfer at a recycling center. Class B Recyclable Materials include, but are not limited to, the following:

1. Source separated, non-putrescible, waste concrete, asphalt, brick, block, asphalt-based roofing scrap and woodwaste
2. Source separated, non-putrescible, waste materials other than metal, glass, paper, plastic containers, corrugated and other cardboard resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures
3. Source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted
4. Source separated scrap tires
5. Source separated petroleum contaminated soil

To find a list of Class B Recycling Centers open:

<http://www.state.nj.us/dep/dshw/lrm/classb.htm>

### **Class C Recyclable Materials**

These are source separated compostable materials, which are subject to Department approval prior to the receipt, storage, processing or transfer at a

recycling center. Class C Recyclable Materials include, but are not limited to, organic materials such as:

1. Source separated food waste
2. Source separated biodegradable plastic
3. Source separated yard trimmings, including any biodegradable paper bags in which the yard trimmings are collected
4. Source separated biomass
5. Lakeweed generated from the cleaning of aquatic flora from freshwater lakes.

To find a list of Class C Recycling Centers open:

<http://www.state.nj.us/dep/dshw/rrtp/classcfc.htm>

### **Class D Recyclable Materials**

These are source separated recyclable materials, which are subject to Department approval prior to receipt, storage, processing or transfer at a recycling center. Class D Recyclable Materials include, but are not limited to, the following:

1. Used oil, as defined in N.J.A.C 7:26A and which includes, but is not limited to, the following:
  - i. Used lubricant oil
  - ii. Used coolant oil (non-contact heat transfer fluids);
  - iii. Used emulsion oil; and
  - iv. Any other synthetic oil or oil refined from crude oil, which has been used, and as a result of such use is contaminated by physical or chemical impurities
2. Antifreeze
3. Latex paints
4. Lamps (light bulbs);
5. Oil-based finishes;
6. Batteries;
7. Mercury-containing equipment; and
8. Consumer electronics.

To find a list of Class D Recycling Centers open:

<http://www.state.nj.us/dep/dshw/rrtp/usedoil.htm>

### **Transporters**

The DEP's Licensing and Registration Unit handles registration of Solid and Hazardous Waste Transporters. Their WebPage includes a drop down box that enables the user to find solid, hazardous and medical waste transporters. To access this WebPage open: <http://www.nj.gov/dep/dshw/hwr/regislic/lru.htm>

### **Recycling Markets Directory**

In addition to the information above, the DEP offers the “Recycling Markets Directory” at its WebPage. This directory includes a list of carpet recycling centers, scrap tire facilities and county used oil drop-off facilities just to name a few. To find the “Recycling Markets Directory” open:

[http://www.state.nj.us/dep/dshw/recycling/recymkts\\_directory.htm](http://www.state.nj.us/dep/dshw/recycling/recymkts_directory.htm)

### **Data Miner**

Generators are responsible for their waste from cradle to grave, so it behooves them to make certain that any facility they use is handling waste properly. One place to obtain information about facilities is through the DEP Data Miner database. Data Miner enables the user to access inspection reports generated by DEP inspectors as well as any Notice of Violation or subsequent enforcement action that may have been generated as the result of an inspection. To access Data Miner open: <http://www.nj.gov/dep/opra/online.html>