



NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WASTE MANAGEMENT
HAZARDOUS WASTE SECTION

Hazardous Waste Generator Requirements Overview

This document provides an overview of the initial steps for a hazardous waste generator to determine which requirements apply to their site. This document is for guidance only and does not contain all of the North Carolina Hazardous Waste Management Rules. Many of the regulations/rules described are paraphrased. Hazardous waste regulations applicable to hazardous waste generators are primarily incorporated by reference in the state rules at 15A NCAC 13A .0107, however are cited in this document only by federal regulation citation (e.g., 40 CFR...). For complete rules refer to 15A NCAC 13A for specific state requirements and federal regulations incorporated by reference in the state rules. State law is found at N.C.G.S. 130A-290 through 130A-310.12. The following Hazardous Waste Section website provides links to state hazardous waste rules and law:

<https://deq.nc.gov/about/divisions/waste-management/hw/rules>

- A site (that is not a household) that generates a *solid waste*, as defined in [40 CFR 261.2](#), must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.
 - The term "*solid waste*" is a regulatory term with a specific meaning that is defined in [40 CFR 261.2](#). The term does not define the phase of the waste. A Resource Conservation and Recovery Act (RCRA) solid waste can be a liquid, semi-solid, sludge, or contained gas. Regulatory requirements may apply to RCRA solid wastes regardless of whether they are disposed or recycled.
 - The term "*household waste*" means any material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). In order for household waste to be exempt from hazardous waste regulation (as described at [40 CFR 261.4\(b\)\(1\)](#)), it must meet two criteria:
 - The waste must be generated by individuals on the premises of a household, and
 - The waste must be composed primarily of materials found in the waste generated by consumers in their homes.
 - The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.
- A hazardous waste generator **must identify all hazardous wastes** generated at the site. This includes all types of hazardous waste that are generated in all areas of the site.
 - To determine the types of hazardous waste generated, a waste determination (in accordance with [40 CFR 262.11](#)) must be performed on any waste (as defined in [40 CFR 261.2](#)) that is generated at the site. Links providing general information on hazardous waste determination:
 - [A Guide to Recognizing Hazardous Waste](#)
 - [What is a Hazardous Waste?](#)
 - [Defining Hazardous Waste: Listed and Characteristic Hazardous Waste](#)
 - First determine whether the solid waste is excluded from regulation under [40 CFR 261.4](#). If the waste is not excluded under 40 CFR 261.4, determine if the waste is a listed hazardous waste and then if it exhibits any hazardous waste characteristics.
 - Listed hazardous waste is described at [40 CFR 261 Subpart D](#).

- Characteristic hazardous waste is described at [40 CFR 261 Subpart C](#).
 - The [Analytical Methods for Characteristic Hazardous Waste Determination](#) guidance document provides a summary of the analytical methods specified in the hazardous waste regulations when making a characteristic hazardous waste determination.
- Any claims that materials are not solid wastes or are conditionally exempt from regulation must be documented in accordance with [40 CFR 261.2\(f\)](#).
- Once the hazardous waste has been identified, the **total amounts of hazardous waste generated at the site in a calendar month must be calculated**. Information on what hazardous waste must be counted and not counted towards the hazardous waste generator category can be found in [40 CFR 262.13](#).
- Hazardous waste generators must **comply with specific on-site management and off-site disposal requirements**. The level of requirements that apply are **determined based on threshold amounts of hazardous waste generated in a calendar month and maximum amount that can be accumulated on-site at any time**. The [Hazardous Waste Generator Category Guidance](#) document shows the threshold for the three hazardous waste generator categories.
 - There are three hazardous waste generator categories: large quantity generator, small quantity generator, and very small quantity generator. There are specific requirements associated with each hazardous waste category. The requirements are more stringent as the volume of hazardous waste generated in a calendar month increases (i.e., the large quantity generator has the most stringent requirements).
 - The [Summary of Generator Requirements](#) guidance document provides a summary of the requirements for the three hazardous waste generator categories.
- Large quantity generators and small quantity generators are required to notify the Hazardous Waste Section of their hazardous waste activity (e.g., hazardous waste generator category) and obtain an EPA Identification (ID) number. **A large or small quantity generator of hazardous waste must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA ID number from the Hazardous Waste Section.** A very small quantity generator is not required to notify of hazardous waste activity.
 - The hazardous waste generator notifies and requests the EPA ID number electronically in EPA's RCRAInfo database. Anyone using RCRAInfo must first register in RCRAInfo. This process typically takes only a couple of hours to register, notify, and obtain an EPA ID number.
 - [Guide for RCRAInfo Registration and Notification Submittal](#)
 - Other requirements apply to hazardous waste generators. The Hazardous Waste Section has checklists for the three hazardous waste generator categories that provides the other category specific requirements (see the next bullet point for the link to the guidance documents).
- North Carolina hazardous waste guidance documents can be found at this link on the Hazardous Waste Section website: <https://www.deq.nc.gov/technical-assistance-and-guidance-documents>. Once on the above webpage, the categories that are likely to be the most relevant are: "Hazardous Waste Generator" (includes checklists for the requirements based on the amount of hazardous waste generated), "Aerosol Cans," "Universal Waste," and "Used Oil."
 - [Very Small Quantity Generator Checklist](#)
 - [Small Quantity Generator Checklist](#)
 - [Large Quantity Generator Checklist](#)
- Transportation and Disposal: Regardless of a site's hazardous waste generator category, all hazardous waste must be disposed of at a site that is a permitted, hazardous waste treatment, storage, and disposal (TSD)/recycling facility.
 - If the site is a very small quantity generator, they may self-transport hazardous waste to a permitted hazardous waste treatment, storage, and disposal (TSD) facility. The site will need to call and make

arrangements for delivery/acceptance prior to taking this waste to the TSD site. There will be a fee associated with this.

- If the site is a small or large quantity generator, they are prohibited from self-transporting the hazardous waste and must use a hazardous waste transporter with a valid EPA ID number as a hazardous waste transporter.
 - Specific requirements apply to hazardous waste transporters ([40 CFR 263](#)).
- As long as a site is **only generating** hazardous waste and not treating, storing, or disposing (on-site) of hazardous waste; receiving hazardous waste from offsite; or recycling materials/hazardous waste received from off-site; the site typically is not required to obtain a RCRA hazardous waste permit. Hazardous waste generators in compliance with the applicable requirements in [40 CFR 262](#) are conditionally exempt from having to obtain a hazardous waste permit.
 - As far as treatment of hazardous waste, there are a few acceptable methods of treatment that a hazardous waste generator is allowed to perform on-site (without a hazardous waste permit). These allowable hazardous waste treatment methods are described in [40 CFR 270.1\(c\)\(2\)](#) and specific conditions apply to the materials that are treated, the treatment process and/or the residues generated from treatment. If the site performs (or plans to perform) any hazardous waste treatment as defined in [N.C.G.S. 130A-290\(a\)\(42\)](#) (see below), it is highly recommended that the site request compliance assistance from the Hazardous Waste Section Inspector to ensure the site maintains compliance with the complicated requirements.
 - The term "treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. "Treatment" includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.
 - Even if hazardous waste is treated to remove the hazardous waste characteristic, the Land Disposal Restrictions (LDR) requirements of [40 CFR 268](#) still apply to the waste at the point that the waste was generated.
 - Even when treatment is allowed, it should only be done when it can be performed safely and by trained individuals.
 - The Hazardous Waste Section offers hazardous waste Compliance Assistance Visits (CAVs) that can be scheduled at the convenience of the facility to assist with achieving and maintaining compliance with the hazardous waste requirements. If the facility is interested in requesting a CAV or has any other site-specific questions, they are welcome to contact their local Hazardous Waste Section Inspector.
 - [Map showing the Hazardous Waste Section Inspectors contact information and region](#)

The Hazardous Waste Section can provide the most effective assistance to the site once the site has identified the hazardous waste operations they will conduct (e.g., if they are only a hazardous waste generator or if they will store, treat, dispose of hazardous waste), the processes that will generate hazardous waste, and the types and amounts of hazardous waste that will be generated.

Who can I contact if I have site specific hazardous waste questions?

For site specific question, contact your local Hazardous Waste Section Inspector (contact information and region provided on the map at this link):

<https://www.deq.nc.gov/compliance-map-inspector/download?attachment?attachment>