Small Quantity Generator (SQG) Guidance

This document is for guidance only and does not contain all of the North Carolina Hazardous Waste Management Laws and Rules. Many of the regulations/rules described are paraphrased. The federal SQG regulations are 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, Article 9. 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**

☐ **Hazardous Waste Determination** (40 CFR 262.11): Hazardous waste determinations must be accurate and made at the point of generation before dilution, mixing or other alteration occurs; and at any time in the course of management that the waste has, or may have, changed its properties as a results 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. For each solid waste generated, a person generating the waste must determine whether the waste is: excluded from regulation under 40 CFR 261.4 or characteristic and/or listed using generator knowledge or testing. Samples must be representative. Documentation of waste determinations must remain on-site for 3 years. Prior to shipping waste off-site, the applicable hazardous waste codes must be marked on containers.

- Claims that waste is conditionally exempt from regulation or not a solid waste must be documented (40 CFR 261.2(f)).

☐ **EPA Identification Number and Re-Notification** (40 CFR 262.18): A SQG must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number. This EPA ID number will remain with the property. Site information (e.g., generator category, site contact, etc.) may be updated electronically by the facility using the RCRAInfo myRCRAid module.

- A SQG is required to renotify (electronically using RCRAInfo) every four years starting in 2021. The renotification must be submitted by September 1st of each year the renotification is required.

☐ **Generator Category Determination** (40 CFR 262.13 and 40 CFR 262.16(a)): A hazardous waste generator must determine its generator category based on the amount of hazardous waste generated each calendar month and include all hazardous waste generated at the site. A site that generates greater than 100 kg (220 pounds) but less than 1,000 kg (2,200 pounds) of non-acute hazardous waste; and less than or equal to 1 kg (2.2 pounds) of acute hazardous waste, and less than or equal to 100 kg (220 pounds) of residues from a cleanup of acute hazardous waste must notify and operate as a small quantity generator of hazardous waste.

☐ **Annual Fees** (N.C.G.S. 130A-294.1(f)): A SQG shall pay an annual fee of $317.00.

☐ **Maximum On-Site Accumulation Volume** (40 CFR 262.16(b)): As a SQG, the quantity of hazardous waste accumulated on-site must never exceed 6,000 kg (13,200 pounds).

☐ **Maximum On-Site Accumulation Time** (40 CFR 262.16(b)(1)): A SQG may accumulate hazardous waste on-site for no more than 180 days. A SQG may accumulate hazardous waste on-site for 270 days or less if the hazardous waste is transported over a distance of 200 miles or more for off-site treatment, storage, or disposal (40 CFR 262.16(c)).

- ○ A SQG who accumulates hazardous waste for more than 180 days (or for more than 270 days if hazardous waste is transported over a distance of 200 miles or mores) is subject to the requirements of 40 CFR 264, 265, 267, 268, and 270 unless the SQG has been granted a 30-day extension from the Hazardous Waste Section due to unforeseen, temporary, and uncontrollable circumstances (40 CFR 262.16(d)).

□ **Emergency Preparedness and Prevention** (40 CFR 262.16(b)(8)): SQGs must comply with the following requirements for emergency preparedness, prevention, and emergency procedures for all areas where hazardous waste is generated or accumulated (including all satellite accumulation and central accumulation areas).

- ○ **Maintenance and Operation of Facility** (40 CFR 262.16(b)(8)(i)):
  Facility must be maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
- ○ **Required Equipment** (40 CFR 262.16(b)(8)(ii)):
  Facilities must have the following equipment unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified. A SQG may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies:
  - Internal communications or alarm system that provides emergency instruction (voice or signal) to personnel.
  - A device, such as a telephone or a hand-held radio must be immediately available at the scene of operations and capable of summoning emergency assistance from external emergency assistance.
  - Fire extinguishers and fire control equipment, spill control, and decontamination equipment.
  - Adequate water volume and pressure to supply fire hoses, automatic sprinklers, or water spray systems.
- ○ **Testing and Maintenance of Equipment** (40 CFR 262.16(b)(8)(iii)):
  All facility communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment must be tested and maintained to assure proper operation in the event of an emergency.
- ○ **Access to Communications or Alarm** (40 CFR 262.16(b)(8)(iv)):
  - Whenever hazardous waste is being handled, all personnel involved must have immediate access (e.g., direct, or unimpeded access) to an internal alarm or communication device. Visual or voice contact is allowed.
  - If there is just one person at the facility, while in operation, they must have immediate access to a telephone or two-way radio capable of summoning external emergency assistance.
- ○ **Required Aisle Space** (40 CFR 262.16(b)(8)(v) and 15A NCAC 13A .0107(a)):
  Aisle space must be maintained to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in the event of an emergency (this includes areas where hazardous waste is generated and at satellite accumulation areas).
  - At least two feet of aisle space is required at central accumulation areas (15A NCAC 13A .0107(a)).

□ **Arrangements with Local Authorities** (40 CFR 262.16(b)(8)(vi)):
A SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency contractors, equipment suppliers, and local hospitals taking into account the types and quantities of hazardous waste handled at the facility. Arrangements may be made with the Local Emergency Planning Committee [LEPC] if it is determined to be the appropriate organization with which to make arrangements. The requirements apply to those areas of a SQG where hazardous waste is generated or accumulated on-site (including all satellite accumulation and central accumulation areas).

- A SQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.
- As part of the coordination, the SQG must attempt to familiarize local emergency authorities with the:
  - Layout of the facility,
  - Properties of hazardous waste handled at the facility and associated hazards,
  - Description of the types and quantities of hazardous waste handled at the facility,
  - Places where facility personnel would normally be working,
  - Entrances to roads inside the facility,
  - Possible evacuation routes,
  - Possible injuries or illnesses that could result from fires, explosions, or releases at the facility.
- Where more than one police and fire department might respond to an emergency, agreements must be made designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority.
- Records must be maintained documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. Documentation maintained on-site must include either a confirmation such arrangements actively exist or when no arrangements exist, confirms the attempts to make arrangements.
- Alternatively, a facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code within the facility's state or locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided the waiver is documented in the operating record.

☐ **Emergency Coordinator** (40 CFR 262.16(b)(9)(i)): At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures.

☐ **Emergency Information** (40 CFR 262.16(b)(9)(ii)): A SQG must post the following information by telephones at the facility or in areas directly involved in the generation and accumulation of hazardous waste:
- Name and phone number of emergency coordinator;
- Location of fire extinguishers, spill control equipment, and fire alarms; and
- Phone number to the fire department, unless the facility has a direct alarm.

☐ **Training** (40 CFR 262.16(b)(9)(iii)): A SQG must ensure all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

☐ **Emergency Response** (40 CFR 262.16(b)(9)(iv): The emergency coordinator or his designee must respond to any emergency that may arise as follows:
- If there is a fire, call fire department or attempt to extinguish it using a fire extinguisher;
- If there is a spill, contain the flow of a hazardous waste spill and clean up hazardous waste and contaminated soils or materials;
- If fire, explosion, or other release may threaten human health outside the facility, or a spill has reached surface water the generator must immediately notify the National Emergency Response Center and report the information noted in 40 CFR 262.16(b)(9)(iv)(C).

☐ **Waste Minimization Plan or On-site Efforts** (40 CFR 262.27): The facility must have waste minimization practices in place. By signing a hazardous waste manifest the facility is certifying they implement waste minimization techniques.

□ **Inspection Records** (40 CFR 262.16(b)(2)(iv) and 15A NCAC 13A .0107(d))**:** At least weekly, a SQG must complete inspections of the central accumulation areas(s) looking for leaking containers and deterioration of containers caused by corrosion. Weekly inspections are not to exceed seven days between inspections. The facility must keep records and results of required inspections for at least three years from the date of the inspection.

□ **Manifests/Land Disposal Restrictions (LDRs):** The facility must comply with the following:

- **General Manifest Requirements** (40 CFR 262.20 and 262.21):
  - A generator who offers for transportation, hazardous waste for off-site treatment, storage, or disposal must properly prepare a hazardous waste manifest in accordance with the regulations.
  - SQGs must register with the EPA's e-Manifest system (in RCRAInfo) to obtain signed and dated copies of completed manifests.
  - Post-receipt manifest data corrections: If corrections are requested for portions of the manifest that a generator is required to complete, the generator must address the data correction electronically within 30 days from the date of the request.
  - In lieu of using the paper manifest form, a person required to prepare a manifest may prepare and use an electronic manifest in accordance with the e-Manifest requirements.
- **Number of Manifest Copies** (40 CFR 262.22):
  The manifest must consist of at least the number of copies which will provide the generator, each transporter, and the designated disposal facility with one copy each for their records and another copy to be returned to the generator.
- **Use of the Manifest** (40 CFR 262.23 through 262.25):
  The generator must do the following or participate in the electronic manifest system:
  - Sign the manifest certification by hand; and
  - Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
  - Retain one copy, in accordance with 262.40(a).
  - The generator must give the transporter the remaining copies of the manifest.
  - Electronic manifests that are obtained, completed, and transmitted in accordance with 40 CFR 262.20(a)(3) are the legal equivalent of paper manifest forms bearing handwritten signatures and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use or retain a manifest.
- **Recordkeeping** (40 CFR 262.40(a)):
  - Manifests must be kept on-site for three years. *It is recommended manifests are kept forever.*
  - Any requirement for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the e-Manifest system, provided that such copies are readily available for viewing and production if requested by any Inspector.
  - No generator may be held liable for the inability to produce an electronic manifest for inspection if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.
- **Exception Reporting** (40 CFR 262.42(b)):
  - A SQG who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit (to the Hazardous Waste Section) a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery.
  - Beginning December 1, 2025, exception reports will be filed electronically in EPA's e-Manifest system (in RCRAInfo).
- **Approved Treatment, Storage and Disposal (TSD) Facilities and Transporters** (40 CFR 262.18(c)): Generators must use TSDs and Transporters with valid EPA ID numbers.

- ○ **Land Disposal Restriction** (40 CFR 262.11(e) and 262.16(b)(7)):
  Land Disposal Restriction certification, as required at 40 CFR Part 268, must accompany each waste streams sent to each TSD.

□ **Episodic Generation** (40 CFR 262.16(f)): A SQG experiencing an episodic event may accumulate hazardous waste in accordance with 40 CFR 262 subpart L in lieu of becoming a large quantity generator (under 40 CFR 262.17) as long as all conditions of subpart L are met.

□ **Satellite Accumulation Areas** (40 CFR 262.15): A SQG may accumulate hazardous waste in satellite accumulation areas provided the following requirements are met:

- ○ Hazardous waste must be ***inside*** the hazardous waste container. All spills/releases of hazardous waste must be responded to immediately and appropriately.

- ○ The satellite accumulation container must be located at or near the point where wastes are initially generated and under the control of the operator generating the waste.

- ○ A total of 55-gallons of non-acute hazardous waste and/or either 1 quart of liquid acute hazardous waste or 1 kilogram (2.2 pounds) of solid acute hazardous waste may be accumulated at a satellite accumulation area. A generator who accumulates either acute or non-acute hazardous waste in excess of the above amounts must comply with the following:
  - Within three consecutive calendar days, comply with the applicable central accumulation area regulations in 40 CFR 262.16(b); or
  - Remove the excess from the satellite accumulation area within three consecutive calendar days and move it to an on-site central accumulation area, an on-site permitted (or interim status) storage area, or an off-site designated facility.
  - During the three-consecutive-calendar-day period the container(s) holding the excess accumulation of hazardous waste must be marked/labeled with the date the excess amount began accumulating.

- ○ Hazardous waste containers must be closed at all times during accumulation except when:
  - Adding, removing, or consolidating waste; or
  - When temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations such as build-up of extreme pressure.

- ○ Hazardous waste containers located at a satellite accumulation area must be marked with the words "Hazardous Waste" and marked/labeled with an indication of the hazards of the contents of the containers.

- ○ All containers must be in good condition and if it is not in good condition or begins to leak, the hazardous waste must immediately be transferred to another container that is in good condition.

- ○ Compatibility Requirements:
  - A SQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be accumulated, so the ability of the container to contain the waste is not impaired.
  - Incompatible wastes must not be placed in the same container.
  - Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material.
  - Incompatible wastes must be separated from other incompatible waste or material or protected from them by any practical means.

- ○ All satellite accumulation areas at the SQG must meet the preparedness and prevention requirements of 40 CFR 262.16(b)(8) and emergency procedures of 40 CFR 262.16(b)(9). See pages 2 and 3 of this document for more information.

□ **Hazardous Waste Central Accumulation Areas**: A SQG of hazardous waste may accumulate hazardous waste, on-site, in a central accumulation area(s) for not more than 180 days (or 270 days if hazardous waste is transported a distance of 200 miles or more) provided the following requirements are met:

- ○ Hazardous waste must be placed ***inside*** the hazardous waste container. All spills/releases of hazardous waste must be responded to immediately and appropriately.

- ○ Hazardous waste containers must be closed unless it is necessary to add or remove waste.

- ○ A container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

- ○ All hazardous waste containers in the central accumulation area must be marked/labeled with the words "Hazardous Waste," an indication of the hazards of the contents of the containers, and an accumulation start date.

- ○ Prior to shipping the hazardous waste off site, the containers must be marked with all applicable EPA hazardous waste numbers (EPA waste codes).

- ○ Comply with applicable regulations for hazardous waste management units other than containers, when applicable:
  - Accumulation of hazardous waste in tanks: must comply with 40 CFR 262.16(b)(3)
  - Accumulates of hazardous waste on drip pads: must comply with 40 CFR 262.16(b)(4) and 40 CFR 265 subpart W (except 40 CFR 265.445(c))
  - Accumulation of hazardous waste in containment buildings: must comply with 40 CFR 262.16(b)(5) and 40 CFR 265 subpart DD.

- ○ All containers must be in good condition and if it is not in good condition or begins to leak, the hazardous waste must be transferred to another container that is in good condition.

- ○ Compatibility Requirements:
  - All containers holding hazardous waste must be compatible with the material stored in the container.
  - Incompatible wastes, or incompatible wastes and materials, must not be placed in the same container.
  - Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material.
  - Incompatible wastes must be separated from other incompatible waste or materials accumulated or stored nearby must be separated from the other materials or protected by means of a dike, berm, wall, or other device.

□ **Used Oil** (40 CFR 279): Used oil generated at a site that is destined to be recycled, may be managed under 40 CFR 279 Subpart C – Standards for Used Oil Generators. The basic requirements for used oil generators include:

- ○ Used oil must be stored in containers and/or tanks that are in good condition (no severe rusting, apparent structural defects, or deterioration) and not leaking (40 CFR 279.22(a) and (b)).

- ○ Each container and/or tank (or fill pipes used to transfer used oil into underground storage tanks) must be labeled with the words "Used Oil" (40 CFR 279.22(c)). *Note that waste oil is not the same as used oil. Used oil is destined for recycling. Waste oil is destined for disposal or does not meet the definition of used oil.*

- ○ Upon detection of a release of used oil to the environment, the following steps must be taken (40 CFR 279.22(d)):
  - Stop the release;
  - Contain the released used oil;
  - Clean up and manage properly the released used oil and other materials; and
  - If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

- ○ Used oil generators may burn used oil in used oil-fired space heaters provided the following requirements are met (40 CFR 279.23):
  - The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourselfers;
  - The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and
  - The combustion gases from the heater are vented to the ambient air.

- ○ Used oil must be transported off-site by a used oil transporter with an EPA Identification number unless the following occurs (40 CFR 279.24):
  - The used oil generator self transports (without an EPA ID number) no more than 55-gallons of used oil (at any time) that is generated at the used oil generator site and is transported in a vehicle owned by the generator or by an employee of the generator and taken to a used oil collection center that is registered, licensed, permitted or recognized by a state/county/municipal government to manage used oil or to an aggregation point that is owned and/or operated by the same generator.

□ **Universal Waste** (40 CFR 273): The Standards for Universal Waste Management, found at 40 CFR 273, apply to used lamps, batteries, mercury containing equipment, pesticides, and aerosol cans. The facility must ensure compliance with the universal waste regulations if the facility manages these items or may opt to manage these items under the more stringent hazardous waste requirements. If a universal waste handler accumulates less than 5,000 kg (11,000 pounds) of universal waste on-site at any time, the general requirements for a Small Quantity Handler of Universal Waste include:

- ○ Universal waste must be managed in a way that prevents releases of any universal waste or component of universal waste to the environment (40 CFR 273.13).

- ○ Universal waste must be accumulated in containers that are kept closed (except aerosol cans), structurally sound, adequate to prevent breakage, compatible with the contents of the container, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions (40 CFR 273.13).

- ○ Additional requirements for universal waste aerosol cans:
  - − Must be accumulated in containers that are protected from sources of heat (40 CFR 273.13(e)(1)).
  - − Universal waste aerosol cans that are punctured and drained must be in compliance with 40 CFR 273.13(e)(4).

- ○ Labeling (40 CFR 273.14):
  - Containers holding lamps, batteries, mercury thermostats, or aerosol cans must be labeled with the words "Universal Waste ____", "Waste _____", or "Used _____".

- Containers holding universal waste pesticides must be labeled with the words “Universal Waste pesticide(s)” or “Waste pesticide(s)”.
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- A container holding mercury containing equipment must be labeled “Universal Waste - mercury containing equipment” or “Waste mercury containing equipment” or “Used mercury containing equipment”.

- Universal waste may not be accumulated on-site for more than one year. The length of time the universal waste has been accumulated on-site must be demonstrated (40 CFR 273.15).
  - It is recommended the containers are marked with an "accumulation start date" so the facility can track the amount of time the universal waste is on-site.

- The facility must inform all employees who handle or have the responsibility for managing universal waste about the proper handling and emergency procedure appropriate to the type(s) of universal waste handled at the facility (40 CFR 273.16).

- The facility must respond to releases of universal waste immediately. If the release of universal waste is not cleaned up immediately, the facility must make a waste determination on the material resulting from the release and if the material is a hazardous waste, the facility must manage the material by the applicable hazardous waste requirements (40 CFR 273.17).

- The facility is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination (40 CFR 273.18).

- Lead acid batteries being reclaimed may be managed under the requirements of 40 CFR 266 subpart G instead of the universal waste requirements of 40 CFR 273 or the hazardous waste generator requirements of 40 CFR 262.