

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 Hazardous Waste generators in complying with the hazardous waste regulations, the New Jersey Department of Environmental Protection is providing the information in this packet. We hope this 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.nj.gov/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.

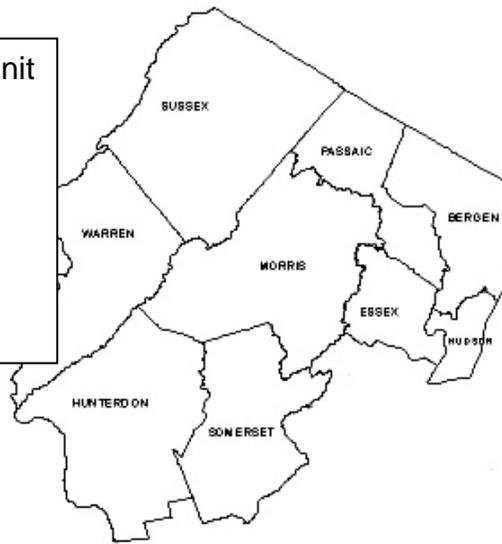
Bureau of Hazardous Waste Compliance & Enforcement

Transportation Oversight Unit

Serving All Counties

9 Ewing Street, 1st Floor
Mail Code 09-01 P.O. Box 420
Trenton, NJ 08625-0420
Phone: (609) 292-3837
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Northern Regional Office

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7 Ridgedale Avenue
Cedar Knolls, NJ 07927
Phone: (973) 656-4470
Telefax: (973) 631-6331

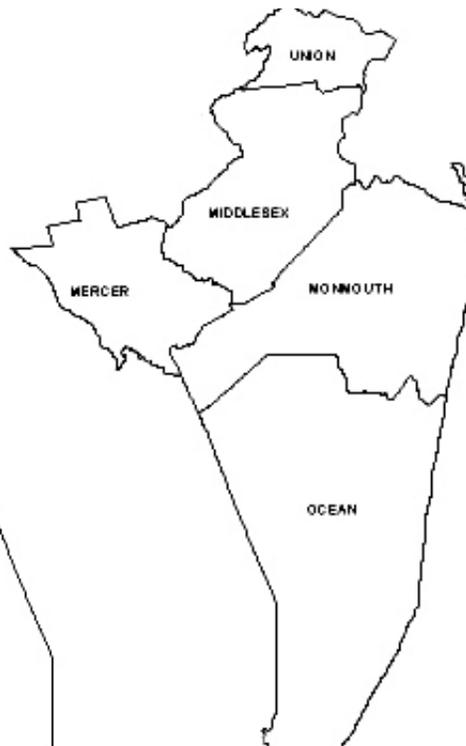
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Central Regional Office

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Southern Regional Office

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2 Riverside Drive, Suite 201
Camden, NJ 08102
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Supervisor: Jeffrey Salabritas



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.nj.gov/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 and Web Resources

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”.

Training resources and information on compliance assistance seminars for both Hazardous Waste and the Department’s various other programs can be found on NJDEP Compliance and Enforcement Training Home Page. The webpage was developed to facilitate on-line seminar registration, offer updated regulatory information via advisories, provide training/compliance assistance resources, and allows for you, the regulated community, to give the DEP input. On this site we’ve also made available information on the NJDEP’s Stewardship program, Supplemental Environmental Projects (SEPs), Open Public Records Act (OPRA), Enforcement Reports and Data Miner. This information can all be found via the following link: <http://www.nj.gov/dep/enforcement/cetraining.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.nj.gov/dep/enforcement/advisories.html>

USEPA Publications

The USEPA offers many publications on a variety of subjects. These publications are available at: <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.

Hazardous Waste Regulations

- **NJ** - <http://www.nj.gov/dep/enforcement/hw-summary.html>
- **EPA** - <http://www.epa.gov/epawaste/hazard/index.htm>
- **Hazardous Materials (DOT)** - <http://www.fmcsa.dot.gov/regulations/hazardous-materials>
- **OSHA** – <https://www.osha.gov/SLTC/hazardouswaste/>
- **Regulations.gov** – Source for U.S. government regulations from over 300 agencies <http://www.regulations.gov/#!home;oldLink=false>

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.supportportal.com/ics/support/default.asp?deptID=23023&_ga=1.207956178.1346361693.1417029868&referrer=http://www.epa.gov/epawaste/inforesources/online/index.htm
- **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://www2.epa.gov/enforcement/compliance-assistance-and-voluntary-programs-federal-facilities#ComplianceAssistance>
- **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 (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: <http://www.epa.gov/wastes/inforesources/pubs/rmods.htm>
- **OSHA Training Info** - <https://www.osha.gov/dte/index.html>
- **DEP Hazardous Waste Compliance Assistance** - <http://www.nj.gov/dep/enforcement/ca-intro.html>

- **DEP Hazardous Waste Handler Seminars:**
<http://www.nj.gov/dep/enforcement/cetraining.html>

Emergency Preparedness

- **FEMA guide** - Developed by FEMA and a coalition of business groups, to provide advice on creating/maintaining 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/
- **DEP News Releases** - 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://www2.epa.gov/compliance>, To sign up for EPA advisory email alerts enter your email address in “*Sign Up for Compliance Email Alerts*”
- **DEP** - <http://www.nj.gov/dep/enforcement/advisories.html>, To sign up for advisory emails click on the “*Subscribe to DEP Advisory*” tab in the center of the page.

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 Small Business Assistance Program -** <http://www.nj.gov/dep/sage/sbap/>
- **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/epawaste/hazard/wastemin/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/wastewise/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/zerowaste>

HAZARDOUS WASTE GENERATOR CATEGORIES & PAPER DOCUMENTATION

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

REQUIREMENTS	CESQG Conditionally Exempt Small Quantity Generator [261.5]	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	None - voluntary	Yes – Contact: NJDEP HW Enforcement 609-943-3019 [262.12]	Yes - Contact: NJDEP HW Enforcement 609-943-3019 [262.12]
5) Hazardous Waste Manifest Required	None - Voluntary	Yes - unless waste is reclaimed [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 - NJDEP (609-943-3019)	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.nj.gov/dep/enforcement/hw-universal

03/25/10 JM

SUMMARY OF SMALL QUANTITY GENERATOR (SQG) HAZARDOUS WASTE REGULATIONS

General Standards

- 262.11 People that generate a “solid waste” must determine if it is hazardous
- 262.12(a) Generators of hazardous waste must have an EPA Identification Number before treating, storing, transporting, offering for transportation, or disposing of the waste
- 262.12(c) Generators of hazardous waste 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 of hazardous waste must be marked clearly with the accumulation start date (date when wastes first entered container), which must be visible for inspection
- 262.34(a)3 Containers of hazardous waste must be marked clearly with the words “Hazardous Waste”
- 262.34(d) Hazardous wastes must not be accumulated over 180 days (if shipping less than 200 miles)
- 262.34(e) Hazardous wastes must not be accumulated over 270 days (if shipping over 200 miles)
- 265.171 Containers of hazardous waste must be in good condition or the contents must be transferred to a new container
- 265.172 Containers of hazardous waste must be compatible with the waste contained
- 265.173 Containers of hazardous waste must be kept closed and managed properly to prevent a rupture or leak
- 265.174 Hazardous waste container accumulation areas must be inspected weekly
- 265.177 Incompatible hazardous wastes must be segregated

Satellite Accumulation Areas

- 262.34(c)1 The quantity of hazardous waste in a satellite area must not exceed 55-gallons or 1-quart of acutely hazardous waste

- 262.34(c)1 Satellite accumulation areas must be at or near the point of generation and under the control of the operator
- 262.34(c)1ii Satellite 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 hazardous 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 of hazardous waste must be in good condition or the contents must be transferred to a new container
- 265.172 Containers of hazardous waste must be compatible with the waste contained
- 265.173 Containers of hazardous waste must be kept closed and managed properly to prevent a rupture or leak

Pre-Transport Requirements

- 262.30 Containers of hazardous waste must meet DOT regulations under 49 CFR 173, 178, 179 for packaging before transport
- 262.31 Containers of hazardous waste must meet DOT regulations under 49 CFR 172 for labeling before transport
- 262.32(a) Containers of hazardous waste must meet DOT regulations under 49 CFR 172 for markings before transport
- 262.32(b) Hazardous waste 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 Hazardous waste generators must placard or offer the initial transporter the appropriate placards according to DOT regulations (49 CFR 172, Subpart F)

Emergency Procedures

- 262.34(d)5i An Emergency Coordinator must be established and be on site or on call
- 262.34(d)5iiA The name and telephone number of the Emergency Coordinator must be posted near the telephone
- 262.34(d)5iiB The location of fire extinguishers, spill control material, and the fire alarm must be posted near the telephone

- 262.34(d)5iiC The telephone number of the fire department, unless there is a direct alarm, must be posted near the telephone
- 262.34(d)5iii The Generator must ensure that employees are thoroughly trained on proper waste handling and emergency procedures
- 262.34(d)5iv The facility must properly respond to and report an emergency to the National Response Center using their 24-hour toll free number 1-800-424-8802 or to the DEP hotline 1-877-927-6337

Preparedness and Prevention

- 265.31 Facility must be maintained and operated so as to minimize the possibility of fire, explosion, or discharge
- 265.32 Facility must be equipped with a communications or alarm system, a telephone or other communication device to summon emergency assistance, portable emergency equipment, and an adequate water supply
- 265.33 Facility must test and maintain emergency equipment
- 265.34 Personnel must have immediate access to communication or alarm systems wherever hazardous waste is being handled
- 265.35 Facility must maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency
- 265.37 Facility owner or operator must make required arrangements or agreements with police, fire departments, and emergency response contractors, equipment suppliers, or local hospitals, or 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 is 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 A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal must prepare a Hazardous Waste Manifest
- 262.20(a)1 Generator must complete the manifest according to the instructions
- 262.20(b) Generator must 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), the generator must designate another facility or instruct the transporter to return the waste
- 262.21(g)1 Only EPA Form 8700-22 or 8700-22A manifest forms may be used
- 262.21(g)2 The generator must determine if the generator or consignment state regulates additional wastes or requires generator to submit copies of the manifest
- 262.23(a)1 The Generator must sign the manifest certification by hand
- 262.23(a)2 The Generator must obtain the handwritten signature of the initial transporter and date of acceptance on the manifest
- 262.23(a)3 The Generator must retain one copy of the manifest signed by the generator and the initial transporter for three years, in accordance with 40 CFR 262.40
- 262.23(b) The Generator must give transporter the remaining copies of the manifest
- 262.23(c) For shipments of hazardous waste within the United States solely by water, the Generator must send 3 copies of the manifest dated and signed in accordance with this 40 CFR 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, the Generator must send at least 3 copies of the manifest dated and signed in accordance with 40 CFR 262.23 to the next non-rail transporter, designated facility, or last rail transporter in the United States
- 262.27 The 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) The Generator must sign the manifest upon receipt of a returned residue and/or a rejected shipment of hazardous waste

Recordkeeping and Reporting Requirements

- 262.40(a) A generator must keep a copy of each manifest signed in accordance with 40 CFR 262.23(a) for three years or until he receives a signed copy from the designated facility. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter
- 262.40(b) A generator must keep a copy of each Biennial Report or Exception Report for a period of at least three years from the due date of the report

- 262.40(c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with 40 CFR 262.11 for at least 3 years
- 262.40(d) Periods of retention referred to in 40 CFR 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) Small Quantity Generators of Hazardous Waste must comply with the exception reporting requirements as stated in 40 CFR 262.42(b)

SUMMARY OF LARGE QUANTITY GENERATOR (LQG) HAZARDOUS WASTE REGULATIONS

General Standards

- 262.11 People that generate a “solid waste” must determine if it is hazardous
- 262.12(a) Generators of hazardous waste must have an EPA Identification Number before treating, storing, transporting, offering for transportation, or disposing of the waste
- 262.12(c) Generators of hazardous waste 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) Hazardous waste must not be accumulated over 90 days
- 262.34(a)2 Containers of hazardous waste must be marked clearly with the accumulation start date (date when wastes first entered container), which must be visible for inspection
- 262.34(a)3 Containers of hazardous waste must be marked clearly with the words “Hazardous Waste”
- 265.171 Containers of hazardous waste must be in good condition or the contents must be transferred to a new container
- 265.172 Containers of hazardous waste must be compatible with the waste contained
- 265.173 Containers of hazardous waste must be kept closed and managed properly to prevent a rupture or leak
- 265.174 Hazardous waste container accumulation areas must be inspected weekly
- 265.176 Containers of ignitable and reactive hazardous 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 The quantity of hazardous waste in a satellite area must not exceed 55-gallons or 1-quart of acutely hazardous waste
- 262.34(c)1 Satellite accumulation areas must be at or near the point of generation and under the control of the operator
- 262.34(c)1ii Satellite 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 hazardous 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 of hazardous waste must be in good condition or the contents must be transferred to a new container
- 265.172 Containers of hazardous waste must be compatible with the waste contained
- 265.173 Containers must be kept closed and managed properly to prevent a rupture or leak

Pre-Transport Requirements

- 262.30 Containers of hazardous waste must meet DOT regulations under 49 CFR 173, 178, 179 for packaging before transport
- 262.31 Containers of hazardous waste must meet DOT regulations under 49 CFR 172 for labeling before transport
- 262.32(a) Containers of hazardous waste must meet DOT regulations under 49 CFR 172 for markings before transport
- 262.32(b) Hazardous waste 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 Hazardous waste generators must 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 40 CFR 265.16
- 265.16(a)2 The training program must be directed by a person trained in hazardous waste management procedures
- 265.16(a)3 At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies
- 265.16(b) Personnel must successfully complete training within 6 months of the date of their employment or assignment to a new position at the facility, and must not work unsupervised before the 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 the facility and on former employees for at least three years from the date the employee last worked at the facility

Preparedness and Prevention

- 265.31 Facility must be maintained and operated so as to minimize the possibility of fire, explosion, or discharge
- 265.32 Facility must be equipped with a communications or alarm system, a telephone or other communication device to summon emergency assistance, portable emergency equipment, and an adequate water supply
- 265.33 Facility must test and maintain emergency equipment
- 265.34 Personnel must have immediate access to communication or alarm systems wherever hazardous waste is being handled
- 265.35 Facility must maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency
- 265.37 Facility owner or operator must make required arrangements or agreements with police, fire departments, and emergency response contractors, equipment

suppliers, or local hospitals, or 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 is 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) Facility must have a written contingency plan
- 265.51(b) Facility must implement the contingency plan in an emergency
- 265.52(a) Contingency 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, they may amend the plan 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 Facility must maintain a copy of the plan at the facility and send a copy to local police or fire departments, hospitals, or State and local emergency response teams
- 265.54 Facility must 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 1-877-927-6337

Manifest Requirements

- 262.20(a)1 A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal must prepare a Hazardous Waste Manifest
- 262.20(a)1 Generator must complete the manifest according to the instructions
- 262.20(b) Generator must 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), the generator must designate another facility or instruct the transporter to return the waste
- 262.21(g)1 Only EPA Form 8700-22 or 8700-22A manifest forms may be used
- 262.21(g)2 The generator must determine if the generator or consignment state regulates additional wastes or requires generator to submit copies of the manifest
- 262.23(a)1 The Generator must sign the manifest certification by hand
- 262.23(a)2 The Generator must obtain the handwritten signature of the initial transporter and date of acceptance on the manifest
- 262.23(a)3 The Generator must retain one copy of the manifest signed by the generator and the initial transporter for three years, in accordance with 40 CFR 262.40
- 262.23(b) The Generator must give transporter the remaining copies of the manifest
- 262.23(c) For shipments of hazardous waste within the United States solely by water, the Generator must send 3 copies of the manifest dated and signed in accordance with this 40 CFR 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, the Generator must send at least 3 copies of the manifest dated and signed in accordance with 40 CFR 262.23 to the next non-rail transporter, designated facility, or last rail transporter in the United States
- 262.27 The 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) The Generator must sign the manifest upon receipt of a returned residue and/or a rejected shipment of hazardous waste

Recordkeeping and Reporting Requirements

- 262.40(a) A generator must keep a copy of each manifest signed in accordance with 40 CFR 262.23(a) for three years or until he receives a signed copy from the designated facility. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter
- 262.40(b) A generator must keep a copy of each Biennial Report or Exception Report for a period of at least three years from the due date of the report
- 262.40(c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with 40 CFR 262.11 for at least 3 years
- 262.40(d) Periods of retention referred to in 40 CFR 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) Small Quantity Generators of Hazardous Waste must comply with the exception reporting requirements as stated in 40 CFR 262.42(b)

Satellite Accumulation Position Paper

On September 1, 2008, the Department issued a revised Satellite Accumulation Position Paper. A copy of this Position Paper can be found by opening the following link:
<http://www.nj.gov/dep/enforcement/hw-satellite.pdf>

WEEKLY CONTAINER STORAGE AREA INSPECTION LOG

ITEM/WEEK	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.nj.gov/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.nj.gov/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.nj.gov/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.nj.gov/dep/dshw/rntp/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.

Class D Recycling Centers:

Universal Waste Disposal and Recycling Centers

For a list of Facilities that accept Universal Waste (Class D Facilities, Large Quantity Handlers and Small Quantity Handlers) open:

<http://www.nj.gov/dep/dshw/lrm/uwaste/ucomplist.htm>

Used Oil Collection, Disposal and Recycling Centers

For a list of Class D Used Oil Collection Centers open:

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

For County Used Oil and Universal Waste Drop-off Locations open:

<http://www.nj.gov/dep/dshw/recycling/classd/used%20oil%20dropoff.pdf>

Transport Storage and Disposal Facilities (TSDFs)

Open this link for a list of TSDFs that you can contact to see if they can accept your waste: <http://www.nj.gov/dep/dshw/hwtf/anjhwf.htm>

Transporters

The DEP's Licensing and Registration Unit handles registration of Solid and Hazardous Waste Transporters. Their Webpage includes an interactive transporters search option in which you answer the prompted questions and the site will generate a list of all approved transporters based on your criteria. To access this Webpage visit/open:

http://datamine2.state.nj.us/DEP_OPRA/OpraMain/REPORT_FACADE?id=a8acb14d9d3f4b1ed49bfb952e12a641fde1122acf05d1217e9938b3612795d0deec0b282a8f7fcd5267954f6e3d16a399ecd7039b790ca0e8b57c97f150640777fbae633c35de1f48a66cc2da508595e9b850392539c7a5

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.nj.gov/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>