



UNDERSTANDING EXCLUSIONS, EXEMPTIONS, AND OTHER OPTIONS TO MINIMIZE WASTE AND SAVE MONEY

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ABOUT THE SPEAKER

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RCRA OVERVIEW

Regulations found in 40 CFR parts 239 through 282

- Subtitle D (parts 239 through 259) - regulations for solid wastes (solids, liquids, and gases)
- Subtitle C (parts 260 through 273) - regulations for hazardous wastes
- Other regulations include:
 - Part 279 – Used oil
 - Part 280 through 282 – USTs

RCRA GOLDEN RULE #1

Before a material can be hazardous wastes, it must first meet the definition of “solid waste:”

- any garbage or refuse,
- sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and
- other discarded material, resulting from industrial, commercial, mining, and agricultural operations, and from community activities

SOLID WASTE

A solid waste is any material that is discarded by being:

- Abandoned
- Inherently Waste-Like
- A Discarded Military Munition
- Recycled in Certain Ways

HAZARDOUS WASTE

- Solid waste
 - Not excluded from the definition solid or hazardous waste
- Listed or characteristically-hazardous waste
 - Not delisted hazardous waste

EXCLUSIONS AND EXEMPTIONS

- Solid Waste Exclusions (about two dozen) include:
 - Point Source Discharge
 - Solvent-contaminated Wipes
- Hazardous Waste Exclusions (one to two dozen) include:
 - Oil, Gas, and Geothermal Wastes (Bentsen Amendment)
 - Mining and Mineral Processing Wastes (Bevill)
 - Certain solvent-contaminated wipes that are sent for disposal
- Hazardous Waste Exemptions:
 - Samples
 - Used oil that is recycled
 - Residues in RCRA empty containers
 - DEA-controlled substances

RCRA GOLDEN RULE #2

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

CASE STUDY

The facility uses chemical P which, as a waste, is P-listed with a distinction of “R” (i.e., acutely hazardous but only because it is reactive).

- If the entire container of chemical P is not used within 30 days, it denatured by raising the pH and returning the pH to neutral.
- Testing is also done on chemical P in its quality lab.

Both waste streams are sent to the facility’s wastewater treatment system and discharged under a NPDES permit.

Is this permissible?

RECAP

- Don't just pay lip service to waste minimization
- Where you have no other option but to deem something a waste, make (and document) a waste determination at the point of generation
- Don't mix the streams until you are sure you are going to treat them identically

