

**FACT SHEET REGARDING
CHANGES TO RULES AND REGULATIONS
FOR
HAZARDOUS WASTE MANAGEMENT
EFFECTIVE FEBRUARY 10, 2014**

These regulations are the state equivalent of the federal Resource Conservation and Recovery Act Regulations (40 CFR 260-299 commonly known as RCRA). These regulations govern hazardous waste generated by businesses (private households are exempt) from cradle to grave. The goal is to track and properly manage hazardous waste to minimize release to the environment or the endangerment of workers.

The driving force behind the revision of the 2010 regulations was the need to comply with the legislative statute on paint waste 23-24.12. The 2014 regulations create a framework that allows new categories of facilities (paint collection centers and community collection centers) to collect hazardous waste from conditionally exempt small quantity generators. The new regulations also provide regulatory relief to small businesses by allowing them more flexibility in managing their waste by recognizing small quantity and conditionally exempt small quantity generator status.

The regulations can be found at:

<http://www.dem.ri.gov/pubs/regs/regs/waste/hwregs14.pdf>

Specific changes are discussed below. For more information, please contact [Mark Dennen](#).

RULE 2: ORGANIZATION AND METHOD OF OPERATIONS

1. Previous incorporation of federal rules referenced very broadly the federal RCRA Regulations. In some cases, these broad incorporations were contradicted by specific standards, particularly in Rule 5 (generators), making the regulations very difficult to interpret. Incorporations were changed to be more precise about what section of RCRA are and are not incorporated, and where possible, to spell out the requirements.
2. Updated definitions were added from EPA regulations either not adopted or modified in these rules. Also some incorporation statements were changed to accommodate changes in other section incorporated below.
3. New EPA rule that takes effect in January of 2014 for solvent wipes when laundered was incorporated. It was also stated that the new rule for **disposable** wipes was **not** adopted.

RULE 3: DEFINITIONS

4. Addition of the following definitions:
 - *Architectural paint*
 - *Community Collection Center*

- *Designated Facility*
 - *Evaporation unit*
 - *Household hazardous waste facility*
 - *Household hazardous waste pharmaceuticals*
 - *Large Quantity (LQG), Small Quantity SQG) and Conditionally Exempt Small Quantity (CESQG) Generators of Hazardous waste*
 - *Paint Collection Center*
 - *Totally enclosed treatment unit*
 - *Wastewater treatment unit*
5. Update of definitions of new and existing tanks for consistency with federal requirements.
 6. Definition of Hazardous Waste was modified to incorporate new federal rule regarding solvent contaminated wipes that are laundered.
 7. Definition of Rhode Island Hazardous Waste was modified in 2 ways:
 - a. Deletion of some vague and difficult categories of Rhode Island Hazardous Waste such as “slightly toxic waste”. Along with this change definition of Waste LD₅₀ was eliminated.
 - b. Specific addition of waste chemotherapy agents and mercury containing waste to existing definitions of Rhode Island Hazardous Waste.
 8. Definition of generator revised to clarify that person taking possession of property where hazardous waste is stored is classified as a Generator.
 9. Incorporation of Federal EPA and DOT rules was updated to reflect 2013 rules.

RULE 5: GENERATORS

10. Rule was extensively re-written to separately list out standards for LQG’s, SQG’s and CESQG’s. Previous rules did not recognize federal generator status and all generators were more or less treated as LQG’s with the exception of biennial reporting was only required for LQG’s.
11. Rule exempts household pharmaceuticals from regulations that are collected in drug take back events. The Department does not want to discourage this activity by creating confusing jurisdictional issues between DEA controlled substances requirements and hazardous waste rules for household waste.
12. Rule 5.1: Specific reference made to federal exemptions that are not adopted: or are only adopted with certain limitations including:

- Exclusion for Hazardous Secondary Materials in 40 CFR 261.2 is not rec
 - Lab Sinks Rule (40 CFR 262 Subpart K)
 - The scrap metal exclusion of 40 CFR 261.4(a)(13) and the circuit board exclusion of 261.4(a)(14)
 - Petroleum Contaminated Media Exemption regarding corrective action under UST, in 40 C.F.R. 261.4(b)(10).
 - Disposal of solvent contaminated wipes proposed by USEPA as 40 CFR 261.4(b)(18)
 - Ocean Disposal Allowance under MPRSA in 40 C.F.R. 264.1(c), 265.1(c)(1), and 270.60(a).
13. Rule 5.1: Specific reference made to federal exemptions that are significantly restricted in RI:
- CRT exclusions in 40 CFR 261.4(a)(22), 261.39, 261.40, and 261.41.
 - CESQG exclusion in 40 C.F.R. 261.5.
 - Injection Well Allowance under UIC in 40 C.F.R. 264.1(d) and 270.1(c)(1)(i).
 - The federal wastewater exemption
 - Manufactured gas plant waste exemption in 40 CFR 261.24(a).
14. Rule 5.1: It is more clearly spelled out that Household Hazardous Waste Facilities are considered generators in these rules.
15. Rule 5.2: Exemptions for treatment in totally enclosed units, evaporator units, wastewater treatment units and under emergency permits is specifically spelled in the generator section as opposed to relying on incorporation by reference in rules governing treatment facilities.

RULE 6: TRANSPORTERS

16. Rule 6.2: Addition of exemption allowing CESQGs to self transport their own hazardous waste.
17. Rule 6: Temporary transfer stations standards were moved to Rule 9 as explained below.
18. Rule 6.16 was amended to include the statutory citation prohibiting persons from person obstructing or hindering inspections.
19. Clarification was made that non-hazardous waste is **not** subject to hazardous waste fee.

RULE 7: FACILITY PERMITTING

20. Rule 7A was amended to reference treatment by generators allowed in Rules 5 (generators) and Rule 16 (corrective action). Rule 7A was also amended to reference storage allowed in Rule 9 (temporary transfer facilities).
21. Rule 7B (77): Addition of standard to allow underground injection for remediation projects.
22. Rules for exempt treatment of generators were moved to Rule 5 as previously explained.

23. Rule 7B incorporation statements were modified to reflect recognition of SQG and CESQG status in Rule 5 and other changes in these rules.
24. The statement “In 270.15(c) replace the word “ignitable” with “flammable”.” was deleted. Also in this section and subsequent sections, flammable was replaced with ignitable.

RULE 8: FACILITY OPERATIONS STANDARDS

25. 8.1(A)(54-55) Clarification that disposal of hazardous waste is prohibited at certain landfills.

RULE 9: TEMPORARY TRANSFER STATIONS

26. Standards for Temporary Transfer Stations were moved out of Section 6.14 and into their own section for clarity.

RULE 10: REQUIREMENTS FOR COMMUNITY COLLECTION CENTERS AND PAINT COLLECTION CENTERS

27. These new categories of facility and operating standards established to allow collection of hazardous waste from households and CESQG’s at facilities not needing a full RCRA Facility permits.

RULE 11: REQUIREMENTS FOR CIRCUIT BOARD RECYCLING OPERATIONS

28. New category of facility and operating standards established to allow an activity that was previously only allowed for facilities with a full RCRA Facility permit.

RULE 13: UNIVERSAL WASTE

29. Rule 13.4E: addition of federal requirement for export quoted below:

Handlers and transporters that export universal waste are subject to the export requirements of 40 CFR 273.20 (small quantity handlers), 40 CFR 273.40 (large quantity handlers) or 40 CFR 273.56 (transporters) as applicable.

30. 13.5H: Modification to reference new Rule 11 requirements for circuit board recycling.
31. Changes to 13.5(H)(1)(f)(4)(v) through 13.5(M)(1)(f) are intended only as formatting changes.

RULE 15: USED OIL

32. Rule 15.4(A)(5): added requirement that used oil containers be kept closed except when adding or removing oil.
33. Requirements for flammability were changed to ignitability for consistency with changes to Rule 3.
34. Rule 15: The following requirement was deleted, as it unintentionally cause numerous facilities to be out of compliance.
The total amount of used oil stored in the ASTs shall not exceed two thousand (2,000) gallons at any time;
35. Clarification in Rule 15.1 indicating used oil mixed with hazardous waste is regulated under Rule 5 (generators).
36. Rule 15.4(B)(1) has been revised to indicate that Above Ground Storage Tanks that store used oil but follow the Department's Oil Pollution Control Regulations.