



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 22, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

MEMORANDUM

SUBJECT: Implementing the Small Quantity Generator Re-Notification Requirement from the 2016 Generator Improvements Final Rule

FROM: Kathleen Salyer, Acting Office Director
Office of Resource Conservation and Recovery (ORCR)

TO: Land, Chemicals and Redevelopment Division Directors
Regions I–X

This memo addresses several questions asked by states and EPA Regions regarding the implementation of the new requirement for small quantity generators (SQG) to re-notify as active generators, as promulgated in the November 2016 Hazardous Waste Generator Improvements final rule (81 FR 85732). The provision in 40 CFR 262.18(d) requires SQGs to re-notify EPA of their active status as a small quantity hazardous waste generator every four years. The first deadline for this SQG re-notification provision is September 1, 2021, in states where it is in effect.

The SQG re-notification provision is considered more stringent than previous federal regulations and thus must be adopted by authorized states. However, states' regulatory adoption processes can vary in complexity and time. Thus, not all authorized states will have the SQG re-notification provision in effect in their state by September 1, 2021. EPA encourages the states to adopt this provision as soon as possible to ensure nationwide data are available and up to date.

Some states have their own annual or biennial reporting requirement for SQGs, and their status in EPA's hazardous waste activity database, RCRAInfo, is current. However, for other states, the notifications in RCRAInfo are old and those SQGs may no longer be in business or generating hazardous waste. In other cases, the generator may still be active but the data about its hazardous waste activity and contacts are out of date. The re-notification requirement will result in a more accurate and complete count of the federal SQG universe, which will help EPA and the authorized states conduct necessary oversight, enforcement, and planning.

SQG Re-notification Every Four Years

The regulatory provision in § 262.18(d) identifies September 1, 2021, and every four years thereafter (i.e., September 1, 2025, September 1, 2029, etc.), as the deadline for SQGs to re-notify; the mechanism for re-notification is EPA Form 8700-12, the Site ID form. Note that SQGs submitting Site ID forms in the four years prior to 2021 for another purpose, such as notifying as a healthcare facility under the 2019 Hazardous Waste Pharmaceuticals final rule ([84 FR 5816](#)), satisfy the re-notification requirement under § 262.18(d).

The purpose of the re-notification requirement is to put into place a mechanism for keeping the SQG universe data accurate into the future. EPA's primary goal is to identify those SQGs that are active and to remove inactive SQGs from the database going forward. At the same time, we do not intend to cause unnecessary burden to either the generators or to the states responsible for inputting or reviewing the data for quality control. To this end, an SQG that submits an accurate and complete re-notification within the four years before an SQG re-notification deadline would be considered in compliance with this provision. Per the instructions for submitting the Site ID form, generators should also re-notify whenever there is a change to the site contact, ownership, or type of RCRA Subtitle C hazardous waste activity conducted. In states where there is a more frequent re-notification or reporting requirement, the SQG should comply with its state deadline.

Use of the Site ID Form to Re-notify

As stated above, § 262.18(d) requires SQGs to re-notify using the Site ID form. Some states have their own forms that are equivalent to the Site ID form, and therefore re-notification using a state form that is equivalent to the Site ID Form meets the requirement of the regulation.

Some states have asked if other non-equivalent forms or information submitted by SQGs would also satisfy the re-notification requirement. The answer is no. For example, some states require SQGs to pay a yearly fee or submit a self-certification, which may provide sufficient information to know that a generator is still operating as an SQG. States requested that, for example, this yearly fee-associated information satisfy the re-notification requirement to reduce their administrative burden. EPA's main concern with the approach of allowing states to use information that is submitted by means other than the Site ID form or state equivalent form is there may not be a signature by the generator certifying that the information is accurate, which could negatively affect the state or EPA's ability to enforce the regulation. For these reasons, EPA determined that information submitted by means other than the Site ID form or state equivalent notification form is insufficient to meet the re-notification requirements.

There is also a practical concern that it can be impossible in the RCRAInfo data system to determine who changed the generator data when done as an "implementer record," also referred to as an "I-source" record. I-source records can be updated in different ways for a number of reasons. For example, an inspector may update an SQG's information via an I-source record after a site visit without any action on the part of the SQG, or a new I-source record could be made by a state in response to a call from the SQG requesting an update to its information in the database. In all cases, when an I-source record is generated, it is the state or EPA that inputs the information and there is no way for the generator or owner/operator to certify. In contrast, generator-submitted Site ID forms must be signed and certified as accurate by the generator or owner/operator when submitted via paper or when the Site ID form is submitted electronically through MyRCRAID.

RCRAInfo Deactivation Processes

EPA HQ has recommended that states and EPA Regions attempt to clean up their SQG data in advance of the September 1, 2021, deadline to the extent possible by deactivating SQGs that are no longer active. If the state or EPA Region has the capability and resources beyond using data review to make decisions about deactivations, there are several methods they can use to see if the SQG is still active, including contact by phone or email, site visits and drive-bys, internet

searches, and looking at Google Earth or other similar programs. However, in states or EPA Regions with large numbers of generators, that may not be possible. States and EPA Regions also can use RCRAInfo to run “in business” reports¹ and then deactivate those SQGs that are no longer active (i.e., no records of waste shipments, no re-notifications, and no inspections in RCRAInfo for that generator within a certain period of time). While it is up to the state to determine their specific policy on deactivation, EPA agrees that a 10-year period of no activity in RCRAInfo is a reasonable time frame to deactivate based on data alone.

It should be noted that deactivating a site means that the facility no longer has any RCRA hazardous waste activities at the site, but the facility may still exist or be operating. The facility or the state can deactivate the generator in the RCRAInfo database by indicating that regulated activity is no longer occurring at the site or using a “D-source” record, which will result in all hazardous waste activities being zeroed out in the system. If a facility starts generating hazardous waste again or a different business becomes a hazardous waste generator at the same address, the new information will simply be added on to the old site entry without any change in the site’s EPA identification number.

State Responsibilities for Information Transfer and RCRAInfo

As EPA stressed in the preamble to the final rule, if the state already has an SQG re-notification requirement, using either the Site ID form or the Biennial Report, the data collected from that process must be inputted into the RCRAInfo database.

For More Information

ORCR has recently published a webpage devoted to the SQG re-notification effort which is located at <https://www.epa.gov/hwgenerators/re-notification-requirement-small-quantity-generators>. This webpage has outreach materials that states and Regions can use to make the SQG community aware of the upcoming re-notification deadline. For questions or additional suggestions, please contact one of the following members of the generator team:

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¹ See EPA’s SQG re-notification website for instructions on how to run SQG “in business reports” in RCRAInfo: <https://www.epa.gov/hwgenerators/re-notification-requirement-small-quantity-generators>.