



Office of Resource
Conservation and Recovery
Washington, D.C. 20460

December 2022

BIENNIAL REPORT: REPORTING EXAMPLES



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EXAMPLES ON HOW TO COMPLETE BIENNIAL REPORT FORMS

This document provides examples on how to complete Biennial Report forms.¹

EXAMPLE 1: WASTES MANAGED IN WASTEWATER TREATMENT UNIT SUBJECT TO NPDES PERMIT UNDER SECTION 402 OF THE CLEAN WATER ACT

SCENARIO

- Hazardous waste represented by Form Code W101 [very dilute aqueous waste containing more than 99% water].
- Hazardous waste managed onsite immediately upon generation in a tank system using Management Method Code H137 [discharge with National Pollutant Discharge Elimination System [NPDES] permit (with prior storage – with or without treatment)].
- Wastewater treatment unit (WWTU) subject to an NPDES permit under Section 402 of the Clean Water Act (CWA).

QUESTION

- Is the wastewater stream exempt from the Biennial Report requirements?

ANSWER

Based on the information provided, the hazardous waste was managed **immediately upon generation** in an **onsite tank system** subject to a **NPDES permit under CWA Section 402**. Thus, the hazardous waste was managed in an exempt WWTU. As a result, this waste should **not** be counted toward generator status determination nor should it be part of the Biennial Report. For additional information, refer to the [Biennial Report: Reportable and Non-Reportable Wastes](#) document.

NOTE

EPA's "[Enforcement and Compliance History Online](#)" (or "ECHO") Web site provides information on NPDES permitted facilities.

¹ Examples presented in this document were provided by States and EPA Regions.

EXAMPLE 2: WASTES DISCHARGED TO SEWER/POTW OR NPDES

SCENARIO

- Hazardous waste represented by Form Code W119 (other inorganic liquid).
- In describing the waste, the facility stated: “Rinse water from metal finishing operations where chromates, cyanides, acid, and alkalis are used in process. (Form Codes 105, 107, and 110 are applicable).”
- Onsite management of the waste using Management Method Code H136 [discharge to sewer/POTW (with prior storage – with or without treatment)] or Management Method Code H137 [discharge with NPDES permit (with prior storage – with or without treatment)].

QUESTION

- Is the wastewater stream exempt from the Biennial Report requirements?

ANSWER

Based on the information provided, the hazardous waste was **NOT managed immediately upon generation** in a WWTU. As a result, this waste should be counted toward generator status determination and be part of the Biennial Report. For additional information, refer to the [Biennial Report: Reportable and Non-Reportable Wastes](#) document.

EXAMPLE 3: WASTES MANAGED IN EXEMPT WASTEWATER TREATMENT UNIT AND UNDERGROUND INJECTION WELL

SCENARIO

- Hazardous waste represented by Form Code W101 [very dilute aqueous waste containing more than 99% water (land disposal restriction defined wastewater that is not exempt under NPDES or POTW discharge)].
- In describing the waste, the facility stated: “A slip stream of water is sent to the local POTW to qualify refinery for WWTU exemption. The rest is de-characterized and disposed as non-hazardous waste in Class I disposal well at the site.”²

² There are five classes of underground injection control (UIC) wells: industrial and municipal waste disposal wells (Class I), oil and gas related wells (Class II), mining wells (Class III), shallow hazardous and radioactive injection wells (Class IV), and shallow non-hazardous injection wells (Class V). Federal regulations applicable to UIC wells may be found at 40 CFR Parts 144-148.

- Management of the waste using Management Method Code H136 [discharge to sewer/POTW (with prior storage – with or without treatment)] and Management Method Code H134 [deepwell or underground injection].

QUESTION

- Is the wastewater stream exempt from the Biennial Report requirements?

ANSWER

Based on the information provided, the hazardous waste was managed in an exempt WWTU. In addition, non-hazardous wastewaters were injected in Class I injection wells (i.e., industrial and municipal waste wells). As a result, this waste should not be counted toward generator status determination nor should it be part of the Biennial Report.

EXAMPLE 4: WASTES MANAGED IN WASTEWATER TREATMENT UNIT SUBJECT TO PRETREATMENT REQUIREMENTS OF SECTION 307(B) OF THE CLEAN WATER ACT

SCENARIO

- Hazardous waste represented by Form Code W505 [metal bearing sludges (including plating sludge) not containing cyanides].
- Hazardous waste managed onsite immediately upon generation in a tank system using Management Method Code H136 [discharge to sewer/POTW (with prior storage – with or without treatment)].
- WWTU subject to pretreatment requirements of Section 307(b) of the Clean Water Act (CWA).

QUESTION

- Is the wastewater stream exempt from the Biennial Report requirements?

ANSWER

Based on the information provided, the hazardous waste was **managed immediately upon generation** in an onsite **tank system** subject to the pretreatment requirements of **Section 307(b) of the Clean Water Act (CWA)**. Thus, the hazardous waste was managed in an exempt WWTU. As a result, this waste should not be counted toward generator status determination nor should it be part of the Biennial Report. For additional information, refer to the [Biennial Report: Reportable and Non-Reportable Wastes](#) document.

**EXAMPLE 5:
WASTES DISCHARGED TO SEWER/POTW OR NPDES**

SCENARIO

- Acidic wastewater (D002) discharged to the acid sludge tank treatment system.
- The waste is treated onsite immediately upon generation in a WWTU (stated in the comment field).
- Management of the waste using Management Method Code H136 [discharge to sewer/POTW (with prior storage – with or without treatment)] or Management Method Code H137 [discharge with NPDES permit (with prior storage – with or without treatment)].

QUESTION

- Does the wastewater meet the wastewater exemption?

ANSWER

The hazardous waste was managed immediately upon generation in a tank system that is part of a WWTU subject to regulation under either Section 402 (i.e., NPDES) permitting program or Section 307(b) of the CWA (i.e., the national pretreatment program for facilities that discharge to POTWs). As a result, the waste is excluded from the Biennial Report submission because it fits into the group of non-reportable wastes: “Do not report wastes managed immediately upon generation only in onsite elementary neutralization...” For additional information, refer to the [Biennial Report: Reportable and Non-Reportable Wastes](#) document.

**EXAMPLE 6:
PROCESS WASTEWATER PUMPED IN A CLOSED PIPE SYSTEM INTO A NPDES PERMITTED
WASTEWATER TREATMENT UNIT**

SCENARIO

- Wastewater was pumped through piping connected from the boiler to an inter-connected piping system of frac-tanks meeting the requirements of a totally enclosed treatment facility.
- Waste sludge, filters, or residue was generated from the system.

QUESTION

- Do the wastes need to be reported if the process wastewater is pumped from a closed pipe system into an NPDES permitted wastewater treatment unit where undergoes biological treatment?

ANSWER

The wastewater was **managed immediately upon generation** in a **totally enclosed treatment facility**. Therefore, it does not need to be reported. See Hazardous Waste Instructions and Forms booklet (Section “Wastes Not to be Reported”), which identifies “Wastes managed immediately upon generation only in onsite elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in 40 CFR 260.10 (40 CFR 262.13(c)(2)).” For additional information, refer to the [Biennial Report: Reportable and Non-Reportable Wastes](#) document.

EXAMPLE 7: WASTES SENT TO A ONE-YEAR STORAGE FACILITY

SCENARIO

- A generator sends waste (e.g., spent solvent) to a permitted one-year storage facility that signs manifest and returns it to the generator.
- This permitted storage facility then sent the waste on a new manifest to a treatment facility for energy recovery. The fuel blender/energy recovery facility sends a certificate of destruction back to the original generator.

QUESTION

- How does the generator fill in GM Form?

ANSWER

The original generator reports the first receiver with a Management Method Code H141 [the site receiving this waste stored/bulked and transferred the waste with no reclamation, recovery, destruction, treatment or disposal at that site]. That is, the spent solvent generator needs to report the EPA ID Number of the one-year permitted storage facility with a Management Method Code H141 in the GM Form, Section 3 (Offsite Shipment).

The receiving facility re-manifests and lists the shipment on a GM Form with Management Method Code H050 [energy recovery at this site – used as fuel (includes onsite fuel blending before energy recovery)]. In other words, the permitted one-year storage facility reports the EPA ID Number of the facility that managed the waste by energy recovery with a Management Method Code H050 in GM Form, Section 3.

EXAMPLE 8: WASTES SENT TO STORAGE, BULKING, AND/OR TRANSFER FACILITIES

SCENARIO

- Commercial TSDF receives waste from offsite generators for storage or bulking. The wastes are subsequently transferred to another TSDF for further treatment (e.g., fuel blending, incineration, distillation).

QUESTIONS

- What is the appropriate source code to use in the Biennial Report form?
- Should the amount of waste managed by storage or bulking be entered in the “quantity generated” field (GM Form, Section 1, Quantity Generated/UOM and Density)?

ANSWERS

The commercial TSDF that received the waste from offsite generators completes a WR Form using Management Method Code H141 [the site receiving this waste stored/bulked and transferred the waste with no reclamation, recovery, destruction, treatment, or disposal at that site]. When the commercial TSDF subsequently ships the waste offsite to the other TSDF, the initial TSDF submits a GM Form with Source Code G61 [received from offsite for storage/bulking and transfer offsite for treatment or disposal] and zero for generation quantity. They would also report the applicable management method code in GM Form, Section 3 (e.g., H061 if fuel blending; H050 if energy recovery), that best describes the way in which the waste was managed at the receiving facility.

EXAMPLE 9: CHANGES IN SITE OWNERSHIP DURING THE REPORTING YEAR

QUESTION

- If a facility changed ownership during a reporting year, yet kept the same EPA ID Number, does each company need to submit a Biennial Report for their part of the year?

ANSWER

EPA requires hazardous waste data for a facility for the entire reporting year. The former and current owners of a facility must consolidate their submission in one report, with comments stating which company generated which waste.

**EXAMPLE 10:
SITE OWNERSHIP WHEN LEASING A SITE**

QUESTION

- If a facility is on a site that is being leased from a landlord, should the landlord be listed as the “owner” of the site, or should the tenant be listed as the owner?

ANSWER

The property owner (e.g., the landlord) is the Legal Owner of the site and the business owner (e.g., the tenant) is the Site’s Operator. It will be best to provide information for both the property owner (Site’s Legal Owner) and the business owner (Site’s Operator) and attach comments to identify the type of ownership.

**EXAMPLE 11:
SUBMISSION OF BIENNIAL REPORT BY FACILITIES ON TRIBAL LAND**

QUESTION

- Where would a facility on Tribal land file its Biennial Report?

ANSWER

In the case of a hazardous waste facility on Tribal land, the Biennial Report should go to the EPA Region. However, it could be that the State has more capacity to process Biennial Reports, so in essence they are working as a contractor for the Federal Government or as a Partner to the EPA Region. In these cases, the EPA Region may decide to delegate the report to the State.

Please note that facilities that are located in the Navajo Nation may be required to submit their Biennial Reports to the Navajo Nation Environmental Protection Agency (check and call its hazardous waste program at (928) 871-7995); however, EPA Region 9 is responsible for submitting and loading facilities’ Biennial Report to RCRAInfo.

**EXAMPLE 12:
GROUNDWATER CONTAMINATED WITH HAZARDOUS WASTE**

QUESTION

- Does the facility need to submit a Biennial Report if it handled groundwater contaminated by hazardous waste?

ANSWER

Groundwater contaminated by hazardous waste—if meeting risk-based standards determined by State for listed wastes or de-characterized toxicity characteristic wastes by facility—is covered by the Contain-In Policy and therefore, is out of RCRA Subtitle C regulations.

The value of the “Include in National Report” flag should be set to “N” (No). However, if groundwater contaminated with hazardous waste was removed for treatment, storage, or disposal, the management of this waste should be reported with a generation quantity of zero.

**EXAMPLE 13:
BIENNIAL REPORT EXEMPT FLAG**

QUESTION

- Does the facility need to submit a Biennial Report if it was a Federally-defined LQG for the previous report cycle but is not a Federally-defined LQG for the current report cycle?

ANSWER

A facility, who was a Federally-defined LQG for the previous report cycle but does not qualify as a Federally-defined LQG for the current report cycle, can mark the “Biennial Report Exempt” flag to let its implementer know that the facility did not need to complete and submit a Biennial Report for the current report cycle.

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