The effective date for US EPA’s landmark Generator Improvements Rule was May 30, 2017. Each state had one or two years to adopt the more-stringent elements from the EPA Final Rule. Now that the one-year and two-year deadlines have passed, we check in on which states have adopted the Generator Improvements Rule—and which states are still working on it.
Which States Have Adopted the Generator Improvements Rule (GIR)?

As of October 1, 2019, the states shown on the map below in blue have adopted (at least) the required changes from EPA’s Generator Improvements Rule:

For those keeping score at home, that’s 23 states where the new RCRA requirements are now in place: Alabama, Alaska, Arizona, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kentucky, Mississippi, New Jersey, New Mexico, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Utah, Virginia, Washington, and West Virginia.

Add to that list Puerto Rico, American Samoa, the Northern Mariana Islands, and Federal Tribal territories, all of which use the Federal RCRA regulations.
New RCRA Rules Under Construction...

In the 27 states that have not yet adopted the GIR, regulatory authorities are discussing their options internally, drafting rules, and collecting public input. Here are some updates from around the country:

**MICHIGAN** has drafted regulatory text to adopt EPA’s Generator Improvements, with a public hearing scheduled for October 16, 2019.

**MARYLAND** is drafting a proposal to incorporate the major RCRA revisions into COMAR 26.13.03, with a target effective date of January 2020.

**CALIFORNIA’S DTSC** laid out a plan to adopt elements of the Generator Improvements Rule and reorganize its Title 22 regulations.

Did we miss your state? Know something we should add to the next update? Email rwm@Lion.com and we’ll take a look!
If Your State Has Adopted the GIR...

If your state is pictured in blue, check your State regulations to see if it adopted the GIR in its entirety. States are not required to adopt anything that is less stringent than their current regulations.

The following four changes are examples of new RCRA rules that are less stringent:

1. Allowing a hazardous waste generator to avoid increased burden of a higher generator status when generating episodic waste, provided the episodic waste is properly managed
2. Allowing a very small quantity generator (VSQG) to send its hazardous waste to a large quantity generator under control of the same person
3. Venting containers at satellite areas for certain conditions
4. Removing the need for the home address of Emergency Coordinators

To check your updated State regulations, click here and scroll to your state for the link: Links to Generator Improvements State Regulations.
What If My State Did Not Adopt the GIR Yet?

If your state is shown in orange, it is technically out of compliance! Lion Technology recommends you adhere to more stringent regulations in anticipation of the GIR adoption.

In the US, hazardous waste regulation is a joint effort between Federal and State agencies. When US EPA makes changes to the Federal program, states must adopt any updates that make the rules more stringent. States that fail to maintain hazardous waste regulations that are at least as stringent as the Federal RCRA program risk losing their authorization to run a State program.

Meet EPA’s annual training mandate and be confident you know what’s new in RCRA. Check out Lion’s RCRA Hazardous Waste Management Workshop.

Upcoming RCRA Workshop Dates for 2019:

- Atlanta, GA: October 17–18
- Orlando, FL: October 21–22
- Cleveland, OH: October 21–22
- Pittsburgh, PA: October 23–24
- Detroit, MI: October 24–25
- Nashville, TN: October 28–29
- Dallas, TX: October 29–30
- Charlotte, NC: October 31–November 01
- Houston, TX: November 04–05
- Boston, MA: December 05–06
- Manchester, NH: December 09–10
- Hartford, CT: December 12–13
- Parsippany, NJ: December 16–17
- Philadelphia, PA: December 18–19
More Stringent Requirements of the GIR

The following are examples (not all-inclusive) of more stringent requirements from EPA’s Generator Improvements Rule:

WASTE DETERMINATIONS

1. The recordkeeping and retention requirements for hazardous waste determinations previously found at 40 CFR 262.40(c) were moved into Section 262.11(f), with clarifications on what records must be kept.

2. Small and large quantity generators must indicate waste codes on containers before shipping hazardous waste off site to a RCRA permitted treatment, storage, and disposal facility in accordance with the requirements of 40 CFR 262.32.

3. Any generator managing a potentially hazardous waste should manage it in accordance with the generator regulations until such time that the generator is sure that the waste is not hazardous (e.g., while awaiting the results of analysis).

MARKING AND LABELING

The final rule added a provision for generators to mark hazardous waste containers with an indication of the hazards of the contents.

EMERGENCY PREPAREDNESS AND PREVENTION

The GIR added a requirement that the generator must keep documentation of the fact that it has made arrangements with local emergency responders.

An LQG’s written contingency plan must include satellite accumulation areas and have a “quick reference guide.”

CLOSURE

There are new closure reporting requirements for a large quantity generator’s 90-day central storage area.

RE NOTIFICATION

Small quantity generators will be required to re-notify starting in 2021 and every four years thereafter using EPA Form 8700-12. This re-notification must be submitted by September 1st of each year in which re-notifications are required.

Watch your State Registers for official notification of when the GIR has been adopted in your state, keep an eye on Lion News for more updates in the future, or visit the EPA website for a list of State adoption activities.
Get RCRA Training—When You Want, Where You Want

US EPA requires hazardous waste professionals to complete annual training on the RCRA requirements. Lion makes it easy to meet your RCRA training mandate in a variety of formats—nationwide public workshops, convenient online courses, live webinars, and on-site training.

Browse RCRA training options here to find the course that fits your needs, your schedule, and your learning style.