Executive Summary

As of October 5, 2020, thirty states have adopted major changes to the Federal hazardous waste regulations in EPA’s Generator Improvements Rule. Check out this updated report to see where the new RCRA rules are in effect and when you can expect your state to adopt them.
Which States Have Adopted the Generator Improvements Rule (GIR)?

As of October 5, 2020, 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 30 states where the new RCRA requirements are now in place: Alabama, Alaska, Arizona, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

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 20 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:

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

**NEW YORK** is considering revisions to its hazardous waste rules to incorporate changes made to Federal regulations, including the Generator Improvements Rule, the Hazardous Waste Pharmaceuticals (HWP) Rule, EPA's Definition of Solid Waste (DSW) Rule, and relaxed management standards for airbags. The working title for this rulemaking is *FedReg6*.

**MARYLAND** is drafting a proposal to incorporate the major RCRA revisions into COMAR 26.13.03, with a target effective date of January 2021.

**KANSAS** is drafting a rule to adopt the RCRA revisions as well. In the meantime, a state policy allows generators to use some of the new reliefs in the rule while they wait for the state to officially adopt.

**TEXAS** has started work on rulemaking project *2019-086-335-WS* to adopt the Generator Improvements Rule and other updated Federal rules.

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.

Get annually-required hazardous waste training and be confident you know the latest RCRA rules. Check out Lion’s RCRA Hazardous Waste Management Course.

Hazardous Waste Webinars for RCRA and Beyond

- RCRA Hazardous Waste Management
- Texas Hazardous & Industrial Waste Management
- New York Hazardous Waste Management
- RCRA Hazardous Waste Management Refresher
- California Hazardous Waste Management Refresher
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.

**RENOTIFICATION**

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.