



# Hazardous Waste Generator Categories and Episodic Generation

**THIS POLICY DOES NOT HAVE THE FORCE OF LAW**

**Hazardous Waste**

*This guidance document is intended to help you determine your hazardous waste generator category and understand the requirements that apply when you fluctuate between categories. Your generator category determines which hazardous waste management requirements you must follow for hazardous waste generated during any calendar month. In general, the more hazardous waste you generate or accumulate on-site, the more requirements apply. Since your generator category and hence the requirements you must follow are based on the amount of hazardous waste you generate in a calendar month or the total amount you have on-site at any given time, you may fluctuate between categories depending upon production levels, seasonal changes, etc. This fluctuation between generator categories has been termed episodic generation.*

## What are Ohio's hazardous waste generator categories?

Ohio has three hazardous waste generator categories:

- conditionally exempt small quantity generator (CESQG);
- small quantity generator (SQG); and
- large quantity generator (LQG).

For monthly generation rates for each generator category, see the following table:

<b>Monthly Generation Rate</b>		
<b>CESQG</b>	<b>SQG</b>	<b>LQG</b>
$\leq 1$ kg of acute HW $\leq 100$ kg of acute HW* $\leq 100$ kg of HW	$> 100$ kg but $< 1,000$ kg of HW	$> 1$ kg of acute HW $> 100$ kg of acute HW* $> 1,000$ kg of HW
<p>1 kg = ~ 1 qt            100 kg = ~ 27 gal (about 1/2 of a 55-gallon drum) or 220 lbs.            1,000 kg = ~ 270 gal (about five 55-gallon drums) or 2,200 lbs.            6,000 kg = ~ 1,620 gallons (about thirty 55-gallon drums) or 13,200 lbs.</p> <p>*residue, contaminated soil, waste or other debris from clean-up of a spill of acute HW</p>		

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**Note:** Many hazardous wastes are liquids and are measured in gallons – not kilograms or pounds. In order to measure your liquid wastes, you will need to convert from gallons to kilograms (one gallon of water = 8.33 pounds). To more accurately calculate the number of pounds in a gallon, you must know the density of the liquid. A rough guide is that about half of a 55-gallon drum of waste with a density similar to water weighs about 220 pounds or 100 kilograms; 264 gallons (~ five 55-gallon drums) of a waste with a density similar to water weighs about 2,200 pounds or 1,000 kilograms.

### How do I determine my hazardous waste generator category?

Most often, your hazardous waste generator category is determined by the total weight of hazardous waste that you generate (produce) in any given calendar month. Your category can also change due to the total amount of hazardous waste that you have on-site at any given time. For instance, if you are a CESQG or an SQG based on monthly generation rate, your generator category can change if you generate acutely<sup>1</sup> hazardous wastes or the total amount of hazardous waste that you have on-site at any given time exceeds amounts listed below:

- If you otherwise are a CESQG and you accumulate more than 2,200 pounds of hazardous waste at any one time, you must comply with all applicable SQG requirements.
- If you otherwise are an SQG and you accumulate over 13,200 pounds of hazardous waste on-site, you are required to have a hazardous waste installation and operation permit.
- If you otherwise are an SQG or a CESQG and you generate or accumulate more than 2.2 pounds of acutely hazardous waste (other than clean-up debris or residues), you must comply with all applicable LQG requirements.

**Note:** A "calendar month" includes all the days in that particular month (i.e., February 1<sup>st</sup> to February 28<sup>th</sup>, March 1<sup>st</sup> to March 31<sup>st</sup>, April 1<sup>st</sup> to April 30<sup>th</sup>).

**Note:** Generator categories are NOT determined by the weight of waste shipped offsite.

If you are an LQG, your hazardous waste management requirements are not affected by the total amount of hazardous waste you accumulate onsite at any one time. For more information on determining your hazardous waste generator category, see chapter 2 of our [Hazardous Waste Generator Handbook](#).

### What do I include in my monthly hazardous waste total?

OAC rules [3745-51-04](#) and [3745-51-05\(C\) and \(D\)](#) state which hazardous wastes are counted towards your monthly quantity determination:

**Note:** If your material was a product, but it is off-specification (meaning the product no longer meets applicable industry or manufacturing quality standards) and cannot be used, it is considered generated when you determine that it is no longer usable as a product.

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<sup>1</sup> A listed hazardous waste designated with an "H" hazard code - this includes most commercial chemical product listed wastes designated with hazardous waste number PXXX and [F020](#), [F021](#), [F022](#), [F023](#), [F026](#) and [F027](#).

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### Examples of what to count

- All quantities of *listed* and *characteristic* hazardous wastes that are accumulated on your property for any period of time before treatment, disposal or recycling, except for wastes managed immediately upon generation only in on-site elementary neutralization units, *wastewater treatment units* or totally enclosed treatment facilities.
- All quantities of listed and characteristic hazardous wastes that is accumulated and transported off-site.
- All quantities of listed and characteristic hazardous waste that are placed directly in an on-site regulated treatment container or tank.
- All quantities of listed and characteristic hazardous wastes that are generated as still bottoms or sludge's and removed from product storage tanks.

### Are there any exceptions to which wastes I must count when determining my generator category?

#### Do NOT count

- Samples of waste and samples of water, soil or air which are collected to determine if hazardous, according to OAC rule [3745-51-04\(D\)](#).
- Generated or collected treatability study samples, according to OAC rule [3745-51-04\(E\)](#).
- Samples undergoing treatability studies at laboratories and testing facilities, according to OAC rule [3745-51-04\(F\)](#).
- Specific recyclable materials that will be recycled, including scrap metal, according to OAC rule [3745-51-06\(A\)\(3\)](#).
- Hazardous waste remaining in either an empty container or an inner liner removed from an empty container according to OAC rule [3745-51-07\(A\)\(1\)](#).
- *PCB wastes* regulated under the *Toxic Substances Control Act*, according to OAC rule [3745-51-08](#).
- Wastes that are recycled, without prior storage, only in an on-site recycling process subject to regulation under OAC rule [3745-51-06\(C\)\(2\)](#).
- Waste residues that have not yet exited raw material storage or a production unit, unless the hazardous waste remains in the unit more than 90 days after the unit ceases to operate, according to OAC rule [3745-51-04\(C\)](#).
- Wastes that are managed in an “elementary neutralization unit,” a “totally enclosed treatment facility” or a “*wastewater treatment unit*,” without being stored in a separate container/tank that is not a part of the wastewater treatment unit, totally enclosed treatment facility or elementary neutralization unit first (see OAC rule [3745-50-10](#) for definitions of these units).
- Wastes that are discharged directly to publicly owned treatment works (POTWs) without being stored or accumulated first. Discharges to a POTW must comply with the *Clean Water Act*. POTWs are public utilities, usually owned by the city, special districts or the county, that treat industrial and domestic sewage for disposal.
- Used oil managed under the requirements of OAC Chapter [3745-279](#).
- Spent lead-acid batteries that will be reclaimed and managed under the requirements of OAC rule [3745-266-80](#).
- *Universal wastes* managed under OAC Chapter [3745-273](#) (for example, batteries, pesticides, mercury thermostats, lamps, and the Ohio specific universal waste, aerosol cans, antifreeze, paint and paint related waste).

## Hazardous Waste Generator Categories and Episodic Generation

To avoid double counting, the following types of wastes do not need to be counted when determining your hazardous waste generator classification. All of these hazardous wastes have already been counted when they were initially generated.

- Hazardous wastes that have already been counted once during the calendar month and are treated on-site to render them non-hazardous or reclaimed in some manner (for example, solvent that is distilled on-site).
- Hazardous waste previously counted when produced by on-site treatment (including reclamation).
- Hazardous waste removed from on-site Storage.

**Note:** For more information on counting your hazardous waste that has been generated and reclaimed on-site, see the *Fall 2004 Notifier* article titled, "Reducing Solvent Purchase and Disposal Costs."

### What circumstances can make my generator category change month to month?

There are many instances where you may fall into another generator category unexpectedly or as the result of a one-time occurrence. Based on biennial report filings, these situations may include: lab clean outs; off-specification product inventory clean outs; tank cleaning; underground storage tank removals; spills of hazardous waste or product that become hazardous waste when spilled; and those hazardous wastes (e.g., contaminated media and debris) generated from conducting remediation-related activities.

### Am I an episodic generator?

If the weight/amount of hazardous waste you generate/accumulate causes your generator category to fluctuate month to month, you are an episodic generator. Episodic generators include those who only occasionally generate hazardous waste, those who occasionally fluctuate between the three hazardous waste generator categories and those who routinely change generator categories at least one month a year (for example, a generator who routinely generates and accumulates hazardous waste from a product storage tank clean out once a year).

### Do I need to notify Ohio EPA if I change generator categories?

In some cases, you are required to **notify Ohio EPA** if you change generator categories. For example, if you change from a CESQG to either an SQG or LQG, you are required to notify Ohio EPA and obtain a **U.S. EPA identification number** as both SQG and LQGs are required to have a U.S. EPA identification number (see OAC rule **3745-52-12**).

To notify, simply complete and submit the **Notification of Regulated Activity** Form to Ohio EPA's Division of Environmental Response and Revitalization (DERR). The form and instructions are available on our **web page**. When hazardous wastes are no longer generated at your location, the U.S. EPA identification number is no longer of use and it is suggested that you "deactivate" the assigned number.

To deactivate a U.S. EPA identification number you do not need to fill out the notification form. Simply send **Ohio EPA** a letter on company letterhead requesting us to deactivate your U.S. EPA identification number.

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### If I am normally an SQG but due to an episodic event become an LQG for one month, do I remain an LQG for the remainder of the year?

No. As stated earlier, you must comply with all applicable *generator requirements* for hazardous wastes generated that month for as long as that waste remains on-site. If you revert back to SQG status the following month, you must continue to manage the hazardous waste generated during the month you became an LQG according to all applicable LQG requirements. Hazardous waste generated during the month you were an SQG can be managed under SQG requirements.

### If I reach LQG status only once during the calendar year, do I have to file a biennial report?

Yes, if you reached LQG status in one or more calendar months of an odd-numbered year, you must file a *biennial report* by March 1st of the following even-numbered year (see OAC rule [3745-52-41](#)). This report should include information about all the hazardous waste that you generated during the previous reporting year; not just the hazardous waste generated during the month(s) you were an LQG.

### What if I accumulate large amounts of hazardous waste on-site due to an episodic event?

As an episodic generator, you can be generating and accumulating large quantities of hazardous waste several months a year. You can store (accumulate) or treat that hazardous waste on-site without an Ohio hazardous waste permit provided you comply with the hazardous waste *generator requirements*. The requirements that you must comply with are determined by the total amount of hazardous waste generated at the site in that calendar month, and for CESQGs and SQGs, the amount of hazardous waste you have on your property at any given time.

### What if I do not accumulate hazardous waste on-site?

If you do not accumulate or treat any hazardous waste on-site, you are not subject to the hazardous waste accumulation/treatment requirements of OAC rule [3745-52-34](#) including tank/container management, personnel training, emergency preparedness/prevention and contingency plans/emergency response. This section of OAC Chapter [3745-52](#) applies if hazardous waste is accumulated and/or treated on-site. For example, if you are not a hazardous waste generator, yet you spilled a product onto the ground which would be considered hazardous waste when excavated, and the contaminated soil waste is loaded onto a truck and taken offsite at the time of excavation, no accumulation would have occurred.

All other applicable sections of OAC Chapter [3745-52](#) [*biennial reporting* requirements ([3745-52-41](#)), *recordkeeping* ([3745-52-40](#)), using manifests ([3745-52-20 to 3745-52-23](#)), etc.] would apply to you in this situation. In addition, you must include the amount of hazardous waste in your total monthly generation rate even if the hazardous waste is not accumulated.

### How can I reduce the amount of waste I generate?

There are many opportunities for generators to reduce the amount and toxicity of hazardous waste they generate. Simple steps such as developing a *pollution prevention program*, improving housekeeping practices and implementing cost effective process changes can decrease hazardous waste generation. Reducing waste can save your company money and reduce environmental liability and regulatory requirements. To help reduce the amount of waste you generate, try the following practices.

## Hazardous Waste Generator Categories and Episodic Generation

- Do not mix non-hazardous waste with hazardous waste. Mixing non-hazardous waste with hazardous waste can increase the amount of hazardous waste created, as the entire mixture can become hazardous. Mixing waste can also make recycling very difficult, if not impossible. A common example of mixing wastes would be putting nonhazardous cleaning agents in a container of used hazardous solvents.
- Recycle and reuse manufacturing materials - Many companies routinely put useful components back into productive use rather than disposing of them. Items such as used oil, spent solvents, acids and metals are commonly recycled and used again. In addition, some companies have taken waste minimization actions such as using fewer solvents, using solvents that are less toxic or switching to a nontoxic detergent solution.
- Change material, process or both - Businesses can save money and increase efficiency by replacing a material or process with another that produces less waste. For example, you could possibly use plastic blast media for paint stripping of metal parts rather than conventional solvent stripping.
- Safely store hazardous products and containers - You can avoid creating more hazardous waste by preventing spills or leaks. Store hazardous product and waste containers in secure areas and inspect them frequently for leaks. When leaks or spills occur, cleanup materials may also become regulated hazardous waste, so preventing leaks and spills will avoid unnecessary generation of these wastes.

### REFERENCES

OAC rule [3745-51-04](#)

March 24, 1986 Federal Register ([51 FR 10153](#))

OAC rule [3745-51-05](#)

August 1, 1986, Fax-On-Demand: [12699](#)

OAC rule [3745-52-34](#)

June 1, 1984, RCRA Online [12245](#)

November 19, 1980 Federal Register ([45 FR 76620](#))

[Ohio Hazardous Waste Generator Handbook](#)

### Contact

For more information, contact the Hazardous Waste Compliance and Inspection Support Unit of the [Division of Environmental Response and Revitalization](#) at 614-644-2924.