

Appendix to RCRA Compendium of Next Generation Compliance Examples

Excerpted Language from Examples (8/10/16)

Shortcuts to Items in Appendix

- [California Health and Safety Code on E-Reporting](#)
- [Colorado SQG self-certification regulations \(2014\)](#)
- [EPA Final Rule: Disposal of Coal Combustion Residuals from Electric Utilities \(2015\)](#)
- [EPA Final Rule for the Modification of the Hazardous Waste Manifest System; Electronic Manifests \(2014\)](#)
- [EPA Proposed Rule: Hazardous Waste Export-Import Revisions \(2015\)](#)
- [EPA Proposed Rule: Hazardous Waste Generator Improvements \(2015\)](#)
- [In the matter of A.T. Still University of Health Sciences, d/b/a A.T. Still University \(2016\)](#)
- [In the matter of the United States Department of the Navy and Defense Logistics Agency \(Red Hill AOC\) \(2015\)](#)
- [In the matter of Wal-Mart Stores, Inc. \(2013\)](#)
- [New Hampshire Hazardous Waste Coordinator certification regulations \(2007\)](#)
- [U.S. and Florida Department of Environmental Protection v. CF. Industries, Inc. \(2010\)](#)

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Example from Compendium	EPA or State Implementer	Next Gen Principle Demonstrated	Relevant Language (with web links, where available)
<p>Colorado SQG self-certification regulations</p> <p>return to top</p>	CO DPHE	<i>Effective Rules</i> (self-certification requirements)	<p>“(b)(1) Any generator of hazardous waste who receives a Self-Certification Checklist from the Department shall complete and return the checklist within the time specified in the instructions provided by the Department.</p> <p>(2) The Department shall provide generators a reasonable amount of time to complete and return a checklist. At a minimum, the generator shall have 14 days from the date of receipt to return the checklist. A checklist is deemed returned on the date it is received by the Department. The Department may provide an extension of time to complete and return a checklist upon request.</p> <p>(3) The self-certification checklist shall contain a certification in substantially the following form, which must be signed by an authorized representative of the generator: “I, the undersigned facility representative, certify that: i. I have personally examined and am familiar with the information contained in this submittal; ii. The information contained in this submittal is to the best of my knowledge, true, accurate, and complete in all respects; and iii. I am fully authorized to make this certification on behalf of this facility. I am aware that there are significant penalties including, but not limited to, possible fines and imprisonment for willfully submitting false, inaccurate, or incomplete information.”</p> <p>6 CCR 1007-3 Part 262.43 (6/30/14), available at https://www.colorado.gov/pacific/cdphe/hazardous-waste-regulations.</p>
<p>New Hampshire Hazardous Waste Coordinator certification regulations</p>	NH DES	<i>Effective Rules</i> (personnel training requirements)	<p>“III. (a) Each hazardous waste generator that generates more than 220 pounds of hazardous waste per month shall have on staff at the facility where the hazardous waste is generated a hazardous waste coordinator certified by the department. The certified hazardous waste coordinator shall be responsible for ensuring that the generator is aware of and in compliance with applicable requirements relating to hazardous waste management, including but not limited to storage, transportation, and disposal. Certification shall not be transferable. Initial certification shall be valid for one year and may be renewed for subsequent one-year terms. The department may charge a reasonable fee to cover expenses for education and training programs that fulfill the initial certification and continuing</p>

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return to top			<p>education requirements. The commissioner may authorize alternative certified hazardous waste coordinator programs provided the program demonstrates equivalent on-site staffing, training, continuing education, and management organization to meet the responsibilities of this paragraph.</p> <p>(b) Each application for initial or renewal of a hazardous waste coordinators certification shall be accompanied by a non-refundable fee of \$125 per year to cover department expenses for conducting the certification program.”</p>
		<i>Effective Rules</i> (self-certification requirements)	<p>“IV. (a) Each hazardous waste generator that generates less than 220 pounds (100 kilograms) of hazardous waste per month shall submit to the department, every 3 years, a self-certification declaration stating that the facility is in compliance with the small quantity hazardous waste generator rules. The declaration shall be on a form provided by the department.</p> <p>(b) Each small quantity hazardous waste generator shall pay non-refundable fees at a rate of \$60 per year for the period of January 1, 2004 to June 30, 2007, and at a rate of \$90 per year beginning July 1, 2007, to cover department expenses for conducting the self-certification program and hiring of program staff. Total fees due for each year shall be submitted with the self-certification declaration form required under subparagraph (a).</p> <p>(c) If the self-certification fee is not paid within 60 days of the due date, interest shall be assessed at a rate established by the commissioner, and shall be deposited into the cleanup fund. The commissioner may waive all or any portion of interest for good cause.</p> <p>(d) Political subdivisions of the state shall be exempt from the fee for submitting a self-certification declaration.</p> <p>(e) Small quantity hazardous waste generators that are participants in a department-developed multi-media compliance assurance program referred to as an environmental results program, or ERP, shall be exempt from this paragraph.”</p>

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			N.H. REV. STAT. ANN. § X:147-A:5 (2007), available at http://www.gencourt.state.nh.us/rsa/html/X/147-A/147-A-5.htm .
Final Rule: Disposal of Coal Combustion Residuals from Electric Utilities return to top	U.S. EPA	<i>Transparency</i> (compliance information website)	<p>“Publicly accessible Internet site requirements.</p> <p>(a) Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain a publicly accessible Internet site (CCR Web site) containing the information specified in this section. The owner or operator's Web site must be titled ‘CCR Rule Compliance Data and Information.’</p> <p>(b) An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section by using the same Internet site for multiple CCR units provided the CCR Web site clearly delineates information by the name or identification number of each unit.</p> <p>(c) Unless otherwise required in this section, the information required to be posted to the CCR Web site must be made available to the public for at least five years following the date on which the information was first posted to the CCR Web site.</p> <p>(d) Unless otherwise required in this section, the information must be posted to the CCR Web site within 30 days of placing the pertinent information required by §257.105 in the operating record.</p> <p>(e) Location restrictions. The owner or operator of a CCR unit subject to this subpart must place each demonstration specified under §257.105(e) on the owner or operator's CCR Web site.</p> <p>.....”</p> <p>40 C.F.R. § 257.107 (2015), available at http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr257_main_02.tpl.</p>
In the matter of A.T. Still University of Health Sciences, d/b/a A.T. Still University	R7	<i>Transparency</i> (web posting of information)	<p>“58. Respondent agrees to prominently post on its public web site (www.atsu.edu): 1) the Memorandum of Understanding for Hazardous Waste Exposure between A.T. Still University of Health Sciences and Northeast Regional Medical Center, and 2) the Memorandum of Understanding for Hazardous Waste Exposure between A.T. Still University of Health Sciences and the Kirksville Fire Department and Kirksville Police Department. Respondent agrees to post these documents within five (5) days of the Effective Date and may remove them one (1) year after the Effective Date. Any updates to the Memoranda of Understanding during this timeframe must also be updated in the on-line version.” (pg. 9)</p>

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return to top			<p>(May 3, 2016), available at https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Advanced%20Search/B9C047F1848DEACF85257FA9001BC0D8/\$File/RCRA-07-2016-0024.pdf.</p>
		<i>Advanced Monitoring</i> (using photos to demonstrate compliance)	<p>“Respondent shall take the following actions within the time periods specified, according to the terms and conditions specified below: a. Prepare a written narrative with supporting photographic documentation showing that Respondent is correctly managing all hazardous waste containers in the Coutts building. The first submission is due within thirty (30) days of the Effective Date of this Consent Agreement and Final Order. The subsequent three (3) submissions shall be provided ninety (90) days after the previous submission.” (pg. 11)</p> <p>(May 3, 2016), available at https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Advanced%20Search/B9C047F1848DEACF85257FA9001BC0D8/\$File/RCRA-07-2016-0024.pdf.</p>
<p>In the matter of the United States Department of the Navy and Defense Logistics Agency (Red Hill AOC)</p> <p>return to top</p>	R9 and HI DOH	<i>Transparency</i> (allowing direct EPA posting)	<p>“1.2 Community Involvement The Parties shall update the public jointly based on public interest and at the request of one of the Parties. Navy and DLA shall submit a synopsis of each final report developed under the AOC, and this SOW, to the Regulatory Agencies who may make that synopsis available to the public. The Regulatory Agencies will make the final deliverables available to the public to the extent such documents are not protected from public disclosure. The Parties shall also host public meetings at least annually to allow for the public to be provided progress updates by the Navy, DLA, and the Regulatory Agencies, and to ask questions about the Red Hill facility.” (pg. 2)</p> <p>“(d) Document Availability: All data, information, and records created or maintained for purposes of implementation of this AOC, and all records relating to Facility operations and maintenance, or to site conditions, shall be made available to the Regulators upon request unless Navy or DLA assert a claim that such documents are legally privileged from disclosure and meets the burden of demonstrating to the Regulatory Agencies that such a privilege exists. Navy and DLA may assert a claim that certain documents or portions of documents are protected from public disclosure under federal or state law (e.g., documents exempt from disclosure under applicable laws such as FOIA, Procurement Integrity Act, Privacy Act, etc.). Navy and DLA shall clearly mark the material in which such a claim is asserted (e.g., documents shall be marked on each page and shall be reasonably segregated) and cite to the legal</p>

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			<p>authority allowing withholding. If no such claim accompanies the information when it is submitted to the Regulatory Agencies, it may be made available to the public by EPA or DOH without further notice to Navy and DLA. Navy and DLA agree not to assert such claims with respect to any data related to Site conditions, including but not limited to, sampling, analytical, monitoring, hydrogeologic, scientific, chemical or engineering data or any other documents or information evidencing conditions at or around the Site.” (pg. 17)</p> <p>(Sept. 28, 2015), available at https://www.regulations.gov/document?D=EPA-R09-UST-2015-0441-0569.</p>
		<i>Advanced Monitoring</i> (continuous leak detection)	<p>“(3) Navy and DLA will, as an interim measure, double the frequency of their tank tightness testing from biennial to annual and continue to continuously monitor the inventory of fuel in the Tanks. Navy and DLA shall conduct the next round of tank tightness testing no later than one year from the effective date of the AOC. As set forth below, Navy and DLA will also conduct a study to evaluate improvements to the tank tightness and release detection technologies deployed at the Facility and, pending the outcome of the study and approval by the Regulatory Agencies, implement improvements.” (SOW attachment, pp. 1-2)</p> <p>(Sept. 28, 2015), available at https://www.regulations.gov/document?D=EPA-R09-UST-2015-0441-0569.</p>
Final Rule for the Modification of the Hazardous Waste Manifest System; Electronic Manifests	U.S. EPA	<i>E-reporting</i>	<p>[The final rule authorizes the use of electronic hazardous waste manifests that will become available when EPA establishes a new electronic hazardous waste manifest system that will become available when EPA establishes a new electronic hazardous waste manifest system. This modification will provide waste handlers with the option to complete, sign, transmit, and store manifest information electronically in the future electronic system.]</p> <p>(Feb. 7, 2014), available at https://www.federalregister.gov/articles/2014/02/07/2014-01352/hazardous-waste-management-system-modification-of-the-hazardous-waste-manifest-system-electronic.</p>

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<p>Proposed Rule: Hazardous Waste Export-Import Revisions</p> <p>return to top</p>	U.S. EPA	<i>E-reporting</i>	<p>“40 CFR 262.83(b) Notifications. (1) General Notifications. At least sixty (60) days before the first shipment of hazardous waste is expected to leave the United States, the exporter must provide notification in English to EPA of the proposed transboundary movement. Notifications must be submitted electronically using EPA’s hazardous waste import/export database. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and must include all of the following information: . . .”</p> <p>“40 CFR 262.84(b) Notifications. In cases where the competent authority of the country of export does not regulate the waste as hazardous waste and, thus, does not require the foreign exporter to submit to it a notification proposing export and obtain consent from EPA and the competent authorities for the countries of transit, but EPA does regulate the waste as hazardous waste: (1) The importer is required to provide notification in English to EPA of the proposed transboundary movement of hazardous waste at least sixty (60) days before the first shipment is expected to depart the country of export. Notifications submitted on or after [Effective date of final rule] must be submitted electronically using EPA’s hazardous waste import/export database. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and must include all of the following information: . . .”</p> <p>(Oct. 19, 2015), available at https://www.epa.gov/hwgenerators/proposed-rule-hazardous-waste-export-import-revisions.</p>
<p>Proposed Rule: Hazardous Waste Generator Improvements</p>	U.S. EPA	<i>E-reporting</i>	<p>“d. Request for comment on the usefulness of a potential electronic RCRA contingency planning application. The Agency requests comment on whether contingency plans should be submitted electronically to emergency responders to enhance their ability to respond safely and effectively to an emergency at an LQG and what EPA’s role should be in electronic submittals. Currently EPA makes numerous electronic databases and tools available for helping first responders with emergency management. These tools include CAMEO (Computer-Aided Management of Emergency Operations), which assists with data management requirements under EPCRA, such as the required annual submittal</p>

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return to top			<p>of an Emergency Hazardous Chemical Inventory Form to the LEPC. EPA is taking comment on whether an additional tool to manage contingency plans under RCRA would be a useful addition to this software suite and whether it would assist LEPCs by integrating the contingency plan with their existing data on facilities, making the information available to the first responders in the most usable way. Specifically, we request comment on the feasibility and effectiveness of private sector parties or non-profit or governmental entities developing software that LQGs could use to provide important information to emergency responders in responding to an emergency. Building on the concept of a standard list of information to be included in a contingency plan executive summary that was discussed above, private sector or non-profit parties could design electronic software to identify the appropriate information emergency responders quickly need to assess an emergency. In turn, LQGs would then input that information into the application and provide that information to their local LEPC or emergency response organization for use should an emergency arise. The objective would be to allow emergency responders to more quickly and effectively analyze and respond to emergencies rather than having to review a lengthy document.”</p> <p>80 Fed. Reg. 57918, 57961 (Sept. 25, 2105), available at https://www.epa.gov/hwgenerators/proposed-rule-hazardous-waste-generator-improvements.</p>
<p>California Health and Safety Code</p> return to top	CA	<i>E-reporting</i>	<p>“(4) No later than three years after the statewide information management system is established, each CUPA, PA, and regulated business shall report program data electronically. The secretary shall work with the CUPAs to develop a phased in schedule for the electronic collection and submittal of information to be included in the statewide information management system, giving first priority to information relating to those chemicals determined by the secretary to be of greatest concern. The secretary, in making this determination shall consult with the CUPAs, the California Emergency Management Agency, the State Fire Marshal, and the boards, departments, and offices within the California Environmental Protection Agency.</p> <p>(5) The secretary, in collaboration with the CUPAs, shall provide technical assistance to regulated businesses to comply with the electronic reporting requirements and may expend funds identified in clause (i) of subparagraph (A) of paragraph (3) for that purpose.”</p> <p>See Cal. Health & Safety Code § 25404(e).</p>

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<p>In the matter of Wal-Mart Stores, Inc.</p> <p>return to top</p>	<p>U.S. EPA</p>	<p><i>Innovative Enforcement</i> (handheld terminal)</p>	<p>“92. At each Retail Facility, Respondent shall maintain a current database of all Consumer Products that should be managed as hazardous waste pursuant to this agreement and shall make the information available to any EPA or State official conducting a RCRA compliance inspection at that Retail Facility. This database shall be the same or similar as the handheld terminal-type system described in Paragraph 93(a).</p> <p>93. As of the date of filing of this CAPO, Walmart has already taken steps to improve its environmental compliance program to address the allegations in this CAFO and to ensure compliance with all applicable environmental laws related to Walmart's Reverse Distribution Processes and hazardous waste management. Generally, these steps include an improved hazardous waste management system at Walmart Retail Facilities, development of enhanced hazardous waste training programs for Walmart Retail Facility Associates, and the development of various standardized operating procedures. Specifically, Walmart agrees to the following programs that have been implemented in response to the allegations of the United States:</p> <p>a. Implementation of Improved Hazardous Waste Management System at Retail Facilities. Walmart has engaged a third-party consultant to review the Consumer Products to be sold at a Retail Facility and determine if those products, if discarded by Walmart, would be considered hazardous waste pursuant to RCRA ("RCRA Items"). Once the RCRA Items are identified, either through the third-party consultant or by the supplier(s) of the RCRA Item, that information is then loaded into the Retail Facilities' handheld terminal (or equivalent) and the RCRA Items are identified as being potentially flammable, toxic/corrosive, reactive, or listed pursuant to RCRA, in the Retail Facilities' handheld terminal and on the product's shelf label (each category designated by color). To the extent these RCRA Items become a waste (as the result of spills or damage at the Retail Facility), Walmart has implemented a system that conforms with the provisions of RCRA commonly and currently known as the "bucket system." The bucket system provides training and color-coded buckets for the management of items that become hazardous waste at the Retail Facility. At Retail Facilities, Walmart will continue operation of its "RCRA item file" and "bucket system" (or equivalent file or systems) to ensure proper management of RCRA Items once they become Solid Waste during the term of this CAFO, to the extent the law continues to identify these items as subject to the hazardous waste requirements of RCRA.” (pp. 22-23)</p>

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			(May 28, 2013), available at https://www.epa.gov/sites/production/files/2013-09/documents/walmart-cafo.pdf .
U.S. and Florida Department of Environmental Protection v. CF. Industries, Inc. return to top	U.S. EPA and FL DEP	<i>Innovative Enforcement</i> (safer technological alternatives)	<p>“The X and Z granulation plants utilize a secondary scrubber within the dryer scrubber and fume scrubber. The X and Z granulation plants also utilize product cooler scrubbers. Each of the previously mentioned scrubbers uses process water as the scrubbing media. The DAP/MAP Scrubber System Modifications Project will install piping, seal tanks, valves, and instrumentation to convert from process water gas scrubbing to acid and fresh water gas scrubbing in X, Y, and Z granulation plants. CF may continue to discharge process water used in the aforementioned scrubbers within X and Z granulation plants to the Phosphogypsum Stack System until the DAP/MAP Scrubber System Modifications Project is completed as set forth in Section 12 herein.” (pg. 21)</p> <p>(Aug 6, 2010), available at https://www.epa.gov/enforcement/consent-decree-cf-industries-inc.</p>