

NEBRASKA ADMINISTRATIVE CODE

Title 128 - Department of Environmental Quality

Chapter 9 - REQUIREMENTS FOR SMALL QUANTITY GENERATORS OF HAZARDOUS WASTE

001 Applicability.

001.01 A small quantity generator is one who generates in a calendar month a total quantity of hazardous waste greater than 100 kilograms and less than 1,000 kilograms. Small quantity generators are subject to this Chapter.

001.02 A generator who treats, stores or disposes of hazardous waste on-site must comply with Chapter 4, 002 through 004, 005.03C, 005.04, and 005.05, Sections 007.03 and 007.04 of this Chapter, and, if applicable, Chapter 10, 007. A generator who treats, stores, or disposes hazardous waste onsite must also comply with all other applicable chapters of this Title.

002 When making the quantity determinations of this Title, the generator must include all hazardous waste that it generates, except hazardous waste that:

002.01 Is exempt from regulation under Chapter 2, Sections 010 through 013, 015.01, 016, or Chapter 7, Section 002; or

002.02 Is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in Chapter 1; or

002.03 Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Chapter 7, Section 006; or

002.04 Is used oil managed under the requirements of Chapter 7, Section 002.02; or

002.05 Is spent lead-acid batteries managed under the requirements of Chapter 7, Section 011; or

002.06 Is universal waste managed under Chapter 25.

003 In determining the quantity of hazardous waste generated, a generator need not include:

003.01 Hazardous waste when it is removed from on-site storage as long as it is counted once; or

003.02 Hazardous waste produced by on-site treatment (including reclamation) of hazardous waste, so long as the hazardous waste that is treated was counted once; or

003.03 Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

004 If a small quantity generator generates acute hazardous waste in a calendar month, in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under Chapter 10 and the notification requirements of Chapter 4.

004.01 A total of one kilogram of acute hazardous wastes listed in Chapter 3, 013 through 016.

004.02 A total of 100 kilograms of any residue or contaminated soil, water or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous waste listed in Chapter 3, 013 through 016.

005 The small quantity generator may accumulate acute hazardous waste on-site. If he accumulates at any time acute hazardous waste in quantities greater than those set forth in 004.01 or 004.02 of this Chapter, all of those accumulated acute hazardous wastes are subject to regulation under Chapter 10 and the notification requirements of Chapter 4. The time period of Chapter 10, 004.01 for accumulation of wastes on-site, begins when the accumulated wastes exceed the exclusion limit.

006 A small quantity generator who generates and accumulates acute hazardous waste in a calendar month in quantities no greater than those specified in 004.01 and 004.02 of this Chapter is subject to the requirements of Chapter 8, 006.03 for all quantities of that acute hazardous waste.

007 A small quantity generator shall comply with the following regarding their hazardous waste (except as provided otherwise by Sections 004 and 005 of this Chapter).

007.01 Chapter 4, 002 - Hazardous Waste Determination.

007.02 Chapter 4, 003 through 004 - DEQ/EPA Identification Number.

007.03 A small quantity generator may accumulate hazardous waste on-site for 180 days or less (or for 270 days if the generator must transport the waste, or offer that waste for transportation, over a distance of 200 miles or more) without a permit or without having interim status provided that:

007.03A The quantity of waste never exceeds 6,000 kilograms and;

007.03B The generator complies with the tank requirements of Section 009 of this Chapter and;

007.03C The generator complies with the container requirements of Section 004.01A of Chapter 10, except Section 004.01A6 and;

007.03D The generator complies with the dating and labeling requirements of Sections 004.01F and 004.01G of Chapter 10 and;

007.03E The generator complies with the requirements of Chapter 16 except Section 002.01A and;

007.03F The generator complies with the requirements of Chapter 17 and;

007.03G The generator complies with the requirements of Section 005.01E of Chapter 20.

007.04 Satellite accumulation.

007.04A A generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acute hazardous waste listed in Chapter 3, 015, in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with Section 007.03 of this Chapter provided the generator:

007.04A1 Complies with Sections 004.01A1 and 004.01A2 of Chapter 10 and Chapter 16, 002.01C and

007.04A2 Marks the containers with the words "Hazardous Waste" or with other words that identify the contents of the containers.

007.04B A generator who accumulates either hazardous waste or acute hazardous waste in excess of the amounts listed in Section 007.04A of this Chapter at or near any point of generation must, with respect to that amount of excess waste, comply within three days with Section 004.01 of Chapter 10 or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with Sections 007.04A1 and 007.04A2 of this Chapter. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

007.05 40 CFR Part 262 Subparts E and F, as incorporated by reference in Chapter 10, 006 - International Shipments, except that 262.56(a)(5) need not be complied with.

007.06 The Manifest System. The generator must comply with the manifest requirements of Chapter 10, 002 except if the waste is reclaimed under a contractual agreement pursuant to which:

007.06A The type of waste and frequency of shipments are specified in the agreement.

007.06B The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the small quantity generator is owned and operated by the reclaimer of the waste; and

007.06C The small quantity generator maintains a copy of the reclamation agreement for a period of at least three years after termination or expiration of the agreement.

007.07 Furnish additional reports, and exception reports in accordance with Chapter 4.

007.08 At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in Section 007.11 of this Chapter. This employee is the emergency coordinator.

007.09 The small quantity generator must post the following information next to the telephone:

007.09A The name and telephone number of the emergency coordinator;

007.09B Location of fire extinguishers and spill control material, and, if present, fire alarm; and

007.09C The telephone number of the fire department, unless the facility has a direct alarm.

007.10 The small quantity generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

007.11 The emergency coordinator or the coordinator's designee must respond to any emergencies that arise. The applicable responses are as follows:

007.11A In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

007.11B In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;

007.11C In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the small quantity generator has knowledge that a spill has reached surface water, the small quantity generator must immediately notify the National Response Center. The report must include the following information:

007.11C1 The name, address, and DEQ/EPA Identification Number of the small quantity generator;

007.11C2 Date, time, and type of incident (e.g., spill or fire);

007.11C3 Quantity and type of hazardous waste involved in the incident;

007.11C4 Extent of injuries, if any; and

007.11C5 Estimated quantity and disposition of recovered materials, if any.

007.12 Pre-transport Requirements.

007.12A Package the waste in accordance with the applicable U.S. Department of Transportation regulations on packaging hazardous materials under 49 CFR Parts 173, 178, and 179.

007.12B Label each package in accordance with the applicable U.S. Department of Transportation regulations on hazardous materials under 49 CFR Part 172;

007.12C Mark each package in accordance with the applicable U.S. Department of Transportation regulations on hazardous materials under 49 CFR Part 172;

007.12D Mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with requirements of 49 CFR 172.304: "Hazardous Waste - Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U. S. Environmental Protection Agency. Generator's Name and Address \_\_\_\_\_, Manifest Document Number \_\_\_\_\_"; and

007.12E Placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 CFR Part 172, Subpart F.

008 A small quantity generator who accumulates hazardous waste in quantities exceeding 6,000 kilograms or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of Chapters 12 through 15 and Chapters 21 or 22 unless the generator has been granted an extension to the 180-day (or 270 day, if applicable) period. Such extension may be granted by the Director if hazardous wastes must remain on-site for longer than 180-days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Director on a case-by-case basis.

009 Small quantity generators that accumulate hazardous waste in tanks must:

009.01 Comply with the following general operating requirements:

009.01A Treatment or storage of hazardous waste in tanks must comply with Chapter 16, 002.02.

009.01B Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

009.01C Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

009.01D Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

009.01E Remedy any deterioration or malfunction found.

009.02 Inspect where present:

009.02A Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order.

009.02B Data gathered from monitoring equipment and leak detection equipment (e.g., pressure and temperature gauges, and monitoring

wells) at least once each operating day to ensure that the tank system is being operated according to its design.

009.02C The level of waste in uncovered tanks at least once each operating day to ensure compliance with Section 009.01C of this Chapter.

009.02D The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

009.02E The construction materials of, and the area immediately surrounding the externally accessible portion of the tank system including discharge confinement structures (e.g., dikes) at least weekly to detect erosion or signs of releases of hazardous waste (e.g., wet spots or dead vegetation).

009.03 Upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures. (Hazardous waste removed from the tank system is subject to the requirements of this Title.)

009.04 Comply with the following special requirements for ignitable or reactive waste:

009.04A Ignitable or reactive waste must not be placed in a tank, unless:

009.04A1 The waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under Chapters 3, 007 and 009 and Chapter 16, 001.02 is complied with; or

009.04A2 The requirements in Chapter 16, 002.02 are complied with.

009.05 Comply with the special requirements for incompatible wastes in Chapter 16, 001.03 and 001.04.

Enabling Legislation: Neb. Rev. Stat. §81-1505(13)

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