



## Very Small Quantity Generator (VSQG) Guidance

This document is for guidance only and does not contain all of the North Carolina Hazardous Waste Management Rules. Many of the rules described are paraphrased. For complete rules refer to 15A NCAC 13A for specific state requirements and federal regulations incorporated by reference in the state rules. State law is found at N.C.G.S. 130A-290 through 130A-310.12. The following Hazardous Waste Section website provides links to state hazardous waste rules and law: <https://deq.nc.gov/about/divisions/waste-management/hw/rules>

- Hazardous Waste Determination** (40 CFR 262.11(a)-(d)): Hazardous waste determinations must be accurate and made at the point of generation before dilution, mixing or other alternation occurs; and at any time in the course of management that the waste has, or may have, changed its properties as a results of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change. For each solid waste generated, a person generating the waste must determine whether the waste is: excluded from regulation under 40 CFR 261.4 or characteristic and/or listed using generator knowledge or testing. Samples must be representative.
  - Claims that waste is conditionally exempt from regulation or not a solid must be documented (40 CFR 261.2(f)).
- Generator Category Determination** (40 CFR 262.13 and 40 CFR 262.14(a)(1)): A hazardous waste generator must determine its generator category based on the amount of hazardous waste generated each calendar month and include all hazardous waste generated at the site. A site that generates, in a calendar month, less than or equal to 100 kg (220 pounds) of non-acute hazardous waste; and less than or equal to 1 kg (2.2 pounds) of acute hazardous waste, and less than or equal to 100 kg (220 pounds) of residues from a cleanup of acute hazardous waste must comply with the requirements for a very small quantity generator of hazardous waste.
- Maximum On-Site Accumulation Volume** (40 CFR 262.14(a)(3) and (4)):
  - If a VSQG, accumulates, at any time, greater than 1 kg (2.2 pounds) of acute hazardous waste or 100 kg (220 pounds) of any residue of contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste, all quantities of the acute hazardous waste are subject to the requirements for large quantity generators; or
  - If a VSQG, accumulates at any time 1,000 kg (2,200 pounds) or greater of non-acute hazardous waste all quantities of the non-acute hazardous waste are subject to the requirements for small quantity generators or large quantity generators, depending on the amount generated.
- Recycling/Disposal Options** (40 CFR 262.14(a)(5)): A VSQG must treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility which is:
  - Permitted under 40 CFR 270;
  - In interim status under 40 CFR 265 and 270;
  - Authorized to manage hazardous waste by a state with a hazardous waste management program approved part 271;
  - Permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to part 258 (*Note: North Carolina Solid Waste Rules do not allow hazardous waste disposal at municipal solid waste landfills.*)

- Permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, is subject to the requirements of 40 CFR 257.5 through 257.30;
    - A facility which:
      - Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
      - Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;
  - For universal waste managed under 40 CFR 273, a universal waste handler or destination facility subject to the requirements of 40 CFR 273;
  - A large quantity generator under the control of the same person (as defined in 40 CFR 260.10) as the very small quantity generator, provided the very small quantity generator complies with the requirements of 40 CFR 262.14(a)(5)(viii) and the LQG must comply with the requirements of 40 CFR 262.17(f).
- **Episodic Generation** (40 CFR 262.14(c)): A VSQG experiencing an episodic event may accumulate hazardous waste in accordance with 40 CFR 262 subpart L in lieu of becoming a small quantity generator (under 40 CFR 262.16) or a large quantity generator (under 40 CFR 262.17) as long as applicable conditions of subpart L are met.
  - **Used Oil** (40 CFR 279): Used oil generated at a site that is destined to be recycled, may be managed under 40 CFR 279 Subpart C – Standards for Used Oil Generators. The basic requirements for used oil generators include:
    - Used oil must be stored in containers and/or tanks that are in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking (40 CFR 279.22(a) and (b)).
    - Each container and/or tank (or fill pipes used to transfer used oil into underground storage tanks) must be labeled with the words "Used Oil" (40 CFR 279.22 (c)). *Note that waste oil is not the same as used oil. Used oil is destined for recycling. Waste oil is destined for disposal or does not meet the definition of used oil.*
    - Upon detection of a release of used oil to the environment, the following steps must be taken (40 CFR 279.22(d)):
      - Stop the release;
      - Contain the released used oil;
      - Clean up and manage properly the released used oil and other materials; and
      - If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
    - Used oil generators may burn used oil in used oil-fired space heaters provided the following requirements are met (40 CFR 279.23):
      - The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourselfers;
      - The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and
      - The combustion gases from the heater are vented to the ambient air.
    - Used oil must be transported off-site by a used oil transporter with an EPA Identification number unless the following occurs (40 CFR 279.24):
      - The used oil generator self transports (without an EPA ID number) no more than 55-gallons of used oil (at any time) that is generated at the used oil generator site and is transported in a vehicle owned by the generator or by an employee of the generator, and taken to a used oil collection center that is registered, licensed, permitted or recognized by a state/county/municipal government to manage used oil or to an aggregation point that is owned and/or operated by the same generator.

- **Universal Waste (40 CFR 273):** The Standards for Universal Waste Management, found at 40 CFR 273, apply to used lamps, batteries, mercury containing equipment, pesticides, and aerosol cans. The facility must ensure compliance with the universal waste regulations if the facility manages these items or may opt to manage these items under the more stringent hazardous waste requirements. If a universal waste handler accumulates less than 5,000 kg (11,000 pounds) of universal waste on site at any time, the general requirements for a Small Quantity Handler of Universal Waste include:
  - Universal waste must be managed in a way that prevents releases of any universal waste or component of universal waste to the environment (40 CFR 273.13).
  - Universal waste must be accumulated in containers that are kept closed (except aerosol cans), structurally sound, adequate to prevent breakage, compatible with the contents of the container, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions (40 CFR 273.13).
  - Additional requirements for universal waste aerosol cans:
    - Must be accumulated in containers that are protected from sources of heat (40 CFR 273.13(e)(1)).
    - Universal waste aerosol cans that are punctured and drained must be in compliance with 40 CFR 273.13(e)(4).
  - Labeling (40 CFR 273.14):
    - Containers holding lamps, batteries, mercury thermostats, or aerosol cans must be labeled with the words "Universal Waste \_\_\_\_\_", "Waste \_\_\_\_\_" or "Used \_\_\_\_\_".
    - Containers holding universal waste pesticides must be labeled with the words "Universal Waste pesticide(s)" or "Waste pesticide(s)".
    - A container holding mercury containing equipment must be labeled "Universal Waste - mercury containing equipment" or "Waste mercury containing equipment" or "Used mercury containing equipment".
  - Universal waste may not be accumulated on site for more than one year. The length of time the universal waste has been accumulated on site must be demonstrated (40 CFR 273.15).
    - It is recommended that the containers be marked with an "accumulation start date" so the facility can track the amount of time the universal waste is on site.
  - The facility must inform all employees who handle or have the responsibility for managing universal waste about the proper handling and emergency procedure appropriate to the type(s) of universal waste handled at the facility (40 CFR 273.16).
  - The facility must respond to releases of universal waste immediately. If the release of universal waste is not cleaned up immediately, the facility must make a waste determination on the material resulting from the release and if the material is a hazardous waste, the facility must manage the material by the applicable hazardous waste requirements (40 CFR 273.17).
  - The facility is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination (40 CFR 273.18).
  - Lead acid batteries being reclaimed may be managed under the requirements of 40 CFR 266 subpart G instead of the universal waste requirements of 40 CFR 273 or the hazardous waste generator requirements of 40 CFR 262.