

Hazardous Waste Contingency Plans

What is a hazardous waste contingency plan?

A contingency plan is a formal written document outlining the actions facility personnel must take in response to fires, explosions, or any unplanned release of hazardous waste. The full regulatory citation can be found in the Code of Federal Regulations, Title 40, Part 265, Subpart D (40 CFR 265.50 through 265.56). This requirement should not be confused with the Nevada State Fire Marshal Hazardous Materials Inventory and Permit.

Who must complete the hazardous waste contingency plan?

If you are a Large Quantity Generator (LQG), you are required to have a written contingency plan. LQG is any business that generates more than 2,200 pounds of a hazardous waste in a calendar month. In addition, you must comply with the Preparedness and Prevention requirements outlined in 40 CFR 265 Subpart C, please refer to our fact sheet entitled “Preparedness and Prevention”. In many instances, LQG’s may also be required to fulfill the regulatory requirements of several emergency plans such as the Spill Prevention, Control and Countermeasures Plan (SPCC), a National Oil and Hazardous Substances Pollution Plan, or other emergency plans. Since many of these plans have overlapping requirements, the hazardous waste contingency plan requirements may be incorporated into an existing plan if present. Note, if you obtained an EPA identification number as an LQG, you must comply with this requirement even though your monthly generation rate may currently be less than 2,200 lbs per calendar month.

If you are a Small Quantity Generator (SQG), meaning your businesses generates more than 220 pounds of hazardous waste but less than 2,200 pound in a calendar month, you must comply with the basic preparedness and prevention requirements outlined in 40 CFR 265 Subpart C, and have an emergency coordinator identified 40 CFR 262.34(d)(5)(i). Please refer to our fact sheet entitled “Preparedness and Prevention” for more information. Additionally SQG regulated businesses must ensure all employees are familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal operations. Although not federally required, SQG regulated businesses should consider developing a contingency plan, especially if your businesses generates hazardous waste close to the maximum limit for this generator status.

If you are a Conditionally Exempt Small Quantity Generator (CESQG), you are not required to complete a contingency plan. Regardless of the amount of hazardous waste generated, it is always a good idea to follow the basic emergency planning requirement as outlined for SQG regulated businesses.

What are the basic components of the hazardous waste contingency plan?

All businesses complying with the contingency plan requirements must have the following equipment available:

- An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police and fire departments, or State or local emergency response teams;
- Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
- Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
- All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

How to build your hazardous waste contingency plan

The components required within the contingency plan are straight forward, but how do you begin? Try this, walk through your facility and ask yourself “what if” type questions such as, “What if these tanks ruptured?” or “What if a fire occurred in this storage area?” By building a set of “what if’s” facility wide, you can quickly assemble response plans for the first bulleted item below.

1. Specific actions facility personnel must take in response to the emergency;
2. Arrangements for emergency response with local emergency response authorities (e.g., fire and police departments, hospitals, local hazmat response teams);
3. Name, address, and home, mobile, and office telephone number of the facility’s primary emergency coordinator;
4. Names, addresses, and home, mobile, and office telephone numbers of all other personnel qualified to act as emergency coordinator, listed in the order that each will assume responsibility as the emergency coordinator;
5. Up-to-date list and location of all emergency response equipment at the facility, including a physical description of each item and an outline of its capabilities; and
6. Personnel evacuation plan;
7. A copy of the plan must be maintained at the facility and submitted to local police, fire and hospitals and others that may be called upon to provide emergency services.

Items 5 and 6 may be combined into a facility map and posted with items 3 and 4 near the telephone closest to the hazardous waste storage area (preferably posted by all phones).

What to do with the hazardous waste contingency plan

The contingency plan is an important document addressing the safety of the employees and the environment if an emergency should occur. The contingency plan must be distributed to all the various agencies that could respond in the event of an emergency which include local fire departments, hospitals, Police departments, and state or local emergency response teams. Maintain proof you have submitted the contingency plan. A copy of the mailing envelope or cover letter to the respective agency with the dates they were mailed is adequate. If the agency refuses to accept your hazardous waste contingency plan, make note of the refusal in your operating records.

Measuring Monthly Generation:

It is important to have a system for measuring the amount of waste produced at your business in a month, since generator status will depend on this waste generation rather than the amount you ship off-site at any one time. Therefore, on a monthly basis you need to be able to determine the amount of hazardous waste placed in satellite accumulation units or other tanks and containers prior to onsite treatment or recycling or shipment off-site.

For instance, on the first business day of each month you might measure (guesstimate) the quantity of hazardous waste in each of your hazardous waste tanks and containers (including satellite accumulation units).

Example:

A repair shop has 6 satellite accumulation containers placed in various locations. Each month approximately 5 gallons of hazardous waste is placed in each container. The average density of the waste is 9 lbs./gal. Therefore, the business generates about 270 lbs. of hazardous waste a month, and is considered a small quantity generator.

Up to 55 gallons of hazardous waste can be accumulated in each satellite accumulation unit prior to dating the container and placing it in the central storage area (where it is subject to accumulation time limits). If a monthly assessment of waste generation was not conducted the business might have presumed they were conditionally exempt prior to moving the containers to central storage when in fact they were a small quantity generator. Without a system to properly measure monthly waste generation the business could have been found in violation of many of the requirements which apply to small quantity generators.

If the business makes the mistake of determining their generator status based on the amount of hazardous waste shipped off-site at one time, they might incorrectly determine they are a large quantity generator when they ship off-site the six drums containing 2,970 pounds of waste.

Obviously, it is important to have a monthly measurement system in order to accurately determine generator status and be able to comply with the regulations. A monthly waste generation log will also make completion of biennial report forms much easier.

Source Reduction:

Since your generator status determines the number of requirements that legally apply to you, it is to your advantage to minimize the amount of hazardous waste you generate. This not only reduces the burden of regulations but also can reduce waste management costs, and can improve the competitiveness of your business.

In many cases operating practices, including housekeeping and inventory control, can dramatically reduce waste generation and associated costs. Alternative less hazardous products can be found for many applications which can eliminate hazardous waste production, and production processes and service operations can be designed or modified to eliminate or reduce waste. For more information about source reduction techniques applicable to your business contact BEP at (800) 882-3233.

Free and Confidential Assistance for Nevada's Businesses and Communities
BEP Toll-Free Assistance (800) 882-3233 | www.unrbep.org

DISCLAIMER: This guidance document is intended as general information and is not provided nor intended to act as a substitute for legal advice or other professional services. BEP advises the regulated community to read all applicable regulations set forth in both US Code of Federal Regulations (Title 40 C.F.R. Parts 260-279) and the Nevada Hazardous Waste Regulations and to keep informed of all subsequent revisions or amendments to these regulations. This guidance document was developed by BEP with funding support provided by the Nevada Division of Environmental Protection.



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The College of Business
AT THE UNIVERSITY OF NEVADA, RENO