

# Waste & Water Update

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## GENERATOR IMPROVEMENTS RULE (GIR) FROM THE DTSC

### New Compliance Requirements for Hazardous Waste Generators in California

The California Department of Toxic Substances Control (DTSC) has updated Title 22 regulations under the Generator Improvements Rule (GIR), effective July 1, 2024. The GIR aligns State regulations with federal standards in Code of Federal Regulations (CFR) Title 40, introducing new compliance requirements for small and large quantity hazardous waste generators that will impact businesses of all types.

A Large Quantity Generator (LQG) is a facility generating more than 1,000 kilograms (kg) of non-acute hazardous waste or more than 1 kg of acute hazardous waste per month. A Small Quantity Generator (SQG) is a facility generating between 100 and 1,000 kg of non-acute hazardous waste and less than 1 kg of acute hazardous waste per month.

### Quick Reference Guide (QRG)

LQGs must now create, and submit to local authorities, a Quick Reference Guide (QRG) summarizing their Hazardous Waste Contingency Plan. The QRG must include:

- Waste descriptions and hazards;
- Hazardous waste locations and facility maps; and
- Emergency procedures and special instructions.

The requirement applies when Contingency Plans are updated or when a facility newly qualifies as an LQG.

### Arrangements with Local Authorities and Responders

LQGs and SQGs must now maintain records that show arrangements, or attempts to make arrangements, with six local authorities: police, fire departments, emergency response teams, contractors, equipment suppliers, and hospitals. Facilities must document either the existence of these arrangements or attempts to establish them.

### Additional GIR Updates

The GIR reorganizes Title 22 regulations, consolidating SQG and LQG requirements into distinct sections. Other updates include:

- Renotification every 2 years for LQGs and every 4 years for SQGs;
- Revised satellite accumulation and container labeling requirements;
- New definitions and clarifications on generator status; and
- Notification and closure requirements for LQG central accumulation areas.

### Preparing for Compliance

With the July 2024 deadline passed, hazardous waste generators must ensure they are fully compliant with the new regulations. Facilities must proactively engage local authorities to establish necessary arrangements and potentially take other actions as required.

### Additional Changes Coming?

Recent changes address federally mandatory provisions that are stricter than existing California regulations. The DTSC is currently holding workshops to decide which federal rules' optional provisions might be proposed for adoption. These changes will be released for public comment in 2025.

### Waste & Water Tip

*The DTSC's hazardous waste electronic verification questionnaire (eVQ) process has changed for 2025. Formerly due in late July, the new due date for calendar year 2024 reporting is March 31, 2025. Similar to 2023 reporting, the report must include a summary of all Resource Conservation and Recovery Act (RCRA) and non-RCRA waste generated, plus any unmanifested wastes, such as universal wastes and wastes treated under one of the Tiered Permitting programs. The required Generator & Handling (G&H) fee is still part of the process, but the due dates for these payments remain the same as last year (half due by Nov. 30, 2025, and the other half by Feb. 28, 2026).*

### Upcoming Online EH&S Training Offered by Yorke Engineering

- California Multi-Media Environmental Regulations: Permitting, Compliance, and Reporting Seminar (4-Hour Sessions): April 15, 17, 22, 24, 2025
- California Industrial Hygiene and Safety Seminar (4-Hour Sessions): March 18, 19, 25, 26, 2025
- Air Quality Regulations, Permitting, and Compliance Seminar (3-Hour Sessions): Northern CA: May 6, 7, 13, 14, 15, 2025 Southern CA: May 6, 8, 13, 14, 15, 2025 Class Info at: <http://yorkeengr.com/classes>

### Upcoming Due Dates for 2025\*

- CDTFA Haz. Waste Generator Fee..... 2/28
- CUPA HMBP Recertification ..... 3/1\*\*
- DTSC Tiered Permit Closure Cost Estimate Inflation Adjustment ..... 3/1
- DTSC Annual Facility Report (All Permitted TSDFs) ..... 3/1
- DTSC Haz. Waste eVQ Filing ..... 3/31
- U.S. EPA TRI Report..... 7/1
- SWRCB IGP Annual Report..... 7/15
- SWRCB Level 2 ERA Technical Report Updates ..... 7/15

*\*Due dates listed are statutory dates; sometimes dates are extended when on a weekend/holiday.*

*\*\*Most common due date, varies by CUPA.*

## HAZARDOUS SUBSTANCE FACILITY RESPONSE PLANS

The U.S. Environmental Protection Agency (U.S. EPA) has issued a final rule under the Clean Water Act (CWA) expanding the requirements for Facility Response Plans (FRPs) to include facilities handling certain hazardous substances exceeding threshold quantities, that are also located within a 0.5-mile radius of a navigable water or conveyance to navigable water, provided they meet one or more substantial harm criteria. These facilities must now develop Hazardous Substance FRPs to address potential worst-case discharges of hazardous substances. The rule aims to protect water bodies from environmental harm. Facilities will need to comply with the new requirements by June 1, 2027.

### What Is the Rule?

The U.S. EPA issued a final rule on March 14, 2024, formalizing the new requirement for CWA Hazardous Substance FRPs. The rule requires facilities that have a maximum quantity onsite of CWA hazardous substances 1,000 times or more the Reportable Quantity (RQ)<sup>1</sup> to prepare and implement FRPs for worst-case discharge

scenarios. The objective is to protect water bodies and surrounding areas from significant environmental harm, especially in light of increasing frequency and severity of extreme weather events.

### The rule applies to facilities that:

- Store, use, or handle CWA hazardous substances in quantities that are 1,000 times or more than the RQ specified in 40 CFR Part 117.3;
- Are located within 0.5 mile of navigable waters or a conveyance to navigable waters; and
- Meet one or more of the following criteria:
  - Could harm fish, wildlife, or sensitive environments;
  - Could negatively impact public water systems;
  - Could injure public receptors; and/or
  - Have had a reportable discharge of a CWA hazardous substance above the RQ in the past 5 years that reached navigable waters.

Figure 1 below provides a flow chart of the rule applicability criteria.

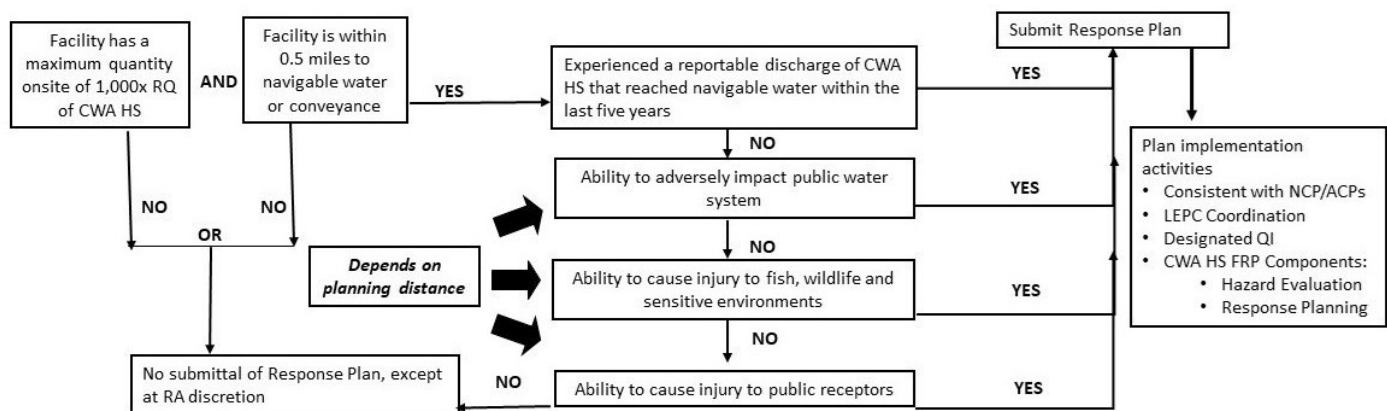
## Regulatory Changes

In 1994, the U.S. EPA promulgated regulations for FRPs for worst-case discharges of oil under 40 CFR Part 112, Subpart D. Following a lawsuit filed in 2019 by the National Resources Defense Council and others, the U.S. EPA entered into a consent decree to develop regulations that expand the requirement for developing FRPs to include CWA hazardous substances. The March 14, 2024, rule finalized these regulations and specified an effective date of March 28, 2024.

### Facilities affected by the rule will need to:

1. Assess whether they meet the applicability criteria;
2. Develop and submit an FRP to the U.S. EPA that includes a hazard evaluation and outlines response and recovery actions to worst-case discharge scenarios;
3. Implement the plan to mitigate potential environmental harm; and
4. Review and recertify the FRP every 5 years, plus whenever the U.S. EPA updates the list of CWA hazardous substances or adjusts the RQs.

**Figure 1: Final Applicability Criteria for CWA Hazardous Substance FRP-Subject Facilities**



Learn more by visiting the U.S. EPA's website: <https://www.epa.gov/hazardous-substance-spills-planning-regulations/clean-water-act-hazardous-substance-facility>.

1. For a list of CWA hazardous substance RQs, visit: <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-117/subpart-A/section-117.3>.