

LQG Consolidation of VSQG Hazardous Waste

Guidance on Hazardous Waste Requirements



Introduction

Wisconsin adopted the U.S. Environmental Protection Agency Hazardous Waste Generator Improvements Rule on Sept. 1, 2020. Several elements of this rule were created to provide more practical and effective environmental protections, while potentially reducing management costs for hazardous waste generators. This document focuses on the allowance for large quantity generators of hazardous waste to receive and consolidate hazardous waste generated by one or more very small quantity generators under their control.

Hazardous Waste regulations are found in [chs. NR 600-679](#) of the Wisconsin Administrative Code.

LQGs are subject to more stringent management requirements than VSQGs – such as accumulation time limits, labeling, training, emergency planning, and containment standards. Additionally, LQGs are required to use a uniform hazardous waste manifest when shipping hazardous waste to licensed or permitted hazardous waste treatment, storage, and disposal facilities. Therefore, sending hazardous waste generated by a VSQG to an LQG under the control of the same person is intended to improve overall tracking, oversight and management of the hazardous waste.

The purpose of this document is to identify and explain the requirements and conditions that must be met for an LQG to receive and consolidate hazardous waste from one or more VSQGs under their control. It is important to note that if all conditions for the exemption are not met under s. NR 662.014 or s. NR 662.017, Wis. Adm. Code, for VSQGs and LQGs, respectively, then the VSQG or LQG is regarded as operating without a hazardous waste license.

IMPORTANT: Both the VSQGs and the receiving LQG must be under the control of the same person.

Healthcare facilities should refer to the Department of Natural Resources publication *Healthcare Facilities: Operating under Subchapter P* (WA-1902) for information on consolidation of non-creditable and creditable hazardous waste pharmaceuticals to other healthcare facilities operating under Subchapter P. [ss. NR 666.502(12), NR 503(2) and NR 504(2), (3) and (4), Wis. Adm. Code]

Definitions

This management option applies only to the hazardous waste generated by one or more VSQGs when the hazardous waste is transported and consolidated at a single LQG under the control of the same person.

Control: means the power to direct the policies of the generator, whether by ownership of stock, voting rights, or otherwise. “Control” does not apply to contractors who operate generator facilities on behalf of a different person. [ss. NR 662.014(1)(e)8., NR 662.014(1)(f)6., NR 662.017(6), Wis. Adm. Code]

Person: means an individual, trust, firm, joint stock company, limited liability company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state or any interstate body. [s. NR 660.10(90), Wis. Adm. Code]

VSQG Requirements

Marking and labeling containers of hazardous waste

The LQG facility must manage VSQG hazardous waste it receives in accordance with LQG regulations. This means the same labeling and marking requirements will apply to both LQG-generated hazardous waste and hazardous waste received from its VSQG(s).

For a quick reference on generator accumulation limits and regulatory requirements, see publication WA-1821.

Before being transported to the LQG, the VSQG must mark its containers of hazardous waste with the words “Hazardous Waste” and with an indication of the hazards of the waste. [ss. NR 662.014(1)(e)8.c. and NR 662.014(1)(f)6.b., Wis. Adm. Code]

Options for indicating the hazards of the waste include, but are not limited to, markings which provide:

- the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic);
- hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding);
- a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or
- a chemical hazard label consistent with the National Fire Protection Association code 704).

Accumulation limits

While there is no time limit for accumulation of hazardous waste at a VSQG before transport and consolidation of the waste at an LQG, the VSQG must stay under the overall accumulation limits of 2,205 lbs. (1,000 kg) of non-acute hazardous waste and 2.2 lbs. (1 kg) of acute hazardous waste. Once the VSQG waste arrives at the LQG, it becomes subject to the 90-day limit in s. NR 662.017, Wis. Adm. Code.

Shipping and transportation

The following applies to the VSQG when shipping hazardous waste to the LQG:

- A manifest is not required to ship the waste. If choosing to manifest the waste, the VSQG must obtain an EPA ID number.
- The waste can be self-transported by the VSQG to the LQG.
- U.S. Department of Transportation hazardous material transportation requirements apply.

Shipping between states

When the VSQG(s) and LQG under the control of the same person are operating in different states, they may only consolidate waste at the LQG if both states have adopted EPA’s consolidation provision.

If the hazardous waste is transported through other states, the generator should check with the transit state(s) to see what other requirements apply, such as manifesting or tracking documentation.

LQG Requirements

Notification

At least 30 days prior to receiving the first hazardous waste shipment from a VSQG, the LQG must notify the DNR using [EPA Form 8700-12](#) and indicate which VSQGs are transferring hazardous waste to the LQG. All subsequent changes must be submitted on the notification form within 30 days of the change. [s. NR 662.017(6)(a), Wis. Adm. Code]

Recordkeeping

The LQG must maintain records of the incoming shipments for three years from the date the hazardous waste was received from the VSQG. Records must include the following VSQG information. [s. NR 662.017(6)(b), Wis. Adm. Code]

1. Business name
2. Site Address
3. Contact information
4. Description of the hazardous waste received
5. Quantity of hazardous waste received
6. Date the hazardous waste was received

If an SQG wants to change its generator status to LQG, and operate in accordance with LQG requirements, they could then accept VSQG consolidated wastes from facilities under the control of the same person.

Labeling containers with accumulation start date

When the LQG receives the hazardous waste from the VSQG, the accumulation time limit (90-day clock) starts. The LQG must label the hazardous waste container(s) with the date they were received. If the LQG is consolidating incoming hazardous waste from a VSQG with either its own generated hazardous waste or with hazardous waste from another VSQG, the LQG must label the container with the earliest date any hazardous waste was accumulated on-site in the container. [s. NR 662.017(6)(c), Wis. Adm. Code]

VSQG-consolidated waste managed as LQG waste

Hazardous waste consolidated from a VSQG to the LQG must be managed as LQG hazardous waste, including ensuring that the final treatment or disposal is at a RCRA-designated facility (treatment, storage and disposal facility or recycler). The VSQG hazardous waste is not eligible for management under satellite accumulation regulations. This means VSQG hazardous waste must be placed in a central accumulation area, where it is subject to the 90-day storage limit, or immediately shipped off-site from the LQG. [NR 662.017 (6) (c), Wis. Adm. Code]

There is a different source code (G51) for the VSQG-consolidated waste to differentiate it from the LQG-generated waste for reporting purposes.

[NR 662 subch. D, Wis. Adm. Code]

In addition, the following requirements must be met:

1. Hazardous waste determination and recordkeeping. [s. NR 662.011, Wis. Adm. Code]
2. Generator category determination. [s. NR 662.013, Wis. Adm. Code]
3. Manifest requirements. [ch. NR 662 subch. B, Wis. Adm. Code]
4. Pre-transport requirements. [ch. NR 662 subch. C, Wis. Adm. Code]
5. Recordkeeping and annual reporting. On the hazardous waste annual report, the LQG reports both its own generated waste and the waste consolidated from its VSQGs.
6. Requirements for transboundary movements of hazardous waste for recovery or disposal. [NR 662 subch. H, Wis. Adm. Code]

While VSQG waste can be treated or consolidated with similar hazardous wastes once it reaches the LQG, the wastes must be compatible and the LQG must comply with the conditions for exemptions in s.

NR 662.017, Wis. Adm. Code. Note that a new waste determination may be needed to accurately represent the consolidated waste stream.

VSQG hazardous waste, if not sent to an LQG under this provision, must be sent to a RCRA-designated facility or to a household hazardous waste & VSQG collection facility managed under subchapter HH of chapter NR 666, Wis. Adm. Code. [ss. NR 662.014 (1) (e) or (f), Wis. Adm. Code]

Resources and Contact Information

For more information including [publications, inspection forms, and administrative codes and statutes](#), go to dnr.wi.gov and search “hazardous waste resources.” Use the *Additional Resources* menu to navigate to other topics. For staff contact information, go to the [staff directory](#) and enter “hazardous waste requirements” in the subject field and choose the appropriate county contact.

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