



ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

Land Protection Branch

2 Martin Luther King, Jr. Drive
Suite 1054, East Tower
Atlanta, Georgia 30334
404-657-8600

August 27, 2021

Response to Questions about Hazardous Waste Industry Capacity Shortfalls

The Georgia Environmental Protection Division (EPD) has received inquiries related to the nationwide capacity shortfall that has affected the hazardous waste industry for the past several months. The situation has affected both hazardous waste generators and permitted hazardous waste treatment, storage, and disposal facilities (TSDFs). Based on information received from USEPA, other State agencies, and industry stakeholders, the capacity shortfall and related disruptions are anticipated to continue through the first quarter of 2022. EPD is issuing this document to summarize the existing regulatory options available under the Resource Conservation and Recovery Act (RCRA) regulations to address the challenges resulting from capacity shortfall and to provide guidance for requesting accumulation extensions or other requests related to this issue. Finally, a link to a memo recently issued by USEPA concerning this issue is provided at the end of this document.

Regulatory Options for Generators and TSDFs that generate and accumulate waste onsite:

- Small Quantity Generators (SQGs):
 - 40 CFR 262.16(c) allows SQGs to accumulate hazardous waste up to 270 days if the waste must be transported 200 miles or more for off-site treatment, storage, or disposal.
 - 40 CFR 262.16(d) allows SQGs to submit a request for accumulation time limit extensions if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.
- Large Quantity Generators (LQGs):
 - 40 CFR 262.17(b) allows LQGs to submit a request for accumulation time limit extensions if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances.

How to Request an Accumulation Time Limit Extension from EPD:

If your facility has been affected by this industry shortfall and an accumulation time limit extension is needed, please submit a completed Hazardous Waste Generator Accumulation Extension Request Form (Attachment 1) to Holly Nelson, Program Manager of the Hazardous Waste Management Program at holly.nelson1@dnr.ga.gov. Following receipt, your request will be transmitted to the appropriate Program and Unit Manager for processing. Following review and approval of the request, you will receive an approval letter with additional instructions and conditions.

Regulatory Options for Permitted TSDFs

The accumulation time limit provisions described above are available to TSDFs that generate and accumulate their own waste onsite. Additionally, there are other flexibilities that may be available to permitted TSDFs under an existing permit, a temporary authorization pursuant to 40 CFR 270.42(e), or a permit modification pursuant to 40 CFR 270.42. If you would like to explore other options that may be available to your permitted facility, please submit a completed Permitted TSDF Request Form (Attachment 2) to Holly Nelson, Program Manager of the Hazardous Waste Management Program at holly.nelson1@dnr.ga.gov. Following receipt, your request will be transmitted to the appropriate Program and Unit Manager for processing.

Memorandum Issued by USEPA

On August 10, 2021, USEPA released a memo titled “Regulatory Options for Addressing the Temporary Backlog of Containerized Hazardous Waste Needing Incineration” (USEPA Memo) describing existing options under the RCRA regulations for hazardous waste generators and permitted hazardous waste TSDFs to address the nationwide capacity shortfall. The USEPA Memo includes much of the same information provided in this document, along with some additional information. The USEPA Memo may be accessed at USEPA’s RCRA Online website, Document #14939 (<https://rcrapublic.epa.gov/rcraonline/details.xhtml?rcra=14939>).

Attachment 1 – Hazardous Waste Generator Accumulation Extension Request Form

Attachment 2 – Permitted Treatment, Storage, and Disposal Facility (TSDF) Request Form