

Title 128 - Department of Environmental Quality

Effective Date: 04/13/02

Chapter 4 - DETERMINATION, NOTIFICATION, REPORTING AND RECORDKEEPING

001 Purpose, scope, and applicability. This Chapter establishes determinations, notifications, and reporting requirements for generators of hazardous waste. Chapter 9 establishes further requirements for small quantity generators. Chapter 10 establishes further requirements for large quantity generators. Section 003 of this Chapter also applies to transporters of hazardous waste and owners and operators of facilities for the treatment, storage or disposal of hazardous waste. Chapter 11 establishes further requirements for transporters. Chapters 21 (Permitted Facilities) and 22 (Interim Status Facilities) establish further requirements for owners and operators of facilities for the treatment, storage, or disposal of hazardous waste. Chapter 25 establishes standards for universal waste management.

002 Hazardous waste determination. A person who generates a solid waste, as defined in Chapter 2, 003 must determine if that waste is a hazardous waste using the following method:

002.01 Determine if the waste is excluded from regulation by Chapter 2, 008 through 014; then

002.02 Determine if the waste is listed as a hazardous waste in Chapter 3, 013 through 016.

002.03 For the purposes of compliance with Chapter 20, or if the waste is not listed as a hazardous waste under Chapter 3, 013 through 016, determine whether the waste is identified in Chapter 3, 005 through 010 by either:

002.03A Testing the waste according to the methods set forth in Chapter 3, 005 through 010, or equivalent methods as approved in accordance with Chapter 6; or

002.03B Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

002.04 If the waste is determined to be hazardous, the generator must refer to Chapters 2, 3, 7, 20 through 22, and 25 for possible exclusions or restrictions pertaining to management of the specific waste.

003 Notification of regulated waste activity. Not later than ninety days after the effective date of regulations promulgated under the State Act identifying by its characteristics or listing any substance as hazardous waste subject to these regulations, any person generating or transporting such hazardous waste, as defined in Chapter 2 and Chapter 3, or the owner or operator of a facility for treatment, storage or disposal of such hazardous waste shall file with the Department, on forms furnished by the Department, a notification stating the location and general description of such activity and the identified or listed hazardous wastes handled by such person, unless such person has already so filed such notification with the U.S. Environmental Protection Agency.

003.01 A person filing with the Department shall obtain a DEQ/EPA Identification Number. Upon receiving the notification, the Director will assign such a number. A number previously assigned by EPA will satisfy this requirement, and such number shall be known as DEQ/EPA Identification number.

003.02 Not later than thirty days after any change in the information or status of any person

as described to the Department or EPA in Section 003 of this Chapter, such person shall file an amended notification with the Department, except that generators voluntarily complying with all hazardous waste management requirements of a higher generator status are not required to renotify when their status drops to a lower level. If such change includes conducting activities at a location other than on-site, as defined in Chapter 1, the person shall obtain a new identification number as described in Section 003.01 of this Chapter. Changes in hazardous waste codes are not subject to the renotification requirement.

004 DEQ/EPA identification numbers and restrictions.

004.01 A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having complied with Section 003 of this Chapter.

004.02 A generator must not offer hazardous waste to transporters or to treatment, storage, or disposal facilities that have not notified in accordance with Section 003 of this Chapter and received a DEQ/EPA identification number, or fulfilled an equivalent requirement of the EPA or an authorized state.

004.03 The owner or operator of a facility for the treatment, storage, or disposal of hazardous waste shall not accept waste without having complied with Section 003 of this Chapter.

004.04 A transporter of hazardous waste shall not accept hazardous waste for transport without having complied with Section 003 of this Chapter.

005 Reporting and recordkeeping.

005.01 Biennial reports.

005.01A A generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States and is subject to the requirements of Chapter 10 at any time during a calendar year must prepare and submit a Biennial Report for that Biennial reporting cycle, using forms furnished by DEQ, to the Director no later than March 1 of each even numbered year, and must include the following information:

005.01A1 The EPA identification number, name, and address of the generator;

005.01A2 The calendar year covered by the report;

005.01A3 The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;

005.01A4 The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States;

005.01A5 A description, EPA hazardous waste number (from 40 CFR part 261, subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by EPA identification number of each such off-site facility to which waste was shipped.

005.01A6 A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

005.01A7 A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

005.01A8 The certification signed by the generator or authorized representative.

005.01B Any generator who treats, stores, or disposes of hazardous waste on-site must submit a biennial report covering those wastes in accordance with the provisions of Chapters 7, 12, 14, 21, and 22.

005.01C Reporting for exports of hazardous waste is not required on the generator biennial report form. A separate annual report requirement is set forth in 40 CFR 262.56.

005.02 Exception reporting.

005.02A A generator subject to the requirements of Chapter 10 who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

005.02B A generator subject to the requirements of Chapter 10 must submit an Exception Report to the Director if a copy of the manifest with the handwritten signature of the owner or operator of the designated facility has not been received by the generator within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

005.02B1 A legible copy of the manifest for which the generator does not have confirmation of delivery; and

005.02B2 A cover letter signed by the generator or an authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

005.02C A generator subject to the requirements of Chapter 9 who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Director.

005.03 Recordkeeping. Generators must:

005.03A Keep a copy of each manifest signed in accordance with Chapter 9, 007.06 or Chapter 10, 002 for three years or until the generator has received a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

005.03B Keep a copy of each Biennial Report and Exception Report made in accordance with Sections 005.01 and 005.02 of this Chapter for a period of at least three years from the due date of the report.

005.03C Keep records of any test results, waste analyses, or other determinations made in accordance with Section 002 of this Chapter for at least three years from the date that the waste was last sent for on-site or off-site treatment, storage or disposal.

005.04 The periods of retention referred to in Section 005.03 of this Chapter are extended automatically during the course of an unresolved enforcement action regarding the regulated activity or as requested by the Director.

005.05 Additional reporting. The Director, as deemed necessary under the State Act, may require generators to furnish reports concerning the quantities and disposition of wastes identified in Chapter 3, 005 through 010 or listed in Chapter 3, 013 through 016.

Enabling Legislation: Neb. Rev. Stat. §81-1505(13)

Legal Citation: Title 128, Chapter 4, Nebraska Department of Environmental Quality

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