

Title 128 - Department of Environmental Quality

Chapter 8 - SPECIAL REQUIREMENTS FOR HAZARDOUS WASTES GENERATED BY
CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS

001 A generator is a conditionally exempt small quantity generator in a calendar month if no more than 100 kilograms of hazardous waste are generated in that month.

002 Except for those wastes exceeding the exclusion level (as identified in Section 005 of this Chapter) and wastes destined to be burned for energy recovery (as identified in Section 006.03G of this Chapter), a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under this Title, provided the generator complies with the requirements of Sections 006 and 007 of this Chapter.

003 When making the quantity determinations of this Title, the generator must include all hazardous waste that it generates, except hazardous waste that:

003.01 Is exempt from regulation under Chapter 2, Sections 010 through 013, 015.01, 016, or Chapter 7, Section 002; or

003.02 Is managed immediately upon generation only in on-site elementary

neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in Chapter 1; or

003.03 Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Chapter 7, Section 006; or

003.04 Is used oil managed under the requirements of Chapter 7, Section 002.02; or

003.05 Is spent lead-acid batteries managed under the requirements of Chapter 7, Section 011; or

003.06 Is universal waste managed under Chapter 25.

004 In determining the quantity of hazardous waste generated, a generator need not include:

004.01 Hazardous waste when it is removed from on-site storage as long as it was counted once; or

004.02 Hazardous waste produced by on-site treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was counted once; or

004.03 Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

005 If a generator generates acute hazardous waste in a calendar month, in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under Chapter 10

and the notification requirements of Chapter 4.

005.01 A total of one kilogram of acute hazardous wastes listed in Chapter 3, 013 through 016 and

005.02 A total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in Chapter 3, 013 through 016.

006 In order for hazardous waste and acute hazardous waste generated by a conditionally exempt small quantity generator to be excluded from regulation under Chapters 9 and 10, the generator must comply with the following requirements:

006.01 The hazardous waste determination requirement in Chapter 4, 002.

006.02 The conditionally exempt small quantity generator may accumulate hazardous waste and acute hazardous waste on-site. If the generator accumulates, at any time, more than a total of 1,000 kilograms of hazardous waste, or acute hazardous waste in quantities greater than those set forth in 005.01 or 005.02 of this Chapter, all of those accumulated wastes are subject to regulation under Chapter 9 (or Chapter 10 for acute hazardous waste), and the notification requirements of Chapter 4. The time period of Chapter 9, 007.03 or Chapter 10, 004.01 begins when the accumulated wastes exceed the applicable exclusion limit.

006.03 A conditionally exempt small quantity generator may either treat or dispose of their excluded hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment, or disposal facility, either of which, if located in the U.S., is:

006.03A Permitted under Chapters 12 through 15 or by the EPA or a state other than Nebraska with a hazardous waste management program approved by EPA; or,

006.03B Authorized to operate with interim status under Chapter 12, 003 or by the EPA or a state other than Nebraska with a hazardous waste management program approved by EPA; or,

006.03C Permitted, licensed or registered by DEQ to manage municipal solid waste and, if managed in a municipal solid waste landfill, the landfill is subject to Title 132 - Integrated Solid Waste Landfill Regulations, if located in Nebraska, or 40 CFR Part 258 (pertaining to RCRA Subtitle D Landfills) if located outside of Nebraska or,

006.03D Permitted, licensed or registered by DEQ to manage non-municipal non-hazardous waste and, if managed in a non-municipal nonhazardous waste disposal unit, is subject to the requirements in 40 CFR 257.5 through 257.30 if located outside of Nebraska*; or

006.03E A facility which:

006.03E1 Beneficially uses or re-uses, or legitimately recycles or reclaims its wastes; or

006.03E2 Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation.

006.03F For universal waste managed under Chapter 25, a universal waste handler or destination facility subject to the requirements of Chapter 25.

006.03G If a conditionally exempt small quantity generator's hazardous waste is mixed with used oil, the mixture is subject to Chapter 7, 009 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment, is also so regulated if it is destined to be burned for energy recovery.

007 Hazardous waste subject to the reduced requirements of this Chapter may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Chapter, unless the mixture meets any of the characteristics of hazardous wastes identified in Chapter 3, 005 through 010.

008 If a person mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Chapter, the mixture is subject to Chapters 9 or 10.

*Note: Pursuant to Title 132, hazardous waste from conditionally exempt small quantity generators may not be disposed in non-municipal, nonhazardous landfills located in Nebraska.

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

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