Standards Applicable to Laboratories at Universities and Colleges

Final Rule
73 FR 72912
December 1, 2008

What is this Federal Register About?

This is a final rule

EPA is finalizing an alternative set of generator regulations for the management of hazardous waste generated in laboratories at specific type of academic facilities (i.e., eligible academic entities). The final rule is intended to provide a flexible and protective set of regulations that address the specific nature of hazardous waste generation in college and university laboratories. The rules do not apply to other hazardous wastes generated from other operations of a university or college. Also, the rules do not apply to commercial laboratories.

An eligible academic facility means a college or university, or a non-profit research institute or teaching hospital that is owned by or has a formal written affiliation agreement with a college or university. Eligible academic laboratories include: photo laboratories, art studios, field laboratories, chemical stockrooms, and teaching and research laboratories.

The major components of the rule are listed below:

1. The rules provide flexibility as to where the hazardous waste determination can be made. The hazardous waste determination can be made in the laboratory, at an on-site central accumulation area (CAA) or on-site treatment, storage and disposal facility (TSDF). If the determination is made at an on-site CAA or TSDF, it must be done by a person trained in RCRA regulations and the determination must be made within four days of arriving at the site;

2. Unwanted wastes must be removed from laboratories on a regular basis not to exceed six months. If more than 55 gallons of unwanted material or one quart of acutely hazardous reactive material is accumulated then all unwanted material must be removed within ten days.

3. Laboratory clean-out provision: Once per 12 months, a laboratory may have 30 days to conduct a clean-out and will not have to count the hazardous waste that consists of unused commercial chemical products towards its generator status. Other unwanted laboratory material does count towards the facility’s generation rate.
4. The university/college must develop a laboratory management plan describing how the laboratory wastes program and its performance-based standards for container management, personnel training, transporting and labeling will be implemented; and

5. The university/college must notify the overseeing agency, using the RCRA Site Identification form, that they will implement the Subpart K rules

Finally, these rules are optional. A university or college can choose to either follow these rules or the standard hazardous waste generator requirements with regards to the wastes generated in laboratories.

What does this mean to the regulated community?
The proposed changes only affect university, college and other associated academic laboratories. The rules provide a performance-based approach and flexibility for these entities in managing certain hazardous wastes generated in numerous locations.

What does this mean to DHWM and/or Ohio EPA?
These rule changes are considered by U.S. EPA to be no more or no less stringent than the current hazardous waste rules. Therefore, since we have an authorized RCRA program, we are not required to adopt the changes.

If we decide to adopt these rule changes, we anticipate that inspectors will need training to learn and enforce the rules, and additional resources will be expended to develop training and specialized inspection checklists. In addition, DHWM’s data collection activities will increase. However, these rules do not increase the overall number of entities subject to regulation under the hazardous waste rules.

When would the regulatory changes be effective in Ohio?
The rule changes would be effective in Ohio when Ohio EPA adopts them. If we decide to adopt the rule, it will take about a year to move the rule through the rule making process.

Federal Register link and guidance documents:
http://www.epa.gov/epawaste/hazard/generation/labwaste/index.htm

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Standards Applicable to Laboratories at Universities and Colleges - Final Rule, 73 FR 72956, December 1, 2008: EPA finalized the alternative generator requirements applicable to college and university laboratories. The rule provides a flexible and protective set of regulations that address the specific nature of hazardous waste generation in college and university laboratories.