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RCRA, Superfund & EPCRA Hotline Training Module

Introduction to:

**Hazardous Waste Biennial
Report**

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RCRA, Superfund & EPCRA Hotline Phone Numbers:

National toll-free (outside of DC area)	(800) 424-9346
Local number (within DC area)	(703) 412-9810
National toll-free for the hearing impaired (TDD)	(800) 553-7672

The Hotline is open from 9 am to 6 pm Eastern Time,
Monday through Friday, except for federal holidays.

HAZARDOUS WASTE BIENNIAL REPORT

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1. INTRODUCTION

The Resource Conservation and Recovery Act (RCRA) sets forth management standards for hazardous waste. RCRA's purpose is to regulate hazardous waste from its generation to its ultimate disposal, or from "cradle to grave." Other modules have introduced you to various aspects of this process such as the Generator module, initiating the RCRA regulatory regime, and the Treatment, Storage, and Disposal Facility (TSDF) module, explaining the management protocols at final deposition. Just as the manifest serves as the recordkeeping component for generators, transporters, and designated facilities, generators and TSDFs complete the Biennial Report to inform the public, the states, and EPA of their waste generation and management activities.

In addition to supplying information for compliance purposes (e.g., to demonstrate the quantity of hazardous waste generated by a particular facility) the Biennial Report helps EPA and the states to analyze their regulatory programs and assists them in making hazardous waste treatment and disposal capacity determinations. EPA compiles the data obtained into national reports that contain information on hazardous waste management. For example, the published reports contain statistical information on quantities of hazardous waste generated, which facilities are generating what types of wastes, and management practices.

When you have completed this module you should be able to identify the regulatory requirements associated with the Biennial Report. Specifically, you should be able to:

- Explain who is subject to biennial reporting requirements
- Explain the different forms associated with the Biennial Report
- Describe the changes that have occurred to the Biennial Report form since the last reporting year
- Assist callers who are completing the Biennial Report.

2. REGULATORY SUMMARY

In RCRA §3002(a)(6), Congress required EPA to develop a program for hazardous waste generators to report the nature, quantities, and disposition of hazardous waste generated. RCRA §3004(a)(2) requires TSDFs to submit a report on the wastes that they receive from off site. Large quantity generators (LQGs) and TSDFs must submit this report to EPA every two years. This statutory requirement is codified in 40 CFR §262.41 for LQGs and §§264/265.75 for TSDFs. The form that LQGs and TSDFs use for reporting purposes, EPA Form 8700-13A/B, is called the Biennial Report. Its official title is the *Hazardous Waste Report Instructions and Forms*.

EPA created the Biennial Report program in order to collect information about the generation, management, and final disposition of RCRA hazardous waste in the United States. Once facilities complete the report, they return it to their state or regional Biennial Report contact. States compile all of the received information and forward it to the Regional EPA offices. All Biennial Report data from each Region is combined and ultimately forwarded to EPA. EPA then compiles the data into a national database that is made available to the public in the form of five reports: The National Biennial RCRA Hazardous Waste Report, List of Large Quantity Generators in the United States, List of Treatment, Storage, and Disposal Facilities in the United States, State Detail Analysis, National Analysis, and State Summary Analysis.

Facilities are required to submit information on waste generation and management activities occurring in odd numbered years. For purposes of this module, these odd numbered years are referred to as reporting years. The Biennial Report must be submitted to the authorized state agency or the EPA Regional office by March 1st of the following even numbered year (§§262.41 and 264/265.75). For example, reports were due on March 1, 1998, for waste management activities that occurred in the 1997 calendar year. Facilities may request a site-specific extension to this deadline by contacting their implementing agency in writing prior to March 1st. This requested extension, however, may not be extend beyond April 1st.

The Biennial Report contains four separate forms. Each form requests information concerning different aspects of the waste management process. The following table itemizes the type of information to be reported on each form:

Form	Who must file	What type of information is requested	How many forms needed
Form IC- Identification and Certification	All TSDFs and LQGs	<ul style="list-style-type: none"> ▪ Site address ▪ Certification statement ▪ ID number ▪ Facility status 	One per facility
Form GM- Waste Generation and Management	All TSDFs and LQGs which generated and managed hazardous waste on site or shipped the waste off site during the reporting year	<ul style="list-style-type: none"> ▪ Description of the waste including wastecodes, origin of the waste and physical properties ▪ Quantity generated, treated, stored, or recycled on site during the reporting year ▪ Information about waste shipped off site, including information about receiving facility 	One per wastestream, although similar waste streams can be combined on one Form GM
Form WR - Waste Received From Off Site	All TSDFs and LQGs which received hazardous waste from off site during reporting year	<ul style="list-style-type: none"> ▪ Description of the waste including wastecodes, origin of the waste and physical properties ▪ Information about waste received from off site, including information about receiving facility 	One block (3 per form) for each off-site handler that hazardous waste is received from
Form OI – Off-Site Identification	State Determined (this is a state-required form)	<ul style="list-style-type: none"> ▪ Names and addresses of off-site installations and transporters 	Each Form OI contains space for 5 records

2.1 APPLICABILITY

Federal law requires LQGs and TSDFs to submit the Biennial Report, although states may have additional reporting requirements. Federal EPA allows state agencies to have more stringent regulations. For example, some states require small quantity generators (SQGs) and conditionally exempt small quantity generators (CESQGs) to submit the Biennial Report. In addition, some states also require facilities to submit a hazardous waste report annually. For discussion on states' ability to be more stringent and broader in scope with federal regulations, see the States Programs training module.

LARGE QUANTITY GENERATOR (LQG)

A facility is considered a LQG if, during any calendar month of the reporting year, the site generates more than the following amounts of waste:

- 1,000 kilogram (kg) of hazardous waste

OR

- 1 kg of acutely hazardous waste (i.e., wastecodes denoted with the hazard code "H" and all P-listed wastes)

OR

- 100 kg of spill cleanup material contaminated with acutely hazardous waste.

A facility is also considered a large quantity generator if, at any one time during the reporting year, the site accumulates more than the following amounts of waste on site:

- 1 kg of acutely hazardous waste

OR

- 100 kg of spill cleanup material contaminated with acutely hazardous waste.

Facilities meeting one or more of these criteria must submit a report on all waste generated or managed by the facility during the reporting year. Facilities will be reporting on wastes that were generated during odd numbered years

Recall from the Generators module that a facility becomes an "episodic generator" when a generator exceeds or falls below their normal generation limit in a calendar month. Episodic generators must comply with the requirements applicable to them for that month. For biennial reporting purposes, facilities who were LQGs during any month of a reporting year are requested to report all waste generated or managed during that year, not just the waste generated during the month they were subject to LQG standards.

Some states regulate additional waste streams that are not regulated by the federal RCRA program. For purposes of the Biennial Report, only federally regulated waste is counted towards determining a facility's generator status. For example, a facility that generates 1200 kg of waste that is considered hazardous only on the state level and 50 kg of federally regulated hazardous waste is not considered a LQG for purposes of the Biennial Report. States may still require these facilities to submit the Biennial Report to the state agency.

A generator that manages waste in a RCRA permit-exempt unit (e.g., a wastewater treatment unit) immediately upon its generation need not count that waste towards determining their generator status for purposes of the Biennial Report (§261.5(c)(2)). If this site is required to file the report (i.e., the site is a LQG or TSDF), however, any waste managed in these permit-exempt units is subject to all reporting requirements.

TREATMENT, STORAGE, AND DISPOSAL FACILITIES (TSDFs)

A TSDF is a facility that is subject to the RCRA permit requirements (i.e., is permitted or has interim status). All TSDFs are subject to the Biennial Reporting requirements

(§§264/265.75) and must submit a report for all waste managed during the reporting year. Any waste managed at a TSD in a unit exempt from RCRA permitting must also be reported.

3. REPORTING FORMS

The Biennial Report package consists of multiple forms, each representing different components of RCRA's cradle-to-grave management system. States automatically distribute the reporting forms to facilities that filed reports in the previous reporting year. Facilities who are reporting for the first time may obtain the forms directly from designated state contacts (available through the Hotline) or may be downloaded from the Internet at the following address:

<http://www.epa.gov/epaoswer/hazwaste/data/#brs>

The reporting forms posted on the Internet are the federal forms. States may have their own version of the reporting forms and callers should not necessarily rely on the federal version. The Hotline can provide callers with information on whether or not their state uses modified reporting forms. Callers may also verify if their state has adjusted forms with their state contact.

The Biennial Report consists of four separate forms and a notification postcard. Certain "boxes" on each form are required to be filled in whereas completion of other information is optional. The specifics of each form are discussed below.

3.1 FORM IC – IDENTIFICATION AND CERTIFICATION

The first form, Identification and Certification (Form IC), must be filed by all LQGs and TSDFs required to submit the Biennial Report (see Section 2, Applicability, for further discussion). This two-page form is used to obtain administrative information about the reporting facility. It requests information on the location of the site, the generator status of the facility (e.g., SQG, LQG), and information on the waste management status of the facility. This form also contains a certification statement, which must be signed by the individual who supervised the completion of the report confirming that all information contained in the report is true and accurate to the best of the signer's knowledge.

3.2 FORM GM – WASTE GENERATION AND MANAGEMENT

The second form, Waste Generation and Management (Form GM), must be submitted by all LQGs and by TSDFs that generated or shipped off site any quantity of hazardous waste during the reporting year. All LQGs and facilities which send waste off site for treatment must file this form. Form GM requires information on the wastes that were generated in the reporting year as well as wastes that were generated prior to the reporting year, but managed during the reporting year. This form documents the source, characteristics, and quantity of each generated wastestream, the quantities and

management methods of wastes managed on site, and the quantity and management methods of wastes shipped off site.

A separate Form GM is required for each RCRA hazardous waste generated or shipped off site during the reporting year. However, similar hazardous wastes may be combined onto one Form GM if the wastes have the same Origin code and Form code. Specifically, if a facility generates several batches of hazardous waste, but each waste originates from the same process or management activity and shares the same physical form or chemical composition description, the waste can be aggregated onto one Form GM. Hazardous waste residue derived from the treatment of a waste is considered a newly generated waste and should be filed on its own Form GM.

Form GM has three sections — Waste Characteristics, On-Site Generation and Management, and Off-Site Management of the waste. Section I, Waste Characteristics, requires the facility to provide the following:

- Narrative description of the waste
- Federal and state wastecodes assigned to the waste
- SIC codes of the entire facility (not of the process generating the specific waste stream) and codes for identifying the origin of the waste (e.g., from a cleanup, waste from a production process)
- Type of system the waste was generated (e.g., energy recovery, stabilization, or disposal)
- Source of the waste (i.e., the process which generated the hazardous waste)
- Physical form or chemical composition of the hazardous waste (e.g., waste oil, lab packs, or leachate).

Section II, On-Site Generation and Management, requires that facilities describe the on-site system(s) used to treat the wastestream. Section II also requests information on the quantity of waste treated, disposed or recycled on site during the reporting year. Multiple On-Site Process System Type Codes may be reported if the waste is treated by two different treatment systems or if the waste is managed in one system for part of the year and another for the remainder of the year. However, for hazardous wastewaters managed on site and discharged in accordance with a National Pollutant Discharge Elimination System (NPDES) permit pursuant to §402 of the Clean Water Act (CWA), to a Publicly Owned Treatment Works (POTW) in accordance with §307(b) of the CWA, or to an Underground Injection Well (UIC) well regulated by the Safe Drinking Water Act (SDWA), only management codes M136, M135, and M134, respectively, should be used regardless of what treatment the wastewaters receive prior to discharge, and only one Form GM should be completed. Any sludges or residues generated from the

management of these wastewaters should be reported as a newly generated waste. When reporting the quantity treated, disposed, or recycled during the reporting year, units of measure must be consistent. For example, pounds should not be used in one instance and kilograms another.

Section III, Off-Site Shipment of Hazardous Waste consists of information on the facility the waste is shipped to, the type of system the waste was shipped to for management, and the total quantity of waste shipped off site.

3.3 FORM WR - WASTE RECEIVED FROM OFF-SITE

The third form, Waste Received from Off-Site (Form WR), must be filed by all facilities that received RCRA hazardous waste from off site during the reporting year. For example, a landfill facility, which receives hazardous waste for disposal, is required to complete Form WR. Facilities must provide data on the characteristics and quantity of the hazardous wastes received from other hazardous waste handlers as well as the management methods used for these wastes. Hazardous wastes received from the same handler may be aggregated onto one waste block as long as they have the same Form Code and were managed in the same type of process. Wastes received from more than one off-site handler may be reported on the same form, but a separate waste block must be filled out for each handler.

Form WR contains the following information:

- Federal and state hazardous wastecodes assigned to the waste
- Narrative descriptions of each waste
- EPA identification number of the facility from which the waste was received
- Total quantity received from each off-site facility
- Physical form or the chemical composition of the hazardous waste
- Type of system in which the waste was managed.

3.4 FORM OI - OFF-SITE IDENTIFICATION

The fourth form, Off-Site Identification (Form OI) requires information on all off-site facilities and transporters used by the facility. Form OI is not a federally required form and should only be filed if required by the state in which the handler is located. Questions concerning Form OI should be referred to the state contact.

3.5 NOTIFICATION POSTCARD

The Biennial Report form is automatically sent to all facilities that submitted forms in the previous biennial reporting cycle. Some facilities, however, may not be required to report for the current reporting year. For example, the facility may have reported in the past due to a spill, that caused them to produce greater than 1,000 kg of hazardous waste during one month, but is currently operating as a SQG. In cases where the facility does not need to file in the current reporting year, they must notify EPA by returning the notification postcard attached to the reporting package. In some instances, states may require facilities to submit Form IC in lieu of the postcard.

4. COMMONLY ASKED QUESTIONS

-I received a copy of the Hazardous Waste Report Forms and Instructions, but during 1999 I only generated 100 kg of hazardous waste once during the clean up of a chemical spill. Am I required to complete this report?

No. EPA requires only LQGs and TSDFs to submit the Biennial Report, but some states require that SQGs and CESQGs file. Information Specialists can offer callers limited information on state requirements to offer to callers; however, callers should be referred to their implementing agency for appropriate determinations.

-In addition to federal RCRA hazardous wastecodes, my state has other hazardous wastecodes. Should these wastes be counted toward determining my generator status for reporting purposes?

No. Only federally regulated RCRA hazardous wastes must be counted to determine generator status for biennial reporting purposes. However, some states may require their wastes to be counted when determining generator status for purposes of compliance with the RCRA Biennial Reporting requirements.

-Can I file the Biennial Report electronically?

Yes. EPA encourages electronic reporting of the Biennial Report, and many states have electronic reporting programs for the regulated community to use. Callers requesting information on electronic reporting should be referred to their state Biennial Report contact. Information Specialists should first check as to whether the state allows electronic reporting.

-What are the requirements for reporting lab packs?

Lab packs can usually be aggregated on one Form GM and Form WR when reported on the Biennial Report. The exception is if they contain acute hazardous wastes or they are managed differently from each other. For example, different lab packs may not be combined onto one Form GM if one lab pack is sent off site for disposal and the other is sent off site for recycling. Facilities should always use Form Codes B001-B004 or B009 for lab packs. If there are many wastecodes associated with a batch of lab packs, enter "LABP" in Section I, Box B of Form GM or Box B of Form WR; then enter "NA" in the remaining spaces. If there are numerous codes but a few major ones can be identified, report the major codes in Box B.

The weight of containers should be included only if the containers are disposed or treated with the waste.

-Should universal wastes be reported on the Biennial Report?

Universal waste handlers, regulated under Part 273, are not required to file the Biennial Report. In addition, universal waste need not be counted when determining whether a facility is a LQG subject to reporting requirements (§261.5(c)(6)).

On the other hand, universal waste destination facilities are subject to full biennial reporting requirements. These facilities are, in general, subject to all of the TSDF requirements (§273.60).

-Is used oil reported?

Only used oil that exhibits a characteristic of hazardous waste and that is disposed of must be reported on the Biennial Report. Used oil that is recycled in any manner is not subject to reporting requirements.