

Academic Laboratories Rule

OAR 340-102-0200 and 40 CFR 262 Subpart K

Rule summary

On Dec. 1, 2008, EPA added new subpart K, to the Resource Conservation and Recovery Act hazardous waste generator regulatory requirements in 40 Code of Federal Regulations Part 262. The rule establishes an optional, alternative set of rules to allow eligible academic entities the flexibility to make hazardous waste determinations in the lab, at an on-site central accumulation area, or at an on-site treatment, storage, or disposal facility.

Eligible academic entities may also choose not to follow the standards in this rule, and will remain subject to the pre-existing hazardous waste generator requirements.

This rule also provides incentives for eligible academic entities to clean out old and expired chemicals that may pose unnecessary risk. Further, this rule requires those eligible academic who opt-in to develop a Laboratory Management Plan. Expected results are safer lab practices and increased awareness of hazardous waste management. An eligible lab will need to consider the costs and benefits of choosing this option.

Subpart K is applicable to eligible academic entities, such as colleges, universities, and teaching hospitals and nonprofit research institutes either owned by or formally affiliated with a college or university. A required opt-in DEQ notification is required.

Oregon rules

DEQ adopted Subpart K rule with amendments requiring academic entities to:

- Submit a Lab Management Plan to DEQ at the time of opt-in and submitting the Opt-In Notification. The Opt-in Notification is required 30 days prior to using Subpart K rules;
- Conditionally exempt generators obtain an identification number during Opt-in Notification, if you do not already have one;
- Label and date lab containers; and
- Report annually.

HW determinations

- Requires trained professional to perform the hazardous waste determination instead of students.

- Manages as hazardous waste any material in lab that has the potential to be hazardous waste.
- Allows hazardous waste determinations to be made after the initial point of generation.
- Gives a trained professional 10 days to remove “unwanted materials” from the lab after a pick-up request is made, or if unwanted material exceeds 55 gallons or 1 quart of acute waste.
- Gives a trained professional 4 days, from the time removed from the lab, to perform a hazardous waste determination at the central accumulation area.

Waste requirements in the laboratory

- Remove all laboratory wastes from labs at regular intervals not to exceed 6 months.
- Remove P-listed waste within 6 months or when reaching the 1-quart accumulation limit.
- Option to consolidate hazardous waste with other on-site labs included in Opt-in Notification under the same ID number.
- Immediately remove for disposal from lab any full 55-gallon containers.
- Label containers in the lab as “unwanted material,” or if hazardous waste, label with words “hazardous waste” with accumulation start date.
- Option to make hazardous waste determinations in the lab, or within 4 calendar days of arriving at an on-site central accumulation area or interim status or permitted on-site treatment storage and disposal facility. Containers must be dated to track 90- or 180-day clock for disposal.

Laboratory management plan

One Laboratory Management Plan can cover all labs with the same identification number. If a lab holding multiple hazardous waste identification numbers opts in, the lab can use one plan. The academic entity can incorporate the Laboratory Management Plan into another plan (e.g., OSHA).

Laboratory Management Plan requirements include:

Part 1 is enforceable and identifies options for container labeling (hazardous waste or unwanted material, dating, etc.) and the process for removing unwanted material from labs. The elements are enforceable and the lab can be held in violation if the lab’s practices vary from the Laboratory Management Plan (40 CFR 262.214(a)).

Part 2 of the Laboratory Management Plan is not enforceable unless all the requirements have not been met. These are the best intended practices for

Hazardous Waste

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lab hazardous waste management and should include the following descriptions:

- How to manage containers;
- Who, how and what level the facility will provide training to students and lab workers;
- Who, how and what level the facility will provide training to trained professionals;
- Best management practice for removing unwanted material from the lab;
- Procedures for hazardous waste determinations including specifying duties of who will perform this activity;
- Procedures for lab cleanouts; and
- Procedures for emergency prevention.

Although Part 2 elements may not be penalized individually, a lab can be penalized for not following the exact content developed or if elements are not reasonably addressed in the lab's LMP.

Clean out incentives

The generator requirements for cleaning out a lab include:

- Notifying DEQ 30 days prior to cleanout;
- Cleanouts have a 30 day limit for removing or cleaning out old or expired chemicals;
- Performing cleanout within 30 days;
- Identifying and documenting lab(s) to clean out, when the cleanout starts, ends, and the volume of waste disposed;
- Cleanouts have no volume limit;
- Cleanouts will not change lab's generator status; and
- Cleanout may occur once every twelve months.

Training

- Provide training "commensurate with duties" for all lab workers and students;
- Trained professional must get training that aligns with academic entity's generator status requirements; and
- Trained professional at a conditional exempt generator site must include training for small quantity generator standards.

Subpart K—Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities

§262.200 Definitions for this subpart.

§262.201 Applicability of this subpart.

§262.202 This subpart is optional.

§262.203 How an eligible academic entity indicates it will be subject to the requirements of this subpart.

§262.204 How an eligible academic entity indicates withdraw from the requirements of this subpart.

§262.205 Summary of the requirements of this subpart.

§262.206 Labeling and management standards for containers of unwanted material in the lab.

§262.207 Training.

§262.208 Removing containers of unwanted material from the lab.

§262.209 Where and when to make the hazardous waste determination and where to send containers of unwanted material upon removal from the lab.

§262.210 Making the hazardous waste determination in the lab before the unwanted material is removed from the lab.

§262.211 Making the hazardous waste determination at an on-site central accumulation area.

§262.212 Making the hazardous waste determination at an on-site interim status or permitted treatment, storage or disposal facility.

§262.213 Laboratory clean-outs.

§262.214 Laboratory management plan.

§262.215 Unwanted material that is not solid or hazardous waste.

§262.216 Non-laboratory hazardous waste generated at an eligible academic entity.

DEQ regional offices and assistance

For more assistance, see the DEQ hazardous waste program specialist in your area.

Northwest Region office: 700 NE Multnomah St., Suite 600, Portland, OR 97232, 503-229-5696

Bend office: 475 Bellevue, Suite 110, Bend, OR 97701, 541-388-6146

Pendleton office: 800 SE Emigrant, Suite 330, Pendleton OR 97801, 541-276-4063

Salem office: 4026 Fairview Industrial Dr., Salem, OR 97302, 503-378-8240, ext. 253

Eugene office: 165 E. 7th Ave., Suite 100, Eugene OR 97401, 541-686-7838

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.