



# EPA's Proposed Rule for College & University Laboratories

CSHEMA 2005 – Philadelphia, PA  
Presented by Kristin Fitzgerald  
U.S.EPA – Office of Solid Waste  
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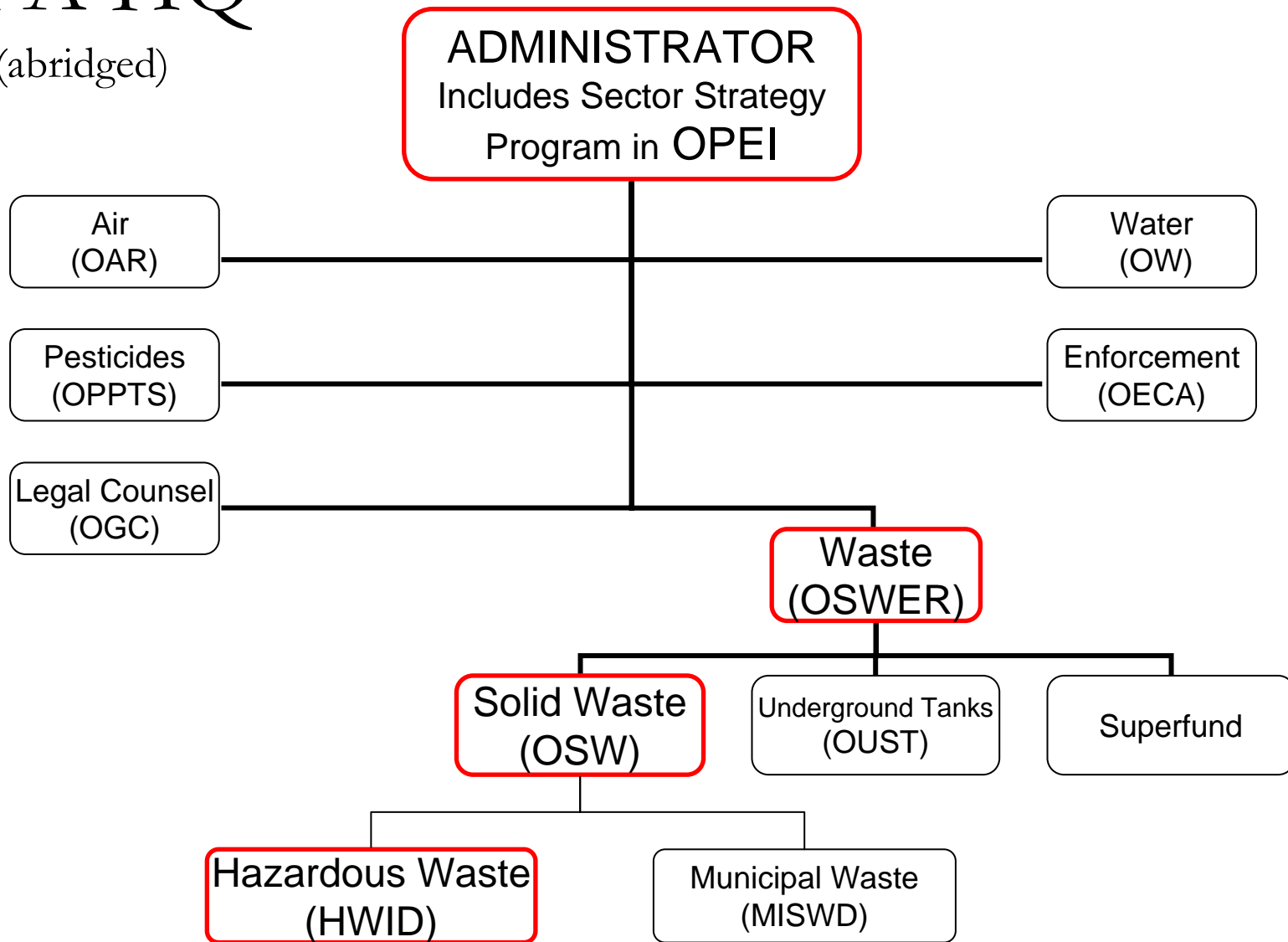


# Outline of Presentation

- Current rulemaking activity
  - Process of developing a Proposed Rule
  - Major elements of Labs Rule
- Future rulemaking activity
  - Finalizing & implementing the Labs Rule

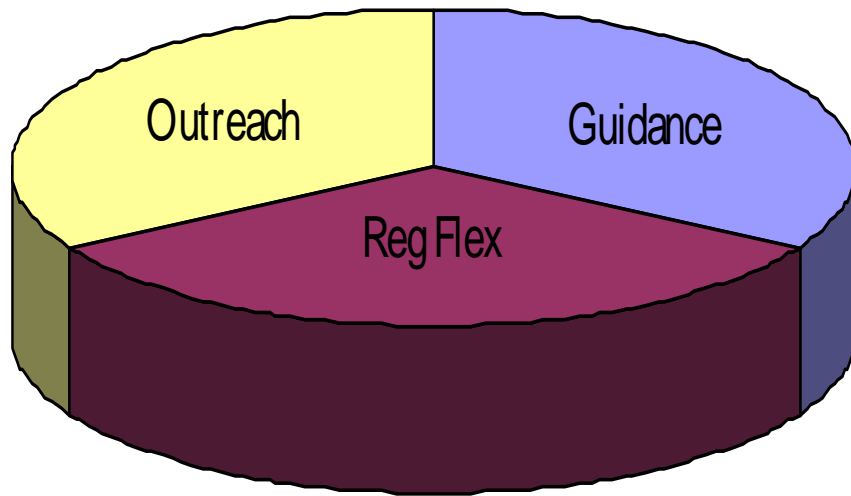
# EPA HQ

(abridged)



# OSW Labs Project

## 3 Components



1. Outreach
2. Guidance
3. Regulatory Changes
  - Proposed Rule
  - Obtaining public input
  - Final Rule

# Process for Developing a Proposed Rule

- Workgroup develops draft proposed rule
  - Currently in final stages
- Proposed rule is concurred on by:
  - Offices participating on workgroup
  - OSWER Assistant Administrator
  - August/September 2005
- Proposed rule is reviewed by:
  - Office of Management and Budget (3 months)
  - Office of Policy, Economics & Innovation
  - Fall 2005

# Process for Developing a Proposed Rule (continued)

- EPA Administrator signs Proposed Rule
- Proposed Rule is published in the Federal Register (early 2006)
- EPA seeks public comment on Proposed Rule (90 days)



Federal Register

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Tuesday,  
April 8, 2003

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Part III

**Environmental  
Protection Agency**

40 CFR Part 261  
Revision of Wastewater Treatment  
Exemptions for Hazardous Waste  
Mixtures ("Headworks Exemptions");  
Proposed Rule



# The Fine Print

- The discussion that follows is how the Proposed Rule stands today
- The Proposed Rule can be changed up until the Administrator signs it



# Overview of Proposed Rule

- New regulations for laboratories at colleges and universities
  - Subpart K
- Rule will be optional
  - satellite area regulations OR new Subpart K
- Proposed Rule maximizes flexibility while maintaining equivalent protection
- Performance-based management standards
- Laboratory Management Plan (LMP)



# Making the HW Determination

- New term: “unwanted materials” in lab
- C/Us can choose where to make hazardous waste determination for unwanted materials:
  - in the laboratory, before removal
  - within 4 days of arriving at
    - on-site central accumulation area (90 or 180 day area), or
    - on-site TSDF
- C/U identifies in Laboratory Management Plan where it will make HW determination
- The “point of generation” remains in the lab

# Management in the Laboratory

## ■ Performance-based Standards:

- Container labeling
- Container management
- Training for laboratory workers
- Instruction for students

## ■ Laboratory Management Plan

- Describes HOW the performance based standards will be implemented
- 8 Mandatory elements of plan

# Removing Unwanted Materials from the Laboratory

- Time-driven (primary):
  - Must remove all unwanted materials on a regular schedule that is identified in Plan
  - Maximum of 6 months between removals
- Volume-driven (secondary):
  - If lab exceeds 55 gallons, must remove within 10 calendar days

# Acute Unwanted Materials

- New term: “reactive acutely hazardous unwanted materials”
  - “P-list” chemicals that are toxic and reactive
    - Currently there are 7 (e.g. picric acid)
- Time-driven: **same** (i.e., maximum 6 months)
- Volume-driven:
  - If lab exceeds 1 quart, must remove within 10 calendar days



# Laboratory Clean-outs

- NOT mandatory
- Incentives to encourage clean-outs:
  - 30 days allowed to conduct clean-out
  - Do not have to count clean-out waste in determining generator status
- Incentives limited to 1x per year per lab

# Finalizing & Implementing the Labs Rule

- EPA prepares Response to Comments & Final Rule
- Final Rule is reviewed by OMB
- Final rule is signed & published in the Federal Register
- C/Us in AK, IA can implement the Labs Rule (not authorized)
- Other states get authorized for Labs Rule
- C/Us in authorized states can implement the Labs Rule



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