

EPA Academic Lab Ruling 40 CFR 262 Subpart K

Fact Sheet

NOTE: Any reference to the 2nd person assumes that ‘you’ are an eligible academic entity to Subpart K

General information

- Subpart K is a sub section of 40 CFR [Part 262 – Standards applicable to Generators of Hazardous Waste](#).
- Subpart K is an optional EPA generator regulation designed for **the academic sector**.
- It was added by the EPA to the Resource Conservation and Recovery Act (RCRA) in December of 2008.
- It is seen as an alternative to the satellite accumulation area (SAA) generator regulations currently in effect, which are heavily orientated on quantity generation for large waste producers.
- Specifically, it offers alternative requirements for **hazardous waste determination** and **accumulation** of unwanted material.
- You do not require interim status or a RCRA Part B permit for the accumulation of unwanted material and hazardous waste in your laboratories, provided:
 - The laboratories comply with the provisions of Subpart K
 - You have a Laboratory Management Plan (LMP) in accordance with the regulations (see below) laid out in Subpart K

Information on labeling of waste containers

- When labeling containers you must attach the words “unwanted material” or another phrase that clearly communicates the same message
- You must also attach sufficient information to alert emergency responders to the contents of the container, such as:
 - Name of the chemical
 - Type or class of chemical (organic solvent, halogenated organic solvent etc.)
 - Relevant flammability properties
- Specific to each container, it must clearly be recorded the date that waste began to accumulate in the container
- Specific to each container, it must clearly display information to allow a trained professional properly identify a waste as a solid or hazardous, such as:

- The name and/or description of the chemical contents or composition
- Whether it has been used or unused
- A description of the manner in which the chemical was produced or processed

Information on management of containers in the laboratory

- Any and all steps must be taken to prevent spills, leaks, emissions to the air, adverse chemical reactions.
- All containers must be maintained in good condition and damaged containers must be replaced.
- Overpacking is not allowed.
- Containers must be compatible with their contents to avoid reactions between the contents and the container.
- If in cases where this is not possible, the container must be lined with a material that is compatible with the unwanted material.
- Containers must be kept closed at all times, except:
 - When adding, removing or consolidating materials.
 - When a working container is open until the end of a procedure or work shift, or until it is full, whichever comes first. It must then be closed.
 - When venting a container is necessary.

Information on training

- All individuals working at the laboratory in question must be adequately trained to ensure they understand the requirements of Subpart K and can implement them.
- Trained professionals are required to:
 - Accompany the transfer of unwanted material and hazardous waste when it is removed from the laboratory
 - Make the hazardous waste determination for unwanted material
- It is up to you to decide how you wish to train individuals working in the lab, but records must be kept of all training that is undertaken.
- If you are considered a large quantity generator, you must maintain documentation on current personnel at the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility.
- Personnel training records may accompany personnel transferred within the same company.
- This is to demonstrate sufficiently that all laboratory workers have been trained.
- Documentation that may be used to demonstrate this can include
 - Sign-in/attendance sheet(s) for training session(s)
 - Syllabus for training session
 - Certificate of training completion
 - Test results.

Information on removal of containers from laboratory

- It is necessary to remove containers of unwanted material from the laboratory on a regular schedule. You must:
 - Remove all containers of unwanted material from each laboratory on a regular interval, which cannot exceed 6 months.
- OR**
- Remove containers of unwanted material from each laboratory within 6 months of each container's accumulation start date.
- Whichever option you choose must be clearly laid out as part of your Laboratory Management Plan in Parts I & II (See below).
- If a laboratory accumulates a total volume of unwanted material in excess of 55 gallons before the regularly scheduled removal, you must ensure that all containers of unwanted material in the laboratory:
 - Are marked with the date that 55 gallons was exceeded.
 - Are removed from the laboratory within 10 calendar days from that date, or the next scheduled removal, whichever comes first.
- Similarly, this procedure must be repeated if 1 quart of reactive acutely hazardous unwanted material is accumulated in the laboratory.

Information on hazardous waste determination

- You **must** ensure that waste determinations are carried out by a trained professional, in accordance with 40 CFR 262.11 [CHANGE? INSERT INFO?]
- You may choose where to carry out your hazardous waste determinations from the following options:
 1. In the laboratory before the unwanted material is removed from the laboratory
 2. Within 4 calendar days of the waste arriving at an on-site central accumulation area
 3. Within 4 calendar days of the waste arriving at an on-site interim status or permitted treatment, storage or disposal facility

OPTION 1

- **While using option 1**, if an unwanted material is determined to be a hazardous waste, you must:
 - Write the words “hazardous waste” on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory
 - Write the appropriate hazardous waste code(s) on the label that is associated with the container before the hazardous waste is transported off-site.

- Count the hazardous waste towards your generator status for the calendar month that the hazardous waste determination was made.
- A trained professional must accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or on-site interim status or permitted treatment, storage or disposal facility.
- If the waste is not being removed from the site, when it is removed from the laboratory it must go directly to the on-site central accumulation area or on-site interim status or permitted treatment storage or disposal facility.
- An unwanted material that is determined to be a hazardous waste is subject to all applicable hazardous waste regulations when it is removed from the laboratory.

OPTION 2

- **If option 2 is selected**, A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site central accumulation area.
- All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site central accumulation area.
- A trained professional must determine if the unwanted material is a hazardous waste within 4 calendar days of the unwanted materials' arrival at the on-site central accumulation area.
- If an unwanted material is determined to be a hazardous waste, you must:
 - Write the words “hazardous waste” on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory
 - Write the appropriate hazardous waste code(s) on the label that is associated with the container before the hazardous waste is transported off-site.
 - Count the hazardous waste towards your generator status for the calendar month that the hazardous waste determination was made.

OPTION 3

- **If option 3 is selected**, a trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site interim status or permitted treatment, storage or disposal facility.
- All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site central accumulation area.
- A trained professional must determine if the unwanted material is a hazardous waste within 4 calendar days of the unwanted materials' arrival at the on-site interim status or permitted treatment, storage or disposal facility.
- The unwanted material becomes subject to the terms of your hazardous waste permit or interim status as soon as it arrives in the on-site treatment, storage or disposal facility.
- If an unwanted material is determined to be a hazardous waste, you must:
 - Write the words “hazardous waste” on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory

- Write the appropriate hazardous waste code(s) on the label that is associated with the container before the hazardous waste is transported off-site.
- Count the hazardous waste towards your generator status for the calendar month that the hazardous waste determination was made.
- Manage the hazardous waste according to all applicable hazardous waste regulations.

Information on laboratory cleanouts

- Once every 12 month period, for each laboratory, you may opt to conduct a laboratory clean-out.
- During the clean out, all procedures are subject to the same requirements as the rest of Subpart K.
- If you do, during that time, if the volume of unwanted material in the laboratory exceeds 55 gallons, you are not required to remove all unwanted materials from the laboratory within 10 calendar days. Instead, you must remove all unwanted materials from the laboratory within 30 calendar days from the start of the laboratory clean-out.
- You must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out begins and ends, and the volume of hazardous waste generated during the laboratory clean-out.
- You must maintain the records for a period of three years from the date the clean-out ends.

Information on Laboratory Management Plans

- The Laboratory Management Plan is a site-specific document that describes how you will manage unwanted materials in compliance with Subpart K.
- You **must** develop and retain a written Laboratory Management Plan, or revise an existing written plan.
- You may write one Laboratory Management Plan for all of your laboratories that have opted into this subpart, even if the laboratories are located at sites with different EPA Identification Numbers.
- The Laboratory Management Plan must contain two parts with a total of nine elements (listed below)

Part 1

- In Part I of your Laboratory Management Plan, you must describe procedures for
 - Identifying whether you will use the term “unwanted material” on the containers in the laboratory
 - If not, then state the term that will be used instead
 - Identifying the manner in which information that is “associated with the container” will be imparted
 - Identify which option you will comply with, with regards to regularly scheduled removals of unwanted material from the laboratory
- You must implement and comply with the specific provisions that you develop to address the elements in Part I of the Laboratory Management Plan.

Part 2

- In Part II of your Laboratory Management Plan, you must describe your best management practices for:
 - Container labeling and management, including how you will manage containers used for in-line collection of unwanted materials, such as with high performance liquid chromatographs and other laboratory equipment.
 - Providing training for laboratory workers and students commensurate with their duties.
 - Providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals.
 - Removing unwanted material from the laboratory.
 - Making hazardous waste determinations, including specifying the duties of the individuals involved in the process.
 - Laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs.
 - Emergency prevention.
- You must make your Laboratory Management Plan available to laboratory workers, students, or any others at your institution who request it.
- You may include additional elements and best management practices in Part II of your Laboratory Management Plan if it chooses.
- An eligible academic entity must review and revise its Laboratory Management Plan, as needed.

Information on application into Subpart K

- To apply, you must notify the appropriate EPA Regional administrator, using [EPA Form 8700-12](#) (click to download) to specify the site that is to be subject to the requirements of Subpart K
- A separate notification must be sent for each site (EPA Identification Number) that is electing to opt into Subpart K.
- When applying, the form requires this minimum amount of information
 1. Reason for Submittal.
 2. Site EPA Identification Number (except for conditionally exempt small quantity generators).
 3. Site Name.
 4. Site Location Information.
 5. Site Land Type.
 6. North American Industry Classification System (NAICS) Code(s) for the Site.
 7. Site Mailing Address.
 8. Site Contact Person.
 9. Operator and Legal Owner of the Site.
 10. Type of Regulated Waste Activity.

11. Certification

- You must keep a copy of this notification on file at the eligible academic site for as long as the laboratory is subject to Subpart K.
- Similarly, non-profit research institutes and teaching hospitals that are **not** owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital

Information on withdrawal from Subpart K

- To withdraw, you must notify the appropriate EPA Regional administrator, using [EPA Form 8700-12](#) (click to download) to specify the site that is to withdraw from the requirements of Subpart K
- A separate notification must be sent for each site (EPA Identification Number) that is electing to opt into Subpart K.
- When applying, the form requires this minimum amount of information
 1. Reason for Submittal.
 2. Site EPA Identification Number (except for conditionally exempt small quantity generators).
 3. Site Name.
 4. Site Location Information.
 5. Site Land Type.
 6. North American Industry Classification System (NAICS) Code(s) for the Site.
 7. Site Mailing Address.
 8. Site Contact Person.
 9. Operator and Legal Owner of the Site.
 10. Type of Regulated Waste Activity.
 11. Certification
- You must keep a copy of this notification on file at the eligible academic site for 3 years from the date of the notification.
- Similarly, non-profit research institutes and teaching hospitals that are **not** owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital

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