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Conditionally Exempt Small Quantity Generators

[Title 128 – Nebraska Hazardous Waste Regulations](#), Chapter 8, are Nebraska’s hazardous waste regulations for Conditionally Exempt Small Quantity Generators (CESQGs). Title 128 may be obtained on the web. It is found at <http://dee.ne.gov/> by clicking on “Laws and Regulations.”

If you generate at or less than 100 kilograms (220 pounds) of hazardous waste in a calendar month (including less than 1kg (2.2 lbs) of Acute Hazardous Waste), you classify as a CESQG for that month. Why is this important? Because CESQGs, in addition to having a lot less hazardous waste, also have fewer hazardous waste regulations to comply with. This document will describe your responsibilities under the regulations and provide best management practices for your CESQG waste.

All waste generators are required to determine if any of their waste streams are hazardous waste. See Title 128, Chapter 4, §002. The NDEE has developed an Environmental Guidance Document titled [Waste Determinations & Hazardous Waste Testing](#) to help you do the waste determination. You can view this document at the above web site: click on “Publications & Forms” then “Waste Management” and scroll down to the guidance documents.

You count only the hazardous waste you generate in a calendar month to determine your generator status. This document only covers CESQGs. CESQGs generate at or below 100 kg (220 lbs) of hazardous waste in a calendar month.

CESQG Requirements, Exemptions, or Limitations (Title 128, Chapter 8, §002)

CESQGs are required to perform hazardous waste determinations on their wastes.

CESQGs are not required to obtain a DEE/EPA Identification Number.

CESQGs are not required to submit the Biennial Report.

CESQGs are not required to containerize their CESQG hazardous waste in closed containers nor must the containers be labeled.

CESQGs are not required to ship their hazardous waste using a hazardous waste transporter.

CESQGs are not required to use a Hazardous Waste Manifest to ship their hazardous waste.

The Land Disposal Restrictions (LDR) do not apply to CESQGs (Title 128, Chapter 20, §001.05A).

There are no time limits on how long a CESQG may accumulate CESQG hazardous waste on his/her site.

There is a limit on how much CESQG hazardous waste can be accumulated on site. If a CESQG accumulates 1,000 kg (2,200 lbs) or more of CESQG hazardous waste, then all that hazardous waste becomes Small Quantity Generator (SQG) hazardous waste and fully subject to all SQG requirements, and SQG time limits start when the accumulated CESQG wastes exceed 1,000 kg (2,200 lbs) (Title 128, Chapter 8, §006.02).

If the CESQG exceeds 1 kg (2.2 lbs) of acute hazardous waste (P-listed and certain dioxin codes (F020-F023 and F026-F028)) either generated in a calendar month or accumulated at any time the full amount of that waste becomes LQG hazardous waste and fully subject to all LQG requirements. The LQG regulations require additional levels of documentation and safety procedures that are useful to generators who must handle and dispose of acute hazardous waste(s).

The time limits for SQGs or LQGs start when the accumulation amount limit is exceeded.

CESQGs are not allowed to treat their own or anybody else's hazardous waste.

CESQGs are allowed to dispose of their own CESQG hazardous waste in used oil only if the used oil will be burned for energy recovery.

CESQGs are allowed to dispose their CESQG hazardous waste to only one of the following (Title 128, Chapter 8, §006.03 et seq.):

A permitted hazardous waste treatment, storage, or disposal facility (TSDF),

A facility that beneficially uses or reuses or legitimately recycles or reclaims the wastes,

A facility that treats the wastes prior to beneficial use or re-use or legitimate recycling or reclamation,

A facility that mixes its CESQG hazardous waste with used oil destined for burning for energy recovery.

CESQGs are allowed to dispose of their own CESQG hazardous waste to permitted municipal solid waste (MSW) landfills --- if:

The waste can pass the Paint Filter Test (SW-846 Method 9095A). This means the waste has no bulk or free liquids.

They do not send over 19.5 kg (43 lbs) of CESQG hazardous waste to the MSW landfill per day. Note that putting CESQG waste in your dumpster is not the same as sending your CESQG waste to the landfill – if your dumpster contains over 19.5 kg (43 lbs) of CESQG hazardous waste at the time it is retrieved, the landfill is required to refuse the load.

A CESQG is allowed to take its CESQG waste to another location if the waste is to be disposed at or by one of the five facilities or processes immediately above.

If CESQG hazardous waste is mixed with Small Quantity Generator (SQG) or Large Quantity Generator (LQG) hazardous waste, the mixture becomes SQG or LQG waste subject to full SQG or LQG regulation.

If any condition or conditions specified for CESQGs are not met, the waste becomes subject to SQG requirements.

CESQG Situational Examples and Best Management Practices

If I ship my CESQG hazardous waste to a permitted TSDF must I use a hazardous waste manifest? If I use a manifest must I have a DEE/EPA ID number?

CESQGs are not required to use a hazardous waste manifest. If you choose to use a manifest you are not required by regulation to have a DEE/EPA ID number. That said, hazardous waste transporters or contractors often require the customer to use a hazardous waste manifest and obtain an ID number. If that is your situation, it is a matter between you and your contractor; the department has no authority to intervene on your behalf.

May a CESQG obtain a DEE/EPA ID number for its own purposes?

Even though you don't need it, the department will issue you a DEE/EPA ID number if you request it. This is no-fee service offered by NDEE, please follow instructions and fill out form 8700-12 available through the EPA or the NDEE website.

May I bring CESQG hazardous waste to a household hazardous waste collection event?

If the collection event sponsors are shipping the collected waste to a permitted TSDF or having the waste legitimately recycled, then a CESQG is allowed by Title 128 to bring its CESQG hazardous waste to the collection event. **NOTE:** Even though the regulations allow it, the sponsors may refuse to accept CESQG hazardous waste. The sponsors are allowed to place whatever restrictions they want or deem necessary on the wastes they accept at a collection. Often the restrictions are budget driven.

You said there are no container requirements for CESQGs. If I want to, can I use containers for my CESQG hazardous waste?

The department recommends CESQGs use the same container requirements that SQGs and LQGs must use. We recommend this as a matter of good hazardous material management. Many hazardous wastes are volatile materials that should, in any event, be controlled for worker health and safety. The department recommends that all containers of CESQG hazardous waste be kept closed unless putting in or removing waste. Labeling the container is also an excellent management practice because it helps prevent mixing incompatible wastes and it provides for easier environmental management. Keep in mind that, regardless of the hazardous waste regulations, you must still comply with OSHA requirements, insurance risk management mandates, and DOT hazardous materials transportation rules where they apply.

You said a CESQG can't treat hazardous waste. What if I have an elementary neutralization unit for my corrosive D002 hazardous waste?

There are some specific treatment permit exclusions in Title 128, Chapter 12 that, if the conditions of the exclusion are met, will allow CESQGs to do those types of "treatment." Elementary neutralization is one of those exclusions.

Can a CESQG recycle its CESQG hazardous waste on site?

Even though recycling is treatment, recycling is one of those disposal options that CESQGs are allowed to do.

As a CESQG can I use the Universal Waste rules?

You may use the Universal Waste rules. Universal Waste has provisions for small quantity *handlers* and large quantity *handlers* (SQH & LQH) of Universal Waste. These provisions are in no way connected to CESQG, SQG, or LQG provisions. Do not attempt to tie them together. For example, a CESQG can be a LQH of Universal Waste and this in no way affects the CESQG status. If you reach the LQH threshold then you must, of course, follow the Title 128, Chapter 25 LQH requirements.

You said CESQGs are not required to notify the NDEE and obtain a DEE/EPA ID number. What if I was a SQG last month and this month I'm a CESQG?

Title 128, Chapter 4, §003.02 requires you to renotify that you are no longer a SQG and are now a CESQG. The actual citation from the regulation is:

“Not later than thirty days after any change in the information or status of any person ---, such person shall file an amended notification with the department, except that generators voluntarily complying with all hazardous waste management requirements of a higher generator status are not required to renotify when their status drops to a lower level.”

If a CESQG fails to meet the conditions that apply for the conditional exclusion, then that waste no longer can be considered CESQG waste. If the weight of waste generated in the calendar month is greater than 100 kg (220 lbs) but less than 1,000 kg (2,200 lbs) then that generator must follow SQG requirements. If the weight of generated waste in a calendar month is greater than or equal to 1,000 kg (2,200 lbs) then the generator must follow LQG requirements.

Even though CESQGs are not required to maintain records regarding waste generation, generators must be able to demonstrate they meet the conditions of any exclusion or exemption they claim (Title 128, Chapter 2, §003.06). CESQGs are not required to comply with Chapter 2, but often liability questions involve some type of documentation. The department recommends CESQGs document how they concluded they meet CESQG standards and requirements. This includes recording in some suitable manner where your CESQG hazardous waste went and when. This might be your only protection from a CERCLA potentially responsible party finding.

If I ship 500 kg (1,100 lbs) of CESQG waste on a manifest will I be a SQG because that's over 100kg (220 lbs)?

No, because the 100 kg (220 lbs) per calendar month is hazardous waste generated in the calendar month. The mere fact you shipped 500 kg (1,100 lbs) of hazardous waste is not proof that any of the waste is not CESQG waste because you can accumulate up to an amount less than 1,000 kg (2,200 lbs) of CESQG waste and have it still be considered CESQG hazardous waste.

If I generate exactly 100 kg (220 lbs) of hazardous waste in June, 100.45 kg (221 lbs) in July, and 50 kg (110 lbs) (of which 1.1 kg (2.42 lbs) is unused nicotine patches, listed acute hazardous waste P075) in August what is my generator status in June, July, and August?

Your generator status is determined each calendar month based on your hazardous waste actually generated. Your generator status is CESQG in June, SQG in July and LQG in August (due to generating more than 1 kg (2.2 lbs) of acute hazardous waste). In July and August you must meet SQG and LQG requirements respectively.

If you plan to send your CESQG hazardous waste to a MSW landfill, the department recommends you first coordinate with the receiving landfill. Even though the regulations allow it, there might be restrictions set by a local government or the landfill itself. The department also recommends you keep records of when and where that waste was sent for disposal.

RESOURCES:

- NDEE Home Page <http://dee.ne.gov/>

Contacts:

- NDEE Main Line (402) 471-2186
- NDEE Toll Free Number (877) 253-2603
- NDEE Hazardous Waste Compliance Assistant (402) 471-8308
- Email questions to: ndeemoreinfo@nebraska.gov

NDEE Publications:

- NDEE Guidance Document – Comparison of Hazardous Waste Generator Requirements
- NDEE Guidance Document – Waste Determinations & Hazardous Waste Testing
Guidance is available on the NDEE Home Page under “Publications & Forms”
- [Title 128 – Nebraska Hazardous Waste Regulations](#)
- [Title 132 – Integrated Solid Waste Management Regulations](#)
Titles are available on the NDEE Home Page under “Laws/Regs & EQC”, “Rules & Regulations”

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