



ASCIP *RISK ALERT!*

Date: April 8, 2009

Attention: ASCIP Members

Subject: Hazardous Waste - Optional Programs

On December 31, 2008, the Environmental Protection Agency (EPA) added Subpart K to 40 CFR part 262 to the Resource Conservation and Recovery Act (RCRA), which provides "alternative requirements to the requirements in §§262.11 and 262.34(c) for the hazardous waste determination and accumulation of hazardous waste in *laboratories* owned by *eligible academic entities* that choose to be subject to this subpart, provided that they complete the notification requirements of [the code]." Subpart K is an optional voluntary program available to *eligible academic entities* (Community Colleges and Universities only).

Eligible academic entities that wish to be subject to Subpart K (Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities) must complete EPA Form 8700-12 and notify the EPA Regional Administrator in writing. Participating in Subpart K does not relinquish a District's duties as a Large Quantity Generator, Small Quantity Generator or a Conditionally Exempt Small Quantity Generator under California law.

In addition, *eligible academic entities* that participate in Subpart K must develop a Laboratory Management Plan (LMP); conduct training for all employees working in the laboratory; properly label *unwanted materials*; and remove *unwanted materials* within 6 months of accumulation or remove all *unwanted materials* on a regular interval not to exceed 6 months.

Subpart K allows for optional "laboratory clean-outs" once per a 12-month period. In certain circumstances, specific chemicals and specific quantities may not be required to be counted towards the district's hazardous waste generator status. The "laboratory clean-out" provision also allows for a 20 day extension for the removal of specific chemicals and specific quantities.

Districts wishing to participate in Subpart K should consider whether the benefit of determining and accumulating waste in the laboratories will outweigh the additional labeling, training and paperwork requirements.

ASCIP Staff are available to answer hazardous waste questions as they may arise.