CHAPTER 3
GENERATOR CLASSIFICATION AND ACCUMULATION TIME

The step following the required hazardous waste determination(s) is to establish the hazardous oil and gas waste generator classification for each ***generation site*** you operate. A generator of hazardous oil and gas waste will fall into one of three classifications. The classifications are based on the volume of hazardous oil and gas waste generated in one month, or the volume of hazardous oil and gas waste accumulated on a ***generation site***.

GENERATION SITE

"Generation site" is defined by Rule 98, subsection (b)(29), as any of the following operational units (except with respect to pipeline systems and natural gas processing plants) that are owned or operated by one person and at which hazardous oil and gas waste is produced or where actions first cause a hazardous oil and gas waste to become subject to regulation:

- all oil and gas wells that produce to one set of storage or treatment vessels, such as a tank battery, the storage or treatment vessels, associated flowlines, and related land surface;

- an injection or disposal site (that is not part of a generation site described in the previous item), its related injection or disposal wells, associated injection lines, and related land surface;

- an offshore platform; or

- any other site, including all structures, appurtenances, or other improvements associated with that facility that are geographically contiguous, but which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way.

Generation sites on pipeline systems (other than a field flowline or injection line system) may be an equipment station (such as a pump station, breakout station, or compressor station) or any other location along a pipeline (such as a drip pot, pigging station, or rupture), together with any and all structures, other appurtenances, and improvements:

- that are geographically contiguous with or are physically related to an equipment station or other location described in this paragraph, but excluding any pipeline that connects two or more such stations or locations;

- that are owned or operated by one person; and

- at which hazardous oil and gas waste is produced or where actions first cause a hazardous oil and gas waste to become subject to regulation.

A natural gas processing plant or a natural gas liquids processing plant is defined as a generation site. However, the TCEQ has jurisdiction over hazardous wastes generated at natural gas processing plants (please see note at the bottom of page 1-2).

As indicated above, an operator may be responsible for compliance with Rule 98 at a number of different generation sites.

HAZARDOUS OIL AND GAS GENERATOR SITE CLASSIFICATIONS

The three classifications described in Rule 98, subsection (f), are:

- Conditionally Exempt Small Quantity Generator (CESQG),

- Small Quantity Generator (SQG), and

- Large Quantity Generator (LQG).

Generator site classification is determined on a month-by-month basis, rather than on a monthly average. Each generation site you operate may have a different classification, and therefore, be subject to different Rule 98 requirements. In general, the requirements become more extensive as the classification increases from CESQG to LQG. A simplified summary of generator classification guidelines is shown in a decision tree provided in Appendix G. See Chapter 5 for more information on the specific management requirements of Rule 98. An explanation of each classification, including a brief discussion of requirements, is provided below.

When classifying a generation site, you must know precisely which wastes are hazardous oil and gas wastes that are to be included in the volume calculation. Chapter 2 provides guidance on making hazardous oil and gas waste determinations. Chapter 2 also includes, on page 2-16, a detailed discussion of oil and gas wastes excluded from hazardous waste regulation or subject to reduced hazardous waste regulation. Many of these wastes are not counted when determining a generation site classification. Refer to Chapter 2 to ensure that you include only applicable hazardous oil and gas waste volumes when classifying your generation site.

Conditionally Exempt Small Quantity Generator

CESQG Classification: To be classified as a CESQG ***during any calendar month***, a generator of hazardous oil and gas waste must:

- generate no more than 100 kilograms (220.46 pounds) of hazardous oil and gas waste in that calendar month; and

- accumulate no more than 1,000 kilograms (2,204.60 pounds) of hazardous oil and gas waste on-site at any one time.

CESQG Acute Hazardous Waste Generation: Also, a CESQG must meet more stringent (i.e., LQG) management standards if he generates in one calendar month or accumulates on-site at any one time more than a total of:

- one kilogram (2.20 pounds) of any acute hazardous waste, or

- 100 kilograms (220.46 pounds) of contaminated media resulting from the clean up of a discharge into or on any land or water of any acute hazardous waste.

Note: In general, the acute hazardous wastes of concern to E&P operations are those listed in 40 CFR §261.33(e) (P-list). Acute hazardous wastes also include those also listed in 40 CFR §261.31 (F-list) and 40 CFR §261.32 (K-list) with an "H" designation. Please refer to the hazardous waste lists in Appendix C.

All acute hazardous wastes in excess of the thresholds cited above must be managed as though generated by an LQG. The LQG accumulation time period for such acute hazardous wastes begins at the time the maximum quantity specified above is exceeded.

CESQGs may accumulate their hazardous oil and gas waste on-site indefinitely, as long as the accumulation limits are not exceeded.

CESQG Requirements: A CESQG site must comply with all requirements of Rule 98 applicable to CESQGs. ***However***, a CESQG may be subject to SQG or LQG requirements if conditionally exempt waste is mixed with waste from an episodic event that exceeds the amount cited above. (See "Episodic Generation" on page 3-6.)

Small Quantity Generator

SQG Classification: To be classified as a SQG site in any calendar month, a generator of hazardous oil and gas waste must:

- generate greater than 100 kilograms but less than 1,000 kilograms (2,204.60 pounds) of hazardous oil and gas waste in that calendar month;

- not allow any particular quantity of hazardous oil and gas waste to remain on-site for a period of more than:

- 180 days from the date that particular quantity was generated; or

- 270 days from the date that particular quantity was generated, but only if the waste must be transported or offered for transport to a treatment, storage, or disposal facility that is located a distance of 200 miles or more from the point of generation; and

- not accumulate more than 6,000 kilograms (13,227.70 pounds) of hazardous oil and gas waste on-site at any one time.

SQG Requirements: A SQG must accumulate all hazardous oil and gas waste in tanks or containers that meet the requirements of Rule 98 and comply with all requirements of Rule 98 applicable to SQGs.

However, a SQG may be subject to LQG requirements if waste generated in months classified as SQG is mixed with waste from an episodic event that exceeds the amount cited above. (See "Episodic Generation".)

The accumulation period specified for SQGs may be extended an additional 30 days if the RRC, at its sole discretion, determines that unforeseen, temporary, and uncontrollable circumstances require that hazardous oil and gas waste remain on-site for a longer time period. Appendix D provides instructions for requesting a 30-day extension from the RRC.

Large Quantity Generator

LQG Classification: Any generator of hazardous oil and gas waste not classified as a CESQG or SQG is classified as a LQG.

LQG Requirements: A LQG must accumulate hazardous oil and gas waste in tanks or containers that meet the requirements of Rule 98 and comply with all other requirements of Rule 98 applicable to LQGs.

In some months, a LQG may generate hazardous oil and gas waste at volumes classified as SQG or CESQG. Under those circumstances, the LQG need not meet the LQG requirements for the SQG or CESQG waste, ***if*** that waste is not mixed with the LQG waste. (See "Episodic Generation.")

An LQG shall not accumulate any particular quantity of hazardous oil and gas waste on-site for more than 90 days from the date that particular quantity was generated. However, an LQG's hazardous oil and gas waste may be accumulated on-site in excess of 90 days ***if*** an extension has been granted in accordance with the following provision. The specified 90-day accumulation period may be extended an additional 30 days if the RRC, at its sole discretion, determines that unforeseen, temporary, and uncontrollable circumstances require that hazardous oil and gas waste remain on-site for longer than 90 days. Appendix D provides instructions for requesting a 30-day extension from the RRC.

ACCUMULATION IN CONTAINERS AT THE POINT OF GENERATION

A LQG or a SQG may accumulate, ***at the point of generation***, hazardous oil and gas waste in containers up to 55 gallons or a total of one kilogram (about one quart) of acute hazardous wastes (See Appendix C for the list of acute hazardous wastes) without having to manage such hazardous oil and gas waste in accordance with the accumulation time limits applicable to LQGs or SQGs. Also under these circumstances, a LQG or SQG does not have to comply with Rule 98 requirements for preparedness and prevention, contingency plan and emergency procedures, personnel training, standards for use of containers, and standards for use of tank systems.

This exception is allowed provided that all hazardous oil and gas waste accumulated at the point of generation is accumulated in containers that:

- are at a location that is under the control of the generator and at or near the point of generation;
- meet the requirements relating to container condition, compatibility of waste with container, and closing containers (see appropriate sections in Chapter 5 under "Standards for Use of Containers"); and
- are marked with the words "Hazardous Waste" or with other words that identify the contents of the containers.

If the amount of hazardous waste accumulated on-site at or near the point of generation exceeds 55 gallons, or one kilogram (about one quart) of acute hazardous waste, the generator must, with respect to such excess waste, comply with all applicable provisions of Rule 98 within three days of the date that such maximum amount is exceeded.

30-DAY EXTENSION OF ACCUMULATION TIME FOR LQGS AND SQGS

As noted above, LQGs and SQGs may obtain a 30-day extension of the accumulation time if the RRC, at its sole discretion, determines that unforeseen, temporary, and uncontrollable circumstances require that hazardous oil and gas waste remain on-site for a longer time period. The 30-day extension allows the operator to store hazardous oil and gas waste beyond the accumulation time limit without obtaining a hazardous waste storage permit.

Appendix D provides instructions for requesting a 30-day extension from the RRC.

ONE-TIME SHIPMENTS OF HAZARDOUS OIL AND GAS WASTE

A situation may arise where an oil and gas operator may generate hazardous oil and gas waste at a site that has not historically generated hazardous oil and gas waste, and future generation of hazardous oil and gas waste at that site is not anticipated ("one-time generation site"). Examples might be a site impacted by a spilled drum of chemicals or a meter station on a transportation pipeline. Further guidance is provided below.

Any hazardous oil and gas waste that is generated at a one-time generation site must be managed under Rule 98 requirements and federal hazardous waste regulations. For example, off-site shipment of hazardous oil and gas waste in accordance with the requirements of Rule 98 may require the use of the TCEQ Uniform Hazardous Waste Manifest. An EPA Identification Number (EPA ID Number) is required to complete the manifest.

In general, EPA ID Numbers are required only for sites where the total quantity of hazardous waste generated in a single month exceeds 100 kilograms (220 pounds) or greater than 1 kilogram of acute hazardous waste. Such quantities result in the site's classification as a Large Quantity Generator or Small Quantity Generator as described in this chapter.

Please also note that if the total volume of hazardous oil and gas waste generated at any site in any month is less than 100 kilograms, the site is classified as Conditionally Exempt Small Quantity Generator (CESQG). A CESQG may use the generic EPA ID Number "TXRRCCESQG" if a manifest is otherwise necessary (e.g., the receiving facility insists on one).

EPA ID Numbers for one-time shipments of hazardous oil and gas waste will not be issued for sites that are reasonably anticipated to generate hazardous oil and gas waste in the future. An example is a compressor station on a pipeline. For such sites, the operator must register the site (submit EPA Form 8700-12 and RRC Form H-20) to obtain a permanent EPA ID Number. Please see Chapter 4 for notification and registration requirements.

Hazardous waste generators subject to the requirements of Rule 98 may obtain an EPA ID Number for a one-time shipment of hazardous oil and gas waste by contacting the RRC Hazardous Waste Program in Austin. Information required with the one-time shipment request is provided in Appendix E.

EPISODIC GENERATION

Occasionally a generator's classification may vary from one month to another. The hazardous oil and gas waste generated during any particular month must be managed in accordance with the requirements applicable to the generator's classification for that month. ***However***, stricter management standards may apply if waste generated in one month is mixed with waste generated in another month. Rule 98, subsection (f)(5), specifies how such mixtures must be managed in three situations, which are described below:

- If hazardous oil and gas waste generated by a generator who is classified as a CESQG during a particular month is mixed with waste generated in a month during which the generator is considered an LQG, the mixture shall be managed in accordance with the standards applicable to LQGs.

- If hazardous oil and gas waste generated by a generator who is classified as a CESQG during a particular month is mixed with waste generated in a month during which the generator is considered an SQG, the mixture shall be managed in accordance with the standards applicable to SQGs.

- If hazardous oil and gas waste generated by a generator who is classified as an SQG during a particular month is mixed with waste generated in a month during which the generator is considered an LQG, the mixture shall be managed in accordance with the standards applicable to LQGs.