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Conditionally Exempt Small Quantity Generators

This guidance document has been produced by the Nebraska Department of Environment and Energy (NDEE) to provide information on Nebraska's hazardous waste regulations for Conditionally Exempt Small Quantity Generators (CESQGs). The regulations applying to CESQGs can be found in Nebraska [Title 128 – Hazardous Waste Regulations](#).

If you generate at or less than 100 kilograms (220 pounds) of hazardous waste in a calendar month (including less than 1 kilogram (2.2 pounds) of acute hazardous waste), you classify as a CESQG for that month. This is important because CESQGs have fewer hazardous waste regulations to comply with than Small or Large Quantity Generators (SQG and LQG, respectively).

All waste generators are required to determine if any of their waste streams are hazardous waste or are characteristic of a hazardous waste (Title 128, Chapter 4 §002). See the NDEE guidance document "Waste Determinations & Hazardous Waste Testing" for more information on performing waste determinations.

You count only the hazardous waste generated within a calendar month to determine your generator status.

CESQG Requirements, Exemptions, or Limitations

- CESQGS are required to perform hazardous waste determinations on their wastes
- CESQGs are not required to obtain an 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 and 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 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-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 SQG hazardous waste and fully subject to all SQG requirements and the SQG time limits start when the accumulated CESQG wastes exceed 1,000 kg (2,200 lbs.) (Title 128, Chapter 8, §006.02)
- If a CESQG exceeds 1 kg (2.2 lbs.) of acute hazardous waste (all P-listed wastes and certain dioxin codes (F020-023 and F026-028)) generated in a calendar month or accumulated at any time, then the full amount of that waste becomes LQG hazardous waste and fully subject to all LQG requirements
 - The time limits for SQGs and LQGs start when the accumulation amount limit for CESQGs 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 if the used oil will be burned for energy recovery
- CESQGs are allowed to dispose of their CESQG hazardous waste only to 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 reuses or legitimately recycles or reclaims the wastes
 - A facility that treats the wastes prior to beneficial use, re-use, legitimate recycling, or reclamation
 - A facility notified under Title 128, Chapter 7, §010 that accepts used oil blended with CESQG hazardous waste prior to shipment for the purpose of 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)
 - 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 above
- If CESQG hazardous waste is mixed with SQG or LQG hazardous waste, the mixture becomes SQG or LQG waste and is subject to SQG or LQG regulations
- If any conditions or conditions specified for CESQGs are not met, the waste becomes subject to SQG requirements

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

CESQG Situational Examples and Best Management Practices

If I ship my CESQG hazardous waste to a permitted TSDF, do I need to use a hazardous waste manifest? If I use a manifest, do I need to have an 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 an EPA ID number. However, hazardous waste transporters or contractors often require the customer to use a hazardous waste manifest and obtain an ID number. NDEE has no authority to intervene on your behalf if the transporters or contractors require you to obtain an ID number.

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

Even though it is not required, the NDEE will issue you an EPA ID if you request it. See the NDEE guidance document “How to Apply for an EPA Hazardous Waste ID (EPA Site ID) for more information on how to obtain an EPA ID.

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 are having the waste legitimately recycled, then a CESQG is allowed by Title 128 to bring its CESQG hazardous waste to the collection event or have it picked up by the arranged transporter. Note that even though the state 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 that they accept at a collection.

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

The NDEE recommends that CESQGs use the same container requirements that SGS and LQGs are required to use as a matter of good hazardous material management. Many hazardous wastes are volatile materials that should be controlled for worker health and safety. The Department recommends that all containers be kept closed unless putting in or removing waste. Labeling containers is also a good management practice because it helps to prevent the mixing of incompatible wastes and provides for easier environmental management. Keep in mind that regardless of the hazardous waste regulations, you must still comply with Occupational Safety and Health Administration (OSHA) requirements, insurance risk management mandates, and Department of Transportation (DOT) hazardous material transportation rules where they apply.

You said a CESQG cannot 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 will allow CESQGs to do those types of "treatment" if the conditions of the exclusion are met. Elementary neutralization is one of those exclusions.

Can a CESQG recycle its CESQG hazardous waste on-site?

CESQGs are allowed to recycle their hazardous waste on-site as a disposal option even though recycling is a treatment.

As a CESQG, can I use the Universal Waste rules?

You may use the Universal Waste rules as a CESQG. Universal Waste has provisions for both small and large quantity *handlers* (SQH and LQH, respectively) of Universal Waste. These provisions are in no way connected to CESQG, SQG, and LQG provisions and should not be tied together. For example, a CESQG can be a LQH of Universal Waste and this does not affect their CESQG status. If you reach the LQH threshold then you must follow the Title 128, Chapter 25 LQH requirements.

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

If your generation status changes to a higher generator status, you are required by Title 128, Chapter 4 §003.02 to renotify that you are no longer a CESQG and are now a SQG or LQG. This notification must be made no later than 30 days after any change in the status or information of the generator. Generators who are voluntarily complying with the hazardous waste requirements of a higher generator status are not required to renotify when their generator status drops to a lower level.

If a CESQG fails to meet the conditions that apply for the conditional exclusion, then that waste can no longer be considered CESQG waste. If the amount 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 amount of waste generated 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 that they meet the conditions of any exclusion or exemption that they claim (Title 128, Chapter 2 §003.06). CESQGs are not required to comply with Chapter 2 but liability questions often involve some type of documentation. The Department recommends that CESQGs document how they concluded that they meet CESQG standards and requirements. This includes recording where your CESQG hazardous waste went and when. This might be your only protection from a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) potentially responsible party finding.

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

No because the 100 kg (220 lbs.) limit is the amount of hazardous waste generated in a calendar month. The fact that 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 waste.

What would my generator status be each month if I generated:

*Exactly 100 kg (220 lbs.) in June
100.45 kg (221 lbs.) in July
50 kg (110 lbs.) in August, of which 1.1 kg (2.42 lbs.) is unused nicotine patches, listed acute hazardous waste P075*

Your generator status is determined each month by the amount of hazardous waste generated within that calendar month. The 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 you must meet SQG requirements while in August you must meet LQG requirements.

RESOURCES:

- NDEE Home Page <https://dee.nebraska.gov/>

Contacts:

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

NDEE Publications:

- Environmental Guidance Document – “Waste Determinations & Hazardous Waste Testing”
- Environmental Guidance Document – “Comparison of Hazardous Waste Generator Requirements”

- Environmental Guidance Document – “How to Apply for an EPA Hazardous Waste ID”
Guidance documents are available on the NDEE Home Page under “Forms”, “Publications, Grants & Forms”.
- [Title 128 – Nebraska Hazardous Waste Regulations](#)
Titles are available on the NDEE Home Page under “Resources and Services”, “Laws & Regulations”, “Rules & Regulations”.

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