



Hazardous Waste Provisional EPA Identification Number

March 2018

Purpose

The purpose of this document is to provide compliance assistance to Virginia facilities that generate hazardous waste and applicable requirements under the [Virginia Hazardous Waste Management Regulations](#) (VHWMR). The information in this document does not apply to persons generating household hazardous waste as defined in [40 CFR 261.4\(b\)\(1\)](#).

This information is provided for compliance assistance purposes only by DEQ. This is not a regulation and, therefore, does not add, eliminate, or change any existing regulatory requirements. The statements in this document are intended for informational purposes only.

Discussion

As adopted by reference from the federal regulations under [40 CFR Part 260.10](#), under the VHWMR a generator is defined as "any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation". In general, anyone or any facility generating hazardous waste is required to obtain an EPA Identification Number for their specific site location by filing a Site Identification Form ([EPA Form 8700-12](#)) and obtaining a permanent EPA ID number for that site.

Virginia has provided in [9 VAC 20-60-328](#) for the issuance of Provisional EPA ID Numbers to generators in cases where a site does not normally hold a permanent EPA ID number, but has had a one-time generation of hazardous waste due to some unusual circumstance, or in cases when an emergency situation arises necessitating expedient management of a hazardous waste, or in cases where a site that does not have a permanent EPA ID has a waste generation activity that will only be temporary and of short duration, such as a specific job or contract activity. Provisional numbers allow a mechanism for generators to meet the EPA ID Number/ Notification requirement.

The regulatory language under [9 VAC 20-60-328.D](#) states, "If an emergency or other unusual incident occurs which causes a necessity for the rapid transport of a hazardous waste to an authorized hazardous waste management facility, the generator involved in such a circumstance can telephone DEQ (804-698-4000) and obtain provisional identification number. Applicants receiving such a number will be mailed a blank EPA Form 8700-12 that shall be completed and returned to the DEQ regional office within 10 calendar days".

Issuance of provisional numbers for situations other than an "emergency or other unusual incident" is solely at the discretion of DEQ staff in accordance with the principles described in this compliance assistance document. For situations where it is determined that issuance of a provisional number is inappropriate, DEQ will request that the generator apply for and be issued a permanent [EPA ID number](#) in accordance with federal and state regulations.

As a matter of policy, the 8700-12 form must be completed and faxed or mailed to the issuing office before the number is issued. We require this because there have been numerous instances where the Provisional ID number recipient fails to return the required form for verbally issued numbers. This is a particularly serious concern if there are repeat occurrences of this type of behavior, usually involving jobbers/contractors, and DEQ may consider possible enforcement action in such cases as a 'failure to notify' violation of the regulations. However, a Provisional ID number will be issued verbally by the regional office or central office immediately in cases of extreme emergency involving a hazardous waste threat to public health and safety or the

environment. The recipient is still required to complete and submit a copy of the 8700-12 form within 10 days as part of the required paperwork. Generators who may require a Provisional ID number should make arrangements to obtain it in advance of their anticipated need, to the extent possible.

In some cases, contractors performing the work at a job site will request the number rather than the property owner/contracting agent. While DEQ would certainly encourage and recommend that the contracting agent exercise primary responsibility for obtaining the number because they are the primary generator sharing co-generator responsibilities with the contractor, it is not a specific regulatory requirement. Nonetheless, DEQ regional staff may use discretion in issuing provisional EPA ID numbers directly to co-generator contractors, and must be assured in such cases that the primary generator/contracting agent is cognizant of his generator responsibilities under the regulations and those that are implied by issuance of the number.

In general, provisional numbers are not issued to contractors working on a fixed site to which a Permanent EPA Identification Number has already been issued. Contractors are usually working on a fixed site as a result of being hired or contracted by the property owner, who will have primary responsibility as the site hazardous waste generator even though the contractor is also acting as, and has responsibilities as, the co-generator. Nor are provisional numbers usually issued to landfills or other fixed site locations that have established permanent household hazardous waste (HHW) collection programs at their facilities and require a number for shipping the waste to a Treatment, Storage and Disposal (TSD) facility. However, provisional numbers may be issued to one-day-event type collection programs, or for temporary "sweep" programs such as mercury or pesticide collection under the universal waste rule. Any determinations for these unusual circumstances will have to be made on a case-by-case basis.

Of course, if a handler will be routinely generating hazardous waste at a fixed site on a regular basis, he must obtain a permanent EPA ID number if his generation category requires it (i.e., anything greater than a Very Small Quantity Generator (VSQG)). In such cases a provisional number is inappropriate. For example, a college or university that may routinely exceed VSQG waste generation levels during semester changeovers when cleaning out chemical stocks or lab waste, or a fuel storage facility that becomes a large generator when cleaning out tanks once a year, would be candidates for a permanent number.

DEQ regional staff will record information in a tracking database maintained by the DEQ Office of Financial Responsibility and Waste Programs that lists the Provisional Number, the generator/contractor information (or both), date, location, type and amount of waste, and maintain a copy of the returned 8700-12 form. Offices may also request information on the transporter and destination TSD facility to verify that they hold proper authorizations or permits to manage hazardous waste.

Provisional EPA identification numbers expire thirty (30) days from the date of issue and may be used up to two times (two separate transportation events) within that 30 day period (for the same waste generation operation). The recipient of a provisional EPA identification number can request one 30-day extension to the initial 30-day expiration period. There may be certain situations where a provisional number can be issued for a project that may last for a longer period (e.g., a bridge repainting operation, or short term lead paint abatement project). Such determination must be made on a case-by-case basis.

The following describes some possible scenarios where a provisional number may be used more than once:

- A handler has filed the 8700-12 form for a permanent number but the number has not yet been issued.
- When hazardous waste has been discovered on the same property and shipments must be made separately to different TSD facilities or on different days, or if subsequent discovery occurs at some interval shortly after the first discovery.
- When there is a short-term remediation project extending over a 30-day period that may involve more than one shipment, which takes place at the same location.

However, provisional EPA ID numbers will not be issued for any project that lasts longer than 90 days. DEQ will request that a generator obtain a permanent EPA identification number for projects lasting longer than 90 days.

DEQ Contacts for Provisional EPA ID Numbers

DEQ Regional Office compliance staff are authorized to issue provisional numbers and will be the primary contacts for those seeking provisional numbers. Kimberlyn Hughes is the Central Office contact for permanent numbers. Ronnie Calkins at Central Office can also issue provisional numbers if no regional staff is available. Primary contact for Permanent EPA ID Numbers and backup contact for Provisional EPA ID Numbers (always contact the Regional Office first.)

The following contacts may be used:

- Southwest Regional Office (SWRO) - [Justen Dick](#) (276) 676-4860 or [Dan Manweiler](#) (276) 676-4837
- Blue Ridge Regional Office (BRRO) - [Kim Thompson](#) (540) 562-6819 or [Lauren Pillow](#) (540) 524-8295 or [Nicole Tilley](#) (540) 562-6740 or [Rebecca Wright](#) (540) 562-6811
- Valley Regional Office (VRO) - [Jed Pascarella](#) (540) 574-7838 or [Paul Hansohn](#) (540) 574-7819
- Tidewater Regional Office (TRO) - [Lisa Silvia](#) (757) 518-2140 or [Debra Trent](#) (757) 518-2128
- Piedmont Regional Office (PRO) – [Jeremy Hicks](#) (804) 527-5008 or [Jason Miller](#) (804) 527-5028
- Northern Virginia Regional Office (NRO) - [Christina Archambeault](#) (703) 583-3863 or [Richard Doucette](#) (703) 583-3813
- Central Office - Primary contact for Permanent EPA ID Numbers and backup contact for Provisional EPA ID Numbers (always contact the Regional office first) – [Ronnie Calkins](#) (804) 698-4067