

BRIEFING ON PROPOSED REGULATION CHANGES

Proposed general clean-up of state regulations due to changes in federal regulations over the past 10 years

1. *NAC 444.6665: Operating criteria: Program for detecting and preventing disposal of regulated hazardous waste and PCB wastes.*

SUMMARY: The term “conditionally exempt small quantity generator” has been changed to “very small quantity generator” in the federal regulations as a result of the Generator Improvements Rule (81 FR 85732). Due to changes in federal regulations over time, the citations in this section are not correct. They have been updated to reflect the correct references.

2. *NAC 444.735: Location.*

SUMMARY: The term “conditionally exempt small quantity generator” has been changed to “very small quantity generator” in the federal regulations as a result of the Generator Improvements Rule (81 FR 85732). Due to changes in federal regulations over time, the citations in this section are not correct. They have been updated to reflect the correct references.

3. *NAC 444.850: Definitions.*

SUMMARY: The definition of “conditionally exempt small quantity generator” has been removed and replaced with the definition of “very small quantity generator” as a result of the Generator Improvements Rule (81 FR 85732). The definition of “written” has also been added to clarify that written documents accepted by the agency include electronically written documents.

4. *NAC 444.8655: Acquisition, preparation and distribution of manifests.*

SUMMARY: With the adoption of the Electronic Manifest System Rule (79 FR 7518-7563), the state is no longer requiring a copy of the manifest be sent to the Division. This will reduce burden on industry, minimize paper waste, and make the state requirements consistent with the federal requirements.

5. *NAC 444.8666: Receipt of hazardous waste accompanied by manifest.*

SUMMARY: With the adoption of the Electronic Manifest System Rule (79 FR 7518-7563), the state is no longer requiring a copy of the manifest be sent to the Division. This

will reduce burden on industry, minimize paper waste, and make the state requirements consistent with the federal requirements.

6. *NAC 444.8671: Labeling of containers of hazardous waste accumulated or stored on-site.*

SUMMARY: Due to changes in federal regulations over time, the citations in this section are not correct. They have been updated to reflect the correct references.

7. *NAC 444.8677: Written Record of inspections by certain generators of hazardous waste; contents and maintenance of records.*

SUMMARY: Due to a re-organization of federal regulations as a result of the Generator Improvements Rule (81 FR 85732), the 40 C.F.R. reference needs to be updated from “262.34” to “262.15, 262.16, 262.17” in order to include all regulations that regard accumulation of hazardous waste.

8. *NAC 444.8681: Mixing of used oil with hazardous waste or products prohibited; exceptions; contents and maintenance of records by small quantity generators.*

SUMMARY: As a result of the Generator Improvements Rule (81 FR 85732), the term “conditionally exempt small quantity generator” has been changed to “very small quantity generator” in the federal regulations.

Proposed adoption by reference amendments (NAC 444.8632)

The contents of the new federal rules proposing to be adopted are as follows:

1. *OECD Requirements; Export Shipments of Spent Lead-Acid Batteries (75 FR 1236-1262)*

SUMMARY: The rule implements recent changes to the agreements concerning the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), establish notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country, specify that all exception reports concerning hazardous waste exports be sent to the International Compliance and Assurance Division in the Office of Enforcement and Compliance Assurance’s Office of Federal Activities in Washington, D.C., and require U.S. receiving facilities to match EPA-provided import consent documentation to incoming hazardous waste import shipments and to submit to EPA a copy of the matched import consent documentation and RCRA hazardous waste manifest for each import shipment.

2. *Revisions to the Export Provisions of Cathode Ray Tube (CRTs) Rule (79 FR 36220-36231)*

SUMMARY: The rule revises certain export provisions of the cathode ray tube (CRT) final rule published on July 28, 2006. The revisions will allow the Agency to better track exports of CRTs for reuse and recycling in order to ensure safe management of these materials.

3. *Imports and Exports of Hazardous Waste provisions (81 FR 85696-85729, 82 FR 41015-41016)*

SUMMARY: This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States. EPA is making these changes to provide greater protection to human health and the environment by making existing export and import related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD); enable electronic submittal to EPA of all export and import-related documents (e.g., export notices, export annual reports); and enable electronic validation of consent in the Automated Export System (AES) for export shipments subject to RCRA export consent requirements prior to exit.

4. *Confidentiality Determinations for Hazardous Waste Export and Import Documents (83 FR 60894-60901)*

SUMMARY: This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States. Specifically, this rule applies a confidentiality determination such that no person can assert confidential business information (CBI) claims for documents related to the export, import, and transit of hazardous waste and export of excluded cathode ray tubes (CRTs). EPA is making these changes to apply a consistent approach in addressing confidentiality claims for export and import documentation.

5. *Revision of the Land Disposal Treatment Standards for Carbamate Wastes (76 FR 34147-34157)*

SUMMARY: The rule provides as an alternative standard the use of the best demonstrated available technologies (BDAT) for treating hazardous wastes from the production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates and container residues that become hazardous wastes when they are discarded or intended to be discarded. In addition, this action removes carbamate Regulated Constituents from the table of Universal Treatment Standards.

6. *Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents (75 FR 78918-78926)*

SUMMARY: The rule removes saccharin and its salts from the lists of hazardous constituents and commercial chemical products which are hazardous wastes when discarded or intended to be discarded. In 1977, the FDA made an attempt to completely ban the substance, following studies showing that the substance caused cancer in rats. The attempted ban was unsuccessful due to public opposition that was encouraged by industry advertisements, and instead the following label was mandated: "Use of this product may be hazardous to your health. This product contains saccharin which has been determined to cause cancer in laboratory animals". That requirement was dropped in 2000 following new research that concluded humans reacted differently than rats and were not at risk of cancer at typical intake levels. In a December 14, 2010 release, the EPA stated that saccharin is no longer considered a potential hazard to human health.

7. *Conditional Exclusions for Solvent Contaminated Wipes (78 FR 46448-46485)*

SUMMARY: The rule revises the definition of solid waste to conditionally exclude solvent contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses.

8. *Hazardous Waste Electronic Manifest System; Final Rule (79 FR 7517-7563)*

SUMMARY: This rule establishes new requirements that will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste from a generator's site to the site of the receipt and disposition of the hazardous waste. This final rule also implements certain provisions of the Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195, which directs EPA to establish a national electronic manifest system (or eManifest system), and to impose reasonable user service fees as a means to fund the development and operation of the e-Manifest system.

9. *Hazardous Waste Electronic Manifest System User Fee; Final Rule (83 FR 420-462)*

SUMMARY: This rule establishes the methodology the Agency will use to determine and revise the user fees applicable to the electronic and paper manifests to be submitted to the national electronic manifest system (e-Manifest system) that EPA is developing under the Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195, which directs EPA to establish a national electronic manifest system. After the e-Manifest

system's implementation date, certain users of the hazardous waste manifest will be required to pay a prescribed fee for each electronic and paper manifest they use and submit to the national system so that EPA can recover the costs of developing and operating the national e-Manifest system. This final rule also announces the June 30, 2018 date when EPA expects the system to be operational and when this rule and the earlier promulgated One Year Rule will go into effect. EPA will begin accepting manifest submissions and collecting the corresponding manifest submission fees on this date.

10. *Revisions to the Definition of Solid Waste (83 FR 24664-24671)*

SUMMARY: This rule revises several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The purpose of these revisions is to ensure that the hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary material.

11. *Hazardous Waste Generator Rule Improvements Rule (81 FR 85732-85829)*

SUMMARY: This rule amends the existing hazardous waste generator regulatory program by reorganizing the hazardous waste generator regulations to make them more user-friendly and thus improve their usability by the regulated community; providing a better understanding of how the RCRA hazardous waste generator regulatory program works; addressing gaps in the existing regulations to strengthen environmental protection; providing greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner; and making technical corrections and conforming changes to address inadvertent errors and remove obsolete references to programs that no longer exist.

Proposed modifications to adoption by reference

1. *NAC 444.8633: Revision of and meanings ascribed to certain terms referred to in federal regulations adopted by reference.*

SUMMARY: There are many requirements in the new rules that the federal government must oversee instead of the authorized state, therefore the citations from those necessary sections of the rules have been added to this section to retain the meaning of "United States Environmental Protection Agency," "Agency," "EPA Headquarters," "EPA Region(s)," "EPA", "Regional Administrator", "Administrator" or "the Regional Administrator, or State Director (if located in an authorized State)".

2. *NAC 444.8634: Meanings ascribed to certain terms referred to in federal regulations; payment and deposit of certain fees.*

SUMMARY: Any addresses shall be deemed to mean the “Division of Environmental Protection, Bryan State Office Building, 901 South Stewart Street, Carson City, Nevada 89701-5249” except in 40 C.F.R. §261.4(b)(11)(ii), which requires a copy of the written state agreement regarding the provision to assess the groundwater and the need for further remediation should be sent to the Waste Identification Branch (5304), U. S. Environmental Protection Agency and not to the State.

Proposed changes to the state hazardous waste program

1. *NAC 444.8693 – NAC 444.8696: Submission of application for variance from certain federal regulations and Fee for processing and review of application for variance.*

SUMMARY: The Division is proposing to remove the “Variances” section from state regulations. This section gives the standard procedure if a facility for the management of hazardous waste wanted to seek a variance from certain federal regulations and how much the fee is to do so in the state of Nevada. The Division is removing this section because the agency does not process these applications, this responsibility has been given to EPA.