



# 2019 RCRA Regulation Updates

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City	Date	Time
Reno	July 15	10:30 am – 12:30 pm
Winnemucca	July 16	10 am – 12 pm
Elko	July 16	6 pm – 8 pm
Ely	July 17	9 am – 11 pm
Tonopah	July 18	10 am – 12 pm
Las Vegas	July 23	10 am – 12 pm



## Why now?

### **Nevada's current hazardous waste regulations:**

40 CFR Part 2, Subpart A, Part 124, Subparts A, B, and G, Parts 260 to 270, inclusive, Part 273 and Part 279, were adopted as they existed on July 1, **2008** except as otherwise modified by NAC 444.86325, 444.8633 and 444.8634.

### **Authorization of RCRA**

In order to continue administering the RCRA program, the state of Nevada must stay up to date on the adoption of finalized federal regulations. The state intends to adopt the hazardous waste regulations under 40 CFR Part 2, Subpart A, Part 124, Subparts A, B, and G, Parts 260 to 270, inclusive, Part 273 and Part 279, as they existed on July 1, **2018** with some modifications.





## Additions to regulations

There are too many updates to the regulations to list and discuss each one in depth. However, here are the most prominent changes that we will be discussing:

1. Expansion on provisions for the imports and exports of hazardous waste
2. Revisions to the Land Disposal Treatment Standards of carbamate wastes
3. Removal of Saccharin and its salts from the list of hazardous wastes
4. Conditional exclusions for solvent contaminated wipes
5. Establishment of the electronic manifest system and fee structure
6. Required provisions of the Definition of Solid Waste rules
7. Select provisions from the Generator Improvements Rule





## What are we not planning to adopt?

- Generator Controlled Exclusion (Definition of Solid Waste Rule)
- Transfer-based Exclusion (Definition of Solid Waste Rule)
- Remanufacturing Exclusion (Definition of Solid Waste Rule)
- Episodic Generation (Generator Improvements Rule)
- Part 262 Subpart K: Academic Laboratory Generator Standards
- Conditional Exclusion for Carbon Dioxide Streams in Geologic Sequestration
- Disposal of Coal Combustion Residuals from Electric Utilities
- Any rules finalized *after* July 1, 2018





# 1. Import and Export provisions

NDEP is adopting all promulgated rules which will revise importing and exporting provisions as required by federal regulation to maintain consistency. The following changes affect federal jurisdiction and will be implemented by the Environmental Protection Agency (EPA), not the State:

1. Updated Requirements for countries belonging to the Organization for Economic Cooperation and Development (OECD) and Export Shipments of Spent Lead-Acid Batteries (*75 FR 1236-1262*)
2. Revisions to the Export Provisions of Cathode Ray Tubes (CRTs) (*79 FR 36220-36231*)
3. General updates to Imports and Exports of Hazardous Waste provisions (*81 FR 85696-85729, 82 FR 41015-41016*)
4. Updates to the Confidentiality Determinations for Hazardous Waste Imports and Exports (*83 FR 60894-60901*)





## 2. Revisions to Land Disposal Treatment Standards of Carbamate Wastes *(76 FR 34147-34157)*

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.



### 3. Removal of Saccharin and its Salts from the List of Hazardous Wastes *(75 FR 78918-78926)*

**Saccharin:** artificial sweetener

In a December 14, 2010 release, the EPA stated that saccharin is no longer considered a potential hazard to human health. Federally, it has been removed from the list of Hazardous Wastes.



## 4. Conditional Exclusions for Solvent Contaminated Wipes (78 FR 46448-46485)

**“Reusable wipes” exclusion (§261.4(a)(26)):** solvent-contaminated wipes that are “laundered” and reused are excluded from the definition of solid waste

**“Disposable wipes” exclusion (§261.4(b)(18)):** disposable solvent-contaminated wipes that are disposed of in a landfill or combustor are excluded from the definition of solid waste







## 5. Establishment of the Electronic Manifest System and fees (79 FR 7518-7563)

Any entity that currently completes a hazardous waste manifest (EPA Form 8700-22) or continuation sheet (EPA Form 8700-22A) under federal or state law is expected to complete and submit these documents electronically, unless the entity opts out of the electronic system and submits the paper form.

For the 2018/2019 federal fiscal years, the fees are as follows:

<b><u>Manifest Submission Type</u></b>	<b><u>Fee per Manifest</u></b>
<b>Mailed in Paper Manifest</b>	<b>\$15.00</b>
<b>Scanned Image Upload</b>	<b>\$10.00</b>
<b>Data + Image Upload</b>	<b>\$6.50</b>
<b>Electronic Manifest (Fully Electronic &amp; Hybrid)</b>	<b>\$5.00</b>





## 6. Required provisions of the Definition of Solid Waste rules *(80 FR 1693-1814, 83 FR 24664-24671)*

1. Process for determining legitimate recycling of hazardous secondary materials (§260.43)
2. Revisions to non-waste determinations and variances from the classification of solid waste (§260.30)
3. Standards and criteria for non-waste determinations (§260.34)
4. Prohibition of sham recycling (§261.2(g))
5. Clarifications for speculative accumulation (§261.1(c)(8))





## 7. Required provisions from the Generator Improvements Rule (81 FR 85732-85829)

1. Requirements to include the risks associated with the HW on label of container (throughout)
2. Requirement to identify waste codes prior to shipping HW off site (§262.11(g))
3. Requirement for SQGs to re-notify every 4 years (§262.18(d))
4. Requirement to include a Quick Reference Guide in addition to Contingency Plan (§262.262(b) for SQGs, §262.256 for LQGs))
5. Requirements for closure of an LQG's waste accumulation area (§262.17(a)(8))
6. Requirements for an inventory log or monitoring system for waste tanks (§262.17(4)(ii)(c))
7. Nomenclature change from “Conditionally exempt small quantity generator” to “Very small quantity generator” (§260.10)

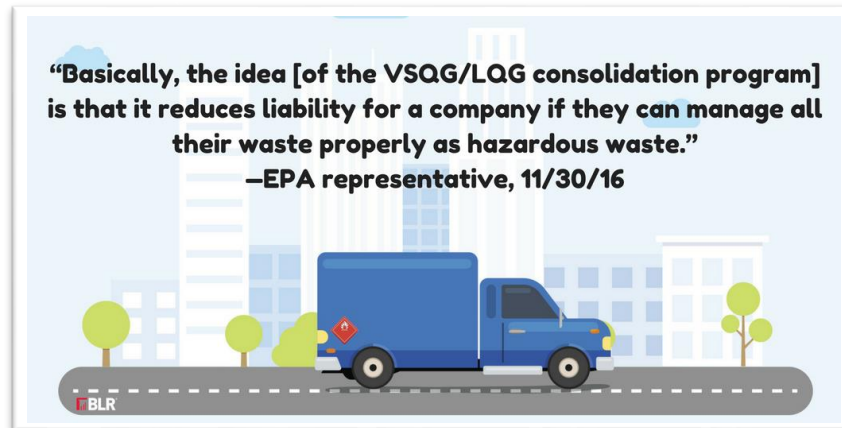


## 7. Select provisions from the Generator Improvements Rule *(cont.)*

8. Option to submit a waiver to local fire authorities to accumulate ignitable and reactive wastes within the 50 ft. boundary (262.17(a)(1)(vi)(A))
9. Option to consolidate VSQG wastes with LQG wastes of a site under the control of the same “person” (262.14(a)(5)(viii))

**“Basically, the idea [of the VSQG/LQG consolidation program] is that it reduces liability for a company if they can manage all their waste properly as hazardous waste.”**

**—EPA representative, 11/30/16**





# Updates to existing regulations

1. Part 262 Subparts E and F have been consolidated and replaced with Part 262 Subpart H.
2. Removing requirements to send copies of manifests to the State.
  - NAC 444.8655(2)(a)
  - NAC 444.8666
3. Removing requirements to maintain *written* records of inspection, records of operations, and reports.
  - \* Please note: these records are **still required**, the only change is the requirement that they be *written*
4. Updating “Conditionally exempt small quantity generator” nomenclature to “Very small quantity generator” for consistency.





# Resources

Throughout the presentation, each ruling's corresponding Federal Register notice is listed next to each title. The Federal Register provides supplemental information including a summary, changes, impacts, and effects on state authorization of each rule.

EPA's FAQ pages:

Imports/Exports: <https://www.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-imports-and-exports>

Saccharin: <https://archive.epa.gov/epawaste/hazard/web/html/faqs-7.html>

Solvent-Contaminated Wipes: <https://www.epa.gov/hwgenerators/frequent-questions-about-implementing-regulations-solvent-contaminated-wipes>

E-manifest: <https://www.epa.gov/e-manifest/frequent-questions-about-e-manifest>

Generator Improvements Rule: <https://www.epa.gov/hwgenerators/frequent-questions-about-implementing-hazardous-waste-generator-improvements-final-rule>

E-manifest User Fees: <https://www.epa.gov/e-manifest/e-manifest-user-fees-and-payment-information>

McCoy RCRA White Papers:

Definition of Solid Waste:

[https://www.mccoyseminars.com/library/rcra/wp/DSW\\_Rules.pdf](https://www.mccoyseminars.com/library/rcra/wp/DSW_Rules.pdf)

Generator Improvements Rule:

<https://www.mccoyseminars.com/library/rcra/wp/Generator.pdf>

Solvent-Contaminated Wipes:

<https://www.mccoyseminars.com/library/rcra/wp/Wipes.pdf>





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# Questions or Comments?

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