



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**



Nevada Department of
**CONSERVATION &
NATURAL RESOURCES**



2019/2020 RCRA Regulation Updates

**Bureau of Sustainable
Materials Management**

ndep.nv.gov

Last Updated: 11/12/2019



Nevada is an “Adopt by Reference” State

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 Program

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.





Rules included in the proposed adoption:

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. The Generator Improvements Rule

Most of these provisions are required by EPA to adopt to maintain state implementation of Nevada's RCRA Hazardous Waste Program.



Rules not included in the proposed adoption:

- The Generator Controlled Exclusion (Definition of Solid Waste Rule)
- The Transfer-based Exclusion (Definition of Solid Waste Rule)
- The Remanufacturing Exclusion (Definition of Solid Waste Rule)
- Part 262 Subpart K: Academic Laboratory Generator Standards
- The Conditional Exclusion for Carbon Dioxide Streams in Geologic Sequestration
- The Disposal of Coal Combustion Residuals from Electric Utilities Rule
- 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 are 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.

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 2010 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

Conditions:

1. Both types of the wipes, when accumulated, stored, and transported, must be contained in non-leaking, closed containers and the containers must be labeled “Excluded Solvent-Contaminated Wipes.”
2. Generators must maintain documentation that they are managing excluded solvent-contaminated wipes and keep that documentation at their sites.
3. The solvent-contaminated wipes must be managed by one of the following:
 - An industrial laundry or a dry cleaner
 - A municipal solid waste landfill
 - A municipal waste combustor or other combustion facility, a hazardous waste combustor, or a hazardous waste boiler or industrial furnace





5. Establishment of the Electronic Manifest System and fees *(79 FR 7518-7563, 83 FR 420-462)*

Any entity that currently completes a hazardous waste manifest (EPA Form 8700-22) 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 2020/2021 federal fiscal year, the fees are as follows:

<u>Manifest Submission Type</u>	<u>Fee per Manifest</u>
Mailed in Paper Manifest	\$25.00
Scanned Image Upload	\$20.00
Data + Image Upload	\$14.00
Electronic Manifest (Fully Electronic & Hybrid)	\$8.00





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

1. Prohibition of sham recycling (§261.2(g))

A hazardous secondary material found to be sham recycled is considered discarded and a solid waste.

2. Clarifications for speculative accumulation (§261.1(c)(8))

If placing a label on the storage unit is not practicable, the accumulation period must be documented through an inventory log or other appropriate method.





- ## 7. The Generator Improvements Rule (81 FR 85732-85829)
1. Requirements to include the risks associated with the HW on the label of the container
 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.)*

1. 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))
2. Option to **consolidate VSQG wastes with LQG wastes** of a site under the control of the same “person” (262.14(a)(5)(viii))
3. Option for SQG and VSQG facilities to operate under **Alternative Standards for Episodic Generation** for activities, either planned or unplanned, that do not normally occur during generator operations, which otherwise would result in an increase in generator status (262.13(c)(8) and 262 Subpart L)





Updates to existing regulations

1. Part 262 Subparts E and F have been consolidated and replaced with Part 262 Subpart H (Transboundary Movements of Hazardous Waste for Recovery or Disposal)
2. Removing requirements to send copies of manifests to the State.
 - NAC 444.8655(2)(a)
 - NAC 444.8666
3. Adding a definition for the word “written” to include the recognition of electronic documents (i.e. written record of inspection)
4. Updating “Conditionally exempt small quantity generator” nomenclature to “Very small quantity generator” for consistency with federal regulations
5. Removing the Variance provisions that give procedures for a facility to apply for a variance from certain **federal** hazardous waste regulations. These applications should be submitted to the EPA.





Helpful Resources

Federal Register: 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

Generator Improvements Rule:

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

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





Greg Lovato
Administrator

Jennifer Carr
*Deputy
Administrator*

Jeffrey Kinder
*Deputy
Administrator*

Rick Perdomo
*Deputy
Administrator*

Public comment on the proposed regulations will be accepted for 30 days following the November 13th Public Workshop. Please send all comments to the following email address:

hazardouswaste@ndep.nv.gov

Bradley Crowell
Director



Nevada Department of
**CONSERVATION &
NATURAL RESOURCES**