



# RCRA Subtitle C



## FY 2015 Regulatory Agenda Overview

### Georgia Air and Waste Management Conference

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# Hazardous Waste Export – Import Rule Proposed Revisions

- EPA is considering revising the hazardous waste export-import requirements in 40 CFR Parts 262-265
- It will make export-import requirements more consistent between members of the Organization for Economic Cooperation and Development (OECD)
- It will enable electronic submittal of all export – import related documents
- It will enable electronic validation of export shipment data prior to exit
- EPA is developing this revision and plans to publish the revision in the Federal Register in summer 2015



## Improvements to the Hazardous Waste Generator Regulatory Program Proposed Rule (formerly the Episodic Generators Proposed Rule)

- Rule eliminates confusion over definition and use of episodic generation
- Provides federal regulation and record keeping on episodic generation
- Rule will be less stringent
- EPA plans to finalize this rule in summer 2015



## Revision to the Export Provisions of the Cathode Ray Tube (CRT) Final Rule (June 26, 2014)

- CRT Rule was finalized July 28, 2006 and effective January 29, 2007
- CRT Rule streamlined management of CRTs and made recycling CRTs easier
- Revision was proposed March 15, 2012
- Revision enables EPA to obtain additional CRT export information
- The final rule was published on June 26, 2014 and was effective on December 26, 2014.



# Hazardous Waste Manifest Revisions – Standards and Procedures for Electronic Manifests (e-Manifest System) Final Rule

- Purpose: allows for submittal of hazardous waste transport manifests in electronic format
- Key considerations: ease of use and, ease of data retrieval
- EPA worked with affected industry, states and the general public in the development of this rule
- The rule was finalized on February 2, 2014 and was effective on August 6, 2014.
- EPA is in the process of developing a fee and compliance schedule. It is planned for fall/winter 2015.



## Hazardous Waste Management Systems: Identification and Listing of Hazardous Waste: Carbon Dioxide (CO<sub>2</sub>) Injectate in Geological Sequestration (GS) Activities – Final Rule

- In response to a 2008 proposal EPA was asked to clarify how RCRA hazardous waste requirements apply to CO<sub>2</sub> streams.
- EPA decided to conditionally exclude CO<sub>2</sub> streams from RCRA requirements to facilitate implementation of GS.
- Rule was finalized on January 3, 2014 and effective on March 4, 2014.



# Management Standards for Hazardous Waste (HW) Pharmaceuticals (Pharm) Proposed Rule (aka HW Pharms Rule)

- Formerly known as the Amendment of the Universal Waste Rule to include Pharmaceutical (Pharm) Waste (40 CFR Part 273), Proposed December 2008
- As a result of comments on the 2008 proposed rule, EPA decided to not consider HW Pharms as Universal Wastes.
- The rule will prohibit sewerage of HW Pharms.
- Scheduled to be proposed in spring/summer 2015
- Rule will be more stringent and States will be required to adopt this rule. Florida will be required to remove HW Pharms from their Universal Waste program.



# Additions to List Section 241.4 Categorical Non-Waste Fuels - Proposed Rule

- 2013 Non-Hazardous Secondary Materials (NHSM) allows for adding NHSMs to the list of categorical non-wastes
- Criteria under the rule state certain materials are not solid waste when combusted
- These certain NHSMs are not solid waste when burned if they meet specified legitimacy criteria and NHSMs are solid waste when burned as a combustion unit ingredient if they meet certain other criteria
- States may, but are not required to, adopt this rule
- EPA is evaluating comments
- EPA plans to propose the rule in summer 2015



## Modifications to RCRA Rules Associated with Solvent Contaminated Industrial Wipes Final Rule (RCRA Wipes Rule) (40 CFR 260 and 261)

- The Solvent Contaminated Industrial Wipes Rule (Wipes Rule) was originally proposed in November 2003
- The rule affects contaminated industrial (disposable and non-disposable) wipes
- Some wipes are excluded from landfills depending on the type of secondary hazardous waste it contains
- The final Wipes Rule was published on July 31, 2013 and effective on January 31, 2014
- States may, but are not required to, adopt this rule



# Hazardous Waste Requirements for Retail Products

- In response to public comments EPA plans to clarify and make RCRA hazardous waste regulations more effective for managing waste retail products
- EPA will determine what the retail RCRA issues of concern are and what options exist for addressing these issues
- To accomplish this EPA issued a Notice of Data Availability (NODA) in January 2014
- The NODA was extended and closed on May 30, 2014
- EPA is evaluating possible next steps



# Underground Storage Tank (UST) Regulations - Revisions

- EPA first issued UST regulations in 1988
- These regulations have reduced contamination but revisions are needed
- EPA plans to update the rule and make it consistent with the Energy Policy Act of 2005
- EPA will include in the revisions items set forth in a 2011 Notice of Proposed Rulemaking (NPRM)
- EPA plans to promulgate these revisions in spring/winter 2014/2015



# Definition of Solid Waste (DSW) Final Rule (80 FR 1694)

- The 2015 DSW rule retains generator controlled exclusions but with strengthened requirements
- The 2015 DSW rule replaces the transfer based exclusion with a verified recycler exclusion
- The 2015 DSW rule codifies the definition of legitimate recycling with built in recognition for closed loop recycling and commodity-grade materials
- The 2015 DSW rule finalizes the remanufacturing exclusion for certain higher value spent solvents
- The 2015 DSW rule strengthens the existing variance and non-waste determination provisions
- The final 2015 DSW rule was published on January 13, 2015 and is effective July 14, 2015. It is more stringent than the 2008 DSW rule.



# Standards for the Management of Coal Combustion Residuals (CCR) Generated by Commercial Electric Power Producers Proposed Rule

- In May 2000 EPA determined CCR disposal was not warranted under Subtitle C
- A NODA comment period ended and the TVA Kingston, TN, incident occurred 2008
- EPA proposed the CCR Rule in 2010
- EPA issued Notices of Data Availability (NODAs) to solicit comments in October 2011 and August 2013
- The final CCR Rule was signed on December 19, 2014, and should be published in the Federal Register soon



# RCRA National Priority Mining and Mineral Processing 2005-2015

- 175 Mineral Processing Sites Nationwide with 41 facilities in Region 4
- This National Initiative has a special emphasis on mineral processing facilities that produce phosphoric acid and phosphate compounds because a growing body of evidence shows they cause widespread environmental damage.
- The object of the strategy is to reduce risk to human health and the environment by achieving increased compliance rates throughout the mineral processing and mining sectors and by ensuring that existing and potential harm are being appropriately addressed through enforcement and compliance assistance.



# Region 4 RCRA Priorities 2015

- Zinc Hazardous Waste used by Fertilizer Recycling Facilities: EPA supports the environmentally beneficial recycling of hazardous wastes and secondary materials. However, sham recycling and recycling not done in compliance with RCRA requirements can result in significant adverse impacts to human health and the environment. This continues to be an area of concern in 2015 and it will include a focus on zinc fertilizer manufacturing that uses hazardous waste in the production process.
- Organic Air Emissions: When EPA promulgated parts 264 and 265 subparts AA, BB, and CC it was estimated that organic air emissions from hazardous waste units exceeded 2M tons a year. The Region has traditionally kept a pulse on this sector and the Region will continue to do so in 2015.



## Region 4 RCRA Priorities 2015 (continued)

- Pathology Laboratories: Region 4 has found significant non-compliance with RCRA regulations in this sector for several years. Region 4 will continue to look at potential non-compliance in this sector in FY 2015.