



Department of
**Environment &
Conservation**

Hazardous Waste Amendments

Tennessee Rule Chapter 0400-12-01

May 15, 2018

INTRODUCTION

State Programs

- **State authorization is a rulemaking process through which the EPA delegates the primary responsibility of implementing the RCRA hazardous waste program to individual states in lieu of the EPA.**
- **State RCRA programs must be at least as stringent as the federal requirements, but states can adopt more stringent requirements as well.**
- **The general schedule for states to update their regulations is that the state program must be modified by July 1 of each year to reflect changes occurring between July 1 of the previous year to June 30 of the current year.**

INTRODUCTION

- **HSWA requirements become effective at the same time in all states.**
- **Tennessee is required to adopt the Federal Regulations to **maintain** program authorization.**

Hazardous Waste Rulemaking Update

Amendment(s)	Board ¹	OGC ²	AG ³	Effective ⁴	Comments
2014 "a"	6/19/2014	6/19/2014	6/19/2014	2/10/2015	State Clarifications
2015 "a"	2/04/2015	2/04/2015	2/04/2015	10/8/2015	Solvent Wipes
2015 "b"	6/03/2015	6/03/2015	6/03/2015	1/04/2018	EPA comments and corrections
2015 "c"	12/02/2015	12/02/2016	01/24/2016	1/04/2018	Revisions to DSW
2017 "a"	2/07/2017	2/7/2017	3/15/2018	6/19/2018?	State Court Decision
2017		4/19/2018			Generator Improvements/ Import/Export

Hazardous Waste Rulemaking

2017 Amendments

State Initiated:

- **Revising the requirements for Financial Assurance**
- **Corrections**
- **Trivalent Chromium**
- **Revising the Fee Rule in 0400-12-1-.08**

Hazardous Waste Rulemaking

2017 Amendments

Federal Regulations

- Rules appeared in the Federal Register between July 1 of the previous year, to June 30, the current year.

Hazardous Waste Rulemaking

2017 Amendments

Federal:

- **Hazardous Waste Generator Improvements (November 28, 2016)**

<https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements>

- **Hazardous Waste Export-Import Revisions (November 28, 2016)**

<https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-export-import-revisions>

Hazardous Waste Generator Improvements

This rule finalizes a much-needed update to the hazardous waste generator regulations to make the rules easier to understand, facilitate better compliance, provide greater flexibility in how hazardous waste is managed, and close important gaps in the regulations.

Two key provisions where EPA is finalizing flexibility are:

- Allowing a hazardous waste generator to avoid increased burden of a higher generator status when generating episodic waste provided the episodic waste is properly managed and**
- Allowing a very small quantity generator (VSQG) to send its hazardous waste to a large quantity generator under control of the same person.**

Hazardous Waste Generator Improvements

- **In addition to finalizing key flexibilities, the rule enhances the safety of facilities, employees, and the general public by improving hazardous waste risk communication and ensuring that emergency management requirements meet today's needs.**
- **Further, the EPA is finalizing a number of clarifications without increasing burden including a reorganization of the hazardous waste generator regulations so that all of the generator regulations are in one place.**

Hazardous Waste Generator Improvements

More stringent:

- **SQG re-notification**
- **Identifying hazards of wastes being accumulated & labeling**
- **Notification of facility closure**
- **Closure as a landfill for LQGs accumulating hazardous wastes in containers that cannot meet closure performance standards**
- **Biennial reporting for whole year, not just months the generator was an LQG**
- **Biennial reporting for recyclers who don't store prior to recycling**
- **Quick Reference guide for contingency plans**

Hazardous Waste Generator Improvements

Less stringent:

- **VSQG consolidation**
- **Episodic generation**
- **Waiver from 50-foot rule**

Hazardous Waste Generator Improvements

New Provision	Existing Citation	Propoed Citation
Generator Category Determination	State: Federal: 261.5(c)- (e)	State: Federal: 262.13
VSQG Provisions	State: Federal: 261.5(a), (b), (f)- (g)	State: Federal: 262.14
Satellite Accumulation Area Provisions	State: Federal: 262.34(c)	State: Federal: 262.15
SQG Provisions	State: Federal: 262.34(d)- (f)	State: Federal: 262.16
LQG Provisions	State: Federal: 262.34(a), (b), (g)- (i)	State: Federal: 262.17

Hazardous Waste Generator Improvements

Impacts of Final Rule by Generator Category

New Provision	VSQG	SQG	LQG
LQG Consolidation of VSQG wastes	X		X
Episodic Generation	X	X	
50-foot Waiver			X
Marking & Labeling		X	X
Marking RCRA Waste Codes		X	X
SQG Re-notification		X	
Contingency Plan Quick Reference Guide			X
Closure Notification			X
Closure as Landfill if can't clean close			X
BR Reporting by Recyclers Who Don't Store*		X	X

Hazardous Waste Export-Import Revisions

The final rule establishes:

- **Improved export and import shipment tracking;**
- **One consolidated and streamlined set of requirements applying to all imports and exports;**
- **Mandatory electronic reporting to EPA; and**
- **Linking the consent to export with the electronic export information submitted to U.S. Customs and Border Protection (CBP).**

Hazardous Waste Generator Improvements

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LQG Provisions	State: Federal: 262.34(a), (b), (g)- (i)	State: Federal: 262.17

STATE REGULATIONS

A copy of the draft/final rules are available at:

<http://sos.tn.gov/division-publications/rules-and-regulations>

<http://tn.gov/environment/topic/ppo-waste>

PROPOSED FEDERAL REGULATIONS

Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations

The streamlined Universal Waste regulations are expected to:

- Ease regulatory burdens on retail stores and others that discard aerosol cans,**
- Promote the collection and recycling of aerosol cans, and**
- Encourage the development of municipal and commercial programs to reduce the quantity of these wastes going to municipal solid waste landfills or combustors.**

EPA is taking public comment on this proposal. Comments must be received on or before May 15, 2018.

PROPOSED FEDERAL REGULATIONS

Management Standards for Hazardous Waste Pharmaceuticals

- **Compared to the hazardous waste generator regulations, healthcare facilities operating under the new standards will have the following benefits:**
- **A healthcare facility will not become a LQG, with all the associated requirements, when it generates more than 1 kg of acute hazardous waste pharmaceuticals in a month;**
- **A healthcare facility will not have to comply with the satellite accumulation area regulations, which are a poor fit for healthcare facilities;**
- **The facility will not need to specify hazardous waste codes on manifests;**
- **The facility will be able to accumulate hazardous waste pharmaceuticals on site without a RCRA permit for 365 days, an increase of 275 days over the current generator regulations; and**
- **The facility will have basic training requirements.**

PROPOSED FEDERAL REGULATIONS

Management Standards for Hazardous Waste Pharmaceuticals (cont.)

- **Additionally, the proposed standards are tailored to how pharmaceutical reverse distributors operate and will replace the standard generator regulations for the accumulation and management of hazardous waste pharmaceuticals at pharmaceutical reverse distributors.**

EPA published in FR: September 25, 2015; 80 FR 58014. Comment period ended December 24, 2015.

PROPOSED FEDERAL REGULATIONS

User Fees for the Electronic Hazardous Waste Manifest System (e-Manifest) and Amendments to Manifest Regulations

The e-Manifest user fee final rule notice addresses several key issues:

- Who must pay e-Manifest user fees;
- What types of transactions give rise to fees;
- What formula is EPA using to set fees;
- What the available options are for users to make their fee payments;
- What process EPA will follow to revise user fees; and
- What the sanctions are for non-payment.

EPA published in FR: January 3, 2018; 83 FR 420-462.

Effective June 30, 2018

PROPOSED FEDERAL REGULATIONS

Confidentiality Determinations for Hazardous Waste Export and Import Documents

This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States.

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
- the 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.

EPA published in FR: December 26, 2017; 80 FR 60894-60901.

Effective: June 26, 2018

FEDERAL REGULATIONS

Information can be found on the EPA website at:

<https://www.epa.gov/hw>

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