

<p>Docket Number: <u>58-0105-1501</u> Effective Date: <u>2016 Sine die</u> Rules Title: <u>Rules and Standards for Hazardous Waste</u> Agency Contact and Phone: <u>Matt Alvarado, 373-0554</u></p>	<p style="text-align: right;">Public Notice</p> <p>Hearings: [] Yes [X] No Locations and Dates: N/A Written Comment Deadline: September 2, 2015</p>
<p>Descriptive Summary of Rule as Initially Proposed:</p> <p>Idaho's Rules and Standards for Hazardous Waste are updated annually to maintain consistency with the U.S. Environmental Protection Agency's (EPA's) federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). This proposed rule updates federal regulations incorporated by reference to include those revised as of July 1, 2015. In addition, this rulemaking also denotes areas of the rules that are non-delegable to the states and must be implemented by EPA. In those instances, "EPA" will be defined as the U.S. Environmental Protection Agency.</p> <p>Idaho has historically adopted both required and optional federal regulations so that Idaho's hazardous waste rules are the same as federal requirements. Optional federal regulations usually allow more flexibility to the regulated community; required federal regulations are necessary to maintain program primacy. Adoption by reference allows DEQ to keep its rules up to date with federal regulation changes and minimizes the EPA Region 10 effort needed to keep Idaho's authorization current. Adoption by reference also simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.</p> <p>A copy of the RCRA HW Regulatory Summary is attached.</p> <p>DEQ recommends that the Board adopt the rule, as presented in the final proposal, as a pending rule with the final effective date coinciding with the adjournment <i>sine die</i> of the Second Regular Session of the Sixty-third Idaho Legislature. The rule is subject to review by the Legislature before becoming final and effective.</p>	<p>Negotiated Rule Making: [] Yes [X] No Groups Involved: N/A Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking and because DEQ has no discretion with respect to adopting EPA's federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). Whenever possible, DEQ incorporates federal regulations by reference to ensure that the state rules are consistent with federal regulations.</p> <p>Costs To the Agency: None anticipated. Costs To the Regulated Community: None anticipated.</p> <p>Relevant Statutes: Chapters 44 and 58, Title 39, Idaho Code</p> <p>Idaho Code § 39-107D Statement: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.</p> <p>Idaho Code § 67-5221(1)(c) Fiscal Impact Statement: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.</p>

Temporary Rule Necessary to protect public health, safety or welfare
 Compliance with deadlines in amendments to governing law or federal programs
 Conferring a benefit

Docket Number: 58-0105-1501

Section	Section Title	Summary of Rule Changes Based on Public Comment
002	Incorporation by Reference of Federal Regulations.	This section has not been changed. No comments received.
004	Hazardous Waste Management System.	This section has not been changed. No comments received.
005	Identification and Listing of Hazardous Waste.	This section has not been changed. No comments received.
006	Standards Applicable to Generators of Hazardous Waste.	This section has not been changed. No comments received.
007	Standards Applicable to Transporters of Hazardous Waste.	This section has not been changed. No comments received.
008	Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.	This section has not been changed. No comments received.
009	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.	This section has not been changed. No comments received.
010	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Facilities.	This section has not been changed. No comments received.
011	Land Disposal Restrictions.	This section has not been changed. No comments received.
012	Hazardous Waste Permit Program.	This section has not been changed. No comments received.
013	Procedures for Decision-Making (State Procedures for RCRA or HWMA Permit Applications).	This section has not been changed. No comments received.

Docket Number: 58-0105-1501

Section	Section Title	Summary of Rule Changes Based on Public Comment
015	Standards for the Management of Used Oil.	This section has not been changed. No comments received.
016	Standards for Universal Waste Management.	This section has not been changed. No comments received.
017	Criteria for the Management of Granular Mine Tailings (CHAT) in Asphalt Concrete and Portland Cement Concrete in Transportation Construction Projects Funded in Whole or in Part by Federal Funds.	This section has not been changed. No comments received.
018	Standards for Owners and Operators of Hazardous Waste Facilities Operating under a Standardized Permit.	This section has not been changed. No comments received.

RCRA HW REGULATORY SUMMARY
July 1, 2014 to June 30, 2015
Docket No. 58-0105-1501

Citation: 79 FR 7518-7563 (40 CFR Parts 260, 262, 263, 264, and 265) (IDAPA 58.01.05.004, .006, .007, .008, and .009)
Date: February 7, 2014 (Federal Effective Date: August 6, 2014)
Status: Final Rule
Title: Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Electronic Manifests
Summary: EPA is establishing new requirements that will authorize the use of electronic manifests as a means to track off-site shipments of hazardous waste from a generator's site to the site of receipt and disposition of the hazardous waste. Certain portions of this rule are non-delegable to the states and must be implemented by EPA. In those instances, "EPA" will be defined as the U.S. Environmental Protection Agency in those sections incorporated by reference into the Idaho Rules and Standards for Hazardous Waste.

Citation: 79 FR 36220-36231 (40 CFR Parts 260 and 261) (IDAPA 58.01.05.004 and .005)
Date: June 26, 2014 (Federal Effective Date: December 26, 2014)
Status: Final Rule
Title: Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule
Summary: EPA is revising certain export provisions of the CRT final rule published on July 28, 2006. The revisions will allow for better tracking of exports of CRTs for reuse and recycling ensuring safer management of these materials. Certain portions of this rule are non-delegable to the states and must be implemented by EPA. In those instances, "EPA" will be defined as the U.S. Environmental Protection Agency in those sections incorporated by reference into the Idaho Rules and Standards for Hazardous Waste.

Citation: 80 FR 18777-18780 (40 CFR Parts 260 and 261) (IDAPA 58.01.05.004 and 005)
Date: April 8, 2015 (Federal Effective Date: April 8, 2015)
Status: Final Rule
Title: Response to Vacatur of the Comparable Fuels Rule and the Gasification Rule
Summary: The EPA is revising regulations associated with the comparable fuels exclusion and gasification exclusion originally issued by EPA under RCRA as a result of vacatur ordered by the US Court of Appeals for the District of Columbia Circuit on June 27, 2014. In both vacatur, the court ruled that the exclusions EPA previously issued for both of these materials violated RCRA Section 3004(q) because fuels produced from solid and hazardous waste remain solid and hazardous waste and cannot be excluded from regulation.