

<p><b>Docket Number:</b> <u>58-0105-1201</u>  <b>Effective Date:</b> <u>2013 Sine die</u>  <b>Rules Title:</b> <u>Rules and Standards for Hazardous Waste</u>  <b>Agency Contact and Phone:</b> <u>John Brueck, 373-0458</u></p>	<p style="text-align: right;"><b>Public Notice</b></p> <p><b>Hearings:</b> <span style="float: right;">[ ] Yes [X] No</span>  <b>Locations and Dates:</b> N/A  <b>Written Comment Deadline:</b> August 29, 2012</p>
<p><b>Descriptive Summary of Rule as Initially Proposed:</b></p> <p>Idaho's Rules and Standards for Hazardous Waste are updated annually to maintain consistency with the U.S. Environmental Protection Agency'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 the federal regulations incorporated by reference to include those revised as of July 1, 2012.</p> <p>A copy of the RCRA HW Regulatory Summary is attached.</p>	<p><b>Negotiated Rule Making:</b> <span style="float: right;">[ ] Yes [X] No</span>  <b>Groups Involved:</b> N/A</p> <p>Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking was not feasible due to the simple nature of this rulemaking.</p>
<p><b>Incorporation By Reference:</b> Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:  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 the 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><b>Costs To the Agency:</b> None anticipated.  <b>Costs To the Regulated Community:</b> None anticipated.</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 First Regular Session of the Sixty-second Idaho Legislature. The rule is subject to review by the Legislature before becoming final and effective.</p>	<p><b>Relevant Statutes:</b> Chapters 44 and 58, Title 39, Idaho Code</p>
	<p><b>Idaho Code § 39-107D Statement:</b> 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><b>Idaho Code § 67-5221(1)(c) Fiscal Impact Statement:</b> 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

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

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Section	Section Title	Summary of Rule Changes Based on Public Comment
015	<b>Standards for the Management of Used Oil.</b>	This section has not been changed. No comments received.
016	<b>Standards for Universal Waste Management.</b>	This section has not been changed. No comments received.
017	<b>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.</b>	This section has not been changed. No comments received.
018	<b>Standards for Owners and Operators of Hazardous Waste Facilities Operating under a Standardized Permit.</b>	This section has not been changed. No comments received.

**RCRA HW REGULATORY SUMMARY**  
**July 1, 2011 to June 30, 2012**  
**Docket No. 58-0105-1201**

**Citation:** 76 FR 34147-34157 (40 CFR Part 268) (IDAPA 58.01.05.011)  
**Date:** June 13, 2011 (Effective August 12, 2011)  
**Status:** Direct Final Rule  
**Title:** Land Disposal Restrictions: Revision of the Treatment Standards for Carbamate Wastes  
**Summary:** EPA is revising the Land Disposal Restriction (LDR) treatment standards for hazardous wastes from the production of carbamates and carbamate commercial chemical products because of the lack of readily available analytical standards which makes it difficult to measure whether numeric LDR concentration limits have been met prior to land disposal. As an alternative standard, EPA is offering best demonstrated available technologies (BDAT) for treating these wastes. Carbamate regulated constituents were also removed from the Universal Treatment Standards.

**Citation:** 76 FR 36363-36366 (40 CFR Part 262) (IDAPA 58.01.05.006)  
**Date:** June 22, 2011 (Effective August 22, 2011)  
**Status:** Direct Final Rule  
**Title:** Hazardous Waste Manifest Printing Specifications Correction Rule  
**Summary:** In this rule, EPA is allowing different color inks other than black or the use of other methods to indicate copy distribution notations.

**Citation:** 77 FR 22229-22232 (40 CFR parts 261 and 266) (IDAPA 58.01.05.005 and .010)  
**Date:** April 13, 2012 (Effective May 14, 2012)  
**Status:** Final Rule  
**Title:** Hazardous Waste Technical Corrections and Clarifications Rule  
**Summary:** The EPA is taking final action on two of the six technical amendments that were withdrawn in a June 4, 2010 Federal Register partial withdrawal notice. A typographical error is being corrected for the K107 listing and a conforming change is being made for certain recycling companies to meet LDR certification and notification requirements.