

<p>Docket Number: <u>58-0105-0801</u> Effective Date: <u>2009 Sine die</u> Rules Title: <u>Rules and Standards for Hazardous Waste</u> Agency Contact and Phone: <u>John Brueck, 373-0458</u></p>	<p style="text-align: right;">Public Notice</p> <p>Hearings: []Yes [X] No Locations and Dates: N/A Written Comment Deadline: September 3, 2008</p>
<p>Descriptive Summary of Rule as Initially Proposed: 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). 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 Department of Environmental Quality (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. A copy of the RCRA HW Regulatory Summary is attached.</p> <p>This proposed rule updates the federal regulations incorporated by reference to include those revised as of July 1, 2008. In addition, this proposed rule includes new Section 017 to include 40 CFR Part 278, 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.</p> <p>Public comments were not received. The proposed rule has not been revised. 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 Sixtieth 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</p> <p>Due to the nature of this rulemaking, negotiations were not held.</p>
	<p>Costs To the Agency: No additional costs to the agency.</p> <p>Costs To the Regulated Community: No additional costs to the regulated community.</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: 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: 58-0105-0801

Section	Section Title	Summary of Rule Changes Based on Public Comment
002	Incorporation by Reference of Federal Regulations	No comments received. No change.
004	Hazardous Waste Management System	No comments received. No change.
005	Identification and Listing of Hazardous Waste	No comments received. No change.
006	Standards Applicable to Generators of Hazardous Waste	No comments received. No change.
007	Standards Applicable to Transporters of Hazardous Waste	No comments received. No change.
008	Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities	No comments received. No change.
009	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities	No comments received. No change.
010	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Facilities	No comments received. No change.
011	Land Disposal Restrictions	No comments received. No change.
012	Hazardous Waste Permit Program	No comments received. No change.
013	Procedures for Decision-Making (State Procedures for RCRA or HWMA Permit Applications)	No comments received. No change.

Docket Number: <u>58-0105-0801</u>		
Section	Section Title	Summary of Rule Changes Based on Public Comment
015	Standards for the Management of Used Oil	No comments received. No change.
016	Standards for Universal Waste Management	No comments received. No change.
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	No comments received. No change.
018	Standards for Owners and Operators of Hazardous Waste Facilities Operating under a Standardized Permit	No comments received. No change.

RCRA HW REGULATORY SUMMARY
July 1, 2007 to June 30, 2008
Docket No. 58-0105-0801

Citation: 72 FR 39331-39353 (40 CFR Parts 260 and 278) (IDAPA 58.01.05.004 and .017)

Date: July 18, 2007

Status: Final Rule

Title: Criteria for the Safe and Environmentally Protective Use of Granular Mine Tailings Known as "Chat"

Summary: EPA is promulgating mandatory criteria for the environmentally protective use of chat in transportation projects carried out, in whole or in part, with federal funds. The chat covered in this rule is specifically from the Tri-State Lead and Zinc Mining District of Kansas, Missouri and Oklahoma.

Citation: 73 FR 57-72 (40 CFR Parts 260 and 261) (IDAPA 58.01.05.004 and .005)

Date: January 2, 2008

Status: Final rule

Title: Regulation of Oil-Bearing Hazardous Secondary Materials from the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas

Summary: EPA is revising hazardous waste regulations to further promote the environmentally sound recycling of oil-bearing hazardous secondary materials generated by the petroleum refining industry. Specifically, EPA is broadening an existing exclusion from the definition of solid waste for oil bearing secondary materials.

Citation: 73 FR 18970-18984 (40 CFR Parts 63, 264 and 266) (IDAPA 58.01.05.008 and .010)

Date: April 8, 2008

Status: Final Rule

Title: NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments

Summary: EPA is finalizing amendments to the NESHAPs for hazardous waste combustors, which EPA promulgated on October 12, 2005. This amendment clarifies several compliance and monitoring provisions and also corrects several omissions and typographical errors.

Citation: 73 FR 31756-31769 (40 CFR Parts 261 and 302) (IDAPA 58.01.05.005)

Date: June 4, 2008

Status: Final Rule

Title: Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendments to Hazardous Waste Code F019

Summary: EPA is amending the list of hazardous wastes from non-specific sources (called F-wastes) by modifying the scope of EPA hazardous waste F019. EPA is amending the F019 listing to exempt wastewater treatment sludges from zinc phosphating, when such phosphating is used in the motor vehicle manufacturing process. These exempt sludges must be disposed in landfills that meet specified design criteria in the rule.