Final-Omitted Rulemaking: Hazardous Waste Generator Improvements Rule
(25 Pa. Code Chapters Chapters 261a – 265a)

Environmental Quality Board
January 21, 2020

Tom Wolf, Governor
Patrick McDonnell, Secretary
Due to changes incorporated under the HWGIR, certain non-substantial revisions are needed to reflect the federal changes.

These changes will:

• Ensure consistency with Federal regulations
• Provide correct cross-references to Federal regulations
• Provide clarity to the public and regulated community
These changes are being proposed as final-omitted under section 204 of the Commonwealth Documents Law.

- Substantive changes in the HWGIR were automatically incorporated by reference.
- HWGIR was subject to a notice and comment process when it was proposed at the Federal level.
Relocation of Federal Provisions:

- Section 262a.34 is reserved in this final-omitted rulemaking. To maintain consistency, provisions of §262a.34 are transferred to new sections 262a.16 and 262a.17.
Terminology Updates:

• EPA replaced the term “conditionally exempt small quantity generator” in 40 CFR 261.5 with “very small quantity generator” in 40 CFR 262.14 (relating to conditions for exemption for a very small quantity generator).
Updates for Consistency:

• Section 261a.8 (relating to requirements for universal waste), is comparable to the Federal regulation in 40 CFR 261.9 (relating to requirements for universal waste).

• Section 262a.12 (relating to EPA identification numbers), was a parallel provision to 40 CFR 262.12, which was reserved and renumbered as 40 CFR 262.18 under the HWGIR.
The fundamental benefit of this final-omitted rulemaking is that these changes will:

• Ensure the consistency between 25 Pa. Code Chapters 261a – 265a with the revised Federal regulations,

• Provide the correct cross-references in the Pennsylvania regulations to the applicable Federal regulations, and

• Provide clarity to the public and the regulated community with respect to the Federal provisions Pennsylvania incorporates by reference.
These amendments reflect changes implemented by the Federal HWGIR that became effective in Pennsylvania in May 2017.

The amendments will create no additional compliance costs.

There is no formal compliance assistance.
The proposed final-omitted HWGIR program amendments were presented to the Solid Waste Advisory Committee on September 12, 2019.
The Department recommends that the Board adopt this final-omitted rulemaking.
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