



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waste Management

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

Background

The Pennsylvania hazardous waste program regulations, Chapters 260a – 268a and 270a, incorporate by reference the Federal hazardous waste regulations. See 25 Pa. Code § 260a.3(e).

Background

On November 28, 2016, EPA finalized the Hazardous Waste Generator Improvements Rule (HWGIR), which substantially revised provisions in 40 CFR Parts 260 – 268 and 270 and became effective on May 30, 2017.

Purpose

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

Final-Omitted Proposal

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
- Amendments to 25 Pa. Code Chapters 261a – 265a set forth in Annex A are not substantive changes

Summary of Changes

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.

Summary of Changes

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).

Summary of Changes

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.

Benefits of Changes

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.

Compliance Costs and Assistance

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.

Advisory Committee

The proposed final-omitted HWGIR program amendments were presented to the Solid Waste Advisory Committee on September 12, 2019.

Recommendation

The Department recommends that the Board adopt this final-omitted rulemaking.



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