

LAND AND WASTE MANAGEMENT – Proposed Amendments

R.61-79, Hazardous Waste Management Regulations (Imports and Exports of Hazardous Waste Rule)

State Register Document TBD

Summary:

The Department proposes amending Regulation 61-79 to adopt a final rule published in the Federal Register by the United States Environmental Protection Agency (“EPA”). The final rule is summarized below.

The Department proposes adopting the “Imports and Exports of Hazardous Waste” Rule, published on November 28, 2016, at 81 FR 85696-85729 and 82 FR 41015-41016. The rule amends existing requirements regarding the export and import of hazardous wastes from and into the United States. The Department proposes adopting the rule to maintain compliance with federal law and provide greater protection to human health and the environment by:

1. Making existing export and import related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development,
2. Enabling electronic submittal to the EPA of all export and import-related documents (e.g., export notices, export annual reports), and
3. Enabling electronic validation of consent in the Automated Export System for export shipments subject to Resource Conservation and Recovery Act export consent requirements prior to exit.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

General Assembly review is not required.

History and Status:

Notice of Drafting published:

April 27, 2018

Drafting comment period will close:

May 28, 2018

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R.61-79, Hazardous Waste Management Regulations (Hazardous Waste Generator Improvements Rule)

State Register Document TBD

Summary:

The Department proposes amending Regulation 61-79 to adopt a final rule published in the Federal Register by the United States Environmental Protection Agency (“EPA”). The Department’s adoption of the entirety of the rule is not required by federal law. The final rule is summarized below.

The Department proposes adopting the “Hazardous Waste Generator Improvements Rule,” published on November 28, 2016, at 81 FR 85732-85829. Adopting the rule would reorganize the hazardous waste generator regulations to improve their usability by the regulated community, provide a better understanding of how the Resource Conservation and Recovery Act hazardous waste generator regulatory program works, address gaps in existing regulations to strengthen environmental protections, provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner, and make technical corrections to address inadvertent errors and remove obsolete references to programs that no longer exist.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

While the majority of the rule is equivalent to current state regulations and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. However, due to the interrelated nature of the equivalent provisions and the more stringent provisions, the Department proposes adopting the rule in a single drafting that will undergo General Assembly review.

History and Status:

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