

## Notes from the Hazardous Waste Regulations Workshop

A workshop was held on September 19, 2007, in Carson City with a video link to NDEP's Las Vegas office. A total of eight people attended including both locations. Copies of the proposed state regulations and summaries of the federal rules to be adopted by reference were distributed to the attendees.

Jim Trent of the Bureau of Waste Management made the following remarks:

1. The intent of the workshop is to provide an informal opportunity for the public to comment on the proposed regulations. These proposed regulations will likely be presented to the State Environmental Commission for adoption as state regulations later this year in December or in March of 2008.

2. The proposed revisions to NAC 444.8427, 84275, 850, 8632, 8688, 8871, 8881, 8926, 8931, 8941, 9006, 9001 and 9452 (Sections 1 through 13) replacing July 1, 2005, with July 1, 2006, are required to update the adoption of federal hazardous waste regulations by reference.

3. Section 14 is a state initiated change to our used oil regulations (NAC 444.8681-8683). The proposed regulation requires that each container and storage tank that is above ground which stores used oil must be closed unless material is being added or removed. It is modeled after our used antifreeze regulation at NAC 444.8876. The proposed revision will make used oil container and tank management more secure and consistent with that of used antifreeze. This proposed regulation **will not be** included in the formal regulation drafting petition that will be sent to the LCB following this workshop. Instead it will likely be submitted later and combined with anticipated revisions to our existing used antifreeze freeze.

4. There are five new federal rules proposed for adoption by reference. Please refer to the RCRA Revisions handout as I briefly summarize them.

5. The Mercury Containing Equipment Rule adds mercury containing equipment to the federal list of universal wastes regulated under the RCRA hazardous waste regulations. Handlers of universal waste are subject to less stringent standards for storing, transporting and collecting these wastes. EPA has concluded that regulating spent mercury-containing equipment as a universal waste will lead to better management of this equipment and will facilitate compliance with hazardous waste requirements.

6. The Standardized Permit Rule will be available to RCRA TSDs otherwise subject to RCRA permitting that generate and then store or non-thermally treat hazardous waste on-site in tanks, containers and containment buildings. The standardized permit will also be available to facilities which receive hazardous

waste generated off-site by a generator under the same ownership as the receiving facility, and which then store or non-thermally treat the hazardous waste in containers, tanks or containment buildings. The standardized permit will streamline the permitting process by allowing facilities to obtain and modify permits more easily, while still achieving the same level of environmental protection as individual permits.

7. The Headworks Exemption rule will add benzene and 2-ethoxyethanol to the list of solvents whose mixture with wastewaters are exempted from the definition of hazardous waste under RCRA. The scrubber waters derived from the combustion of any of the exempted solvents also are included in the exemption. In addition, the new rule will add an option to allow generators to directly measure solvent chemicals levels at the headwaters of the wastewater treatment system to determine whether the wastewater mixture is exempt from the definition of hazardous waste. Finally, the eligibility for the *de minimis* exemption will be extended to other listed hazardous wastes (beyond discarded commercial chemical products) and to non-manufacturing facilities.

8. The National Emission Standards for Hazardous Air Pollutants Rule finalizes national emission standards for hazardous air pollutants for hazardous waste combustors: hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters and hydrochloric acid production furnaces. EPA has identified hazardous waste combustors as major sources of hazardous air pollutant emissions. These standards implement the Clean Air Act by requiring hazardous waste combustors to meet the hazardous air pollutant emission standards reflecting the performance of maximum achievable control technology. **The majority of these revisions are in CFR Part 63 and have already been adopted by reference by NDEP's Bureau of Air Quality Planning at NAC 445B.221. The proposed revisions to Parts 260, 264, 265, 266 and 270 are under consideration here.** Generally, the RCRA portion of Clean Air Act Regulations involve any waste materials (sludge, residues) generated from air pollution control devices.

9. Burden Reduction Initiative will reduce the paperwork these federal hazardous waste requirements impose on states, EPA and the regulated community. This rulemaking will streamline information collection requirements, ensuring that only the information that is actually needed and used to implement the RCRA program is collected and the goals of protection of health and the environment are retained.

10. The regulated community is encouraged to consult UNR's Business Environmental Program at 800-882-3233 for free, confidential environmental compliance assistance.

11. Questions?/ *Answers.*

a. Could a publicly owned treatment works (POTW) serve as the CWA permitted wastewater treatment unit needed to qualify for the Headworks Exemption? / *No, the wastewater treatment unit must be on-site.*

b. Could a stand alone sand/oil separator serve as the permitted wastewater treatment unit needed to qualify for the Headworks Exemption? / *While a sand/oil separator by itself might qualify for the Headworks Exemption if it met the requirements of a wastewater treatment unit as defined in 40 CFR 260.10, it's more likely a sand/oil separator would be employed as a component of a more complex wastewater treatment unit.*

c. Will the Mercury Containing Equipment Rule change any of the hazardous waste transportation rules? / *No, this rule which designates mercury containing equipment as universal waste does not change any of the existing regulations regarding transportation of universal wastes. However, as a universal waste, the transport of mercury containing equipment does not require a manifest.*

A copy of the proposed regulations and workshop minutes may be obtained by calling NDEP at (775) 687-9478 or may be viewed and downloaded via NDEP's public notice website at <http://ndep.nv.gov/admin/public.htm#waste>.

Questions should be directed to Jim Trent (687-9478) or Don Cripe (687-9464).