

SFY04-05 RCRA REVISIONS

1. Title: Recycled Used Oil Management Standards; Clarification
Reference: 68 FR 44659 – 44665
Promulgation Date: July 30, 2003
Effective Date: September 29, 2003
Provision Type: Non-HSWA

Summary: This rule addresses three aspects of the used oil management standards: 1) It clarifies when used oil contaminated with PCBs is regulated under RCRA used oil management standards and when it is not; 2) It explains that used oil mixed with CESQG waste is subject to RCRA used oil management standards irrespective of how this mixture is to be recycled; 3) It explains that the initial marketer of on-specification used oil must keep a record of the shipment of used oil to the facility to which the initial marketer delivers the used oil.

2. Title: Performance Track and Corrections
Reference: 69 FR 21737 – 21754 and 69 FR 62217 - 62224
Promulgation Date: April 22, 2004 and October 25, 2004
Effective Date: April 22, 2004 and December 27, 2004
Provision Type: Non-HSWA

Summary: The rule promulgated on April 22, 2004 and corrected on October 25, 2004 applies only to members of EPA's National Environmental Performance Track Program. The rule includes provisions that increase the amount of time a hazardous waste generator may accumulate waste without a permit or interim status. Reporting requirements are also simplified for some generators. These provisions are intended to serve as incentives for facilities to join the Performance Track Program.

3. Title: National Emission Standards for Hazardous Air Pollutants:
Surface Coating of Automobiles and Light-Duty Trucks;
Final Rule
Reference: 69 FR 22601 – 22661
Promulgation Date: April 26, 2004
Effective Date: June 25, 2004
Provision Type: Non-HSWA

Summary: This rule includes national emission standards for hazardous air pollutants (NESHAP) for automobile and light-duty truck surface coating operations at major sources of hazardous air pollutants (HAP). **NOT TO BE ADOPTED.**

4. Title: Nonwastewaters from Dyes and Pigments and Corrections
Reference: 70 FR 9138 – 9180 and 70 FR 35032 – 35034
Promulgation Date: February 24, 2005 and June 16, 2005
Effective Date: August 23, 2005
Provision Type: HSWA

Summary: Today's rule lists hazardous nonwastewaters generated from the production of certain dyes, pigments, and food, drug and cosmetic colorants (K181) to the list of

hazardous waste in 40 CFR 261.32. The rule adds seven constituents – Aniline, o-anisidine, 4-chloroaniline, p-cresidine, 2,4-dimethylaniline, 1,2-phenylenediamine, and 1,3-phenylenediamine to Appendix VII of 40 CFR 261. These constituents of concern serve as the basis for the new listing. Annual mass loadings were established for these constituents such that wastes would not be hazardous if the constituents are below the regulatory threshold. Five of these constituents were also added to the list of hazardous constituents in Appendix VIII of part 261. Land Disposal Restrictions (LDR) treatment standards for the specific constituents of the waste were also added. Lastly, the newly listed waste is designated a hazardous substances subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

5. Title: Uniform Hazardous Waste Manifest Rule
Reference: 70 FR 10776 – 10825 and 70 FR 35034 – 35041
Promulgation Date: March 4, 2005 and June 16, 2005
Effective Date: There is a 12-month delayed compliance period for this rule beginning on September 6, 2005 (the effective date) and ending on September 5, 2006. During this transition period, the existing manifest forms and requirements will continue to be implemented. The requirements of today’s rule will be implemented on September 6, 2006.
Provision Type: HSWA/ Non-HSWA

Summary: Today’s rule revises the Uniform Hazardous Waste Manifest regulations and the manifest and continuation sheet forms used to track hazardous waste from a generator’s site to the site of disposition. The revisions standardize the content and appearance of the manifest form (Form 8700-22) and continuation sheet (Form 8700-22a). It also makes these forms available from a greater number of sources and adopts new procedures for tracking certain types of waste shipments with the manifest. These shipments include hazardous wastes that destination facilities reject, wastes consisting of residues from non-empty hazardous waste containers, and wastes entering or leaving the United States.

Some of the revisions include removal or consolidation of primarily “state optional” information from the Uniform Manifest form. Item A (State Manifest Document Number) was removed as this is to be pre-printed on forms. Item B (State Generator’s ID) was consolidated within the EPA ID field. Items C through F (Transporter ID and Phone) were removed. Item G (State Facility’s ID) was also removed. Item H (Facility’s Phone) was made mandatory in the new Designated Facility’s Name and Site Address field.

Item I (RCRA Waste Codes) was standardized and expanded to include more waste codes. Items J and 15 were combined to create the new Item 14 – Special Handling Instructions and Additional Information. States will no longer be able to require state-specific information in this area. Item K (Handling Codes) was revised and standardized in the new mandatory field Item 19 – Hazardous Waste Report Management Method Codes. This corresponds with the final disposition of the waste by the designated facility. New data elements include adding a Generator Site Address field, an Emergency

Response Telephone number field, and an International Shipments field. The space for recording RCRA waste codes and Discrepancies was also expanded.

The rule also adds requirements to 40 CFR 271.10 that emphasize the necessity for consistency in the use of the revised manifest form. One key addition is that States may require the entry of State waste codes that apply to State-specific hazardous wastes. States may not require entry of waste codes that are redundant with Federal codes. States should remember that they cannot impose enforcement sanctions on a transporter during transportation of a shipment for failure of the form to include a state-required waste code. It is the generator's responsibility to ensure the manifest is correct. Both the consignment State and the generator State retain the authority to request that copies of the manifest form be submitted to the State.

6. Title: Methods Innovation Rule and SW-846 Update

Reference: 70 FR 34538 – 34592

Promulgation Date: June 14, 2005

Effective Date: July 14, 2005

Summary: EPA is allowing more flexibility in the use of alternative methods outside of those listed in EPA publication SW-846. This document is the official compendium of analytical and sampling methods that have been evaluated and approved for use in complying with RCRA regulations. This rule clarifies the difference between SW-846 methods that are required and those that are guidance methods in regulations. In addition, some required uses of SW-846 methods remain regulated in situations where a particular procedure is the only one capable of properly measuring for sampling and analysis. This is known as a method-defined parameter. The Agency is also finalizing Update IIIB to the Third Edition of SW-846, and removing unnecessarily required uses of Chapter Nine, "Sampling Plan." In addition, this rule is amending Sections 7.3.3 and 7.3.4 of SW-846 Chapter Seven to withdraw the cyanide and sulfide reactivity guidance and the rule removes the required uses of the reactive cyanide and sulfide methods and threshold levels from conditional listings.