

Overview of Incorporations by Reference for the DEQ Hazardous Waste Program - Docket No. 58-0105-2201 Required by Idaho Code § 67-5223(4)

Rulemaking Docket No. 58-0105-2201 describes incorporation by reference of final federal hazardous waste regulations promulgated with effective dates from July 1, 2021, through June 30, 2022.

Incorporation by reference of federal hazardous waste regulations is a routine procedure that DEQ performs annually to: 1) satisfy the consistency and stringency requirements of the Hazardous Waste Management Act (HWMA – Idaho Code § 39-4404); 2) meet the legislative intent to avoid the existence of duplicative, overlapping or conflicting state and federal regulatory systems; and 3) provide for DEQ to maintain primacy and authorization to operate the federal Resource Conservation and Recovery Act (RCRA) program in lieu of EPA.

This proposed rule is neither broader in scope nor more stringent than federal regulations and does not regulate an activity that is not regulated by the federal government.

The following table summarizes the Code of Federal Regulations sections the DEQ Hazardous Waste Program incorporates by reference. References are listed in the order listed in IDAPA 58.01.05, Rules and Standards for Hazardous Waste. Excluded provisions are specifically identified in the rules.

<u>40 CFR</u> <u>Part</u>	Title	Changes During Past Year?	Impact on Idaho
260	Hazardous Waste Management System	No	No
261	Identification and Listing of Hazardous Waste	No	No
262	Standards Applicable to Generators of Hazardous Waste	Yes	Yes
263	Standards Applicable to Transporters of Hazardous Waste	No	No
264	Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities	Yes	Yes
265	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities	Yes	Yes
266	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Facilities	No	No
268	Land Disposal Restrictions	No	No
270	Hazardous Waste Permit Program	No	No
124	Procedures for Decision-Making (State Procedures for RCRA or HWMA Permit Applications)	No	No
279	Standards for the Management of Used Oil	No	No
273	Standards for Universal Waste Management	No	No
278	Criteria for the Management of Granular Mine Tailings (CHAT) in Asphalt Concrete and Portland Cement Concrete in Transportation Construction Projects Funded in Whole or in Part by Federal Funds	No	-
267	Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standardized Permit	No	No

An overview of the changes is included below.

The following parts were revised and may have an impact on Idaho facilities:

[40 CFR Parts 262, 264, and 265](#)

Conforming Changes to Canada-Specific Hazardous Waste Import-Export Recovery and Disposal Operation Codes

In this final rule, EPA updated regulations related to twelve recovery and disposal operations needed to reflect changes to regulations related to Canadian import-export recovery and disposal operations. This final rule was promulgated solely because of Environment and Climate Change Canada's revisions to its import-export recovery and disposal code numbers and descriptions. A full description and rule text can be found in the [Federal Register](#).

The changes to the regulations related to the twelve import-export disposal and recovery operations will ensure that the disposal and recovery operation codes listed in U.S export notices proposing exports to Canada facilities and subsequent movement documents will continue to reflect the accurate Canadian code numbers and description of the operations, enabling matching to the information listed in the Canadian import notices and movement documents.

These revisions to the regulations related to twelve recovery and disposal codes used by exporters and importers in this action generally affect two groups: (1) All persons who export or import (or arrange for the export or import of) hazardous waste for recycling or disposal, including those hazardous wastes subject to the alternate management standards; and (2) all persons who export or arrange for the export of materials for recycling or conditionally excluded hazardous secondary materials being shipped for recycling.