

Overview of Incorporations by Reference for the DEQ Hazardous Waste Program - Docket No. 58-0105-2501, IDAPA 58.01.05

Required by Idaho Code § 67-5223(4)

Rulemaking Docket No. 58-0105-2501 describes incorporation by reference of final federal hazardous waste regulations promulgated with effective dates through June 30, 2025.

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.

40 CFR Part	Title	Changes During Past Year?	Impact on Idaho
124	Procedures for Decision Making (State Procurement for RCRA or HMWA Permit Applications)	No	No
260	Hazardous Waste Management System	Yes	Yes
261	Identification and Listing of Hazardous Waste	Yes	Yes
262	Standards Applicable to Generators of Hazardous Waste	Yes	Yes
263	Standards Applicable to Transporters of Hazardous Waste	Yes	Yes
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
267	Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standardized Permit	Yes	Yes
268	Land Disposal Restrictions	No	No
270	Hazardous Waste Permit Program	No	No
271	Requirements for Authorization of State Hazardous Waste Programs	Yes	Yes
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	No
279	Standards for the Management of Used Oil	No	No

These changes are discussed in more detail below. Links to the pdf files associated with the Federal Register notices are denoted in parentheses as hyperlinks.

The following parts were revised and may have minimal or no impact on Idaho facilities:

40 CFR Parts 260-265, 267, and 271

[Integrated e-Manifest with Hazardous Waste Exports and Other Manifest Related Reports and Technical Corrections](#): EPA has amended the electronic manifest (e-Manifest) regulations concerning the e-Manifest program and system. Final revision to hazardous waste manifest regulations, and the hazardous waste electronic manifest (e-Manifest) regulations under the Resource Conservation and Recovery Act (RCRA), increase utility of the e-Manifest system in delivering benefits to reduce administrative burden and improve tracking of hazardous waste shipments.