Overview of Incorporations by Reference for the DEQ Hazardous Waste Program - Docket No. 58-0105-2601, IDAPA 58.01.05

Required by Idaho Code § 67-5223(4)

Rulemaking Docket No. 58-0105-2601 describes incorporation by reference of final federal hazardous waste regulations promulgated with effective dates through June 30, 2026.

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 does not regulate activities that the federal government does not already regulate, and it is not broader in scope or more stringent than existing federal regulations.

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	No	No
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	No	No
264	Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities	No	No
265	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities	No	No
266	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Facilities	Yes	Yes
267	Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standardized Permit	No	No
268	Land Disposal Restrictions	No	No
270	Hazardous Waste Permit Program	Yes	Yes
271	Requirements for Authorization of State Hazardous Waste Programs	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	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 261 262, 266, and 270

1 Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes under the American Innovation and Manufacturing Act of 2020

EPA established an emissions reduction and reclamation program for the management of hydrofluorocarbons that includes requirements for leak repair and installation and use of automatic leak detection systems for certain equipment using refrigerants containing hydrofluorocarbons and certain substitutes including:

- Certain refrigerant-containing equipment to be serviced and/or repaired with reclaimed hydrofluorocarbons,
- Initial installation and servicing and/or repair of fire suppression equipment to use recycled hydrofluorocarbons,
- Technician training, and recycling of hydrofluorocarbons are required prior to the disposal of fire suppression equipment containing hydrofluorocarbons,
- Removal of hydrofluorocarbons from disposable cylinders before discarding them, and
- Certain recordkeeping, reporting, and labeling requirements.

2 Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule - Technical Corrections

In 2026, EPA finalized five amendments that were included in a partial withdrawal of direct final rule on December 6, 2023. Those amendments include technical corrections and clarify specific provisions in the existing hazardous waste regulations that were promulgated in the following three rulemakings: Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule.