

RCRA Burden Reduction Initiative
Final Rule
71 FR 16862
April 4, 2006

What is this Federal Register About?

This is a final rule.

EPA is adopting a large number of changes to the hazardous waste rules to reduce the burden of the rules on states, the public and the regulated community. Burden is defined as the time an entity spends generating and reporting information to EPA and keeping records. Therefore, the focus of the changes is to remove non-essential paperwork contained in the hazardous waste recordkeeping and reporting requirements.

EPA eliminated paperwork requirements if the entailed information was obscure, inconsequential or infrequently submitted to or used by regulators. Note, however, that the final rule does not curtail the right of the regulatory agency to request any information desired. Waste handlers must continue to keep records of their activities and make them available to regulators when requested. The rule does not limit regulators' or the public's ability to learn what is happening at a facility.

The Federal Register preamble contains a number of tables that list the changes to the hazardous waste rules. The changes fall into the ten general groups given below.

1. The amount of time records must be kept;
2. Certification by a professional engineer;
3. Option to follow integrated contingency plan guidance
4. Option to follow the OSHA regulations for emergency training;
5. Clarifications and elimination of obsolete regulatory language;
6. Elimination of selected recordkeeping and reporting requirements;
7. Decreased self-inspection frequency for certain units;
8. Selected changes for record retention and submittal of records;
9. Changes to the requirements for document submittal; and
10. Reduced frequency for report submittals.

What does this mean to the regulated community?

The rule changes are intended to reduce the time a regulated entity spends developing records and reporting to the overseeing agency and to lower the costs associated with implementing the hazardous waste rules. Primarily, owners/operators of permitted and interim facilities will be affected by this rule. However, several rules applicable to large and small quantity hazardous waste generators have also been changed. None of the rules applicable to conditionally exempt small quantity generators were changed.

The following rules, applicable to generators, have been changed:

Large Quantity Generators

1. Tanks 265.191(a), (b)(5)(ii); 265.192(a),(b); 265.193(a)(2) to (a)(4); 265.193(h)(5)(l)(2) 265.195; 265.196(f)
2. Containment Buildings 265.1100, 265.1101©(2), 265.1101©(4)
3. Emergency Procedures 265.56
4. Air emission Standards 265.1061, 265.1062
5. Container Management 265.174
6. Drip Pads 265.441(a), (b),©; 265.443(a)(4)(ii); 265.443(g); 265.444(a)
7. Land Disposal Restrictions 268.7(b)(6), 268.9(d)

Small Quantity Generators

1. Tanks 265.201©)
2. Containment Buildings 265.110, 265.1101©)(2), 265.1101©)(4)
3. Container Management 265.174
4. Land Disposal Restrictions 270(b)(6), 268.9(d)

Permitted Facilities

The majority of the rule changes EPA has adopted apply to permitted and interim status hazardous waste storage, treatment and disposal facilities. After Ohio EPA adopts these rules, permitted facilities will be able to change their permit using the Class 1 permit modification process.

When will the regulatory changes be effective in Ohio?

The rule changes are not effective in Ohio until Ohio EPA adopts them.

When will Ohio EPA adopt the state version of this rule?

We have not yet determined if or when we will adopt these rule changes. Since these rules are equivalent or less stringent than the current hazardous waste rules, we do not have to adopt them.

Federal Register Link: <http://www.epa.gov/fedrgstr/EPAFR-CONTENTS/2006/April/Day-04/contents.htm>

Federal Factsheet Document:

<http://www.epa.gov/epaoswer/hazwaste/data/burdenreduction/index.htm>