

ECONOMIC IMPACT/ENVIRONMENTAL BENEFIT ANALYSIS

*Answer to best of the proponent's ability, as required by ADPCEC Regulation 8,
Chapter 3.5*

APC&EC Regulation No. 23 (Hazardous Waste Management) 2007 Annual Update

RULE SUMMARY:

I. Federal Revisions

I.1: Hazardous Waste Management System; Standardized Permit for RCRA Hazardous Waste Management Facilities; 70 FR 53420-53478, September 8, 2005.

This federal revision allows for a “standardized permit,” which will be available to noncommercial RCRA treatment, storage, and disposal facilities (TSDFs) otherwise subject to RCRA permitting that generate and then store or non-thermally treat hazardous wastes on-site in tanks, containers, or containment buildings. Standardized permits may also be made available to facilities which receive hazardous wastes generated off-site by a generator belonging to the same parent company or under the same ownership as the receiving facility, and then store or non-thermally treat these wastes in tanks, containers, or containment buildings. Standardized permits would consist of two parts: a set of standard “one-size-fits-all” conditions which apply uniformly to all facilities using a particular treatment or storage process, and a second, facility-specific portion to address any additional, site-specific requirements applicable to the individual facility. The standardized permit is intended to streamline the permitting process by allowing facilities to obtain and modify permits more easily, while still achieving the same level of environmental protectiveness as individual facility permits. No change is made to the permit fee schedule at Section 6 of this regulation; standardized permits will be assessed the same application, maintenance, and renewal fees as normal RCRA permits.

I.2: Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures (“Headworks Exemptions”); 70 FR 57784-57785, October 4, 2005.

In developing this rule, EPA developed an economic cost and environmental benefit analysis which was summarized in the Final Rule at 70 FR 57780-57782, as well as published as an “Economic Background Document” as a component of the administrative record for this rule. ADEQ staff have reviewed these documents and compared them to the universe of facilities potentially subject to these proposed requirements, and concurs with EPA that if implemented, these proposed rules would result in a lessened burden and cost savings for affected facilities which take advantage of this new rule.

I.3: National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II); 70 FR 59539-59579, October 12, 2005.

In developing this rule, EPA developed an economic cost and environmental benefit analysis which was summarized in the Final Rule at 70 FR 59529-59535, as well as published as an “Economic Background Document” as a component of the administrative record for this rule. ADEQ staff has reviewed these documents and compared them to the universe of facilities potentially subject to these proposed requirements, and concurs with EPA’s assessment.

I.4: Resource Conservation and Recovery Act Burden Reduction Initiative; 71 FR 16902-16915, April 4, 2006.

In developing this rule, EPA developed an economic cost and environmental benefit analysis which was summarized in the Final Rule at 71 FR 16899-16902, as well as published as an “Economic Background Document” as a component of the administrative record for this rule. ADEQ staff has reviewed these documents and compared them to the universe of facilities potentially subject to these proposed requirements, and concurs with EPA’s assessment of the costs and benefits of these measures.

I.5: Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Final Rule; 71 FR 35395-35396 (June 20, 2006).

This federal revision amended **Section 261, Appendix IX** to remove an earlier Federal delisting decision for wastewater treatment sludges generated by the Tokusen, USA facility in Conway, Faulkner County. Changes in the production operations at the facility invalidated the conditions of the delisting.

Economic and environmental impact of this revision affects only this single facility.

I.6. Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations; 71 FR 40258-40280, July 14, 2006.

This federal revision corrected a variety of errors in the federal hazardous waste and used oil regulations, as a result of printing omissions, typographical errors, misspellings, citations to paragraphs and other references that have been deleted or moved to new locations without correcting the citations, and similar mistakes appearing in numerous final rules published in the *Federal Register*. Corresponding text in Regulation No. 23

has been edited so as to remain consistent with these Federal provisions. This revision does not create any new regulatory requirements.

I. 7. Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes; 71 FR 42947-42949, July 28, 2006.

This federal revision provides a conditional exemption from the RCRA definition of solid waste for cathode ray tubes (CRTs) and processed glass from CRTs if these items are recycled under the provisions of this rule. This rule is intended to encourage recycling and reuse of used CRTs and CRT glass, and provides clarification of the regulatory status of CRT and electronic waste processing operations such as that performed by Unicor in Texarkana. Adoption and implementation of this rule does not affect the Commission's provisions for managing these items as well as other consumer electronic items as universal wastes (APC&EC Regulation No. 23 § 273.6); the universal waste management standards continue to be an alternative for managing and disposing of these wastes.

II. State Revisions

II. 1. Section 264.18(d) is amended to reflect the recent name change of the Arkansas Natural Resources Conservation Commission. This State-only revision edits language in the state-specific standards for locating hazardous waste management facilities to be consistent with the recent name change of the Arkansas Soil and Water Conservation Commission to the Natural Resources Conservation Commission. No other provisions are affected by this revision.

II. 2. Section 264.151 is amended to correct typographic errors and clarify specific terms in the various model instruments for financial assurance. These revisions do not otherwise modify the requirements of these documents or create any new or additional requirements.

<p style="text-align: center;">STEP 1: DETERMINATION OF ANALYSIS REQUIREMENT (to be included in petition to initiate rulemaking)</p>

1A. Is the proposal expressly addressed by a Federal requirement?

Yes. See 1B.

No. Economic Impact/Environmental Benefit Analysis is not required.

Yes.

1B. If 1A is YES, is proposed regulation equivalent, or more stringent, or less stringent than federal requirement?

State provisions implementing this rule are equivalent to and no more stringent than the corresponding Federal regulations.

- **If equivalent – Economic Impact/Environmental Benefit Analysis is not required**
- If more stringent - Economic Impact/Environmental Benefit Analysis is required
- If less stringent - Economic Impact/Environmental Benefit Analysis is not required, but does require federal agency approval prior to adoption if the proposal is part of an authorized state program.

<p style="text-align: center;">STEP 2: THE ANALYSIS (to be included in petition to initiate rulemaking, if required)</p>
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2A. ECONOMIC IMPACT

Not Required.
(Equivalent to corresponding Federal Rule.)

2B. ENVIRONMENTAL BENEFIT

Not Required.
(Equivalent to corresponding Federal Rule.)