

APC&EC REGULATION No. 23:
HAZARDOUS WASTE MANAGEMENT
Proposed Amendments – Executive Summary
May 7, 2015

The Arkansas Department of Environmental Quality proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission to Regulation No. 23 (Hazardous Waste Management) in order to adopt Federal revisions to the hazardous waste management rules and to make technical and language corrections. The Commission's authority for amending Regulation 23 is found in Arkansas Code Annotated § 8-7-209(b)(1).

Proposed changes include:

The federal regulation changes which are proposed to be added to Regulation 23, listed by topic and date of publication in the *Federal Register*, include:

- **Conditional Exclusions for Solvent Contaminated Wipes.** 78 FR 46447, January 31, 2014. This federal rule revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses.

- **Conditional Exclusion for Carbon Dioxide (CO₂) Streams in Geologic Sequestration Activities.** 79 FR 350, March 4, 2014. This federal rule revises the definition of solid waste to conditionally exclude carbon dioxide (CO₂) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO₂ streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions.
- **Hazardous Waste Electronic Manifest System; Final Rule.** 79 FR 7517, August 6, 2014. This rule establishes new requirements that will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste from a generator's site to the site of the receipt and disposition of the hazardous waste. This final rule also implements certain provisions of the Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195, which directs EPA to establish a national electronic manifest system (or e-Manifest system), and to impose reasonable user service fees as a means to fund the development and operation of the e-Manifest system.
- **Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule.** 79 FR 36220, December 26, 2014. This Federal rule revises certain export provisions of the cathode ray tube (CRT) final rule published on July 28, 2006. The revisions will allow the Agency to better track exports of CRTs for reuse and recycling in order to ensure safe management of these materials.

- **Notice to Terminate the National Environmental Performance Track Program.** 74 FR 22741, 8904-8, May 14, 2009. EPA no longer offers the National Environmental Performance Track Program.
- **Miscellaneous Technical Corrections.** The Department is proposing the adoption of specific technical and editorial amendments of APC&EC Regulation No. 23 to the following:
 - **The Introduction, Specific State Requirements for the Hazardous Waste Management Program, and §§ 261.38 and 264.4** are amended to delete all references to Comparable Fuels/Syngas Fuels;
 - **§ 3(b)** is amended to update Federal regulations adopted or incorporated by reference;
 - **§ 6, Fees and Costs, Monitoring/Inspection Fees** is revised to charge a set fee of \$500 to Large Quantity Generators and clarifies the amount charged to Small Quantity Generators;
 - **§ 260.10 Subsection B Definitions** is amended to add the definition of Carbon Dioxide stream, CRT exporter, Electronic manifest (or e-Manifest), Electronic manifest system (or e-Manifest system,), No free liquids, Solvent-contaminated wipe, User of the electronic manifest system, Wipe, and to delete the definition of Performance Track member facility;
 - **§ 261.3 (a)(2)(iv)(A)** adds benzene to the list of solvents;
 - **§261.4 Exclusions (a)(16)** is revised to delete reference to comparable fuels/syngas fuels;
 - **§ 268.40** makes an editorial correction to Table TTS Waste Code K088 to the Non-Wastewaters concentration of Lead from 0.11 mg/L TCLP to 0.75 mg/L TCLP;
 - **§ 270.7(j)** makes an editorial correction to the reference of the Arkansas Department of Environmental Quality; and
 - **Miscellaneous Corrections and language changes** in order to correct inconsistencies such as typographical errors, incorrect citations, failure to adopt previous final rules in their entirety, etc., between Regulation 23 and the Federal regulations.