

Basis:

Section 10.1-1402(11) of the Virginia Waste Management Act contained in Chapter 14, Title 10.1, Code of Virginia (1950) as amended, authorizes the Virginia Waste Management Board to issue regulations as may be necessary to carry out its powers and duties required by the Act and consistent with the federal statutes and regulations.

Purpose:

The Virginia Waste Management Board amends the existing Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-10 *et seq.*, to continue the effective monitoring of the generation, transportation, treatment, storage, and disposal of hazardous waste in the Commonwealth.

By regulating these activities the Commonwealth protects public health, natural resources and the environment. By maintaining the equivalence of its regulations with those issued by the United States Environmental Protection Agency (USEPA) under the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), the Commonwealth remains eligible to carry out its own hazardous waste management program and be an authorized state under the federal acts.

Substance:

Amendment 15 to the Hazardous Waste Management Regulations, 9 VAC 20-60-10 *et seq.*, will consider incorporation of changes in the federal regulations in Title 40 of the Code of Federal Regulations occurring since Amendment 14 through July 1, 1998, including amendments promulgated in the Federal Register on, at least, the following dates: January 3, 1995, December 6, 1994, January 13, 1995, February 9, 1995, April 17, 1995, May 12, 1995, April 4, 1995, May 19, 1995, June 29, 1995, July 11, 1995, September 29, 1995, October 30, 1995, December 11, 1995, February 9, 1996, March 26, 1996, April 8, 1996 (2), April 30, 1996, June 28, 1996, July 10, 1996, August 26, 1996, February 17, 1997, April 12, 1996, July 1, 1996, December 6, 1994, May 19, 1995, September 29, 1995, November 13, 1995, February 9, 1996, June 5, 1996, November 23, 1996, January 14, 1997, February 12, 1997, May 12, 1997, June 13, 1997, June 17, 1997, July 14, 1997, August 28, 1997, December 5, 1997, December 8, 1997, April 15, 1998, May 4, 1998, June 29, 1998, May 6, 1998, July 14, 1998, May 26, 1998, June 8, 1998, and June 19, 1998. These amendments of the federal regulations address, at least, the following items:

1. Revisions of the Universal Treatment Standards re Land Disposal Restrictions or related changes;
2. Revisions to listings and exemptions of certain carbamate chemicals

production wastes (U and K listings);

3. Housekeeping changes related to adoption errors and obsolete provisions;
4. Adoption of additional test methods related to rules that prohibit liquids in landfills;
5. New rules about the public participation process in the permitting of storage, treatment and disposal facilities and for test burns at incinerators and combustion facilities;
6. Correction of adoption errors in the exclusion rules for recovered oil which is recycled;
7. Addition of rules related to Phase III of the Land Disposal Restriction and treatment standards concerning carbamate pesticide production wastes, primary aluminum production wastes, characteristic wastes, listed wastes, and wastes that are diluted;
8. Identification of import and export wastes subject to the graduated system of controls under the Organization for Economic Cooperation and Development;
9. Revisions of rules for disposal of wastes from conditionally exempt small quantity generators;
10. Adoption of additional air standards for the control of organic emissions from

tanks, surface impoundments, containers and miscellaneous units, including during accumulation of waste on-site;

11. Extensions of the national capacity variance (under Phase III of the Land Disposal Restrictions) for spent potliners for primary aluminum production;
12. Adoption of Military Munitions Rule, which identifies when conventional and chemical military munitions become a hazardous waste, provides rules for the safe storage and transport of such waste, changes rules regarding emergency responses involving munitions and explosives, and exempts generators and transporters from manifest requirements on right-of-ways that are on or along the border of contiguous properties under the control of the same person;
13. Adoption of Land Disposal Restrictions - Phase IV, which establishes treatment standards under the land disposal restrictions for waste from wood preserving operations, revises record keeping related to land disposal restrictions, regulates polymerizations as a treatment alternative, clarifies de minimis amounts exemption of characteristic wastewaters, and excludes processed circuit boards and scrap metal from regulation as hazardous wastes;
14. Update the incorporation by reference citation of SW-846, Third Edition, A Test Methods for Evaluation Solid Waste, Physical/Chemical Methods, to include changes through January 13, 1997 (through Update III);
15. Revisions and withdrawals of certain rules related to listing of carbamate wastes;

16. Extension of alternate treatment standard for carbamate under the land disposal restrictions (Aug. 26, 1997 to Aug. 26, 1998);
17. Clarifications of the rules for authorization of variances from the treatment standards of the land disposal restriction regulations, and incorporation of rules requiring public participation in site specific variance considerations;
18. Amendments and clarifications of the air standards for the control of organic emissions from tanks, surface impoundments, and container;
19. Exclusions from regulation as hazardous waste of the condensates derived from the overhead gases from kraft mill steam strippers under specified conditions;
20. Additions of specific organobromine production wastes to the list of hazardous wastes and listings of land disposal treatment standards for those wastes;
21. Correction and adoption of rules related to the management standards of used oil contaminated with PCB=s and other used oil;
22. Adoption of treatment standards under the land disposal restrictions for metal wastes, mineral processing waste and twelve metal constituents, adoption of land disposal prohibition and treatment standards for mineral processing waste that are ignitable, corrosive or reactive, amendment of the definition of when

secondary materials being recycled are solid waste so as to exclude certain mineral processing waste, amendment of the definition of which wastes fall under the Bevill exemption, adoption of treatment standards under the land disposal restrictions for contaminated soils as waste, and adoption of corrections and clarifying provisions to the land disposal restrictions;

23. Exclusion from regulation as solid waste those fuels produced from a hazardous waste which is comparable to some currently used fossil fuels, and addition of provisions to make it easier for existing facilities to make changes to their existing permit.

In addition to the promulgated amendments of federal regulations, Amendment 15 may consider the following items:

24. Errors and omissions resulting from previous amendments of the regulations, including the change in the format of the regulations effected by Amendment 14;
25. Several amendments to the requirements for the transportation of hazardous waste, including insurance requirements; financial assurance requirements for hazardous waste management facilities; and documentation demonstrating compliance with financial assurance requirements which were recommended by commenters regarding Amendment 14, but which could not be addressed in Amendment 14 for procedural reasons;
26. Revision of the schedule of permit application fees to reflect increased cost of

permit reviews;

27. Further use or expansion of the format of incorporation by reference of federal regulations;
28. Inclusion of additional waste streams as listed Universal Wastes;
29. Alterations or clarifications of the regulations concerning transfer station and the definition of transfer stations to prevent inappropriate siting of the transfer station and abusive practices; and
30. Alterations or clarifications of the regulations concerning receipt of waste from conditionally exempt small quantity generators to prevent threats caused by amassing such waste from several generators in an inappropriate manner.

Alternative:

A technical advisory committee will advise the Department of Environmental Quality on what amended regulatory text to recommend to the Board as proposed regulations. This panel will advise the department on less intrusive and less burdensome alternatives, where such exists, and during the public participation process, the general public will also be asked to suggest less intrusive and burdensome alternatives. The vast majority of changes to be considered will be the direct result of incorporation of federal regulatory text into Commonwealth regulations, and consistency with federal regulations is required by the Act and necessary for authorization of the Commonwealth's program by USEPA. Many of the changes to federal regulations that would be incorporated are themselves a reduction in intrusion and burden on the regulated community from prior federal requirement

currently incorporated into the Commonwealth regulations.