

Hazardous Waste Federal Rules Alignment

Hazardous Waste Program

Environmental Quality Commission meeting
Nov. 17, 2021

Proposed Rules

Required Adoptions

- Generator Improvements Rule
- Management Standards for Hazardous Waste Pharmaceuticals
- Hazardous Waste Management System: User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations
- Hazardous Waste Export-Import Revision
- Confidentiality Determinations for Hazardous Waste Export and Import Documents

Optional Adoptions

- Amendment to the P075 Listing for Nicotine
- Modernizing Ignitable Liquids Determinations
- Adding Aerosol Cans to the Universal Waste Regulations
- Safe Management of Recalled Airbags

Division 12 Enforcement Rule Changes

- Required: Adequate enforcement authority
- DEQ assesses penalties according to Oregon Administrative Rules (OAR) Chapter 340, Division 12
- Revisions to Division 12 are included in this rulemaking to ensure DEQ can issue fair and appropriate civil penalties for noncompliance with adopted rules

Generator Improvements Rule

Required Adoption	Adopt As Written	Adopt with Amendments	Fiscal Impact to Regulated Community	Public Comments
✓		✓	Minimal; mitigate via education and outreach; beneficial in long term	Supportive

- Impacts anyone who generates hazardous waste
- Updates regulations to make easier to understand, facilitate better compliance, provide greater flexibility in how hazardous waste is managed, close gaps in regulations
- Enhances safety of facilities, employees, and general public by improving hazardous waste risk communication and ensuring emergency management requirements meet today's needs

Management Standards for Hazardous Waste Pharmaceuticals

Required Adoption	Adopt As Written	Adopt with Amendments	Fiscal Impact to Regulated Community	Public Comments
✓		✓	Minor; mitigate via education and outreach; beneficial in long term	2 Supportive 1 Challenge

- Impacts healthcare facilities such as hospitals, clinics, nursing homes, long term care facilities, pharmacies
- Establishes cost-saving, streamlined standards for handling hazardous waste pharmaceuticals to better fit operations of healthcare sector while maintaining protection of human health and environment
- Non-prescription pharmaceuticals legitimately used, reused or reclaimed are not waste

Federally Administered Rules

Rule	Required Adoption	Adopt As Written	Amend	Fiscal Impact to Regulated Community	Public Comments
e-Manifest	✓	✓		Minor to moderate; mitigate via education and outreach	None
Import-Export	✓	✓		None	None

- Administered by federal government; required adoption to maintain national consistency
- e-Manifest creates national system to track hazardous waste shipments electronically
- Two import-export rules establish one consolidated, streamlined set of requirements applicable to all imports and exports of hazardous waste

Amendment to the Listing for Nicotine

Required Adoption	Adopt As Written	Adopt with Amendments	Fiscal Impact to Regulated Community	Public Comments
	✓		Beneficial	Supportive

- Impacts pharmacies, healthcare clinics
- Nicotine patches, gums and lozenges will no longer be considered hazardous waste when discarded
- Result in significant cost savings and burden reduction in management of these types of nicotine wastes

Modernizing Ignitable Liquids Determinations

Required Adoption	Adopt As Written	Adopt with Amendments	Fiscal Impact to Regulated Community	Public Comments
		✓	Beneficial	None

- Impacts laboratories that test wastes
- Allows use of non-mercury thermometers in variety of EPA’s analytical methods that currently require mercury thermometers
- Allows use of modern equipment and techniques for making ignitability determinations for waste
- Introduces two state-only amendments limiting alcohol-content exclusion

Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations

Required Adoption	Adopt As Written	Adopt with Amendments	Fiscal Impact to Regulated Community	Public Comments
	✓		Beneficial	Supportive

- Impacts any entity that uses aerosol cans, such as commercial and industrial facilities, universities, hospitals, etc.
- Waste aerosol cans managed under streamlined universal waste regulations
- Will promote collection and recycling, encourage development of municipal and commercial programs to reduce quantity going to municipal solid waste landfills or combustors

Safe Management of Recalled Airbags

Required Adoption	Adopt As Written	Adopt with Amendments	Fiscal Impact to Regulated Community	Public Comments
	✓		Beneficial	None

- Impacts automobile dealerships, automotive salvage and scrap yards, independent repair facilities, collision centers
- Provides conditional exemption from hazardous waste requirements for entities that remove airbag modules and inflators to expedite removal of defective airbags
- Managing all airbag waste under same protective requirements will avoid confusion, increase efficiency, prevent airbag waste from being diverted into municipal waste stream

Rule	Required Adoption	Adopt As Written	Amend	Fiscal Impact to Regulated Community	Public Comments
GIR	✓		✓	Minimal; mitigate via education, outreach; beneficial in long term	Supportive
Pharma	✓		✓	Minor; mitigate via education, outreach; beneficial in long term	2 Supportive; 1 Challenge
e-Manifest	✓	✓		Minor to moderate; mitigate via education, outreach	-
Import-Export	✓	✓		None	-
Nicotine Amendment		✓		Beneficial	Supportive
Ignitable Liquids			✓	Beneficial	-
Aerosol Cans		✓		Beneficial	Supportive
Airbags		✓		Beneficial	-

Rulemaking Process and Timeline



DEQ Recommendation to EQC

Adopt the proposed rule amendments seen on pages 67 through 92 of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules.