

Federal Waste Regulatory Activities

Maryland – DC Utilities Association
Environmental Conference

October 3, 2018

Jim Roewer



2018 Activities

USWAG Activities

- * Advocacy - Regulatory & Legislative
- * Regulatory Analysis & Interpretation
- * Compliance Assistance
- * Information Exchange



Federal Register

Vol. 82, No. 39

Wednesday, March 1, 2017

Presidential Documents

Title 3—

Executive Order 13777 of February 24, 2017

The President

Enforcing the Regulatory Reform Agenda

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to lower regulatory burdens on the American people by implementing and enforcing regulatory reform, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the United States to alleviate unnecessary regulatory burdens placed on the American people.

Sec. 2. Regulatory Reform Officers. (a) Within 60 days of the date of this order, the head of each agency, except the heads of agencies receiving waivers under section 5 of this order, shall designate an agency official as its Regulatory Reform Officer (RRO). Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. These initiatives and policies include:

- (i) Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs), regarding offsetting the number and cost of new regulations;
- (ii) Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), as amended, regarding regulatory planning and review;
- (iii) section 6 of Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review), regarding retrospective review; and
- (iv) the termination, consistent with applicable law, of programs and activities that derive from or implement Executive Orders, guidance documents, policy memoranda, rule interpretations, and similar documents, or relevant portions thereof, that have been rescinded.

(b) Each agency RRO shall periodically report to the agency head and regularly consult with agency leadership.

Sec. 3. Regulatory Reform Task Forces. (a) Each agency shall establish a Regulatory Reform Task Force composed of:

- (i) the agency RRO;
- (ii) the agency Regulatory Policy Officer designated under section 6(a)(2) of Executive Order 12866;
- (iii) a representative from the agency's central policy office or equivalent central office; and
- (iv) for agencies listed in section 901(b)(1) of title 31, United States Code, at least three additional senior agency officials as determined by the agency head.

(b) Unless otherwise designated by the agency head, the agency RRO shall chair the agency's Regulatory Reform Task Force.

(c) Each entity staffed by officials of multiple agencies, such as the Chief Acquisition Officers Council, shall form a joint Regulatory Reform Task Force composed of at least one official described in subsection (a) of this section from each constituent agency's Regulatory Reform Task Force. Joint Regulatory Reform Task Forces shall implement this order in coordination with the Regulatory Reform Task Forces of their members' respective agencies.

Regulatory Reform

On This Page

- [Public Participation in EPA's Regulatory Reform](#)
- [Presidential Actions Related to Regulatory Reform](#)

Public Participation in EPA's Regulatory Reform

In accordance with Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” EPA is seeking input on regulations that may be appropriate for repeal, replacement, or modification.

- On April 11, 2017, EPA announced it is soliciting public comments on its evaluation of existing regulations per EO 13777. All public comments will be accessible online in our docket on the [Regulations.gov](https://www.regulations.gov) website identified by Docket ID No. [EPA-HQ-OA-2017-0190](#).
- On March 24, 2017, EPA Administrator Pruitt issued an agency-wide memorandum on implementation of EO 13777, which

How to Comment

How to Comment

You may submit comments in writing, using Email, Docket or mail. Submit comments to:

Email: Laws-Regs@epa.gov

Docket:
<https://www.regulations.gov/docket?D=EPA-HQ-OA-2017-0190>

Mail: Office of Policy
Regulatory Reform, Mail
Code 1803A, 1200
Pennsylvania Ave NW,
Washington, DC 20460

EO 13777

- * “...alleviate unnecessary regulatory burdens placed on the American people”
- * Agencies directed to identify regulations that are “outdated, unnecessary, or ineffective [or] create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies.”
- * Agencies tasked to “work to repeal, replace, and/or modify such regulations”

USWAG Comments on EO 13777

- * CCR Rule
- * CERCLA 108(b) Financial Assurance Standards
 - * Hardrock Mining Proposal and Final Rule
 - * Other Industries – Chemical, Petroleum & Coal Products, and Utilities
- * Storage of Hazardous Substances
 - * Proposal required June 2018; Final rule required August 2019

USWAG Comments on EO 13777

Re PCB Regulations:

- * Express authorization of disposal of <50 ppm PCB remediation wastes in non-TSCA landfills
- * Authorization of most current analytical methods (e.g., automated Soxhlet extraction)
- * “Satellite Accumulation” of PCBs stored for disposal
- * Allow for 180-day storage of remediation wastes and bulk product wastes in a PCB Container

PCB Remediation Waste USWAG Disposal Variance

- * Issued June 2014
- * Manage PCB Remediation Wastes from Secured Utility Properties on as-found Basis
- * Disposal in MSWLF v TSCA Landfill
- * Similar approvals issued to NRECA (2016) and APPA (2017)
- * Renewal, Rulemaking Petition

EPA Rulemaking to Reassess PCB Use Authorizations



EPA Rulemaking to Reassess PCB Use Authorizations

- * ANPRM April 2010
- * Rule Bifurcated in 2016 – Light Ballasts, Electric Equipment
 - * FLB rule sent to OMB late 2016, recalled 2017
- * EO 13771, Reducing Regulation and Controlling Regulatory Costs
 - * “Two for One” Reduction in Rules
 - * Costs Must be Offset
- * Rules listed as “Inactive” in Unified Regulatory Agenda

Disaster Debris Cleanup



PLANNING
FOR
NATURAL
DISASTER
DEBRIS



March 2008





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 08 2017

Mr. Barnes Johnson
Director
Office of Resource Conservation and Recovery
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W., 5301P
Washington, DC 20460

Re: EPA Region 4 Issuance of PCB Disaster Waste Guidance

Dear Mr. Johnson:

Due to the imminent landfall of Hurricane Irma and anticipated effects, Region 4 is providing notice to your office of our intent to issue the enclosed guidance concerning the cleanup of polychlorinated biphenyl (PCB)-containing disaster waste. In developing this guidance, the Region worked closely with your office, as well as with staff from OGC and OECA. We appreciate everyone's assistance.

If you have any questions, please contact me at (404) 562-8651 or Ken Feely at (404) 562-8512.

Sincerely,

Carol J. Marshall
G. Alan Farmer
Director
RCR Division

Enclosure

cc: Amanda Kohler, EPA HQ/OLEM/ORCR
Bethany Fisher, EPA HQ/OGC/PTSLO
Tony Baney, EPA HQ/OECA/OCE
Robert Caplan, EPA R4/ORC

EPA REGION 6 PCB DISASTER DEBRIS CLEANUP GUIDANCE

In light of the effects of Hurricane Harvey, EPA Region 6 is using its authority under 40 CFR 761.120(a)(4) to modify some of the requirements of the PCB Spill Cleanup Policy for select spills. The referenced provision states "There may also be exceptional spill situations that require less stringent cleanup or a different approach to cleanup because of factors associated with the particular spill. These factors may mitigate expected exposures and risks or make cleanup to these requirements impractical."

For spill cleanup of PCB electrical equipment, you may dispose of soil and debris contaminated with PCB oil of an unknown source on an "as-found" basis for PCBs for the necessary cleanup activities in all areas affected by Hurricane Harvey. Disposal of PCB wastes based on as-found concentrations is permitted under extenuating circumstances if it is not possible to determine the spill source concentration. Also, this guidance allows for PCB bulk remediation waste disposal to be determined based on a representative sample of excavated wastes (e.g. waste placed in a roll-off container or pile), as opposed to in-situ sampling.

EPA Region 6 has used the TSCA PCB Spill Cleanup Policy to address cleanup activities as a result of natural disasters like tornados and hurricanes, particularly the provision found at § 761.125(b)(2) and § 761.125(c)(1) to allow cleanups to occur beyond the specified 24 to 48 hour period.

Specifically, § 761.125(b)(2) states: "Effect of emergency or adverse weather. Completion of cleanup may be delayed beyond 48 hours in case of circumstances including but not limited to, civil emergency, adverse weather conditions, lack of access to the site, and emergency operating conditions."

Also, § 761.125(c)(1) states: "Immediate requirements. The four actions in paragraphs (c)(i)(i) through, (iv) of this section must be taken as quickly as possible and within no more than 24 hours (or within 48 hours for PCB Transformers) after the responsible party was notified or became aware of the spill, except that actions described in paragraphs (c)(i)(ii) through (iv) of this section can be delayed beyond 24 hours if circumstances (e.g., civil emergency, hurricane, tornado, or other similar adverse weather conditions, lack of access due to physical impossibility, or emergency operating conditions) so require for the duration of the adverse conditions."

When using the "as-found" concentration, follow the disposal requirements found in § 761.61(a). Disposal of less than 50 ppm remediation waste by in-situ sampling is allowed pursuant to § 761.61(a)(5)(v)(A) to a facility permitted, licensed, or registered by a State to operate as a municipal solid waste landfill or a non-municipal non-hazardous waste landfill. Disposal of 50 ppm or greater by in-situ sampling or assumption is allowed pursuant to § 761.61(a)(5)(v)(A)(3) & (4) to a facility permitted, licensed, or registered by a State or EPA to operate as a hazardous waste landfill or a TSCA PCB landfill.

Disaster Debris Cleanup

- * EPA Region-Specific Disaster Waste Guidance
 - * Streamlined Regulatory Burdens
 - * Cleanup Under Spill Cleanup Policy
 - * Cleanup Under 761.61

Disaster Debris Cleanup

- * Updated “Planning for Natural Disaster Debris”
- * Available for Comment April 27, 2018
- * Comments Submitted June 26, 2018

Universal Waste Regulations



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Universal Waste Regulations

- * Designed to facilitate collection and recycling
- * Establishes streamlined standards for managing hazardous wastes:
 - * Can store wastes up to one year
 - * No reporting and notification requirements
 - * Can ship wastes without a manifest and without using a RCRA-regulated transporter
 - * Simplifies training requirements for employees

Universal Waste Regulations

- * Federal Universal Wastes
 - * Batteries
 - * Pesticides
 - * Mercury-Containing Equipment
 - * Lamps
- * Proposal to add Aerosol Cans (83 Fed. Reg. 11654, March 16, 2018)

Hazardous Substances Storage



Hazardous Substances Storage

- * Rulemaking in accordance with consent decree with ENGOs
- * Public Hearings, analysis of CWA discharges
- * Proposal issue June 16, 2018
- * EPA concluded existing regulations (e.g., NPDES, RCRA, RMP, SPCC) “serves to prevent discharges”

SF₆ Cylinder Petition



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SF6 Rulemaking Petition

- * Seeks revision of Materials of Trade provisions (49 C.F.R. § 173.6)
- * SF6 cylinders exceed current 100 kg (220 lbs.) weight limit and aggregate 200 kg (440 lbs)
- * Petition seeks increased limits for utility service vehicles to 251 pounds and an aggregate limit of 502 pounds
- * Will increase safety: avoid multiple trips of smaller cylinders and reduce need to hire third party carriers





E-Manifest

v.epa.gov/e-manifest/learn-about-hazardous-waste-electronic-manifest-system-e-manifest

An official website of the United States government.

 United States Environmental Protection Agency

Environmental Topics Laws & Regulations About EPA Search EPA.gov

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Information and Assistance

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[Advisory Board](#)

[Program and System Development](#)

Learn about the Hazardous Waste Electronic Manifest System (e-Manifest)

EPA is establishing a national system for tracking hazardous waste shipments electronically. This system, known as "e-Manifest," will modernize the nation's cradle-to-grave hazardous waste tracking process while saving valuable time, resources, and dollars for industry and states. EPA anticipates launching e-Manifest on June 30, 2018.

EPA is establishing the e-Manifest system according to the [Hazardous Waste Electronic Manifest Establishment Act](#), enacted into law on October 5, 2012. The "e-Manifest Act" authorizes the EPA to implement a national electronic manifest system and required that the costs of developing and operating the new e-Manifest system be recovered from user fees charged to those who use hazardous waste manifests to

More About e-Manifest

[Watch Barnes Johnson, the Director of the the Office of Resource Conservation and Recovery, discuss how e-Manifest spurs innovation.](#)

[EXIT](#)

E-Manifest

- * Developed pursuant to 2012 Hazardous Waste Electronic Manifest Establishment Act
- * National system for tracking hazardous waste shipments electronically
- * Designed to modernize hazardous waste tracking and reduce costs to industry and states

USWAG: Planning for The Future

- * Designed to Ensure Organization Continues to Provide Value
- * Changing Regulatory Drivers
- * New/Developing Issues
- * Evolution of Member Company Workforce

Questions?

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