

# Hazardous Waste 2022 Rulemaking

## Hazardous Waste Program

Item E (Action)

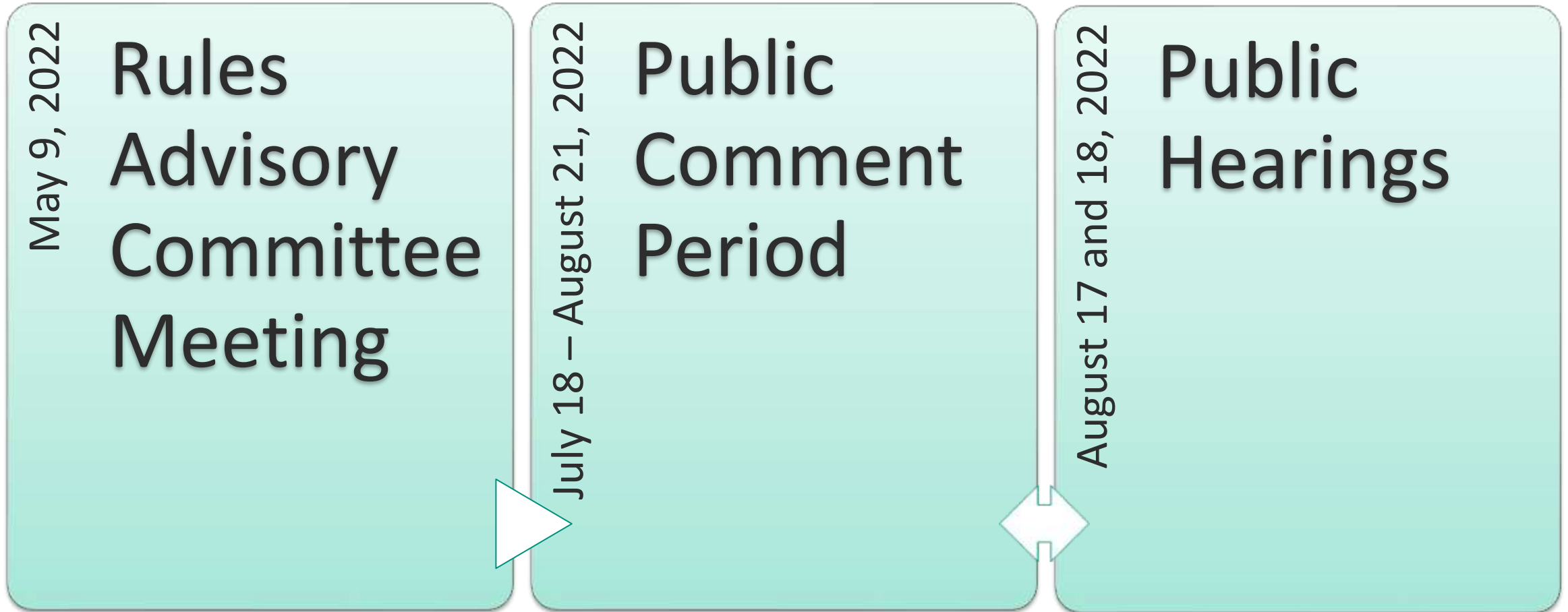
Nov. 18, 2022, EQC meeting

# Proposed Rule Package

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1. Adoption of EPA's Definition of Solid Waste Rule
2. Implementation of Senate Bill 57
3. Correcting two errors in previously adopted rules

# Rulemaking Process and Timeline



# EPA's Definition of Solid Waste Rule

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- Required adoption; some pieces discretionary
- Provides regulatory certainty and framework to promote legitimate and voluntary recycling of hazardous material
- Applies to ~550 hazardous waste generators in Oregon
- Does not apply to households

# Adoption by Reference

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- Definition of hazardous secondary material
- Definition of legitimate recycling
- Definition of sham recycling
- Speculative accumulation requirements
- Definition hazardous secondary material generator
- Definitions of facility and generating facility
- Variance documentation and process requirements

# Oregon-Specific Changes

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1. Hazardous secondary material exclusion from RCRA  
Not adopted: existing recycling exclusions remain, enhanced by the required elements of the rule
2. Federal definition of contained  
Modified definition: alignment with current Oregon standard

# DSW Adoption: Recommendations

Required	Modifications	Fiscal Impact to Regulated Community	Public Comments
✓	✓	Upfront training and compliance costs, beneficial in long-term	One request to adopt HSM exclusion and not adopt sham recycling definition

Recommendation: Adopt the federal rule with two modifications

1. No hazardous secondary material exclusion
2. More protective definition of contained

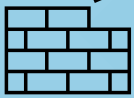
# Implementation of Senate Bill 57



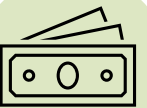
2021 legislative action modernized and streamlined one statute, ORS 465.376: Special hazardous waste management fees



EQC now has authority to set fees in rule rather than in statute



Proposed rule establishes definitions and current fee rates in OAR



If adopted, future fee rate changes more efficient and responsive

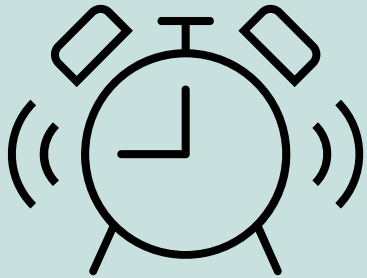


# Implementation of SB57: Recommendation

New	Amendment	Fiscal Impact	Public Comments
	✓	None	None

Amend OAR 340-105-0120: Hazardous Waste Management Fee, to establish definitions of fees and current fee rates.

# Proposed Corrections



Generator Improvements Rule:  
Shorten notification period



Amend Division 12 enforcement  
rules: Remove “or hazardous  
waste pharmaceuticals”

# Corrections: Recommendations

New	Amendment	Fiscal Impact	Public Comments
	✓	None	None

- Amend OAR 340-102-0230(3): Notification 30 days before start date to align with federal requirements
- Amend OAR 340-012-0068(2)(a): Remove the erroneous phrase “or hazardous waste pharmaceuticals”

# DEQ Recommendation to EQC

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Adopt the proposed rule amendments as seen on pages 30 through 45 of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules.