

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

[R07-303]

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R18-2-903 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing and implementing statutes: A.R.S. §§ 49-104(A)(11), 49-404(A) and 49-425(A)
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**
Notice of Rulemaking Docket Opening: 13 A.A.R. 313, February 9, 2007
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- | | |
|------------|---|
| Name: | Carrie Bojda |
| Address: | Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007 |
| Telephone: | (602) 771-4210 (This number may be reached in-state by dialing 1-800-234-5677 and requesting the seven digit number.) |
| Fax: | (602) 771-2366 |
- 5. An explanation of the rules, including the agency's reasons for initiating the rules:**
- Summary:** The Arizona Department of Environmental Quality (ADEQ) is proposing amending R18-2-903, Standards of Performance for Fossil-fuel Fired Steam Generators, to reflect proposed changes to the compliance demonstration by Arizona Public Service (APS) at the Cholla generating station resulting from the addition of air pollution control equipment to the facility.
- Background:** Current regulations set forth in R18-2-903, Standards of Performance for Fossil-fuel Fired Steam Generators, provide exceptions from the New Source Performance Standards (NSPS) for fossil-fuel fired steam generators at 40 CFR 60.40 through 60.47. Subsection (3) provides an exclusion from the NSPS for sources that obtained an installation permit prior to May 14, 1979. This exclusion allows the source to comply with the sulfur dioxide emission standards specified in R18-2-901 and this Section as if two or more fuel burning equipment or steam power generating installations constitute one emission discharge point. The subsection requires the source to comply with the applicable sulfur dioxide emission standards in the manner specified in its installation permit and requires the Department to incorporate such emission standards into the source's operating permit as an enforceable permit condition. The subsection also stipulates that in no event shall any one fuel burning equipment or steam power generating installation emit sulfur dioxide (SO₂) in excess of 520 nanograms per joule heat input (1.2 pounds per million BTU) for solid fossil fuel or solid fossil fuel and wood residue or in excess of 340 nanograms per joule heat input (0.8 pounds per million BTU) for liquid fossil fuel or liquid fossil fuel and wood residue. At this time, this exclusion applies solely to the Cholla Power Plant in Navajo County, Arizona.
- Among the units being currently operated at the Cholla Power Plant are Units 2 and 3. Unit 2 currently has an SO₂ scrubber while Unit 3 does not. Based on the above exclusion, these two units are considered a single emission dis-

Notices of Proposed Rulemaking

charge point. In a letter dated November 20, 2006; however, APS petitioned ADEQ to amend R18-2-903 due to contemplated environmental projects for Cholla Units 2 and 3. APS has plans to install an SO₂ scrubber to Unit 3, and the scrubber is scheduled to be online in 2009. Without an amendment to R18-2-903, the exclusion will prevent the installation of the scrubber to Unit 3 as the facility's units are currently treated as a single emission source "bubble." Therefore, the revisions to R18-2-903 will decouple the units and allow the installation of the scrubber to Unit 3.

Section by Section Explanation of significant proposed changes:

R18-2-903. Standards of Performance for Fossil-fuel Fired Steam Generators: The amendment to this Section revises the rule to include a new exception for a source that is subject to subsection (3) of this Section. When a source changes the equipment configuration so that each fuel-burning equipment or steam powered generating installation constitutes one emission discharge point, that source shall now comply with the Standards of Performance for New Stationary Sources specified in subsection (1) and R18-2-901. These emission standards shall then be incorporated into the source's operating permit as enforceable permit conditions. Minor changes were also made to R18-2-903 to improve the clarity of the language.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

Not applicable

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Rule Identification

This rulemaking proposes to amend Title 18, Chapter 2, Article 9 "New Source Performance Standards" (A.A.R. 18-2-903). Section 903, "Standards of Performance for Fossil-fuel Fired Steam Generators," is being amended to accommodate an alternative compliance demonstration for the Cholla Steam Electric Station, operated by Arizona Public Service Company (APS).

Background

The Cholla Power Plant is located two miles east of Joseph City and about 200 miles northeast of Phoenix. Steam units 1, 2, and 3, which are owned by APS, were completed in 1962, 1978, and 1980, respectively. Unit 4, owned by PacifiCorp, began commercial operation in 1981. All units use pulverized coal that is tangentially fired into the dry bottom furnace of each of the four boilers. Bituminous or sub-bituminous coal is combusted to heat water to create super-heated steam that drives the turbines. Low-sulfur coal is combusted if Unit 3 is operated without Unit 2. Electricity is distributed to North Phoenix, substation near Red Rock, Flagstaff, and several local communities near the facility.

APS requested an alternative compliance mechanism due to voluntary capital-investment projects contemplated at units 2 and 3. Unit 2 is equipped with an SO₂ scrubber while Unit 3 is not. The current regulatory provisions will not be necessary when the projects are completed (anticipated date of 2009) because APS intends to install an SO₂ scrubber on Unit 3. Once the projects are completed, units 2 and 3 will be able to comply with the SO₂ limit individually on a per emission point basis under NSPS.

R18-2-903(3) provides an exclusion from New Source Performance Standards (NSPS) when two or more fuel burning equipment or steam power generating installations permitted prior to May 14, 1979, operate as a single discharge system ("bubble"), enabling the units to meet the 0.8 pounds per million BTU SO₂ limit for liquid fossil fuel and 1.2 pounds per million BTU SO₂ limit for solid fossil fuel.

Classes of Persons Affected

ADEQ anticipates that this rulemaking will directly impact APS Cholla Power Plant, consultants (including engineers, lawyers, and accountants), equipment vendors, consumers of electric power, and general public, and ADEQ. The Corporation Commission is considered to be impacted indirectly when APS applies for rate increases in the future due to the compliance costs associated with implementing these projects.

ADEQ does not expect other state agencies or political subdivisions to be impacted by this rulemaking, except for entities collecting sales taxes and property taxes as a result of capital purchases or any increase in property taxes.

Human Health and Environmental Impacts

SO₂ emissions have the potential to aggravate asthma, resulting in wheezing, shortness of breath, and coughing. Children and elderly, as well as persons suffering from bronchitis, emphysema, and cardiovascular disease are at increased risk. SO₂ emissions also can damage plants and materials; impair visibility; and contribute to acid deposition because of the conversion to sulfate particles (ADEQ 2003).

Notices of Proposed Rulemaking

In addition to a 95 percent reduction from the current SO₂ emissions, co-pollutant removal benefits are expected to accrue to the public and the environment. For example, hydrogen fluorides are anticipated to be reduced by 4 tons, as well as hydrogen chlorides by 2 tons and sulfuric acid mist by 2 tons on an annual basis (APS May 2007).

Although ADEQ expects benefits to accrue to human health and the environment, the benefits cannot be monetized. To gain an insight to costs of adverse-health effects, however, the following table below contains per case values of various health endpoints. For example, the value of respiratory hospitalization would be \$374,000 (Hall et al. 2006). Other costs per incident are represented in Table 1. A reduction in emissions has the potential to reduce a variety of health endpoints that are adverse to human health. Because the potential exists for not only improvements in human health but in the health of the environment, ADEQ anticipates that benefits will outweigh costs.

Table 1. Monetized Value of Health Endpoints

Health Endpoint (avoided health effect)	Value per Incidence (2005\$ unless noted)	Notations
Premature Mortality (VSL)	6,500,000	EPA's value of \$5.5 million converted to 2005 dollars
Chronic Bronchitis (onset)*	374,000	Estimated in two CV studies (Krupnick and Cooper 1989; Viscusi et al. 1991) updated from the value used by EPA (2003b, 2004, 2005)
Respiratory Hospitalizations (applies to adults and children)	32,000	CA-based value (Chestnut et al. 2006)
Emergency Room Visit	335	Based on two combined COI studies (EPA 2005); excludes time lost at work or school and value of pain avoidance
Work Loss Day (WLD)	141	Daily wage rates in Kern and San Joaquin counties
Work Loss Day (WLD)	123	Daily wage rate in Merced County
Acute Bronchitis (six-day period)	110	Computed from Loehman et al. (1979) values for chest discomfort and cough, and adjusted to 2005 dollars
School Absent Day (SAD)	79	San Joaquin County
School Absent Day (SAD)	65	Tulare County
Minor Restricted Activity Day (MRAD)	61	Based on WTP (Tolley et al. 1986) and reported by EPA 2005 (\$51 in 1999), and converted to current dollars and adjusted for income (CARB 2005)
School Absence Day (SAD)	54	Computed from an indirect cost of 3.6 million school loss days to be \$194.5 million in 1994 dollars (Smith et al. 1997)
Asthma Attack (per event)	50	Adjusted from EPA's peer-reviewed value and updated to current dollars and income; value is based on a 1986 CV study conducted in Los Angeles that estimated WTP to avoid a "bad asthma day" (Rowe and Chestnut)
Upper Respiratory Symptom Day (URS)	32	Adjusted from the value EPA adopted (2005) to account for inflation and income
Lower Respiratory Symptom Day (LRS)	20	Adjusted from the value EPA adopted (2005) to account for inflation and income

Notices of Proposed Rulemaking

Acute Bronchitis (single day)	18	Computed from Loehman et al. (1979) values for chest discomfort and cough, and adjusted to 2005 dollars
-------------------------------	----	---

Source: Hall, Jane V.; Victor Brajer; and Fredrick W. Lurmann, 2006, "The Health and Related Economic Benefits of Attaining Healthful Air in the San Joaquin Valley," California State University, Fullerton (March), pp. 69-71. VSL=value of a statistical life; CV=contingent valuation; WTP= willingness-to-pay; MRAD= minor restricted activity day; COI=cost of illness

Pollution can cause detrimental impacts not only to plants, animals, and ecosystems, but to aesthetics and recreational activities. Negative impacts could include increased material soiling and damage. Natural resources have both a use and non-use value. Natural resources provide recreational, agricultural, commercial, extractive, and aesthetic functions. Both use and non-use values represent total economic value that can impact individual utility (U.S. Department of Interior 1987). Total value is the sum of direct use value, indirect use value, existence use value, and option use value. Direct use means the actual or potential use of resources, such as hunting, fishing, drinking, and swimming. Indirect use is normally associated with some other activity (e.g., hiking, sight seeing, relaxing, and bird watching). The existence value comprises the non-use value. It can include cultural and heritage values as well as objects of intrinsic value (e.g., forests). In short, a value is created just knowing that it exists. Option value emerges from a potential to visit or use a resource in the future. Resources also provide services as they perform various functions (human and animal habitats, plant genetics, microclimates, pollution reduction, etc.). Environmental degradation has the potential to reduce all of these values. Hence, improvements in environmental quality can generate potential increases in individual utility.

Existence value, a non-consumption value, can be explained according to Boyle and Bishop 1985, as cited in Button 1993, as follows: bequest motive (a value placed on the environmental resources because they can exist for utility of future generations); benevolence toward relatives and friends (a value knowing that resources presently are available to them); sympathy for people and animals who may suffer from environmental degradation caused by transport; environmental linkages (a fear that degradation is a symptom of a wider malaise that must be stopped before it becomes worse); and environmental responsibility to share in the cost of protecting the environmental as a moral responsibility. Thus, total value is equal to use values plus indirect values plus existence values.

Approximately 400,000-450,000 households are served by the Cholla Power Plant. A portion of the costs for reducing pollutants is expected to be passed on to consumers. ADEQ expects a portion of the annualized cost of capital and O&M to be passed on to the consumers and distributed as increased electrical costs to their monthly electrical bills. Whether or not increased costs can be passed on to consumers depends on a variety of factors, including market conditions. Part of the increased costs may have to be absorbed as the higher costs of doing business which could impact the company's profit margin.

APS Costs

APS is voluntarily installing an SO₂ scrubber (adsorber) on Unit 3 with the target installation date of July 1, 2009. A decrease in SO₂ emissions could range 8,290 tons to 9,110 tons annually, based on a 95 percent reduction applied to 2005 and 2006 emissions from Table 2. This would mean that 437 tons to 480 tons would be emitted from Unit 3 annually into the atmosphere.

Table 2. Annual SO₂ Emissions (TPY) for Steam Generating Units 2 and 3: 2005 and 2006

Year	Unit #2	Unit #3	Total
2005	1,045	9,590	10,635
2006	1,379	8,727	10,106

Source: Actual emissions are from Emissions Inventory reports submitted to ADEQ.

According to APS, the estimated capital cost is \$63 million with annual operation and maintenance (O&M) costs of \$4.1 million, excluding auxiliary power costs (APS April 2007).

Since APS is not a small business, a small business impact exploring potential reductions in overall impacts was not done.

Consultants, Engineers, etc.

Increased revenues are expected to accrue to consultants, engineers, lawyers, and accountants for preparation and planning costs to install the SO₂ scrubber and related control equipment. Revenues are expected to be minimal to moderate.

Equipment Vendors

Increased revenues are expected to accrue to equipment vendors for the purchase and installation of pollution control equipment. Revenues are expected to be relatively substantial at \$63 million for capital costs.

Other Businesses

Other businesses may be expected to have increased revenues from materials, supplies, and services obtained for annual O&M costs, estimated at more than \$4 million. Not all of the O&M cost will result in expenditures to this category. Some of these businesses may be classified as small businesses. If they provide supplies, materials, or services to APS, the impact will be positive. No other small businesses are expected to be impacted.

ADEQ

The impact of this rulemaking on ADEQ is expected to be minimal. The implementation of this rulemaking will not result in the need for additional staff. The impact to ADEQ's workload will be de minimis. ADEQ does not anticipate that this rule will impact other state agencies or counties, except for an indirect impact to the Corporation Commission if APS applies for rate increases in the future.

Employment, Payroll, Revenues Impact

This proposed rule is not expected to impact short-term or long-run employment in Arizona. Current employment within the private sector is not expected to change. Equipment vendors and other businesses are expected to receive increased revenues. Payrolls are not anticipated to be negatively affected. The rulemaking is not expected to have an adverse impact on state revenues or public employment.

References

ADEQ, 2003, Environmental Programs, AQD, Planning, Health and Welfare Effects (August 8, 2003).

APS, April 2007, telephone conversation with Brent Gifford (April 26, 2007).

APS, May 2007, e-mail from Douglas Lavarnway, Environmental Consultant "Cholla Emissions info" (May 1, 2007).

Button, Kenneth, 1993, Transport, the Environment and Economic Policy, Professor of Applied Economics and Transport, Loughborough University and Visiting Professor of Tinbergen Institute, Free University of Amsterdam, Edward Elgar Publishing Limited, printed in Great Britain by Hartnolls Limited, Bodmin, Cornwall.

EPA, 1999, "The Benefits and Costs of the Clean Air Act 1990 to 2010," Chapter 6, "Economic Valuation of Human Health Effects," Table 6-1, Report to Congress (November).

Hall, Jane V.; Victor Brajer; and Fredrick W. Lurmann, 2006, "The Health and Related Economic Benefits of Attaining Healthful Air in the San Joaquin Valley," California State University, Fullerton (March).

U.S. Department of Interior, 1987, Techniques to Measure Damages to Natural Resources: Final Report, prepared for CERCLA 301 project, EPA #68-01-7033, prepared by William H. Desvousges and Venetia A. Skahen, Center for Economics Research, Research Triangle Institute, NC.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: David Lillie, Economist
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4461 (This number may be reached in-state by dialing 1-800-234-5677
and requesting the seven digit number)
Fax: (602) 771-2366

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

Date: October 9, 2007
Time: 3:00 p.m.
Location: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007
Conference Room #145
Nature: Public Hearing
Close of Comment: October 9, 2007 at 5:00 p.m.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL**

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

R18-2-903. Standards of Performance for Fossil-fuel Fired Steam Generators

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

R18-2-903. Standards of Performance for Fossil-fuel Fired Steam Generators

As exceptions to 40 CFR 60.40 through 60.47:

1. In place of 40 CFR 60.43(a)(2), the following language shall be substituted: 340 nanograms per joule heat input (0.8 pounds per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue.
2. Delete 40 CFR 60.43(b).
3. ~~For those persons who obtained an installation permit prior to May 14, 1979, for two or more fuel burning equipment or steam power generating installations, which permitted such persons to comply with the sulfur dioxide emission standards specified in R18-2-901 and this Section as if such equipment or installations constituted one emission discharge point:~~ If an owner or operator of a fossil-fuel fired steam generator obtained an installation permit for two or more fuel burning equipment or steam power generating installations before May 14, 1979, which permitted them to comply with the sulfur dioxide emission standards specified in R18-2-901 and this Section as if the equipment or installations were one emission point:
 - a. ~~Those persons~~ They shall comply with the applicable sulfur dioxide emission standards in the manner specified in their installation permit;
 - b. The Department shall incorporate such emission standards into each ~~person's~~ owner or operator's operating permit as an enforceable permit condition;
 - c. ~~In no event shall any one fuel burning equipment or steam power generating installation emit sulfur dioxide in excess of~~ No single fuel burning equipment or steam power generating installation shall emit sulfur dioxide in excess of:
 - i. 520 nanograms per joule heat input (1.2 pounds per million ~~BTU~~ Btu) for solid fossil fuel or solid fossil fuel and wood residue.
 - ii. 340 nanograms per joule heat input (0.8 pounds per million ~~BTU~~ Btu) for liquid fossil fuel or liquid fossil fuel and wood residue.
4. When an owner or operator subject to subsection (3) changes the equipment configuration so that each fuel burning equipment of steam powered generating installation constitutes one emission discharge point:
 - a. They shall comply with the emissions standards specified in subsection (1) and R18-2-901; and
 - b. The Department shall incorporate these emissions standards into the owner or operator's operating permit as enforceable permit conditions.

NOTICE OF PROPOSED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE MANAGEMENT

[R07-304]

PREAMBLE

1. Sections Affected

	<u>Rulemaking Action</u>
R18-8-260	Amend
R18-8-261	Amend
R18-8-262	Amend
R18-8-263	Amend
R18-8-264	Amend
R18-8-265	Amend
R18-8-266	Amend
R18-8-268	Amend
R18-8-270	Amend
R18-8-271	Amend
R18-8-273	Amend

2. The statutory authority for the rulemaking, including both the authorizing statutes (general) and the implementing statute (specific):

Authorizing Statutes: A.R.S. §§ 41-1003 and 49-104

Implementing Statute: A.R.S. § 49-922

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 13 A.A.R. 1054, March 23, 2007

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Mark Lewandowski

Address: Department of Environmental Quality
Waste Programs Division
1110 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 771-2230, or (800) 234-5677, enter 771-2230 (Arizona only)

Fax: (602) 771-4138

TTD: (602) 771-4829

E-mail: lewandowski.mark@azdeq.gov

5. An explanation of the rules, including the agency's reasons for initiating the rules:

Summary: The Arizona Department of Environmental Quality (DEQ) is proposing to amend the state's hazardous waste rules to incorporate changes in federal regulations implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). The amendments in this proposed rule would adopt most changes to the federal regulations that became effective from July 1, 2005 through June 30, 2006, and in addition, two regulations that became effective after June 30, 2006. EPA's standardized permit rule would not be adopted at this time. The rule also proposes to allow members of DEQ's Performance Track Program to participate in EPA's most recently promulgated Performance Track incentives.

Background: The United States Environmental Protection Agency's (EPA's) authorization requirements in 40 CFR 271 provide that states implementing the federal hazardous waste management program must incorporate certain amendments promulgated in the federal regulations through adoption of those changes into the state's rules to become and remain authorized states. Arizona is an authorized state. Unlike previous DEQ hazardous waste rulemakings, none of the federal regulations proposed for incorporation in this rulemaking are required for authorization because in general they are equivalent to or less stringent than the current regulations. However, DEQ has determined that the regulations proposed for incorporation in this rule will help streamline and simplify Arizona's hazardous waste program without sacrificing environmental protection, as explained further below. In addition, A.R.S. § 49-922 requires DEQ to establish a hazardous waste management program that is "equivalent to and consistent with" federal hazard-

ous waste regulations. This rulemaking would help Arizona's hazardous waste management program meet the requirements of A.R.S. § 49-922.

Arizona's hazardous waste rules, currently found in 18 A.A.C. 8, Article 2, have been effective since before 1984. In 1985, EPA granted Arizona final authorization to operate its **hazardous** waste program in Arizona in lieu of the federal **hazardous** waste program, subject to the limitations imposed by the **Hazardous** and Solid Waste Amendments of 1984 (50 FR 47736, November 20, 1985). EPA last approved revisions to Arizona's hazardous waste authorization on March 17, 2004 (69 FR 12544). Due, in part, to the statutory requirement for equivalency, Arizona's rules incorporate the federal regulations by reference, with the result that Arizona's hazardous waste rules are largely identical to the federal hazardous waste management regulations. Arizona rules are reviewed and amended regularly to incorporate new text from applicable federal regulations to comply with A.R.S. § 49-922, and to facilitate continued authorization. Without continued authorization, the EPA, rather than DEQ, would administer parts of the hazardous waste program in Arizona. DEQ seeks to continue administering Arizona's hazardous waste program, and although the specific regulations in this proposed rule are not required for authorization, DEQ believes that their incorporation will simplify and facilitate continued authorization.

All Chapter 8 Sections incorporated to at least July 1, 2006

DEQ has amended all incorporation dates in Article 2, even in Sections where EPA did not amend any regulations during the previous one year period. DEQ believes this will allow CFR editions labeled "revised as of July 1, 2006" to be used as the starting reference point for all Sections, and result in the fewest number of CFR volumes that have to be used by DEQ and regulated entities. For 2006, 40 CFR Parts 260-265 and Parts 266-299 continue to be in separate July 1, 2006 volumes, while 40 CFR Parts 100-135 are in a third July 1, 2006 volume. (40 CFR Part 124 is incorporated in R18-8-271.)

In DEQ's last hazardous waste rulemaking (12 A.A.R. 3061), incorporation dates other than July 1 were used in some Sections, in order to incorporate four important EPA regulations that became effective after June 30, 2005: Methods Innovation; Mercury Containing Equipment; Dye and Pigment Production Wastes Listing, and Hazardous Waste Manifests. This proposed rule would automatically adopt all other changes to the federal regulations that became effective from July 1, 2005 to June 30, 2006, other than standardized permits. In addition, there are two EPA regulations that DEQ proposes to incorporate beyond the June 30, 2006 cutoff:

- 1) A large "Corrections to Errors ..." package that was published and became effective on July 14, 2006, and
- 2) A rule that became effective January 29, 2007 streamlining management requirements for recycling of used CRTs and glass removed from CRTs.

What EPA regulations is DEQ proposing to incorporate?

In this proposed rule, DEQ is proposing to incorporate two federal regulations that became effective between June 30, 2005 and July 1, 2006, and two that became effective after July 1, 2006:

1. Hazardous Waste Combustors (70 FR 59401, October 12, 2005, effective December 12, 2005)
2. RCRA Burden Reduction Initiative (71 FR 16861, April 4, 2006, effective May 4, 2006)
3. Corrections (71 FR 40253, July 14, 2006, effective July 14, 2006)
4. Cathode Ray Tubes (71 FR 42927, July 28, 2006, effective January 29, 2007)

Hazardous Waste Combustors (70 FR 59401, October 12, 2005, effective December 12, 2005) This EPA rule established emission standards and codified risk assessment policy for the following hazardous waste combustors (HWCs): hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters, and hydrochloric acid production furnaces. DEQ has determined there are no such facilities in Arizona at the present time. DEQ is proposing to adopt these rules under the authority of A.R.S. § 49-922, which requires DEQ to adopt rules to establish a hazardous waste management program equivalent to and consistent with the federal hazardous waste regulations promulgated pursuant to subtitle C of RCRA.

In its Notice of Final Rulemaking, EPA determined that all of the provisions of the HWC rulemaking are either less stringent or equivalent to the existing federal program, so that states are not required to adopt and seek authorization for them. Nevertheless, EPA strongly encouraged states to adopt them. The regulation contains both provisions that became effective when EPA promulgated them and those that must be adopted by states before they can be effective.

The EPA rulemaking amended 40 CFR Parts 9, 63, 260, 264, 265, 266, 270, and 271. In this rule, DEQ is proposing to incorporate into state rule all of the amendments, without modification, to Parts 260, 264, 265, 266, and 270.

RCRA Burden Reduction Initiative (71 FR 16861, April 4, 2006, effective May 4, 2006) In this federal rulemaking, EPA modified a number of recordkeeping, reporting and related requirements designed to reduce the paperwork requirements RCRA regulations impose on states, EPA, and the regulated community. In addition, EPA's new regulations expanded the National Performance Track Program, allowing facilities in the Program to reduce their inspection frequencies, under certain conditions, up to monthly, on a case-by-case basis, for tank systems, containers, containment buildings, and areas subject to spills.

According to EPA, “States are not required to adopt and seek authorization for this rulemaking. EPA will implement this rulemaking only in those states which are not authorized for the RCRA program, and will implement provisions promulgated pursuant to HSWA only in those states which have not received authorization for the HSWA provision that is amended today. Nevertheless, this rule will provide significant benefits to EPA, states, and the regulated community, without compromising human health or environmental protection. Because this rulemaking will not become effective in authorized states until they have adopted and are authorized for it, [EPA] strongly encourage[s] states to amend their programs and seek authorization for today’s rule.”

Arizona is an authorized state. DEQ is proposing to adopt these rules under the authority of A.R.S. § 49-922, which requires DEQ to adopt rules to establish a hazardous waste management program equivalent to and consistent with the federal hazardous waste regulations promulgated pursuant to subtitle C of RCRA. In addition, DEQ proposes to modify the Performance Track provisions, so that they apply to members of Arizona’s Performance Track Program. Finally, DEQ is also making nonsubstantive changes to its definition of “Performance Track member facility” to more closely match EPA’s new definition in the hazardous waste regulations. The current definition, adopted by DEQ last year, was based on EPA’s definition in 40 CFR 63.2 since EPA did not yet have a definition in its hazardous waste regulations. The EPA rule amended 40 CFR Parts 260, 261, 264, 265, 266, 268, 270, and 271. In this rule, DEQ is proposing to incorporate into state rule all of the amendments to parts 260, 261, 264, 265, 266, 268, and 270, as modified in R18-8-260(F)(4) and R18-8-264(E).

Corrections (71 FR 40253, July 14, 2006, effective July 14, 2006) In this rule, EPA corrected “errors in the hazardous waste and used oil regulations, as a result of printing omissions, typographical errors, misspellings, ... and similar mistakes.” EPA stated that the final rule does not create new regulatory requirements.

DEQ is proposing to incorporate these changes, in spite of the fact that they became effective after July 1, 2006 because of the large number of corrections, and because, although they may not create new requirements, DEQ believes their inclusion will reduce confusion, and could be instructive. For example, in one of the corrections, EPA has added four explanatory notes to 40 CFR 261.21 “Characteristic of Ignitability.”

The EPA rule amended 40 CFR Parts 260, 261, 262, 264, 265, 266, 267, 268, 270, 271, 273 and 279. In this rule, DEQ is proposing to incorporate into state rule all of the EPA amendments, without modification.

Cathode Ray Tubes (71 FR 42927, July 28, 2006, effective January 29, 2007)

In this rulemaking, EPA amended its regulations under RCRA to streamline management requirements for recycling of used CRTs and glass removed from CRTs. A CRT (cathode ray tube) is the glass video display component of an electronic device (usually a computer or television monitor). The amendments exclude used CRTs and glass removed from CRTs from the RCRA definition of solid waste if certain conditions are met and are intended to encourage recycling and reuse of used CRTs and CRT glass by allowing the materials to be handled like commodities instead of hazardous waste.

EPA determined that in states currently regulating CRTs as hazardous waste, adoption of these regulations is optional since the states’ programs would be more stringent than the federal regulations. DEQ would adopt these rules under the authority of A.R.S. § 49-922, which requires DEQ to adopt rules to establish a hazardous waste management program equivalent to and consistent with the federal hazardous waste regulations promulgated pursuant to subtitle C of RCRA. Although DEQ has been regulating CRTs as nonhazardous waste by policy since EPA proposed the CRT rule, DEQ is proposing to incorporate the regulations to remain equivalent to EPA, to encourage environmentally sound recycling of this rapidly growing waste stream, and to conserve resources and raw materials. According to EPA, the limitations on speculative accumulation for intact CRTs were issued under RCRA authority, and therefore would not go into effect in Arizona until adopted.

The EPA rulemaking amended 40 CFR Parts 260, 261, and 271. In this rule, DEQ is proposing to incorporate into state rule all of the amendments, without modification.

What EPA regulations is DEQ proposing to not incorporate?

DEQ is not proposing to adopt EPA’s standardized permit regulations at this time. (70 FR 53419, September 8, 2005, effective October 11, 2005) As mentioned in DEQ’s last hazardous waste rule, many facilities in Arizona would not be eligible for the standardized permit. For the second year in a row, none have indicated an interest in the new permit. To be eligible, a facility must:

- a. Generate hazardous waste and then store or non-thermally treat the hazardous waste “on-site” in containers, tanks, or containment buildings, or
- b. Receive hazardous waste generated from off-site by a generator under the same ownership as the receiving facility, and then store or non-thermally treat the hazardous waste in containers, tanks, or containment buildings.

There are costs associated with changing a permit at a site that handles hazardous wastes. DEQ believes that the educational and other administrative costs to implement the new standardized permit at a facility currently under an individual permit will be a significant factor for facilities making this choice.

In addition to costs for regulated facilities, there are also costs for the implementing agency. Unless a minimum number of facilities indicate an interest in this permit, the short-term costs to implement the new permit will not be offset by advantages for the agency or regulated facilities.

EPA characterized its standardized permit rule to be neither more nor less stringent than the current standards. Therefore, authorized states such as Arizona are not required under federal law to modify their programs to adopt regulations consistent with and equivalent to the new rule. DEQ is proposing to not adopt EPA's standardized permit rules at this time. Under A.R.S. § 49-922, DEQ is required to adopt rules to establish a hazardous waste management program equivalent to and consistent with the federal hazardous waste regulations promulgated pursuant to subtitle C of RCRA. Because states aren't required to adopt the standardized permit, DEQ's hazardous waste program will remain equivalent to and consistent with the federal program without a standardized permit.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business and consumer impact:

Identification of the final rulemaking

This rulemaking would incorporate into Arizona hazardous waste rules most changes in the federal hazardous waste regulations promulgated as of July 1, 2006, and for two other federal rulemakings, changes promulgated later in 2006 or 2007. EPA's standardized permit rule would not be incorporated at this time. The rule also proposes to allow members of DEQ's Performance Track Program to participate in EPA's most recently promulgated Performance Track incentives. It accomplishes this primarily by amending rules codified in *Arizona Administrative Code* Title 18, Chapter 8, Article 2, with updated incorporation dates.

Background

Unlike previous hazardous waste rulemakings, DEQ is not required to incorporate these federal regulations to continue or to update Arizona's authorization to implement federal hazardous waste regulations in lieu of EPA. The federal regulations are not required by EPA in authorized states because they have been characterized by EPA as either equivalent to or less stringent than the existing federal program.

In this rulemaking DEQ is proposing to incorporate by reference the following EPA regulations

1. Hazardous Waste Combustors (70 FR 59401, October 12, 2005, effective December 12, 2005)
2. RCRA Burden Reduction Initiative (71 FR 16861, April 4, 2006, effective May 4, 2006)
3. Corrections (71 FR 40253, July 14, 2006, effective July 14, 2006)
4. Cathode Ray Tubes (71 FR 42927, July 28, 2006, effective January 29, 2007)

All of the regulations except RCRA Burden Reduction Initiative would be incorporated without modification. The RCRA Burden Reduction Initiative rule would be modified in two places to allow certain inspection privileges to apply to Arizona Performance Track members. Like EPA, DEQ has determined that the benefits to adopting these rules exceed any costs.

Because the federal regulations being incorporated are equivalent to or less stringent than the current federal regulations effective in Arizona, DEQ has determined that it is not required to prepare an economic, small business, and consumer impact statement for three of these rules under A.R.S. § 41-1055(D)(3). All of the rules except Corrections decrease monitoring, recordkeeping, or reporting burdens on businesses as well as on DEQ, and DEQ has determined that the increased costs of implementation or enforcement would not equal or exceed the reduction in burdens. Further information is provided as follows:

Hazardous Waste Combustors. DEQ has no data with which to estimate the possible impact of incorporating this rule by reference since there are no facilities of this type in the state. Should there be a facility of this type in the future, incorporating this rule would result in equivalent or less stringent rules than those currently effective. No economic impact analysis is required under A.R.S. § 41-1055(D)(3).

RCRA Burden Reduction Initiative. DEQ agrees with EPA's conclusions that this regulation directly reduces administrative requirements in a large number of hazardous waste program areas without sacrificing environmental protection, and that the benefits of incorporating the regulation will exceed the costs. No economic impact analysis is required under A.R.S. § 41-1055(D)(3).

Corrections. This rule did not create new regulatory requirements so there will be no direct regulatory costs. The costs associated with incorporating it by reference expressly in this rule compared to automatically in the next rulemaking

are negligible. As stated in item 5 of the proposed rule, DEQ believes there will be benefits related to reducing confusion and ambiguity that will be increased by incorporating it a year early.

Cathode Ray Tubes. Cathode ray tubes are a rapidly growing waste stream both in Arizona and outside the state. In Arizona, used CRTs and the glass from CRTs were already being regulated as nonhazardous waste by policy shortly after the EPA proposed its CRT regulation on June 12, 2002. DEQ would make the policy formal by incorporating the final EPA regulation and this will end potential uncertainty about the exact requirements for handling CRTs and CRT glass in Arizona. More importantly, used CRTs and CRT glass will be allowed to be handled like commodities instead of hazardous waste, reducing the reporting and recordkeeping burden on those handling the waste and on DEQ. Therefore, no economic impact analysis is required under A.R.S. § 41-1055(D)(3).

Reduction of Impact on Small Businesses. A.R.S. § 41-1035 requires state agencies to reduce the impact of a rule-making on the class of small businesses, if possible. The amendments in this proposed rule will reduce the monitoring, recordkeeping, or reporting burdens on small businesses, or have no impact at all.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Mark Lewandowski
Address: Department of Environmental Quality
Waste Programs Division
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-2230, or (800) 234-5677, enter 771-2230 (Arizona only)
Fax: (602) 771-4138
TTD: (602) 771-4829
E-mail: lewandowski.mark@azdeq.gov

10. The time, place and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rules:

Date: October 9, 2007
Time: 1:30 p.m.
Location: Department of Environmental Quality
1110 W. Washington St., Suite 250
Phoenix, AZ 85007
Nature: Public hearing on the proposed rules, with opportunity for formal comments on the record. Please call (602) 771-4795 for special accommodations pursuant to the Americans with Disabilities Act.

The close of the written comment period will be 5:00 p.m., October 12, 2007. Submit comments to the individual identified in item 4.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules.

Not applicable

12. Incorporations by reference and their location in the rules:

<u>Federal Citation</u>	<u>State Citation</u>
40 CFR 260	R18-8-260(A)
40 CFR 261	R18-8-261(A)
40 CFR 262	R18-8-262(A)
40 CFR 263	R18-8-263(A)
40 CFR 264	R18-8-264(A)
40 CFR 265	R18-8-265(A)
40 CFR 266	R18-8-266(A)
40 CFR 268	R18-8-268(A)
40 CFR 270	R18-8-270(A)
40 CFR 124	R18-8-271(A)

40 CFR 273

R18-8-273

13. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE MANAGEMENT**

ARTICLE 2. HAZARDOUS WASTES

Section

- R18-8-260. Hazardous Waste Management System: General
- R18-8-261. Identification and Listing of Hazardous Waste
- R18-8-262. Standards Applicable to Generators of Hazardous Waste
- R18-8-263. Standards Applicable to Transporters of Hazardous Waste
- R18-8-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- R18-8-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- R18-8-266. Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities
- R18-8-268. Land Disposal Restrictions
- R18-8-270. Hazardous Waste Permit Program
- R18-8-271. Procedures for Permit Administration
- R18-8-273. Standards for Universal Waste Management

ARTICLE 2. HAZARDOUS WASTES

R18-8-260. Hazardous Waste Management System: General

- A. Federal regulations cited in this Article are those revised as of ~~September 6, 2005~~ July 1, 2006 (and no future editions), unless otherwise noted. 40 CFR 124, 260 through 266, 268, 270 and 273 or portions of these regulations, are incorporated by reference, as noted in the text. Federal statutes and regulations that are cited within 40 CFR 124, 260 through 270, and 273 that are not incorporated by reference may be used as guidance in interpreting federal regulatory language.
- B. No change
- C. All of 40 CFR 260 and the accompanying appendix, revised as of ~~September 6, 2005~~ January 29, 2007 (and no future editions), with the exception of 40 CFR 260.1(b)(4) through (6), 260.20(a), 260.21, 260.22, 260.30, 260.31, 260.32, and 260.33, and with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the Department of Environmental Quality (DEQ). Copies of 40 CFR 260 are available at www.gpoaccess.gov/cfr/index.html.
- D. No change
 - 1. No change
 - 2. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
 - e. No change

- i. No change
 - (1) No change
 - (2) No change
 - ii. No change
 - (1) No change
 - (2) No change
 - iii. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - (4) No change
 - f. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
- E.** No change
- 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
 - 11. No change
 - 12. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - 13. No change
 - 14. No change
 - 15. No change
 - 16. No change
 - 17. No change
 - 18. No change
 - 19. No change
 - 20. No change
 - 21. No change
 - 22. No change
 - a. No change
 - b. No change
 - 23. No change
 - 24. No change
 - 25. No change
 - 26. No change
 - 27. No change
 - 28. No change
 - 29. No change
 - 30. No change

Notices of Proposed Rulemaking

- 31. No change
- 32. No change
- F. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - 4. [~~“Member of the Performance Track Program”~~ or “Performance Track member facility” means a facility or generator ~~which that~~ has been accepted by EPA for membership in ~~its~~ the National Environmental Performance Track Program (as described at <http://www.epa.gov/performance-track/>) and by DEQ for membership in the Arizona Environmental Performance Track Program (as described at <http://www.azdeq.gov/function/about/track.html>) and is still a member of both programs. The Environmental Performance Track Programs are voluntary programs for top environmental performers, that encourage continuous environmental improvement through the use of Facility members must demonstrate a good record of compliance, past success in achieving environmental goals, and commit to future specific quantified environmental goals, environmental management systems, local community outreach, and annual reporting of measurable results.]
 - 5. No change
 - 6. No change
 - 7. No change
 - a. No change
 - b. No change
- G. No change
- H. No change
- I. No change
- J. No change
- K. No change
- L. No change
- M. No change
 - 1. No change
 - 2. No change
 - 3. No change
- N. No change

R18-8-261. Identification and Listing of Hazardous Waste

- A. All of 40 CFR 261 and accompanying appendices, revised as of ~~September 6, 2005~~ January 29, 2007 (and no future editions), with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 261 are available at www.gpoaccess.gov/cfr/index.html.
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
- H. No change
- I. § 261.6, titled “Requirements for recyclable materials,” paragraphs (a)(1) through (a)(3) are amended as follows:
 - (a)(1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of paragraphs (b) and (c) of this section, except for the materials listed in paragraphs (a)(2) and (a)(3) of this section. Hazardous wastes that are recycled [shall] be known as “recyclable materials.”
 - (2) The following recyclable materials are not subject to the requirements of this section but are regulated under [40 CFR 266, subparts C, F, G, and H (as incorporated by R18-8-266)] and all applicable provisions in parts 270 and 124 of this Chapter [(as incorporated by R18-8-270 and R18-8-271)]:
 - (i) Recyclable materials used in a manner constituting disposal (40 CFR 266, subpart C);
 - (ii) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under [40 CFR 264 or 265, subpart O (as incorporated by R18-8-264 and R18-8-265)] (40 CFR 266, subpart H);
 - (iii) Recyclable materials from which precious metals are reclaimed (40 CFR 266, subpart F);
 - (iv) Spent ~~lead acid~~ lead acid batteries that are being reclaimed (40 CFR 266, subpart G).

(v) U.S. Filter Recovery Services XL waste (40 CFR 266, subpart O).

- (3) The following recyclable materials are not subject to regulation under [40 CFR 262 through 266, 268, 270, or 124 (as incorporated by R18-8-262 through R18-8-266, R18-8-268, R18-8-270, and R18-8-271)] and are not subject to the notification requirements of section 3010 of RCRA:
- (i) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in § 262.58:
 - (A) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, [shall] comply with the requirements applicable to a primary exporter in §§ 262.53, 262.56(a)(1)-(4), (6), and (b), and 262.57, export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subpart E of part 262, and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;
 - (B) Transporters transporting a shipment for export may not accept a shipment if [the transporter] knows the shipment does not conform to the EPA Acknowledgment of Consent, [shall] ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and [shall] ensure that [the EPA Acknowledgment of Consent] is delivered to the [subsequent transporter or] facility designated by the person initiating the shipment.
 - (ii) Scrap metal that is not excluded under § 261.4(a)(13);
 - (iii) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste, where such recovered oil is already excluded under § 261.4(a)(12) (as incorporated by R18-8-261);
 - (iv) (A) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under [A.R.S. § 49-801] and so long as no other hazardous wastes are used to produce the hazardous waste fuel;
 - (B) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining[,] production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under [A.R.S. § 49-801]; and
 - (C) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under [A.R.S. § 49-801].

J. No change

K. No change

R18-8-262. Standards Applicable to Generators of Hazardous Waste

A. All of 40 CFR 262 and the accompanying appendix, revised as of ~~September 6, 2005~~ July 14, 2006 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 262 are available at www.gpoaccess.gov/cfr/index.html.

B. No change

1. No change

2. No change

3. No change

C. No change

D. No change

E. No change

F. No change

G. No change

H. No change

I. No change

1. No change

2. No change

3. No change

J. No change

K. No change

L. No change

M. No change

R18-8-263. Standards Applicable to Transporters of Hazardous Waste

- A. All of 40 CFR 263, revised as of ~~September 6, 2005~~ July 1, 2006 (and no future editions), is incorporated by reference, modified by the following subsections of R18-8-263, and on file with the DEQ. Copies of 40 CFR 263 are available at www.gpoaccess.gov/cfr/index.html.
- B. No change
- C. No change
- D. No change
- E. No change

R18-8-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- A. All of 40 CFR 264 and accompanying appendices, revised as of ~~September 6, 2005~~ July 14, 2006 (and no future editions), with the exception of §§ 264.1(d) and (f), 264.149, 264.150, and 264.301(l), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 264 are available at www.gpoaccess.gov/cfr/index.html.
- B. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
- E. § 264.15 titled “General inspection requirements.” paragraph (b)(5)(i) is amended by replacing “National Environmental Performance Track Program” with “Performance Track Program.”
- ~~E.F.~~ No change
- ~~F.G.~~ No change
- ~~G.H.~~ No change
- ~~H.I.~~ No change
- ~~I.J.~~ No change
 - 1. No change
 - 2. No change
- ~~J.K.~~ No change
- ~~K.L.~~ No change
- ~~L.M.~~ No change
- ~~M.N.~~ No change
- ~~N.O.~~ No change
- ~~O.P.~~ No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change

R18-8-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- A. All of 40 CFR 265 and accompanying appendices, revised as of ~~September 6, 2005~~ July 14, 2006 (and no future editions), with the exception of §§ 265.1(c)(2), 265.1(c)(4), 265.149, 265.150, and 265.430, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 265 are available at www.gpoaccess.gov/cfr/index.html.
- B. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
- E. § 265.15 titled “General inspection requirements.” paragraph (b)(5)(i) is amended by replacing “National Environmental Performance Track Program” with “Performance Track Program.”
- ~~E.F.~~ No change
- ~~F.G.~~ No change
- ~~G.H.~~ No change
- ~~H.I.~~ No change
- ~~I.J.~~ No change

~~J-K~~. No change

~~K-L~~. No change

~~L-M~~. No change

~~M-N~~. No change

1. No change

2. No change

3. No change

R18-8-266. Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities

A. All of 40 CFR 266 and accompanying appendices, revised as of ~~July 14, 2005~~ July 14, 2006 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 266 are available at www.gpoaccess.gov/cfr/index.html.

B. No change

R18-8-268. Land Disposal Restrictions

All of 40 CFR 268 and accompanying appendices, revised as of ~~August 23, 2005~~ July 14, 2006 (and no future editions), with the exception of Part 268, Subpart B, is incorporated by reference and on file with the DEQ. Copies of 40 CFR 268 are available at www.gpoaccess.gov/cfr/index.html.

R18-8-270. Hazardous Waste Permit Program

A. All of 40 CFR 270, revised as of ~~August 5, 2005~~ July 14, 2006 (and no future editions), with the exception of §§ 270.1(a), 270.1(c)(1)(i), 270.3, 270.10(g)(1)(i), 270.60(a) and (b), and 270.64, and with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 270 are available at www.gpoaccess.gov/cfr/index.html.

B. No change

1. No change

a. No change

b. No change

c. No change

2. No change

a. No change

b. No change

C. No change

D. No change

E. No change

F. No change

G. No change

1. No change

a. No change

b. No change

c. No change

d. No change

2. No change

a. No change

b. No change

3. No change

a. No change

b. No change

c. No change

d. No change

4. No change

5. No change

6. No change

a. No change

b. No change

7. No change

a. No change

b. No change

c. No change

- d. No change
- e. No change
- f. No change
- g. No change
- h. No change
- i. No change
- j. No change
- 8. No change
- 9. No change
- H. No change
- I. No change
- J. No change
- K. No change
- L. No change
- M. No change
- N. No change
- O. No change
- P. No change
- Q. No change
- R. No change
- S. No change

R18-8-271. Procedures for Permit Administration

- A. All of 40 CFR 124 and the accompanying appendix, revised as of ~~July 1, 2005~~ July 1, 2006 (and no future editions), relating to HWM facilities, with the exception of §§ 124.1 (b) through (e), 124.2, 124.4, 124.16, 124.20 and 124.21, and with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 124 are available at www.gpoaccess.gov/cfr/index.html.
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
- H. No change
- I. No change
- J. No change
- K. No change
- L. No change
- M. No change
- N. No change
- O. No change
- P. No change
- Q. No change
- R. No change
- S. No change
- T. No change

R18-8-273. Standards for Universal Waste Management

All of 40 CFR 273, revised as of ~~August 5, 2005~~ July 14, 2006 (and no future editions), is incorporated by reference and on file with the DEQ. Copies of 40 CFR 273 are available at www.gpoaccess.gov/cfr/index.html.