

EFO Solid & Hazardous Waste Committee News

May 25, 2016

1. Oklahoma Legislative

A. **HB 3019 – Rulemaking OAC 252:517 Disposal of Coal Combustion Residuals from Electric Utilities** (HB 3019 signed by Governor 4/25/2016)

Effective 11/1/16, The ODEQ will implement a new chapter, OAC 252:517, Disposal of Coal Combustion Residuals from Electric Utilities, in response to new federal requirements pertaining to the disposal of coal combustion residuals (CCR) generated from the combustion of coal at electric utilities and independent power producers. ODEQ will incorporate the requirements of 40 CFR 257, Subpart D in its entirety and insert, where appropriate, additional language to enable ODEQ to permit CCR facilities and enforce the new requirements.

B. **HB 2449 – 47 O.S. 2011, Section 12-227, Traffic around vehicles being used in the collection of refuse, solid waste or recyclables** (HB 2449 signed by Governor 4/26/2016)

HB 2449 requires drivers to reduce speed and proceed with due caution when encountering a vehicle used to collect refuse, solid waste or recyclables when that vehicle is displaying flashing side marker lamps. The measure authorizes vehicles which collect refuse, solid waste or recyclables to use flashing lights.

2. EPA Ordered to Promulgate Hazardous Substance Spill Prevention Regulations

On February 16, 2016, the *Environmental Protection Agency (“EPA”)* and the *Environmental Justice Health Alliance for Chemical Policy Reform*, Natural Resources Defense Council, and other environmental groups, entered into a Consent Decree that requires the EPA to issue proposed regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of hazardous-substances from onshore facilities, and to contain such discharges.” *Envtl. Justice Health All. for Chem. Reform v. U.S. EPA*, No. 15-cv-05075, ECF No. 46 (S.D.N.Y. Feb. 16, 2016).

The [Consent Decree](#) requires the EPA to issue the proposed regulations within eighteen months of its issuance, with final action coming no later than fourteen months thereafter. Id. Each deadline may be extended by ten months in the event that the EPA decides that it is necessary to initiate an information collection exercise pursuant to 44 U.S.C §3506(c)(2)(A). - See more [here](#).

3. Proposed Rule; Notice of Reconsideration of Final Rule; Request for Public Comment [81 FR 29821, May 13, 2016]

This action proposes to amend the National Emission Standards for Hazardous Air Pollutants (NESHAP): Site Remediation (Site Remediation Rule) by removing exemptions from the rule for site remediation activities performed under authority of the Comprehensive Environmental Response and Compensation Liability Act (CERCLA) and for site remediation activities performed under a Resource Conservation and Recovery Act (RCRA) corrective action or other

required RCRA order. The Environmental Protection Agency (EPA) is also proposing to remove the applicability requirement that site remediation's be co-located with at least one other stationary source regulated by another NESHAP. The EPA is seeking comment on these issues, but is not requesting comment on any other issues or provisions of the final Site Remediation Rule at this time. Comments are due June 13, 2016. 0 [Federal Register Notice](#).

4. 114th Congress - H.R.2576 - Frank R. Lautenberg Chemical Safety for the 21st Century Act (Passed House 5/24/16; Awaiting final action in Senate)

This bill ([HR 2576](#)) amends the Toxic Substances Control Act (TSCA) to revise regulations on chemicals. TSCA's scope is revised by requiring the Environmental Protection Agency (EPA) to regulate chemicals so that they no longer present unreasonable risks of injury to health or environment instead of requiring the EPA to provide adequate protection against those risks using the least burdensome requirements.

The EPA must conduct and publish a risk evaluation for a chemical if: (1) the EPA determines it may present an unreasonable risk of injury to health or the environment, or (2) a manufacturer of a chemical requests an evaluation. The EPA must initiate 10 or more risk evaluations in each fiscal year. The EPA is authorized to require testing on a chemical when it is necessary to conduct an evaluation.

If an evaluation determines a chemical will pose an unreasonable risk, the EPA must issue a risk management rule for the chemical. The bill establishes deadlines for conducting and publishing evaluations as well deadlines for publishing risk management rules.

The EPA may grant exemptions from risk management requirements for a specific use of a chemical if: (1) the requirement is not cost-effective with respect to that use; and (2) the specific use is a critical or essential use, or the requirement would significantly disrupt the national economy, national security, or critical infrastructure.

The EPA must: (1) publish a list of certain persistent, bioaccumulative, and toxic (PBT) chemicals; (2) designate certain chemicals as PBT chemicals of concern; and (3) promulgate rules with respect to those designated PBTs to reduce likely exposure to the extent practicable.

This bill revises requirements concerning the disclosure of confidential business information, preemption of state law, fees to defray the cost of administering TSCA, and scientific standards and evidence.

5. Chemical Data Reporting Under TSCA

The Chemical Data Reporting (CDR) rule, under the Toxic Substances Control Act (TSCA), requires manufacturers (including importers) to provide EPA with information on the production and use of chemicals in commerce in large quantities. Under the CDR rule, EPA collects basic exposure-related information on the types, quantities and uses of chemical substances produced domestically and imported into the United States. The information is collected every four years from manufacturers (including importers) of certain chemicals in commerce generally when production volumes for the chemical are 25,000 pounds or greater for a specific reporting year. Collecting the information every four years assures that EPA and (for non-confidential data) the public have access to up-to-date information on chemicals that are produced in large quantities.

The CDR rule is required by section 8(a) of the Toxic Substances Control Act (TSCA), and was formerly known as the Inventory Update Rule (IUR).

Manufacturers (including importers) are required to report if they meet certain production volume thresholds, generally 25,000 lbs or more of a chemical substance at any single site. However, a reduced reporting threshold (2,500 lb) now applies to chemical substances subject to certain TSCA actions.

The CDR regulation requires all companies to report data electronically using e-CDRweb, the CDR web-based reporting tool, and EPA's Central Data Exchange (CDX) system. Electronic data reporting begins June 1, 2016 and must be completed by September 30, 2016. For more information, [click here](#).