

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 8. DEPARTMENT OF ENVIRONMENTAL QUALITY HAZARDOUS WASTE MANAGEMENT

[R06-141]

PREAMBLE

1. Sections Affected

R18-8-260
R18-8-261
R18-8-262
R18-8-263
R18-8-264
R18-8-265
R18-8-266
R18-8-268
R18-8-270
R18-8-271
R18-8-273

Rulemaking Action

Amend
Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (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: 11 A.A.R. 4987, November 25, 2005

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

Name: Mark Lewandowski
Address: Arizona 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
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E-mail: lewandowski.mark@azdeq.gov

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

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 changes to the federal regulations that became effective between July 1,

Arizona Administrative Register / Secretary of State
Notices of Proposed Rulemaking

2004, and September 6, 2005. In addition, the rule proposes to allow members of DEQ's newly established Performance Track Program to submit manifests to DEQ at less frequent intervals than other generators.

This rulemaking would help fulfill the United States Environmental Protection Agency's (EPA's) authorization requirements in 40 CFR 271 which provides 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. A.R.S. § 49-922 requires DEQ to establish a hazardous waste management program that is equivalent to and consistent with federal hazardous waste regulations. This rulemaking helps implement A.R.S. § 49-922.

Arizona's hazardous waste rules, currently found in 18 A.A.C. 8, Article 2, have been effective since 1984. Due 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. In 1985, EPA first authorized Arizona to operate its **hazardous** waste program, in lieu of the federal **hazardous** waste program in Arizona, subject to the limitations imposed by the **Hazardous** and Solid Waste Amendments of 1984 (Fed Reg, Nov. 20, 1985). EPA last approved revisions to Arizona's hazardous waste authorization on March 17, 2004. (Fed Reg, March. 17, 2004) The Arizona regulations are reviewed and amended regularly to incorporate new text from the applicable federal regulations and 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 therefore is adopting changes to the state rules that reflect the recent amendments to federal RCRA regulations.

In this proposed rule, different incorporation dates are used in some Sections, in order to incorporate four EPA regulations that became effective after June 30, 2005. The amendments in this proposed rule would automatically adopt all changes to the federal regulations that became effective from July 1, 2004, to June 30, 2005. However, DEQ believes there were no federal regulations that became effective in that one year period affecting hazardous waste in Arizona. However, DEQ is also proposing to incorporate four EPA regulations that became effective between July 1, 2005 and September 6, 2005. Because of these four EPA rules, various Sections proposed for amendment in this rule package contain incorporation dates later than July 1, 2005. (July 14, August 5, August 23, and September 6, 2005)

All Sections now incorporated to at least July 1, 2005

In past hazardous waste rulemakings, ADEQ has not changed incorporation dates in Sections where EPA did not amend any regulations during the previous one or two year period. With this rulemaking, ADEQ is proposing to change this practice, so that all Sections in Article 2 that use incorporation by reference will be incorporated as of, at earliest, July 1 of the latest year (2005 in this rule) even if no changes were made to those parts by EPA. This is for practical reasons. ADEQ believes that this will allow CFR editions revised as of July 1, 2005 to be used as starting point text for all Sections, and result in the fewest number of CFR volumes that have to be kept by regulated entities. For 2005, 40 CFR Parts 260-265 and Parts 266-299 continue to be in separate July 1, 2005 volumes, while 40 CFR Parts 100-135 are in a third July 1, 2005 volume. (40 CFR Part 124 is incorporated in R18-8-271.)

What EPA regulations are being incorporated?

In this proposed rule, DEQ would incorporate four federal rules that became effective at various times after July 1, 2005. The four rules are:

1. Methods Innovation (SW-846 testing rule) (70 FR 34538, June 14, 2005, effective July 14, 2005)
2. Mercury Containing Equipment (70 FR 45508, August 5, 2005, effective August 5, 2005)
3. Dye and Pigment Production Wastes Listing (70 FR 9138, February 24, 2005; correction 70 FR 35032, June 16, 2005; both effective August 23, 2005)
4. Hazardous Waste Manifests (70 FR 10776, March 4, 2005; correction 70 FR 35034, June 16, 2005; both effective September 6, 2005)

A fifth federal rule, creating standardized hazardous waste permits, was published September 8, 2005, but is not being proposed for incorporation at this time for reasons discussed below. A sixth rule relating to hazardous waste combustors was published in the October 12, 2005, *Federal Register*, and will be covered, as appropriate, in the ADEQ's next hazardous waste rulemaking which should begin in late 2006.

Methods Innovation (SW-846 testing rule) In this rule, effective July 14, 2005, EPA amended a variety of testing and monitoring requirements in the RCRA hazardous and nonhazardous solid waste regulations, along with certain Clean Air Act (CAA) regulations that relate to hazardous waste combustors. The amendments allow more flexibility when conducting RCRA-related sampling and analysis by removing from the regulations a requirement to use the methods found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," also known as "SW-846," in conducting various testing and monitoring and by limiting required uses of an SW-846 method to circumstances where the method is the only one capable of measuring the particular property (*i.e.*, the method is used to measure a required method-defined parameter). The action was part of EPA's implementation of a performance-based approach, which is part of their efforts toward Innovating for Better Environmental Results. Additionally, EPA made certain other clarifications and technical amendments. EPA stated that the changes should make it easier and more cost effective to comply with the affected regulations, without compromising human health or environmental protection.

The EPA rule amended 40 CFR parts 63, 258, 260, 261, 264, 265, 266, 268, 270, 271 and 279. In this rule, DEQ is proposing to incorporate into state rule all of the amendments, without modification, to 260, 261, 264, 265, 266, 268, and 270.

Although EPA characterized the Methods Innovation rule as “equivalent to or less stringent than the existing provisions in the Federal regulations which they” amend, and as such, “[s]tates would not be required to adopt and seek authorization” for the rule, the rule nevertheless provides “significant benefits to EPA, the states, and the regulated community without compromising human health or environmental protection.” EPA “strongly encourages authorized states to amend their programs and seek authorization for” the rule. It does not take effect in Arizona until it is adopted in Arizona law.

Mercury Containing Equipment In this rule, effective August 5, 2005, EPA added mercury-containing equipment (MCE) to the federal list of universal wastes regulated under the RCRA hazardous waste regulations. Handlers of universal wastes are subject to less stringent standards for storing, transporting, and collecting these wastes. EPA concluded that regulating spent mercury-containing equipment as a universal waste would lead to better management of this equipment and facilitate compliance with hazardous waste requirements.

The EPA rule amended 40 CFR parts 260, 261, 264, 265, 266, 268, 270, and 273. In this rule, ADEQ is proposing to incorporate into state rules all of these federal amendments, without modification.

Although EPA characterized the rule as “less stringent than the current Federal program” and as such, “states are not required to adopt” it, EPA “encourage[d] them to do so”. EPA justified this position with three examples where mercury-containing equipment could be transported through different states with different regulations governing the waste. The MCE rule will not take effect in Arizona until it is adopted in Arizona law. DEQ believes that full compliance with this rule will result in less mercury entering the environment in Arizona, and that the confusion that could result from states with different regulations would detract from that full compliance.

Dye and Pigment Production Waste Listing In this rule, effective August 23, 2005, EPA listed as hazardous non-wastewaters generated from the production of certain dyes, pigments, and FD&C colorants. EPA promulgated the regulation under the RCRA, which directs EPA to determine whether these wastes pose a substantial present or potential hazard to human health or the environment when they are improperly treated, stored, transported, disposed of or otherwise managed. The listing sets annual mass loadings for constituents of concern, such that wastes would not be hazardous if the constituents are below the regulatory thresholds. If the wastes meet or exceed the regulatory levels for any constituents of concern, the wastes must be managed as listed hazardous wastes, unless the wastes are either disposed in a landfill unit that meets certain liner design criteria, or treated in a combustion unit as specified in the listing description. The EPA rule also added five toxic constituents to the list of hazardous constituents that serves as the basis for classifying wastes as hazardous. In addition, the rule established Land Disposal Restrictions (LDR) treatment standards for the wastes, and designated the wastes as hazardous substances subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The rule did not adjust the one pound statutory reportable quantity (RQ) for the waste.

The EPA regulation, and the subsequent correction published June 16, 2005, amended 40 CFR parts 148, 261, 268, 271 and 302. In this state rule, ADEQ is proposing to incorporate all of EPA’s amendments to 261 and 268, including the corrections, without modification.

Because the regulation was promulgated pursuant to EPA’s authority under HSWA, it took effect in all states, including Arizona, on August 23, 2005. Although, as an authorized state, Arizona is required to adopt this rule, until Arizona adopts the rule, EPA, and not Arizona, will implement it. Under 40 CFR 271.21(e), Arizona, as an authorized state, has until July 1, 2007 to implement this rule.

Hazardous Waste Manifests In this rule, effective September 6, 2005, EPA established new requirements revising the Uniform Hazardous Waste Manifest regulations and the manifest and continuation sheet forms used to track hazardous waste from a generator’s site to the site of its disposition. The revisions will standardize its content and appearance of the manifest form and continuation sheet (Forms 8700–22 and 22a), make the forms available from a greater number of sources and adopt new procedures for tracking certain types of waste shipments with the manifest. The latter types of shipments include hazardous wastes that destination facilities reject, wastes consisting of residues from non-empty hazardous waste containers, and wastes entering or leaving the United States.

The EPA regulation, and the subsequent correction published June 16, 2005, amended 40 CFR parts 260, 261, 262, 263, 264, 265, and 271. In this rule, ADEQ is proposing to incorporate into state rule all of these federal amendments, as corrected by EPA, without modification.

EPA published the final manifest rule with a delayed compliance date, so that after September 5, 2006, only the new manifest form and requirements established under the final rule will be valid and acceptable for use. All shipments of hazardous waste initiated by generators or offerors on or after this date must be accompanied by the revised manifest form. In addition, authorized states are required to adopt the revised Uniform Manifest form and requirements and EPA expects that those states will generally be able to revise their RCRA programs to include the revised manifest within the final rule’s transition period. ADEQ intends to have this rule become effective as close to September 5,

2006 as possible, to minimize confusion, while emphasizing that the revised form and requirements will apply uniformly in all states on this rule's delayed compliance date, under the authority of the federal hazardous materials laws.

The Standardized permit rule (70 FR 53419, September 8, 2005, effective October 11, 2005), is not being incorporated into ADEQ rules at this time. EPA characterized the standardized permit rule to be neither more nor less stringent than the current standards. Therefore, authorized states are not required to modify their programs to adopt regulations consistent with and equivalent to the new rule. ADEQ is not proposing to incorporate this EPA rule by reference at this time for the following reasons:

1. Many facilities in Arizona would not be eligible for the standardized permit, and 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 onsite 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.
2. ADEQ has not analyzed the Licensing Time-frames implications of adopting this rule.

Performance Track Program

At R18-8-262(I)(3), DEQ is proposing to allow less frequent manifest submission for Performance Track members. The Performance Track requirements of exemplary environmental compliance and implementation of an EMS are beneficial to the environment. DEQ believes that offering this incentive to encourage participation in the program will provide better environmental protection in line with DEQ's overall mission. In exchange for this, DEQ is willing to receive manifests less often from companies with an excellent compliance record. These companies will be able to mail in manifests quarterly along with the generation fees required under R18-8-260(N) which will be less of an administrative burden to the company, but not affect DEQ's ability to ensure environmental protection.

The definition for Performance Track Members has been placed in R18-8-260 so that it can apply to other Performance Track options.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule 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 all changes in the federal hazardous waste regulations promulgated as of July 1, 2005, and for several significant federal rules, changes promulgated later in 2005. It accomplishes this by amending rules codified in *Arizona Administrative Code* Title 18, Chapter 8, Article 2, with updated incorporation dates.

Background

A significant purpose of this state rulemaking is to continue and update Arizona's authorization to implement federal hazardous waste regulations in lieu of EPA.

State authorization is a federal rulemaking process through which EPA delegates the primary responsibility of implementing the RCRA hazardous waste program to individual states in lieu of EPA. This process ensures national consistency and minimum standards while providing flexibility to states in implementing rules. Currently, 50 states and territories have been granted authority to implement the base, or initial, program. Many also are authorized to implement additional parts of the RCRA program that EPA has since promulgated, such as Corrective Action and the Land Disposal Restrictions. State RCRA programs must always be at least as stringent as the federal requirements, but states can adopt more stringent requirements as well.

ADEQ periodically applies to EPA to implement additional parts of the RCRA program so that it may continue to implement and receive EPA funding for the federal hazardous waste program. In absence of this periodic updating of its authorization, EPA would continue to administer parts of the federal program in Arizona. As part of its authorization process, EPA requires DEQ to adopt rules that incorporate the changes promulgated in the federal regulations. DEQ adopts these rules under the authority given in 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 1985, EPA first authorized DEQ to administer the federal hazardous waste program in Arizona. DEQ continues to apply for reauthorization and complies with changes to federal regulations.

This rulemaking incorporates EPA changes promulgated through June 30, 2005, and for several rules, later dates in 2005. DEQ has determined that the benefits of this rulemaking easily exceed the costs. The federal regulations incorporated by reference in this rulemaking are either necessary for authorization, or make sense from a regulatory standpoint to ensure consistency and predictability. Adoption of federal regulations benefits regulated entities, by promoting regulatory uniformity between states, and by allowing hazardous waste regulations to be implemented by ADEQ from Arizona, rather than by EPA from San Francisco.

Limitations of the data

Adequate data was not reasonably available to fully comply with the requirements of A.R.S. § 41-1055(B). DEQ is unable to estimate the number of facilities that would be impacted by some of the changes made in the incorporated federal regulations. Two databases contain information on regulated facilities and entities: the Arizona Unified Repository for Informational Tracking of the Environment (AZURITE) and the Revenue Management System (RMS). These databases were not set up to track certain information, and updates do not always keep pace with all data needs. In this instance, DEQ could not determine the numbers of the following impacted entities:

- a. Entities that were also state agencies;
- b. Entities that were also subdivisions of the state;
- c. Entities that were also small businesses.

Methods used to obtain data

DEQ used the AZURITE and RMS databases whenever possible to find the number of entities affected by the changes. DEQ then filled data gaps by using the knowledge of experienced DEQ staff. Some of the rule changes have no significant economic impact in Arizona. An explanation of why there is no impact is provided for these changes. For other incorporated changes, none of the impacted entities exist in Arizona, and thus, there was no economic impact.

Executive Order 12866 (58 FR 51735, October 4, 1993), requires the EPA to determine whether regulatory actions are significant. Only significant actions are subject to federal Office of Management and Budget review. A “significant regulatory action” is one that may:

- (1) Have an annual effect on the national economy of \$100 million or more, or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, loan programs, or the rights and obligation of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or through principles set out in Executive Order 12866.

The costs and benefits of implementing federal regulations on a national level have been looked at by EPA during the federal rulemaking. These amendments were published in the *Federal Register*, and when the amendments constituted “significant regulatory actions,” economic impact information was included in the publication. DEQ staff reviewed the *Federal Register* notices in developing this preliminary economic impact statement. The public may view these notices online at <http://www.gpoaccess.gov/fr/index.html>, or by visiting DEQ’s offices. Each federal rule-making references its underlying data. Citations and summaries of the *Federal Register* notices are found in part 5 of this Notice.

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: Arizona Department of Environmental Quality
Waste Programs Division
1110 W. Washington
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 rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: June 6, 2006
Time: 1:30 p.m.

Notices of Proposed Rulemaking

Location: Arizona Department of Environmental Quality
1110 W. Washington, Suite 145
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 at 5:00 p.m., June 9, 2006. 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. No change
- B. No change
- C. All of 40 CFR 260 and the accompanying appendix, revised as of ~~July 1, 2002~~ September 6, 2005 (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, 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
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 - ii. No change
 - (1) No change
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 - iii. No change
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 - (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

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- 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
- 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" means a facility or generator which has been accepted by EPA for membership in its Performance Track Program (as described at <http://www.epa.gov/performance-track/>) and by DEQ for membership in the Arizona Performance Track Program (as described at <http://www.azdeq.gov/function/about/track.html>) and is still a member of both programs. The Performance Track Programs are voluntary programs that encourage continuous environmental improvement through the use of environmental management systems, local community outreach, and measurable results.]
 - ~~4-5.~~ No change
 - ~~5-6.~~ No change
 - ~~6-7.~~ 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 ~~July 1, 2004~~ September 6, 2005 (and no future editions), 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. § 261.5, titled “Special requirements for hazardous waste generated by conditionally exempt small quantity generators,” paragraph (j) is amended as follows:
- (j) If a conditionally exempt small quantity generator’s wastes are mixed with used oil, the mixture is subject to 40 CFR 279 [(as incorporated by A.R.S. § 49-802 into Arizona law)] ~~of this Chapter~~. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated ~~under 40 CFR 279~~.
- I. No change
- 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 ~~July 1, 2004~~ September 6, 2005 (and no future editions), ~~with the exception of subsection 40 CFR 262.34(j), which is incorporated by reference as of October 25, 2004,~~ 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. Manifests required in 40 CFR 262, subpart B, titled “The Manifest,” (as incorporated by R18-8-262) shall be submitted to the DEQ in the following manner:
1. A generator initiating a shipment of hazardous waste required to be manifested shall submit to the DEQ, no later than 45 days following the end of the month of shipment, one copy of each manifest with the signature of that generator and transporter, and the signature of the owner or operator of the designated facility, for any shipment of hazardous waste transported or delivered within that month. If a conforming manifest is not available, the generator shall submit an Exception Report in compliance with § 262.42 (as incorporated by R18-8-262).
2. A generator shall designate on the manifest in item I “Waste No.,” the EPA hazardous waste number or numbers for each hazardous waste listed on the manifest.
3. A member of the Performance Track Program, as defined in R18-8-260(F), who initiates a shipment of hazardous waste required to be manifested shall submit manifests to the DEQ as specified in subsections (1) and (2), except manifests may be submitted to the DEQ within 45 days following the end of the calendar quarter of shipment rather than within 45 days following the end of the month of shipment.
- 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 ~~July 1, 1999~~ September 6, 2005 (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

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- 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 ~~July 1, 2004~~ September 6, 2005 (and no future editions), with the exception of §§ 264.1(d) and (f), 264.149, 264.150, and 264.301(I), 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. No change
- F. No change
- G. § 264.71, titled "Use of manifest system," paragraph (a)(4) is amended as follows:
Within 30 days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator [and submit one copy of each manifest to the DEQ, in accordance with R18-8-264(I).]
- H. No change
- I. No change
 - 1. No change
 - 2. No change
- J. No change
- K. No change
- L. No change
- M. No change
- N. No change
- O. 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 ~~July 1, 2004~~ September 6, 2005 (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. No change
- F. No change
- G. § 265.71, titled "Use of manifest system," paragraph (a)(4) is amended as follows:
Within 30 days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator [and submit one copy of each manifest to the DEQ, in accordance with ~~subsection~~ R18-8-265(I).]
- 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

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 1, 2004~~ July 14, 2005 (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 ~~July 1, 2004~~ August 23, 2005 (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 ~~July 1, 2004~~ August 5, 2005 (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, 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, ~~2002~~ 2005 (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 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, ~~as amended~~ revised as of July 1, ~~2000~~ August 5, 2005 (and no future editions), is incorporated by reference and is on file with the DEQ ~~and the Office of the Secretary of State~~. Copies of 40 CFR 273 are available at www.gpoaccess.gov/cfr/index.html.