

New Generator Rule eManifest Coal Combustion Residual

AWMA RCRA 26 Feb 2018
US EPA Region 7

Pollution Prevention Award Program

IA, KS, MO, NE

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Pollution Prevention (P2) has been a very successful, non-regulatory approach to

- * Conserve energy
- * Water
- * Reduce the use of toxic materials
- * Save money

If you are a business, industry, tribe or nonprofit, consider applying for a non-monetary Pollution Prevention Award.

Submit applications @ epa.gov/ks/forms/p2-awards
Now until March 2, 2018



Awards will be presented at the Midwest Environmental Compliance Conference, April 11, 2018 at the Kansas City Convention Center.



New Generator Rule Process & Schedule

- Effective Date – **May 30, 2017**
- Rule is in effect in Iowa and tribal lands
- Authorized states run the RCRA program in their state and will go through the state adoption & authorization process for this new RCRA rule
 - Authorized states will pick up the more stringent provisions, typically by July 1, 2018 (or July 1, 2019 if state law change is needed)
 - Authorized states can choose to pick up the less stringent provisions and those provisions that are considered equally stringent

Goals of the Final Rule

There are over 60 changes to Hazardous Waste Generator Program that:

1. Reorganize the regulations to make them more user-friendly
2. Provide greater flexibility through episodic generation and VSQG-LQG consolidation provisions – more cost effective for generators
3. Strengthen environmental protection by addressing identified gaps in the regulations
4. Clarify certain components of the hazardous waste generator program to address ambiguities and foster improved compliance

Reorganization of Generator Regulations

Provision	Previous Citation	New Citation
Generator Category Determination	§ 261.5(c)–(e)	§ 262.13
CESQG (VSQG) Provisions	§ 261.5(a), (b), (f)–(g)	§ 262.14
Satellite Accumulation Area Provisions	§ 262.34(c)	§ 262.15
SQG Provisions	§ 262.34(d)–(f)	§ 262.16
LQG Provisions	§ 262.34(a), (b), (g)–(i), (m)	§ 262.17
Episodic Events	None	Subpart L, § 262.230-234
Preparedness, Prevention, and Emergency Procedures for LQG	§ 265.30-56	Subpart M, § 262.250-265

As part of this reorganization, the Agency made conforming changes to citations that reference § 261.5 and § 262.34

Major Impacts of Final Rule by Generator Category

New Provision	VSQG	SQG	LQG
LQG Consolidation of VSQG wastes	X		X
Episodic Generation	X	X	
50-foot Waiver			X
Marking & Labeling		X	X
Marking RCRA Waste Codes		X	X
SQG Re-notification		X	
Contingency Plan Quick Reference Guide			X
Closure Notification			X
Closure as Landfill if Can't Clean Close			X
BR Reporting by Recyclers Who Don't Store*		X	X

Stringency of Final Rule

- **More stringent:**
 - SQG re-notification
 - Identifying hazards of wastes being accumulated & labeling
 - Notification of closure
 - Closure as a landfill for LQGs accumulating hazardous wastes in containers that cannot meet closure performance standards
 - Biennial reporting for whole year, not just months the generator was an LQG
 - Biennial reporting for recyclers who don't store prior to recycling
 - Quick Reference guide for contingency plans
- **Less stringent:**
 - VSQG consolidation
 - Episodic generation
 - Waiver from 50-foot rule

Bottom Line:

- The final rule represents a much-needed update of the hazardous waste generator regulatory program
- There are:
 - Approximately 60 changes to the regulations – some small, some big
 - Revisions and clarifications affect practically every component of the generator regulatory program
 - Approximately 30 additional technical corrections



e-Manifest Overview

- The Electronic Hazardous Waste Manifest System (e-Manifest) is a new system with June 2018 implementation that will allow:
 - Industry Hazardous Waste Handlers to submit Uniform Hazardous Waste Manifest Forms, either electronically or on paper, to EPA
 - States/Regions to retrieve the collected manifest data electronically
- E-Enterprise and e-Manifest
 - Will use other systems under e-Enterprise including: Resource Conservation and Recovery Act Information System (RCRAInfo), Central Data Exchange (CDX) and electronic signatures
 - Align with Administrator's "Cooperative Federalism" Vision for effective partnerships with states and tribes.
 - Support Agency-wide initiative to reduce reporting burden, and provide the agency, states and the public with easier access to environmental data.

Anticipated Result

EPA estimates the national e-Manifest system will ultimately reduce the burden associated with preparing shipping manifests by 300,000 to 700,000 hours and result in cost savings of more than \$90 million per year for states and industry.





HW generators and transporters

- ✓ Generators and transporters will be able to **create, edit, and sign manifests** on-line. They will be able to retrieve copies and status information on manifests.
- ✓ Transporters will be able to locate manifests created by generators that indicate they are the intended transporter.



Hazardous waste TSDFs

(receiving facilities)

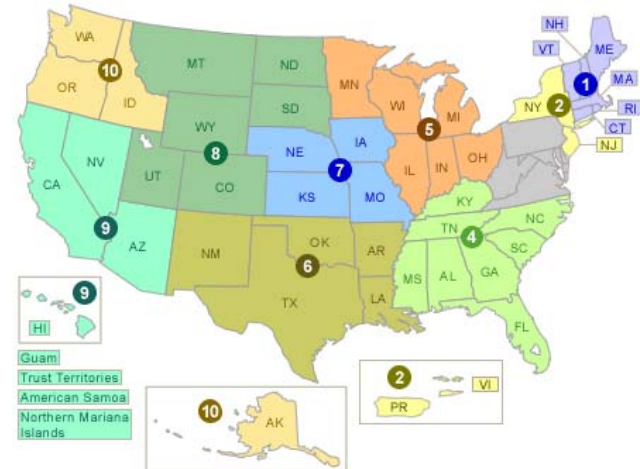
- ✓ Facilities receiving waste shipped on a manifest will be able to sign manifests when the waste is received, submit the manifests to EPA, make corrections to submitted manifests, and retrieve copies of manifests submitted within the past three years.





States and Tribes

- ✓ State and tribal governments will be able to retrieve copies and status information on any manifests associated with entities in their state.





General Public

- ✓ e-Manifest data will be accessible to the general public through the system's public-facing website.
- ✓ The public information will have a delayed access of up to 45 days from the date the waste is received at the TSDF.



- ✓ This takes effect in all states 30 June 2018.
- ✓ All paper manifests initiated after the effective date will be required to be on the new 5-copy form.
- ✓ The receiving facilities (TSDFs) will begin submitting copies (electronic or paper) to EPA.



Marginal Cost Manifest Fees by Manifest Type

[2017\$]

[per manifest fee paid by TSDf to EPA (paying for system)]

Manifest submission Type		Year 1 fee
Paper Manifest Types	Mailed Paper	\$20.00
	Image Uploads	13.00
	Data File Uploads	7.00
Electronic Manifests (includes hybrid)	Electronic	4.00

This table of fee estimates should be interpreted as rough approximations of the final fees. EPA will publish a final two-year schedule of user fees on the e-Manifest website, at www.epa.gov/e-Manifest, when more information about the e-Manifest budget and contracts awards becomes available.

Water Infrastructure Improvements for the Nation (WIIN) Act

- Congress passed and the President signed the WIIN Act in 2016. Section 2301 of the Act amends Section 4005 of the Resource Conservation and Recovery Act (RCRA) to provide for state coal combustion residuals (CCR) permit programs. The law also provides EPA additional authorities including the authority to review and approve state CCR permit programs. The major provisions of Section 2301 of the WIIN Act include:
 - States may, but are not required to, develop and submit a CCR permit (“or other system of prior approval”) program to EPA for approval.
 - The program does not have to be identical to the current CCR rule, found in Title 40 of the Code of Federal Regulations (CFR) Part 257 subpart D, but must be at least “as protective as” the CCR rule.
 - EPA has 180 days to act on a complete State submission; EPA must provide public notice and an opportunity for comment prior to EPA approval.
 - Once approved, the State permit program operates “in lieu of” the federal CCR rule.
 - The CCR rule applies to a CCR unit until a permit is in effect for that unit.
- What's New
 - New Public Hearing on February 13, 2018 on Oklahoma's State Permit Program
 - New Comment Period Extension Granted for Oklahoma's State Permit Program
 - Interim Final Guidance on State Permit Programs

Coal Combustion Residuals Timeline



- By October 17, 2017:
 - Install groundwater monitoring wells
 - Determine background levels
 - Complete sampling for App III constituents
 - Begin to analyze the samples
- By January 31, 2018:
 - Post data and,
 - If triggered, begin Assessment monitoring for all Appendix III and Appendix IV constituents
- By April 17, 2018:
 - Completed sampling for all Appendix III and Appendix IV constituents
- By July 2018:
 - Determine whether there is a statistically significant increase over the MCL/background
 - Could also simultaneously use this three month timeframe to demonstrate that the statistically significant increase was due to another source or sampling and analysis error.
- By January 2019:
 - Earliest date a leaking SI would have to cease receiving waste in the unit.



Coal Combustion Residual Internet Sites



Kansas

Name of Plant	City	URL of Publicly Accessible Internet Site
La Cygne	La Cygne	https://www.kcpl.com/ccr
Jeffrey Energy Center	St. Mary's	https://www.westarenergy.com/content/about-us/rates-regulations/ccr-rule/jec
Lawrence Energy Center	Lawrence	https://www.westarenergy.com/content/about-us/rates-regulations/ccr-rule/lec
Holcomb	Holcomb	https://www.sunflower.net/archive20150915/
Tecumseh Energy Center	Tecumseh	https://www.westarenergy.com/content/about-us/rates-regulations/ccr-rule/tec
Nearman Creek	Kansas	http://www.bpu.com/ccrcomplianceandaandinformation.aspx

Missouri

Name of Plant	City	URL of Publicly Accessible Internet Site
Columbia (MO)	Columbia	http://www.como.gov/WaterandLight/Electric/CCRRuleComplianceDataandInformation.php
Asbury	Asbury	https://www.empiredistrict.com/Environmental/CCR
Iatan	Weston	https://www.kcpl.com/ccr
Blue Valley	Independence	https://www.ci.independence.mo.us/PL/CCRRuleCompliance
Missouri City	Missouri City	https://www.ci.independence.mo.us/PL/CCRRuleCompliance
Rush Island	Festus	https://www.ameren.com/Environment/ccr-rule-compliance/ccr-compliance-rush-island
Sibley	Sibley	https://www.kcpl.com/ccr
James River Power Station	Springfield	https://www.cityutilities.net/corporate/legal/ccr/
New Madrid	New Madrid	https://www.aeci.org/clean/ccr-rule-compliance-data-and-information/
Sikeston Power Station	Sikeston	http://www.sikestonpower.com/
Sioux	West Alton	https://www.ameren.com/Environment/ccr-rule-compliance/ccr-compliance-sioux
Montrose	Clinton	https://www.kcpl.com/ccr
Thomas Hill	Clifton Hill	https://www.aeci.org/clean/ccr-rule-compliance-data-and-information/
John Twitty Energy Center	Springfield	https://www.cityutilities.net/corporate/legal/ccr/
Meramec	St. Louis	https://www.ameren.com/Environment/ccr-rule-compliance
Labadie	Labadie	https://www.ameren.com/Environment/ccr-rule-compliance

There are approximately 16 landfills and 37 surface impoundments in Region 7 subject to the rules.