

Revisions to NR 600 Rules Introduction and NR 661

WDNR

March 2007

Introduction

- New rules in effect August 1, 2006
 - Hazardous waste, universal waste, used oil
- More closely follow Federal rule format
 - 40 CFR Parts 260 to 279
- Most sections are current with the July 1, 2002 Federal rules
- Statutory requirements are not re-stated in code

Why Revise the NR 600 Rules?

- Old rules needed updating
 - Last revised in 1998
 - Replaced out-dated provisions with updated rule language
 - Rules must be at least equivalent to US EPA's RCRA regulations
 - WDNR maintains authorization to administer the federal hazardous waste program

Why Revise the NR 600 Rules?

- New rules closely parallel the format and content of the federal regulations
 - 40 CFR 262.11(c)(1) = NR 662.011(3)(a)
 - More consistent with other states that adopt EPA regulations
 - Some state specific requirements
 - **WI statutory requirements**
 - **Very small quantity generator requirements**
 - **Regulation of household hazardous waste**

Why Revise the NR 600 Rules?

- Reduce paperwork burden
 - Changes in sending manifest copies to WDNR
 - Contingency plan not sent to WDNR
- Facilitate legitimate recycling
 - NR 625 replaced with NR 661.06
- Allow flexibility in design and operation of TSDs
 - Requires standards, not specific technology

What's New in the Rule?

- Changes to waste codes
 - Some added, deleted or revised
- Tolling agreement for SQGs
- Lamps defined as universal waste
- Changes in transfer facility standards
- Changes to TSDF licensing/modification process

What's New in the Rule?

- F006 treatment sludge language for LQGs
 - Allows accumulation for 180 days if specific conditions are met
- Exclusion for precious metals recycling
- Codify May 1995 Household hazardous waste collection facility guidance
- Rules for Boilers and Industrial Furnaces

What's New in the Rule?

- Remediation variances
- Phase IV LDR standards
 - Alternate treatment standards for contaminated soils
- Conditional exemption for low-level mixed waste
- Increase in plan review, license and manifest fees

What's Not in the New Rule

- Changes made to Federal rules after July 1, 2003
- EPA manifest rule effective 09/05/06
 - Emergency rule incorporates changes
 - Changes to the permanent rule expected in early 2007
- EPA rule on CRTs
 - WI guidance has been updated

What's Not in the New Rule

- EPA rule on mercury containing devices
- Wisconsin specific universal wastes
 - Antifreeze and mercury containing devices
 - WI guidance has been updated for both
- EPA standardized permit rule
- New wastewater treatment exemptions for hazardous waste mixtures
- Exclusions for dredge materials

NR 661

Identification and Listing

- Describes how to determine if waste is a solid waste
- Defines hazardous waste
- Lists specific exclusions from hazardous waste regulation
- Lists waste that are exempted when recycled

NR 661

New Definition of Solid Waste

- **Only for the purpose of the NR 600 rules**
- Solid Waste is defined in NR 661.02(1)(a) as
 - Any discarded material that is not excluded by chs. NR 660 or 661
 - Discarded materials are any of the following:
 - Abandoned materials
 - Recycled materials
 - Inherently waste-like materials
 - Military munitions identified as solid waste

NR 661

Definition of Solid Waste

- Materials are abandoned if they are:
 - Disposed of
 - Burned or incinerated
 - Accumulated, stored or treated, but not recycled before or instead of being disposed of, burned or incinerated
- NR 661.02(2)

NR 661

Recycled Materials

- A material is recycled if it is used, reused, or reclaimed
- Some recycled materials are not solid waste and some are not hazardous waste
- Others are solid and hazardous waste, but subject to less stringent requirements
- Reclamation is the processing or regeneration of a material to recover a usable product
 - Example: Solvent distillation

NR 661

Recycling Requirements

- Requirements for hazardous waste that is recycled
 - NR 661.06 replaces NR 625
 - Generators and transporters that recycle hazardous waste are subject to NR 662, NR 663 and the notification requirements in NR 660.07
 - Facilities that recycle without storing
 - **NR 660.07 Notification requirements**
 - **NR 665.0071 and NR 665.0072 Manifesting**
 - Licensed facilities subject to AA and BB

NR 661

Recycling Requirements

- New rule NR 661.03 is the same as the old rule NR 605.05(3)
 - Generator demonstrates the legitimacy of the recycling activity
 - **Name and location of the recycling facility**
 - **Description of the waste**
 - **Description of the recycling process and how the ingredient is used in the process**
 - **Demonstrate there is a market or disposition of the waste**
 - Department is no longer issuing approvals

NR 661

Recycled Materials that are Not Solid Waste

- Materials that are not solid waste when recycled
 - Wastes used as an ingredient, without reclamation
 - Wastes used as a product substitute, without reclamation
 - Wastes returned to the production process, without reclamation
- NR 661.02(5)a

NR 661

Recycled Materials that are Solid Waste

- Materials are solid waste when recycled if they are
 - Used in a manner constituting disposal
 - Burned for energy recovery
 - Used to produce a fuel or contained in fuels
 - Accumulated speculatively
 - Dioxin-containing wastes
- NR 661.02(5)(b)

NR 661

Secondary Materials

- Secondary materials
 - Not all materials can be directly used or reused without reclamation
 - Secondary materials that are reclaimed before use include spent materials, sludges, by-products, commercial chemical products and scrap metal
 - Regulatory status depends on the type of secondary material

NR 661

Spent Materials

- Spent materials – NR 661.02
 - Materials that have been used and can no longer be used without reclamation
 - Spent materials are solid waste if they are
 - Reclaimed
 - Used in a manner constituting disposal
 - Burned for energy recovery
 - Used to produce a fuel or contained in fuel
 - Accumulated speculatively

NR 661

Sludges and By-products

- Sludges – NR 661.02
 - Solid or liquid wastes generated from waste water treatment, water supply treatment, industrial process or air pollution control device
- By-products – NR 661.02
 - Materials that are not one of the intended products of a production process.
 - Catch-all term that includes most wastes that are not spent materials or sludges

NR 661

Listed Sludges and By-products

- Listed sludges and by-products are solid waste if they are
 - Reclaimed
 - Used in a manner constituting disposal
 - Burned for energy recovery
 - Used to produce a fuel or contained in fuel
 - Accumulated speculatively
- Refer to NR 661.02 ,Table 1

NR 661

Characteristic Sludges and By-products

- Characteristic sludges and by-products
 - Not solid waste when reclaimed unless they are
 - **Used in a manner constituting disposal**
 - **Burned for energy recovery**
 - **Used to produce a fuel or contained in fuel**
 - **Accumulated speculatively**
- Refer to NR 661.02, Table 1

NR 661

Commercial Chemical Products

- Commercial chemical products – NR 661.02
 - Unused or off-specification chemicals, spill or container residues and other unused manufactured products
 - Not solid waste when reclaimed unless it is
 - **Used in a manner constituting disposal**
 - **Burned for energy recovery**
 - **Used to produce a fuel or contained in fuel**

NR 661

Scrap Metal

- Scrap metal – NR 661.02
 - Worn or extra bits and pieces of metal parts
- Scrap metal is solid waste when
 - Reclaimed
 - Used in a manner constituting disposal
 - Burned for energy recovery
 - Used to produce a fuel or contained in fuel
 - Accumulated speculatively

NR 661

Exclusions

- Four general categories of exclusions
 - From the definition of solid waste – NR 661.04(1)
 - From the definition of hazardous waste – NR 661.04(2)
 - For waste generated in raw material, product storage, or manufacturing units – NR 661.04(3)
 - For laboratory samples and waste treatability studies – NR 661.04(4) and (5)

NR 661

Solid Waste Exclusions

- Solid waste exclusions
 - 19 exclusions, such as
 - Domestic sewage exclusion
 - New solid waste exclusions
 - Shredded circuit boards destined for recycling (NR 661.01(1)(n))
 - Comparable fuels or comparable syngas fuels meeting NR 661.38 (NR 661.04(1)(p))
 - Hazardous waste or hazardous secondary materials used to make zinc fertilizers per requirements in NR 661.04(1)(t) and NR 661.04(1)(u)

NR 661

Hazardous Waste Exclusions

- Solid waste that is not hazardous waste
 - Household waste except if the hazardous waste is separated for management at a collection facility regulated under NR 666 HH
 - **NR 661.04(2)(a)**
 - Petroleum-contaminated media and debris from underground storage tanks
 - **NR 661.04(2)(j)**
 - Drained used oil filters
 - **NR 661.04(2)(m)**

NR 661

Exclusions

- For waste generated in raw material, product storage, or manufacturing units
 - No change
- For laboratory samples and waste treatability studies
 - No change

NR 661

Characteristic Wastes

- Toxicity characteristic (TCLP)
 - Exemption for manufactured gas plant waste
 - NR 661.24

NR 661

Listed Waste

- NR 661.31 – NR 661.33
- Wastes added to listings
 - K169 – K 172 and K174 – K178
- Wastes deleted from listings
 - F500
- Some listings revised
 - F027
 - “Used” has been deleted, so now defined as “discarded unused formulations”

Need Help With the New Rule?

- Contact regional waste management specialists
 - www.dnr.state.wi.us/org/aw/wm/resources.htm
- Contact Pat Chabot
 - 608-264-6015
 - patricia.chabot@wisconsin.gov
- Contact Sandy Miller
 - 414-263-8675
 - sandy.miller@wisconsin.gov

Revisions to NR 600 Rules Introduction and NR 661

Questions

?????