



Hazardous Waste Management Rulemaking Amendments for Adoption Consideration

Presented to the
Underground Storage Tanks and
Solid Waste Disposal Control Board

Beverly Philpot
April 5, 2023

Proposed Rulemaking

- Import-Export
 - Conforming changes to Canada-specific hazardous waste import-export recovery and disposal operation codes.
 - Federal Amendment effective October 31, 2021
 - Changes related to twelve recovery and disposal operations

Proposed Rulemaking

- Housekeeping Updates
 - EPA completed an extensive review of several prior State rulemakings and determined the Department must amend specific rule language to satisfy all requirements for final program authorization.
 - Recognizing when EPA retains implementation authority
 - Correcting typographical errors
 - Addressing incorrect cross-references
 - Properly citing State and Federal analogs
 - Delete obsolete language
 - Remove confusing clarifying notes
 - Remove State requirement determined by EPA to be less stringent than Federal regulations

Public Participation

Tennessee Hazardous Waste Management Rules (Rule Chapter 0400-12-01)

- Filed December 9, 2022
- Public Hearing February 9, 2023
- Written Comments Requested and Received
- Posted on:
 - Secretary of State Webpage
<http://tnsos.org/rules/RulemakingHearings.php>
 - TDEC Public Participation Webpage
<http://tn.gov/environment/notices/waste>

Public Hearing Comments

- Comment

A commenter pointed out that remanufacturers storing volatile hazardous secondary materials using a carbon adsorption system to control air pollutant emissions are required to document that all carbon that is a hazardous waste and that is removed from the control device is managed in a thermal treatment unit, incinerator, or burned in a boiler or industrial furnace, but that subparts (27)(d)14(ii) and (iii) of Rule 0400-12-01-.02 unnecessarily limits those management options to incinerators, boilers, or industrial furnaces permitted under Chapter 0400-12-01. The commenter suggests that the Board consider including incinerators, boilers, or industrial furnaces permitted by EPA or an EPA-authorized state.

- Response

The Board agrees with the commenter that subparts (27)(d)14(ii) and (iii) of Rule 0400-12-01-.02 are unnecessarily limiting and revised the subparts to include incinerators, boilers, or industrial furnaces permitted by EPA or an EPA-authorized State as additional management options.

Adoption Consideration

- Board Adoption to the Amendments to the Hazardous Waste Management Regulations
 - Conforming changes to Canada specific hazardous waste import-export recovery and disposal operation codes
 - EPA amendments to rule language to satisfy all requirements for final program authorization
 - Recognizing when EPA retains implementation authority.
 - Correcting typographical errors.
 - Addressing incorrect cross references.
 - Properly citing state and federal analogs.
 - Delete obsolete language.
 - Remove confusing clarifying notes.
 - Remove state requirement determined by EPA to be less stringent than federal regulations.

THANK YOU

Beverly Philpot

Division of Solid Waste Management

WRS Tennessee Tower

312 Rosa L Parks Avenue, 14th Floor

Nashville TN 37243

615-795-1188 | Beverly.Philpot@tn.gov

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Department of
Environment &
Conservation