

**WA-06-17 EIA Supporting Information**  
**Rev. 01 – December 27, 2018**

**Plain language analysis of proposed rule and Economic Impact Analysis information:** The rule incorporates into state law changes made to federal hazardous waste regulations by the U.S. Environmental Protection Agency in the following Federal Registers, to the extent allowed by state law:

**A. NESHAP Final Standards for HW Combustors Amendments, April 8, 2008.**

**Summary:** The federal amendments to the October 2005 final rule clarify several compliance and monitoring provisions and correct several omissions and typographical errors in the final rule. Contains no unfunded mandates, no information collection burdens, affects only hazardous waste combustion facilities with specific NAICS codes, and at present there are no known affected entities operating in Wisconsin. (Corrections and clarifications; minimal to no impact; EPA checklist 217)

**Federal Register Economic Impact Summary:**

- Paperwork reduction: This action does not impose any new information collection burdens.
- Regulatory flexibility: This action does not have a significant economic impact on a substantial number of small entities. Cost impacts were estimated to range from 0.1 percent to 0.46 percent of annual gross corporate revenues (and at present there are no known affected entities operating in the state).
- Unfunded mandates: EPA determined that this rule does not add new requirements that would increase the costs of the original NESHAP for hazardous waste combustors. EPA determined that this final rule does not significantly or uniquely impact small governments because it contains no requirements that apply to such governments or impose obligations upon them.

<b>CATEGORY</b>	<b>NAICS CODE <sup>A</sup></b>	<b>POTENTIALLY AFFECTED ENTITIES</b>
<b>PETROLEUM AND COAL PRODUCTS MANUFACTURING CHEMICAL MANUFACTURING</b>	324 325	Any entity that combusts hazardous waste as defined in the final rule.
<b>CEMENT AND CONCRETE PRODUCT MANUFACTURING</b>	3273	
<b>OTHER NONMETALLIC MINERAL PRODUCT MANUFACTURING</b>	3279	
<b>WASTE TREATMENT AND DISPOSAL</b>	5622	
<b>REMEDIATION AND OTHER WASTE MANAGEMENT SERVICES</b>	5629	

<sup>a</sup> North American Industry Classification System

**B. F019 Exemption for Waste Water Treatment Sludges from Auto Manufacturing Zinc Phosphating Process, June 4, 2008.**

**Summary:** The F019 listing will be amended to exempt wastewater treatment sludges generated from zinc phosphating, when such phosphating is used in the motor vehicle manufacturing process, provided that the wastes are not placed outside on the land prior to shipment to a landfill for disposal, and the wastes are placed in landfill units that are subject to or meet the specified landfill design criteria. This F019 listing does not affect any other wastewater treatment sludges. (Relaxation/exemption; EPA checklist 218)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: The scope of this F019 rule is limited to the (1) automobile manufacturing industry (NAICS 336111) and (2) the light truck/utility vehicle manufacturing industry (NAICS 336112).
- Paperwork reduction: This action adds a recordkeeping requirement for generators. However, EPA estimates the rule will result in a net reduction annual paperwork burdens when taken in conjunction with the reduced hazardous waste management requirements due to the exemption (manifest and reporting reductions). EPA expects this net cost savings to be further supplemented by annual cost savings to these same facilities from reduced waste management costs, by the expected shift of sludge management from RCRA Subtitle C hazardous waste management, to RCRA Subtitle D nonhazardous waste management
- Regulatory flexibility: this action does not have a significant economic impact on a substantial number of small entities. EPA determined that this final rule does not significantly or uniquely impact small governments because it contains no requirements that apply to such governments or impose obligations upon them.
- Unfunded mandates: EPA determined that this final rule does not significantly or uniquely impact small governments because it contains no requirements that apply to such governments or impose obligations upon them. EPA has determined that this rule does not include a Federal mandate that may result in expenditures of \$100 million or more for state, local, or tribal governments, in the aggregate, or the private sector in any one year.

C. OECD Requirements; Export Shipments of spent Lead – Acid Batteries, January 8, 2010.

**Summary:** Implements changes to the agreements concerning the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), including notice and consent requirements, exception reports, import consent documentation and manifest requirements. (Required to maintain equivalency; not administered by the state; EPA Checklist 222)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: This final rule is projected to result in a net increase in costs to certain importers, exporters, and transporters of affected hazardous wastes. Increased costs are also projected for the Federal government. Exporters are projected to account for approximately 69 percent of the total projected costs. Projected net cost in the first year are expected to be less than \$910,000 nationally. Benefits of this action include increased regulatory efficiency, reduced risks associated with the treatment and disposal of hazardous wastes, and improved data collection.
- Paperwork reduction: This action adds a recordkeeping requirement for certificates of recovery, notices, receipts pertaining to exported hazardous waste shipments.
- Regulatory flexibility: EPA determined that this final rule does not significantly or uniquely impact small governments because it contains no requirements that apply to such governments or impose obligations upon them. While a significant number of exporters may be small businesses, the results of the analysis indicated that the cost to individual small entities in each potentially affected sector (as identified by NAICS codes) is likely to be insignificant. The annual compliance costs for these companies, as a percentage of average annual gross sales, was found to range from 0.01 percent to 0.08 percent.
- Unfunded mandates: EPA does not authorize States to administer Federal import/export functions in any section of the RCRA hazardous waste regulations because of the Federal government's special role in matters of foreign policy. This rule contains no regulatory requirements that might significantly or uniquely affect small governments.

<b>INDUSTRY SECTOR – OECD REVISIONS (EXPORTS)</b>	<b>NAICS</b>	<b>SIC</b>
<b>UTILITIES</b>	221100	4939
<b>PETROLEUM AND COAL PRODUCTS MANUFACTURING</b>	324	29
<b>CHEMICAL MANUFACTURING</b>	325100	28
<b>PRIMARY METAL MANUFACTURING</b>	331	33
<b>FABRICATED METAL PRODUCT MANUFACTURING</b>	332	34
<b>MACHINERY MANUFACTURING</b>	333	35
<b>COMPUTER AND ELECTRONIC PRODUCT MANUFACTURING</b>	334110	357
<b>ELECTRICAL EQUIPMENT, APPLIANCE, AND COMPONENT MANUFACTURING</b>	335	36
<b>TRANSPORTATION EQUIPMENT MANUFACTURING</b>	336	37
<b>MISCELLANEOUS MANUFACTURING</b>	339900	39
<b>SCRAP AND WASTE MATERIALS</b>	423930	5093
<b>MATERIAL RECOVERY FACILITIES</b>	562920	4953

<b>INDUSTRY SECTOR – SLAB REVISIONS (LEAD-ACID BATTERY EXPORT)</b>	<b>NAICS</b>	<b>SIC</b>
<b>HAZARDOUS WASTE COLLECTORS</b>	562112	4212
<b>RECYCLABLE MATERIAL HAULING, LONG-DISTANCE</b>	484230	4213
<b>BATTERIES, AUTOMOTIVE, MERCHANT WHOLESALERS</b>	423120	5013
<b>LEAD-ACID STORAGE BATTERIES, MANUFACTURING</b>	335911	3691
<b>AUTOMOTIVE PARTS, ACCESSORIES, AND TIRE STORES</b>	441310	5013
<b>TIRE DEALERS</b>	441320	5014
<b>ALL OTHER GENERAL MERCHANDISE STORES</b>	452990	5399
<b>NEW CAR DEALERS</b>	441110	5511
<b>RECYCLABLE MATERIAL WHOLESALER</b>	423930	5093
<b>OTHER WASTE COLLECTION</b>	562119	4212
<b>RECYCLABLE MATERIAL COLLECTION</b>	562111	4212
<b>SERVICES, SOLID WASTE COLLECTION MARINAS</b>	713930	4493
<b>GENERAL FREIGHT TRUCKING, LONG-DISTANCE, TL</b>	484121	4213
<b>GENERAL FREIGHT TRUCKING, LONG-DISTANCE, LTL</b>	484122	4213
<b>SPECIALIZED FREIGHT TRUCKING</b>	484200	4213
<b>FREIGHT CARRIERS (EXCEPT AIR COURIERS), AIR SCHEDULED</b>	481112	4512
<b>FREIGHT CHARTER SERVICES, AIR</b>	481212	4522

<b>FREIGHT RAILWAYS, LINE-HAUL</b>	482111	4011
<b>FREIGHT TRANSPORTATION, DEEP SEA, TO AND FROM DOMESTIC PORTS</b>	483113	4424
<b>FREIGHT TRANSPORTATION, DEEP SEA, TO OR FROM FOREIGN PORTS</b>	483111	4412

D. HW Technical Corrections and Clarifications, March 18, 2010.

**Summary:** Technical changes to correct existing errors, clarify existing parts of the hazardous waste regulatory program, and update references to Department of Transportation (DOT) regulations that have changed since the publication of various RCRA final rules. (Revisions to manifest regulations required to maintain equivalency; EPA Checklist 223)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: This action is not considered a “significant regulatory action” and as such, EPA did not submit this action to the Office of Management and Budget for review.
- Paperwork reduction: The manifest amendments in this action impose recordkeeping and reporting burden to generators and designated facilities subject to these manifest changes. However, EPA believes that the burden impacts are minimal since the changes apply only to rejected load shipments and container residue shipments that require the completion of a new hazardous waste manifest. EPA believes that the potential recordkeeping and reporting burden associated with hazardous waste shipments returned to the generator will be negligible since the proposed changes will only affect 308 shipments annually (nationally), and only an extremely small fraction of those returned shipments will require the completion, submission, and recordkeeping of an exception report.
- Regulatory flexibility: This action will not have a significant economic impact on a substantial number of small entities. This action simply corrects typographical errors, incorrect citations, omissions provides clarifications, and makes conforming changes where they have not been made previously.
- Unfunded mandates: This action contains no Federal mandates for State, local, or tribal governments or the private sector.

E. Removal of Saccharin and its Salts from the list of HW, December 17, 2010.

**Summary:** The rule removes saccharin and its salts from the lists of hazardous constituents and commercial chemical products which are hazardous wastes when discarded or intended to be discarded. (Relaxation; EPA Checklist 225).

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: This action is not considered a “significant regulatory action” and as such, EPA did not submit this action to the Office of Management and Budget for review.
- Paperwork reduction: This action does not impose an information collection burden. EPA expects that the total annual respondent burden from this final rule would result in a net reduction in national annual paperwork burden to the affected facilities because of elimination of hazardous waste, and hazardous substance reporting requirements. EPA also expects this rule to result in net annual cost savings to these same facilities from reduced waste management costs.

- Regulatory flexibility: This action will not have a significant economic impact on a substantial number of small entities. This action is designed to lower the cost of waste management for affected entities, by removing saccharin and its salts from the lists of hazardous constituents and commercial chemical products which are hazardous wastes when discarded.
- Unfunded mandates: This action contains no Federal mandates for State, local, or tribal governments or the private sector.

**INDUSTRY SECTORS POTENTIALLY AFFECTED BY THE FINAL RULE**

<b>NAICS CODE</b>	<b>Industry description for NAICS code</b>
<b>31193</b>	Flavoring Syrup and Concentrate Manufacturing.
<b>312111</b>	Soft Drink Manufacturing.
<b>325199</b>	All Other Basic Organic Chemical Manufacturing [manufacturers of saccharin].
<b>32541</b>	Pharmaceutical and Medicine Manufacturing.
<b>325411</b>	Medicinal and Botanical Manufacturing.
<b>325412</b>	Pharmaceutical Preparation Manufacturing.
<b>32562</b>	Toilet Preparation Manufacturing. <sup>2</sup>
<b>49311</b>	General Warehousing and Storage.
<b>5417</b>	Scientific Research and Development Services.
<b>54171</b>	Research and Development in the Physical, Engineering, and Life Sciences.
<b>61131</b>	Colleges, Universities, and Professional Schools.

F. Revisions of the treatment Standards for Carbamate Wastes, June 13, 2011.

**Summary:** The rule provides, as an alternative standard, for the use of the best demonstrated available technologies (BDAT) for treating hazardous wastes from the production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates and container residues that become hazardous wastes when they are discarded or intended to be discarded. In addition, this action removes carbamate Regulated Constituents from the table of Universal Treatment Standards. (Relaxation; EPA Checklist 227)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: This action augments existing LDRs by establishing alternative treatment standards expressed as technologies that may be used to treat the carbamate hazardous waste under the LDR program and as such is not considered a “significant regulatory action.”
- Paperwork reduction: This action does not impose any new information collection burdens.
- Regulatory flexibility: This rule will not have a significant economic impact on a substantial number of small entities because it merely establishes alternative treatment standards expressed as technologies that may be used to treat the carbamate hazardous waste under the LDR program.
- Unfunded mandates: This action does not contain any unfunded mandate or significantly or uniquely affect small governments

G. HW Technical Corrections and Clarifications, May 14, 2012.

**Summary:** The rule corrects a typographical error in the entry “K107” in the table listing hazardous wastes from specific sources in NR 661.32 [40 CFR 261.32]; and makes a conforming change at NR 666.020 (2) [40 CFR 266.20(b)] to clarify that a recycling facility must keep a one-time certification and notification related to recyclable materials being used in a manner constituting disposal. (Technical correction; neither more or less stringent; EPA Checklist 228)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: This rule takes final action on the RCRA Technical Corrections and Clarifications Direct Final rule and does not create any new regulatory requirements. As such it is not considered a “significant regulatory action.”
- Paperwork reduction: This action does not impose any new information collection burdens.
- Regulatory flexibility: This rule will not have a significant economic impact on a substantial number of small entities
- Unfunded mandates: This action does not contain any unfunded mandate or significantly or uniquely affect small governments

H. HW Manifest Rule, February 7, 2014.

**Summary:** New requirements will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste from a generator’s site to the site of the receipt and disposition of the hazardous waste. (Required to maintain equivalency; paperwork reduction; EPA Checklist 231)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: This final rule primarily codifies new statutory provisions that authorize the use of electronic manifests for tracking hazardous wastes. Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is considered a “significant regulatory action,” because it may raise novel legal or policy issues.
- Paperwork reduction: This action does not impose any new information collection burdens. The regulatory changes to the manifest do not change the information collected by the hazardous waste manifest, nor the scope of the wastes that are now subject to manifesting. The adoption of the electronic manifest changes the manner in which manifest information will be collected and transmitted.
- Regulatory flexibility: This action will not have a significant economic impact on a substantial number of small entities. This rule does not change existing requirements for manifesting hazardous waste shipments. It merely authorizes the use of electronic manifests at such time as the system to receive them is built and operational. Small generators of hazardous waste will either participate in the electronic manifest through the involvement of the transporters or facilities that service their wastes, or, they will continue to use paper manifests. Likewise, small transporters or small treatment, storage, or disposal facilities may elect to continue to use paper manifests, although there could be competitive pressure on those small transporters or facilities that continue to supply paper manifest to their customers.
- Unfunded mandates: This action does not contain any unfunded mandate or significantly or uniquely affect small governments. However, authorized states (such as WI) that currently use information systems to track manifest data will need to modify their information systems in order to receive specific electronic manifest data from the national e-Manifest system.

**I. Revisions to the Export Provisions of the CRT Rule, June 26, 2014.**

**Summary:** Revises certain export provisions of the cathode ray tube (CRT) final rule published on July 28, 2006. The revisions will allow EPA to better track exports of CRTs for reuse and recycling in order to ensure safe management of these materials. (Mandatory to retain equivalency; not administered by the state; EPA Checklist 232)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: EPA prepared an analysis of the potential costs and benefits associated with this action. This analysis is contained in the “Economic Impacts Assessment for Revisions to the Export Provisions of the Cathode Ray Tube Final Rule.” Annual costs to CRT exporters and EPA for the reporting and recordkeeping requirements are estimated to range from \$9,777 to \$17,362 per year. Additionally, CRT exporters may incur a one-time cost of approximately \$42,904 in the first year following promulgation of the rule to familiarize themselves with the new CRT rule requirements. EPA does not consider this rule a “significant regulatory action.”
- Paperwork reduction: EPA is requiring in the notification for CRTs exported for recycling that the exporter state the name and address of the recycler or recyclers and the estimated quantity of CRTs to be sent to each facility, as well as the names of any alternate recyclers.
- Regulatory flexibility: This action will not have a significant economic impact on a substantial number of small entities. The small entities directly regulated by this final rule are individual CRT exporters. We have determined that approximately 152 CRT exporters will experience an impact of less than 0.1 percent of annual sales as a result of annual compliance costs of the rule.
- Unfunded mandates: This action does not contain any unfunded mandate or significantly or uniquely affect small governments.

**J. Revisions to the Definition of Solid Waste, January 13, 2015.**

**Summary:** Revises several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The purpose of these revisions is to ensure that the hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary material. (Relaxation; partially mandatory to retain equivalency; EPA Checklists 233A, 233B, 233C, 233D, 233D2, and 233E)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: This action is a “significant regulatory action.” EPA estimates that the rule will result in a future annual costs savings of \$1.0 to \$2.0 million per year. However, because this 2014 DSW rule addresses many of the concerns states raised about the 2008 DSW rule, there is a potential that more states would adopt it, thus increasing the upper bound of annual cost savings to \$17.5 million to \$59 million per year.
- Paperwork reduction: Several information requirements established for this action are voluntary to the extent that the conditional exclusions are voluntary and represent an overall reduction in burden, as compared with the alternative information requirements associated with managing hazardous secondary materials as hazardous waste.

- Regulatory flexibility: this action will not have a significant economic impact on a substantial number of small entities. The small entities directly regulated by this final rule are primarily small businesses in the manufacturing sector (*i.e.*, NAICS codes 32 and 33). EPA determined that the average annual impact on small businesses is estimated to be significantly less than 1% of annual business sales for all small entities.
- Unfunded mandates: This rule contains no regulatory requirements that might significantly or uniquely affect small governments.

**K.** Vacatur of the Comparable Fuels Rules and the Gasification Rule, April 8, 2015.

**Summary:** Revision of regulations associated with the comparable fuels exclusion and the gasification exclusion, originally issued by EPA under the Resource Conservation and Recovery Act (RCRA). (Mandatory to retain equivalency; Relaxation; no known entities in Wisconsin; EPA Checklist 234)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: This action is not a “significant regulatory action.”
- Paperwork reduction: This final rule does not contain any information collection requirements.
- Unfunded mandates: This action does not significantly or uniquely affect small governments.

**L.** Disposal of Coal Combustion Residuals from Electric Utilities, April 17, 2015.

**Summary:** Exemption from the definition of hazardous waste, wastes generated primarily from processes that support the combustion of coal or other fossil fuels that when co-disposed with coal combustion residuals are not subject to hazardous waste regulations. (Relaxation; EPA Checklist 235)

**Federal Register Economic Impact Summary:** The exclusion revisions associated with this action remove specific wastes from the definition of hazardous waste. As such, it is a relaxation and should be considered economic relief from the requirements of hazardous waste management, transport, and disposal.

NAICS CODE	NAICS DESCRIPTION
211	Oil and Gas Extraction.
212	Mining (except Oil and Gas).
213	Support Activities for Mining.
311	Food Manufacturing.
324	Petroleum and Coal Products Manufacturing.
325	Chemical Manufacturing.
326	Plastics and Rubber Products Manufacturing.
327	Nonmetallic Mineral Product Manufacturing.
331	Primary Metal Manufacturing.
332	Fabricated Metal Product Manufacturing.
333	Machinery Manufacturing.



334	Computer and Electronic Product Manufacturing.
335	Electrical Equipment, Appliance, and Component Manufacturing.
336	Transportation Equipment Manufacturing.
339	Miscellaneous Manufacturing.
423	Merchant Wholesalers, Durable Goods.
424	Merchant Wholesalers, Nondurable Goods.
441	Motor Vehicle and Parts Dealers.
482	Rail transportation.
483	Water transportation.
484	Truck transportation.
488	Support Activities for Transportation.
531	Real Estate.
541	Professional, Scientific, and Technical Services.
561	Administrative and Support Services.
562	Waste Management and Remediation Services.
721	Accommodation.
924	Administration of Environmental Quality Programs.

**M. Imports and Exports of Hazardous Waste, November 28, 2016.**

**Summary:** Amends existing regulations regarding the export and import of hazardous wastes from and into the United States. These changes provide greater protection to human health and the environment by making existing export and import related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD). (Mandatory to retain equivalency, EPA Checklist 236)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: EPA estimates that the rule will lead to quantifiable annualized cost savings of \$0.7 million, associated with the relaxation of certain requirements and benefits associated with the electronic submission of notices, annual reports, and other documents. Cost savings to industry represent approximately 66 percent of this total. In addition, the rule would lead to certain benefits that cannot be quantified. These include increased efficiency and convenience of electronic submission, enhanced tracking of hazardous waste transportation recognized trader activities, increased regulatory efficiency, consistency with trade requirements for OECD countries, reduction of risks associated with the treatment and disposal of hazardous wastes, and improved ability to acquire information regarding exports and imports of hazardous waste.
- Paperwork reduction: The requirements covered in this action are necessary for EPA to oversee the international trade of hazardous wastes. In addition, the information is used to determine the number, origin, destination, and type of exports from and imports to the U.S. for tracking and reporting purposes and to assess the efficiency of the program

- Regulatory flexibility: This action will not have a significant economic impact on a substantial number of small entities. The small entities subject to the requirements of this action are exporters, importers, transporters, and recognized traders. The Agency has determined that between 22 and 25 percent of exporters, importers, and recognized traders, and approximately 80 percent of transporters, are small entities, for a total of 555 small entities, may experience an impact between 0.1 and 0.3 percent of annual revenues. Thus, the average costs of the rule, on a per entity basis, is expected to be less than one percent of annual revenues for any regulated entity.
- Unfunded mandates: This action does not contain an unfunded mandate and does not significantly or uniquely affect small governments.

N. Hazardous Waste Generator Rule Improvements, November 28, 2016.

**Summary:** Amends existing hazardous waste generator regulatory program by reorganizing the hazardous waste generator regulations to make them more user-friendly and thus improve their usability by the regulated community; providing a better understanding of how the RCRA hazardous waste generator regulatory program works; addressing gaps in the existing regulations to strengthen environmental protection; providing greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner; and making technical corrections and conforming changes to address inadvertent errors and remove obsolete references to programs that no longer exist. (Most provisions are equivalent or less stringent; clarifications; EPA Checklist 237)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: Entities potentially affected by this action include between 424,099 and 676,890 (nationally) industrial entities that generate hazardous waste regulated under the RCRA Subtitle C regulations. Of this universe, between 353,441 and 591,809 (nationally) are very small quantity generators whose regulatory obligations will only be affected if they choose to take advantage of either of the two voluntary programs being promulgated. Entities potentially affected by this final rule include practically every industrial sector, including printing, petroleum refining, chemical manufacturing, plastics and resin manufacturing, pharmaceutical manufacturing, paint and coatings, iron and steelmaking, secondary smelting and refining, metal manufacturing, electroplating, circuit board manufacturing, and automobile manufacturing, among other industries. This action is a “significant regulatory action” in that it may raise novel legal or policy issues.
- Paperwork reduction: This rule is necessary for EPA and authorized states to oversee the generation and management of hazardous waste. Several provisions in this rule will require respondents to either submit information or maintain records at their facility. For example, generators will have to notify the state if they plan to take advantage of two voluntary provisions that will provide greater flexibility in how they manage their hazardous waste (*i.e.*, VSQG consolidation of their hazardous waste by a LQG under control of the same person or company; and episodic generation of hazardous waste resulting in a temporary change in regulatory status). SQGs will be required to re-notify every four years that they have not changed their regulatory category to support effective inspections and program management activities. New LQGs and LQGs that have updated their emergency response plan will be required to develop and submit a quick reference guide of their emergency response plan to their local emergency responders or, as appropriate, the Local Emergency Planning Committee to effectively assist these parties in responding to an emergency.
- Regulatory flexibility: This action will not have a significant economic impact on a substantial number of small entities. The small entities directly regulated by this final rule include entities that generate hazardous waste across various industries, including, but not limited to, pesticide end-users and application services; industrial chemical manufacturers; wood preservation; pharmaceutical and other chemical and chemical product manufacturers; dry cleaners and industrial launderers; funeral services and crematories; photography; textile manufacturing; vehicle maintenance; metal manufacturing;

construction; printing; professional cleaning services; hospitals; and wholesale paints and chemicals. The estimated compliance costs of the final rule, per EPA, was projected as less than 1 percent of average annual revenues for small entities in the affected universe.

- Unfunded mandates: This action does not contain an unfunded mandate, and does not significantly or uniquely affect small governments.

**O. Confidentiality Determinations for Hazardous Waste Export and Import Documents, December 26, 2018**

**Summary:** This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States. Specifically, this rule applies a confidentiality determination such that no person can assert confidential business information claims for documents related to the export, import, and transit of hazardous waste and export of excluded cathode ray tubes. EPA is making these changes to apply a consistent approach in addressing confidentiality claims for export and import documentation. (Mandatory to retain equivalency; clarifications; EPA Checklist 238)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: This action is considered a deregulatory action in that it provides burden reduction by providing a consistent approach to addressing confidentiality claims with respect to the documents within the scope of this rulemaking. This action will result in cost-savings and greater efficiency for industry
- Paperwork reduction: This action does not impose an information collection burden because it does not contain any information collection activities.
- Regulatory flexibility: This action will not have a significant economic impact on a substantial number of small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities when the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are hazardous waste exporters, importers, receiving facilities and brokers acting on their behalf. There are no costs associated with this action; rather, the final rule results in cost-savings. Therefore, this action will relieve regulatory burden for all directly regulated small entities.
- Unfunded mandates: This action does not contain an unfunded mandate, and does not significantly or uniquely affect small governments.

Potentially affected entities may include, but are not limited to:

NAICS CODE	NAICS DESCRIPTION
211	Oil and Gas Extraction.
324	Petroleum and Coal Products Manufacturing.
325	Chemical Manufacturing.
326	Plastics and Rubber Products Manufacturing.
327	Nonmetallic Mineral Product Manufacturing.
331	Primary Metal Manufacturing.
332	Fabricated Metal Product Manufacturing.
333	Machinery Manufacturing.
334	Computer and Electronic Product Manufacturing.
335	Electrical Equipment, Appliance, and Component Manufacturing.

336	Transportation Equipment Manufacturing.
339	Miscellaneous Manufacturing.
423	Merchant Wholesalers, Durable Goods.
424	Merchant Wholesalers, Nondurable Goods.
522	Credit Intermediation and Related Activities.
525	Funds, Trusts, and Other Financial Vehicles.
531	Real Estate.
541	Professional, Scientific, and Technical Services.
561	Administrative and Support Services.
562	Waste Management and Remediation Services.
721	Accommodation.
813	Religious, Grantmaking, Civic, Professional, and Similar Organizations.
211	Oil and Gas Extraction.
324	Petroleum and Coal Products Manufacturing.

P. Hazardous Waste Electronic Manifest System User Fee Rule, January 3, 2018

**Summary:** This rule establishes the methodology used to determine and revise the user fees applicable to the electronic and paper manifests to be submitted to the national electronic manifest system (e-Manifest system) that EPA is developing under the Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195, which directs EPA to establish a national electronic manifest system. After the e-Manifest system's implementation date, certain users of the hazardous waste manifest will be required to pay a prescribed fee for each electronic and paper manifest they use and submit to the national system so that EPA can recover the costs of developing and operating the national e-Manifest system. This final rule also announces the June 30, 2018 date when EPA expects the system to be operational and when this rule and the earlier promulgated One Year Rule will go into effect. EPA will begin accepting manifest submissions and collecting the corresponding manifest submission fees on this date. (Mandatory to retain equivalency; not administered by the state; EPA Checklist 239)

**Federal Register Economic Impact Summary:**

- Regulatory planning and review: This action affects those entities required to use the hazardous waste manifest, a regulated universe that includes approximately 80,000 regulated entities (nationwide), and an equal or greater number of entities handling state-only regulated wastes in at least 45 industries, and is expected to result in a net cost savings for them amounting to \$66 million per year, when discounted at 7% and annualized over 6 years. These industries are involved in generating, transporting, and receiving several million tons annually of wastes that are hazardous under Subtitle C of the Resource Conservation and Recovery Act (RCRA), or, are regulated by states and also are subject to tracking with the RCRA hazardous waste manifest. EPA estimates that these entities currently use between three and five million hazardous waste manifests (EPA Form 8700-22) and continuation sheets (EPA Form 8700-22A) to track RCRA hazardous and state-only regulated wastes from generation sites to off-site receiving facilities. However, the user fee obligations that are the primary focus of this final rule will mostly affect a subset of these regulated entities, particularly, the several hundred commercial RCRA TSDFs nationally, and the corresponding receiving facilities for state-only regulated wastes, under RCRA manifests. This action is a significant regulatory action for review because it may raise novel legal or policy issues.

- **Paperwork reduction:** This implementation of e-Manifest and this Fee Rule, as administered by EPA, will impose new information collection requirements on the regulated community, although it is expected to significantly reduce the paperwork burden relative to the paper manifest system. Although the primary effect of the e-Manifest implementation will be to replace current paper-based information requirements with electronic-based requirements to submit or retain the same shipment information, there could be minor additions or changes to the information collection requirements, such as information that may be provided to establish user accounts and fee payment accounts, information submitted for identity management, as well as waste profile or other information that may be useful for the creation and submission of electronic manifests.
- **Regulatory flexibility:** The primary effect of the e-Manifest implementation will be to replace current paper-based information requirements with electronic-based requirements to submit or retain the same shipment information. This action will not have a significant economic impact on a substantial number of small entities
- **Unfunded mandates:** This action does not contain an unfunded mandate, and does not significantly or uniquely affect small governments.

Potentially affected entities may include, but are not limited to: The small entities directly regulated by this final rule include entities that receive shipments of hazardous waste across various industries, including, but not limited to, NAICS 562211 Hazardous Waste Treatment and Disposal; NAICS 562920 Materials Recovery Facilities; NAICS 331410 Nonferrous Metal (except Aluminum) Smelting and Refining; NAICS 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum); NAICS 523910 Miscellaneous Intermediation; and NAICS 562219 Other Nonhazardous Waste Treatment and Disposal.

NAICS DESCRIPTION	NAICS CODE	EXAMPLES OF POTENTIALLY AFFECTED ENTITIES
TRANSPORTATION AND WAREHOUSING	48-49	Transportation of hazardous waste.
WASTE MANAGEMENT AND REMEDIATION SERVICES	562	Facilities that manage hazardous waste.

**Q. Safe Management of Recalled Airbags, November 30, 2018**

**Summary:** This rule provides a conditional exemption from hazardous waste requirements for entities that remove airbag modules and inflators (i.e. airbag waste) from automobiles. Under this new rule, the entities that generate the airbag waste are “airbag waste handlers” and include automobile dealerships, automotive salvage and scrap yards, independent repair facilities and collision centers. The exemption relates to the generation and accumulation of airbag waste at the airbag waste handler location and during transport to an airbag waste collection facility or designated facility, as long as certain conditions are met. Once collected at the airbag waste collection facility, the airbag waste will be managed as RCRA hazardous waste and must be sent to RCRA disposal or recycling facilities. (Relaxation; no known entities in Wisconsin; EPA Checklist 240)

**Federal Register Economic Impact Summary:**

- **Regulatory planning and review:** This rule has been determined significant because it raises novel legal or policy issues arising out of a legal mandate [EPA] and is considered a deregulatory action. The federal economic impact analysis estimated a total cost savings between \$7.6 million and \$56.9 million (nationwide) for the duration of the Takata recalls, resulting in an estimated annual cost savings of \$1.7 million to \$13.0 million per year (discounted at 7%).

- Paperwork reduction: The information collection activities in this rule were determined to be necessary to ensure that the hazardous waste airbag modules and airbag inflators exempted under this rule are safely disposed of and that defective airbag modules and airbag inflators are not reinserted into vehicles where they would pose an unreasonable risk of death or serious injury. Information collection activities include requiring affected entities maintain copies of shipping records and confirmations of receipt for three years.
- Regulatory flexibility: EPA invoked an exemption from the regulatory flexibility act as this exemption addresses exigent public health issues associated with the Takata airbag recalls.
- Unfunded mandates: This action does not contain an unfunded mandate, and does not significantly or uniquely affect small governments.

Potentially affected entities may include, but are not limited to: entities that manage airbag waste (*i.e.*, discarded airbag modules and airbag inflators) that are subject to hazardous waste regulations. The dealerships performing the Takata recall work constitute the majority of the facilities that will be impacted by this rule. These dealerships fall under NAICS code 441: Motor Vehicle and Parts Dealers. EPA estimates that about 15,256 dealerships (nationwide) may be affected by this rule. Other potentially affected entities include those in NAICS code 336: Transportation Equipment Manufacturing, and in NAICS code 562: Waste Management and Remediation Services.

**R. Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, December 11, 2018**

**Summary:** This rule establishes cost-saving, streamlined standards for handling hazardous waste pharmaceuticals to better fit the operations of the healthcare sector, provides regulatory certainty for healthcare facilities sending unused, unsaleable prescription hazardous waste pharmaceuticals to reverse distributors to receive manufacturer credit, and the rule incorporates flexibilities to accommodate current reverse distribution business practices. In addition, FDA-approved, over-the-counter nicotine replacement therapies (*i.e.*, nicotine patches, gums and lozenges) will no longer be considered hazardous waste when discarded, which will result in significant cost savings and burden reduction in the management of these types of nicotine wastes. (Relaxation. EPA Checklist 241)

**Economic Impact Summary:**

- Potentially affected entities may include, but are not limited to: Healthcare facilities and reverse distributors that generate and manage hazardous waste pharmaceuticals will follow these new, tailored standards for managing their hazardous waste pharmaceuticals instead of the industry-oriented hazardous waste generator regulations. This rule does not apply to pharmaceutical manufacturers (unless they act as reverse distributors), production facilities or other generators of hazardous waste pharmaceuticals. In addition, anyone who generates or manages discarded FDA-approved over-the-counter nicotine replacement therapies (*i.e.*, patches, gums and lozenges) is also affected by the amendment to the P075 listing for nicotine that is also part of this final rule.
- Regulatory flexibility: Compared to the hazardous waste generator regulations, healthcare facilities operating under the new standards will have the following benefits:
  - A healthcare facility will not become a LQG, with all the associated requirements, when it generates more than 1 kg of acute hazardous waste pharmaceuticals in a month;
  - A healthcare facility will not have to comply with the satellite accumulation area regulations, which are a poor fit for healthcare facilities;
  - A healthcare facility will not need to specify hazardous waste codes on manifests;

- A healthcare facility will be able to accumulate hazardous waste pharmaceuticals on site without a RCRA permit for 365 days, an increase of 275 days over the current generator regulations; and
- A healthcare facility will have basic training requirements.
- Additionally, the final standards are tailored to how reverse distributors operate and will replace the standard generator regulations for the accumulation and management of hazardous waste pharmaceuticals at reverse distributors.

This action will not have a significant economic impact on a substantial number of small entities. This action is designed to lower the cost of waste management for affected entities and is considered a deregulation activity.

- **Unfunded mandates:** It is not anticipated that this action would contain an unfunded mandate, or significantly or uniquely affect small governments.