



August 20, 2021

Proposed Revisions to the Hazardous Waste Rules, Chapter 1: General Provisions, IBR Update 2, Hazardous Waste Program

Prepared by:
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Solid and Hazardous Waste Division
Hazardous Waste Program

Response to comments on Chapter 1: General Provisions, IBR Update 2 Received during the June 29, 2021 Water and Waste Advisory Board Meeting

Commenter: Water and Waste Advisory Board (WWAB)

General

WWAB: The WWAB recommended a few punctuation corrections including periods, commas, and parentheses.

Department Response: The Solid & Hazardous Waste Division edited the punctuation in the chapter as discussed during the June 29, 2021 WWAB meeting.

Section 3. SUBSTITUTION OF STATE TERMS FOR FEDERAL TERMS.

WWAB Comment: The WWAB recommended the deletion of the last sentence under both terms “Qualified Engineer” and “Qualified Geologist” which stated that the DEQ terms differ from the EPA terms. The WWAB reasoned that these sentences can be deleted because they are redundant.

Department Response: The Solid & Hazardous Waste Division and Attorney General evaluated the WWAB’s recommendation and concurred that these sentences are redundant since the terms being mentioned in Section 3 are state terms which replace federal terms, and were therefore deleted.

Section 4. DEFINITIONS.

WWAB Comment: The WWAB recommended that the Division clarify the definition of “Potentially Exposed Populations” by deleting the verbiage about background health effects, because it muddles the definition.

Department Response: The Solid & Hazardous Waste Division revised the language by streamlining the definition of Potentially Exposed Populations as “Any or all individuals, including sensitive populations, potentially coming into contact with contaminants of concern.”

WWAB Comment: The WWAB commented on use of “sewer system” in Section 4(x) stating that the definition was confusing and did not specify the type of waste the sewer system is conveying.

Department Response: The Solid & Hazardous Waste Division evaluated the WWAB comment and proposed the addition of the term “authorized waste,” since many sanitary systems have pretreatment authorization where they allow some industrial liquid waste into their system.

Section 124. ADMINISTRATIVE PROCEDURES.

WWAB Comment: The WWAB recommended streamlining language under Applications for a Permit (b)(iii) regarding publishing public notice which stated that “the applicant shall” . . . “(C) Cause a notice to be published.” The WWAB suggested revising item (C) because the wording is awkward.

Department Response: The Solid & Hazardous Waste Division streamlined the language in this section to state that the applicant shall “(C) Publish a notice” to make the section read more smoothly.

Section 264. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES.

WWAB Comment: The WWAB recommended clarifying the location standards under (i) ADDITIONAL LOCATION STANDARDS FOR CLASS II FACILITIES (ix) because the distance standards “shall not be located within:” One thousand feet of any perennial lake . . . , and Three Hundred feet of any perennial river or stream” were not included under the “shall not be located within,” phrase.

Department Response: The Solid & Hazardous Waste Division evaluated the comment and revised the section by adding the lake and river location standards under section (ix) so that those distance location standards fall directly under the phrase “shall not be located within:”

No additional public comments were submitted during the WWAB Meeting