



**US Army Corps  
of Engineers** ®

## HTRW Center of Expertise Information - Fact Sheets

US Army Corps of Engineers

### HTRW CX Regulatory Fact Sheet FY 06-03

**Title:** Resource Conservation and Recovery Act (RCRA)  
Burden Reduction Initiative

**Date:** April 4, 2006

**SARS RIN#:**  
RIN: 2050-AE50

**Action Type:** Final Rule

**Cite:** 71 Federal  
Register 16861

**Executive Summary:** Consistent with requirements of the Paperwork Reduction Act, this rule removes non-essential recordkeeping and reporting requirements within Federal RCRA hazardous waste management standards. It also clarifies and simplifies other requirements. This lays the foundation upon which authorized states can choose to modify their RCRA programs to implement similar reductions in recordkeeping and reporting requirements.

This rule affects large and small quantity generators of hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities (TSDFs). However, provisions of this rule will not become effective in RCRA authorized states unless states act to adopt similar provisions.

**USACE Impact:** Positive. This reduces recordkeeping and reporting requirements.

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**Full Text Document Location:**

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/06-2690.pdf>

**Key Elements of the Rule:** Consistent with the goals of the Paperwork Reduction Act, to reduce the paperwork burden on both regulators and the regulated community, this rule streamlines recordkeeping and reporting requirements regarding Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Well over a hundred changes to recordkeeping and reporting requirements are made by this rule. EPA grouped changes into the following categories: (1) the amount of time records must be kept; (2) certification by a professional engineer; (3) option to follow Integrated Contingency Plan Guidance; (4) the option to follow Occupational Safety and Health Administration (OSHA) regulations for emergency training; (5) clarifications and elimination of obsolete regulatory language; (6) elimination of selected recordkeeping and reporting requirements; (7) decreased self-inspection frequency for selected hazardous waste management units; (8) selected changes to the requirements for record retention and submittal of records; (9) changes to the requirements for document submittal; and (10) reduced frequency for report submittals. For complete details, see the Federal Register referenced above. Most significant changes are summarized below.

The majority of the changes made by this rule are within TSDF standards, 40 CFR 264 and 265. However, these changes are also relevant to generators because

generator standards within 40 CFR 262.34 require compliance with certain TSDF standards as a condition of temporarily accumulating hazardous waste without a permit. Changes affecting both TSDFs and generators include the following:

- Training requirements are modified to clarify that employees receiving OSHA emergency response training are not required to have separate RCRA emergency response training provided the overall training satisfies specified requirements. [Note: Proposed revisions to personnel training records were not adopted in the final rule.]
- Contingency planning requirements are modified to clarify that a facility subject to emergency or contingency planning requirements under multiple regulations may use one integrated contingency plan and that modifications to non-RCRA provisions in the plan does not trigger a requirement for a RCRA permit modification.
- Container inspection standards are modified to require weekly rather than daily inspections. In addition, “Performance Track member facilities” may seek approval to further reduce inspection frequency to monthly inspections.
- Tank system self-inspection requirements are reduced. Tank systems that either use leak detection equipment or which have workplace practices in place to ensure prompt identification of leaks can inspect tank systems weekly as opposed to daily. “Performance Track member facilities” may seek approval for monthly inspections. However, ancillary equipment without secondary containment and data gathered from monitoring and leak detection equipment must still be inspected each operating day.
- Land disposal restriction (LDR) standards are modified to allow generators to choose not to make a determination as to whether waste requires treatment. Instead, the generator may opt to send waste to a treatment facility that then makes the determination. Under this option, the generator must still determine applicable waste codes and whether characteristic wastes contain underlying hazardous constituents. A notification must be submitted to the receiving facility that includes the EPA hazardous waste numbers (waste codes) for the waste, the manifest number of the first shipment, and the statement “This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.” A copy of this notice must also be maintained in the generator’s files.
- Professional engineer (PE) certification requirements have been modified throughout RCRA regulations to require certification by “qualified PEs” rather than “independent, qualified, registered PEs”. [Note: Proposed provisions to allow Certified Hazardous Materials Managers (CHMMs) to make certifications were not adopted.]

Additional burden reduction measures impacting TSDFs include reduced record retention timeframes, elimination of selected recordkeeping and reporting requirements, and reduced notification requirements. Whereas TSDFs previously generally maintained records for the operational lifetime of the facility, under this rule many records can be disposed of after three years (or in the case of incinerators, boilers, and industrial furnaces after five years). Some notifications previously required to be submitted to the regulatory agency and maintained onsite are now only required to be maintained onsite. This includes the LDR notification under 40

CFR 268.9(d) regarding characteristic waste which is treated so it is no longer exhibits a hazardous characteristic.

Where a permit modification is required in order to implement the changes offered by this rule, these changes will be implemented via “Class 1 modifications without prior approval”, except for inspections at “Performance Track member facilities” which will be implemented via “Class 1 modifications with prior approval”.