

# **Public Hearing on Board Orders:**

**WA-11-21 Modernizing Ignitable Liquid Determinations**

**WA-12-21 Evaluating, Modifying and Expanding Universal Waste Regulations**

**WA-14-21 Technical Corrections**

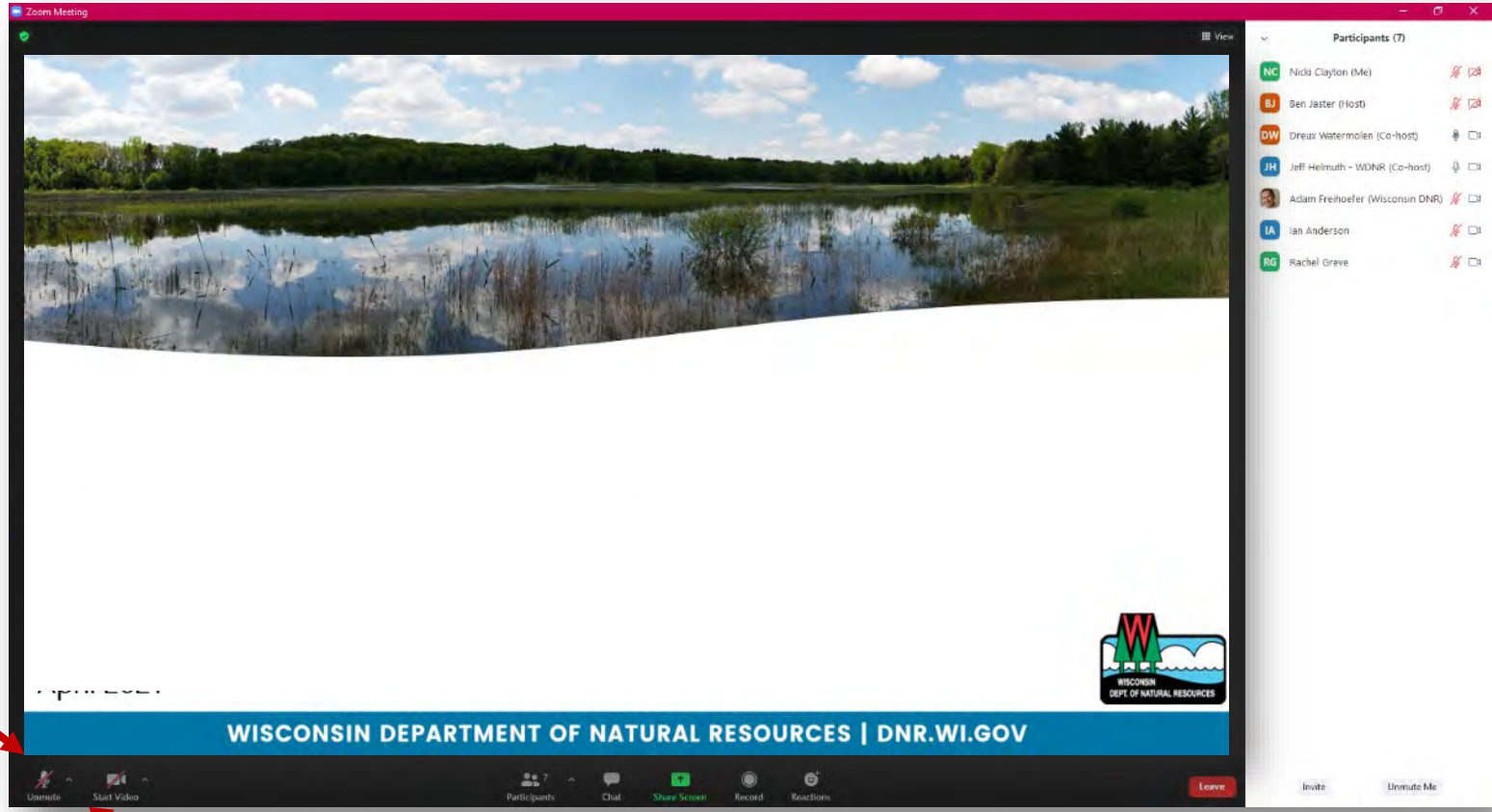
**Hearing Officer: Alixandra Burke, Attorney**

**Expert Presentation: Cathy Baerwald, HW Policy Specialist**

**May 8, 2024, 10:00 AM**

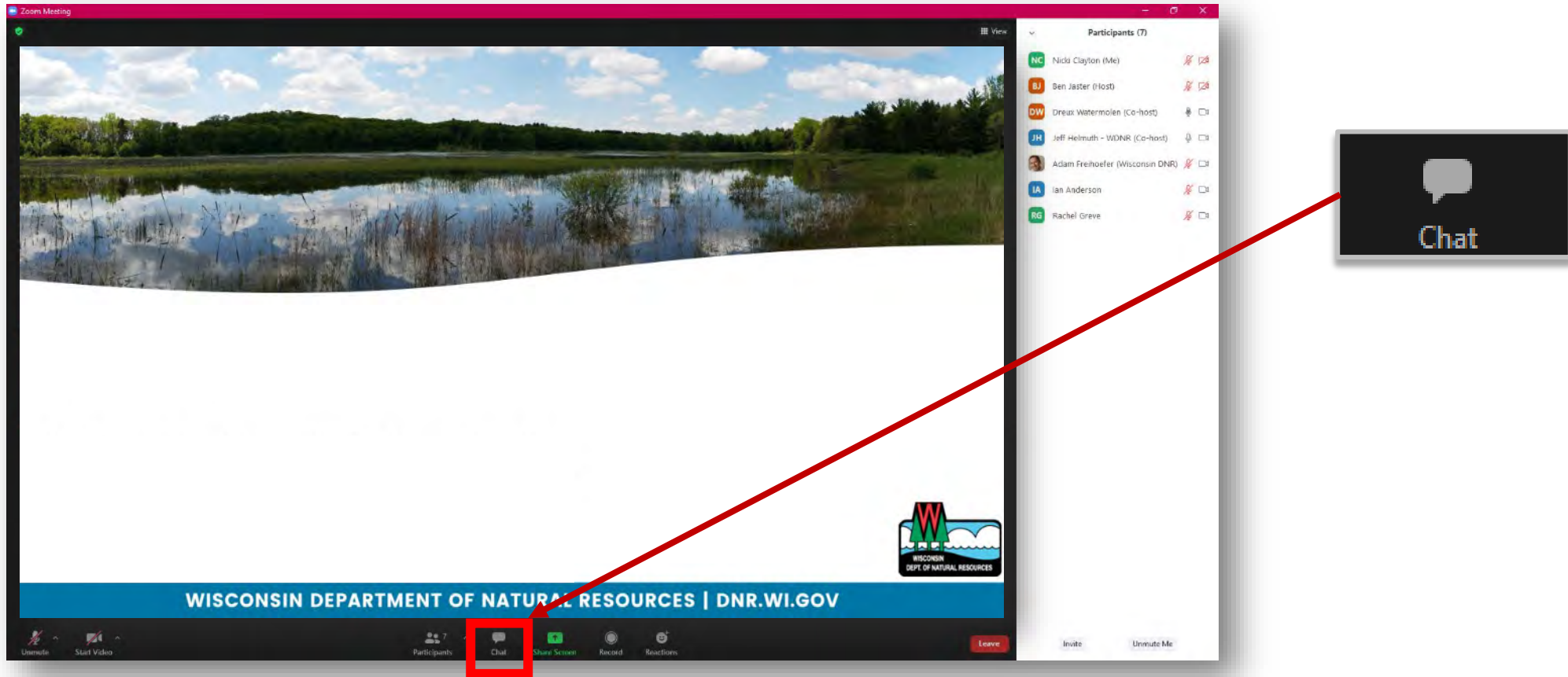
# Attendees Using Zoom

- You are currently muted
- You cannot share video



# For Assistance with Zoom

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# Submitting Comments

Comments on the rules must be received by Midnight Wednesday, May 15, 2024.

**Written comments and any questions on the proposed rules should be emailed to:**

Catherine Baerwald, Waste Management/Policy Specialist  
Waste and Materials Management Program-Hazardous Waste  
Email: [Catherine.Baerwald@wisconsin.gov](mailto:Catherine.Baerwald@wisconsin.gov)

Department Proposed Permanent Rules web page:  
<https://dnr.wisconsin.gov/news/input/ProposedPermanent.html>

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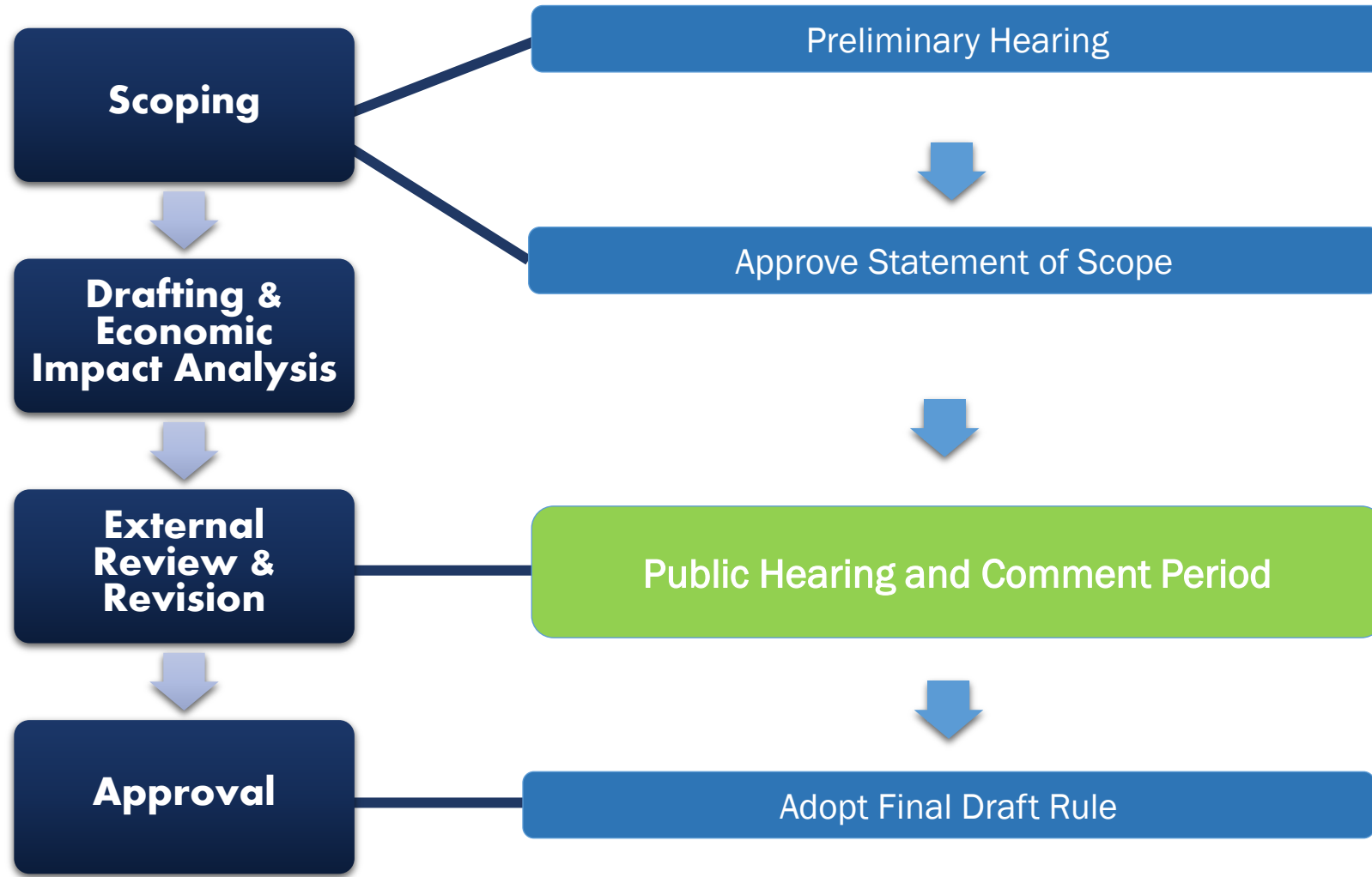
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# Public Hearing for Board Order Numbers: WA-11-21, WA-12-21 and WA-14-21

Hazardous waste regulations are under chs. NR 660 to 679, W.A.C.

- WI DNR is authorized by EPA to manage state RCRA program.
- State regulations must be analogous to federal hazardous waste regulations to maintain authorization.
- Section 291.05, Wis. Stats., requires the department to promulgate criteria identical to those created by EPA for identifying the characteristics of hazardous waste.
- Household hazardous waste is exempt from hazardous waste regulations (until collected).

# Hearing and Comment Period for WA-11-21, WA-12-21, and WA-14-21



# Public Hearing for Board Order Number WA-11-21

## Modernizing Ignitable Liquids Determination Federal Rule

Federal promulgation occurred July 7, 2020. Effective September 8, 2020.

- Updates outdated flash point test methods relating to ignitable hazardous waste determinations.
- Clarifies the definition of an aqueous solution.
- Corrects cross references to U.S. Department of Transportation (DOT) regulations.



# Key points



This revision allows for the use of:

- Modern equipment and techniques for making ignitability determinations for waste.
- Non-mercury thermometers for a variety of EPA's analytical methods that currently require mercury thermometers.

- Potentially reduces the use of mercury containing products which EPA estimates will decrease exposure to mercury.
- Defines “aqueous” to be at least 50 percent weight by water.
- Creates consistency between EPA language and U.S. DOT cross references.

# Potential Impact and Impacted Entities

## Laboratories



- Voluntary (alternative new test method)
- Allows for modernization of equipment
- Approximately 18 certified & registered labs (currently performing test methods for ignitability) including HW licensed facilities with labs
- Potential reduced cost for repair and replacement of equipment, time savings
- Increase opportunity to remove mercury containing-equipment (lessen risk to human health and the environment)

## Generators and Transporters

- Improved and clarified regulations
- Potential time savings (labeling and shipment)

# Public Hearing for Board Order Number WA-12-21

## Universal Waste Revisions Federal Rule

Federal promulgation December 9, 2019. Effective February 7, 2020.

- Allows aerosol cans to be managed as a universal waste (optional).
- Clarifies destination facility requirements.
- Clarifies requirements for intentionally broken or crushed lamps:
  - Manage the broken/crushed materials as HW.
  - Manage the HW emissions and residues.

Cathy Baerwald, Hazardous Waste Policy Specialist

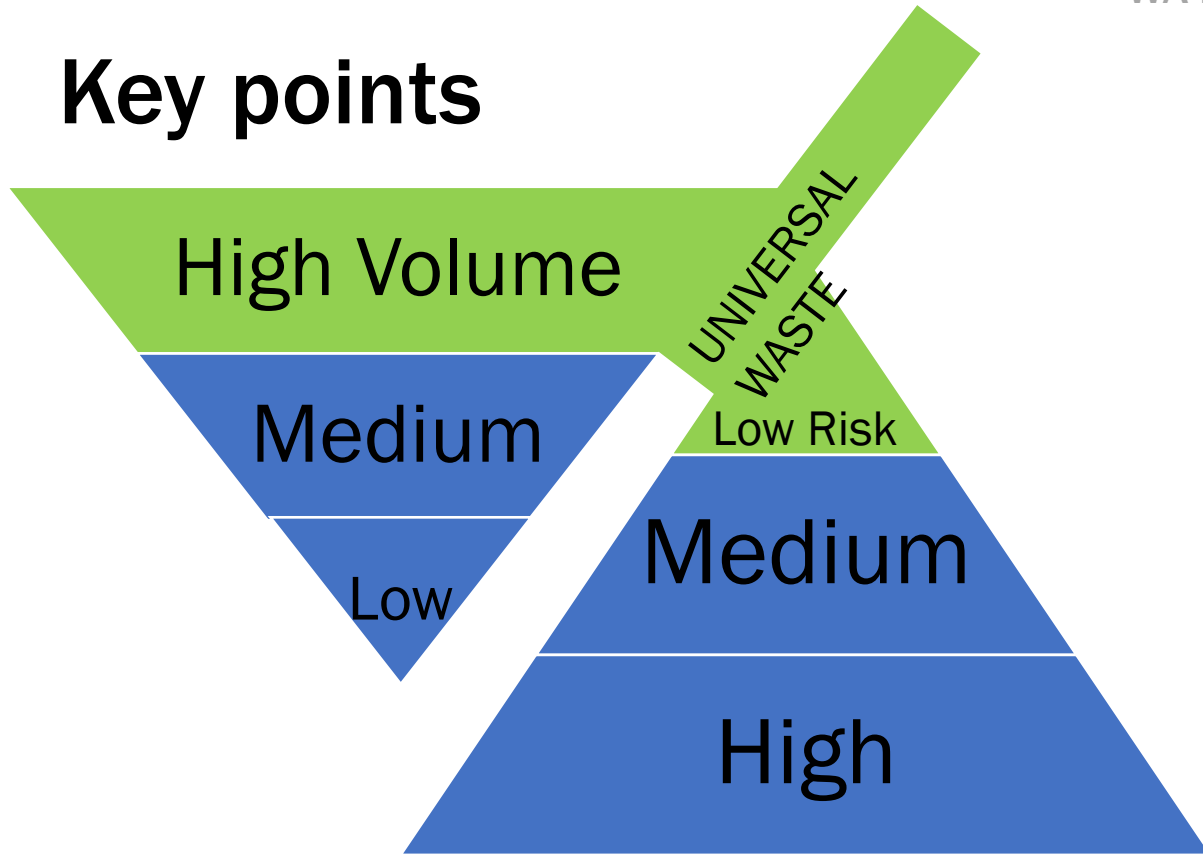
# What is a Universal Waste?

A conditionally Exempt Hazardous Waste

Exemptions: Allows a material that is a solid or hazardous waste to be partially or fully freed from RCRA requirements

\*But you must follow applicable regulations or *all* hazardous waste regulations may apply

## Key points



- Universal waste regulations, found in ch. NR 673, Wis. Adm. Code, can relieve regulatory burden for the management of wastes that may be hazardous wastes.
- Universal waste regulations are designed to promote recycling, decrease monetary burdens, and ensure environmental protection and worker safety.

# Current Universal Waste Allowances



Lamps (“bulbs”)



Batteries



Mercury Containing Equipment



Recalled/Unused Pesticides

Cathy Baerwald, Hazardous Waste Policy Specialist

# Potential Impact and Impacted Entities

## Aerosol Can management



- Impacted entities include a variety of small businesses, including retailers, auto body and repair shops, gas stations, printers and grocery stores; manufacturers that produce or use aerosols (ex. painting)
- Optional management standard (flexibility)
- Reduced management and disposal costs
- Potential for increased recycling

## Destination facility language

- Impacted entities: UW recyclers (typically)
- No change to interpretation or facility obligations. Proposed code will continue to align with current state with federal requirements
- Clarified regulations – specific to when a license is required

## Crushed lamps

- Impacted entities: Will mostly impact bad actors
- Clarified regulations – manage crushed lamps as HW
- Capture and manage residues including emissions

# Preliminary Public Hearing for Board Order Number WA-14-21

## Technical Corrections Update

- Corrects spelling, grammatical errors, and citation errors.
- Addresses missing or incorrect federal code language.
- Covers, in part, recent federal technical corrections.
- Clarifications (primarily within licensing NR 664/665/670 code).

Cathy Baerwald, Hazardous Waste Policy Specialist



# Key Points

- Program missed previous (historic) federal corrections (ex. Checklist 214, Effective July 14, 2006) during most recent rule development.
- EPA released new technical corrections in the Federal Register on December 7, 2023.
- Spelling and grammatical errors identified in existing Wis. Adm. Code.

**Example:** 661.0033 chart for u-listed (commercial chemical products) has 4 entries listed as U679. Two should be U279. These are national standards and must be corrected to match federal listing.

**Example:** We maintain a federal to state crosswalk with our rule-numbering system. Federal 40 CFR 262 is equivalent to NR 662. However, WI rule-writing requirements create some issues:

- Last rule package required updates generated by federal changes to 262.11
- Revisions required WI numbering to 662.011
- 2020 HW rule package missed some of the required “0s”

# Potential Impact and Impacted Entities

Impacted  
Entities

Reviewing entirety of the hazardous waste chapters, NR 660-679,  
Wis. Adm. Code.

Burden

- Impacted entities include the regulated community
- Rule corrects errors and does not impose new burdens on businesses
- Alleviate confusion and standardizes language to be consistent with federal regulations
- Clarifications do not change intent or legal meaning of existing regulations

# Hearing Logistics (Zoom): Raising Your Hand

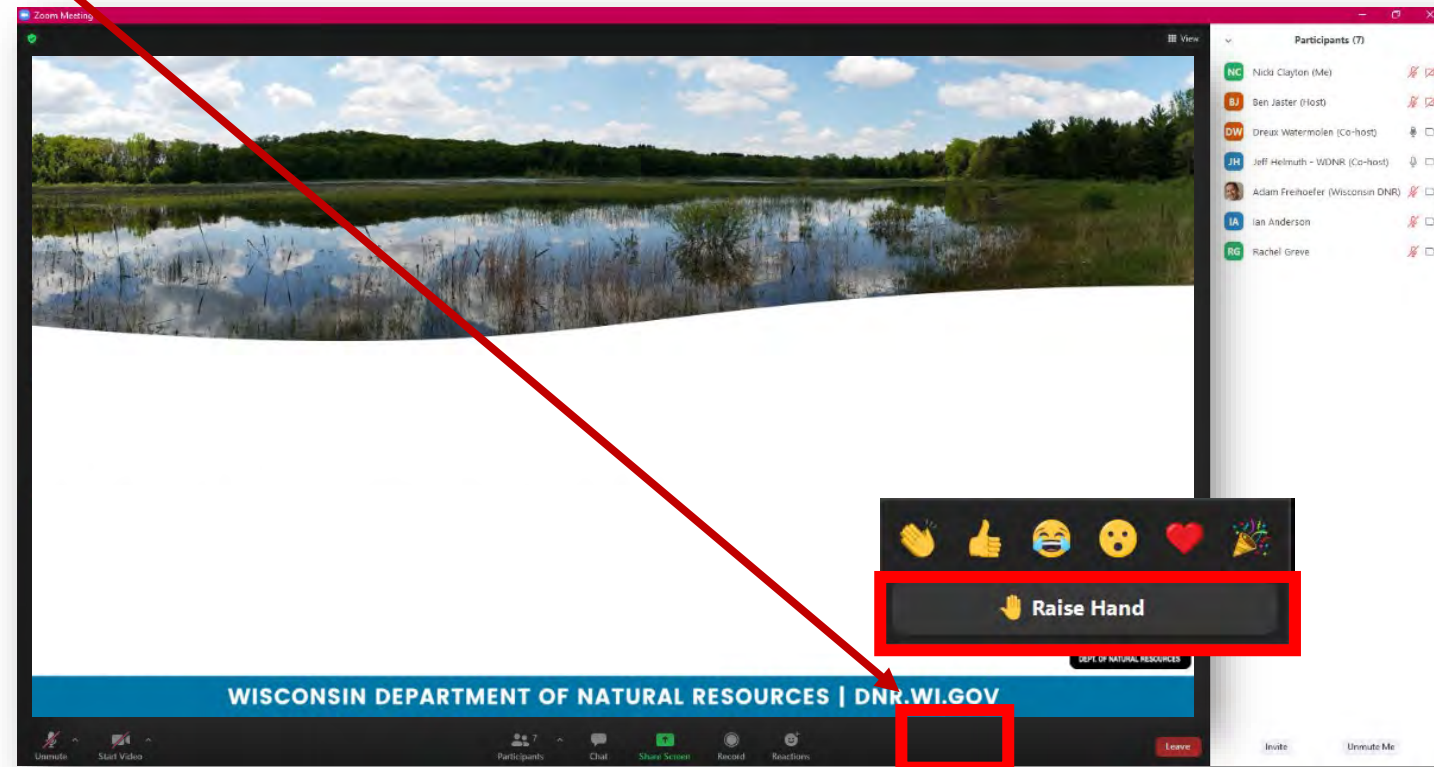
If you'd like to comment:

- 1) *Click Reactions*
- 2) *Click Raise Hand*



By phone:  
Dial \*9 to  
raise hand.

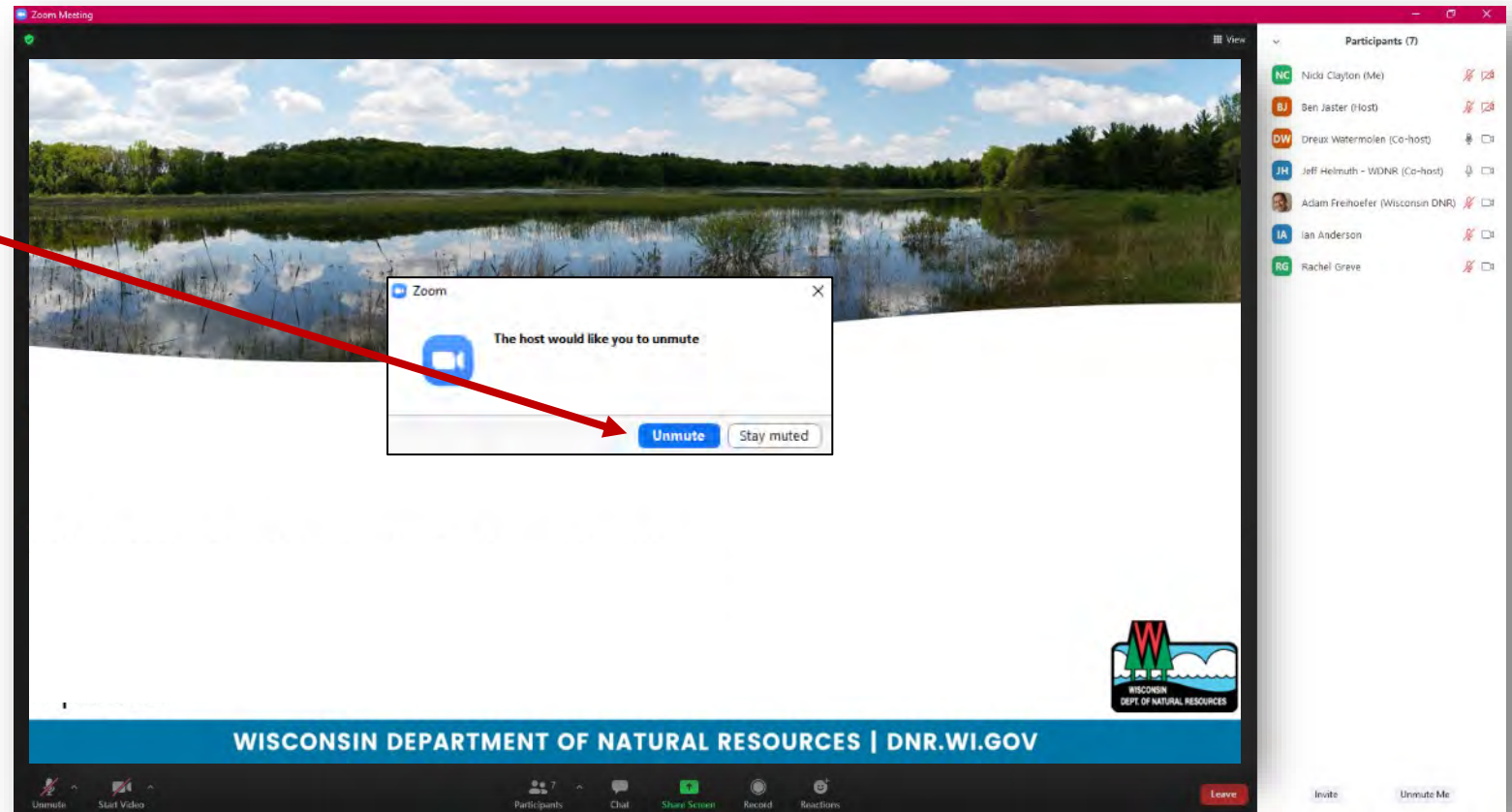
A “Raised Hand” icon will appear next to your name in the “Participants” window.



# Hearing Logistics (Zoom): Unmuting

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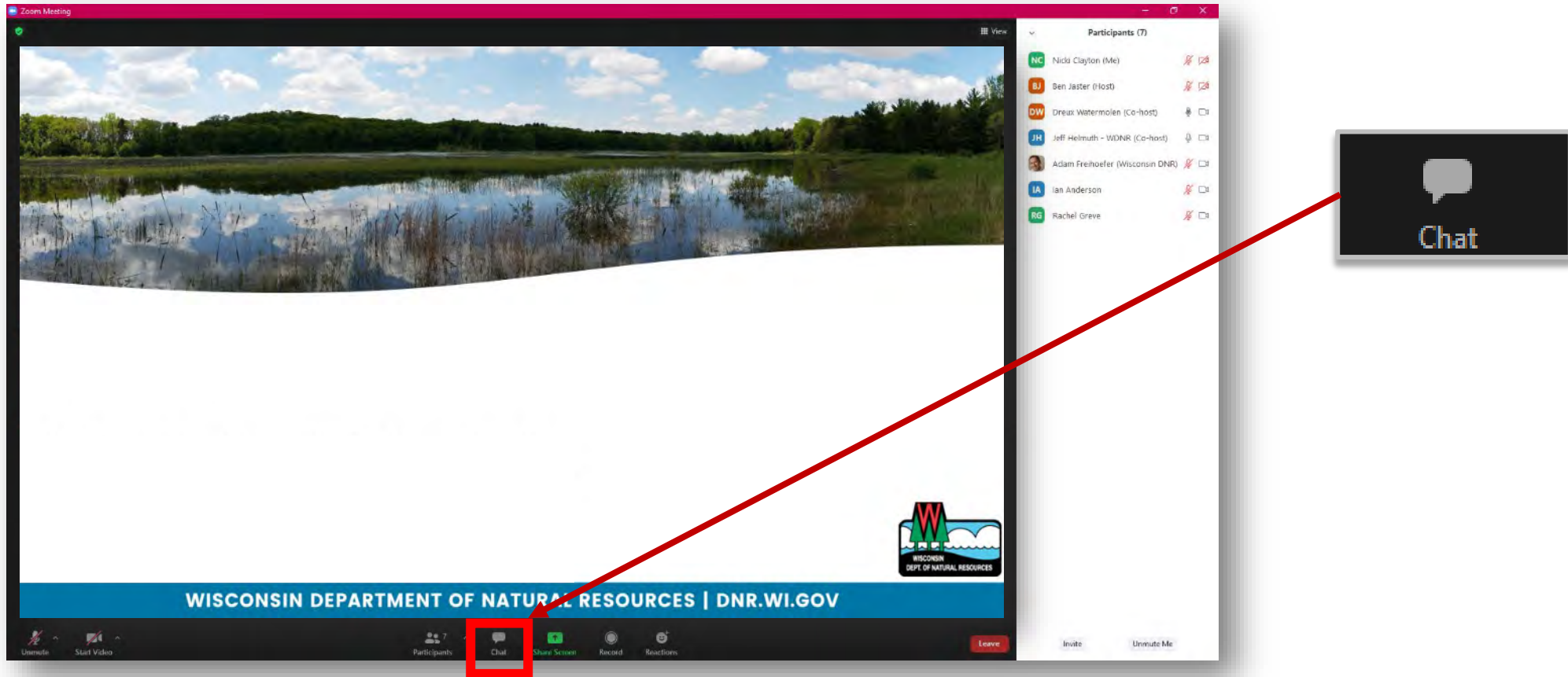
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