

Stakeholder Meeting

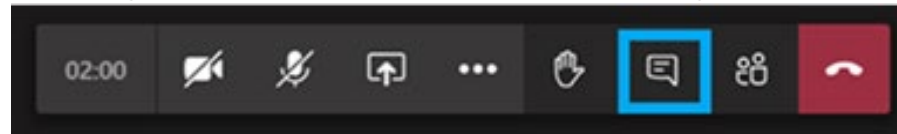
Hazardous Waste Rule, N.J.A.C. 7:26G
Recycling Rule, N.J.A.C. 7:26A



Disclaimer: The information provided is for discussion purposes only and does not reflect final decision-making.

General Meeting Information

- ❑ **Attendance** – a list will be developed using the Teams platform and maintained as part of the rule making records.
 - If you have dialed into the meeting, please email sonya.silcox@dep.nj.gov with your first and last name and organization, if applicable, to be included on the list.
- ❑ **Recording** – the meeting is being recorded; and a transcript will be developed to include as part of the rule making records.
- ❑ **Chat function** - Please only use the chat window if you're experiencing technical difficulties.

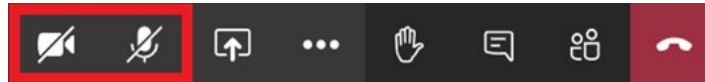


- ❑ **Contact Information** - see the final slide for options to send or share additional items of consideration.

Participation Process

Questions/Speaking Etiquette:

- ▶ Please make sure your microphone is muted and your camera is off.



- ▶ To comment or ask a question, please use the 'raise hand' button and you will be called on.



- ▶ When called on to speak, you may un-mute yourself and, if you would like, turn on your camera. If anyone is using the call-in number for the meeting, please announce your name & affiliation when you begin your comment.
- ▶ When you have finished speaking, please re-mute yourself and turn off your camera.

Please also note this meeting is for informational purposes only. The concepts and ideas presented and discussed do not reflect any final decision making.



NEW JERSEY
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Welcome Stakeholders



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5

Hazardous Waste Programs

- **Compliance & Enforcement**

Administers the RCRA (Resource Conservation Recovery Act) inspection & enforcement program.

- **HW Permitting (DSWM)**

Permitting and proper closure of HW treatment, storage and disposal facilities.

- **HW Remediation Management (CSRRP)**

Remediation at RCRA facilities of RCRA HW management units & environmental media contaminated with RCRA hazardous waste.

Rulemaking Team

HW Compliance & Enforcement

Michael Hastry, Director

Sonya Silcox, Rule manager

Sue Cosgrove, Environmental Specialist 3

Rebecca Jacovini, Environmental Specialist 2

Stephan Szardenings, Environmental Specialist 3

Morgan Lojek, Environmental Specialist 1

Bureau of Recycling & HW Management

Dana Lawson, Bureau Chief

Diane Gard, Section Chief

Jennifer Meyer, Environmental Engineer 4

Nicholas Nader, Environmental Engineer 4

Evan Aleksejczyk, Environmental Engineer 2

Kevin Veltre Environmental Engineer 1

Bureau of Case Management

Anthony Cinque, Bureau Chief

Marianna Cosentino, Program Specialist 3

Office of Enforcement Policy

Michael Gage, Administrative Analyst 4



Overview of Rules

7

▶ Hazardous Waste rule - N.J.A.C. 7:26G

- ▶ Concerns the registration, operation, closure and post-closure maintenance of hazardous waste facilities, and HW transporters and generators.
- ▶ Implements the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and incorporates by reference the Federal hazardous waste regulations mandated by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA).
- ▶ NJ re-adopted Chapter 26G, Hazardous Waste in January 1999 to allow for *prospective incorporation by reference* (IBR) of Federal program at 40 CFR Parts 124, 260-266, 268 and 270.

▶ Recycling Rule - N.J.A.C. 7:26A, as related to the HW rule: Subchapter 6 Standards for the Management of **Used Oil** & Subchapter 7 Standards for the Management of **Class D Universal Waste**

- ▶ Governs the operation of recycling centers and the conduct of recyclable materials generators and transporters
- ▶ Used Oil provisions, not IBR, but generally consistent with Federal Standards at 40 CFR Part 279. Changes will include edits & corrections to rule text and other updates to align with Federal Program.
- ▶ Prospective IBR of Federal regulations for Universal Waste (40 CFR Part 273) & applies similar standards to State-listed universal wastes (oil-based finishes, consumer electronics)

What is changing for RCRA?

NJ Hazardous Waste Rule

Prospective IBR is the process where all incorporated provisions of 40 CFR Parts 124, 260-266, 268 and 270 are continually & automatically updated to maintain consistency with the most current Federal rules.

NJAC rule text will be updated to accurately reflect Federal rules where necessary such as citations, terminology, etc.

US EPA delegates implementation of the RCRA program to NJDEP through the Authorization process which also requires the State regulations to be equivalent, or no less stringent than the Federal Program.

UPDATES

Insert any new or missing Federal provisions and applicable civil administrative penalties (N.J.A.C. 7:26G-2.4)

Notable RCRA rules prompting updates:

Generator Improvement Rule (GIR) provisions such as episodic generation, SQG re-notification, LQG closure requirements & quick reference guide of the contingency plan.

Electronic Manifest rules

Pharmaceutical Rule (subpart P)

What other changes may be proposed by NJDEP?

- ❖ Fee schedule for HW facilities, generators & transporters (N.J.A.C. 7:26G-3.3) – largely unchanged since 2006
- ❖ Integrate Climate Change considerations into regulatory & permitting programs
- ❖ Implementation & impacts related to NJ Environmental Justice Law (C.13:1D-157) and regulations (N.J.A.C. 7:1C)

Updates to Hazardous Waste Fees

7:26G-3.3 Fee Schedule For HW Facilities, Generators & Transporters

Recalculate HW Fee hourly rate found at subsection (g).

No changes anticipated for method of calculation; the number values will be updated for 2023 costs (salary, fringe, indirect costs, operational expenses & legal services).

Anticipate fees will increase across the board.

Federal e-Manifest program prompted a need to re-evaluate data available for fee assessments. Therefore, fee assessments that rely on manifest information, such as for HW Transporters, may be restructured.

Climate Change – Impacts & Resiliency

NJDEP is required to integrate climate change considerations, such as sea level rise, into its regulatory and permitting programs (Executive Order No. 100, 2020) and identify climate change and resiliency activities to be included in its planning efforts pursuant to AO 2020-01.

- ▶ The Hazardous Waste permitting programs must consider & plan for regulatory amendments, where applicable, to prevent conditions that may exacerbate the climate crisis and mitigate any increased risk to environmental health & safety.
- ▶ Applicable for Permitted HW facilities:
 - ▶ Operating Treatment, Storage & Disposal Facilities (TSDF)
 - ▶ Closure & Post-closure facilities

Climate Change Impact Assessment

- ▶ A potential mechanism for owners and operators to evaluate and plan for climate change resiliency
 - ▶ Expand or include with the Environmental and Health Impact Statement (EHIS) process to incorporate other facility specific information to assess how the facility might be affected by climate change threats.
 - ▶ Evaluate certain minimum threats & scenarios applicable to a site or facility such as flood hazard areas, storm events & flooding, sea level rise projections, and other extreme weather.
 - ▶ Data and tools available from the Department's Climate Change website, or other scientific resources, could be used.
- ▶ An assessment may be conducted or updated with an application for a permit or permit renewal and/or whenever an EHIS is required.

New Jersey Solar Panel Recycling Commission

(P.L. 2019, c. 215)

Study and investigate options for recycling and other end-of-life (EOL) management options for photovoltaic (PV) and other solar energy generation structures

One recommendation is for NJDEP to pursue regulatory changes to facilitate the management of PV modules as Universal Waste

Definitions of Universal Waste & Class D Recyclable Material

The Department is considering including solar panels as a State Listed Universal Waste and Class D Recyclable Material

- Are there any concerns DEP should be aware of (material management, cost, logistics, recordkeeping)?

Potential Universal Waste & Class D Recyclable Material

If the Department proposes to classify solar panels as a State Listed Universal Waste & Class D Recyclable Material, to ensure best EOL management options

- What standards, conditions, or clarity could be incorporated into rules or guidance documents?
- What, if any, exemptions could be considered?

Open Forum -

Questions / Discussion



Please use the “raise hand” function, located at the top of your screen, and wait to be called on.

Thank you.

Thank you!

NJDEP's Hazardous Waste Rule Team & Program Staff appreciate your time and input.

Additional Contact information

Division of Waste & UST Compliance and Enforcement: 609-633-1205

Division of Sustainable Waste Management – Bureau of Recycling and Hazardous Waste Management: 609-984-3438

Division of Remediation Management - Bureau of Case Management: 609-633-1416

HW Rule Manager: Sonya Silcox, sonya.silcox@dep.nj.gov 609-209-1799

