

Effective Date: February 21, 2013

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Permanent Rule Change

Rule Project No. 2012-038-335-WS
RCRA Authorization for Federal Rule Clusters XIX - XXI and
Financial Assurance, Used Oil, and Manifest Revisions

Chapter 305
Consolidated Permits
Subchapters C, D, F, I

Chapter 324
Used Oil Standards
Subchapter A

Chapter 335
Industrial Solid Waste and Municipal Hazardous Waste
Subchapters A, C, E, F, H, O, R

1. **Purpose.** This change transmittal provides the page(s) that reflect changes and additions to the Texas Commission on Environmental Quality (commission) Volume of Permanent Rules.
2. **Explanation of Change.** On January 30, 2013, the commission adopted the amendments to §§305.50, 305.64, 305.69, 305.122; and new §305.176 *without changes* to the proposed text as published in the October 5, 2012, issue of the *Texas Register* (37 TexReg 7871) and were not republished.

The commission also adopted the amendments to §§324.1 - 324.4, 324.6, 324.7, 324.11 - 324.16; and repeals §324.5 *without changes* to the proposed text as published in the October 5, 2012 issue of the *Texas Register* (37 TexReg 7887) and were not republished.

The commission also adopted the amendments to §§335.1, 335.2, 335.10 - 335.13, 335.19, 335.24, 335.61, 335.62, 335.69, 335.76, 335.78, 335.111, 335.112, 335.151, 335.152, 335.155, 335.168, 335.170, 335.213, 335.222, 335.251, 335.431, and 335.504; and new §335.79 *without changes* to the proposed text as published in the October 5, 2012 issue of the *Texas Register* (37 TexReg 7895) and were not republished.

3. **Effect of Change.** This rulemaking updates Chapter 305 and Chapter 335 to include federal rule changes that are both mandatory and optional and that are set forth in

parts of RCRA Clusters XIX - XXI. Each cluster contains one or more checklists, and each checklist explains specific rule language changes.

The one adopted rule change that is mandatory, Checklist 222, establishes notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country.

The adopted rule changes that are optional include Checklists 220, 223, 225, and 226.

Adopted rule changes in Checklist 220 establish an alternative set of generator requirements applicable to laboratories owned by eligible academic entities and address the specific nature of hazardous waste generation and accumulation in these laboratories. United State Environmental Protection Agency (EPA) has created new 40 Code of Federal Regulations (CFR) Part 262, Subpart K to establish these standards. This amendment is of special interest to Texas universities with laboratories.

Adopted rule changes in Checklist 223 make a number of technical corrections to the hazardous waste regulations in numerous final rules previously published in the *Federal Register*, such as typographical errors, incorrect or outdated citations, and omissions. Adopting these changes into the state rules avoids confusion by both TCEQ and regulated entities.

Adopted rule changes in Checklist 225 remove "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. No action is required to revise the state rule for this Checklist because the hazardous waste definition and any subsequent amendments were previously adopted by reference.

Adopted rule changes in Checklist 226 incorporate technical corrections to 40 CFR Part 262, Subpart K, which is included in Checklist 220 of this rulemaking. The corrections are adopted concurrently to avoid confusion by the academic laboratories which are subject to the rule.

In addition, this rulemaking includes corrections to existing Used Oil Rules in Chapter 324 (Checklists 203, 208, and 214), existing Manifest Rules in Chapter 335 (Checklist 207), and previously adopted language from Checklists: 208, 213, 214, and 215. These changes revise language and correct typographical errors, revise incorrect or outdated citations, and incorporate omissions as recommended by EPA.