

January 11, 2020

Ms. Emily L. Thompson
Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Thompson:

The Notice of Intent to Amend Administrative Rules of Article 33.1-24 and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,



Charles Hyatt, Director
Division of Waste Management

Enclosures:

Full Notice of Intent to Amend Administrative Rules of Article 33.1-24

Proposed Amendments to NDAC 33.1-24

FULL NOTICE OF INTENT TO
AMEND ADMINISTRATIVE RULES OF
ARTICLE 33.1-24

TAKE NOTICE the North Dakota Department of Environmental Quality will hold a virtual public hearing to address proposed changes to Article 33.1-24, Hazardous Waste Management, of the N.D. Admin. Code on February 11, 2021 and the following location:

4th Floor Conference Room
North Dakota Department of Environmental Quality
918 E. Divide Avenue
Bismarck, ND 58501
9:00 AM CST to 10:00 AM CST

The purpose of the proposed hazardous waste management rules is to adopt changes made to the federal regulations. The proposed amendments will include revised hazardous waste pharmaceutical management standards, the de-listing of nicotine replacement therapies from hazardous waste lists, and the adoption of universal waste aerosol requirements. The revised hazardous waste pharmaceutical management standards are considered more stringent in scope to current requirements, while the delisting of nicotine replacement therapies and the adoption of the universal waste aerosol requirements are considered less stringent. The proposed amendments have the potential to have an impact of greater than \$50,000 on the regulated community. These amendments will be submitted to the United States Environmental Protection Agency for approval and authorization for implementation. The proposed amendments address the following:

Code of Federal Regulations	Title	State Equivalent
40 CFR 260	Hazardous Waste Management System	NDAC 33.1-24-01
40 CFR 261	Identification and Listing of Hazardous Waste	NDAC 33.1-24-02
40 CFR 261	Lists of Hazardous Waste	NDAC 33.1-24-02
40 CFR 262	Standards Applicable to Generators of Hazardous Waste	NDAC 33.1-24-03
40 CFR 264	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	NDAC 33.1-24-05
40 CFR 266	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	NDAC 33.1-24-05
40 CFR 268	Land Disposal Restrictions	NDAC 33.1-24-05
40 CFR 270	EPA Administered Permit Programs: The Hazardous Waste Permit Program	NDAC 33.1-24-05
40 CFR 273	Standards for Universal Waste Management	NDAC 33.1-24-05

The proposed rules may be reviewed at the office of the North Dakota Department of Environmental Quality, 918 East Divide Avenue, Bismarck, ND 58501. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address, emailing dkannenber@nd.gov, or by calling 701-328-5166. The proposed rules and additional related information are also available on the Department of Environmental Quality website at deq.nd.gov/PublicNotice.aspx. Written or oral comments on the proposed rules sent to the above address, email, or telephone number and received by March 8, 2021 will be fully considered.

DUE TO COVID-19 and the limited number of people that can be accommodated due to limited capacity, we encourage written or oral comments be submitted as set forth above. There will be real time public streaming of the public hearing through a Microsoft Teams meeting. No testimony will be accepted through the Microsoft Teams meeting. Information concerning listening access by telephone or through Microsoft Teams can be obtained by calling 701-328-5166 or can be found on the Department's website at: <https://deq.nd.gov/PublicNotice.aspx>.

Dated this 15th day of January 2021.

Derek Kannenberg, Manager
Hazardous Waste Program
Division of Waste Management
NDDEQ