

Rural Area Flexibility Analysis  
Amendment of 6 NYCRR Part 370 Series  
Hazardous Waste Management

1. Types and Estimated Number of Rural Areas:

For purposes of this Rural Area Flexibility Analysis, “rural area” means those portions of the state so defined by Executive Law section 481(7). SAPA section 102(10). Under Executive Law section 481(7), rural areas are defined as “counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, "rural areas" means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein.” There are 44 counties in New York State that have populations of less than 200,000 people and 71 towns in non-rural counties where the population densities are less than 150 people per square mile. This rule will apply statewide so it applies to all rural areas of New York State (State).

2. Reporting, Recordkeeping, Other Compliance Requirements, and Need for Professional Services:

No additional reporting, recordkeeping, compliance requirements, or professional services will be imposed solely on local governments by this rulemaking. The proposed rulemaking principally adopts the existing United States Environmental Protection Agency (EPA) regulations or adopts new EPA regulations which are less stringent than present state regulations with which rural areas already have to comply. State initiated changes address clarifications and improvements to the regulations. While some of these changes may be seen as more stringent

or less stringent than existing regulation, they are primarily administrative in nature.

### 3. Costs:

No local mandates will be created by this rule, nor will this rule impose any costs on rural areas. Economic impacts to existing rural area facilities which handle hazardous wastes are small since the proposed rulemaking principally adopts the existing EPA regulations with which the regulated community in rural areas must already comply. Conformance with these amendments should not result in substantial additional costs to the regulated community.

EPA has determined there are cost savings affecting state entities in six of the thirty-eight federal registers, which publish the rules to be proposed for adoption, as follows:

The EPA identifies cost savings in the August 5, 2005 (pages 45509-45522; Corrections June 29, 2007 pages 35666), the October 4, 2005 (pages 57769-57785), the April 4, 2006 (pages 16861-16915), the July 28, 2006 (pages 42928-42949), the December 1, 2008 (pages 72912-72960), and the December 17, 2010 (pages 78918-78926) federal registers proposed for adoption. The Mercury-Containing Equipment Rule, the Revisions to the Headworks Exemptions, the Burden Reduction Rule, the Cathode Ray Tubes Rule, the Academic Labs Rule and the Delisting of Saccharin and Its Salts are viewed as favorable in terms of economic impacts for the regulated community.

The Mercury-Containing Equipment rule: EPA has estimated annual savings nationwide of about \$273,000, of which \$200,000 would be savings to generators. About \$73,000 in savings are expected to retorters and waste brokers. Based on information on waste generation in the "National Biennial RCRA Hazardous Waste Report (2009)," in which the state is said to represent 7.3 percent of the total waste generators in the United States and 3.4 percent of the receiving facilities, the cost savings in the state is estimated to be \$17 thousand annually.

The revisions to the “Headworks Exemption:” EPA has estimated annual savings nationwide of \$11.4 million to \$48.6 million, affecting over 10,000 facilities nationally. Based on information on waste generation in the “National Biennial RCRA Hazardous Waste Report (2009),” in which the state is said to represent 7.3 percent of the total waste generators in the United States, New York entities could realize savings of \$830 thousand to \$3.5 million annually.

The federal Burden Reduction rule: EPA has estimated that the annual savings nationwide will range from 22,000 to 37,500 in work hours and \$2 million to \$3 million in cost. The vast majority of these changes impact receiving facilities. According to the “National Biennial RCRA Hazardous Waste Report (2009)” data, 3.4 percent of the receiving facilities in the country are located in the state. While not all of the federal changes were adopted, based on this percentage, New York facilities could realize an annual savings of up to 748 to 1,258 in work-hours and \$68,000 to \$102,000 in cost.

The Cathode Ray Tubes Rule: EPA estimates savings of approximately \$5 million nationally for all entities compared with handling CRTs as fully-regulated hazardous wastes. Based on the state’s percentage of generators of about 7.3% in the “National Biennial RCRA Hazardous Waste Report (2009),” this would result in a net savings for all entities in the state of about \$365,000 in 2005 dollars.

The Academic Labs Rule: Participation by eligible academic entities is voluntary. EPA estimated that participating Large Quantity Generators would realize annual savings of about \$12,200 in 2008 dollars; and participating Small Quantity Generators would realize annual

savings of about \$1000 based on 2008 dollars. In the state, this is expected to result in annual savings of around \$30,000 in 2008 dollars if two entities that are large quantity generators and six entities that are small quantity generators participate in the Academic Labs Rule.

The removal of saccharin and its salts from the list of hazardous constituents is expected to result in net savings and reduction in paperwork to regulated entities. EPA did not estimate costs. Approximately 3.89 tons of these wastes were generated or shipped as hazardous waste in the state from 2007-2012.

The EPA did not identify cost increases to the regulated community in any federal registers proposed for adoption.

#### 4. Minimizing Adverse Impact:

These regulations will not have any adverse impact in rural areas. These changes will increase consistency between state and federal regulations. The proposed rulemaking principally adopts the existing EPA regulations or adopts new EPA regulations which are less stringent than present state regulations with which rural areas already have to comply.

#### 5. Rural Area Participation:

In July 2009, information on this rulemaking and request for comments was mailed to all state hazardous waste large quantity generators, small quantity generators, and management facilities which had manifested or received hazardous waste in the previous year. In addition, information and request for comments was published in the New York State Department of Environmental Conservation's (DEC) Environmental Notice Bulletin and on DEC's public web site. The public comment period extended from July 24, 2009 to November 1, 2009. From

February through April 2015, a Draft for Public Consideration was published on DEC's website, and a second public comment period was held, including notice in DEC's ENB, and on DEC's public website. A webinar and a public meeting were also held during this time period. DEC also utilized a listserv to reach interested parties. Rural areas were included in this statewide outreach effort. The proposed rulemaking principally adopts the existing EPA regulations or adopts new EPA regulations which are less stringent than present state regulations with which rural areas already have to comply. These federal regulatory changes have already been through a public review and comment process on a federal level. Past experience indicates general support from the interested public for keeping state hazardous waste management regulations up to date with corresponding federal regulations. Based on the above, this level of early public outreach was deemed sufficient.