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Dated: June 24, 1983.

Lee M. Thomas, Acting Assistant Administrator for Solid Waste and Emergency Response.

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40 CFR Parts 124, 261, 264, 265, 270 and 271

[SW-FRL 2391-2]

Hazardous Waste Management System: Permit Program; Requirements for Authorization of State Programs; Procedures for Decisionmaking; Identification and Listing of Hazardous Waste; Standards for Owners and Operators of Hazardous Waste Storage, Treatment, and Disposal Facilities; Interim Status Standards for Owners and Operators of Hazardous Waste Storage, Treatment, and Disposal Facilities; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: On April 1, 1983, the Environmental Protection Agency published regulations which, in part, reorganized the presentation of permitting and state program requirements of the Hazardous Waste Management Program under the Resource Conservation and Recovery Act (RCRA). (48 FR 14146 et seq.) The April 1 rulemaking was intended to make the regulations easier to understand and use by physically deconsolidating the Agency's Consolidated Permit Regulations. In today's action, EPA amends those regulations to correct minor typographical errors, incorrect cross-references and similar technical errors. This rule makes no substantive changes to the CRA permitting or state program requirements and is effective immediately.

EFFECTIVE DATE: June 30, 1983.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline toll-free at (800) 424-9346 or at (202) 382-3000.

SUPPLEMENTARY INFORMATION: On April 1, 1983, EPA promulgated final rules to deconsolidate the Agency's May 19, 1980 Consolidated Permit Regulations which governed five separate permit programs. The April 1st regulations deconsolidated

the basic permit requirements for administration of permit programs (40 CFR Part 122); the requirements for authorization of State programs (40 CFR Part 123); and EPA procedures for issuing, modifying, revoking and reissuing, or terminating permits (40 CFR Part 124). The provisions in these regulations addressing the Hazardous Waste Management (HWM) permit program and State authorization under Subtitle C of the Resource Conservation and Recovery Act (RCRA) were part of this deconsolidation effort, and the RCRA requirements formerly found in 40 CFR Parts 122 and 123 are now separately addressed in new Parts 270 and 271, respectively. The permitting procedures for all the programs (including RCRA) are still addressed together in 40 CFR Part 124.

The preamble to the deconsolidated permit regulations requested public comments to aid EPA in correcting typographical errors, incorrect cross-references and similar technical errors (e.g., the unintentional deletion or omission of regulatory provisions). Today's amendments address those public comments. The amendments also re-insert regulation changes which were promulgated after the publication of the original Consolidated Permit Regulations (on May 19, 1980) but were inadvertently omitted in the April 1, 1983 publication. Conforming amendments are also made to certain provisions of Parts 261, 264 and 265 which cross-reference the deconsolidated permit regulations.

Dated: June 24, 1983.

Lee M. Thomas, Acting Associate Administrator for Solid Waste and Emergency Response.

Parts 270, 271, 124, 261, 264, and 265 of Title 40 of the Code of Federal Regulations are amended as follows:

PART 270—[AMENDED]

1. The authority citation for Part 270 reads as follows:

Authority: Secs. 1006, 2002, 3005, 3007 and 7004, Solid Waste Disposal Act, as amended by the Resource Conservation Act of 1976, as amended [RCRA] [42 U.S.C. 6905, 6912, 6925, 6927 and 6974].

2. 40 CFR 270.1 is amended by correcting paragraph (a)(1) to read as follows:

§ 270.1 Purpose and scope of these regulations.

(a) Coverage. (1) These permit regulations establish provisions for the Hazardous Waste Permit Program under Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976,

as amended (RCRA), (Pub. L. 94-580, as amended by Pub. L. 95-609 and by Pub. L. 96-482; 42 U.S.C. 6091 et seq.). They apply to EPA and to approved States to the extent provided in Part 271.

§ 270.2 [Corrected]

3. The definition of "spill" in § 270.2 is removed.

4. Section 270.5 is amended by correcting paragraphs (a)(1)(iii)(C), (a)(2)(v)(C), and (b)(2) and removing paragraph (a)(3) as follows:

§ 270.5 Noncompliance and program reporting by the Director.

(a) * * * (1) * * * (iii) * * * (C) The date(s) and a brief description of the action(s) taken by the Director to ensure compliance.

(2) * * * (v) * * *

(C) When the Director determines significant permit non-compliance or other significant event has occurred such as a fire or explosion or migration of fluids into a USDW.

(vi) * * * (b) * * *

(2) In addition to the annual noncompliance report, the Director shall prepare a "program report" which contains information (in a manner and form prescribed by the Administrator) on generators and transporters and the permit status of regulated facilities. The Director shall also include, on a biennial basis, summary information on the quantities and types of hazardous wastes generated, transported, treated, stored and disposed during the preceding odd-numbered year. This summary information shall be reported in a manner and form prescribed by the Administrator and shall be reported according to EPA characteristics and lists of hazardous wastes at 40 CFR Part 261.

5. Section 270.6 is amended by revising paragraph (a) to read as follows:

§ 270.6 References.

(a) When used in Part 270 of this Chapter, the following publications are incorporated by reference:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 (First Edition, 1980, as updated by Revisions A (August, 1980), B (July, 1981), and C (February, 1982) or (Second Edition,

1982). The first edition of SW-846 is no longer in print. Revisions A and B are available from EPA, Office of Solid Waste, (WH-565-B), 401 M Street, SW., Washington, D.C. 20460. Revision C is available from NTIS, 5285 Port Royal Road, Springfield, Virginia 22161. The second edition of SW-846 includes material from the first edition and Revisions A, B, and C in a reorganized format. It is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238, on a subscription basis, and future updates will automatically be mailed to the subscriber.

§ 270.10 [Corrected]

6. Section 270.10, General Application Requirements, is corrected by adding the phrase "and in §§ 270.70-73" after the phrase "in this section" in the seventh line of paragraph (a). The first line of paragraph (e)(3) is amended by changing the word "Administration" to read "Administrator". Paragraph (f)(3) introductory text is amended by changing the tenth line of the paragraph to read "a finally effective RCRA permit, if prior".

§ 270.14 [Corrected]

7. Section 270.14 is corrected by adding the word "where" after the word "However" in the eighth line of the comment in paragraph (b)(11)(iii). Section 270.14(b)(17) is amended by removing the citation "264.147(d)" in the fifteenth line and substituting the citation "264.147(c)". Paragraph (c)(4)(ii) is amended by adding the phrase "of Part 261 of this Chapter" after the word "Appendix VIII" in the second line. Paragraph (c)(8) is amended by adding a "(b)" to the end of the citation "264.94" in the twenty-third line in the paragraph.

§ 270.15 [Corrected]

8. Section 270.15 introductory text is corrected by removing the citation "§ 264.1" in the second line and by substituting the citation "§ 264.170".

§ 270.16 [Corrected]

9. Section 270.16 introductory text is corrected by removing the citation to "§ 264.1" in the second line and substituting the citation "§ 264.190."

§ 270.19 [Corrected]

10. Section 270.19 is amended by removing paragraph (d)(3).

11. Section 270.20 is amended by redesignating § 270.20(d) (5), (6), (7), and (8) to read as § 270.20 (e), (f), (g), and (h) respectively. The section is further

amended by revising the section heading to read as follows:

§ 270.20 Specific Part B Information requirements for land treatment facilities.

12. Section 270.21 is corrected by revising the section heading to read as follows:

§ 270.21 Specific Part B information requirements for landfills.

13. Section 270.30 is corrected by revising the last sentence of paragraph (j)(2) to read as follows:

§ 270.30 Conditions applicable to all permits.

(j) * * * (2) * * * The permittee shall maintain records from all ground-water monitoring wells and associated ground-water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

§ 270.30 [Corrected]

14. Section 270.30(l)(2)(ii)(B) is corrected by removing the citation "(c)(1)" in the third line and substituting the citation "(l)(2)(i)".

15. Section 270.33 is amended by revising paragraph (a)(3) and introductory text of paragraph (b) to read as follows:

§ 270.33 Schedules of compliance.

(a) * * * (3) Reporting. The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the Director in writing, of its compliance or noncompliance with the interim or final requirements.

(b) Alternative schedules of compliance. An RCRA permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and, for treatment and storage HWM facilities, closing pursuant to applicable requirements; and, for disposal HWM facilities, closing and conducting post-closure care pursuant to applicable requirements) rather than continue to operate and meet permit requirements as follows:

16. Section 270.41 is corrected by revising paragraph (a)(5)(iii) to read as follows:

§ 270.41 Major modification or revocation and reissuance of permits.

(a) * * * (5) * * *

(iii) When the permittee has filed a request under § 264.147(c) for a variance to the level of financial responsibility or when the Director demonstrates under § 264.147(d) that an upward adjustment of the level of financial responsibility is required.

17. Section 270.61 is corrected by revising paragraph (a) to read as follows:

§ 270.61 Emergency permits.

(a) Notwithstanding any other provision of this Part or Part 124, in the event the Director finds an imminent and substantial endangerment to human health or the environment the Director may issue a temporary emergency permit: (1) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste or (2) to a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

§ 270.64 [Corrected]

18. Section 270.64 is corrected by removing the words "(see § 144.7)" and substituting the words "(see § 144.6)" in the third line.

PART 271—[AMENDED]

19. The authority citation for Part 271 reads as follows:

Authority: Sections 1006, 2002(a) and 3006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA) (42 U.S.C. 6905, 6912(a), and 6926).

§ 271.4 [Corrected]

20. Section 271.4 introductory text is corrected by adding an "s" to the word "provision" in the fifth line. This section is further amended by adding the words "or to" after the phrase "hazardous wastes from" in the fifth line of paragraph (a).

21. Sections 271.10 is corrected by revising the "Note" in paragraph (e) to read as follows:

§ 271.10 Requirements for generators of hazardous waste.

(e) * * *

Note.—Such notices shall be mailed to Hazardous Waste Export, Office of International Activities (A-106), U.S.

Environmental Protection Agency,
Washington D.C. 20460.

§ 271.14 [Corrected]

22. Section 271.14 is corrected by removing the words "and (f)" in § 271.14(u) and removing the citation "(c)" in § 271.14(v).

§ 271.20 [Corrected]

23. Section 271.20(c) is corrected by removing the citation "§ 271.3" and substituting the citation "§ 271.5" in the fourth line.

§ 271.121 [Corrected]

24. Section 271.121(b) is corrected by adding the word "first" between the words "The" and "phase" in the third line and is further amended by removing the words "(40 CFR Part 26)" and substituting the words "(40 CFR Part 261)" in the ninth line.

§ 271.126 [Corrected]

25. Section 271.126(a) is corrected by removing the "s" from the word "Administrators" in the seventeenth line of the paragraph.

PART 124—[AMENDED]

26. The authority citation for Part 124 reads as follows:

Authority: Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*; Safe Drinking Water Act, 42 U.S.C. 300(f) *et seq.*; Clean Water Act, 33 U.S.C. 1251 *et seq.*; and Clean Air Act, 42 U.S.C. 1857 *et seq.*

27. In Part 124, the section number designation to the section entitled "Definitions" is corrected to read as follows:

§ 124.2 Definitions.

28. Section 124.10 is amended by removing the words "given" and "sections" and substituting the words "give" and "actions" in the first and second lines of paragraph (a)(1), respectively. Section 124.10 is further corrected by adding § 124.10(c)(1)(ix), re-numbering § 124.10(c)(2) as § 124.10(c)(2)(i), and adding § 124.10(c)(2)(ii) as follows:

§ 124.10 Public notice of permit actions and public comment period.

(c) * * *
(1) * * *

(ix)(A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and (B) To each State agency having any authority under State law

with respect to the construction or operation of such facility.

(2)(i) For major permits and NPDES and 404 general permits, publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity; and for EPA-issued NPDES general permits, in the Federal Register;

Note.—The Director is encouraged to provide as much notice as possible of the NPDES of 404 draft general permit to the facilities or activities to be covered by the general permit.

(ii) for all RCRA permits, publication of a notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

PART 261—[AMENDED]

29. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 and 3002 of the Solid Waste Disposal Act, as amended by the Resource Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

§ 261.4 [Corrected]

30. Section 261.4(d) is amended by removing the words "Parts 262 through 267 or Part 122 or Part 124" and substituting the words "Parts 262 through 267 or Part 270 or Part 124" in the ninth line.

PART 264—[AMENDED]

31. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), 3004 and 3005 of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6925).

§ 264.18 [Corrected]

32. The "Comment" following § 264.18(b)(2)(iii) is amended by removing the citation "§ 122.12" and substituting the citation "§ 270.3".

§ 264.53 [Corrected]

33. The "Comment" following § 264.53(b) is amended by removing the words "Part 122, Subparts A and B" and substituting the words "Part 270".

§ 264.147 [Corrected]

34. Section 264.147(c) is amended by removing the citation "§ 122.25" and substituting the citation "§ 270.14" in the fifteenth line. Sections 264.147 (c) and (d) are amended by removing the words "under §§ 122.15(a)(7)(iii)" and substituting the words "under § 270.41(a)(5)" in the next to last line of those paragraphs.

§ 264.341 [Corrected]

35. Section 264.341(a) is amended by removing the citations "§ 122.27(b)(2)" and "§ 122.27(b)(3)" and substituting the citations "§ 270.62(b)" and "§ 270.62(c)" in the seventh and eleventh lines, respectively.

PART 265—[AMENDED]

36. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6908, 6912(a), 6924, and 6925).

§ 265.147 [Corrected]

37. Sections 265.147 (c) and (d) amended by removing the citation "§§ 122.15(A)(7)(iii)" and substituting the citation "§ 270.41(a)(5)" in the thirty-third and fortieth lines of those paragraphs, respectively.

§ 265.430 [Corrected]

38. Section 265.430(b) is amended by removing the citations "§§ 122.32(a)" and "§ 122.32(d)" and substituting the citations "§ 144.6(a)" and "§ 144.6(d)", respectively.

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40 CFR Part 425

[WH-FRL-2390-8]

Leather Tanning and Finishing Industry Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction of final rule; notice of availability and technical amendment.

SUMMARY: EPA is correcting errors that appeared in the limitations and standards for the leather tanning and finishing industry point source category that appeared in the Federal Register on November 23, 1982 (47 FR 52848). EPA also is announcing the supporting technical and economic documents through the National Technical Information Service (NTIS). Finally, EPA is announcing a technical amendment of the applicability date for the sulfide pretreatment standard.

FOR FURTHER INFORMATION CONTACT: Donald F. Anderson, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW.,