

US EPA ARCHIVE DOCUMENT

SUMMARY FOR STATE PROGRAM ADVISORY TWENTY-TWO

SPA 22 covers the period July 1, 2000 through June 30, 2001, and includes this summary plus the following sets of documents:

- 1) Revision Checklists 188-193 and their corresponding summaries.
- 2) Updates to the State Authorization Manual (SAM), including Tables G-1 and G-2, the Checklist Linkage Table, and the Map of Revision Checklist Materials.
- 3) Updated (through June 30, 2001) special consolidated checklists for the Air Emissions, Land Disposal Restrictions, Boilers and Industrial Furnaces, Toxicity Characteristic, Wood Preserving, Bevill Exclusion for Mining Wastes, Recycled Used Oil Management Standards, Treatability Studies, and Universal Waste.
- 4) Revised materials from previous SPAs.

The following points briefly highlight the contents of SPA 22. These points are organized by topic.

CHECKLISTS

New

This SPA provides six new revision checklists (numbers 188 through 193) covering regulatory changes for the period July 1, 2000 through June 30, 2001. All of the checklists in SPA 22 are in RCRA Cluster XI. Revision Checklists 189 and 190 contain only HSWA provisions, Revision Checklists 188, 191 and 193 contain only non-HSWA provisions, and Revision Checklist 192 contains both HSWA and Non-HSWA provisions.

Existing

This SPA provides revised Revision Checklists 167D and 179. Previously, Revision Checklist 167D had been completely withdrawn. But after further review, it was determined that certain of the changes previously addressed by this checklist should not have been withdrawn. Revision Checklist 179 was revised to reflect the changes to Revision Checklist 167D. The summaries for both checklists are also included in this SPA and reflect the changes to Revision Checklist 167D. These checklists are not included in the Express Authorization Procedures introduced by this SPA.

APPLICATION REQUIREMENTS

Attorney General's (AG) Certification

- As indicated in the individual Revision Checklist Summaries, a State seeking authorization for SPA 22 does not need to include any rule-specific certification language in the AG Statement. Note, however, that if a State is seeking authorization

for new program revisions beyond the scope of SPA 22, rule-specific certification language may be needed in the AG Statement. For instance, if a State is seeking authorization for MW and Revision Checklist 191 concurrently, the AG certification must make the required demonstration for authorization of MW.

- The Express Authorization Model Revision AG Certification should be used by States seeking authorization for SPA 22. The State must submit AG certification that certifies that the State has adequate authority to carry out the revised program addressed by the program revision application. In addition, the AG should indicate whether or not there have been changes in the State's statutes addressed in previous certifications. If a State has amended statutes that were relied on in previous authorizations, then the AG must describe the changes, identify the impact on the previously authorized program, and certify that the changes do not impact the State's ability to implement the authorized program. The AG should also indicate whether or not the State has enacted any legislation or implemented any regulatory or policy initiatives that could potentially limit or interfere with the authority to implement, administer, or enforce the authorized hazardous waste program. Examples of legislation or initiatives that would need to be addressed by the AG include audit laws, voluntary cleanup programs, or any legislation providing immunity or privilege to the regulated community. In addition, the AG should discuss whether or not that have been any judicial decisions that could potentially limit or interfere with the authority to implement, administer, or enforce the authorized hazardous waste program.

Program Description (PD)

- An addendum to the PD is required for authorization of Revision Checklist 189. See the checklist summary for specific guidance on the appropriate content of the PD revision.
- A State seeking authorization for the other checklists in SPA 22 may not need to submit a revised PD if the current PD already addresses the impacted program areas. For example, a State that previously addressed regulation of the hazardous waste component of radioactive mixed waste (MW non-checklist item) in its PD does not need to revise the PD to receive authorization for Revision Checklist 191 (RCL 191). However, if the State is seeking authorization for MW and RCL 191 concurrently, the PD will need to be updated to address regulation of radioactive mixed waste.

Other Documents

Note that under 40 CFR 271.21(b), the Regional office is allowed flexibility to determine what specific documents must be included in an application. Also, under 40 CFR 271.21(d), the Regional office may require the submission of any additional application materials it deems necessary.

CLUSTER INFORMATION

SPA 22 delineates timeframes by which States must obtain authorization for RCRA Cluster XI. The due date is July 1, 2002 (July 1, 2003 if a State statutory change is necessary). For further information on the Cluster Rule, see September 26, 1986 (51 FR 33712).

SAM

This SPA provides updated Tables G-1 and G-2 and a Checklist Linkage Table to insert into the SAM.