

US EPA ARCHIVE DOCUMENT

MODEL ATTORNEY GENERAL'S STATEMENT UPDATE  
FOR FINAL AUTHORIZATION FOR CHANGES TO THE  
FEDERAL RCRA PROGRAM FROM JULY 1997  
THROUGH JUNE 1998

I hereby certify, pursuant to my authority as \_\_\_\_\_ and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (42 USC 6901 *et seq.*), and 40 CFR 271 that in my opinion the laws of the State [Commonwealth] of \_\_\_\_\_ provide adequate authority to carry out the revised program set forth in the revised "Program Description" submitted by the [State Agency]. The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this Statement is signed and which are in effect now [shall be fully effective by \_\_\_\_\_], as specified below. These authorities and this certification supplement [or supercede (and indicate how supercede)] the previously certified authorities described in my [or my predecessors] certification(s) of \_\_\_\_\_ (date or dates).

Please add an explanation of how the Revision Attorney General's Statement you are submitting relates to any prior Attorney General's Statements you have submitted.

**I. IDENTIFICATION AND LISTING**

A. State statutes and regulations contain lists of hazardous wastes which encompass all wastes controlled under the following Federal regulations as indicated in the designated Revision Checklists:

(30) [WITHDRAWN--formerly Revision Checklist 165. On April 9, 1999, the United States Court of Appeals for the District of Columbia in *Great Lakes Chemical Corporation versus EPA* (Docket No. 98-1312) granted the U.S. Government's motion for a voluntary vacatur of the rules addressed by Revision Checklist 165. Because of this vacatur, EPA has withdrawn this revision checklist. Note that the final rule published August 10, 1998 (63 FR 42580), is also vacated as it only clarified that the typographical errors made in the May 4, 1998 (63 FR 24596) rule were corrected by the June 29, 1998 rule (63 FR 35147).]

NN. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include an exemption from regulation under RCRA for condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e), as indicated in Revision Checklist 164. This exclusion is limited to combustion at mills generating the condensate.

Federal Authority: RCRA §3001; 40 CFR 261.4(a)(15), as amended April 15, 1998 (63 FR 18504).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

OO.. [OPTIONAL: This is a reduced requirement.] State statutes and regulations provide for secondary materials from mineral processing to be co-processed with normal raw materials in beneficiation operations which generate Bevill exempt wastes, without changing the exempt status of the resulting Bevill waste, provided certain conditions are met as indicated in Revision Checklist 167E.

Federal Authority: RCRA §3001; 40 CFR 261.4(b)(7) as amended May 26, 1998 (63 FR 28556).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

PP. State statutes and regulations contain clarifying amendments to requirements regarding exclusion of mixtures under 261.4(b)(7) involving Bevill waste, as indicated in Revision Checklist 167E.

Federal Authority: RCRA §3001; 40 CFR 261.3(a)(2)(i)&(iii) as amended May 26, 1998 (63 FR 28556).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

## II. DEFINITION OF SOLID WASTE

D. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations provide for a conditional exclusion from the definition of solid wastes for mineral processing **spent** materials as indicated in Revision Checklist 167D.

Federal Authority: RCRA §3001; 40 CFR 261.2(c)(3), 261.2(c)(4) Table 1, 261.2(e)(1)(iii) and 261.4(a)(16)<sup>1</sup> as amended May 26, 1998 (63 FR 28556).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

E. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations provide for an exclusion from the definition of solid waste for certain materials generated and recycled by the wood preserving industry as indicated in Revision Checklist 167F.

Federal Authority: RCRA §3001; 40 CFR 261.4(a)(9)(iii) as amended May 26, 1998 (63 FR 28556).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

F. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations exclude from the definition of solid waste fuels which are produced from a hazardous waste, but which are comparable to some currently used fossil fuels, as indicated in Revision Checklist 168.

Federal Authority: RCRA §§1004, 1006, and 3001; 40 CFR 261.4(a)(16)<sup>1</sup> and 261.38, as amended June 19, 1998 (63 FR 33782).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

**XV. STANDARDS FOR FACILITIES**

W. State statutes and regulations provide for organic air emission standards for tanks, surface impoundments and containers and provide that air emission control requirements be added to the permit terms and provisions specified for miscellaneous units as specified in Revision Checklists 154 and 163.

Federal Authority: RCRA § 3004(n); 40 CFR 60 Appendix A, 260, 261, 262, 264, 265, and 270 as amended December 6, 1994 (59 FR 62896); May 19, 1995 (60 FR 26828); September 29, 1995 (60 FR 50426); November 13, 1995 (60 FR 56952); February 9, 1996 (61 FR 4903); June 5, 1996 (61 FR 28508); November 25, 1996 (61 FR 59932); and December 8, 1997 (62 FR 64636)

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

**XVI. REQUIREMENTS FOR PERMITS**

BB. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include requirements for hazardous waste combustion facility permit modifications to meet 40 CFR part 63 MACT standards, as indicated in Revision Checklist 168. State statutes and regulations also address such changes during interim status.

Federal Authority: RCRA §§ 1006, 3004, 3005, and 7004; 40 CFR 270.42(j), 270.42 Appendix I, and 270.72(b)(8), as amended June 19, 1998 (63 FR 33782).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

## **XX. STANDARDS FOR THE MANAGEMENT OF WASTE FUEL AND USED OIL AND FOR THE BURNING OF THESE MATERIALS IN BOILERS AND INDUSTRIAL FURNACES**

E. State statutes and regulations provide used oil management standards for used oil generators, transporters, processors, re-refiners, burners, and marketers as indicated in Revision Checklists 112, 122, 130, and 166.

Federal Authority: RCRA §§1004, 1006, 2002, 3001-3007, 3010, 3014 and 7004; 40 CFR Parts 260, 261, 266 and 279 as amended September 10, 1992 (57 FR 41566), May 3, 1993 (58 FR 26420), June 17, 1993 (58 FR 33341), March 4, 1994 (59 FR 10550), May 6, 1998 (63 FR 24963), and July 14, 1998 (63 FR 37780).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

## **XXI. LAND DISPOSAL RESTRICTIONS**

U. State statutes and regulations provide for an extension of the national capacity variance for spent potliners from primary aluminum production (Hazardous Waste Number K088) so that K088 wastes do not have to be treated to meet LDR treatment standards until October 8, 1997, as indicated in Revision Checklists 155 and 160.

Federal Authority: RCRA §3004(d)-(k), and (m), 40 CFR 268.39(c) as amended January 14, 1997 (62 FR 1992) and July 14, 1997 (62 FR 37694).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

AA. State statutes and regulations provide an extension until August 26, 1998, the time that alternate carbamate treatment standards are in place as indicated in Revision Checklist 161.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 268.40(g) and 268.48(a) as amended on August 28, 1997 (62 FR 45568).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

BB. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include revisions to the LDR treatment variances at 40 CFR 268.44, and specify that a variance may be granted when treatment to the level or by the method specified in the regulations either is not physically possible or is not appropriate under either technical or environmental circumstances as indicated in Revision Checklist 162.

Federal Authority: RCRA 3004(m); 40 CFR 268.44(a), 268.44(h), and 268.44(m) as amended December 5, 1997 (62 FR 64504).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

CC. [WITHDRAWN--formerly Revision Checklist 165. On April 9, 1999, the United States Court of Appeals for the District of Columbia in Great Lakes Chemical Corporation versus EPA (Docket No. 98-1312) granted the U.S. Government's motion for a voluntary vacatur of the rules addressed by Revision Checklist 165. Because of this vacatur, EPA has withdrawn this revision checklist. Note that the final rule published August 10, 1998 (63 FR 42580), is also vacated as it only clarified that the typographical errors made in the May 4, 1998 (63 FR 24596) rule were corrected by the June 29, 1998 rule (63 FR 35147).]

DD. State statutes and regulations include prohibitions and treatment standards for metal hazardous constituents in all hazardous wastes including the toxic characteristic wastes as indicated in Revision Checklist 167A.

Federal Authority: RCRA §§3004(g)(4) and (m); 40 CFR 268.2(i), 268.3(d), 268.34, 268.40(e)&(h), 268.40 table, and 268.48 as amended May 26, 1998 (63 FR 28556).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

EE. State statutes and regulations include treatment standards for mineral processing wastes as indicated in Revision Checklist 167A.

Federal Authority: RCRA §§3004(g)(4) and (m); 40 CFR 268.40 and 268.48 as amended May 26, 1998 (63 FR 28556).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

FF. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include treatment standards for contaminated soils as indicated in Revision Checklist 167B.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 268.2(k), 268.7(a)(1)-(6), 268.7(b)(1)-(3), 268.7(b)(4) intro, 268.7(e), 268.44(h)(3)-(5), 268.49 as amended May 26, 1998 (63 FR 28556).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General



GG. State statutes and regulations include corrections and clarifications to the land disposal restrictions as indicated in Revision Checklist 167C.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 268.4(a)(2)(ii)&(iii), 268.7(a)(7), 268.7(b)(3)(ii)/Table, 268.7(b)(4)(iv)&(v), 268.7(b)(5)&(6), 268.40/Table, 268.40(e), 268.42(a), 268.45(a) intro, 268.45(d)(3)&(4), 268.48, 268 Appendices VII & VIII as amended May 26, 1998 (63 FR 28556) and June 8, 1998 (63 FR 31266).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Seal of Office

\_\_\_\_\_  
Signature

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Name (Type or Print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

- <sup>1</sup> In the July 1, 1998 CFR there are two paragraphs designated as 261.4(a)(16). 63 FR 28556 (see Revision Checklist 167D) introduced a paragraph at 261.4(a)(16), and 63 FR 33782 (Revision Checklist 168) also introduced a paragraph at 261.4(a)(16). This error is eventually corrected in SPA 20 by 64 FR 25408 (Revision Checklist 179) which renumbers the paragraph introduced by 63 FR 26556 (Revision Checklist 167D) as 261.4(a)(17).