

US EPA ARCHIVE DOCUMENT

MODEL ATTORNEY GENERAL'S STATEMENT UPDATE
FOR FINAL AUTHORIZATION FOR CHANGES TO THE
FEDERAL RCRA PROGRAM FROM JULY 1999
THROUGH JUNE 2000
RCRA CLUSTER X

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:

- (32) [OPTIONAL: This is a reduced requirement.] Removal of five vacated K-code wastes (K064, K065, K066, K090, and K091) from table at 40 CFR 261.32, as amended October 20, 1999 [64 FR 56469], Revision Checklist 183.
- (33) [OPTIONAL: This is a reduced requirement.] Removal of two vacated wastes (K140 and U408) from tables at 40 CFR 261.32, 261.33(f), and Part 261 Appendices VII and VIII, as amended March 17, 2000 [65 FR 14472], Revision Checklist 185.

Federal Authority: RCRA §3001(b).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

II. DEFINITION OF SOLID WASTE

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 Checklists 168 and 182.

Federal Authority: RCRA §§1004, 1006, and 3001; 40 CFR 261.4(a)(16)¹, 261.38, and 261.38 Table 1, as amended June 19, 1998 (63 FR 33782), September 30, 1999 (64 FR 52828), and November 19, 1999 (64 FR 63209).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

G. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations include revisions to the exclusion for certain oil-bearing hazardous secondary materials, as well as new exclusions for petrochemical recovered oil, and spent caustic solutions from petroleum refining processes, and the related revisions to the references to these exclusions as indicated in Revision Checklists 169 and 187.

Federal Authority: RCRA § 3001; 40 CFR 261.3(c)(2)(ii)(B), 261.4(a)(12), 261.4(a)(18) & (19), 261.6(a)(3)(iv)(C), 261.6(a)(3)(v), 261.31(a), and 266.100(b)(3), as amended August 6, 1998 (63 FR 42110), October 9, 1998 (63 FR 54356), and June 8, 2000 (65 FR 36365).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

IV. ACCUMULATION

B. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations allow generators who generate 1,000 kilograms or more of hazardous waste per calendar month who also generate wastewater treatment sludges from electroplating operations that meet the F006 listing

¹ 63 FR 33782 contains a typographical error. The rule indicates that it is adding 261.4(a)(16), which was previously added by 63 FR 28556 (see Revision Checklist 167). The correct numbering of the added paragraph should be 261.4(a)(17).

description, to accumulate F006 waste on-site for up to 180 days (or 270 days in certain circumstances) without a permit or interim status as indicated in Revision Checklist 184.

Federal Authority: RCRA §§2002 and 3002; 40 CFR 262.34(g) - (i), as amended March 8, 2000 (65 FR 12378).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XV. STANDARDS FOR FACILITIES

FF. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include an exemption for hazardous waste burning incinerators from the RCRA national stack emission standards when owners or operators demonstrate compliance with the MACT requirements of 40 CFR part 63 subpart EEE by conducting a comprehensive performance test and submitting a Notification of Compliance as indicated in Revision Checklist 182. However, after this demonstration, RCRA permit conditions will remain in effect until the permit is modified, terminated, or revoked, unless the permit expressly provides otherwise.

Federal Authority: RCRA §§ 1006(b), 3004(a), and 3005(c)(3); 40 CFR 264.340(b)-(e), 265.340(b)-(c), 270.19 intro, 270.19(e), and 270.62 intro, as amended September 30, 1999 (64 FR 52828).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

GG. State statutes and regulations require that permits for miscellaneous units include appropriate terms and conditions from the part 63, subpart EEE standards as indicated in Revision Checklist 182.

Federal Authority: RCRA §§ 1006(b), 3004(a), and 3005(c)(3); 40 CFR 264.601 intro, as amended September 30, 1999 (64 FR 52828).

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 Checklists 168 and 182. 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 (L(9)), and 270.72(b)(8), as amended June 19, 1998 (63 FR 33782) and September 30, 1999 (64 FR 52828).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

EE. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include requirements for permit modifications to remove permit conditions that are no longer applicable as indicated in Revision Checklist 182.

Federal Authority: RCRA §§ 1006(b), 3004(a), and 3005(c)(3); 40 CFR 270.42 Appendix I (A(8)), as amended September 30, 1999 (64 FR 52828).

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

I. State statutes and regulations include requirements related to the MACT standards limiting emissions of chlorinated dioxins, furans, other toxic organic compounds, toxic metals, hydrochloric acid, chlorine gas, and particulate matter as indicated in Revision Checklist 182.

Federal Authority: RCRA §1006(b), 3004(a) and 3005(c)(3); 40 CFR 260.10, 266.105(c), 266.112(b) and 266, Appendix VIII as amended September 30, 1999 (64 FR 52828) and November 19, 1999 (64 FR 63209).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

J. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include an exemption for hazardous waste burning cement kilns or aggregate kilns from the RCRA national stack emission standards when owners or operators demonstrate compliance with the MACT requirements of 40 CFR part 63 subpart EEE by conducting a comprehensive performance test and submitting a Notification of Compliance as indicated in Revision Checklist 182. However, after this demonstration, RCRA permit conditions will remain in effect until the permit is modified, terminated, or revoked, unless the permit expressly provides otherwise.

Federal Authority: RCRA §§ 1006(b), 3004(a), and 3005(c)(3); 40 CFR 266.100(b), 270.22 intro, and 270.66 intro, as amended September 30, 1999 (64 FR 52828).

Citation of Laws and Regulations; Date of Enactment and AdoptionRemarks of the Attorney General

K. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include an exemption for secondary lead smelters from all provisions of the boilers and industrial furnaces (BIFs) requirements except for 266.101, as indicated in Revision Checklist 182. The smelter must provide a one-time notice to the State identifying each hazardous waste burned and stating that the facility claims an exemption from other BIF requirements. Those secondary lead smelters who have already provided notice pursuant to 266.100(c) do not have to renotify.

Federal Authority: RCRA §§ 1006, 3004, and 3005; 40 CFR 266.100(d)(1) intro, 266.100(d)(3) intro, and 266.100(h), as amended September 30, 1999 (64 FR 52828).

Citation of Laws and Regulations; Date of Enactment and AdoptionRemarks of the Attorney General

L. State statutes and regulations clarify that fuel blending activities that are conducted in units other than 90-day tanks or containers are also subject to regulation as indicated in Revision Checklist 182.

Federal Authority: RCRA §§ 3004 and 3005; 40 CFR 266.101(c) intro and 266.101(c)(1) as amended as amended September 30, 1999 (64 FR 52828).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XXI. LAND DISPOSAL RESTRICTIONS

W. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include revisions of record keeping and paperwork requirements indicated in Revision Checklists 157, 167 C, 179, and 183.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 262.34(a)(4), 262.34(d)(4), 268.4(a)(4), 268.7(a)-(b)(6), 268.7(c)(1), 268.9(d)(2) intro, and 268.9(d)(2)(i) as amended May 12, 1997 (62 FR 25998), May 26, 1998 (63 FR 28556), May 11, 1999 (64 FR 25408), and October 20, 1999 (64 FR 56469).

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 Checklists 167 B, 179, and 183.

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(b)(4)(iv), 268.7(e), 268.44(h)(3)-(5), and 268.49 as amended May 26, 1998 (63 FR 28556), May 11, 1999 (64 FR 25408), and October 20, 1999 (64 FR 56469).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

JJ. State statutes and regulations provide revised treatment standards for seven carbamate wastes and extend indefinitely the temporary treatment standards; remove the treatment standard for one carbamate waste; delete certain carbamate wastes as underlying hazardous constituents; and extend for six months the temporary alternative treatment standards for the other 32 carbamate wastes as indicated in Revision Checklists 171, 179, and 183.

Federal Authority: RCRA § 3004(d)-(k) and (m); 40 CFR 268.40(g)-(j), 268.40/Table, and 268.48(a)/Table as amended September 4, 1998 (63 FR 47410), May 11, 1999 (64 FR 25408), and October 20, 1999 (64 FR 56469).

Citation of Laws and Regulations; Date of Enactment and AdoptionRemarks of the Attorney General

LL. State statutes and regulations provide for interim replacement standards for spent potliners from primary aluminum reduction (EPA hazardous waste K088) as indicated in Revision Checklists 173, 179, and 183.

Federal Authority: RCRA §3004(d)-(k), and (m); 40 CFR 268.40/Table, as amended September 24, 1998 (63 FR 51254), May 11, 1999 (64 FR 25408), and October 20, 1999 (64 FR 56469).

Citation of Laws and Regulations; Date of Enactment and AdoptionRemarks of the Attorney General

MM. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include the removal of a waste-specific prohibition and treatment standards for K140 and U408 wastes under the land disposal restrictions program as indicated in Revision Checklist 185.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 268.33, 268.40, and 268.48(a)/Table as amended March 17, 2000 (65 FR 14472).

Citation of Laws and Regulations; Date of Enactment and AdoptionRemarks of the Attorney General**XXIII. UNIVERSAL WASTES**

F. [OPTIONAL: This is a reduced requirement. However, this requirement and the requirements at Subsection XXIII A are necessary for authorization of this requirement.] State statutes and regulations include spent hazardous waste lamps as a universal waste as indicated in Revision Checklist 181.

Federal Authority: RCRA §§3001, 3002, 3003, 3004, 3005, 3010, 3013, 3017, and 7004; 40 CFR 260.10, 261.9(b)-(d), 264.1(g)(11)(ii)-(iv), 265.1(c)(14)(ii)-(iv), 268.1(f)(2)-(4), 270.1(c)(2)(viii)(B)-(D), 273.1(a)(2)-(4), 273.2(a)(1), 273.2(b)(2)&(3), 273.3(a), 273.4(a), 273.5, 273.6, 273.7, 273.8, 273.9, 273.10, 273.13(d), 273.14(e), 273.30, 273.32(b)(4)&(5), 273.33(d), 273.34(e), 273.50, 273.60(a), and 273.81(a) as amended July 6, 1999 (64 FR 36466).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XXV. STATE INITIATED CHANGES

[Use of the following entry is optional. It was developed for use by a State applying for State initiated changes. The need for its use is determined by the Region and State. Some changes may be inconsequential enough that an AG Statement may not be needed.]

The State has made amendments to the provisions listed in the table which follows. These amendments correct typographical and/or printing errors, clarify and make the State's regulations more internally consistent. The State's program, as amended by these provisions, remains equivalent to and no less stringent than the Federal program.

State Requirement	Federal Requirement

[State initiated changes resulting in provisions which are more stringent or broader in scope should be listed separately and explained.]

These State initiated changes are submitted under the requirements of 40 CFR 271.21(a).

Seal of Office

Signature

Name (Type or Print)

Title

Date