

US EPA ARCHIVE DOCUMENT

Revision Checklist 106 Summary

Rule Title: Hazardous Waste Management System: Land Disposal Restrictions
Checklist Title: Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance
Reference: 57 FR 28628-28632
Promulgation Date: June 26, 1992
Effective Date: June 5, 1992
Cluster: RCRA II
Provision Type: HSWA
Linkage: Checklists 78, 83, 109, 116, 137, and 157
Optional: No

Summary. In the final rule establishing land disposal restrictions for "Third Third" hazardous wastes (June 1, 1990; 55 FR 22520; Revision Checklist 78), EPA granted a two-year national capacity variance to allow the continued storage of lead-bearing hazardous materials in waste piles prior to smelting. The variance has now expired and these untreated wastes became prohibited from land disposal on May 8, 1992. On January 9, 1992, EPA proposed a rule allowing the use of a management unit—referred to as containment buildings—for the accumulation for up to 90 days of D008 lead-bearing hazardous materials that are not in liquid form, at secondary smelters without accumulation at such a unit being defined as land disposal. EPA is now considering public comment on the proposal and anticipates promulgating a final rule by June 30, 1992. This June 26, 1992 rule provides a one-year extension of the LDR effective date for owners and operators of secondary lead smelters who are engaged in the reclamation of lead-bearing hazardous materials. The extension applied only to lead-bearing hazardous wastes placed in a staging area immediately prior to being introduced into a lead smelter. This action is taken because EPA believes that the continued storage of lead-bearing hazardous materials in piles at smelting facilities prior to recovery is preferable to any alternative management available and consistent with the Agency's goal of waste minimization.

State Authorization: This rule is placed in RCRA Cluster II. The State modification deadline is July 1, 1993 (or July 1, 1994 if a State statutory change is necessary). All changes go into effect immediately. Both interim and final authorization are available. An interim final rule was published in mid December, 1992, extending interim authorization for HSWA provisions until January 1, 2003. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 106, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry. The following entry should be placed at Subsection XXI J in the Model Revision Attorney General's Statement.

J. State statutes and regulations provide an extension of the land disposal restriction effective date, until May 8, 1993, for D008 lead-bearing hazardous materials stored before secondary smelting, provided the owner/operator meets the requirements specified at 40 CFR 268.35(k), as indicated in Revision Checklist 106.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c) and (k) as amended June 26, 1992 (57 FR 28628).

Citation of Laws and Regulations: Date of Enactment and Adoption

Revision Checklist 106 Summary (cont'd)

Remarks of the Attorney General