

US EPA ARCHIVE DOCUMENT

Revision Checklist 109 Summary

Rule Title: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris
Checklist Title: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris
Reference: 57 FR 37194-37282, 57 FR 39275, and 57 FR 41173
Promulgation Date: August 18, 1992
Effective Date: February 18, 1993 for 262.34, 264.110, 264.111, 264.112, 264.140, 264.142, part 264 subpart DD, 265.110, 265.111, 265.112, 265.140, 265.142, 265.221, and part 265 subpart DD; November 9, 1992¹ for 148.17(a), 260.10, 261.3(c)(2)(ii)(C), 268.2, 268.5, 268.7, 268.9, 268.36(a), 268.40, 268.41, 268.42, 268.43, 268.45, 268.46, 268.50, 270.14, 270.42, 270.72, and 271.1; and June 30, 1992 for the remainder of the rule
Cluster: RCRA III
Provision Type: HSWA
Linkage: Revision Checklists 34, 39, 50, 63, 78, 103, 106, 137, 151, 157, and 167A-C. (Indirectly, to the corrections to these rules--62, 66, 83 and 102.)
Optional: No

Summary. This rule finalizes treatment standards under the land disposal restrictions (LDR) program for certain hazardous wastes listed after November 8, 1984, pursuant to a proposed consent decree filed with the District Court establishing a June 1992 promulgation date (*EDF vs. Reilly, Civ. No. 89-0598, D.D.C.*). This rule also finalizes revised treatment standards for debris contaminated with listed hazardous wastes or debris that exhibit certain hazardous waste characteristics. Several revisions are also made to existing standards and requirements.

Certain aspects of this rule could be affected by the recently proposed Hazardous Waste Identification rule (57 FR 21450; May 20, 1992) which deals with the question of when wastes are hazardous, concentration levels, and circumstances where wastes aren't hazardous. That rule also examines when land disposal prohibitions might and might not apply. However, the present *mixture* and *derived-from* rules remain in effect (57 FR 7268; March 3, 1992). The preamble to the August 18, 1992 rule codifies the "contained-in" policy with respect to contaminated debris. See 57 FR 37225, 3rd column, "2. Definition of Hazardous Debris."

State Authorization: This rule is promulgated pursuant to HSWA and is placed in RCRA Cluster III. Both interim and final authorization are available, with the former expiring on January 1, 2003. The State modification deadline is July 1, 1993 (or July 1, 1994 if a State statutory change is necessary). The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 109, 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 entries should be placed at Subsections XXI K, L & M in the Model Revision Attorney General's Statement.

¹Date was corrected from "November 16, 1992" to "November 19, 1992" by 57 FR 39275. This date was then corrected from "November 19, 1992" to "November 9, 1992", by 57 FR 41173.

Revision Checklist 109 Summary (cont'd)

K. State statutes and regulations provide land disposal treatment standards for certain hazardous wastes listed after November 8, 1984 as well as treatment standards for debris contaminated with listed hazardous wastes or debris that exhibit certain hazardous waste characteristics as indicated in Revision Checklist 109.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 261.3(f), 268.2, 268.5, 268.7, 268.14, 268.36, 268.40, 268.41, 268.42, 268.43, 268.45, 270.13 and 270.14, as amended August 18, 1992 (57 FR 37194).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

L. State statutes and regulations include revisions to existing land disposal restrictions including revision of F001-F005 spent solvents treatment standards, conversion of wastewater standards for twenty-four "F" and "K" water codes based on scrubber standards; revisions to K061, K062 and F006 treatment standards; change of recordkeeping requirements; and clarification of rules related to wastes listed because they exhibit a characteristic as indicated in Revision Checklist 109.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 261.3(a)&(c), 268.9, 268.41, 268.42, 268.43 and 268.46, as amended August 18, 1992 (57 FR 37194).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

M. State statutes and regulations allow storage and treatment in containment buildings as indicated in Revision Checklist 109.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 260.10, 262.34, 264.110, 264.111, 264.112, 264.140, 264.142, 264 Subpart DD, 265.110, 265.111, 265.112, 265.140, 265.142, 265.221, 265 Subpart DD, 268.50, 270.42 and 270.72, as amended August 18, 1992 (57 FR 37194).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General