

US EPA ARCHIVE DOCUMENT

Revision Checklist 125 Summary

Rule Title: Requirements for Preparation, Adoption, and Submittal of Implementation Plans
Checklist Title: Boilers and Industrial Furnaces; Changes for Consistency with New Air Regulations
Reference: 58 FR 38816-38884
Promulgation Date: July 20, 1993
Effective Date: August 19, 1993
Cluster: RCRA Cluster IV
Provision Type: HSWA/non-HSWA
Linkage: Revision Checklists 85, 94
Optional: No

Summary: This final rule was promulgated pursuant to the Clean Air Act, rather than the Resource Conservation and Recovery Act, and primarily amends the "Guideline on Air Quality Models (Revised)" (referred to as the "Guideline") in 40 CFR Parts 51 and 52. However, this rule also makes conforming changes to 40 CFR Parts 260 and 266 to ensure that the guidelines for air quality modeling and screening for boilers and industrial furnaces burning hazardous waste are consistent with the guidelines in 40 CFR Part 51. Specifically, EPA is removing Appendix X to 40 CFR Part 266 and is changing references to the Guideline in that Part to refer to 40 CFR Part 51, Appendix W. EPA also revises the "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources" reference at § 260.11(a).

State Authorization: This rule was promulgated under the Clean Air Act. However, with respect to the RCRA revisions, it is considered promulgated under the same authorities as the Boilers and Industrial Furnaces (BIF) rule that added the RCRA provisions being amended by this present rule. The BIFs rule is considered HSWA or non-HSWA, depending on the type of units to which the regulations are being applied. In the case of sludge dryers, infrared incinerators, carbon regeneration units and plasma arc incinerators, the provisions are non-HSWA and do not go into effect until a State is authorized for them. With respect to all other devices, the provisions are considered HSWA provisions and go into effect immediately. Only final authorization is available for the non-HSWA portion. Both interim and final authorization are available for the HSWA portion. Interim authorization expires January 1, 2003. The rule is placed in RCRA Cluster IV. The State modification deadline is July 1, 1995 (or July 1, 1996 if a State statutory change is necessary). The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 125, 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 XX F in the Model Revision Attorney General's Statement.

F. State statutes and regulations are amended such that the procedures for conducting air quality modeling and screening for boilers and industrial furnaces burning hazardous wastes reference the method recommended in Appendix W of 40 CFR Part 51. State regulations and statutes also incorporate by reference the October 1992 edition of "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources" as indicated in Revision Checklist 125.

Revision Checklist 125 Summary (cont'd)

Federal Authority: §§1006, 2002, 3001 through 3007, 3010 and 7004; 40 CFR 260.11(a), 266.104(e)(3), 266.106(h) and Part 266 Appendix X, as amended July 20, 1993 (58 FR 38816).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General