

US EPA ARCHIVE DOCUMENT

**Revision Checklist 155 Summary**

**Rule Title:** Land Disposal Restrictions Phase III-- Emergency Extension of the K088 Capacity Variance

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**Reference:** 62 FR 1992-1997

**Promulgation Date:** January 14, 1997

**Effective Date:** January 8, 1997

**Cluster:** RCRA Cluster VII

**Provision Type:** HSWA

**Linkage:** Revision Checklists 151, 160, and 173

**Optional:** No

**Summary:** This rule extends for six (6) months the current national capacity variance for spent potliners from primary aluminum production (Hazardous Waste Number K088). Thus, K088 wastes do not have to be treated to meet LDR treatment standards until July 8, 1997, six months from the original effective date of January 8, 1997. There have been unanticipated performance problems with the treatment technology (the Reynold's process) which provides most of the available treatment capacity for these wastes. EPA has found that this primary treatment process, as it is presently performing and as it includes disposal in non-subtitle C units, is not satisfying the requirements of RCRA § 3004. The primary treatment process does not protect human health and the environment (RCRA § 3004(h)(2), and the remaining treatment capacity is far below that needed to accommodate the volume of K088 waste being generated. The length of the extension for the national capacity variance reflect's EPA's best current estimate of how long it will take to correct the current deficiencies in treatment performance.

**State Authorization:** This rule is placed in RCRA Cluster VII. The State modification deadline is July 1, 1998 (or July 1, 1999 if a State statutory change is necessary). All changes go into effect immediately because this rule was promulgated under HSWA authorities. Both interim and final authorization are available. Interim authorization expires January 1, 2003.

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 155, 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 (U) in the Model Revision Attorney General's Statement.

U. State statutes and regulations provide a six (6) month extension of the current 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

**Revision Checklist 155 Summary (cont'd)**

meet LDR treatment standards until July 8, 1997, as indicated in Revision Checklist 155.

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

**Incorporation by Reference Guidance:**

There is no special guidance for States that incorporate by reference with respect to this Revision Checklist.