

US EPA ARCHIVE DOCUMENT

Revision Checklist 183 Summary

Rule Title: Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters

Checklist Title: Land Disposal Restrictions Phase IV -- Technical Corrections

Reference: 64 FR 56469-56472

Promulgation Date: October 20, 1999

Effective Date: October 20, 1999

Cluster: RCRA Cluster X

Provision Type: HSWA/Non-HSWA

Linkage: 157, 167 B, 167 C, 171, 173, 179

Optional: No; however, some provisions are optional

Summary: This rule corrects two minor typographical errors and one omission in the May 11, 1999 technical amendment (Revision Checklist 179; 64 FR 25408) to the Phase IV Land Disposal Restrictions (LDR). This rule also corrects three errors in the May 26, 1998 LDR Phase IV final rule (Revision Checklist 167; 63 FR 28556).

State Authorization: This rule is placed in RCRA Cluster X. The State modification deadline is July 1, 2001 (or July 1, 2002 if a State statutory change is necessary).

The revisions to 262.34(a)(4), 268.7(a)(3)(iii), 268.40(j), 268.40 Table, 268.49(c)(1)(A) and 268.49(c)(1)(B) are promulgated pursuant to HSWA authorities. There are HSWA revisions that are considered more stringent than the existing Federal regulations as well as HSWA revisions that are considered less stringent than the existing Federal regulations. An authorized State is required to adopt Federal regulations that are more stringent than the authorized State regulations. These required HSWA revisions take effect in an authorized State on the Federal effective date. A State is not required to modify its program when EPA promulgates Federal regulations that are less stringent than the authorized State regulations. As such, optional revisions are not effective under HSWA in an authorized State until the State adopts and receives authorization for the changes. The revisions to 261.32 are promulgated pursuant to non-HSWA authorities. The non-HSWA changes do not go into effect in an authorized State until the State adopts and receives authorization for the revisions. Both interim and final authorization are available for the HSWA provisions. Interim authorization expires January 1, 2003. Only final authorization is available for the non-HSWA provisions.

The State Revision Application must include applicable statutes and regulations, Revision Checklist 183, and other application materials, i.e. a supplemental AG statement, a program description, and/or an MOA, as determined by the Regional office. Note that under 271.21(b), the Regional office is allowed flexibility to determine what specific documents must be included in an application. Also, under

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271.21(d), the Regional office may require the submission of any additional application materials it deems necessary.

Attorney General's Statement Entry: The following entry should be placed at Subsection I (A)(32) in the Model Revision Attorney General's Statement.

- (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.

The entries at Subsection XXI (W), (FF), (JJ), and (LL) in the Model Revision Attorney General's Statement should be replaced with the following revised entries.

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

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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 Adoption

Remarks 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 Adoption

Remarks of the Attorney General

Incorporation by Reference Guidance: There is no special guidance for States that incorporate by reference.