

US EPA ARCHIVE DOCUMENT

Revision Checklist 187 Summary

Rule Title: Organobromines Production Wastes; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Final Rule and Correcting Amendments

Checklist Title: Petroleum Refining Process Wastes -- Clarification

Reference: 64 FR 36365-36367

Promulgation Date: June 8, 2000

Effective Date: June 8, 2000

Cluster: RCRA Cluster X

Provision Type: HSWA

Linkage: 169

Optional: Conditionally optional

Summary: This rule corrects an error made in the August 6, 1998 rule (63 FR 42110; Revision Checklist 169) which listed four wastes from the petroleum refining industry as hazardous. The amending language in the August 6, 1998 rule included a typographical error that made the intent of the amendment unclear. The June 8, 2000 final rule addressed by this checklist revises the listing description for hazardous waste code F037 in 40 CFR 261.31(a) to reflect the original intent of the August 6, 1998 amendment. States that adopted the optional changes to 261.31(a) made by Revision Checklist 169 should also adopt the correction made by this rule.

Note that in the preamble to the June 8, 2000 rule, it states that the Agency neglected to delete the reference to U408 in Appendix VII of 40 CFR Part 268 in the March 17, 2000 rule (65 FR 14472; Revision Checklist 185). However, there was no entry for U408 in that Appendix. The actual amendment for the June 8, 2000 rule incorrectly removes the entry for U048 from Appendix VII to 40 CFR Part 268. U048 should not be removed from Appendix VII. States should not adopt any changes to this Appendix as part of the Revision Checklist.

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).

This rule was promulgated under HSWA authorities. This rule contains a correction to an optional revision made by Revision Checklist 169. Therefore, this rule only takes effect on the Federal effective date in authorized States that have adopted the optional Revision Checklist 169 changes to 261.31(a). The rule does not take effect in authorized States that never adopted the Revision Checklist 169 changes to 261.31(a) until the State adopts and receives authorization for those changes. Both interim and final authorization are available. Interim authorization expires January 1, 2003.

The State Revision Application must include applicable statutes and regulations, Revision Checklist 187, 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

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allowed flexibility to determine what specific documents must be included in an application. Also, under 271.21(d), the Regional office may require the submission of any additional application materials it deems necessary.

Attorney General's Statement Entry: The entry at Subsection II (G) in the Model Revision Attorney General's Statement should be replaced with the following entry.

G. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations include revisions to the exclusion for certain oil-bearing hazardous secondary materials, as well as new exclusions for petrochemical recovered oil, and spent caustic solutions from petroleum refining processes, and the related revisions to the references to these exclusions as indicated in Revision Checklists 169 and 187.

Federal Authority: RCRA § 3001; 40 CFR 261.3(c)(2)(ii)(B), 261.4(a)(12), 261.4(a)(18) & (19), 261.6(a)(3)(iv)(C), 261.6(a)(3)(v), 261.31(a), and 266.100(b)(3), as amended August 6, 1998 (63 FR 42110), October 9, 1998 (63 FR 54356), and June 8, 2000 (64 FR 36365).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Incorporation by Reference Guidance: States should not adopt the revision to Appendix VII of 40 CFR 268, because the revision was made in error as explained in the above Summary section.