

US EPA ARCHIVE DOCUMENT

Revision Checklist 196 Summary

Rule Title: Amendments to the Corrective Action Management Unit Rule
Checklist Title: CAMU Amendments
Reference: 67 FR 2962-3029
Promulgation Date: January 22, 2002
Effective Date: April 22, 2002
Cluster: RCRA Cluster XII
Provision Type: HSWA
Linkage: 121
Optional: No; however, some provisions are optional

Summary: EPA is amending the 1993 Corrective Action Management Unit (CAMU) rule to facilitate treatment, storage and disposal of hazardous wastes managed for implementing cleanup, and to remove cleanup disincentives that RCRA can create. The 1993 CAMU rule is being revised as follows:

- (1) To govern the types of wastes eligible for placement in CAMUs, a definition for “CAMU-eligible waste” is created, which is distinct from the 40 CFR 260.10 definition of “remediation waste”;
- (2) More detailed minimum design and operating standards for CAMUs in which waste remains after closure, with opportunities for Regional Administrator-approved alternate designs;
- (3) Treatment requirements for wastes placed in CAMUs, including minimum treatment standards, with opportunities for adjustment;
- (4) More specific CAMU application information requirements including public notice and opportunity for comment, before final CAMU determination;
- (5) Requirements for CAMUs used only for treatment and storage; and
- (6) “Grandfathering” of certain types of existing CAMUs and allowing them to operate under the 1993 rule.

With this rule, EPA has also:

- , Amended the regulations for staging piles to allow for mixing, blending and other similar physical operations that prepare wastes for subsequent management or treatment;
- , Added a new provision that allows off-site placement of hazardous CAMU-eligible waste in hazardous waste landfills, if treated to meet CAMU treatment standards;
- , Granted interim authorization for the new CAMU amendments, to states currently authorized for the 1993 CAMU rule; and

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Expedited state authorization for the CAMU rule, for states that have authorization for RCRA corrective action but not the 1993 CAMU rule.

State Authorization: This rule is placed in RCRA Cluster XII. The State modification deadline is July 1, 2003 (or July 1, 2004 if a State statutory change is necessary).

General: With the exception of the addition of section 264.555 (addressed separately below), this rule promulgates regulations that are more stringent than existing federal CAMU regulations and as such, states which have authorization for the 1993 CAMU rule must revise their programs so that they are not less stringent than the Federal program. Additionally, this rule is promulgated under HSWA authorities. In states that have authorization for the 1993 CAMU rule but which do not seek interim authorization-by-rule (see below) for this rule's amendments, EPA will enforce the new amendments until these states receive interim or final authorization. In states that do not have authorization for corrective action, EPA will continue to enforce the amended CAMU regulations. Thus, the amended requirements will go into effect in all States, including authorized States, on the effective date of this rule.

States that have authorization for corrective action but not the 1993 CAMU rule are not required to seek authorization for the CAMU amendments. This is because these states' corrective action and Land Disposal Restrictions are more stringent than the federal CAMU regulations. However, because CAMUs are an integral part of corrective action, states are strongly encouraged to adopt the CAMU regulations. While states may continue to receive authorization for the 1993 CAMU rule, they are strongly discouraged from doing so without also seeking authorization for this checklist's amendments (as EPA will enforce the amendments in states which do not seek authorization for them).

Interim Authorization-by-rule: Interim authorization-by-rule is a new authorization procedure introduced by this rule. This procedure is used to grant interim authorization to states authorized for the 1993 CAMU rule, who notify EPA (by a letter to the Regional Administrator within 60 days of the publication of this rule) that they intend to and are able to use the CAMU amendments to regulate CAMUs. A Federal Register will be published identifying which states have submitted this notification to EPA and, thus, have interim authorization for this new CAMU rule. States with audit privilege and immunity law difficulties are eligible for interim-authorization for this rule, but must resolve these issues before they receive final authorization for this rule.

States with interim authorization have 2 years after July 1, 2002 to amend their CAMU regulations and an additional 60 days (i.e., by August 20, 2004) to submit a final application to EPA. If a State does not meet this deadline, interim authorization expires and EPA will be responsible for implementing the new CAMU in that state.

Authorization for § 264.555: This rule adds section 264.555 to the federal program and allows placement of CAMU-eligible wastes in off-site hazardous waste landfills. Because this is less stringent

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than existing requirements, it is effective only in states that are not authorized for the 1993 CAMU rule. For states that are authorized for the 1993 CAMU rule, interim authorization-by-rule is not available for § 264.555.

Attorney General (AG) Certification Guidance: Specific AG certification of statutory authority may not be required for this checklist as long as the AG has previously demonstrated authority for corrective action.

Program Description (PD) Guidance: A State seeking authorization for this checklist should determine whether the revisions impact the program described in the Program Description. EPA believes that States with corrective action authorization that are also seeking authorization for the amended CAMU rule will not need to submit a revised PD.

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