

US EPA ARCHIVE DOCUMENT

### Revision Checklist 204 Summary

Performance Track was terminated by EPA on May 14, 2009 (74 FR 22741).

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|---------------------------|---|
| <b>Rule Title 1:</b>      | National Environmental Performance Track Program              |
| <b>Rule Title 2:</b>      | National Environmental Performance Track Program; Corrections |
| <b>Checklist Title:</b>   | Performance Track   |
| <b>Reference:</b>         | 69 FR 21737 – 21754 and 69 FR 62217 - 62224                   |
| <b>Promulgation Date:</b> | April 22, 2004 and October 25, 2004                           |
| <b>Effective Date:</b>    | April 22, 2004 and December 27, 2004                          |
| <b>Cluster:</b>           | RCRA Cluster XIV  |
| <b>Provision Type:</b>    | Non-HSWA  |
| <b>Linkage:</b>           | None  |
| <b>Optional:</b>          | Yes   |

**Summary:** The rule promulgated on April 22, 2004 and corrected on October 25, 2004 applies only to members of EPA's National Environmental Performance Track Program. The rule includes provisions that increase the amount of time a hazardous waste generator may accumulate waste without a permit or interim status. Reporting requirements are also simplified for some generators. These provisions are intended to serve as incentives for facilities to join the Performance Track Program.

**State Authorization:** This rule is placed in RCRA Cluster XIV. The State modification deadline is July 1, 2005 (or July 1, 2006 if a State statutory change is necessary).

This rule is promulgated pursuant to non-HSWA authority and is less stringent than the current Federal requirements. Therefore, States will not be required to adopt and seek authorization for the Performance Track Program. EPA will implement the program only in those States which are not authorized for the RCRA program.

**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 regulating generators of hazardous waste.

**Program Description (PD) Guidance:** A State seeking authorization for this checklist should determine whether the revisions impact the program described in the Program Description.

**Incorporation by Reference Guidance:** States incorporating the federal rules by reference are encouraged to adopt the correction at the same time that the April 22, 2004 provisions are adopted. Those states that will incorporate the July 1, 2004 Code of Federal Regulations by reference, should include language that references or otherwise includes the correction published in the Federal Register on October 25, 2004 to ensure accuracy of regulations.