

US EPA ARCHIVE DOCUMENT

Revision Checklist 212 Summary

Rule Title:	National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II)
Checklist Title:	NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II)
Reference:	70 <u>FR</u> 59402-59579
Promulgation Date:	October 12, 2005
Effective Date:	December 12, 2005
Cluster:	RCRA Cluster XVI
Provision Type:	HSWA/Non-HSWA
Linkage:	182, 188, 197, 198, 202
Optional:	Yes

Summary: Today's rule finalizes national emission standards (NESHAP) for hazardous air pollutants for hazardous waste combustors (HWCs): hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters, and hydrochloric acid production furnaces. EPA has identified HWCs as major sources of hazardous air pollutant (HAP) emissions. These standards implement section 112(d) of the Clean Air Act (CAA) by requiring hazardous waste combustors to meet HAP emission standards reflecting the performance of the maximum achievable control technology (MACT).

State Authorization: This rule is placed in RCRA Cluster XVI. The State modification deadline is July 1, 2007 (or July 1, 2008 if a State statutory change is necessary).

This rule is promulgated pursuant to HSWA and non-HSWA authority. EPA does not consider these provisions to be either more or less stringent than the pre-existing federal program, since they simply make explicit an authority that has been and remains available under the omnibus authority and its implementing regulations. Thus, states with authorized equivalents to the federal omnibus authority will not be required to adopt these provisions, so long as they interpret their omnibus authority broadly enough to require risk assessments where necessary.

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 interim status, permitting, and air emissions standards..

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: Note that CL 212 references provisions from 40 CFR 63. States may either directly reference the provisions in Part 63, or incorporate the provisions into its regulations and reference the provisions within its regulations. If the first approach is used, the State must make sure that its Administrative Procedures Act allows the State to reference the Federal regulations. See IBR guidance for more information.