

US EPA ARCHIVE DOCUMENT

Revision Checklist 223 Summary

Rule Title: Hazardous Waste Technical Corrections and Clarifications

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Reference: 75 FR 12989-13009
75 FR 31716-31717

Promulgation Date: March 18, 2010

Effective Date: June 16, 2010

Cluster: RCRA Cluster XX

Provision Type: HSWA/Non-HSWA

Linkage: None

Optional: Yes, Except for § 262.23

Summary: The rule makes a number of technical changes that correct existing errors in the hazardous waste regulations that have occurred over time in numerous final rules published in the Federal Register, such as typographical errors, incorrect or outdated citations, and omissions. Some of the corrections are necessary to make conforming changes to all appropriate parts of the RCRA hazardous waste regulations for new rules that have since been promulgated. In addition, these changes clarify existing parts of the hazardous waste regulatory program and update references to Department of Transportation (DOT) regulations that have changed since the publication of various RCRA final rules. States are required to adopt the revisions to the manifest regulations (the addition of paragraph 262.23(f)) in accordance with the consistency requirements in 271.4(c).

EPA received adverse comment on four of the specific amendments and withdrew them on June 4, 2010 (75 FR 31716). The four amendments are: 40 CFR 262.34(a); 40 CFR 262.34(a)(2); 40 CFR 262.34(a)(5), and 40 CFR 266.20(b). As a result of withdrawing the amendment at 40 CFR 262.34(a)(5), the related amendment at 40 CFR 262.34(a)(1)(iv)(B) was also withdrawn. Finally, because of a typographical error, the amendment to the entry “K107” in the table at 40 CFR 261.32(a) was withdrawn. Another rule which will address the withdrawn amendments will be published after the effective date of this rule.

State Authorization: This rule is placed in RCRA Cluster XX. The state modification deadline is July 1, 2011 (or July 1, 2012 if a state statutory change is necessary).

All authorized states will be required to adopt the revisions to the manifest regulations in 40 CFR 262.23 in accordance with the consistency requirements in 40 CFR 271.4(c). See 70 FR 10811, March 4, 2005 for a further discussion of this provision.

This rule is considered to be neither more nor less stringent than the existing federal rules. However, States are strongly encouraged to adopt these technical corrections to avoid any confusion or misunderstanding by the regulated community and the public.

Attorney General (AG) Certification Guidance: None

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 should follow the Incorporation By Reference Guidance.