

US EPA ARCHIVE DOCUMENT

## Summary for State Program Advisory Seventeen

This SPA covers the period July 1, 1995, through June 30, 1996, and includes this summary plus three attachments. The first attachment, Attachment A, contains new Revision Checklists 145, 148, and 150-152 and their corresponding summaries and FR articles. Guidance relative to withdrawn Revision Checklists 146, 147, and 149 is also provided in this attachment. Attachment B contains updates to the State Authorization Manual (SAM), including Tables G-1 and G-2, the Checklist Linkage Table, and the Model Revision Attorney General's Statement. Also included in this attachment is a new table that addresses superseded checklists. This table lists those checklists that have been totally superseded by another checklist. The table should be placed in the SAM after the linkage table. A new cover page is provided for Appendix H that lists both the linkage table and the new table. Attachment C includes the updated (through June 30, 1996) consolidated checklists for the Land Disposal Restrictions, Boilers and Industrial Furnaces, Toxicity Characteristic, Wood Preserving, the Bevill Exclusion for Mining Wastes, Recycled Used Oil Management Standards Consolidated Checklist, and Treatability Studies Consolidated Checklist. This SPA also includes the consolidated checklist (Phases I, II, and III of the Land Disposal Restrictions) that consolidates all of the Land Disposal Restriction Checklists addressing newly listed wastes and includes Revision Checklists 109, 116, 123, 124, 136, 137, 142A-142E, and 151.

The following points briefly highlight the content of SPA 17. These points are organized by topic.

### Checklists

#### New

- ! This SPA provides five new checklists (numbers 145, 148, and 150 through 152, covering regulatory changes for the period July 1, 1995, through June 30, 1996. All of the checklists in SPA 17 are in RCRA Cluster VI. Revision Checklists 145, 151, and 152 contain only HSWA provisions; Checklists 148 and 150 contain only Non-HSWA provisions.
- ! Revision Checklists 146, 147, and 149 have been withdrawn from SPA 17. The rules formerly addressed by checklists 146 and 149 will be placed in SPA 18 as part of Revision Checklist 154 that will consolidate all of the rules associated with the organic air emission standards for tanks, surface impoundments and containers including the final amendment promulgated on November 25, 1996. The approach used for this consolidated checklist is similar to that used for Revision Checklist 113. As per guidance from Bruce C. Jordan, Director of EPA's Emission Standards Division, States have been advised not to adopt the RCRA Subpart CC standards until the promulgation of the amendment that was published in November of 1996. This consolidated checklist will aid States in following this guidance.
- ! Checklist 147 has been withdrawn. On October 30, 1995, EPA issued an administrative stay of the regulatory provisions set forth in 40 CFR 279.10(b)(2). However, on January 19, 1996, this administrative stay was vacated by the U.S. Court of Appeals for the District of Columbia. EPA published a final rule on June 28, 1996 that clarified the regulatory status in light of the judicial vacatur. As a result, EPA has decided that a checklist is not necessary for these two final rules.
- ! Checklist 151 addresses the initial rule published on April 8, 1996 and six amendments. The fourth, fifth and sixth amendments to this rule were promulgated after the end of the period for SPA 17; however, they were included as part of this checklist because it will be easier for States to adopt these amendments together rather than in two phases.

**Existing**

- ! No changes were made to existing checklists.

**Cluster Information**

- ! SPA 17 delineates timeframes by which States must obtain authorization for RCRA Cluster VI. The due date is July 1, 1997 (July 1, 1998 if a State statutory change is necessary). For further information on the Cluster Rule, see September 26, 1986 (51 FR 33712).

**SAM**

- ! This SPA provides updated Tables G-1 and G-2, a Model Revision Attorney General's Statement, and a Checklist Linkage Table to insert into the SAM.