

US EPA ARCHIVE DOCUMENT



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

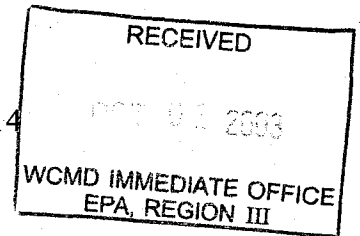
P.O. Box 2063

Harrisburg, PA 17105-2063

September 25, 2003

Secretary

717-787-2814



Mr. Donald S. Welsh
Regional Administrator
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Mr. Welsh:

By this letter, the Commonwealth of Pennsylvania (Commonwealth) is seeking authorization under Subtitle C of the Resource Conservation and Recovery Act (RCRA) for several RCRA regulatory revisions that Pennsylvania has prospectively incorporated by reference. Because these Federal regulations have been incorporated by reference, the Commonwealth's analogs to them are identical. Therefore, we believe the demonstration that Pennsylvania has adequate and equivalent authorities to obtain US Environmental Protection Agency (EPA) authorization is straightforward.

Over the past few years, EPA has moved toward reducing administrative requirements in the RCRA authorization process, particularly if a state seeks authorization for minor rules. The Commonwealth's analogs to the RCRA regulatory revisions for which it is seeking authorization are identical to the Federal provisions because, as annotated above, the Commonwealth has incorporated the Federal provisions by reference. These program revisions are not considered significant and have little impact on the implementation of those parts of the Federal program for which Pennsylvania is already authorized. Therefore, no revisions are necessary to the existing RCRA Subtitle C authorization Memorandum of Agreement.

This letter is being submitted as the Program Description for the Commonwealth's second program revision application and it describes the scope of additional RCRA authority for which the Commonwealth is seeking authorization. It is an addendum to the Program Description submitted with Pennsylvania's first program revision application, for which the Commonwealth received authorization on November 27, 2000.

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The Commonwealth seeks authorization for the following regulatory revisions of Subtitle C of RCRA that occurred between July 7, 1999 and June 28, 2001:

Federal Register Citation	Date Promulgated	Description of Regulation
64 FR 56469	10-20-99	Land Disposal Restrictions; Wood Preserving Wastes, Metal Wastes, Zinc Micronutrients Fertilizer, etc.
65 FR 12378	03-08-00	Wastewater Treatment Sludges from Metal Finishing Industry; 180-day Accumulation Time
65 FR 14472	03-17-00	Organobromine Production Wastes
65 FR 36365	06-08-00	Organobromine Production Waste and Petroleum Refining Process Waste: Technical Correction
65 FR 67068	11-08-00	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities: Final Rule
65 FR 81373	12-26-00	Deferral of Phase IV Standards for PCBs as a Constituent Subject to Treatment in Soil: Final Rule
66 FR 27218	05-16-01	Storage, Treatment and Disposal of Mixed Waste
66 FR 27266	05-16-01	Hazardous Waste Identification Rule (HWIR): Revisions to the Mixed and Derived-From Rules
66 FR 34374	06-28-01	Change of Official EPA Mailing Address; Additional Technical Amendments and Corrections

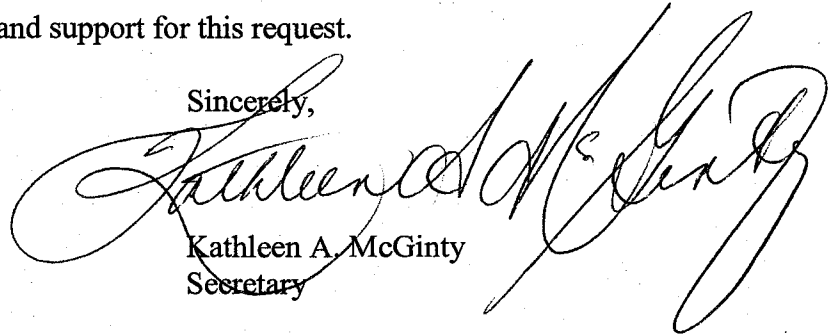
The Commonwealth is not seeking authorization for the following RCRA revisions that occurred between July 7, 1999 and June 28, 2001 because they contain elements of the federal Used Oil Regulations, for which the Commonwealth will separately seek authorization:

Federal Register Citation	Date Promulgated	Description of Regulation
64 FR 52827	09-30-99	NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (MACT Rule)
64 FR 63209	11-19-99	NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule Technical Correction
65 FR 42292	07-10-00	NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Technical Corrections

The Commonwealth's Second Supplemental Legal Statement in support of this application is enclosed.

I appreciate your cooperation and support for this request.

Sincerely,



Kathleen A. McGinty
Secretary

Enclosure