

MEMORANDUM

SUBJECT: Clarification of State Delisting Authorization Status - Use of Checklist 17B for Delisting Revisions

FROM: Richard LaShier, Chief
State Programs Authorization Section

TO: RCRA Authorization Section Chiefs
Regions I - X

At last month's authorization conference call, I noted that Checklist 17B is meant to record States that are authorized for or requesting authorization to implement the delisting program in lieu of EPA. In practice, however, the States and EPA have also been using Checklist 17B to provide information on how the State is addressing Federal delisting decisions, specifically, whether they plan to accept or reject Federal delisting decisions, or whether they will add more conditions. Because of this dual use of Checklist 17B, we are unable to use the StATS report to determine which States are actually authorized for delisting. In order to improve the quality of our delisting data, please review the attached StATS report for Checklist 17B and determine which States are actually authorized to implement the delisting program, and which States have simply used the checklist to address how they treat Federal delisting. Please send your updated data to Karen Morley, State and Regional Programs Branch, Mail Code OS-342. You may also FAX the information to Karen on 202-260-0096.

I would also like to call your attention to another problem concerning the 17B Delisting Checklist. The requirements set out on Checklist 17B only address revisions to an existing State delisting program under 40 CFR §§ 260.20 and 260.22. For States wishing to adopt delisting for the first time, there are other standards not covered in Checklist 17B. The headnote on Checklist 17B discusses this in more detail; the full set of delisting standards are addressed in the Consolidated Base Program Checklist for Part 260 requirements. So, States desiring to pick up the full delisting program will not have adequate authority if they have only adopted the provisions set out in Checklist 17B. Please verify that the States that have adopted the provisions in Checklist 17B have actually adopted the complete delisting program standards.

Please call Karen Morley in the State and Regional Programs Branch, (202) 260-4180, if you have any questions.

Attachment

cc: Karen Morley
Bob Kayser, CAD
Angelia Souder Blackwell, OGC
Mary Lou Marino, DPRA