

Revision Checklist 189 Summary

Rule Title: 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

Checklist Title: Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes

Reference: 65 FR 67068-67133

Promulgation Date: November 8, 2000

Effective Date: May 7, 2001

Cluster: RCRA Cluster XI

Provision Type: HSWA

Linkage: None

Optional: No

Summary: (1) This rule adds two wastes (K174 and K175) generated by the chlorinated aliphatics industry to the list of hazardous wastes at 40 CFR 261.32. The new wastes will be subjected to stringent management and treatment standards under RCRA and to emergency notification requirements. EPA is allowing a contingent-management listing approach for the K174 listing. Under this approach, the waste will not be a listed hazardous waste if sent to a specific type of management facility.

(2) In this rule, EPA also finalizes determinations not to list as hazardous four wastes generated by the chlorinated aliphatics industry.

State Authorization: This rule is placed in RCRA Cluster XI. The State modification deadline is July 1, 2002 (or July 1, 2003 if a State statutory change is necessary).

This rule was promulgated under HSWA authorities. The rule contains revisions that are considered more stringent than the existing Federal regulations. An authorized State is required to adopt Federal regulations that are more stringent than the authorized State regulations. These required HSWA revisions take effect in an authorized State on the Federal effective date. Both interim and final authorization are available. Interim authorization expires January 1, 2003.

Attorney General 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 identification and listing of hazardous waste.

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Program Description Guidance: A State seeking authorization for this checklist should determine whether the revisions impacts the program describe in the Program Description. Specifically, the State should determine the extent that the new waste listings will impact the size of the regulated community. The State should submit a Program Description revision that either (1) explains that the listed waste is not handled in the State, or (2) describes changes in the size of the regulated community. When describing changes to the scope of the program, the State should describe strategies and methods for identifying new members of the regulated community. When applicable, the State should provide an estimate of generators, transporters, and TSD facilities handling the newly listed wastes and an estimate of the quantity of newly regulated hazardous waste. The State should also describe any additional resources required to implement compliance monitoring and enforcement of newly regulated entities and activities associated with the newly listed hazardous wastes.

Incorporation by Reference Guidance: There is no special guidance for States that incorporate by reference.