

Revision Checklist 145 Summary

Rule Title: Hazardous Waste Management; Liquids in Landfills
Checklist Title: Liquids in Landfills III
Reference: 60 FR 35703-35706
Promulgation Date: July 11, 1995
Effective Date: September 11, 1995
Cluster: RCRA Cluster VI
Provision Type: HSWA
Linkage: Revision Checklists 17F,118
Optional: Yes

Summary: This rule adds a third test to the two already allowed under existing Federal regulations that were promulgated on November 18, 1992. The November 18, 1992 rule satisfied a statutory requirement in RCRA, as amended by HSWA, which required EPA to issue a rule that prohibited the disposal in hazardous waste landfills liquids that have been absorbed in materials that biodegrade. The November 18, 1992 rule included two tests that could be used to demonstrate non-biodegradability. The July 11, 1995 rule provides increased flexibility to the regulated community by adding OECD 301B (Modified Sturm Test) to demonstrate that a sorbent is non-biodegradable.

State Authorization: This rule is placed in RCRA Cluster VI. The State modification deadline is July 1, 1997 (or July 1, 1998 if a State statutory change is necessary). All changes go into effect immediately because this rule was promulgated under HSWA authorities. Both interim and final authorization are available. Interim authorization expires January 1, 2003. Because this rule does not affect the stringency of the Federal regulations, States are not required to adopt it.

Given the minor scope of this rule, those States authorized for the November 18, 1992 rule, who choose to adopt this rule, may submit an abbreviated authorization revision application. This application should consist of a letter from the State to the appropriate Regional office, certifying that it has adopted provisions equivalent to and no less stringent than provisions in this rule. The State should also submit a copy of its final rule or other authorizing authority. A revised Program Description, Memorandum of Agreement, and Attorney General's statement are not necessary. EPA expects that this simplified process will expedite the review of the authorization submittal for this rule.

Although a revised Attorney General's statement is not necessary for authorization, those States that wish to use the Model Attorney General's Statement, the following entry should be placed at Subsection X C:

C. [OPTIONAL: This is a reduced requirement.] State statutes and regulations provide that OECD 301B (Modified Sturm Test) may also be used to demonstrate that a sorbent is non-biodegradable as indicated in Revision Checklist 145.

Federal Authority: RCRA §3004(c), 42 U.S.C. 6924(c); 40 CFR 264.314(e)(2)(ii)&(iii), and 265.314(e)(2)(ii)&(iii) as amended July 11, 1995 (60 FR 35703).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General