

Revision Checklist 176 Summary

Rule Title:	Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program)
Checklist Title:	Universal Waste Rule -- Technical Amendments
Reference:	63 <u>FR</u> 71225-71230
Promulgation Date:	December 24, 1998
Effective Date:	December 24, 1998
Cluster:	RCRA Cluster IX
Provision Type:	Non-HSWA
Linkage:	Revision Checklists 142 A - E
Optional:	Yes (conditionally)

Summary: With this rule, EPA corrects errors that appeared in the May 11, 1995 Universal Waste Rule (60 FR 25492; Revision Checklists 142A-E). No new regulatory requirements are created with this rule; instead it, (1) makes three corrections to regulations governing the management of spent lead-acid batteries that are reclaimed, (2) corrects the definition of a small quantity universal waste handler, and (3) clarifies the export requirements which apply to destination facilities, when the facilities act as universal waste handlers.

State Authorization: This rule is placed in RCRA Cluster IX. The State modification deadline is July 1, 2000 (or July 1, 2001 if a State statutory change is necessary). These changes do not go into effect until States become authorized for them because this rule was promulgated under pre-HSWA authorities. Only final authorization is available. This final rule creates no new regulatory requirements, it simply makes corrections to the regulations promulgated in the Universal Waste Rule (60 FR 25492; May 11, 1995), which was developed into Revision Checklists 142 A-E. Since the provisions addressed in Revision Checklists 142 A-E did not make the Federal regulations more stringent, they were optional. Thus, only those States that adopted Revision Checklists 142 A-E are required to adopt this rule. Therefore, Revision Checklist 176 is considered conditionally optional.

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 176, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The entries at Subsections XXIII (A) & (B) in the Model Revision Attorney General's Statement should be revised to read as follows:

A. [OPTIONAL]: This is a reduced requirement. However, to be authorized for the universal waste provisions, a State must adopt this requirement (i.e., the General Provisions) and 1) at least one of the universal wastes at Subsections XXIII B-XXIII D, and/or 2) the universal waste petitions provision.] State statutes and regulations provide hazardous waste management standards for

Revision Checklist 176 Summary (cont'd)

the collection and management of certain widely generated wastes determined "universal wastes" as indicated in Revision Checklists 142 A and 176.

Federal Authority: RCRA §§2002, 3001, 3002, 3003, 3004, 3005, 3010, 3013, 3017, and 7004; 40 CFR 260.10, 261.5(c), 261.5(f)(3)(vi), 261.5(g)(3)(vi), 261.9 intro, 262.10(b), 262.11(d), 264.1(g)(11) intro, 265.1(c)(14) intro, 268.1(f) intro, 270.1(c)(2)(viii) intro, 273.1(a) intro, 273.1(b), 273.5, 273.6, 273.10, 273.11, 273.12, 273.14 intro, 273.15-273.31, 273.32(a)(1)&(2), 273.32(b), 273.34 intro, 273.35-273.70, as amended May 11, 1995 (60 FR 25492) and December 24, 1998 (63 FR 71225).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. [OPTIONAL]: This is a reduced requirement. However, this requirement and the requirements at Subsection XXIII A are necessary for authorization of this requirement.] State statutes and regulations include hazardous waste batteries as a universal waste as indicated in Revision Checklists 142 B and 176.

Federal Authority: RCRA §§3001, 3002, 3003, 3004, 3005, 3010, 3013, 3017, and 7004; 40 CFR 260.10, 261.9(a), 264.1(g)(11)(i), 265.1(c)(14)(i), 266.80(a), 266.80(b), 268.1(f)(1), 270.1(c)(2)(viii)(A), 273.1(a)(1), 273.2, 273.6, 273.13(a), 273.14(a), 273.33(a), and 273.34(a), as amended May 11, 1995 (60 FR 25492) and December 24, 1998 (63 FR 71225).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Incorporation by Reference Guidance: There is no special guidance for States that incorporate by reference with respect to the Revision Checklist.