

### Revision Checklist 178 Summary

<b>Rule Title:</b>	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Exemption for Leachate from Non-Hazardous Waste Landfills
<b>Checklist Title:</b>	Petroleum Refining Process Wastes -- Leachate Exemption
<b>Reference:</b>	64 <u>FR</u> 6806
<b>Promulgation Date:</b>	February 11, 1999
<b>Effective Date:</b>	February 5, 1999
<b>Cluster:</b>	RCRA Cluster IX
<b>Provision Type:</b>	HSWA
<b>Linkage:</b>	Revision Checklist 169
<b>Optional:</b>	Yes

**Summary:** From the definition of hazardous waste, EPA is temporarily deferring landfill leachate and landfill gas condensate derived from previously disposed wastes that now meet the listing descriptions of one or more of the recently added petroleum refinery wastes (K169, K170, K171, and K172; see Revision Checklist 169). This exemption applies to landfill leachate and gas condensate subject to regulation under the Clean Water Act. The exempted leachate may not ordinarily be managed in surface impoundments or otherwise placed on the land after February 13, 2001, except for the purpose of providing storage under temporary or emergency conditions.

**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).

For States adopting this checklist, 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.

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 178, 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 following entry should be placed at Subsection I (TT) in the Model Revision Attorney General's Statement.

TT. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exempt, from regulation as a hazardous waste, landfill leachate and gas condensate derived from previously disposed petroleum refinery wastes (K169-K172), as indicated in Revision Checklist 178.

Federal Authority: RCRA §§ 2002(a) and 3001(a), (b), and (e)(2), 3004(g) and (m), 40 CFR 261.4(b)(15), as amended February 11, 1999 (64 FR 6806).

**Revision Checklist 178 Summary (cont'd)**

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 this checklist.