

Revision Checklist 200 Summary

Rule Title:	Zinc Fertilizers Made From Recycled Hazardous Secondary Materials
Checklist Title:	Zinc Fertilizer Rule
Reference:	67 <u>FR</u> 48393 - 48415
Promulgation Date:	July 24, 2002
Effective Date:	July 24, 2002 for all revisions except for the amendment to 40 CFR 266.20(b); the effective date for this provision is January 24, 2003
Cluster:	RCRA Cluster XIII
Provision Type:	HSWA/ Non-HSWA
Linkage:	50, 170
Optional:	Yes, except for the removal of 40 CFR 268.40(i)

Summary: This final rule establishes a more consistent regulatory framework for the practice of making zinc fertilizer products from recycled hazardous secondary materials. More specifically, it establishes conditions for excluding hazardous secondary materials used to make zinc fertilizers from the regulatory definition of solid waste. The rule also establishes new product specifications for contaminants in zinc fertilizers made from those secondary materials.

State Authorization: This rule is placed in RCRA Cluster XIII. The State modification deadline is July 1, 2004 (or July 1, 2005 if a State statutory change is necessary).

Today's rule is promulgated pursuant in part to HSWA authority and in part to non-HSWA authority. The conditional exclusion from the definition of solid waste for hazardous secondary materials used in zinc fertilizers is promulgated pursuant to non-HSWA authority, and is also less stringent than the current Federal requirements. Therefore, States will not be required to adopt and seek authorization for the conditional exclusion. EPA will implement the exclusion only in those States which are not authorized for the RCRA program. The elimination of the exemption from LDR treatment standards for K061 derived fertilizers is promulgated pursuant to RCRA section 3004(g), a HSWA provision. Until the States receive authorization for the more stringent HSWA provisions, EPA will implement them.

Attorney General (AG) 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.

Program Description (PD) Guidance: A State seeking authorization for this checklist should determine whether the revisions impact the program described in the Program Description.

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

