

Revision Checklist 217 Summary

Rule Title:	National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments
Checklist Title:	NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) Amendments
Reference:	73 <u>FR</u> 18970-18984
Promulgation Date:	April 8, 2008
Effective Date:	April 8, 2008
Cluster:	RCRA Cluster XVIII
Provision Type:	HSWA/Non-HSWA
Linkage:	212
Optional:	Yes

Summary: Today's rule finalizes amendments to the October 12, 2005 rule - National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (Checklist 212). It clarifies compliance monitoring provisions and corrects typographical errors and omissions.

State Authorization: This rule is placed in RCRA Cluster XVIII. The State modification deadline is July 1, 2009 (or July 1, 2010 if a State statutory change is necessary).

This rule is promulgated pursuant to HSWA and non-HSWA authority. EPA does not consider these provisions to be either more or less stringent than the pre-existing federal program, since they simply make explicit an authority that has been and remains available under the omnibus authority and its implementing regulations. Thus, states with authorized equivalents to the federal omnibus authority will not be required to adopt these provisions, so long as they interpret their omnibus authority broadly enough to require risk assessments where necessary.

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 adoption of standards for Hazardous Air Pollutants (HAPs) from hazardous waste combustors, and for management of boilers and industrial furnaces.

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: Note that CL 217 references provisions from 40 CFR 63. States may either directly reference the provisions in Part 63, or incorporate the provisions into its regulations and reference the provisions within its regulations. If the first approach is used, the State must make sure that its Administrative Procedures Act allows the State to reference the Federal regulations. See IBR guidance for more information.