

Revision Checklist 120 Summary

Rule Title:	Wood Preserving; Identification and Listing of Hazardous Waste; Standards and Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
Checklist Title:	Wood Preserving; Amendments to Listings and Technical Requirements
Reference:	57 <u>FR</u> 61492-61505
Promulgation Date:	December 24, 1992
Effective Date:	December 24, 1992 for all revisions except the following which are effective June 24, 1993: 264.570(c)(1), 264.573(a)(4)(i), 264.573(b)(3), 265.440(c)(1), 265.443(a)(4)(i), 265.443(b)(3), and the revision of hazardous waste number F032 in 261.31.
Cluster:	RCRA III
Provision Type:	Both HSWA and Non-HSWA
Linkage:	Revision Checklists 82, 91, 92, 101 and 167F
Optional:	Certain changes are optional

Summary: This rule amends the F032, F034, F035 listings and portions of the Subpart W requirements for drip pads. The administrative stays published on June 13, 1991 (56 FR 27332; withdrawn Revision Checklist 91) and on February 18, 1992 (57 FR 5859; withdrawn Revision Checklist 101) are both terminated by this rule. Relative to the February 18, 1992 administrative stay, this notice amends the impermeability requirement stayed by that rule, replacing it with a specific hydraulic conductivity standard. Facilities with existing drip pads must meet this new standard before the compliance date established in the present rule, rather than the October 30, 1992 deadline set in that administrative stay. The Agency has removed the requirement that new drip pads be impermeable. Instead, owners and operators may choose to either 1) construct their new drip pad with leak collection systems and a liner/leak detection system below the pad, or 2) meet the same hydraulic conductivity, assessment, and material chemical compatibility requirements that existing drip pads must meet. In the first set of alternate requirements, surface protection is not required.

The December 24, 1992 rule also adds requirements regarding infrequent and incidental drippage at storage pads and requires that drip pad surfaces be cleaned in a manner and at a frequency to allow weekly inspections of the entire drip pad surface.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). The revisions to the listing for F032 and the permitting and interim status standards applicable to drip pads handling this waste are promulgated pursuant to HSWA. These regulations go into effect on the Federal effective date in all States. The revisions to the listings for F034 and F035 and the permitting and interim status standards for drip pads that handle these wastes are non-HSWA provisions. EPA will implement these requirements only in States that do not have interim or final authorization. In authorized States, the non-HSWA requirements will not be applicable until the States revise their programs to adopt equivalent requirements under State law, unless the wastes are designated as hazardous due to the Toxicity Characteristic, which was promulgated relative to HSWA. In this latter case, the requirements relative to such wastes would become effective in all States on the rule's effective date.

Revision Checklist 120 Summary [REVISED] (cont'd)

Both interim and final authorization are available for the HSWA provisions. An interim final rule was published December 18, 1992 (57 FR 60129), extending interim authorization for HSWA provisions until January 1, 2003. Only final authorization is available for the non-HSWA provisions. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 120, 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 Entries: The following new entries should be placed at Subsection I A in the Model Revision Attorney General's Statement.

- (25) [OPTIONAL]: This is a reduced requirement.] Exceptions to listings of F032, F034, and F035 for wastewaters that have not come into contact with process contaminants, 40 CFR 261.31 as amended December 24, 1992 [57 FR 61492], Revision Checklist 120.
- (26) [OPTIONAL]: This is a reduced requirement.] Exception to listing of F032 for potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not reserve or initiate the use of chlorophenolic formulations, 40 CFR 261.31 as amended December 24, 1992 [57 FR 61492], Revision Checklist 120.

Subsection I A (22) should be replaced by the following revised paragraph:

- (22) [FOR STATES THAT ADOPTED REVISION CHECKLIST 91 ADMINISTRATIVE STAY.] State statutes and regulations no longer contain the administrative stay of F032, F034 and F035 listings regarding 1) wastewaters that have not come into contact with process contaminants and 2) plants that have previously used chlorophenolic formulations, 40 CFR 261.31 as amended June 13, 1991 [56 FR 27332] and December 24, 1992 [57 FR 61492], Revision Checklists 91 and 120.

Subsections XV L and M should be replaced by the following revised paragraphs:

- L. State statutes and regulations contain design, operating, inspection and closure requirements for drip pads and associated tanks, sumps and other devices used to assist in the collection of treated wood drippage as indicated in Revision Checklists 82, 92 and 120.

Revision Checklist 120 Summary [REVISED] (cont'd)

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 262.34(a)(2), 264.190, 264.570, 264.571, 264.572, 264.573, 264.574, 264.575, 265.190, 265.440, 265.441, 265.442, 265.443, 265.444 and 265.445, as amended December 6, 1990 (55 FR 50450), July 1, 1991 (56 FR 30192), and December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and AdoptionRemarks of the Attorney General

M. [FOR STATES THAT ADOPTED THE REVISION CHECKLIST 91 ADMINISTRATIVE STAY.] State statutes and regulations no longer contain the withdrawn Revision Checklist 91 administrative stay for the requirement that new drip pads be impermeable. The administrative stay ended on December 24, 1992, as indicated in Revision Checklist 120.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.572(a)(4) and 265.443(a)(4), as amended June 13, 1991 (56 FR 27332) and December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and AdoptionRemarks of the Attorney General

The following new entries should be placed at subsections XV R, S and T:

R. State statutes and regulations require owners or operators of new drip pads to have either 1) a surface protection system meeting the hydraulic conductivity, material chemical compatibility, and assessment requirements of 264.573(a)(4) or 265.443(a)(4), or 2) a liner and leak detection system below the pad as well as a leak collection system as specified in Revision Checklist 120.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.572, 265.573, 265.442 and 265.443 as amended December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and AdoptionRemarks of the Attorney General

S. State statutes and regulations require owners or operators of existing drip pads to meet the hydraulic conductivity, material chemical compatibility, and assessment requirements of 264.573(a)(4) or 265.443(a)(4), as specified in Revision Checklist 120.

Revision Checklist 120 Summary [REVISED] (cont'd)

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.571, 264.573, 265.441 and 265.443 as amended December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

T. State statutes and regulations contain requirements for the management of infrequent and incidental drippage in storage yards as indicated in Revision Checklist 120.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.570(c) and 265.440(c) as amended December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General