

Revision Checklist 160 Summary

Rule Title : Land Disposal Restrictions Phase III -- Emergency Extension of the K088 National Capacity Variance

Checklist Title : Land Disposal Restrictions Phase III -- Emergency Extension of the K088 National Capacity Variance, Amendment

Reference: 62 FR 37694-37699

Promulgation Date: July 14, 1997

Effective Date: July 7, 1997

Cluster: RCRA Cluster VIII

Provision Type : HSWA

Linkage: Revision Checklists 151, 155 and 173

Optional: No

Summary: This rule extends, for (3) months, the national capacity variance for spent potliners from primary aluminum production (Hazardous Waste Number K088). Thus, K088 wastes do not have to be treated to meet LDR treatment standards until October 8, 1997, three months from the treatment standard effective date of July 8, 1997, established by Revision Checklist 155. EPA is taking this action because it appears that sufficient treatment capacity exists. EPA is extending the national capacity variance in order to provide time for generators to make contractual and other logistical arrangements relating to utilization of the treatment capacity.

State Authorization: This rule is placed in RCRA Cluster VIII. The State modification deadline is July 1, 1999 (or July 1, 2000 if a State statutory change is necessary). 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 160, 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 replace the entry at Subsection XXI (U) in the Model Revision Attorney General's Statement.

U. State statutes and regulations provide for an extension of the national capacity variance for spent potliners from primary aluminum production (Hazardous Waste Number K088) so that K088 wastes do not have to be treated to meet LDR treatment standards until October 8, 1997, as indicated in Revision Checklists 155 and 160.

Federal Authority: RCRA §3004(d)-(k), and (m), 40 CFR 268.39(c) as amended January 14, 1997 (62 FR 1992) and July 14, 1997 (62 FR 37694).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Revision Checklist 160 Summary (cont'd)

Incorporation by Reference Guidance: None