

Revision Checklist 202 Summary

Rule Title:	NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors-Corrections
Checklist Title:	Hazardous Air Pollutant Standards for Combustors- Corrections 2
Reference:	67 <u>FR</u> 77687 - 77692
Promulgation Date:	December 19, 2002
Effective Date:	December 19, 2002
Cluster:	RCRA Cluster XIII
Provision Type:	HSWA
Linkage:	182, 197
Optional:	Conditionally Optional

Summary: On September 30, 1999, EPA promulgated regulations to control emissions of hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes. EPA subsequently promulgated three rules that revised these regulations: a Direct Final Rule published on July 3, 2001, an Interim Standards Rule published on February 13, 2002, and a Final Amendments Rule published on February 14, 2002. In today's action, we are correcting technical errors in those regulations.

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 to HSWA authority. The revisions in Checklist 202 are conditionally optional; if a State adopted this optional provision when it was added to the Federal Program by Revision Checklist 182, then the state must make the revisions laid out in Revision Checklist 202.

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 to exempt certain hazardous waste incinerators, cement kilns, aggregate kilns, from RCRA national stack emission standards if owners/operators demonstrate compliance with MACT requirements.

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 202 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.

