

### **Revision Checklist 108 Summary**

**Rule Title:** Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristic; Corrections  
**Checklist Title:** Toxicity Characteristic Revisions; Technical Corrections  
**Reference:** 57 FR 30657-30658  
**Promulgation Date:** July 10, 1992  
**Effective Date:** July 10, 1992  
**Cluster:** RCRA III  
**Provision Type:** HSWA  
**Linkage:** Revision Checklist 74, 117 B, and 119  
**Optional:** No

**Summary:** This rule corrects errors made at the time of the promulgation of the final Toxicity Characteristic (TC) rule (March 29, 1990, 55 FR 11798; Revision Checklist 74). In the preamble, the exclusion from subtitle C regulation for arsenical-treated wood and wood products was revised inappropriately. As a result, EPA unintentionally narrowed the scope of the exclusion by excluding only arsenical-treated wood and wood products that failed the TC "solely for arsenic." The July 10, 1992 rule corrects that revision at 261.4(b)(9). The rule also corrects the regulatory language in 40 CFR 261.4(b)(6)(ii) and 265.301(d)(1) by deleting references to the Extraction Procedure (EP) Toxicity Characteristic and replacing them with references to the TC.

**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). All changes go into effect immediately, because this rule was promulgated under HSWA authorities. Both interim and final authorization are available, with the former expiring on January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 108, 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 entry at Subsection I L in the Model Revision Attorney General's Statement should be replaced with the following:

L. State statutes and regulations revise the existing toxicity characteristic by replacing the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP) for identifying wastes that are defined as hazardous and subject to regulation under Subtitle C of RCRA as indicated in Revision Checklists 74 and 108. State statutes and regulations also provide for the addition of 25 organic chemicals and their regulatory levels to the list of toxic constituents of concern as indicated in Revision Checklist 74.

**Revision Checklist 108 Summary (cont'd)**

Federal Authority: RCRA §§1006, 2002(a), 3001, 3002, 3004, 3005 and 3006; 40 CFR Parts 261, 264, 265 and 268 as amended March 29, 1990 (55 FR 11798), June 29, 1990 (55 FR 26986) and July 10, 1992 (57 FR 30657).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General