

Revision Checklist 133 Summary

Rule Title: Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Underground Storage Tanks, and Underground Injection Control Systems; Financial Assurance; Letter of Credit

Checklist Title: Letter of Credit Revision

Reference: 59 FR 29958-29960

Promulgation Date: June 10, 1994

Effective Date: August 9, 1994

Cluster: RCRA IV

Provision Type: Non-HSWA

Linkage: None

Optional: Yes

Summary: This rule amends regulations at 264.151(d) and (k) which cite the "Uniform Customs and Practice for Documentary Credits," published by the International Chamber of Commerce, by inserting the phrase "and copyrighted." Without this insert, it is not clear from the regulations that the International Chamber of Commerce publication is copyrighted material. Regulations associated with the UIC, UST and RCRA programs are affected. Only the change to the RCRA regulations are addressed by this checklist.

State Authorization: This rule is placed in RCRA Cluster IV. The State modification deadline is July 1, 1995 (or July 1, 1996 if a State statutory change is necessary). This checklist has been designated as optional because it only revises the description of International Chamber of Commerce document and does not impose new duties on owners or operators that choose to rely on letters of credit. However, EPA encourages States to adopt this change. In states that are not yet authorized for RCRA, new letter of credit instruments will have to include this new language.

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 133, 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 be placed at Subsection XV U in the Model Revision Attorney General's Statement.

U. [OPTIONAL: This is a reduced requirement.] State statutes and regulations indicate that the "Uniform Customs and Practice for Documentary Credits" is a copyrighted document of the International Chamber of Commerce as indicated in Revision Checklist 133.

Federal Authority: RCRA 2002(a), 3004, 3005, and 3006; 40 CFR 264.151(d) & (k) as amended June 10, 1994 (59 FR 29958).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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