

## Revision Checklist 189 Summary

<b>Rule Title:</b>	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities
<b>Checklist Title:</b>	Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes
<b>Reference:</b>	65 <u>FR</u> 67068-67133
<b>Promulgation Date:</b>	November 8, 2000
<b>Effective Date:</b>	May 7, 2001
<b>Cluster:</b>	RCRA Cluster XI
<b>Provision Type:</b>	HSWA
<b>Linkage:</b>	None
<b>Optional:</b>	No

**Summary:** (1) This rule adds two wastes (K174 and K175) generated by the chlorinated aliphatics industry to the list of hazardous wastes at 40 CFR 261.32. The new wastes will be subjected to stringent management and treatment standards under RCRA, and to emergency notification requirements. EPA is allowing a contingent-management listing approach for one of these new wastes. Under this approach, the waste will not be a listed hazardous waste if sent to a specific type of management facility.

(2) In this rule, EPA also finalizes determinations not to list as hazardous four wastes generated by the chlorinated aliphatics industry.

**State Authorization:** This rule is placed in RCRA Cluster XI. The State modification deadline is July 1, 2002 (or July 1, 2003 if a State statutory change is necessary).

This rule was promulgated under HSWA authorities. The rule contains revisions that are considered more stringent than the existing Federal regulations. An authorized State is required to adopt Federal regulations that are more stringent than the authorized State regulations. These required HSWA revisions take effect in an authorized State on the Federal effective date. Both interim and final authorization are available. Interim authorization expires January 1, 2003.

The State Revision Application must include applicable statutes and regulations, Revision Checklist 189, and other application materials, i.e. a supplemental AG statement, a program description, and/or an MOA, as determined by the Regional office. Note that under 40 CFR 271.21(b), the Regional office is allowed flexibility to determine what specific documents must be included in an application. Also, under 40 CFR 271.21(d), the Regional office may require the submission of any additional application materials it deems necessary.

**Attorney General's Statement Entry:** The following entry should be placed at Subsection I (A)(34) in the Model Revision Attorney General's Statement:

- (34) Listing of two wastes (K174 and K175) generated during chlorinated aliphatic hydrocarbon production, 40 CFR 261.32, Part 261 Appendix VII and Part 261

Appendix VIII as amended November 8, 2000 (65 FR 67068), Revision Checklist 189.

The entry at Subsection XXI (NN) in the Model Revision Attorney General's Statement should be replaced with the following revised entry:

NN. State statutes and regulations provide for stringent management and treatment standards for two wastes (K174 and K175) generated by the chlorinated aliphatics industry as indicated in Revision Checklist 189.

Federal Authority: RCRA §§2002(a), 3001(b), 3001(e)(2), and 3007(a); 40 CFR 268.33, 268.40/Table, and 268.48(a)/Table as amended November 8, 2000 (65 FR 67068).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

**Incorporation by Reference Guidance:** There is no special guidance for States that incorporate by reference.