

Revision Checklist 191 Summary

Rule Title:	Storage, Treatment, Transportation, and Disposal of Mixed Waste
Checklist Title:	Mixed Waste Rule
Reference:	66 <u>FR</u> 27218-27266
Promulgation Date:	May 16, 2001
Effective Date:	November 13, 2001
Cluster:	RCRA Cluster XI
Provision Type:	Non-HSWA
Linkage:	None
Optional:	Yes

Summary: This rule promulgates conditional exemptions for: (1) low-level mixed wastes (LLMW) from most RCRA Subtitle C storage and treatment regulations, and (2) LLMW and technologically enhanced naturally occurring and/or accelerator-produced radioactive material (NARM) from most RCRA Subtitle C manifesting, transportation, and disposal regulations when specified conditions are met. With this rule, the Agency intends to provide regulatory flexibility and relief to facilitate the disposal of certain LLMW and eligible NARM.

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 non-HSWA authorities. The changes do not go into effect in an authorized State until the State adopts and receives authorization for the revisions. Only final authorization is available.

The State Revision Application must include applicable statutes and regulations, Revision Checklist 191, 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 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 XV (HH) in the Model Revision Attorney General's Statement:

- HH. [OPTIONAL: This is a reduced requirement.] State statutes and regulations provide for conditional exemptions for low-level mixed wastes during storage and treatment, and for LLMW and technologically enhanced naturally occurring and/or accelerator-produced radioactive material during manifesting, transportation, and disposal as indicated in Revision Checklist 191.

Revision Checklist 191 Summary (cont'd)

Federal Authority: RCRA §§1006, 2002(a), 3001-3009 and 3013; 40 CFR Part 266, Subpart N, as amended May 16, 2001 (66 FR 27218).

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.

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