

Revision Checklist 206 Summary

Rule Title 1:	Hazardous Waste – Nonwastewaters From Production of Dyes, Pigments, and Food, Drug and Cosmetic Colorants; Mass Loadings-Based Listing; Final Rule
Rule Title 2:	Hazardous Waste - Nonwastewaters From Production of Dyes, Pigments, and Food, Drug and Cosmetic Colorants; Mass Loadings-Based Listing; Correction
Checklist Title:	Nonwastewaters from Dyes and Pigments
Reference:	70 <u>FR</u> 9138 – 9180 and 70 <u>FR</u> 35032 – 35034
Promulgation Date:	February 24, 2005 and June 16, 2005
Effective Date:	August 23, 2005
Cluster:	RCRA Cluster XV
Provision Type:	HSWA
Linkage:	None
Optional:	No

Summary: Today’s rule lists hazardous nonwastewaters generated from the production of certain dyes, pigments, and food, drug and cosmetic colorants (K181) to the list of hazardous waste in 40 CFR 261.32. The rule adds seven constituents – Aniline, o-anisidine, 4-chloroaniline, p-cresidine, 2,4-dimethylaniline, 1,2-phenylenediamine, and 1,3-phenylenediamine to Appendix VII of 40 CFR 261. These constituents of concern serve as the basis for the new listing. Annual mass loadings were established for these constituents such that wastes would not be hazardous if the constituents are below the regulatory threshold. Five of these constituents were also added to the list of hazardous constituents in Appendix VIII of part 261. Land Disposal Restrictions (LDR) treatment standards for the specific constituents of the waste were also added. Lastly, the newly listed waste is designated a hazardous substances subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The June 16, 2005 rule corrects typographical errors in sections 261.32(d)(2) and 261.32(d)(3)(iv)(B) published in the February 24, 2005 FR notice.

State Authorization: This rule is placed in RCRA Cluster XV. The State modification deadline is July 1, 2006 (or July 1, 2007 if a State statutory change is necessary).

This rule is promulgated pursuant to HSWA authority and is more stringent than the current Federal requirements. Therefore, States will be required to adopt and seek authorization for this rule. This rule will take effect in all States regardless of their authorization status. EPA will implement the provisions until the State receives authorization for them. EPA will work with the States under agreements to avoid duplication of effort.

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 for identification and listing of hazardous waste.

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: There is no special guidance for States that incorporate by reference.