

Revision Checklist 208 Summary

Rule Title 1:	Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB
Rule Title 2:	Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB; Correction
Checklist Title:	Methods Innovation Rule and SW-846 Final Update IIIB
Reference:	70 <u>FR</u> 34538-34592, 70 FR 44150-44151
Promulgation Date:	June 14, 2005, amended August 1, 2005
Effective Date:	July 14, 2005
Cluster:	RCRA Cluster XV
Provision Type:	HSWA/non-HSWA
Linkage:	11, 35, 67, 73, 126, 139, 141, 158, 180
Optional:	Yes

Summary: Today's rule amends a variety of testing and monitoring requirements in the Resource Conservation and Recovery Act (RCRA) hazardous and non-hazardous solid waste regulations and for certain Clean Air Act (CAA) regulations that relate to hazardous waste combustors. These amendments allow more flexibility when conducting RCRA-related sampling and analysis by removing from the regulations a requirement to use the methods found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," also known as "SW-846," in conducting various testing and monitoring and by limiting required uses of an SW-846 method to circumstances where the method is the only one capable of measuring the particular property (i.e., the method is used to measure a required method-defined parameter). This action is an important step forward in implementing the use of a performance-based approach, which is part of the Agency's efforts toward Innovating for Better Environmental Results. Additionally, the Agency is making certain other clarifications and technical amendments.

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 both HSWA and non-HSWA authority and is considered to be either equivalent to or less stringent than the current Federal requirements. Therefore, States will not be required to adopt and seek authorization for this rule.

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 testing and monitoring hazardous waste, identification and listing hazardous waste, standards for owners and operators of TSDFs, standards for interim status facilities, boilers and industrial furnaces, land disposal restrictions, and hazardous waste permits.

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: States incorporating the federal rules by reference are encouraged to adopt the correction at the same time that the June 14, 2005 provisions are adopted. Those states that will incorporate the July 1, 2005 Code of Federal Regulations by reference, should include language that references or otherwise includes the correction published in the Federal Register on August 1, 2005 to ensure accuracy of regulations.