

Revision Checklist 235 Summary

Rule Title:	Disposal of Coal Combustion Residuals from Electric Utilities
Checklist Title:	Disposal of Coal Combustion Residuals from Electric Utilities
Reference:	80 <u>FR</u> 21302 - 21501
Promulgation Date:	April 17, 2015
Effective Date:	October 19, 2015
Cluster:	RCRA Cluster XXIV
Provision Type:	Non-HSWA
Linkage:	None
Optional:	Yes

Summary: The Environmental Protection Agency (EPA, or the Agency) is codifying a list of wastes generated primarily from processes that support the combustion of coal or other fossil fuels that when co-disposed with coal combustion residuals are not subject to hazardous waste regulations. This action codifies long-standing Agency guidance and reflects Congressional intent. Note that a second notice (80 FR 37988, July 2, 2015) corrected the effective date of the rule.

State Authorization: This rule is placed in RCRA Cluster XXIV. This rule is promulgated pursuant to non-HSWA authority. These provisions are also less stringent than the current federal requirements. Therefore, states will not be required to adopt and seek authorization for this rule. If a state does not seek and obtain authorization for this rule or does not have a valid interpretation mirroring the promulgated exemption, the state program could be considered to be broader in scope than the federal regulations.

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 the definition of solid 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.