



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 14 2012

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

David M. Comen, CIH, CHMM
President
Artisan EHS Consulting, LLC
104 Knoxwood Court
Anderson, SC 29621

Dear Mr. Comen:

This is the response to your November 14, 2011, Information Quality Guidelines (IQG) Request for Correction (RFC 12002)¹ submitted by Artisan EHS Consulting. In your letter, you requested correction of two errors in 40 CFR §302.6 regarding notification requirements for hazardous substances. The Environmental Protection Agency (EPA) concurs with your proposed corrections and has initiated the appropriate actions to correct these errors.

The erroneous reference at the end of 40 CFR §302.6 is a typographical error, which was made during the printing of the Federal Register. Typographical errors are corrected by the Office of the Federal Register. On November 23, 2011, EPA requested that the Office of the Federal Register change the reference “65 FR 87132, Nov 8, 2001” to “65 FR 67132, Nov 8, 2000.” That change was made and is available to view at: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/index.tpl>; follow the links to 40 CFR 302.6.

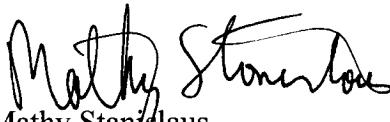
When the final rule was published on November 8, 2000, the table that provided the maximum observed constituent concentrations for several listed hazardous wastes (K169, K170, K171, and K172) was inadvertently removed from 40 CFR 302.6. That table should have been amended (not removed) to include the maximum observed constituent concentrations for listed hazardous wastes K174 and K175. (*See* 65 FR 67132.) The resulting table should have included maximum observed constituent concentrations for K169, K170, K171, K172, K174, and K175. EPA is preparing a regulatory fix that is intended to reinstate the portions of the table that were inadvertently removed by the November 2000 final rule. Once the rule takes effect, the correct table should immediately appear in the eCFR (see above link). The correct table should appear in the CFR publication in the July 2012 edition.

It is anticipated that the correction to the table will be published in the Federal Register within the next 90 business days.

¹ RFC 12002, November 2011 (<http://epa.gov/quality/informationguidelines/documents/12002.pdf>)

If you are dissatisfied with this response, you may submit a Request for Reconsideration (RFR). The EPA requests that any such RFR be submitted within 90 days of the date of EPA's response. If you choose to submit an RFR, please send a written request to the EPA Information Quality Guidelines Processing Staff via mail (Information Quality Guidelines Processing Staff, Mail Code 2811R, U.S. EPA, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460); electronic mail (quality@epa.gov); or fax (202-565-2441). Additional information about how to submit a RFR can be found on the EPA IQG Website (www.epa.gov/quality/informationguidelines).

Sincerely,


Mathy Stanislaus
Assistant Administrator

cc: Malcolm D. Jackson, Assistant Administrator and Chief Information Officer,
Office of Environmental Information

*Thank you for bringing this
to EPA's attention Mathy*