

### Revision Checklist 116 Summary

**Rule Title:** Hazardous Waste Management System: Land Disposal Restrictions  
**Checklist Title:** Hazardous Soil Case-by-Case Capacity Variance  
**Reference:** 57 FR 47772-47776  
**Promulgation Date:** October 20, 1992  
**Effective Date:** October 13, 1992  
**Cluster:** RCRA Cluster III  
**Provision Type:** HSWA  
**Linkage:** Revision Checklists 78, 83, 103, 106, 123, 137 and 157  
**Optional:** No

**Summary.** On June 1, 1990 (55 FR 22520; Revision Checklist 78), EPA promulgated a final rule establishing prohibitions and treatment standards for Third Third wastes. Because of a lack of treatment capacity, EPA granted a two-year national capacity variance for those hazardous soils whose best demonstrated available technology (BDAT) was incineration, retorting, or vitrification, as well as for soils contaminated with radioactive mixed waste. As such, these wastes are prohibited from land disposal on May 8, 1992, unless the treatment standards are met. This October 20, 1992 rule provides, under 40 CFR 268.5, a one-year extension of the Land Disposal Restrictions (LDR) effective date for this same set of hazardous waste contaminated soils. The action is taken because EPA recognizes that owners and operators of treatment, storage and disposal facilities will have difficulty in obtaining treatment capacity that meets the existing treatment standards by May 8, 1992, when this national capacity variance expires. No further applications will be required at this time from persons granted an extension by this action. Specific recordkeeping and other requirements must be followed to qualify for this extension. Certain clarifications are also made to the amendatory language promulgated on June 26, 1992 (57 FR 28628; Revision Checklist 106) in connection with a similar extension for contaminated debris. These changes do not alter that extension and are intended solely to clarify the Agency's original extension. Note that a May 24, 1993 rule (58 FR 28506; Revision Checklist 123) amends the case-by-case extension for contaminated soils by clarifying that the extension granted on October 20, 1992 applied only to soils regulated under the Third Third Land Disposal Restriction rule.

**State Authorization:** This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). All changes go into effect immediately because this rule was promulgated under HSWA authorities. Both interim and final authorization are available, with the former expiring on January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 116, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

**Attorney General's Statement Entry:** The following entry should replace the entry at Subsection XXI I in the Model Revision Attorney General's Statement.

I. State statutes and regulations provide an extension of the land disposal restriction effective date for hazardous waste debris until May 8, 1993, as indicated in Revision Checklists 103 and 116.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c)-(e) as amended May 15, 1992 (57 FR 20766); and October 20, 1992 (57 FR 47772).

**Revision Checklist 116 Summary (cont'd)**Citation of Laws and Regulations: Date of Enactment and AdoptionRemarks of the Attorney General

The following entry should be inserted at Subsection XXI N of the Model Revision Attorney General's Statement:

N. State statutes and regulations provide a case-by-case extension of the land disposal effective date until May 8, 1993 for Third Third hazardous soils whose best demonstrated available technology (BDAT) was incineration, retorting or vitrification, as well as for Third Third soils contaminated with radioactive mixed waste as indicated in Revision Checklist 116.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c)-(e) as amended October 20, 1992 (57 FR 47772).

Citation of Laws and Regulations: Date of Enactment and AdoptionRemarks of the Attorney General