

Revision Checklist 126 Summary

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| Rule 1 Title: | Testing and Monitoring Activities |
| Rule 2 Title: | Testing and Monitoring Activities, Land Disposal Restrictions |
| Checklist Title: | Testing and Monitoring Activities |
| Reference: | 58 <u>FR</u> 46040-46051 and 59 <u>FR</u> 47980-47982 |
| Promulgation Date: | August 31, 1993 and September 19, 1994 |
| Effective Date: | August 31, 1993 and August 31, 1993 |
| Cluster: | RCRA Cluster IV |
| Provision Type: | HSWA/Non-HSWA |
| Linkage: | Revision Checklists 11, 35, 67, 73, 139, 141, 158 and 180 |
| Optional: | No |

Summary: The August 31 (58FR 46040) rule replaces the current Second Edition (including Updates I and II) of the EPA-approved "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, by incorporating by reference the Third Edition (and its first update) in § 260.11. This rule also revises Part 261 Appendices II (Method 1311, Toxicity Characteristic Leaching Procedure) and III (Chemical Analysis Test Methods) to refer directly to SW-846; deletes Part 261 Appendix X (Method of Analysis for Chlorinated Dibenzo-p-dioxins and Dibenzofurans); and revises Part 268 Appendices I (Toxicity Characteristic Leaching Procedure) and IX (Extraction Procedure Toxicity Test) to refer to SW-846. In conjunction with these changes, various references to the methods formerly contained in these appendices are changed to refer directly to SW-846.

The September 19th (59FR 47980) rule corrects the unintended removal of text from 40CFR 268.7(a) by August rule. Paragraph 268.7(a) sets out the generator waste analysis and recordkeeping requirements of the land disposal restrictions under Subtitle C of RCRA. The August rule revised the reference to Appendix IX of Part 268 to refer to SW-846 Methods 1311 and 1310, instead. The Agency had intended to revise only the introductory text of 268.7(a) and to retain without changing the subparagraphs following the introductory text. Due to an inadvertent administrative error the subparagraphs following the introduction were removed. The September rule makes clear that it was not the Agency's intention to remove these paragraphs and that they remain in effect, and are regarded by the Agency, to have been in effect continuously in the form published in the CFR revised as of July 1, 1993. For this reason, the September rule was not made into a separate checklist.

State Authorization: These rules are placed in RCRA Cluster IV. The State modification deadline is July 1, 1995 (or July 1, 1996 if a State statutory change is necessary). The changes for all provisions except 261.22, 261.24, and Appendix II, Part 261, do not go into effect until States become authorized for them because this rule was promulgated under pre-HSWA authorities. Only final authorization is available. The changes to 261.22, 261.24, Appendix II, Part 261 and 268.7(a) affect the Toxicity Characteristic and the TCLP, both of which were added due to HSWA authority. Thus, these changes are considered HSWA provisions and go into effect immediately. Both interim and final authorization are available, with interim authorization expiring on January 1, 2003. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 126, 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 new entry should be placed at Subsection I BB in the Model Revision Attorney General's Statement.

Revision Checklist 126 Summary (cont'd)

BB. State statutes and regulations replace the current Second Edition (including Updates I and II) of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, by incorporating by reference the Third Edition (and its first update) of this test methods manual. Throughout the State's code, references to test methods directly refer to the methods as they are found in SW-846, as indicated in Revision Checklist 126.

Federal Authority: RCRA §§1006; 2002, 3001, 3002, 3004, 3005, 3006, 3010, and 3014; 40 CFR 260.11(a); 260.22(d)(1)(i); 261.22(a)(1)&(2); 261.24(a); 261 Appendices II, III, and X; 264.190(a); 264.314(c); 265.190(a); 265.314(d); 268.7(a); 268.40(a); 268.41(a); 268 Appendices I & IX; 270.6(a); 270.19(c)(1)(iii)&(iv); 270.62(b)(2)(i)(C)&(D); and 270.66(c)(2)(i)&(ii) as amended August 31, 1993 (58 FR 46040) and September 19, 1994 (59 FR 47980).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General