

Revision Checklist 128 Summary

Rule Title:	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Wastes from Wood Surface Protection
Checklist Title:	Wastes From the Use of Chlorophenolic Formulations in Wood Surface Protection
Reference:	59 <u>FR</u> 458-469
Promulgation Date:	January 4, 1994
Effective Date:	January 4, 1994
Cluster:	RCRA Cluster IV
Provision Type:	Non-HSWA
Linkage:	Revision Checklists 132, 139 and 180; Related to Revision Checklist 82 but not directly linked - see the summary
Optional:	No

Summary. Three categories of wastes (F032, F034 and F035) from wood preserving processes were listed as hazardous in 1990 (55 FR 50450; Revision Checklist 82). A final listing determination for wood surface protection wastes was deferred due to lack of data (53 FR 53282). This present rule announces that upon reviewing the public comments received on its proposal of April 27, 1993 (58 FR 25707), EPA has decided not to list wastes from the use of chlorophenolic formulations in wood surface protection processes. As a result of this determination, EPA is not mandating in this rule any specific operating or information collection requirements for owners/operators of wood surface protection plants. However, the Agency would very likely re-evaluate this decision not to list if use of chlorophenolic formulations resumes in the future. Although this final rule does not list as hazardous any wastes from wood surface protection processes, EPA believes that certain constituents contained in these wastes warrant inclusion in 40 CFR Part 261, Appendix VIII. Thus, the Agency is adding the following four chemicals to Part 261, Appendix VIII: the sodium and the potassium salts of pentachlorophenol and of tetrachlorophenol. This rule also finalizes the proposed amendment of SW-846 ("Test Methods for Evaluating Solid Waste, Physical/Chemical Methods") to include Method 4010 (Immunoassay Test for the Presence of Pentachlorophenol).

State Authorization: This rule is placed in RCRA Cluster IV and the changes addressed by it were made under non-HSWA authority. The State modification deadline is July 1, 1995 (or July 1, 1996 if a State statutory change is necessary). These changes 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 State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 128, 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 A (27) in the Model Revision Attorney General's Statement.

- (27) Listing of three chemicals from wood surface protection processes, 40 CFR 261 Appendix VIII, as amended January 4, 1994 [59 FR 458], Revision Checklist 128.

The following new entry should be placed at Subsection I CC in the Model Revision Attorney General's State

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CC. State statutes and regulations incorporation by reference "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, the Third Edition (November 1986), as amended by Updates I, II and IIA, as indicated in Revision Checklist 128.

Federal Authority: RCRA §§2002(a), 3001(b), and 3001(e)(1); 40 CFR 260.11(a) as amended January 4, 1994 (59 FR 458).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General