

Revision Checklist 144 Summary

Rule Title: Solid Waste, Hazardous Waste, Oil Discharge and Superfund Programs;
 Removal of Legally Obsolete Rules
Checklist Title: Removal of Legally Obsolete Rules
Reference: 60 FR 33912-33915
Promulgation Date: June 29, 1995
Effective Date: June 29, 1995
Cluster: RCRA Cluster V
Provision Type: HSWA/Non-HSWA
Linkage: None
Optional: No

Summary: The Environmental Protection Agency (EPA) is removing from the Code of Federal Regulations (CFR) several sections of the CFR pertaining to solid waste, hazardous waste, oil discharges and EPA's Superfund program that are no longer legally in effect. Deleting these sections from the CFR will clarify the legal status of the Agency's regulations for both the regulated community and the public. Only those removals affecting RCRA are included in Revision Checklist 144. Note that some of the removals are corrections of CFR publishing errors. For example, Revision Checklist 120 (December 24, 1992; 57 FR 61492) removed Footnote 1 for the F-Waste table at 261.31. This change was not made in the July 1, 1993 CFR as it should have been. This error was carried forward into the July 1, 1994 CFR.

State Authorization: This rule is placed in RCRA Cluster V. The State modification deadline is July 1, 1996 (or July 1, 1997 if a State statutory change is necessary). The removal of the footnote in the listing for F-wastes affects F032 and is promulgated pursuant to HSWA. This change went into effect when the rule (57 FR 61492) addressed by Revision Checklist 120 removed it. The revisions to 266.103 and 266.104 can also be considered HSWA to the extent that the affected provisions apply to HSWA boilers and industrial furnaces, as explained in Revision Checklist 85 (February 21, 1991; 56 FR 7134). The remaining revisions were made relative to non-HSWA authorities (including the removal of the footnote for F034 and F035). EPA will implement these requirements only in States that do not have interim or final authorization. In authorized States, the non-HSWA requirements will not be applicable until the States revise their programs to adopt equivalent requirements under State law. Both interim and final authorization are available for the HSWA provisions. HSWA interim authorization expires January 1, 2003. Only final authorization is available for the non-HSWA provisions.

The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 144, 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: A new section, "XXIV. Deleted Legally Obsolete Rules," should be added to the Model Attorney General's Statement with the following entry:

- A. State statutes and regulations include changes to remove legally obsolete rules as indicated by Revision Checklist 144.

Revision Checklist 144 Summary (cont'd)

Federal Authority: §§ 1006, 2002, 3001, 3002, 3004, 3005, 3007, 3013, 3018, 7004; 40 CFR 261.31(a), 266.103(c)(5), 266.104(f)-(h), 270.2, 270.10(e)(4), 270.10(f)(2), 270.10(g)(1) as amended June 29, 1995 (60 FR 33912).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General