

Revision Checklist 168 Summary

Rule Title:	Hazardous Waste Combustors; Revised Standards; Final Rule-Part 1: RCRA Comparable Fuel Exclusion; Permit Modifications for Hazardous Waste Combustion Units; Notification of Intent To Comply; Waste Minimization and Pollution Prevention Criteria for Compliance Extensions
Checklist Title:	Hazardous Waste Combustors Revised Standards
Reference:	63 <u>FR</u> 33782 - 33829
Promulgation Date:	June 19, 1998
Effective Date:	June 19, 1998
Cluster:	RCRA Cluster VIII
Provision Type:	Non-HSWA
Linkage:	None
Optional:	Yes

Summary: EPA is excluding, from the regulatory definition of solid waste, fuels produced from a hazardous waste which are comparable to some currently used fossil fuels. EPA is also adding a new RCRA permit modification provision intended to make it easier for facilities to make changes to their existing RCRA permits. Facilities with certain hazardous waste combustion units can use this permit modification provision when adding air pollution control equipment, making other changes in equipment or making changes in operation needed to comply with upcoming air emission standards. EPA is also adding notification requirements for sources which intend to comply with this rule.¹ Finally, EPA is adding allowances for extensions to the compliance period to promote the installation of cost effective pollution prevention technologies.

State Authorization: This rule is placed in RCRA Cluster VIII. EPA promulgated this rule under pre-HSWA authorities. Therefore, changes to the RCRA program described in this checklist do not go into effect until EPA authorizes the State for this rule. Because the standards in this rule narrow and reduce regulatory requirements, EPA has designated this rule as optional and States are not required to adopt the changes addressed by this rule. However, EPA believes that adoption of these changes by States will greatly enhance the implementation of the upcoming Maximum Achievable Control Technology (MACT) standards and ease the permitting burden on the States. Thus, EPA strongly urges States to adopt all aspects of this checklist as quickly as their legislative and regulatory processes will allow. If a State chooses to adopt this rule, the State modification deadline is July 1, 1999 (or July 1, 2000 if a State statutory change is necessary). States may also impose requirements that are broader in scope or more stringent than those imposed under Federal regulations.

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 168, other associated checklists and other application materials, i.e., a program description and a MOA, as determined by the Regional office. Only final authorization is available.

Revision Checklist 168 Summary (cont'd)

Attorney General's Statement Entry: The following entry should be placed at Subsection II (F) in the Model Revision Attorney General's Statement.

F. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exclude from the definition of solid waste fuels which are produced from a hazardous waste, but which are comparable to some currently used fossil fuels, as indicated in Revision Checklist 168.

Federal Authority: RCRA §§1004, 1006, and 3001; 40 CFR 261.4(a)(16)² and 261.38, as amended June 19, 1998 (63 FR 33782).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Attorney General's Statement Entry: The following entry should be placed at Subsection XVI (BB) in the Model Revision Attorney General's Statement.

BB. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include requirements for hazardous waste combustion facility permit modifications to meet 40 CFR part 63 MACT standards, as indicated in Revision Checklist 168. State statutes and regulations also address such changes during interim status.

Federal Authority: RCRA §§ 1006, 3004, 3005, and 7004; 40 CFR 270.42(j), 270.42 Appendix I, and 270.72(b)(8), as amended June 19, 1998 (63 FR 33782).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Incorporation by Reference Guidance: There is no special guidance for States that incorporate by reference with respect to this checklist.

¹ While this is a Clean Air Act provision, it is referenced by the RCRA regulations.

² 63 FR 33782 contains a typographical error. The rule indicates that it is adding 261.4(a)(16), which was previously added by 63 FR 28556 (see Revision Checklist 167). The correct numbering of the added paragraph should be 261.4(a)(17).