

Revision Checklist 170 Summary

Rule Title:	Hazardous Waste Recycling; Land Disposal Restrictions; Final Rule
Checklist Title:	Land Disposal Restrictions Phase IV -- Zinc Micronutrient Fertilizers, Administrative Stay
Reference:	63 <u>FR</u> 46332-46334
Promulgation Date:	August 31, 1998
Effective Date:	August 21, 1998
Cluster:	RCRA Cluster IX
Provision Type:	HSWA
Linkage:	Revision Checklists 167A and 179
Optional:	Yes

Summary: On May 26, 1998 (63 FR 28556), EPA published an amendment to the Land Disposal Restriction treatment standards for metal-bearing hazardous wastes which exhibit the characteristic of toxicity (developed as Revision Checklist 167, commonly referred to as the Phase IV rule). The Agency believes that the new, Phase IV treatment standards in that rule are not well suited for zinc micronutrient fertilizers and that the new standards could result in greater use of zinc fertilizers that contain relatively higher concentrations of hazardous constituents. EPA expects to develop a more consistent and comprehensive approach to regulating hazardous waste-derived fertilizers, and currently intends to leave this amendment, which places an administrative stay on the new treatment standards, in place until those new regulations are adopted. In the interim, the fertilizers affected by this amendment would remain subject to the previous treatment standards for toxic metals found at 40 CFR 268.41 in the July 1, 1990 edition of the CFR.

State Authorization: This rule is placed in RCRA Cluster IX. The State modification deadline is July 1, 2000 (or July 1, 2001 if a State statutory change is necessary). For States adopting this checklist, all changes go into effect immediately because this rule was promulgated under HSWA authorities. Both interim and final authorization are available. Interim authorization expires January 1, 2003.

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 170, 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 be placed at Subsection XXI (II) in the Model Revision Attorney General's Statement.

II. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations stay the May 26, 1998 Phase IV Land Disposal Restriction treatment standards for metal-bearing hazardous wastes which exhibit the characteristic of toxicity, until EPA develops more consistent and comprehensive regulations for hazardous waste-derived fertilizers. In the interim, affected fertilizers are subject

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to the treatment standards that previously existed for toxic metals as specified on Revision Checklist 170.

Federal Authority: RCRA §§3001 and 3004(d), 40 CFR 268.40(i), as amended August 31, 1998 (63 FR 46332).

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.