

Revision Checklist 173 Summary

Rule Title:	Land Disposal Restrictions: Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088); Final Rule
Checklist Title:	Land Disposal Restrictions – Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088); Final Rule
Reference:	63 <u>FR</u> 51254-51267.
Promulgation Date:	September 24, 1998
Effective Date:	September 21, 1998
Cluster:	RCRA Cluster IX
Provision Type:	HSWA
Linkage:	Revision Checklists 151, 155, 160, and 179
Optional:	No

Summary: EPA is announcing interim replacement standards for spent potliners from primary aluminum reduction (EPA hazardous waste K088) under its Land Disposal Restrictions program. Spent potliners will now be prohibited from land disposal unless the wastes have been treated in compliance with the numerical standards contained within this rule. The newly promulgated treatment standards will be in place until EPA has fully reviewed all information on all treatment processes which may serve as a basis for a more permanent revised standard. In addition, EPA has extended the K088 national capacity variance until September 21, 1998.

State Authorization: EPA places this rule in RCRA Cluster IX. 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 173, 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 entry at Subsection XXI (U) should be replaced with the following entry:

U. State statutes and regulations provide for an extension of the national capacity variance for spent potliners from primary aluminum production (Hazardous Waste Number K088) so that K088 wastes do not have to be treated to meet LDR treatment standards until September 21, 1988, as indicated in Revision Checklists 155, 160, and 173.

Federal Authority: RCRA §3004(d)-(k), and (m), 40 CFR 268.39(c) as amended January 14, 1997 (62 FR 1992), July 14, 1997 (62 FR 37694), and September 24, 1998 (63 FR 51254).

Revision Checklist 173 Summary (cont'd)

The following entry should be placed at Subsection XXI (LL) in the Model Attorney General's Statement.

LL. State statutes and regulations provide for interim replacement standards for spent potliners from primary aluminum reduction (EPA hazardous waste K088) as indicated in Revision Checklist 173.

Federal Authority: RCRA §3004(d)-(k), and (m); 40 CFR 268.40, as amended September 24, 1998 (63 FR 51254).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Incorporation by Reference Guidance:

The date in 40 CFR 268.39(c) should not be replaced with a State effective date.