

Revision Checklist 243 Summary

Rule Title:	Modernizing Ignitable Liquids Determinations
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Reference:	85 <u>FR</u> 40594-40608
Promulgation Date:	July 7, 2020
Effective Date:	September 8, 2020
Cluster:	RCRA Cluster XXIX
Provision Type:	non-HSWA
Linkage:	11, 35, 67, 73, 126, 139, 141, 158, 180, 208
Optional:	Yes

Summary: Today’s rule finalizes updates to the flash point test methods from 1978, 1979, and 1980 (required for determining if a liquid waste is an ignitable hazardous waste) to include current ASTM International (ASTM) standards. EPA is also finalizing the codification of existing guidance to define “aqueous” as “50% water by weight.” EPA is finalizing updates to correct cross references to U.S. DOT regulations and to remove obsolete information in the ignitability regulation. Finally, EPA is finalizing alternatives to the use of mercury thermometers in the air sampling and stack emissions methods 0010, 0011, 0020, 0023A, and 0051 in SW-846.

State Authorization: This rule is placed in RCRA Cluster XXIX.

This rule is promulgated pursuant to non-HSWA authority and is considered to be less stringent than the current Federal requirements. Therefore, States will not be required to adopt and seek authorization for this rule.

Attorney General (AG) Certification Guidance: Specific AG certification of statutory authority may not be required for this checklist as long as the AG has previously demonstrated authority for testing and monitoring hazardous waste, identification and listing hazardous waste, standards for owners and operators of TSDFs, standards for interim status facilities, boilers and industrial furnaces, land disposal restrictions, and hazardous waste permits.