

Revision Checklist 117 B Summary

Rule Title: Hazardous Waste Management System; Definition of Hazardous Waste; "Mixture" and "Derived-From" Rules
Checklist Title: Toxicity Characteristic Amendment
Reference: 57 FR 23062-23063
Promulgation Date: June 1, 1992
Effective Date: June 1, 1992
Cluster: RCRA Cluster III
Provision Type: HSWA
Linkage: Revision Checklist 74, 108 and 119
Optional: No

Summary: The Toxicity Characteristic rule [55 FR 11798 (March 29, 1990) Revision Checklist 74] and its subsequent amendments [55 FR 26986 (June 29, 1991) and 57 FR 30657 (July 10, 1992) Revision Checklist 74] omitted changing the reference to the "Extraction Procedure Toxicity Characteristic" at 261.3(a)(2)(i). The March 3, 1992 (57 FR 7628) reissuance of the "mixture" and "derived-from" rule reissued 261.3 with that error still in it. The June 1, 1992 amendment (57 FR 23062) to that reissued code corrected this error. Because this change makes the Federal code more stringent, it is required and was placed in a checklist separate from the other provisions (considered optional, for States) addressing the reissuance of the "mixture" and "derived-from" rules.

State Authorization: This rule is placed in RCRA Cluster III, due to the delay in developing a checklist for this change and its relationship to the reissuance of the "mixture" and "derived-from" rules addressed by Revision Checklist 117 A. The State modification deadline is July 1, 1994 (or July 1, 1995, if a State statutory change is necessary). This change is conducted under HSWA authorities because it is necessitated by the changes made by the Toxicity Characteristic rule, which was promulgated under HSWA authorities. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 117 B, 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 I L in the Model Revision Attorney General's Statement should be replaced with the following:

L. State statutes and regulations revise the existing toxicity characteristic by replacing the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP) for identifying wastes that are defined as hazardous and subject to regulation under Subtitle C of RCRA as indicated in Revision Checklists 74, 108 and 117B. State statutes and regulations also provide for the addition of 25 organic chemicals and their regulatory levels to the list of toxic constituents of concern as indicated in Revision Checklist 74.

Revision Checklist 117 B Summary (cont'd)

Federal Authority: RCRA §§1006, 2002(a), 3001, 3002, 3004, 3005 and 3006; 40 CFR Parts 261, 264, 265 and 268 as amended March 29, 1990 (55 FR 11798), June 29, 1990 (55 FR 26986), June 1, 1992 (57 FR 23062), and July 10, 1992 (57 FR 30657).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General