

Revision Checklist 123 Summary

Rule Title:	Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance
Checklist Title:	Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance
Reference:	58 <u>FR</u> 28506-28511
Promulgation Date:	May 14, 1993
Effective Date:	May 8, 1993
Cluster:	RCRA Cluster III
Provision Type:	HSWA
Linkage:	Revision Checklists 78, 83, 103, 116, 137, 157, and 167A-C
Optional:	No

Summary. This is the fifth rule addressing hazardous debris and soil contaminants with Third Third wastes. Revision Checklist 78 (55 FR 22520; June 1, 1990) established a national capacity variance for certain hazardous waste soil and debris at 268.35(e). Revision Checklist 83 (56 FR 3864; January 31, 1991) amended 268.35(d) to also address mixed radioactive hazardous waste and amended 268.35(e) to address additional wastes. Revision Checklist 103 (57 FR 20766; May 15, 1992) established a case-by-case extension, until May 8, 1993, for contaminated debris only. Revision Checklist 116 (57 FR 47772; October 20, 1992), which added a case-by-case variance for certain hazardous soils, also clarified that the case-by-case extension for hazardous debris also included wastes mixed with radioactive hazardous waste. This current rule extends, until May 8, 1994, the case-by-case extension for hazardous debris granted by the May 15, 1992 final rule. However, only debris and mixed radioactive/hazardous debris contaminated with wastes listed in 268.12 and/or any characteristic waste for which treatment standards are established in Subpart D of Part 268 are included in this extension. No further variance or extension of the LDR effective dates for hazardous debris can be given after May 8, 1994. This final rule also amends the case-by-case extension for contaminated soils by clarifying that the extension granted on October 20, 1992 applied only to soils regulated under the Third Third Land Disposal Restriction Rule.

States that have already adopted any of the previous rules addressing hazardous debris and soil should adopt this rule as soon as possible. States that have not adopted Third Third regulations should adopt this rule when adopting the other Third Third rules.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). 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, an AG statement addendum, Revision Checklist 123, 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 replace the entry at Subsection XXI I in the Model Revision Attorney General's Statement.

- I. State statutes and regulations provide an extension of the land disposal restriction effective date for hazardous waste debris until May 8, 1994, as indicated in Revision Checklists 103, 116, and 123.

Revision Checklist 123 Summary (cont'd)

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c)-(e) as amended May 15, 1992 (57 FR 20766), October 20, 1992 (57 FR 47772), and May 14, 1993 (58 FR 28506).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General

The following entry should replace the entry at Subsection XXI N of the Model Revision Attorney General's Statement:

N. State statutes and regulations provide a case-by-case extension of the land disposal effective date until May 8, 1994 for Third Third hazardous soils whose best demonstrated available technology (BDAT) was incineration, retorting or vitrification, as well as for Third Third soils contaminated with radioactive mixed waste as indicated in Revision Checklists 116 and 123.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c)-(e) as amended October 20, 1992 (57 FR 47772) and May 14, 1993 (57 FR 28506).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General