

Revision Checklist 198 Summary

Rule Title:	NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule
Checklist Title:	Hazardous Air Pollutant Standards for Combustors: Corrections
Reference:	67 <u>FR</u> 6968-6996
Promulgation Date:	February 14, 2002
Effective Date:	February 14, 2002
Cluster:	RCRA Cluster XII
Provision Type:	HSWA/Non-HSWA
Linkage:	Revision Checklist 182
Optional:	No; however, some provisions are conditionally optional

Summary: This rule is promulgated to correct several technical errors which were made on September 30, 1999 (NESHAPs rule) when EPA established standards for hazardous waste-burning cement kilns, lightweight aggregate kilns, and incinerators (Revision Checklist 182; 64 FR 52828, as amended 64 FR 63209).

Additionally, this rule finalizes specific changes to the September 30, 1999 NESHAPs rule by focusing on improvements in emission standards implementation in part 63, subpart EEE. These changes are outside of the RCRA program and are not addressed by this checklist.

State Authorization: This rule is placed in RCRA Cluster XII. The State modification deadline is July 1, 2003 (or July 1, 2004 if a State statutory change is necessary).

All revisions in this rule are promulgated under HSWA authorities with the exception of corrections to 40 CFR 270.42(j)(1), which is under non-HSWA authority. The HSWA corrections will go into effect in all States, including authorized States, on the effective date of this rule. The technical correction to 40 CFR 270.42(j)(1) is promulgated under non-HSWA authority and will only become effective in an authorized State when the State amends its regulations to include this listing and receives authorization.

The revision to 266.100(b)(1) is conditionally optional; if a State adopted this optional provision when it was added to the Federal program by Revision Checklist 182, then the State must make the Revision Checklist **198** revision.

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 corrective action.

Program Description (PD) Guidance: A State seeking authorization for this checklist should determine whether the revisions impact the program described in the Program Description. EPA

Revision Checklist 197 198 Summary (cont'd)

believes that this rule does not include any significant changes or additions affecting the RCRA program and thus, States should not need to submit a revised PD.

Incorporation by Reference Guidance: There is no special guidance for States that incorporate by reference.