

5. The RCRA regulations provide the regulated community a method to exclude wastes from regulation at the specific facilities at which the wastes are generated. The delisting requirements are detailed in §260.20 and §260.22. The 1984 Hazardous and Solid Waste Amendments (HSWA) amended the delisting procedures with regard to the timing in which delisting petitions must be considered. What are these particular amendments?

Section 222 (a) of the 1984 Hazardous and Solid Waste Amendments contains the delisting procedure amendments. The amendments briefly state that EPA should publish in the Federal Register a proposal to grant or deny a complete delisting petition application within twelve months from receiving the petition and make a final decision within 24 months after receiving a complete application. Also, the Agency must act on petitions which were granted temporary exclusions prior to the amendments by twenty-four months from the date of enactment of the HSWA (November 8, 1984); otherwise, the temporary exclusion is no longer in effect causing the wastes to be regulated.

SOURCE: Jim Poppiti (202) 382-4796