



DIRECTIVE NUMBER: 9541.02(85)

TITLE: Effective Dates for the January 4 Redefinition of "Solid Waste"
in States with Phase II or Final Authorization (Ref. PIC 82-1)

APPROVAL DATE: 3-11-85

EFFECTIVE DATE: 3-11-85

ORIGINATING OFFICE:

☒ **FINAL**

☐ **DRAFT**

STATUS:

REFERENCE (other documents):

OSWER OSWER OSWER
/E DIRECTIVE DIRECTIVE DA

Key Words: Solid Waste, Final Authorization, Phase II Authorization

Regulations: RCRA §3006(g)(1), 40 CFR 271.21

Subject: Effective Dates for the January 4 Redefinition of "Solid Waste" in States with Phase II or Final Authorization (Ref. PIG 82-1)

Addressee: Dennis Huebner, Chief, State Waste Program Branch, Retion I

Originator: John H. Skinner, Director, Office of Solid Waste

Source Doc: #9541.02(850

Date: 3-11-85

Summary:

Since the redefinition of the "solid waste" rule was not promulgated pursuant to the HSWA, Section 228 of the Amendments [RCRA §3006(g)(1)] does not apply. Official State applications for final authorization submitted before January 4, 1986, do not have to reflect the provisions of the redefinition of the "solid waste" rule. In authorized States the redefinition becomes effective on revision of the authorized State programs pursuant to 40 CFR 271.21.

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Disk: DD-9 Index: 81

MAR 11 1985

MEMORANDUM

SUBJECT: Redefinition of "Solid Waste"

FROM: John H. Skinner
Director
Office of Solid Waste

TO: Dennis Huebner, Chief
State Waste Programs Branch - Region I

This is in response to your January 25 memorandum. In that memorandum you asked when the January 4 redefinition of "solid waste" (50 FR 614) becomes effective in States with Phase II or final authorization.

The rule was not promulgated pursuant to the Hazardous and Solid Waste Amendments of 1984. Therefore, Section 228 of the Amendments (RCRA §3006(g)(1)) does not apply. Official State applications for final authorization submitted prior to January 4, 1986 need not reflect the provisions of the redefinition of "solid waste" rule. (See 40 CFR 271.21(e)(1).) Further, the redefinition becomes effective in authorized States on revision of the authorized State programs pursuant to 40 CFR 271.21.

In the near future we will be issuing a clarifying amendment to the redefinition, more precisely explaining the notification and permit application ramifications.

cc: Hazardous Waste Branch Chief, Regions II-X
Bruce Weddle, OSW
Eileen Claussen, OSW

(WH-563-B)D.Derkics:jvl:3/7/85:S-256:382-2214

Disk: DD-9 Index: 81