

Description of Federal Requirement (Revision Checklists ¹)	Analogous West Virginia Authority
Organic Air Emission Standards: Clarification and Technical Amendments, 64 FR 3382, 1/21/99, Revision Checklist 177.	W. Va. Code §§ 22-1-3(c), 22-5.1, 22-18-6(a), 22-18-6(a)(13)(A)&(B), 22-18-23, HWMR §§ 33-20-1.6, 33-20-3.1, 33-20-5.1, 33-20-7.2, 33-20-7.8, 33-20-8.1, 33-20-8.6, 33-20-11.1, 45 CSR 25, § 45-25-1.1.a, 45-25-1.1.b, 45-25-1.5a (Table 25-A, Items 6, 7, 8, 9, 10, 11 and 21).
Petroleum Refining Process Wastes—Leachate Exemption, 64 FR 6806, 2/11/99, Revision Checklist 178.	W. Va. Code §§ 22-18-6(a), (a)(2)&(12) 22-1-3(c), 22-18-5(a), 22-18-23, HWMR §§ 33-20-1.6, 33-20-3.1, 45 CSR 25, § 45-25-1.5.a (Table 25-A, Item 20).
Land Disposal Restrictions Phase IV—Technical Corrections and Clarifications to Treatment Standards, 64 FR 25408-25417, 5/11/99, Revision Checklist 179.	W. Va. Code §§ 22-18-6(a), (a)(2)&(12)(A), (B), (D), 22-1-3(c), 22-18-5(a), 22-18-23, HWMR §§ 33-20-1.6, 33-20-3.1, 33-20-5.1, 33-20-10.1, 45 CSR 25, 45-25-1.5.a (Table 25-A, Item 20).
Test Procedures for the Analysis of Oil and Grease and Non-Polar Material, 64 FR 26315-26327, 5/14/99. Revision Checklist 180.	W. Va. Code §§ 22-1-3(c), 22-18-5(a), 22-18-6(a), 22-18-23, HWMR §§ 33-20-1.6, 33-20-2.1.
RCRA Cluster X	
Hazardous Air Pollutant Standards for Combustors, 64 FR 52828-53077, 9/30/99, as amended 11/19/99, at 64 FR 63209-63213, Revision Checklist 182.	W. Va. Code §§ 22-18-6(a), (a)(2) (5), (12), (13), 22-1-3(c), 22-18-5(a), 22-18-23, HWMR §§ 33-20-1.6, 33-20-3.1, 33-20-1.10, 45 CSR 25, § 45-25-1.5a (Table 25-A, Item 20) and 1.5.c.
Accumulation Time for Waste Water Treatment Sludges, 65 FR 12378-12398, 3/8/00, Revision Checklist 184.	W. Va. Code §§ 22-18-6(a)&(a)(3), 22-1-3(c), 22-18-5(a), 22-18-23, HWMR §§ 33-20-5.5.
Radioactive Mixed Waste	
Hazardous Components of Radioactive Mixed Wastes, 51 FR 24504, 7/3/86.	W. Va. Code §§ 22-18-3(16) 22-18-6(a)(2), HWMR §§ 33-20-1.6, and 33-20-3.1.
Project XL	
Project XL Site-Specific Rulemaking for Osi Specialties, Inc., Sisterville, WV, 63 FR 49384, as amended 9/15/98 and 63 FR 53844, 10/7/98.	W. Va. Code §§ 22-1-3(c), 22-5-1, 22-18-6(a), (a)(12), and (a)(13)(A)&(B), 45 CSR 25, § 45-25-1.5.a (Table 25-A, Item 10).

¹ A Revision Checklist is a document that addresses the specific changes made to the Federal regulations by one or more related final rules published in the **Federal Register**. EPA develops these checklists as tools to assist States in developing their authorization applications and in documenting specific State analogs to the Federal Regulations. For more information see EPA's RCRA State Authorization Web page at <http://www.epa.gov/epaoswer/hazwaste/state>.

² A RCRA "Cluster" is a set of Revision Checklists for Federal rules, typically promulgated between July 1 and June 30 of the following year.

H. Where Are the Revised West Virginia Rules Different From the Federal Rules?

The West Virginia hazardous waste program contains certain provisions which are beyond the scope of the Federal program. These broader in scope provisions are not part of the program being authorized by today's action. EPA cannot enforce requirements which are broader in scope, although compliance with such provisions is required by West Virginia law. Examples of broader in scope provisions of West Virginia's program include, but are not limited to, the following:

1. At HWMR § 33-20-2.4.c, West Virginia provides for the acceptance of an EPA determination granting a petition to exclude hazardous waste, provided that certain conditions are met. If such conditions are not met, and West Virginia does not accept EPA's delisting of the hazardous waste, the waste would still be considered a hazardous waste under West Virginia's regulations, even though such waste would not be considered a hazardous waste by EPA. In this respect, West

Virginia's program would be beyond the scope of the Federal program.

2. At HWMR § 33-20-2.4.b West Virginia regulations require a petitioner for a delisting to pay an initial non-refundable application fee of \$1000 and allow the Director to recover all reasonable costs attributable to the review and investigation of such petition in excess of the initial fee. Since the Federal program does not require application fees to be submitted with a delisting petition, the collection of such fees is beyond the scope of the Federal program.

I. Who Handles Permits After This Authorization Takes Effect?

After authorization, West Virginia will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which it issued prior to the effective date of this authorization. Until such time as formal transfer of EPA permit responsibility to West Virginia occurs and EPA terminates its permit, EPA and West Virginia agree to coordinate the administration of permits

in order to maintain consistency. EPA will not issue any additional new permits or new portions of permits for the provisions listed in Section G after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which West Virginia is not yet authorized.

J. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in West Virginia?

West Virginia is not seeking authorization to protect the program on Indian lands, since there are no Federally-recognized Indian Lands in West Virginia.

K. What Is Codification and Is EPA Codifying West Virginia's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by referencing the authorized State rules in 40 CFR part 272. EPA reserves the amendment of 40 CFR part 272, subpart