

US EPA ARCHIVE DOCUMENT

## RCRA REVISION CHECKLIST 78

Land Disposal Restrictions for  
Third Third Scheduled Wastes

55 FR 22520-22720

June 1, 1990

(HSWA Cluster II and Non-HSWA Cluster VI)

Notes: 1) The Federal Register addressed by this checklist is the last of five Congressionally mandated prohibitions on land disposal of hazardous wastes. Previous checklists based on the Congressional mandate include Revision Checklists 34, 39, 50 and 63. Revision Checklists 62 and 66 correct the First Thirds Rule addressed by Revision Checklist 50. Revision Checklist 83 (56 FR 3864) addresses changes to the Third Thirds Rule. Because of the changes made to the tables and appendices by this correction notice, States are strongly encouraged to adopt them at the same time as the provisions addressed by Revision Checklist 78.

2) This checklist may be subject to change in the future. EPA's State Programs Branch is currently discussing the relationship of hazardous waste injection issues to the State authorization program. In question are the changes made to 40 CFR Part 148 by the final rule addressed by this checklist and whether they should be included in the checklist. This present checklist does not include these changes.

3) The checklist is in HSWA Cluster II, with the exception of the clarifying amendment to §261.33(c) which is in non-HSWA Cluster VI. This clarification is not immediately effective in authorized States since the requirements are not imposed pursuant to HSWA. Thus, these requirements are applicable only in those States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements under State law.

4) The following Part 268 sections are not delegable to States because of the national concerns which must be examined when decisions are made relative to them: 268.5 (case-by-case effective date extensions); 268.42(b) (application for alternate treatment method); and 268.44 (variance from a treatment standard). "No migration" petitions under 268.6 will be handled by EPA, even though States may be authorized to grant such petitions in the future. States have the authority to grant such petitions under RCRA Section 3006 because such decisions do not require a national perspective, as is the case for decisions under 268.5, 268.42(b) or 268.44. However, EPA has had few opportunities to implement the land disposal restrictions and expects to gain valuable experience and information from reviewing "no-migration" petitions.

5) In the past, the nondelegable sections/paragraphs of the LDR regulations have been omitted from the LDR checklists because States could not assume the authority for them. However, this procedure has led to confusion among the States on how to handle the sections/paragraphs in their code. For this reason, the Agency has decided to include these nondelegable sections on the LDR checklists. To differentiate these sections from the delegable portions of the LDR restrictions, asterisks precede (a single row) and follow (a double row) each non-delegable section. If States have already filled out a version of Revision Checklist 78 which does not include the nondelegable sections, they need not fill out a revised version containing these sections. This change in format was made only to improve clarity.

# RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for Third Third Scheduled Wastes (cont'd)

The Agency suggests that States incorporate the nondelegable portions of the LDR regulation into their regulations. It is essential, however, that States leave the terms "Administrator", "Federal Register" and "Agency" unchanged, i.e., States may not substitute analogous State terms for these Federal terms. Similarly, States incorporating by reference must be careful to exclude these sections from blanket substitutions of State terms for Federal terms. For a more complete discussion of issues surrounding nondelegable sections, see Appendix J of the State Authorization Manual (SAM).

6) Note that while 268.40 is delegable to States, "Administrator" in the following phrase "Approved by the Administrator under the procedures set for this in 268.42(b)" should not be replaced with an analogous State term because it is referring to decisions under 268.42(b). Such decisions will be made by the EPA Administrator.

7) States which have not submitted any land disposal restrictions are strongly encouraged to use the Consolidated Land Disposal Restriction Checklist rather than the seven individual revision checklists.

8) Note that the Toxicity Characteristic Leaching Procedure (TCLP) referred to by the Third Third Scheduled Waste Rule is the TCLP entered into the Federal code at 40 CFR 261 Appendix II by the Toxicity Characteristic Rule (55 FR 11798, March 29, 1990) and amended at 55 FR 26986 (June 29, 1990). (Both the Toxicity Characteristic Rule and the June amendment are addressed by Revision Checklist 74.) The TCLP procedure previously located at 40 CFR Part 268, Appendix I and introduced by the Solvents and Dioxins Land Disposal Restrictions Rule (51 FR 40572; November 7, 1986; Revision Checklist 34) is the outdated version of the TCLP. Thus, States adopting the Third Third Scheduled Waste Rule must also adopt the new version of the TCLP. The Revision Checklist 34 version of the TCLP should be removed from their code as well.

9) Guidance regarding the use of the new TCLP versus the EP Toxicity Test may be found at 55 FR 22660 (June 1, 1990). The code (40 CFR 268.40(a) and 268.41(a)) addressing this issue contains a serious technical error which is discussed in Footnote 11 found at the end of this checklist.

10) Adopting the alternate treatment standards for lab packs is optional. However, if a State chooses to adopt these alternate standards, all of the requirements related to these standards must be adopted, including all of the provisions added by the Third Third Scheduled Waste Rule (i.e., Revision Checklist 78) at 264.316(f), 265.316(f), 268.7(a)(7), 268.7(a)(8), 268.42(c), 268.42(c)(1)-(4), and Appendices IV and V to Part 268.

# RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

## PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

### SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

#### GENERAL

remove ", but is not  
listed as a hazardous  
waste in Subpart D";  
change "the EPA"  
to "every EPA";  
insert "that is  
applicable as"  
before "set forth";  
remove "in the  
respective charac-  
teristic" before "in  
this Subpart"; before  
"recordkeeping";  
change "certain" to  
"all applicable"

261.20(b)

#### CHARACTERISTIC OF IGNITABILITY

remove ", but is  
not listed as a  
hazardous waste  
in Subpart D."

261.21(b)

#### CHARACTERISTIC OF CORROSIVITY

remove ", but is  
not listed as a  
hazardous waste  
in Subpart D."

261.22(b)

#### CHARACTERISTIC OF REACTIVITY

remove ", but is  
not listed as a  
hazardous waste  
in Subpart D."

261.23(b)

#### CHARACTERISTIC OF EP TOXICITY

remove ", but is

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
not listed as a hazardous waste in Subpart D."	261.24(b)				

SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

add the waste  
code "F039" to list  
in alphanumeric  
order to list as  
specified below

261.31

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
* * *	* * *	*
F039.....	Leachate resulting from the treatment, storage, (T) or disposal of wastes classified by more than one waste code under Subpart D, or from a mixture of wastes classified under Subparts C and D of this part. (Leachate resulting from the manage- ment of one or more of the following EPA Hazardous Wastes and no other hazardous wastes retains its hazardous waste code(s): F020, F021, F022, F023, F026, F027, and/or F028.).	
* * *	* * *	*

DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF SPECIFICATION SPECIES, CONTAINER  
RESIDUES, AND SPILL RESIDUES THEREOF

- insert "or (f)"  
after "(e)";  
change "261.7(b)(3)"  
to "261.7(b)"

261.33(c)

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add "F039" to list  
in alphanumeric order  
as shown below:

Appendix VII

EPA hazardous  
waste No.

Hazardous constituents for  
which listed

\* \* \* \* \*

F039.....

All constituents for which treatment  
standards are specified for multi-source  
leachate (wastewaters and non-  
wastewaters) under 40 CFR 268.43(a),  
Table CCW.

\* \* \* \* \*

# RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

## PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

### SUBPART A - GENERAL

#### HAZARDOUS WASTE DETERMINATION

in the first sentence,  
replace "If" with  
"For purposes  
of compliance with  
40 CFR Part 268, or  
if"; remove "as a  
hazardous waste"  
after "listed"; replace  
"of 40 CFR Part 261"  
with "of this part";  
replace "he must  
determine" with  
"the generator must  
then determine"

262.11(c)

### SUBPART C - PRE-TRANSPORT REQUIREMENTS

#### ACCUMULATION TIME

replace "and with  
§265.16" with  
", with §265.16,  
and with 40 CFR  
268.7(a)(4)"

262.34(a)(4)

# RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

## PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

### SUBPART B - GENERAL FACILITY STANDARDS

revise comment  
following paragraph  
(a)(2) as follows:  
remove "or all" after  
"supply part"; add "  
except as otherwise  
specified in  
in 40 CFR 268.7(b)  
and (c)." to the  
second sentence

264.13(a)(2)

### SUBPART K - SURFACE IMPOUNDMENTS

#### SPECIAL REQUIREMENTS FOR IGNITABLE OF REACTIVE WASTE

insert "the waste  
and impoundment  
satisfy all applicable  
requirements of  
40 CFR Part 268 and"  
after "unless"

264.229

### SUBPART L - WASTE PILES

#### SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE

insert "the waste and  
waste pile satisfy all  
applicable requirements  
of 40 CFR Part 268,  
and" after "unless"

264.256



RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

SUBPART M - LAND TREATMENT

SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES

insert "the waste and  
the treatment zone  
meet all applicable  
requirements of  
40 CFR Part 268, and"  
after "unless"

264.281

SUBPART N - LANDFILLS

SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES

replace "in treated,  
rendered, or mixed  
before or immediately  
after placement in a  
landfill so that:" with  
"and landfill meet all  
applicable requirements  
of Part 268, and:"  
begin the first  
sentence with "Except  
for prohibited wastes  
which remain subject  
to treatment standards  
in Subpart D of  
Part 268,"

264.312(a)

264.312(b)

DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED  
DRUMS (LAB PACKS)

†,2 add new paragraph  
regarding disposal in  
compliance with Part  
268; requirement for  
fiber drums to meet  
DOT specifications  
and 264.316(b)  
requirements if  
incinerate lab packs

264.316(f)

# RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

## PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

### SUBPART A - GENERAL

#### PURPOSE, SCOPE, AND APPLICABILITY

replace "Part 268" with  
"40 CFR Part 268, and  
the 40 CFR Part 268  
standards are  
considered material  
conditions or  
requirements of the  
Part 265 interim  
status standards"

265.1(e)

### SUBPART B - GENERAL FACILITY STANDARDS

#### GENERAL WASTE ANALYSIS

revise comment  
following subparagraph  
(a)(2) as follows:  
remove "or all" after  
"supply part"; add  
, except as otherwise  
specified in 40 CFR  
268.7(b) and (c)."  
to the second  
sentence

265.13(a)(2)

### SUBPART K - SURFACE IMPOUNDMENTS

#### SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE

insert "the waste  
and impoundment  
satisfy all applicable  
requirements of  
40 CFR Part  
268, and"  
after "unless"

265.229

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

SUBPART L - WASTE PILES

SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE

insert "the waste and  
pile satisfy all  
applicable requirements  
of 40 CFR Part 268,  
and" after "unless" 265.256

SUBPART M - LAND TREATMENT

SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES

insert "the waste and  
treatment zone meet  
all applicable require-  
ments of 40 CFR  
Part 268, and" after  
"unless" 265.281

SUBPART N - LANDFILLS

SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES

replace "is treated,  
rendered, or mixed  
before or immediately  
after placement in a  
landfill so that:" with  
"and landfill meet all  
applicable requirements  
of 40 CFR 268, and:" 265.312(a)

begin the first  
sentence with "Except  
for prohibited wastes  
which remain subject  
to treatment standards  
in Subpart D of  
Part 268," 265.312(b)

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED  
DRUMS (LAB PACKS)

†,2 add new paragraph  
regarding disposal in  
compliance with Part  
268; requirement for  
fiber drums to meet  
DOT specifications  
and 265.316(b)  
requirements if  
incinerate lab packs

265.316(f)

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

3 wastes that are  
hazardous only  
because they exhibit  
a hazardous charac-  
teristic, and which  
are otherwise  
prohibited from  
land disposal  
if the wastes:  
disposed into  
a nonhazardous  
or hazardous injection  
well as defined in  
40 CFR 144.6(a)  
do not exhibit  
any prohibited  
characteristic of  
hazardous waste at  
the point of injection  
paragraph  
removed

268.1(c)(3)

268.1(c)(3)(i)

268.1(c)(3)(ii)

268.1(c)(5)

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

			STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
DEFINITIONS APPLICABLE TO THIS PART					
new introductory paragraph for definitions	268.2				
redesignate "halogenated organic compounds" or "HOCs" as 268.2(a)	268.2(a)				
redesignate "hazardous constituent or constituents" as 268.2(b)	268.2(b)				
redesignate "land disposal" as 268.2(c)	268.2(c)				
add "nonwastewaters"	268.2(d)				
redesignate "polychlorinated biphenyls" or "PCBs" as 268.2(e)	268.2(e)				
add "wastewaters" and the following exceptions:	268.2(f)				
"F001, F002, F003 F004, F005 solvent-water mixtures"	268.2(f)(1)				
"K011, K013, K014 wastewaters"	268.2(f)(2)				
"K103 and K104 wastewaters"	268.2(f)(3)				
add "inorganic solid debris"; specific inorganic or metal materials:	268.2(g)				
metal slags	268.2(g)(1)				
classified slag	268.2(g)(2)				
glass	268.2(g)(3)				
concrete	268.2(g)(4)				

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
masonry and refractory bricks	268.2(g)(5)				
metal cans, containers, drums or tanks	268.2(g)(6)				
metal nuts, bolts, pipes, pumps, valves, appliances, or industrial equipment	268.2(g)(7)				
scrap metal as defined in 40 CFR 261.1(c)(6)	268.2(g)(8)				
<b>DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT</b>					
8 begin sentence with "Except as provided in paragraph (b) of this section,"	268.3(a)				
new paragraph; permissible forms of dilution related to Sections 307 or 402 of the CWA	268.3(b)				
<b>WASTE ANALYSIS AND RECORDKEEPING</b>					
revise section to include more guidance on specifying treat- ment standards	268.7(a)(1)(ii)				
revise section to include more guidance on specifying treatment standards	268.7(a)(2)(i)(B)				
9 revise section to include more guidance on specifying treat- ment standards	268.7(a)(3)(ii)				

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
replace entire paragraph with new requirements for the development of a waste analysis plan and record-keeping requirements when treating in 262.34 tanks/containers; other requirements:	268.7(a)(4)				
what the waste analysis plan must be based on and contain	268.7(a)(4)(i)				
requirements for filing of waste analysis plan	268.7(a)(4)(ii)				
compliance with 268.7(a)(2) notification requirements for wastes shipped off-site	268.7(a)(4)(iii)				
remove subparagraph	268.7(a)(4)(iv)				
†,2 notification for a generator managing a lab pack that contains wastes identified in Appendix IV if use alternate treatment standards under 268.42; 268.7(a)(5)&(6) compliance; certification	268.7(a)(7)				

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
†,2 notice for a generator managing a lab pack that contains organic wastes specified in Appendix V if use alternate treatment standard under 268.42; 268.7(a)(5)&(6) compliance; certification	268.7(a)(8)				
notification and certification requirements for small quantity generators with tolling agreements pursuant to 40 CFR 262.20(e)	268.7(a)(9)				
revise section to include more guidance on specifying treatment standards	268.7(b)(4)(ii)				
insert "impermissible" in front of "dilution" in the certification paragraph	268.7(b)(5)(i)				
certification requirements for wastes with treatment standards expressed as concentrations in the waste pursuant to 268.43	268.7(b)(5)(iii)				
10 remove paragraph 268.7(b)(7) and redesignate 268.7(b)(8) as 268.7(b)(7)	268.7(b)(7)				



RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
begin the paragraph with "Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 CFR 266.20(b)."	268.7(c)				
remove paragraph	268.7(c)(3)				
remove paragraph	268.7(c)(4)				
<b>LANDFILL AND SURFACE IMPOUNDMENT DISPOSAL RESTRICTIONS</b>					
insert "As of May 8, 1990, this section is no longer in effect" at the end of the paragraph	268.8(a)				
<b>SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC</b>					
determination of applicable treatment standards under Subpart D of Part 268 by initial generator of a solid waste; code designation	268.9(a)				

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
the treatment standard for the waste code listed in 40 CFR Part 261, Subpart D will operate for wastes both listed under Subpart D, Part 261 and exhibit a characteristic under Subpart C, Part 261; conditions under which treatment standards for all applicable listed and characteristic waste codes must be met	268.9(b)				
no prohibited waste which exhibits a characteristic under 40 CFR Part 261, Subpart C may be land disposed unless waste complies with Part 268, Subpart D treatment standards	268.9(c)				
wastes that exhibit a characteristic are subject to all 268.7 requirements unless wastes are no longer hazardous; if not hazardous, notification/ certification sent to EPA Regional Administrator or authorized State	268.9(d)				
	268.9(d)(1)				
	268.9(d)(1)(i)				
	268.9(d)(1)(ii)				
information needed with each notification	268.9(d)(1)(iii)				

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
certification signed by authorized representative stating language found in 268.7(b)(5)(i)	268.9(d)(2)				

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS - THIRD THIRD WASTES

effective August 8,  
1990, prohibition  
from land disposal of  
certain wastes  
specified in  
261.31, 261.32,  
261.33(e) and 261.33(f)

268.35(a)

effective November 8,  
1990, prohibition  
from land disposal  
of certain wastes  
specified in 261.32

268.35(b)

effective May 8, 1992,  
prohibition from land  
disposal of certain  
wastes specified in  
261.31, 261.32,  
261.33(e), 261.33(f),  
certain characteristic  
wastes, inorganic  
debris defined in  
268.2(a)(7), and RCRA  
hazardous wastes  
containing naturally  
occurring radioactive  
materials

268.35(c)

effective May 8, 1992,  
prohibition from land  
disposal of 268.12  
mixed radioactive/  
hazardous wastes

268.35(d)

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
effective May 8, 1992, prohibition from land disposal of wastes specified in 268.35 as having Subpart D, Part 268 treatment standards based on incineration, mercury retorting, or vitri- fication, and which are contaminated soil or debris	268.35(e)				
between May 8, 1990, and August 8, 1990, wastes included in paragraph 268.35(a) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with 268.5(h)(2)	268.35(f)				
between May 8, 1990, and November 8, 1990, wastes included in paragraph 268.35(b) may be dis- posed of in a landfill or surface impound- ment only if such unit is in compliance with 268.5(h)(2)	268.35(g)				
between May 8, 1990, and May 8, 1992, wastes included in paragraphs 268.35(c), (d) and (e) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with 268.5(h)(2)	268.35(h)				

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
conditions under which requirements of paragraphs 268.35(a), (b), (c) (d) and (e) do not apply	268.35(i)				
wastes meet appli- cable 268 Sub- part D standards	268.35(i)(1)				
persons granted exemption under 268.6	268.35(i)(2)				
wastes meet applicable alternate standards under 268.44	268.35(i)(3)				
persons granted extension to the effective date of a prohibition under 268.5	268.35(i)(4)				
testing of waste to determine if 268.10, 268.11 and 268.12 wastes exceed applicable treatment standards specified in 268.41 and 268.43; consequences of exceeding standards	268.35(j)				

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

- 11 revise paragraph  
by adding the  
exception for  
certain wastes that  
may be land disposed  
if test methods  
in Appendix I, Part  
268 or Appendix II,  
Part 261 methods  
are used

268.40(a)

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

begin the paragraph  
with "Except as  
otherwise specified  
in §268.43(c)."

268.40(c)

TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

- 11 revise paragraph  
by adding the  
exception for  
certain wastes that  
Table CCWE identifies  
and whose  
constituents are  
extracted using  
test methods  
in Appendix I, Part  
268 or Appendix II,  
Part 261; compliance  
based on grab  
samples

268.41(a)

replace Table CCWE  
with new table  
as shown on pages  
22690 through 22692  
of this final rule

268.41(a)/  
Table CCWE

TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

treatment of wastes  
identified in  
268.42(a)(1)&(2) with  
technology specified  
in those sub-  
paragraphs and in  
Table 1 of 268.42

268.42(a)

insert "40 CFR" in  
front of "Part 264"  
and "Part 265";  
remove "or in boilers  
or industrial furnaces  
burning in accordance  
with applicable  
regulatory standards"

268.42(a)(2)

remove paragraph

268.42(a)(3)

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
remove paragraph	268.42(a)(4)				
add new Table 1 addressing Technology Codes and Description of Technology-Based Standards as shown on pages 22693 and 22694 of this final rule	268.42(a)(4)				
Technology-Based Standards by RCRA Waste Code as shown on pages 22694 through 22700 of this final rule	268.42(a)/Table 1				add new table on
add new table on Technology-Based Standards for Specific Radioactive Hazardous Mixed Waste as shown on page 22700 of this final rule	268.42(a)/Table 2				
	268.42(a)/Table 3				

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Guidance note: 268.42 is NOT DELEGABLE. States should see Note 5 at the beginning of this checklist regarding how to incorporate this paragraph into their code.

replace  
"paragraph (a)" with  
"paragraphs (a), (c),  
and (d)" in two places

268.42(b)

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†,2 ALTERNATE TREATMENT STANDARDS FOR LAB PACKS

conditions for  
eligibility of  
lab packs for  
land disposal:

268.42(c)

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
compliance of lab packs with applicable provisions of 264.316 and 265.316	268.42(c)(1)				
Part 268 Appendix IV and Appendix V hazardous wastes contained in lab packs	268.42(c)(2)				
incineration of lab packs in accordance with Part 264, Subpart O and Part 265, Subpart O requirements	268.42(c)(3)				
treatment standards for incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010 and D011	268.42(c)(4)				
12 radioactive hazardous mixed wastes with Table 3 treatment standards not subject to 268.41, 268.43 or Table 2 treatment standards; radioactive hazardous mixed wastes not subject to Table 3 treatment standards remain subject to 268.41, 268.43 and Table 2 treatment standards	268.42(d)				



RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

			STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS					
replace the last sentence with "Compliance with these concentrations is required based upon grab samples, unless otherwise noted in the following Table CCW"	268.43(a)				
replace Table CCW with new table as shown on pages 22701 through 22713 of this final rule	268.43(a)/Table CCW				
conditions for demonstrating compliance with treatment standards for organic constituents provided:	268.43(c)				
treatment for organic constituents established based on incineration in units operated in accordance with Subpart O requirements of Part 264 or Part 265 or based on combustion in fuel substitution units in accordance with applicable technical requirements	268.43(c)(1)				
organic constituents treated using paragraph 268.43(c)(1) methods	268.43(c)(2)				
good-faith efforts fail to detect the organic constituents; when such efforts must be demonstrated	268.43(c)(3)				

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

APPENDIX IV TO PART 268

†,2 ORGANOMETALLIC LAB PACKS

add Appendix IV  
as shown on page  
22713 of this final  
rule

Appendix IV

APPENDIX V TO PART 268

†,2 ORGANIC LAB PACKS

add Appendix V  
as shown on pages  
22713 and 22714 of  
this final rule

Appendix V

APPENDIX VI TO PART 268

RECOMMENDED TECHNOLOGIES TO ACHIEVE DEACTIVATION OF CHARACTERISTICS IN  
SECTION 268.42

add Appendix VI  
as shown on pages  
22714 and 22715 of  
this final rule

Appendix VI

APPENDIX VII TO PART 268

EFFECTIVE DATES OF SURFACE DISPOSED WASTES REGULATED LDRs (COMPREHENSIVE LIST)

add Appendix VII  
as shown on pages  
22715 through 22718  
of this final rule

Appendix VII

APPENDIX VIII TO PART 268

NATIONAL CAPACITY LDR VARIANCES FOR UIC WASTES (COMPREHENSIVE LIST)

add Appendix VIII  
as shown on pages  
22718 and 22719 of  
this final rule

Appendix VIII

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 270 - EPA-ADMINISTERED PERMIT PROGRAMS; THE HAZARDOUS  
WASTE PERMIT PROGRAM

SUBPART D - CHANGES TO PERMIT

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

13 CLASSIFICATION OF PERMIT MODIFICATION

redesignate old  
B(1)(b) as B(1)(c)  
and add new item  
involving F039  
under General  
Facility Standards  
as shown below

270.42,  
Appendix I

Modifications						Class
*	*	*	*	*	*	
B. General Facility Standards						
1.	*	*	*			
	b.	To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.....				1
*	*	*	*	*	*	

<sup>1</sup> Unlike the other changes addressed by this checklist, the change to 261.33(c) is not imposed pursuant to HSWA. Thus, this change is placed in non-HSWA Cluster VI.

<sup>2</sup> This code is part of the optional requirements for the alternate treatment standards for lab packs under the Third Third Scheduled Waste Rule. If adopted, all of the requirements (i.e., 264.316(f), 265.316(f), 268.7(a)(7), 268.7(a)(8), 268.42(c), 268.42(c)(1)-(4), and Appendices IV and V to Part 268) related to these alternate treatment standards must be adopted.

<sup>3</sup> This is a new subparagraph introduced into the code by Revision Checklist 78. The original subparagraph 268.1(c)(3) was introduced by Revision Checklist 34, modified by Revision Checklist 39,

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
then removed by Revision Checklist 50, with 268.1(c)(4) redesignated as (c)(3). The redesignated subparagraph 268.1(c)(3) was subsequently removed by Revision Checklist 66.					
4	This paragraph was originally part of 268.2(a) when it was entered into the code by Revision Checklist 34. Revision Checklist 78 renumbered it as 268.2(b) and removed the old 268.2(b) introduced by Revision Checklist 34.				
5	The definition of land disposal was introduced into the code as part of 268.2(a) by Revision Checklist 34. It was modified by Revision Checklist 39 and designated as 268.2(c) by Revision Checklist 78.				
6	Note there is a typographical error in the <u>Federal Register</u> notice for Revision Checklist 78 (55 <u>FR</u> 22520, June 1, 1990). The reference to "(g)(6)" should be to "(f)."				
7	This definition was introduced by Revision Checklist 39 as part of 268.2(a). it was redesignated as 268.2(e) by Revision Checklist 78.				
8	Paragraph 268.3(a) was originally introduced into the code by Revision Checklist 34 as 268.3, and was then revised by Revision Checklist 39. Revision Checklist 78 revised and redesignated it as 268.3(a).				
9	Note that on page 22687 of the final rule addressed by this checklist, it appears that 268.7(a)(3)(iii)-(v) were removed. This is an error and these three subparagraphs should remain in the code.				
10	This paragraph was originally 268.7(b)(8) when it was entered into the code by Revision Checklist 50, but it was redesignated as 268.7(b)(7) by Revision Checklist 78 because the old 278.7(b)(7) and 278.7(b)(7)(i)-(iv) were removed by Revision Checklist 78. Revision Checklist 66 corrected 268.7(b)(8) before it was redesignated by Revision Checklist 78.				
11	The current text of 268.40(a) and 268.41(a) indicates that an extract or treatment residue of certain wastes may be land disposed only if certain requirements are met using either the test method in Appendix I of Part 268 or the test method in Appendix II of Part 261. Following promulgation of the March 29, 1990 Toxicity Characteristics rule addressed by Revision Checklist 74 (55 <u>FR</u> 11798, as amended at 55 <u>FR</u> 26986), both of these appendices relate to the same test method, the TCLP. Previously, the Part 261 appendix contained the EP Toxicity test procedures while the Part 268 appendix contained the TCLP. EPA will issue a correction to the rule for these particular paragraphs in the near future, clarifying which procedures may be used. Until such time, however, EPA indicates that for the specific waste exceptions listed in these paragraphs the TCLP can be used for measuring compliance with the treatment standards for those specified wastes, and, if the extract or treatment residue fails that test, the EP Toxicity test can be used. If the extract or residue passes that less stringent test, then such waste is considered in compliance with the treatment standards. For more information related to the use of either of the two test methods, see the discussion at 55 <u>FR</u> 22660 (June 1, 1990).				
12	The 55 <u>FR</u> 22520, June 1, 1990, code incorrectly states that a subparagraph 268.42(e) is added. The <u>Federal Register</u> did not contain a 268.42(e); it only added 268.42(d).				

RCRA REVISION CHECKLIST 78: Land Disposal Restrictions for  
Third Third Scheduled Wastes (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

<sup>13</sup> Appendix I was introduced by Revision Checklist 54 as an optional modification to section 270.42. Changes to this appendix addressed by Revision Checklist 78 are relevant only if a State has modified its code to include Appendix I as per Revision Checklist 54.