

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 92

Wood Preserving Listings; Technical Corrections

56 FR 30192-30198

July 1, 1991

(RCRA Cluster II, HSWA and Non-HSWA provisions)

Notes: 1) The rule addressed by this checklist makes technical corrections to the Wood Preserving listing rule (55 FR 50450; December 6, 1990; Revision Checklist 82). States are strongly encouraged to adopt these technical corrections at the same time the Revision Checklist 82 provisions are adopted. Those States that have already adopted the Revision Checklist 82 provisions should adopt Revision Checklist 92 as soon as possible.

2) Note that on June 13, 1991 (56 FR 27332), an administrative stay was published affecting the December 6, 1990 (55 FR 50450; Revision Checklist 82) final rule. Because the Federal code was changed, a checklist was developed, Revision Checklist 91. All of the changes addressed by that checklist are optional.

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 A - GENERAL

EXCLUSIONS

redesignate

261.4(a)(9) as

261.4(a)(9)(i); delete

"used and are" after

"been"; insert "are"

before "reused";

replace closing

"." with "; and"

261.4(a)(9)(i)

add new paragraph

excluding waste-

waters from the wood

preserving process

that have been

reclaimed and are

reused to treat wood

261.4(a)(9)(ii)

RCRA REVISION CHECKLIST 92: Wood Preserving Listings;
Technical corrections (cont'd)

SPA 12

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

SUBPART D - LISTS OF HAZARDOUS WASTES

1 DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING AND
REPLACEMENT

generators must either
clean or replace all
specified process
equipment that may
have come into
contact with
chlorophenolic
formulations or
constituents

261.35(b)

generators shall do
one of the following:

261.35(b)(1)

prepare and follow an
equipment cleaning
plan; clean equipment
in accordance with
261.35

261.35(b)(1)(i)

prepare and follow an
equipment replace-
ment plan; replace
equipment in accor-
dance with 261.35

261.35(b)(1)(ii)

document cleaning
and replacement in
accordance with
261.35, carried out
after termination of
use of chlorophenolic
preservations

261.35(b)(1)(iii)

cleaning requirements

261.35(b)(2)

prepare and sign a
written equipment
cleaning plan that
describes:

261.35(b)(2)(i)

equipment

to be cleaned

261.35(b)(2)(i)(A)

how equipment

will be cleaned

261.35(b)(2)(i)(B)

RCRA REVISION CHECKLIST 92: Wood Preserving Listings;
Technical corrections (cont'd)

SPA 12

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
solvent to be used in cleaning	261.35(b)(2)(i)(C)				
how solvent rinses will be tested	261.35(b)(2)(i)(D)				
how cleaning residues will be disposed	261.35(b)(2)(i)(E)				
equipment must be cleaned as follows:	261.35(b)(2)(ii)				
remove all visible residues from process equipment	261.35(b)(2)(ii)(A)				
rinse with appropriate solvent until no dioxin or dibenzofuran detection in final solvent rinse	261.35(b)(2)(ii)(B)				
analytical requirements	261.35(b)(2)(iii)				
test rinses as per SW-846, Method 8290	261.35(b)(2)(iii)(A)				
"not detected" defined	261.35(b)(2)(iii)(B)				
generator manages cleaning process residues as F032 waste	261.35(b)(2)(iv)				
replacement requirements	261.35(b)(3)				
prepare and sign written equipment replacement plan that describes:	261.35(b)(3)(i)				
equipment to be replaced	261.35(b)(3)(i)(A)				
how equipment will be replaced	261.35(b)(3)(i)(B)				
how equipment will be disposed	261.35(b)(3)(i)(C)				
generator must manage discarded equipment as F032 waste	261.35(b)(3)(ii)				
documentation requirements	261.35(b)(4)				

RCRA REVISION CHECKLIST 92: Wood Preserving Listings;
Technical corrections (cont'd)

SPA 12

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
document previous equipment cleaning and/or replacement performed in accordance with 261.35 and occurred after cessation of chlorophenolic preservative use	261.35(b)(4)(i)				

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART C - PRE-TRANSPORT REQUIREMENTS

ACCUMULATION TIME

- | | |
|--|-------------------|
| 2 the waste is
placed: | 262.34(a)(1) |
| in containers
and generator
complies with
Subpart I of
Part 265; and/or | 262.34(a)(1)(i) |
| in tanks
and generator
complies with
Subpart J of
Part 265, except
265.197(c) and
265.200; and/or | 262.34(a)(1)(ii) |
| on drip pads
and generator
complies with
Subpart W of
Part 265 and main-
tains following
records at the
facility: | 262.34(a)(1)(iii) |

RCRA REVISION CHECKLIST 92: Wood Preserving Listings;
Technical corrections (cont'd)

SPA 12

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
description of procedures to ensure all wastes are removed from drip pad and associated collection system at least once every 90 days	262.34(a)(1)(iii)(A)				
documentation of each waste removal, including quantity, date and time of removal; generator exempt from Subparts G and H of Part 265, except 265.111 and 265.114	262.34(a)(1)(iii)(B)				
3 remove 262.34(a)(2) as added by 55 FR 50450; redesignate 262.34(a)(3) as 262.34(a)(2)	262.34(a)(2)				
redesignate 262.34(a)(4) as 262.34(a)(3)	262.34(a)(3)				
redesignate 262.34(a)(5) as 262.34(a)(4)	262.34(a)(4)				

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

4 SUBPART W - DRIP PADS

APPLICABILITY

insert ", precipitation, and/or surface water run-on" after

"drippage" 264.570(a)

change "§264.572(e)

or §264.572(f)"

to "§264.573(e)

or §264.573(f)" 264.570(b)

RCRA REVISION CHECKLIST 92: Wood Preserving Listings;
Technical corrections (cont'd)

SPA 12

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
ASSESSMENT OF EXISTING DRIP PAD INTEGRITY					
change "264.572(b)" to "264.573(b)" and "264.572" to "264.573" each time they appear in this paragraph	264.571(a)				
change "264.572(b)" to "264.573(b)"; add a comma after "subpart" in first sentence; change "264.572" to "264.573"	264.571(b)				
change "264.572" to "264.573" in first and last sentences; delete "as" after "deadline"; change "264.572(b)" to "264.573(b)"	264.571(b)(3)				
insert "upgrades" after "all"	264.571(c)				
change "264.572(m)" to "264.573(m)"; change "264.574" to "264.575"	264.571(d)				
DESIGN AND INSTALLATION OF NEW DRIP PADS					
redesignate Section 264.575 as Section 264.572; change "264.572, 264.573 and 264.574" to "264.573, 264.574 and 264.575"	264.572				
DESIGN AND OPERATING REQUIREMENTS					
redesignate old Section 264.572 as Section 264.573	264.573				
no change was made to these subparagraphs	264.573(a)(1)-(4)				

RCRA REVISION CHECKLIST 92: Wood Preserving Listings;
Technical corrections (cont'd)

SPA 12

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
7 delete "of installation, and the stress"	264.573(a)(5)				
change "A drip pad" to "A new drip pad or an existing drip pad, after the deadline established in §264.571(b) of this subpart."	264.573(b)				
no change was made to these subparagraphs	264.573(b)(1)(i)-(iii)				
no change was made to these subparagraphs	264.573(b)(2)- (b)(2)(i)(A)				
remove "and" after the ending semicolon	264.573(b)(2)(i)(B)				
change the "." at the end of the requirement to "; and"	264.573(b)(2)(ii)				
replace second "run-on" with "run-off"; delete , or the drip pad is protected by a struc- ture or cover, as described in §264.570(b) of this subpart"	264.573(e)				
replace "could lead to" with "may have caused"	264.573(m)				
replace "has led or could lead to" with "may have caused or has caused"	264.573(m)(1)				
replace "(m)(3)" with "(m)(1)(iv)"	264.573(m)(3)				
INSPECTIONS					
redesignate old Section 264.573 as Section 264.574	264.574				

RCRA REVISION CHECKLIST 92: Wood Preserving Listings;
Technical corrections (cont'd)

SPA 12

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
change "264.572" to "264.573"; insert a comma between "installation" and "liners" in last sentence		264.574(a)			
CLOSURE					
redesignate old Section 264.574 as Section 264.575		264.575			
change "practically" after "contaminated subsoils can be" to "practicably"; change "for the purposes of closure" to "for the purpose of closure"		264.575(b)			
change "264.572(b)(1)" to "264.573(b)(1)"		264.575(c)(1)			
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES					
SUBPART W - DRIP PADS					
APPLICABILITY					
insert ", precipitation, and/or surface water run-on" after "drippage"		265.440(a)			

RCRA REVISION CHECKLIST 92: Wood Preserving Listings;
Technical corrections (cont'd)

SPA 12

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
DESIGN AND OPERATING REQUIREMENTS					
redesignate 265.443(b)(2)(ii) as 265.443(b)(2)(iii); add new paragraph 265.443(b)(2)(ii) regarding design and operation to function without clogging through scheduled drip pad closure	265.443(b)(2)(ii)				
old 265.443(b)(2)(ii) becomes 265.443(b)(2)(iii)	265.443(b)(2)(iii)				
replace "could lead to" with "may have caused"	265.443(m)				
replace "has led or could lead to" with "may have caused or has caused"	265.443(m)(1)				
change the internal reference "265.443(m)(3)" to "265.443(m)(1)(iv)"	265.443(m)(3)				

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

SUBPART B - PERMIT APPLICATION

SPECIAL PART B INFORMATION REQUIREMENTS FOR DRIP PADS

- 8 redesignate the
Section 270.22
introduced at
55 FR 50450 as
Section 270.26
change "264.572"
to "264.573"

270.26

270.26(c)

RCRA REVISION CHECKLIST 92: Wood Preserving Listings;
Technical corrections (cont'd)

SPA 12

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
change "264.572" to "264.573"	270.26(c)(14)				
change "264.571" to "264.573"	270.26(c)(15)				
change "264.573(a)" to "264.575(a)"	270.26(c)(16)				

- ¹ Revision Checklist 82 originally introduced §261.35 into the code. This technical correction makes extensive formatting and wording changes to 261.35(b). Thus, the Federal requirement description summarizes the requirements rather than the changes.
- ² Although the Federal Register for this technical correction contains the text of the introductory paragraph of §262.34, i.e., 262.34(a), no revisions were made to this paragraph and, as such, it has not been included in this checklist. Also, as this technical correction makes extensive changes to this section of code, the Federal requirement description summarizes the requirements rather than the changes.
- ³ By redesignating 262.34(a)(3) as 262.34(a)(2), the text of the previous 262.34(a)(2) is effectively deleted. However, it is noted that most of that previous text has been incorporated into 262.34(a)(1) at 262.34(a)(1)(iii) and (iii)(A)-(B), also through this technical correction notice to the wood preserving listing rule.
- ⁴ The entire text of Subpart W of Part 264 was printed in the Federal Register for this checklist. This was done to demonstrate the numeration of each citation following the redesignation of sections to correspond with the order of the sections in Subpart W of Part 265. Numerous paragraphs within the redesignated sections have had no revisions made to them; these paragraphs have not been included in this checklist. Paragraphs that contain revisions, whether revisions to the wording of the paragraphs or to internal references within the paragraphs because of the renumbering, are addressed by this checklist.
- ⁵ Note that a typographical error occurs in the text of 264.571(b) in the Federal Register for this checklist; "in sufficient detail" should not be changed to "insufficient detail."
- ⁶ Note that a typographical error occurs in the text of 264.571(b)(3) in the Federal Register for this checklist; "leak detection systems" should not be changed to "lead detection systems."
- ⁷ Note that a typographical error occurs in the text of 264.573(a)(5) in the Federal Register for this checklist; "daily perations" should be "daily operations" as introduced into the code by Revision Checklist 82 (55 FR 50450).
- ⁸ Note that the Boilers and Industrial Furnaces rule (56 FR 7134; February 21, 1991; Revision Checklist 85) also placed its specific Part B information requirements at 270.22, inadvertently displacing the wood preserving requirements.