

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 109

Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris57 FR 37194-37282

August 18, 1992

(RCRA Cluster III, HSWA provisions)

Note: This checklist may be subject to change in the future. EPA's State and Regional 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.

2) The following Part 268 sections are not delegable to States because of the national concerns that 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 do 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. 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 nondelegable section.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART A - GENERAL						
DEFINITIONS						
add "containment building"	260.1					
revise "miscellaneous unit"	260.1					
revise "pile"	260.1					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE								
SUBPART A - GENERAL								
DEFINITION OF HAZARDOUS WASTE								
insert "of this part" after the first "subpart C"; insert "," before "or unless"; add a sentence addressing the relationship of nonwastewater mixtures and the Part 268 requirements	261.3(a)(2)(iii)							

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
split paragraph into two subparagraphs, (C)(1)&(2), with the second subparagraph addressing the notification for HTMR residues; in first subparagraph, insert ", K062 or F006" after "K061"; replace "(as defined in 40 CFR 260.10(6), (7), and (12))" with "(as defined in paragraphs (6), (7), and (13) of the definition for 'Industrial Furnace' in 40 CFR 260.10)"; replace "identified below" with "identified in the tables in this paragraph"; replace "The generic exclusion levels are:" with a sentence addressing burden of proof for persons claiming this exclusion in an enforcement action; replace single table with the two tables indicated at 57 FR 37264	261.3(c)(2)(ii)(C)(1)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
completely revise requirements addressing notification and certification; one- time notification and certification for K061, K062 or F006 HTMR residues, which meet generic exclusion levels and exhibit no characteristics, that are sent to Subtitle D units; update of notification and certification; annual EPA/State notification; deadline for submission to EPA/State; what the notification must include; certification signed by authorized representative and what it must state	261.3(c)(2)(ii)(C)(2)					
add new paragraph and subparagraphs addressing debris that is excluded from regulation provided it meets specified criteria:	261.3(f)					
Part 268-defined hazardous debris treated using a specified 268.45, Table 1, extraction or destruction technology; burden of proof on claimant in an enforcement action	261.3(f)(1)					
Part 268-defined debris determined by Regional Administrator to no longer be contaminated with hazardous waste	261.3(f)(2)					

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART C - PRE-TRANSPORT REQUIREMENTS						
ACCUMULATION TIME						
replace ";" at the end of text with a ":"	262.34(a)(1)(iii)					
replace "." with "; and/or"	262.34(a)(1)(iii)(B)					
add new subparagraphs addressing waste placed in containment buildings; compliance with 265, Subpart DD; professional engineer certification of compliance with 265.1101 design standards placed in operating record no later than 60 days after the date of initial unit operation; requirements after February 18, 1993; records which must be maintained	262.34(a)(1)(iv)					
written description of procedures to ensure each waste volume remains in unit for no more than 90 days; written description of waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit; documentation that procedures are complied with	262.34(a)(1)(iv)(A)					
documentation that unit is emptied at least once every 90 days	262.34(a)(1)(iv)(B)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
1 remove first paragraph numbered (a)(2) (including (a)(2)(i)&(ii)); remove unnumbered paragraph following (a)(2)(ii)	262.34(a)(2)					

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

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

remove "and" from the end of paragraph	264.110(b)(1)					
replace "." with ";	264.110(b)(2)					
replace "." with ";; and"	264.110(b)(3)					
add new paragraph addressing containment buildings that are required under 264.1102 to meet the requirements for landfills	264.110(b)(4)					

CLOSURE PERFORMANCE STANDARD

change ", and 264.601 through 264.603" to ", 264.601 through 264.603, and 264.1102"	264.111(c)					
---	------------	--	--	--	--	--

CLOSURE PLAN; AMENDMENT OF PLAN

replace "264.90 et seq." with "subpart F of this part"; change "and 264.601" to ", 264.601 and 264.1102"	264.112(a)(2)					
--	---------------	--	--	--	--	--

SUBPART H - FINANCIAL REQUIREMENTS

APPLICABILITY

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace ", and" with ";;"	264.140(b)(1)					
replace "." with ";;"	264.140(b)(2)					
replace "." with ";; and"	264.140(b)(3)					
add new paragraph regarding containment buildings that are required under 264.1102 to meet the requirements for landfills	264.140(b)(4)					

COST ESTIMATE FOR CLOSURE

change ", and 264.601 through 264.603" to " 264.601 through 264.603, and 264.1102"	264.142(a)					
---	------------	--	--	--	--	--

SUBPART DD - CONTAINMENT BUILDINGS

APPLICABILITY

applies to owners/operators storing or treating hazardous waste in units designed and operated under 264.1101; effective February 18, 1993, but may notify Regional Administrator of earlier time; not subject to definition of land disposal in RCRA 3004(k) provided unit:	264.11					
is a completely enclosed, self-supporting structure designed and constructed as specified	264.1100(a)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
has a primary barrier designed to withstand movement of personnel, wastes and handling equipment within unit	264.1100(b)					
if used to manage liquids:	264.1100(c)					
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	264.1100(c)(1)					
liquid collection system to minimize accumulation of liquid on primary barrier	264.1100(c)(2)					
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 264.1101(b)(4)	264.1100(c)(3)					
controls to prevent fugitive dust emissions to meet 264.1101(c)(1)(iv) standards	264.1100(d)					
designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	264.1100(e)					
DESIGN AND OPERATING STANDARDS						
all containment buildings must comply with following design standards:	264.1101(a)					
completely enclosed as specified	264.1101(a)(1)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	264.1101(a)(2)					
provide effective barrier against fugitive dust emissions under 264.1101(c)(1)(iv)	264.1101(a)(2)(i)					
unit designed and operated so that wastes do not contact openings	264.1101(a)(2)(ii)					
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	264.1101(a)(3)					
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	264.1101(a)(4)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
requirements for hazardous waste containing free liquids or treated with free liquids:	264.1101(b)					
primary barrier to prevent migration of hazardous constituents into the barrier	264.1101(b)(1)					
liquid collection and removal system to minimize accumulation of liquid on primary barrier:	264.1101(b)(2)					
primary barrier sloped to drain liquids to collection system	264.1101(b)(2)(i)					
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time	264.1101(b)(2)(ii)					
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	264.1101(b)(3)					
what must be installed at a minimum to satisfy leak detection component of secondary containment system	264.1101(b)(3)(i)					
constructed with 1% or greater bottom slope	264.1101(b)(3)(i)(A)					
granular, synthetic, or geonet drainage materials as specified	264.1101(b)(3)(i)(B)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	264.1101(b)(3)(ii)					
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	264.1101(b)(3)(iii)					
for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	264.1101(b)(4)					
2 provide written notice by February 18, 1993; what notice must contain	264.1101(b)(4)(i)					
respond to Regional Administrator comments within 30 days	264.1101(b)(4)(ii)					
if approved, fulfill terms of revised plans	264.1101(b)(4)(iii)					
owners and operators of all containment buildings must:	264.1101(c)					
use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	264.1101(c)(1)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
maintain primary barrier as specified	264.1101(c)(1)(i)					
maintain level of stored/treated hazardous waste as specified	264.1101(c)(1)(ii)					
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	264.1101(c)(1)(iii)					
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	264.1101(c)(1)(iv)					
certification by qualified registered professional engineer; for units in operation prior to February 18, 1993, certification placed in operating record or on-site files no later than 60 days after date of initial operation; after February 18, 1993, PE certification required prior to operation of unit	264.1101(c)(2)					
prompt repairs of unit throughout active life as specified, according to the following procedures:	264.1101(c)(3)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
3 detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	264.1101(c)(3)(i)					
enter record of discovery in facility operating record	264.1101(c)(3)(i)(A)					
immediately remove portion of containment building affected by the condition from service	264.1101(c)(3)(i)(B)					
determine steps to be taken for repair, remove leakage from secondary collection system and establish schedule for cleanup and repairs	264.1101(c)(3)(i)(C)					
within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	264.1101(c)(3)(i)(D)					
Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	264.1101(c)(3)(ii)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
written notification to Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 264.1101(c)(3)(i)(D) plan	264.1101(c)(3)(iii)					
what must be inspected and recorded in facility's operating records, at least once every seven days	264.1101(c)(4)					
for containment buildings that contain areas both with and without secondary containment, the owner/operator must:	264.1101(d)					
design and operate each area in accordance with 264.1101(a)-(c) requirements	264.1101(d)(1)					
take measures to prevent release of liquids or wet materials into areas without secondary containment	264.1101(d)(2)					
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	264.1101(d)(3)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	264.1101(e)					

CLOSURE AND POST-CLOSURE CARE

what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 264 Subpart G & H requirements	264.1102(a)					
if 264.1102(a) requirements met and not all contaminated subsoils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 264.310; owner/operator must meet 264 Subpart G & H requirements for landfills	264.1102(b)					
reserved	264.1103-264.1110					

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

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

remove "and" from end of paragraph	265.110(b)(1)					
remove "and" from end of paragraph	265.110(b)(2)					
replace "." with "; and"	265.110(b)(3)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph addressing containment buildings that are required under 265.1102 to meet the requirements for landfills	265.110(b)(4)					
CLOSURE PERFORMANCE STANDARD						
change "and 265.404" to ", 265.404, and 264.1102"	265.111(c)					
CLOSURE PLAN; AMENDMENT OF PLAN						
4 replace "§§ 265.90 et seq." with "subpart F of this part, §§"; change " and 265.404" to ", 265.404, and 264.1102"	265.112(d)(4)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
SUBPART H - FINANCIAL REQUIREMENTS								
APPLICABILITY								
265.144 and 265.146 apply only to owners and operators of:	265.140(b)							
disposal facilities	265.140(b)(1)							
tank systems required to meet landfill requirements under 264.197	265.140(b)(2)							
containment buildings required to meet landfill requirements	265.140(b)(3)							
COST ESTIMATE FOR CLOSURE								
replace "of §§ 265.178" with "in §§ 265.178"; change "and 265.404" to ", 265.404 and 265.1102"	265.142(a)							

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART K - SURFACE IMPOUNDMENTS

DESIGN AND OPERATING REQUIREMENTS

add new paragraph regarding surface impoundments newly subject to RCRA §3005(j)(1) must be in compliance with 265.221(a),(c)&(d) no later than 48 months after additional characteristic or listing promulgation; Part 268 land disposal prohibitions or an extension to an effective date, within the 48-month period, shall not cut short compliance period	265.221(h)					
---	------------	--	--	--	--	--

SUBPART DD - CONTAINMENT BUILDINGS

APPLICABILITY

applies to owners/operators storing or treating hazardous waste in units designed and operated under 265.1101; effective February 18, 1993, but may notify Regional Administrator of earlier time; not subject to definition of land disposal in RCRA 3004(k) provided unit:	265.11					
is a completely enclosed, self supporting structure designed and constructed as specified	265.1100(a)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
has a primary barrier designed to withstand movement of personnel, wastes and handling equipment within unit	265.1100(b)					
if used to manage liquids:	265.1100(c)					
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	265.1100(c)(1)					
liquid collection system to minimize accumulation of liquid on primary barrier	265.1100(c)(2)					
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 265.1101(b)(4)	265.1100(c)(3)					
5 controls to prevent fugitive dust emissions	265.1100(d)					
designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	265.1100(e)					
DESIGN AND OPERATING STANDARDS						
all containment buildings must comply with following design standards:	265.1101(a)					
completely enclosed as specified	265.1101(a)(1)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	265.1101(a)(2)					
provide effective barrier against fugitive dust emissions under 265.1101(c)(1)(iv)	265.1101(a)(2)(i)					
unit designed and operated so that wastes do not contact openings	265.1101(a)(2)(ii)					
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	265.1101(a)(3)					
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	265.1101(a)(4)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
requirements for hazardous waste containing free liquids or treated with free liquids:	265.1101(b)					
primary barrier to prevent migration of hazardous constituents into the barrier	265.1101(b)(1)					
liquid collection and removal system to prevent accumulation of liquid on primary barrier:	265.1101(b)(2)					
primary barrier sloped to drain liquids to collection system	265.1101(b)(2)(i)					
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time to protect human health and environment	265.1101(b)(2)(ii)					
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	265.1101(b)(3)					
what must be installed at a minimum to satisfy leak detection component of secondary containment system	265.1101(b)(3)(i)					
construct with 1% or greater bottom slope	265.1101(b)(3)(i)(A)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
granular, synthetic, or geonet drainage materials as specified	265.1101(b)(3)(i)(B)					
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	265.1101(b)(3)(ii)					
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	265.1101(b)(3)(iii)					
for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	265.1101(b)(4)					
provide written notice by February 18, 1993; what notice must contain	265.1101(b)(4)(i)					
respond to Regional Administrator comments within 30 days	265.1101(b)(4)(ii)					
if approved, fulfill terms of revised plans	265.1101(b)(4)(iii)					
owners and operators of all containment buildings must:	265.1101(c)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	265.1101(c)(1)					
maintain primary barrier as specified	265.1101(c)(1)(i)					
maintain level of stored/treated hazardous waste as specified	265.1101(c)(1)(ii)					
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	265.1101(c)(1)(iii)					
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	265.1101(c)(1)(iv)					
certification by qualified registered professional engineer; for units in operation prior to February 18, 1993, certification placed in operating record or on-site files no later than 60 days after date of initial operation; after February 18, 1993, PE certification required prior to operation of unit	265.1101(c)(2)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
prompt repairs of unit throughout active life, according to the following procedures:	265.1101(c)(3)					
detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	265.1101(c)(3)(i)					
enter record of discovery in facility operating record	265.1101(c)(3)(i)(A)					
immediately remove portion of containment building affected by the condition from service	265.1101(c)(3)(i)(B)					
determine steps to be taken for repair; remove leakage from secondary collection system and establish schedule for cleanup and repairs	265.1101(c)(3)(i)(C)					
within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	265.1101(c)(3)(i)(D)					
Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	265.1101(c)(3)(ii)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
written notification of Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 265.1101(c)(3)(i)(D) plan	265.1101(c)(3)(iii)					
what must be inspected and recorded in facility's operating records, at least once every seven days	265.1101(c)(4)					
for containment building that contains both areas with and without secondary containment, the owner/operator must:	265.1101(d)					
design and operate each area in accordance with 265.1101(a)-(c) requirements	265.1101(d)(1)					
take measures to prevent release of liquids or wet materials into areas without secondary containment	265.1101(d)(2)					
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	265.1101(d)(3)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	265.1101(e)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
CLOSURE AND POST-CLOSURE CARE						
what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 265 Subparts G & H requirements	265.1102(a)					
if 265.1102(a) requirements met and not all contaminated soils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 265.310; owner/operator must meet 265 Subparts G & H requirements for landfills	265.1102(b)					
reserved	265.1103-265.1110					
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART A - GENERAL						
DEFINITIONS APPLICABLE IN THIS PART						
remove definition of "inorganic solid debris"; add new paragraph defining "debris"	268.2(g)					
add new paragraph defining "hazardous debris"	268.2(h)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

Guidance note: 268.5 is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this section into their code.

PROCEDURES FOR CASE-BY-CASE EXTENSIONS TO AN EFFECTIVE DATE

replace";" with "; or" at the end of the paragraph	268.5(h)(2)(ii)					
replace "." with "; or" at the end of the paragraph	268.5(h)(2)(iv)					
redesignate old 268.5(h)(2)(v) as 268.5(h)(2)(vi); add new paragraph addressing surface impoundments newly subject to RCRA 3006(j)(1); compliance with 265 Subpart F within 12 months and with 265.221(a), (c), and (d) within 48 months; effect of a national capacity variance	268.5(h)(2)(v)					
old 268.5(h)(2)(v) becomes new 268.5(h)(2)(vi)	268.5(h)(2)(vi)					

WASTE ANALYSIS AND RECORDKEEPING

remove "and" from end of subparagraph	268.7(a)(1)(iii)					
6 redesignate old 268.7(a)(1)(iv) as 268.7(a)(1)(v); add new subparagraph addressing, for hazardous debris, the contaminants subject to treatment as provided by 268.45(b); statement that must be used	268.7(a)(1)(iv)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
old 268.7(a)(1)(iv) becomes 268.7(a)(1)(v)	268.7(a)(1)(v)					
add sentence to end addressing generators of hazardous debris that is excluded from the definition of hazardous waste under 261.3(e)(2)	268.7(a)(2)					
remove "and" from end of subparagraph	268.7(a)(3)(iv)					
7 redesignate old 268.7(a)(3)(v) as 268.7(a)(3)(vi); add new subparagraph addressing, for hazardous debris, the contaminants subject to treatment as provided by 268.45(b); statement which must be used	268.7(a)(3)(v)					
77 old 268.7(a)(3)(v) becomes 268.7(a)(3)(vi)	268.7(a)(3)(vi)					
8 in two places, replace "tanks or containers" with "tanks, containers, or containment buildings"; before the last sentence, insert a parenthetical sentence addressing generators treating hazardous debris under alternative treatment standards of Table 1, 268.45	268.7(a)(4)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add clause addressing debris excluded from the hazardous waste definition at 261.3(e), which is subject to notification and certification under 268.7(d)	268.7(b)(4)					
add sentence addressing debris excluded from the definition of hazardous waste under 261.3(e), which is subject to notification and certification under 268.7(d)	268.7(b)(5)					
notification and certification requirements for generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under 261.3(e)	268.7(d)					
one-time notification including specified information	268.7(d)(1)					
	268.7(d)(1)(i)					
	268.7(d)(1)(ii)					
	268.7(d)(1)(iii)					
when notification must be updated	268.7(d)(2)					
how the owner or operator must document and certify compliance with Table 1, 268.45 treatment standards	268.7(d)(3)					
	268.7(d)(3)(i)					
	268.7(d)(3)(ii)					
	268.7(d)(3)(iii)					
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC						

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
revise paragraph after "no longer hazardous"; place one-time notification and certification in generator's/treater's files and send to EPA region or authorized State; when notification and certification must be updated; annual EPA/State notification if such changes occur, by December 31	268.9(d)					
remove "The" at beginning of subparagraph	268.9(d)(1)(i)					
remove text after "Hazardous Waste Number(s)"; add "and treatability group(s);"	268.9(d)(1)(ii)					
remove "initial"	268.9(d)(1)(iii)					
replace "268.7(b)(5)(1)" with "268.7(b)(5)"	268.9(d)(2)					

9 SUBPART B - SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

SURFACE IMPOUNDMENT EXEMPTIONS

defines additional circumstances in which prohibited waste may continue to be placed in a surface impoundment	268.14(a)					
---	-----------	--	--	--	--	--

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
continued storage of "newly identified waste" in newly regulated impoundment for 48 months after the promulgation of the additional listing or characteristic, provided waste is not otherwise prohibited and impoundment is in compliance with 265, Subpart F within 12 months after new listing/characteristic promulgation	268.14(b)					
continue treatment of "newly identified waste" in newly regulated impoundment, provided waste is not otherwise prohibited and surface impoundment is in compliance with 265, Subpart F within 12 months after new listing/characteristic promulgation	268.14(c)					
SUBPART C - PROHIBITIONS ON LAND DISPOSAL						
WASTE SPECIFIC PROHIBITIONS - NEWLY LISTED WASTES						
effective November 9, 1992, K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, K136, U328, U353 and U359 prohibited from land disposal	268.36(a)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
effective June 30, 1993, F037 and F038 not generated from surface impoundment cleanouts or closures are prohibited from land disposal	268.36(b)					
effective June 30, 1994, F037 and F038 generated from surface impoundment cleanout or closures are prohibited from land disposal	268.36(c)					
effective June 30, 1994, radioactive wastes mixed with specified wastes are prohibited from land disposal	268.36(d)					
effective June 30, 1994, debris contaminated with specified wastes and not contaminated with other prohibited waste are prohibited from land disposal	268.36(e)					
under what circumstances 268.36(b) wastes may be disposed in a landfill or generated and disposed in a surface impoundment	268.36(f)					
under what circumstances 268.36(d) and (e) wastes may be disposed in a landfill or generated and disposed in a surface impoundment	268.36(g)					
	268.36(h)					
under what circumstances 268.36 (a)-(e) do not apply	268.36(h)(1)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	268.36(h)(2)					
	268.36(h)(3)					
	268.36(h)(4)					
how to determine whether a 268.36 waste exceeds a 268.41 or 268.43 treatment standard; waste prohibited and all Part 268 requirements apply if constituents in excess of applicable levels	268.36(i)					

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

add clause addressing hazardous debris after "268.42(a)"	268.40(b)					
if 268.41 through 268.48 treatment standard established and waste is a hazardous debris, then waste subject to those standards rather than the 268.45 hazardous debris standards	268.40(d)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT						
after "exceeded", replace "by" with "in"; after "treatment residual," replace "developed" with "extracted"; replace "Appendix I" with "appendix I"; after "of this part", replace "of" with "for"; remove clause addressing D004, D008, D031, K084, K101, K102, P010, P011, P012, P036 and U136; remove parenthetical sentence; in last sentence, remove "unless otherwise noted in the following Table CCW"	268.41(a)					
amend Table CCWE by revising the "F001-F005 spent solvents" entry; removing entries for "K061 (Low Zinc Subcategory - less than 15% Total Zinc)" and for "K061 (High Zinc Subcategory - greater than 15% Total Zinc) - Effective until August 7, 1991"; and by adding entries for "F037", F038" and "K061" as shown at 57 FR 37272	268.41(a)/Table CCWE					
add paragraph addressing treatment standards for constituents in F001-F005 listed in Table CCWE	268.41(c)					

TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add entries for K107, K108, K109, K110, K112, K123, K124, K125, K126, U328, U353 and U359 as shown at 57 <u>FR 37273</u>	268.42/Table 2					

Guidance note: 268.42(b) is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this paragraph into their code.

replace "achievable" with "achieved"; after the first occurrence of "(a), (c) and (d) of this section" add "for wastes or specified in Table 1 of §268.45 for hazardous debris"; after the second occurrence of "(a), (c) and (d) of this section" add "for wastes or in Table 1 of §268.45 for hazardous debris"	268.42(b)					
---	-----------	--	--	--	--	--

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
***** *****						
change the first occurrence of "§268.41, §268.43" to "§§268.41 or 268.43"; change the second occurrence of "§268.41, §268.43" to "§§268.41, 268.43"; add sentence addressing hazardous debris containing radioactive waste	268.42(d)					
TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS						
revise entries for F001-F005 spent solvents, K015, K016, K018, K019, K020, K023, K024, K028, K030, K043, K048, K049, K050, K051, K052, K087, K093, K094, U028, U069, U088, U102, U107 and U190; remove U042 entry; add entries for F037, F038, K111, K117, K118, K131, K132 and K136 as shown at 57 <u>FR</u> 37274-37277	268.43/Table CCW					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
TREATMENT STANDARDS FOR HAZARDOUS DEBRIS						
treatment of hazardous debris prior to land disposal as specified unless EPA determines under 261.3(e)(2) that debris is no longer contaminated with hazardous waste	268.45(a)					
general; treatment for each 268.45(b) contaminant subject to treatment in accordance with 268.45, Table 1	268.45(a)(1)					
characteristic debris; deactivation as specified in 268.45, Table 1	268.45(a)(2)					
mixtures of debris types; standards for each debris type must be achieved; if applicable, immobilization must be used last	268.45(a)(3)					
mixtures of 268.45(b) contaminant types; 268.45, Table 1 treatment for each contaminant must be used; if applicable, immobilization must be used last	268.45(a)(4)					
waste PCBs; hazardous debris subject to both 40 <u>CFR</u> 761 and 268.45 must meet more stringent requirements	268.45(a)(5)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
hazardous debris treated for each "contaminant subject to treatment," determined as follows:	268.45(b)					
toxicity characteristic debris; those EP constituents for which debris exhibits a toxicity characteristic	268.45(b)(1)					
debris contaminated with listed waste; constituents for which BDAT standards are established for wastes under 268.41 and 268.43	268.45(b)(2)					
cyanide reactive debris; reactive because of cyanide must be treated for cyanide	268.45(b)(3)					
when hazardous debris that has been treated is not considered a hazardous waste; hazardous debris contaminated with a listed waste that is treated by a Table 1 immobilization technology must be managed in a Subtitle C facility	268.45(c)					
general requirements for treatment residues:	268.45(d)(1)					
separate residue from debris by simple physical or mechanical means;	268.45(d)(1)(i)					
residue is subject to 268 Subpart D waste-specific treatment standards	268.45(d)(1)(ii)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
residue from nontoxic debris, as specified, must be deactivated; not subject to 268 Subpart D waste-specific treatment standards	268.45(d)(2)					
residue from cyanide-reactive debris must meet 268.43, D003 standards	268.45(d)(3)					
ignitable nonwastewater residue, as specified, must meet technology-based "D001 Ignitable Liquids" standard	268.45(d)(4)					
layers of debris removed by spalling remain subject to 268.45 treatment standards	268.45(d)(5)					
alternative treatment standards for hazardous debris	268.45/Table 1					

ALTERNATIVE TREATMENT STANDARDS BASED ON HTMR

Table 1 identifies alternative treatment standards for F006 and K062 nonwastewaters	268.46					
alternative treatment standards as shown at 57 <u>FR</u> 37281	268.46/Table 1					

SUBPART E - PROHIBITIONS ON STORAGE

PROHIBITIONS ON STORAGE OF RESTRICTED WASTES

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove "or" from between "tanks" and "containers"; after containers add "or containment buildings"; insert "and parts 264 and 265" after "262.34"; remove parenthesized sentence	268.50(a)(1)					
remove "or" between "tanks" and "containers" and add "or containment buildings" after "containers"	268.50(a)(2)					

APPENDIX II to PART 268

TREATMENT STANDARDS (AS CONCENTRATIONS IN THE TREATMENT RESIDUAL EXTRACT)

remove table; replace with note indicating that F001-F005 spent solvent waste treatment standards appear in 268.41, 268.42 and 268.43	Appendix II					
---	-------------	--	--	--	--	--

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

SUBPART B - PERMIT APPLICATION

CONTENTS OF PART A OF THE PERMIT APPLICATION

for hazardous debris, description of debris category(ies) and contaminant category(ies) to be treated, stored or disposed of at facility	270.13(n)					
--	-----------	--	--	--	--	--

CONTENTS OF PART B: GENERAL REQUIREMENTS

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
insert "and hazardous debris" after "hazardous waste"; insert "of this chapter" after "part 264"	270.14(b)(2)					

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATIONS AT THE REQUEST OF THE PERMITTEE

replace "of restricted wastes" with ", or in containment buildings"	270.42(e)(3)(ii)(B)					
---	---------------------	--	--	--	--	--

APPENDIX I TO SECTION 270.42

CLASSIFICATION OF PERMIT MODIFICATION

add entry 6 to section I	270.42 Appendix I, I(6)					
add new section M	270.42 Appendix I, M					

SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

remove "or" before "containers" and insert "or containment buildings" after "containers"; in two places, insert "of this chapter" after "Part 268"	270.72(b)(6)					
--	--------------	--	--	--	--	--

- 1 This revision fixes an error in the July 1, 1991 CFR which makes it appear that there are two paragraphs designated as 262.34(a)(2) (see the editorial note in the CFR). Revision Checklist 82 originally inserted the first 262.34(a)(2), 262.34(a)(2)(i), 262.34(a)(2)(ii) and redesignated the old 262.34(a)(2)-(4) as 262.34(a)(3)-(5). However, Revision Checklist 92 redesignated 262.34(a)(3) as 262.34(a)(2), effectively removing the first 262.34(a)(2) and incorporating these requirements into 262.34(a)(1) at 262.34(a)(1)(iii) and (iii)(A)&(B). It was not the Agency's intent to include these requirements both at 262.34(a)(1)(iii)(A)&(B) and at 262.34(a)(2) as is indicated in the July 1, 1991 CFR. The first 262.34(a)(2) in that CFR should not be in the code. Revision Checklist 92 also redesignated 262.34(a)(3)-(5) as 262.34(a)(2)-(4), i.e., returned these subparagraphs to their original numbering prior to the redesignation by Revision Checklist 82. The revision, which is part of Revision Checklist 109, removes the first 262.34(a)(2), returning the code to what was intended by Checklist 92.
- 2 Note that there is an error in the Federal Register; the deadline for the written notice should be February 18, 1993, rather than November 16, 1992 as it appears in the Federal Register, in keeping with the effective date of these provisions, with the preamble to the rule at 57 FR 37215 (second full paragraph in the right-hand column), and with the similar provision under 265.1101(b)(4)(i).
- 3 Note that there is a typographical error in the Federal Register; "lead" should be "led."

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

- 4 Note that the Federal Register for this rule introduces an error into the second-to-last sentence of this subparagraph by inserting an extraneous "with" between "§§" and "265.111."

- 5 Note there is an error in the Federal Register article for this rule. The phrase "as needed to permit" should read "as needed to prevent."

- 6 Note there is a typographical error in the Federal Register article for this checklist. The instructions preceding 268.7 (on page 57 FR 37270) incorrectly say that 268.7(a)(1)(v) is added. It is a new 268.7(a)(1)(iv) which is added, and the old 268.7(a)(1)(iv) is redesignated as 268.7(a)(1)(v).

- 7 Note that there is a typographical error in the Federal Register article for this checklist. The instructions preceding 268.7 (on page 57 FR 37270) incorrectly say 268.7(a)(3)(vi) is added. It is a new 268.7(a)(3)(v) which is added and the old 268.7(a)(3)(v) is redesignated as 268.7(a)(3)(vi).

- 8 Note that there is a typographical error in the Federal Register article for this checklist; there should be a comma, not a semicolon, after the second occurrence of "containers" in 268.7(a)(4).

- 9 The addition of 268.14 to Federal code means that Subpart B of Part 268 is relevant to the States for the first time. The other sections of code in Subpart B, 268.10 through 268.13, contain the schedule by which EPA must evaluate wastes for land disposal restrictions. As such, States do not need requirements equivalent to 268.10 through 268.13. The surface impoundment exemptions of 268.14, however, address the length of time interim status impoundments can be used to receive or generate newly identified or listed hazardous wastes and resolve the potential conflicts between RCRA §§3004(h)(4), 3004(j)(6) and 3004(j)(11) [see the discussion in the Federal Register for this rule, pp. 37218-37221]. Therefore, States must adopt requirements analogous to 268.14(a)-(c).

- 10 Note there are two different entries in Table CCW for K030. Because there isn't an entry for K043, likely the second "K030" should read "K043." Also, the Federal Register adds an entry for K111, but this is not noted in the revision instructions for the table.