

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 127

Boilers and Industrial Furnaces;
Administrative Stay and Interim Standards for Bevill Residues
58 FR 59598-59603
November 9, 1993
(RCRA Cluster IV, HSWA provisions)

Notes: 1) Although this Revision Checklist is designated as optional, EPA strongly recommends that States adopt the less stringent requirements of this administrative stay because the nonmetal limits affected by the stay are extremely conservative and were based on unintended mistaken assumptions. This rule replaces the current nonmetal limits needed to qualify for the Bevill exemption, as specified in the February 21, 1991 rule (Revision Checklist 85), with the land disposal restriction (LDR) limits for underlying constituents in nonwastewaters pending further administrative action to establish appropriate health-based levels.

2) Note that the administrative stay is conditioned on compliance with the interim LDR exemption values. Noncompliance with those values would mean that the owner or operator of the Bevill device is no longer meeting the conditions of the administrative stay and, therefore, must comply with the comparison test in § 266.112(b)(1), in order to qualify for the exclusion in § 266.112. If the owner or operator meets neither the conditions of the stay nor the comparison test, then the residue would be subject to regulation as hazardous waste. Additionally, the stay does not affect the application of the procedural requirements in 266.112(b)(2) except as outlined in 58 FR 59600, column 3, sections V. A-D.

RCRA REVISION CHECKLIST 127: Boilers and Industrial Furnaces;
Administrative Stay and Interim Standards for Bevill Residues (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 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES						
REGULATION OF RESIDUES						
at the end of the paragraph, before "; and", add new text addressing administrative stay for levels specified in appendix VII and default level of 0.002 micrograms/kg or level of detection as identified in Note 1; owner or operator must comply with alternative levels defined as land disposal restriction limits specified in § 268.43 for F039 nonwastewaters; compliance based on good-faith effort to detect constituents; demonstration of good-faith efforts; stay in effect until further administrative action is taken	266.112(b)(2)(i)					

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

APPENDIX VII TO PART 266

HEALTH-BASED LIMITS FOR EXCLUSION OF WASTE-DERIVED RESIDUES

†,1 redesignate "Note" as "Note 1" after tables; add new "Note 2" regarding administrative stay of specified and default levels for constituents specified in § 266.112(b)(1) provided owner or operator complies with alternative levels defined in 266.112(b)(2)(i)

266, Appendix VII, notes

¹ Note the typographical error in the Federal Register: "FO39" should be "F039" (i.e., should be a zero not an upper case "O").