

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 142 E

Universal Waste Rule: Petition Provisions
to Add a New Universal Waste60 FR 25492-25551

May 11, 1995

(RCRA Cluster V, non-HSWA provisions)

Note:

1) This revision checklist, addressing petitions to add additional universal wastes, is one of five checklists developed for the Universal Waste Rule. To be authorized for this checklist, a State must also be authorized for Revision Checklist 142 A.

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 C--RULEMAKING PETITIONS								
† GENERAL								
change "and 268" to ", 268 and 273"; insert "of this chapter" after "265"; insert "or waste-derived material" after "to exclude a waste"; add "of this chapter" after "subpart D of part 261"; add a new sentence at the end of the paragraph regarding the 260.23 provisions	260.20(a)							
† PETITIONS TO AMEND 40 CFR PART 273 TO INCLUDE ADDITIONAL HAZARDOUS WASTES								
persons seeking to add a hazardous waste or a category to Part 273 universal waste provisions, may petition under 260.20, 260.23 and Part 273, Subpart G	260.23(a)							

RCRA REVISION CHECKLIST 142 E: Universal Waste Rule;
Petition Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
what the petitioner must demonstrate to be successful; petition must include 260.20(b) information; petition must address 273.81 factors	260.23(b)					
Administrator will use 273.81 factors to evaluate and decide; factors on which the decision will be based	260.23(c)					
Administrator may request additional information	260.23(d)					

PART 273--STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART G--PETITIONS TO INCLUDE OTHER WASTES UNDER 40 CFR PART 273

† GENERAL

persons seeking to add a hazardous waste or a category, may petition under 260.20, 260.23, and Part 273, Subpart G.	273.80(a)					
what the petitioner must demonstrate to be successful; petition must include the 260.20(b) information; 273.81 factors	273.80(b)					
Administrator will use the 273.81 factors to evaluate and decide; factors on which the decision will be based	273.80(c)					

RCRA REVISION CHECKLIST 142 E: Universal Waste Rule;
Petition Provisions (cont'd)

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

† FACTORS FOR PETITIONS TO INCLUDE OTHER WASTES UNDER 40 CFR PART 273

waste or waste category, as generated by a wide variety of generators, is a listed waste or, if not listed, a proportion of the waste stream exhibits one or more of the 261, Subpart C hazardous waste characteristics; how the definition of universal waste is amended when a characteristic waste is added; only that portion of the waste stream exhibiting one or more characteristics (i.e., is a hazardous waste) is subject to Part 273	273.81(a)					
waste or waste category is not exclusive to a specific industry or group of industries and is commonly generated by a wide variety of establishments	273.81(b)					
waste or waste category is generated by a large number of generators and is frequently generated in small quantities by each generator	273.81(c)					
collection systems for waste or waste category would ensure close stewardship of the waste	273.81(d)					

RCRA REVISION CHECKLIST 142 E: Universal Waste Rule;
Petition Provisions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
low risk posed by accumulation and transport of waste or waste category; specific proposed management standards would be protective of human health and the environment during accumulation and transport	273.81(e)					
Part 273 regulation of waste or waste category will increase the likelihood that the waste will be diverted from non-hazardous waste management systems to recycling, treatment, or disposal in compliance with RCRA Subtitle C	273.81(f)					
Part 273 regulation will improve implementation and compliance with hazardous waste regulatory program	273.81(g)					
such other factors as may be appropriate	273.81(h)					