

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 151

Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners
61 FR 15566-15660
April 8, 1996

as amended April 8, 1996, at 61 FR 15660-15668
April 30, 1996, 61 FR 19117
June 28, 1996, 61 FR 33680-33690
July 10, 1996, 61 FR 36419-36421
August 26, 1996, 61 FR 43924-43931
February 19, 1997 (62 FR 7502-7600)

(RCRA Cluster VI, HSWA provisions)

Notes: 1) On April 8, 1996 (61 FR 15566), EPA published the rule addressing the Phase III land disposal restrictions in the Federal Register. On the same day, at 61 FR 15660, EPA published a second rule that partially withdrew and amended the rule published at 61 FR 15566-15560. Subsequent to April 8, 1996, four technical amendments and corrections were published in the Federal Register. Due to the number of rules (seven total) that comprise Revision Checklist 151, a column has been added to this checklist that provides a reference to the rule that affected each provision. The rules are designated as follows:

Rule 151 :	April 8, 1996	(61 <u>FR</u> 15566-15660);
Rule 151.1:	April 8, 1996	(61 <u>FR</u> 15660-15668);
Rule 151.2:	April 30, 1996	(61 <u>FR</u> 19117);
Rule 151.3:	June 28, 1996	(61 <u>FR</u> 33680-33690);
Rule 151.4:	July 10, 1996	(61 <u>FR</u> 36419-36421);
Rule 151.5:	August 26, 1996	(61 <u>FR</u> 43924-43931); and
Rule 151.6:	February 19, 1997	(62 <u>FR</u> 7502-7600)

2) This Revision Checklist includes a national capacity variance for spent potliners from primary aluminum production (Hazardous Waste Number K088) at 268.39(c). Thus, as of January 8, 1997, K088 wastes and soil or debris contaminated with these wastes were prohibited from land disposal. However, States should note that the national capacity variance has been extended by two subsequent rules. The January 14, 1997, final rule (62 FR 1992; Revision Checklist 155) extended the variance until July 8, 1997. The July 14, 1997, final rule (62 FR 37694; Revision Checklist 160) further extended the variance until October 8, 1997. Therefore, K088 wastes do not have to be treated to meet the Land Disposal Restrictions until October 8, 1997, instead of the January 8, 1997, deadline reflected in this Revision Checklist.

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 268 - LAND DISPOSAL RESTRICTIONS							
SUBPART A - GENERAL							
PURPOSE, SCOPE AND APPLICABILITY							
delete both occurrences of "from land disposal"; insert "or part 148 of this chapter" after "under this part, "	151.1 151.3	268.1(c)(3)					
add "and" at end of text	151.1 151.3	268.1(c)(3)(i)					
insert "identified in 40 CFR part 261, subpart C" after "waste"; replace "; and" with a period	151.1 151.3	268.1(c)(3)(ii)					
remove	151.1 151.3	268.1(c)(3)(iii)					
add new paragraph; wastes that exhibit a hazardous characteristic (except D003 reactive cyanide and those subject to a treatment method other than DEACT in 268.40) are not prohibited from land disposal if:	151.3	268.1(c)(4)					
the wastes are managed in a treatment system with a permit under Clean Water Act (CWA) §402, or	151.3	268.1(c)(4)(i)					
the wastes are treated under the pretreatment requirements of CWA §307, or	151.3	268.1(c)(4)(ii)					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
the wastes are managed in a zero discharge system engaged in CWA-equivalent treatment as defined in 268.37(a), and	151.3	268.1(c)(4)(iii)					
the wastes no longer exhibit a prohibited characteristic at the point of land disposal	151.3	268.1(c)(4)(iv)					
[151 changes to paragraph withdrawn by 151.1--use 1995 CFR for correct version]	151 151.1	268.1(e)(3)					
[151 changes to paragraph withdrawn by 151.1--use 1995 CFR for correct version]	151 151.1	268.1(e)(4)					
[subparagraphs added by 151 withdrawn by 151.1]	151 151.1	268.1(e)(4)(i)-(ii)					
[paragraph removed by 151 was reinstated by 151.1--use 1995 CFR for correct version]	151 151.1	268.1(e)(5)					

DEFINITIONS APPLICABLE IN THIS PART

delete ", with the following exceptions:"; add an ending period	151	268.2(f)					
remove	151	268.2(f)(1)					
remove	151	268.2(f)(2)					
remove	151	268.2(f)(3)					
insert "fluoride, " before "vanadium"	151	268.2(i)					
add definition of inorganic metal-bearing waste	151 151.3	268.2(j)					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
[definition added by 151 was withdrawn by 151.1]	151 151.1	268.2(k)					
[definition added by 151 was withdrawn by 151.1]	151 151.1	268.2(l)					

DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT

[151 changes to paragraph withdrawn by 151.1--use 1995 CFR for correct version]	151 151.1	268.3(a)					
replace "a treatment system which treats" with "treatment systems which include land-based units which treat"; replace "or which treats wastes" with ", or which treat wastes in a CWA-equivalent treatment system, or which treat wastes"; replace "has been specified as the treatment standard in § 268.42" with "other than DEACT has been specified in § 268.40 as the treatment standard"	151 151.1 151.3	268.3(b)					
add new paragraph; combustion of hazardous waste codes listed in part 268 Appendix XI is prohibited unless the waste complies with one or more criteria of 268.3(c)(1)-(6)	151 151.1	268.3(c)					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add subparagraph; the waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard of 268.48	151 151.1	268.3(c)(1)					
add subparagraph; the waste consists of organic, debris-like materials contaminated with an inorganic metal-bearing hazardous waste	151 151.1	268.3(c)(2)					
add subparagraph; the waste, at the point of generation, has reasonable heating value	151 151.1	268.3(c)(3)					
add subparagraph; the waste is co-generated with wastes for which combustion is a required method of treatment	151 151.1	268.3(c)(4)					
add subparagraph; the waste is subject to Federal and/or State requirements necessitating reduction of organics	151 151.1	268.3(c)(5)					
add subparagraph; the waste contains greater than 1% Total Organic Carbon (TOC)	151 151.1	268.3(c)(6)					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
WASTE ANALYSIS AND RECORDKEEPING							
revise last sentence; replace "or the characteristic of corrosivity (D002), and is prohibited under § 268.37; and/or the characteristic of organic toxicity (D012-D043), and is prohibited under § 268.38" with "and/or the characteristic of corrosivity (D002), and/or reactivity (D003), and/or the characteristic of organic toxicity (D012- D043), and is prohibited under § 268.37, § 268.38, and § 268.39"; insert "D003," before "D012- D043 wastes"	151	268.7(a)					
insert "D003, and" after "D002"; remove "and in § 268.32 or RCRA section 3004(d)" after "D043"	151	268.7(a)(1)(ii)					
replace "268.45;" at the end of the paragraph with "268.45; and"	151	268.7(a)(1)(iv)					
replace "; and" at the end of the paragraph with a period	151	268.7(a)(1)(v)					
remove	151	268.7(a)(1)(vi)					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
insert "D003, and" after "D002"; remove the comma following "and (f)"; remove "and in § 268.32 or RCRA section 3004(d)" after "D043"	151	268.7(a)(2)(i)(B)					
insert "D003," after "D002"	151	268.7(a)(3)(ii)					
5 insert "D003, and" after "D002"; remove "and in § 268.32 or RCRA section 3004(d)" after "D043"; replace ending period with a semicolon	151	268.7(b)(4)(ii)					
insert "D003," after "D002"	151	268.7(b)(5)(iv)					
add new subparagraph; certification for specified characteristic wastes that contain underlying hazardous constituents that are treated on-site	151	268.7(b)(5)(v)					
LANDFILL AND SURFACE IMPOUNDMENT DISPOSAL RESTRICTIONS							
6 remove and reserve	151	268.8					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC							
insert "this" before "part 268"; replace both occurrences of "40 CFR 261" with "40 CFR part 261"; replace both occurrences of "part 261" with "40 CFR part 261"; replace "the treatment standard for the waste" with "the treatment standard for the waste code" in the second sentence; replace the third sentence with a sentence requiring the generator to determine what underlying hazardous constituents are reasonably expected to be present above the universal treatment standards	151	268.9(a)					
[151 changes to paragraph withdrawn by 151.1--use 1995 CFR for correct version]	151 151.1	268.9(d)					
[151 changes to paragraph withdrawn by 151.1--use 1995 CFR for correct version]	151 151.1	268.9(d)(1)(i)-(ii)					
[151 amendment adding subparagraph was withdrawn by 151.1]	151 151.1	268.9(d)(3)					
[151 amendment adding subparagraph was withdrawn by 151.1]	151 151.1	268.9(d)(3)(i)-(iv)					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
[151 amendment adding subparagraph was withdrawn by 151.1]	151 151.1	268.9(e)					
[151 amendment adding subparagraph was withdrawn by 151.1]	151 151.1	268.9(f)					
[151 amendment adding subparagraph was withdrawn by 151.1]	151 151.1	268.9(g)					

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

7 WASTE SPECIFIC PROHIBITIONS--SPENT ALUMINUM POTLINERS; REACTIVE; AND CARBAMATE WASTES

specified wastes and soil and debris contaminated with these wastes are prohibited from land disposal as of July 8, 1996	151 151.1	268.39(a)					
8 as of July 8, 1996, D003 wastes are prohibited from land disposal; exceptions	151 151.1	268.39(b)					
K088 wastes and soil and debris contaminated with these wastes are prohibited from land disposal as of January 8, 1997	151 151.1 151.2	268.39(c)					
radioactive wastes mixed with specified wastes and soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal as of April 8, 1998	151 151.1	268.39(d)					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
between July 8, 1996 and April 8, 1998, the wastes listed in 268.39(a),(c), and (d) may be disposed in a landfill or surface impoundment only if such unit complies with the requirements of 268.5(h)(2)	151 151.1 151.3	268.39(e)					
the requirements of 268.39(a)-(d) do not apply if:	151 151.1	268.39(f)					
the wastes meet the treatment standards specified in part 268 subpart D	151 151.1	268.39(f)(1)					
persons have been granted an exemption from a prohibition pursuant to a petition under 268.6, with respect to the wastes and units covered by the petition	151 151.1	268.39(f)(2)					
the wastes meet the applicable alternate treatment standards established pursuant to a petition granted under 268.44	151 151.1	268.39(f)(3)					
persons have been granted an extension to the effective date of a prohibition pursuant to 268.5, with respect to the wastes covered by the extension	151 151.1	268.39(f)(4)					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
to determine whether a hazardous waste identified in 268.39 exceeds the applicable treatment standards specified in 268.40, the initial generator must test a sample of the waste extract, test the entire waste, or use knowledge of the waste; the waste is prohibited from land disposal, and part 268 requirements apply if the waste contains constituents exceeding part 268 subpart D levels, except as otherwise specified	151 151.1	268.39(g)					

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

insert "prohibited" before "waste identified"	151.3	268.40(a)					
replace "(D001, D002" with "(D001-D003"; insert quotation marks before and after "Table UTS,"; insert "as defined in § 268.2(c) of this part" after "land disposal"	151 151.1 151.3	268.40(e)					
[151 amendment adding subparagraph was withdrawn by 151.1]	151 151.1	268.40(e)(1)					
[151 amendment adding subparagraph was withdrawn by 151.1]	151 151.1	268.40(e)(2)					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
[151 amendment adding subparagraph was withdrawn by 151.1]	151 151.1	268.40(e)(3)					
[151 amendment adding subparagraph was withdrawn by 151.1]	151 151.1	268.40(e)(4)					
9 add paragraph; between August 26, 1996 and August 26, 1997, the treatment standards for listed carbamate wastes and soil contaminated with those wastes may be satisfied by either meeting the constituent concentrations in 268.40 table "Treatment Standards for Hazardous Wastes" or by treating the waste using specified technologies	151.5	268.40(g)					
10 replace existing table "Treatment Standards for Hazardous Wastes" with the table found at 62 FR 7505-7595 (February 19, 1997)	151 151.1 151.3 151.4 151.5 151.6	268.40/Table					
TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES							
revise description of technology-based standards for CMBST; high temperature organic destruction technologies, such as combustion in incinerators, boilers or industrial furnaces, and certain non-combustive technologies	151	268.42 Table 1					

**RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)**

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
VARIANCE FROM A TREATMENT STANDARD							
[151 changes to paragraph withdrawn by 151.1--use 1995 CFR for correct version]	151 151.1	268.44(a)					
UNIVERSAL TREATMENT STANDARDS							
replace existing table with the table found at 62 <u>FR</u> 7596-7600 (February 19, 1997)	151 151.3 151.5 151.6	268.48(a)/Table UTS					
APPENDIX XI TO PART 268							
add new appendix: "Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to 40 CFR 268.3(c)"	151	Appendix XI					

- ¹ The second Federal Register article published on April 8, 1996, (61 FR 15660; rule 151.1) removed and reserved 268.1(c)(3) (see page 15663, column 1). The June 28, 1996, technical correction (61 FR 33680; rule 151.3), however, added a new 268.1(c)(3) that is very similar to the paragraph that existed in 40 CFR prior to the second April 8, 1996, amendment (rule 151.1). The changes noted on this checklist compare the June 28, 1996, (rule 151.3) version to the version found in the July 1, 1995, CFR. Note that the June 28, 1996, technical correction (rule 151.3) made no real changes to 268.1(c)(3)(i) and removed 40 CFR 268.1(c)(3)(iii).
- ² There is a typographical error in the June 28, 1996, technical correction (61 FR 33680; rule 151.3): the internal reference "40 CFR 146.6(a)" should be 40 CFR "144.6(a)".
- ³ Note that the original 268.1(c)(4), as introduced by Revision Checklist 34 (51 FR 40572; November 7, 1986), was removed by Revision Checklist 66 (54 FR 36967; September 6, 1989). The June 28, 1996, technical correction in Revision Checklist 151 (61 FR 33680; rule 151.3) added a new 268.1(c)(4) and (c)(4)(i)-(iv).
- ⁴ There is a typographical error in the first April 8, 1996, Federal Register article (61 FR 15566; rule 151): in the last sentence, insert a closing parenthesis after "as defined in § 268.2". This error also appears in the July 1, 1996, CFR.
- ⁵ There is a typographical error in the first April 8, 1996, Federal Register article (61 FR 15566; rule 151): "and (f)" should be "and (f))", i.e., there should be a second ")" after "(f)".

RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)

- 6 This section was removed and reserved by the first article published on April 8, 1996, (61 FR 15566; rule 151). Note, however, there are numerous internal references to this section throughout the CFR that were not removed.
- 7 This section was originally introduced by the first Federal Register article published on April 8, 1996, (61 FR 15566; rule 151). It was withdrawn and then re-added by the second article published on April 8, 1996, (61 FR 15660; rule 151.1). Paragraph 268.39(e) was subsequently revised by the June 28, 1996, technical correction (61 FR 33680; rule 151.3).
- 8 Note there is a typographical error in the second article published on April 8, 1996, (61 FR 15660; rule 151.1): "268.40))." should be "268.40).".
- 9 There are two typographical errors in the August 26, 1996 Federal Register (61 FR 43924; rule 151.5): "biodegradation as defined by the technolgy code BIODG" should be "biodegradation as defined by the technology code BIODG".
- 10 The original table in §268.40 was amended by rule 151, 151.1, 151.3, 151.4, and 151.5. The table was entirely replaced by the table in the February 19, 1997, Federal Register article (62 FR 7502; rule 151.6). The table below lists the errors associated with those rules.

Waste Code Number	Rule Reference (Federal Register page number)	Error(s)	Comment
F027	151 (p. 15610)	There is a typographical error in the Waste Description column: the last closing period should be placed inside of the last closing parenthesis.	This error is found in rules 151, 151.1, and 151.6. It is also found in the 1996 CFR.
F039	151 (p. 15613) 151 (p. 15615) 151.3 (p. 33686)	(1) The extra period at the end of the Waste Description should be removed. (2) The Nonwastewater Concentrations of <u>13</u> for "Diphenylamine" and "Diphenylnitrosamine" were changed to <u>NA</u> . Also, the Nonwastewater Concentration of <u>1.5</u> for 1,2-Diphenylhydrazine was changed to <u>NA</u> .	(1) This error is found in rule 151 and 151.6. It is also found in the 1996 CFR. (2) It appears that the Nonwastewater Concentrations in rule 151 were replaced with "NA" by 151.3. The 1996 CFR, however, retains the rule 151 versions of these concentrations. Rule 151.6 kept "NA" as the Nonwastewater Concentrations.

RCRA REVISION CHECKLIST 151: Land Disposal Restrictions Phase III -
Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (cont'd)

endnote 8	151.3 (p. 33690)	There is a typographical error in the endnote: the last closing period should be placed inside of the last closing parenthesis.	This error is found in rules 151.3 and 151.6. It is also found in the 1996 CFR.
endnote 9	151.3 (p. 33690) 151.6 (p.7595)	There is a typographical error in the endnote: the last closing period should be placed inside of the last closing parenthesis. The section symbol ("§") is omitted from the internal reference.	This error is found in rules 151.3 and 151.6. It is also found in the 1996 CFR.