

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 167 B

Land Disposal Restrictions Phase IV –
Hazardous Soils Treatment Standards and Exclusions
63 FR 28556-28753
May 26, 1998
(RCRA Cluster VIII, HSWA provisions)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MOR E STRI- N- GENT	BROADE R IN SCOPE		
PART 268 - LAND DISPOSAL RESTRICTIONS								
SUBPART A - GENERAL								
DEFINITIONS APPLICABLE IN THIS PART								
† add new paragraph; definition of soil	268.2(k)							
TESTING, TRACKING, AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES								
† delete “Determine if the waste ...as follows.”; delete “a” after “generator of”; replace “§268.40 or §268.45” with “§268.40, §268.45, or §268.49”;after “before they can be land disposed” insert “and some soils are contaminated by such hazardous wastes”;after “These wastes” insert “, and soils contaminated with such wastes,”;after “they are managing a waste” insert “or soil contaminated with a waste,”	268.7(a)(1)							
† insert “or contaminated soil” after “If the waste”	268.7(a)(2)							

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MOR E STRI N- GENT	BROADE R IN SCOPE
† add new paragraph; for contaminated soil certification statement should be included, signed by an authorized representative; certification statement	268.7(a)(2)(i)					
† add and reserve new paragraph	268.7(a)(2)(ii)					
† insert “or contaminated soil” after “If the waste” in the first sentence	268.7(a)(3) intro					
1,† completely revise; for contaminated soil, with initial shipment of wastes generator must send notice & place copy in file; notice to include information in 268.7(a)(4) table	268.7(a)(3)(ii)					
† insert “or contaminated soil” after “certain wastes” and after “hazardous wastes”	268.7(a)(4)					
†,2,3 redesignate entry 8 as 9; add new 8 as indicated at 63 <u>FR</u> 28640	268.7(a)(4)/table					
† insert “or contaminated soil” after “prohibited waste”	268.7(a)(5)					
† insert “or contaminated soil” after “that the waste”	268.7(a)(6)					

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MOR E STRI N- GENT	BROADE R IN SCOPE
† insert “or contaminated soil” after “For wastes”; delete “as concentrations”; delete the comma after “chapter”	268.7(b)(1)					
† insert “or contaminated soil” after “For wastes”	268.7(b)(2)					
† insert “or contaminated soil” after “shipment of waste”	268.7(b)(3)					
†,3 redesignate entry 5 as 6; add new 5 as indicated at 63 <u>FR</u> 28640	268.7(b)(3)(ii)/Table					
† add new sentence & new certification statement after certification statement; a certification is also necessary for contaminated soil; certification statement	268.7(b)(4) intro					
† add new paragraph; generators & treaters who receive a determination that contaminated soil subject to 268.49(a) no longer contains a listed hazardous waste and determine that contaminated soil no longer exhibits a characteristic of hazardous waste must:	268.7(e) intro					

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MOR E STRI N- GENT	BROADE R IN SCOPE
† add new subparagraph; prepare a one-time only documentation of determinations including supporting information and,	268.7(e)(1)					
† add new subparagraph; maintain that information in the facility files & other records for a minimum 3 years	268.7(e)(2)					

SUBPART D - TREATMENT STANDARDS

VARIANCE FROM A TREATMENT STANDARD

† redesignate 268.44(h)(3) as 268.44(h)(5); add new 268.44(h)(3); for contaminated soil only, treatment would result in hazardous constituent concentrations below that necessary to minimize threats to human health and environment; treatment variances must:	268.44(h)(3) intro					
† at a minimum, impose alternative land disposal restriction treatment standards that, using a reasonable maximum exposure scenario, meet the listed specifications	268.44(h)(3)(i)					
	268.44(h)(3)(i)(A)					
	268.44(h)(3)(i)(B)					
† not consider post-land-disposal controls	268.44(h)(3)(ii)					

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MOR E STRI N- GENT	BROADE R IN SCOPE
† add new paragraph; for contaminated soil only, treatment would result in hazardous constituent concentrations below natural background concentrations at the site of land disposal	268.44(h)(4)					
† redesignate former 268.44(h)(3) as 268.44(h)(5)	268.44(h)(5)					
4 ALTERNATIVE LDR TREATMENT STANDARDS FOR CONTAMINATED SOIL						
† applicability; LDRs must be complied with prior to placing contaminated soil into a land disposal unit; chart describes whether compliance with LDRs is necessary prior to placing contaminated soil into a land disposal unit; add table as shown at 63 <u>FR</u> 28751(May 26, 1998)	268.49(a)					
† prior to land disposal, contaminated soil identified by 268.49(a) must be treated according to 268.49(c) or 268.48 UTS applicable to contaminating waste and/or applicable characteristic; 268.49(c) treatment standards and the UTS may be modified through a variance approved under 268.44	268.49(b)					

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MOR E STRI N- GENT	BROADE R IN SCOPE
† treatment standards for contaminated soils; prior to land disposal, contaminated soil identified by 268.49(a) as needing to comply with LDRs must be treated according to 268.49(c)(1)-(3) or 268.48 UTS	268.49(c) intro					

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MOR E STRI N- GENT	BROADE R IN SCOPE
†						
all soils; prior to land disposal, all constituents subject to treatment must be treated according to standards specified	268.49(c)(1) intro					
	268.49(c)(1)(A)					
	268.49(c)(1)(B)					
	268.49(c)(1)(C)					
† soils that exhibit characteristic of ignitability, corrosivity or reactivity; in addition to treatment required by 268.49(c)(1), prior to land disposal soils that exhibit a characteristic must be treated to eliminate characteristic	268.49(c)(2)					
†						
soils that contain nonanalyzable constituents; in addition to requirements of 268.49(c)(1)&(2), prior to land disposal specified treatment is required	268.49(c)(3) intro					
	268.49(c)(3)(A)					
	268.49(c)(3)(B)					

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MOR E STRI- N- GENT	BROADE R IN SCOPE
† constituents subject to treatment; when applying soil treatment standards in 268.49(c), constituents subject to treatment are any listed in 268.48, Table UTS that are reasonably expected to be present, with exceptions, and are present at greater than 10 times the UTS	268.49(d)					
† management of treatment residuals; treatment residuals from treating contaminated soil identified by 268.49(a) must be managed as follows:	268.49(e) intro					
† soil residuals are subject to treatment standards of 268.49	268.49(e)(1)					
† non-soil residuals are subject to the standards specified	268.49(e)(2) intro					
	268.49(e)(2)(A)					
	268.49(e)(2)(B)					

¹ Note there is a typographical error at §268.7(a)(3)(ii) in the rule. The reference to "information in "268.7(a)(3) of the Generator" should be "information in column "268.7(a)(3)" of the Generator".

² There is a typographical error in the Table at 268.7(a)(4). At the #8 entry "complies with' " should be "complies with]"

³ Note that the Tables at 268.7(a)(4) and (b)(3)(ii) are also addressed by Revision Checklist 167 C. That checklist revised entries 1 and 3 in the Table at 268.7(a)(4) and entries 1 and 2 in the Table at 268.7(b)(3)(ii).

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

⁴ The entire section 268.49 was added by 63 FR 28556, May 26, 1998.

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Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

⁴ The entire section 268.49 was added by 63 FR 28556, May 26, 1998.