

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 192 A

Mixture and Derived-From Rules Revisions

66 FR 27266-27297

May 16, 2001

(RCRA Cluster XI, HSWA/Non-HSWA)

Notes: The revisions to 40 CFR 261.3(g) and 261.3(h)(1)-(3) are promulgated pursuant to HSWA. The HSWA revisions are considered less stringent than the existing Federal regulations and therefore, are immediately effective only in those States not authorized for the base RCRA program. The revisions to 40 CFR 261.3(a)(2)(iii) and (iv), and 261.3(c)(2)(i) are promulgated pursuant to non-HSWA authorities and do not go into effect in an authorized State until the State adopts and receives authorization for the revisions. HSWA provisions are identified by a "⚡" (diamond symbol) in this checklist.

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|--|-----------------------|--------------------------|------------------|----------------------------|------------------------|-------------------------|
| | | | EQUIV- ALENT | LESS STRIN - GENT | MORE STRIN -GENT | BROADE R IN SCOPE |
| PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE | | | | | | |
| SUBPART A – GENERAL | | | | | | |
| DEFINITION OF HAZARDOUS WASTE | | | | | | |
| remove and reserve | 261.3(a)(2)(iii) | | | | | |
| replace “§§” with “40 CFR”; replace “of this chapter” with “, paragraph (g) of this section, or paragraph (h) of this section”; replace ending colon with semicolon | 261.3(a)(2)(iv) | | | | | |
| insert “, (g) or (h)” after “(c)(2)(ii)” | 261.3(c)(2)(i) | | | | | |
| add new subparagraph; listed hazardous waste solely because it exhibits one or more characteristic, is not a hazardous waste, if characteristics are no longer exhibited | 261.3(g)(1) | | | | | |
| 261.3(g)(1) exclusion also pertains to: | 261.3(g)(2) | | | | | |

RCRA REVISION CHECKLIST 192 A: Mixture and Derived-From
Rules Revisions (cont'd)

SPA 22

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|--|-----------------------|--------------------------|------------------|----------------------------|------------------------|-------------------------|
| | | | EQUIV- ALENT | LESS STRIN - GENT | MORE STRIN -GENT | BROADE R IN SCOPE |
| †, Æ wastes excluded | 261.3(g)(2)(i) | | | | | |
| | 261.3(g)(2)(ii) | | | | | |
| †, Æ wastes excluded are subject to 268, even if no longer exhibit characteristic at point of land disposal | 261.3(g)(3) | | | | | |
| †, Æ add new subparagraph; hazardous waste containing radioactive waste is no longer a hazardous waste | 261.3(h)(1) | | | | | |
| †, Æ exemption also pertains to: | 261.3(h)(2) | | | | | |
| †, Æ wastes excluded | 261.3(h)(2)(i) | | | | | |
| | 261.3(h)(2)(ii) | | | | | |
| †, Æ waste exempted must meet storage and transportation criteria; waste that fails is regulated as hazardous | 261.3(h)(3) | | | | | |

† Optional.

¹ There is a typographical error in the May 16, 2001 rule (66 FR 27266; May 16, 2001). States should not remove the comma following “ash”. The phrase should continue to read “...spill residue, ash, emission control dust, ...”.

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|--|-----------------------|--------------------------|------------------|----------------------------|----------------------------|-------------------------|
| | | | EQUIV- ALENT | LESS STRIN - GENT | MORE STRIN - GENT | BROADE R IN SCOPE |
| PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE | | | | | | |
| SUBPART A – GENERAL | | | | | | |
| DEFINITION OF HAZARDOUS WASTE | | | | | | |
| remove and reserve | 261.3(a)(2)(iii) | | | | | |
| replace “§§” with “40 CFR”; replace “of this chapter” with “, paragraph (g) of this section, or paragraph (h) of this section”; replace ending colon with semicolon | 261.3(a)(2)(iv) | | | | | |
| insert “, (g) or (h)” after “(c)(2)(ii)” | 261.3(c)(2)(i) | | | | | |
| add new subparagraph; listed hazardous waste solely because it exhibits one or more characteristic, is not a hazardous waste, if characteristics are no longer exhibited | 261.3(g)(1) | | | | | |
| 261.3(g)(1) exclusion also pertains to: | 261.3(g)(2) | | | | | |

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Rules Revisions (cont'd)

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| †, Æ wastes excluded | 261.3(g)(2)(i) | | | | | |
| | 261.3(g)(2)(ii) | | | | | |
| †, Æ wastes excluded are subject to 268, even if no longer exhibit characteristic at point of land disposal | 261.3(g)(3) | | | | | |
| †, Æ add new subparagraph; hazardous waste containing radioactive waste is no longer a hazardous waste | 261.3(h)(1) | | | | | |
| †, Æ exemption also pertains to: | 261.3(h)(2) | | | | | |
| †, Æ wastes excluded | 261.3(h)(2)(i) | | | | | |
| | 261.3(h)(2)(ii) | | | | | |
| †, Æ waste exempted must meet storage and transportation criteria; waste that fails is regulated as hazardous | 261.3(h)(3) | | | | | |

† Optional.

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