

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 200
Zinc Fertilizer Rule
67 FR 48393 – 48415
July 24, 2002
(RCRA Cluster XIII, HSWA/ Non-HSWA)

Name of State:

State Statutory Authority:

Title of Regulations: _____ Effective Date:

Date Checklist Completed:

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE								
SUBPART A -- GENERAL								
EXCLUSIONS								
add new paragraphs (a)(20) and (21) to read as follows:	261.4							
Hazardous secondary materials used to make zinc fertilizers, provided these conditions are satisfied:	261.4(a)(20)							
Materials must not be accumulated speculatively, as defined in §261.1 (c)(8).	261.4(a)(20)(i)							
Generators and intermediate handlers must:	261.4(a)(20)(ii)							
Submit a one-time notice to Regional Administrator or State Director, containing facility name, address and EPA ID number; providing a description of material; and identifying when the manufacturer will manage these wastes under paragraph (a)(20).	261.4(a)(20)(ii)(A)							

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Store material in tanks, containers, or buildings that prevent releases into environment. Buildings must be made of non-earthen materials and have a floor, walls and a roof. Tanks must be structurally sound and, if outdoors, must have roofs or covers. Containers must be kept closed except when adding or removing material, and must be in sound condition. Containers stored outdoors must be managed within storage areas that:	261.4(a)(20)(ii)(B)					
have containment structures or systems to contain leaks, spills and accumulated precipitation; and	261.4(a)(20)(ii)(B)(1)					
provide for drainage and removal of leaks, spills and accumulated precipitation; and	261.4(a)(20)(ii)(B)(2)					
prevent run-on into the containment system.	261.4(a)(20)(ii)(B)(3)					
With each off-site shipment, provide written notice to the receiving facility that the material is subject to paragraph (a)(20).	261.4(a)(20)(ii)(C)					
Maintain at generator's or intermediate handler's facility for no less than three years records of all shipments. These records must contain:	261.4(a)(20)(ii)(D)					

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Name of transporter and date of shipment;	261.4(a)(20)(ii)(D)(1)					
Name and address of receiving facility, and documentation confirming shipment receipt; and	261.4(a)(20)(ii)(D)(2)					
Type and quantity of material in each shipment.	261.4(a)(20)(ii)(D)(3)					
Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:	261.4(a)(20)(iii)					
Store materials in accordance with requirements for generators and intermediate handlers, as in paragraph (a)(20)(ii)(B).	261.4(a)(20)(iii)(A)					
Submit a one-time notification to the Regional Administrator or State Director that, specifies the name, address and EPA ID number of the manufacturer, and identifies when the manufacturer will manage these materials under paragraph (a)(20).	261.4(a)(20)(iii)(B)					
Maintain records for a minimum of three years of all shipments received; must identify name and address of generating facility, name of transporter and date materials were received, quantity received, and a describe the process that generated the material.	261.4(a)(20)(iii)(C)					

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Submit to the Regional Administrator or State Director an annual report identifying the total quantities of all materials used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the process(s) which generated them.	261.4(a)(20)(iii)(D)					
Nothing in this section preempts, overrides or otherwise negates the provision in §262.11.	261.4(a)(20)(iv)					
Interim status and permitted storage units that have only stored zinc-bearing hazardous wastes prior to the submission of the one-time notice described in (a)(20)(ii)(A), and that afterward will be used only to store these excluded materials, are not subject to the closure requirements of 40 CFR Parts 264 and 265.	261.4(a)(20)(v)					
Zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under paragraph (a)(20) of this section, provided that:	261.4(a)(21)					
The fertilizers meet the following contaminant limits:	261.4(a)(21)(i)					

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For metal contaminants: The Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm): Arsenic - .3 Cadmium - 1.4 Chromium - .6 Lead - 2.8 Mercury - .3	261.4(a)(21)(i)(A)					
For dioxin contaminants the fertilizer must contain no more than eight (8) parts per trillion of dioxin, measured as toxic equivalent (TEQ).	261.4(a)(21)(i)(B)					
The manufacturer analyzes fertilizer to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. Testing must be performed whenever there are changes to manufacturing processes or ingredients that could significantly affect amounts of contaminants in product. The manufacturer may use any reliable analytical method. It is manufacturer's responsibility to ensure that sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.	261.4(a)(21)(ii)					

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The manufacturer maintains for no less than three years records of all sampling and analyses performed to determine compliance with the requirements of (a)(21)(ii). Such records must at a minimum include:	261.4(a)(21)(iii)					
Dates and times product samples were taken, and dates samples were analyzed;	261.4(a)(21)(iii)(A)					
Names and qualifications of person(s) taking samples;	261.4(a)(21)(iii)(B)					
Description of methods and equipment used to take the samples;	261.4(a)(21)(iii)(C)					
Name and address of the laboratory where analyses were performed;	261.4(a)(21)(iii)(D)					
Description of analytical methods used, and	261.4(a)(21)(iii)(E)					
All laboratory analytical results used to determine compliance with the contaminant limits specified in paragraph (a)(21).	261.4(a)(21)(iii)(F)					
PART 266 – STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
SUBPART C -- RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL						
APPLICABILITY						
remove the last two sentences of paragraph (b), and add a new paragraph (d) to read as follows:	266.20					
Fertilizers that contain recyclable materials are not subject to regulation provided that:	266.20(d)					

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They are zinc fertilizers excluded from the definition of solid waste according to §261.4(a)(21); or	266.20(d)(1)					
They meet applicable treatment standards in subpart D of Part 268 of this chapter for each hazardous waste that they contain.	266.20(d)(2)					
PART 268 – LAND DISPOSAL RESTRICTIONS						
SUBPART D – TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS						
Section 268.40 is amended by removing and reserving paragraph (i)	268.40					