

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 204

Performance Track
69 FR 21737 – 21754
April 22, 2004

As amended on October 25, 2004 at 69 FR 62217

(RCRA Cluster XIV, Non-HSWA)

- 1) A correction was made to this rule at 69 FR 62217 (October 25, 2004). States are encouraged to adopt the correction at the same time that the April 22, 2004 provisions are adopted. Those states that will incorporate the July 1, 2004 Code of Federal Regulations by reference, should include language that references or otherwise includes the correction published in the Federal Register on October 25, 2004 to ensure accuracy of regulations.
- 2) States are encouraged to adopt these provisions and begin implementing them while seeking authorization.

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 262 – STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE						
SUBPART C – PRE-TRANSPORT REQUIREMENTS						
ACCUMULATION TIME						
add paragraphs (j) and (k) to read as follows:	262.34					

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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
A member of the Performance Track Program who generates 1000 kg or greater of hazardous waste per month (or one kg or more of acute hazardous waste) may accumulate hazardous waste on-site without a permit or interim status for an extended period of time provided that:	262.34(j)					
The generator accumulates the hazardous waste for no more than 180 days, or for no more than 270 days if the generator must transport the waste (or offer waste for transport) more than 200 miles from the generating facility; and	262.34(j)(1)					
The generator first notifies the Regional Administrator and the Director of the authorized State in writing of its intent to begin accumulation of hazardous waste for extended time periods under the provisions of this section. Advance notice must include:	262.34(j)(2)					
Name and EPA ID number of the facility, and specification of when facility will begin accumulation; and	262.34(j)(2)(i)					

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A description of the types of hazardous wastes that will be accumulated, and the units that will be used for such extended accumulation; and	262.34(j)(2)(ii)					
Statement that the facility has made all changes to its operations, procedures, including emergency preparedness procedures, and equipment, including equipment needed for emergency preparedness, that will be necessary to accommodate extended time periods for accumulating hazardous wastes; and	262.34(j)(2)(iii)					
If generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or under interim status) under part 270 to receive these wastes is not available w/in 200 miles of the generating facility; and	262.34(j)(2)(iv)					
The waste is managed in:	262.34(j)(3)					
Containers, in accordance w/ 40 CFR 265 subpart I, AA, BB, and CC and 264.175; or	262.34(j)(3)(i)					
Tanks, in accordance w/ 40 CFR 265 subpart J, AA, BB, and CC, except 265.197(c) and 265.200; or	262.34(j)(3)(ii)					

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Drip pads, in accordance w/ 40 CFR part 265 subpart W; or	262.34(j)(3)(iii)					
Containment of buildings, in accordance w/ 40 CFR part 265 subpart DD; and	262.34(j)(3)(iv)					
The quantity of hazardous waste does not exceed 30,000 kg; and	262.34(j)(4)					
The generator maintains the following records at the facility for each unit used for extended accumulation:	262.34(j)(5)					
Written description of procedures to ensure that each waste volume remains in unit no more than 180 days (or 270 days, as applicable), a description of waste generation and management practices at facility showing that they are consistent w/ the extended accumulation time limit, and documentation that the procedures are complied with; or	262.34(j)(5)(i)					
Documentation that the unit is emptied at least once every 180 days (or 270 days, if applicable); and	262.34(j)(5)(ii)					

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Each container or tank used for extended accumulation is labeled or marked clearly w/ the words "Hazardous Waste," and for each container the date accumulation begins is marked and visible for inspection; and	262.34(j)(6)					
The generator complies w/ requirements for owners and operators in 40 CFR 265 C and D, w/ 265.16, and w/ 265.7(a)(5). This generator is exempt from all the requirements in 265 subparts G and H, except 265.111 and 265.114; and	262.34(j)(7)					
The generator has implemented pollution prevention practices that reduce amount of hazardous substances, pollutants, or contaminants released prior to recycling, treatment, or disposal; and	262.34(j)(8)					
The generator includes the following with its Performance Track Annual Performance Report, which must be submitted to the Regional Administrator and the State Director:	262.34(j)(9)					

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Information on total quantity of each hazardous waste generated at facility that has been managed the previous year; and	262.34(j)(9)(i)					
Information for previous year on number of off-site shipments of hazardous waste generated at facility, the types and locations of destination facilities, how wastes were managed, and what changes in on-site or off-site waste management practices occurred as a result of extended accumulation times or other pollution prevention provisions; and	262.34(j)(9)(ii)					
Information for the previous year on any hazardous waste spills or accidents, or during off-site transport; and	262.34(j)(9)(iii)					
If generator intends to accumulate hazardous waste for up to 270 days, a certification that a facility is permitted (or under interim status) under part 270 to receive these wastes is not w/in 200 miles of generator; and	262.34(j)(9)(iv)					

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If hazardous wastes must remain at Performance Track facility longer than 180 days (or 270 days) due to circumstances, an extension of accumulation period of up to 30 days may be granted at discretion of Regional Administrator.	262.34(k)					
¹ If a Performance Track generator w/draws from the program, or if Regional Administrator terminates its membership, the generator must return to compliance w/ all applicable hazardous waste regulations as soon as possible, but no later than 6 months after date of w/drawal or termination.	262.34(1)					

¹ There is a typographical error in 69 FR 21737 on page 21754. The FR notice adds 262.34 paragraph (1) "one" instead of paragraph (1) "L". This typographical error was repeated in the CFR. This error should not have an effect on implementation of the rule. States may choose to note this error in their incorporation by reference adoption process.