

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 212

NESHAP: Final Standards for Hazardous Waste Combustors
(Phase I Final Replacement Standards and Phase II)
70 FR 59402-59579
October 12, 2005
(RCRA Cluster XVI, HSWA/Non-HSWA)

NOTE: EPA does not consider these provisions to be either more or less stringent than the pre-existing federal program, since they simply make explicit an authority that has been and remains available under the omnibus authority and its implementing regulations. Thus, states with authorized equivalents to the federal omnibus authority will not be required to adopt these provisions, so long as they interpret their omnibus authority broadly enough to require risk assessments where necessary.

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 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL								
SUBPART B DEFINITIONS								
REFERENCES								
replace “270” with “268”	260.11(a)							
remove “270.24, 270.25” from the end of the provision	260.11(c)(1)							
PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES								
SUBPART O INCINERATORS								
APPLICABILITY								
in the first sentence: replace “, (b)(3), and (b)(4)” with “through (b)(5)”; insert “do not apply to a new hazardous waste incineration unit that becomes subject to RCRA permit requirements after October 12, 2005; or” before “ no longer apply”; insert “of an existing hazardous waste incineration unit” before “demonstrates compliance”; replace “63.1210(b)” with “63.1210(d)”	264.340(b)(1)							

**RCRA REVISION CHECKLIST 212: NESHA Final Standards for
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new subparagraph (b)(5): The particulate matter standard of § 264.343(c) remains in effect for incinerators that elect to comply with the alternative to the articulate matter standard of §§ 63.1206(b)(14) and 63.1219(e) of this chapter.	264.340(b)(5)					
PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART O INCINERATORS						
APPLICABILITY						
replace “63.1210(b)” with “63.1210(d)”	265.340(b)(1)					
PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
SUBPART H HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES						
APPLICABILITY						
in the first sentence: after “(b)(2)” insert “, (b)(3), and (b)(4)”; after “the standards of this part” insert “do not apply to a new hazardous waste boiler or industrial furnace unit that becomes subject to RCRA permit requirements after October 12, 2005; or”; replace “affected source” with “an owner or operator of an existing hazardous waste boiler or industrial furnace unit”; replace “63.1210(b)” with “63.1210(d)”	266.100(b)(1)					

**RCRA REVISION CHECKLIST 212: NESHA Final Standards for
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new introductory subparagraph 266.100(b)(3): if you own or operate a boiler or hydrochloric acid production furnace that is an area source under § 63.2 of this chapter and you elect not to comply with the emission standards under §§ 63.1216, 63.1217, and 63.1218 of this chapter for particulate matter, semivolatile and low volatile metals, and total chlorine, you also remain subject to:	266.100(b)(3) introductory paragraph					
section 266.105—Standards to control particulate matter;	266.100(b)(3)(i)					
section 266.106—Standards to control metals emissions, except for mercury; and	266.100(b)(3)(ii)					
1 section 266.107—Standards to control hydrogen chloride and chlorine gas.	266.100(b)(3)(ii), second provision					
add new subparagraph 266.100(b)(4); the particulate matter standard of § 266.105 remains in effect for boilers that elect to comply with the alternative to the particulate matter standard under §§ 63.1216(e) and 63.1217(e) of this chapter.	266.100(b)(4)					
PART 270—EPA ADMINISTERED PERMIT PROGRAMS:						
THE HAZARDOUS WASTE PERMIT PROGRAM						
SUBPART A GENERAL INFORMATION						
REFERENCES						
2 completely revise: incorporation by reference of publications used in part 270 approved by Director of the Federal Register; availability of materials	270.6(a)					

**RCRA REVISION CHECKLIST 212: NESHAP Final Standards for
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new introductory subparagraph 270.6(b); the following materials are available for purchase from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000 or (800) 553-6847; or for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800:	270.6(b) introductory paragraph					
add new subparagraph 270.6(b)(1); "APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981, IBR approved for §§ 270.24 and 270.25.	270.6(b)(1)					
add reserved subparagraph 270.6(b)(2)	270.6(b)(2) [Reserved]					

SUBPART B PERMIT APPLICATION

GENERAL APPLICATION REQUIREMENTS

add new paragraph (l); based on one or more of the factors listed in paragraph (l)(1) that compliance with 40 CFR part 63, EEE alone may not be protective of human health or the environment, the Director shall require the additional information or assessment(s) to determine whether additional controls are necessary to ensure protection of human health and the environment. This includes information necessary to evaluate the potential risk resulting from both direct and indirect exposure pathways.	270.10(l) introductory paragraph					
the Director shall base the evaluation on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:	270.10(l)(1)					

**RCRA REVISION CHECKLIST 212: NESHA Final Standards for
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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
site-specific considerations such as proximity to receptors (such as schools, hospitals, or other potentially sensitive receptors), unique dispersion patterns, etc.;	270.10(l)(1)(i)					
identities and quantities of emissions of persistent, bioaccumulative or toxic pollutants considering enforceable controls in place to limit those pollutants;	270.10(l)(1)(ii)					
identities and quantities of nondioxin products of incomplete combustion most likely to be emitted and to pose significant risk;	270.10(l)(1)(iii)					
identities and quantities of other off-site sources of pollutants that significantly influence interpretation of a facility-specific risk assessment;	270.10(l)(1)(iv)					
ecological considerations, such as the proximity of a particularly sensitive ecological area;	270.10(l)(1)(v)					
volume and types of wastes, for example wastes containing highly toxic constituents;	270.10(l)(1)(vi)					
other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by operation of the source;	270.10(l)(1)(vii)					
adequacy of previously conducted risk assessment, given subsequent changes in conditions likely to affect risk; and	270.10(l)(1)(viii)					
other factors as appropriate.	270.10(l)(1)(ix)					
add reserved subparagraph 270.10(l)(2)	270.10(l)(2) [reserved]					

SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS.

**RCRA REVISION CHECKLIST 212: NESHAP Final Standards for
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
after the first occurrence of the phrase “When an owner or operator”, insert “of a hazardous waste incineration unit becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration unit”; replace “63.1210(b)” with “63.1210(d)”; replace “and 270.32(b)(2)” with “270.10(l), 270.32(b)(2), and 270.32(b)(3)”	270.19(e)					
SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE.						
in the first sentence, after “cement” replace “or” with “kiln,”, insert “solid fuel boiler...production furnace” before “demonstrates”; replace “63.1210(b)” with “63.1210(d)”, insert a period (.) after “do not apply”; replace “, except those provisions ... determines” with “The requirements ... certain provisions” before “are necessary”; After “malfunction events” remove the period (.) and replace “Nevertheless, the Director ... section,” with “: or if you are...certain provisions apply,”; at the end of the provision after “§§270.10(k)” replace “and 270.32(b)(2)” with “270.10(l), 270.32(b)(2), and 270.32(b)(3)”	270.22 introductory paragraph					
SPECIFIC PART B INFORMATION REQUIREMENTS FOR PROCESS VENTS.						
replace “260.11” with “270.6”; remove “design” after “basic control device”	270.24(d)(3)					
SPECIFIC PART B INFORMATION REQUIREMENTS FOR EQUIPMENT.						
replace “260.11” with “270.6”; remove “design” after “basic control device”	270.25(e)(3)					

SUBPART C PERMIT CONDITIONS

**RCRA REVISION CHECKLIST 212: NESHA Final Standards for
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
ESTABLISHING PERMIT CONDITIONS.						
add new subparagraph (b)(3); if the administrator or Director determines that conditions in addition to those required under 40 CFR parts 63, subpart EEE, 264 or 266 are necessary, he shall include those terms and conditions in a RCRA permit for a hazardous waste combustion unit.	270.32(b)(3)					
SUBPART D CHANGES TO PERMITS						
PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE.						
replace “Part 63 Revised” with “part 63 §§63.1200-63.1499 revised” after “See 40 CFR”; insert at the end of provision “for the purpose...40 CFR 63.1203, 63.1204, and 63.1205.”	270.42(j)(1)					
redesignate existing subparagraph (j)(2) as (j)(3); add new subparagraph (j)(2); owners or operators must comply with the Notification of Intent to Comply requirements before requesting permit modification under this section for technology changes to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards promulgated on October 12, 2005.	270.42(j)(2)					
redesignate existing subparagraph (j)(2) as (j)(3)	270.42(j)(3)					
add new subparagraph (k); you may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix I of this section, section L(10). You must:	270.42(k)(1) introductory paragraph					
identify the specific RCRA permit operating and emissions limits which you are requesting to waive;	270.42(k)(1)(i)					

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explain why changes are necessary to minimize or eliminate conflicts between the RCRA permit and MACT compliance; and	270.42(k)(1)(ii)					
discuss how the revised provisions will be sufficiently protective.	270.42(k)(1)(iii)					
director shall approve or deny request within 30 days of receipt. Director may extend this 30 day deadline one time for up to 30 days by notifying the owner or operator.	270.42(k)(1)(iv)					
to request modification in conjunction with MACT performance testing where permit limits may only be waived during actual test events and pretesting for an aggregate time not to exceed 720 hours of operation you must:	270.42(k)(2) introductory paragraph					
submit modification request to the Director when you submit your test plans to the Administrator; and	270.42(k)(2)(i)					
the Director may elect to approve or deny the request contingent upon approval of the test plans.	270.42(k)(2)(ii)					
3 add entry 10 in the table under section L as shown below:	270.42, Appendix I					

Appendix I to § 270.42—Classification of Permit Modification

Modifications	Class
<p align="center">* * * * *</p> <p align="center">L. * * *</p> <p>10. Changes to RCRA permit provisions needed to support transition to 40 CFR part 63 (Subpart EEE—National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of § 270.42(k) are followed..</p> <p align="center">* * * * *</p>	

¹ Class 1 modifications requiring prior Agency approval.

**SUBPART F SPECIAL FORMS OF PERMITS
HAZARDOUS WASTE INCINERATOR PERMITS.**

**RCRA REVISION CHECKLIST 212: NESHA Final Standards for
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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
after the first occurrence of the phrase “When an owner or operator” insert “of a hazardous waste incineration unit becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration unit”; replace “63.1210(b)” with “63.1210(d)”; at the end of the provision after “§§270.10(k)” replace “and 270.32(b)(2)” with “270.10(l), 270.32(b)(2), and 270.32(b)(3)”	270.62 introductory paragraph					
PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE.						
in the first sentence, after “cement” replace “or” with “kiln,” insert “solid fuel boiler...production furnace” before “demonstrates”; replace “63.1210(b)” with “63.1210(d)”, insert a period (.) after “do not apply”; replace “, except those provisions ... determines” with “The requirements ... certain provisions” before “are necessary”; After “malfunction events” remove the period (.) and replace “Nevertheless, the Director ... section,” with “: or if you are...certain provisions apply,”; at the end of the provision after “§§270.10(k)” replace “and 270.32(b)(2)” with “270.10(l), 270.32(b)(2), and 270.32(b)(3)”	270.66 introductory paragraph					

**SUBPART I INTEGRATION WITH MAXIMUM ACHIEVABLE
CONTROL TECHNOLOGY (MACT) STANDARDS**

- 4 OPTIONS FOR INCINERATORS, CEMENT KILNS, LIGHTWEIGHT AGGREGATE KILNS, SOLID FUEL BOILERS, LIQUID FUEL BOILERS AND HYDROCHLORIC ACID PRODUCTION FURNACES TO MINIMIZE EMISSIONS FROM STARTUP, SHUTDOWN, AND MALFUNCTION EVENTS.

**RCRA REVISION CHECKLIST 212: NESHAP Final Standards for
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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remove “or” before “lightweight aggregate kiln”; prior to the phrase “may request” insert “, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace”	270.235(a)(1) introductory paragraph					
remove “or” before “lightweight aggregate kiln”; prior to the phrase “that has conducted”, insert “, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace”	270.235(a)(2) introductory paragraph					
remove “or” before “lightweight aggregate kiln”; prior to the phrase “that is operating”, insert “, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace”	270.235(b)(1) introductory paragraph					
remove “or” before “lightweight aggregate kiln”; prior to the phrase “that is operating”, insert “, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace”	270.235(b)(2) introductory paragraph					
add new introductory paragraph (c); new units that become subject to RCRA permit requirements after October 12, 2005 must control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options:	270.235(c) introductory paragraph					
comply with the requirements specified in § 63.1206(c)(2) of this chapter; or	270.235(c)(1)					
request to include in the RCRA Permit, conditions that ensure emissions are minimized from startup, shutdown, and malfunction events based on review of information	270.235(c)(2)					

1 There is a typographical error in the final rule addressed by Revision Checklist 212. The rule introduces a new 40 CFR Checklist 212
[Printed: 11/2/07]

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266.100(b)(3) with three subparagraphs; however, the second and third subparagraphs are both designated as 266.100(b)(3)(ii).. The third subparagraph addressing Section 266.107 should be designated 266.100(b)(3)(iii). This error is also found in the July 1, 2006 CFR.

- 2 The final rule addressed by Revision Checklist 212 revised 40 CFR 270.6(a) by incorporating some of the text previously found at 270.6(b) and adding new subparagraphs at 270.6(b).
- 3 There is a typographical error in the Federal Register for Revision Checklist 212 (70 FR 59402; October 12, 2005). In the new entry for section L.10 of § 270.42, Appendix I, there should not be two periods (.) at the end of the entry.
- 4 The final rule addressed by Revision Checklist 212 revises the section heading from “Options for incinerators and cement and lightweight aggregate kilns to minimize emissions from startup, shutdown, and malfunction events” to “Options for incinerators, cement kilns, lightweight aggregate kilns, solid fuel boilers, liquid fuel boilers and hydrochloric acid production furnaces to minimize emissions from startup, shutdown, and malfunction events”.