

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 213

Burden Reduction Initiative
 71 FR 16862-16915
 April 4, 2006
 (RCRA Cluster XVI, 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 260 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL								
SUBPART B DEFINITIONS								
DEFINITIONS								
† add "Performance Track member facility"	260.10 "Performance Track member facility"							
SUBPART C RULEMAKING PETITIONS								
STANDARDS AND CRITERIA FOR VARIANCES FROM CLASSIFICATION AS A SOLID WASTE								
remove paragraph (b)(2)	260.31(b)(2)							
redesignate paragraphs (b)(3) through (b)(8) as (b)(2) through (b)(7)	260.31(b)(2) - (b)(7)							
PART 261 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE								
SUBPART A GENERAL								
EXCLUSIONS								
replace "submits to the Regional Administrator or State Director" with "prepares" in the first sentence; replace "for a period of no less than 3 years from the date specified in the notice" with "until closure of the facility" in the second sentence	261.4(a)(9)(iii)(E)							
insert a comma after "March 15 of each year"; remove "estimates the number of studies ... during the current year, and"	261.4(f)(9)							
PART 264 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES								
SUBPART B GENERAL FACILITY STANDARDS								
† GENERAL INSPECTION REQUIREMENTS								

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove “any” before “operator error” in the second sentence; add “, except for Performance Track member facilities ... as described in paragraph (b)(5) of this section” to the end of the third sentence	264.15(b)(4)					
add new paragraph (b)(5): Performance Track member facilities that choose to reduce their inspection frequency must:	264.15(b)(5) introductory paragraph					
submit a Class I permit modification request	264.15(b)(5)(i)					
director will notify of decision within 60 days; notice and copy of application in operating record	264.15(b)(5)(ii)					
discontinuation of Performance Track membership must immediately notify Director of change in status; dated notice in operating record	264.15(b)(5)(iii)					
PERSONNEL TRAINING						
† add new subparagraph (a)(4): For facility employees receiving emergency response training pursuant to OSHA regulations facility not required to provide separate emergency response training	264.16(a)(4)					
SUBPART D CONTINGENCY PLAN AND EMERGENCY PROCEDURES						
CONTENT OF CONTINGENCY PLAN						
† add the following to the end of the paragraph: “The owner or operator may develop one contingency plan which meets all regulatory requirements. EPA recommends that the plan be based on the National Response Team’s Integrated Contingency Plan Guidance (“One Plan”). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.”	264.52(b)					
† EMERGENCY PROCEDURES						

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove old paragraph (i) and redesignate old paragraph (j) as (i)	264.56(i)					

SUBPART E MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

† OPERATING RECORD

replace “until closure of the facility” with “for three years unless noted as follows”	264.73(b)					
add “of this part. This information ... until closure of the facility” after “appendix I”	264.73(b)(1)					
replace “of” with “that shows” after “diagram” in the second sentence; remove “specific” after “cross-references to” in the second sentence; remove the comma after “document numbers” and replace the semicolon after “a manifest” with a period; add to end of paragraph: “This information ... until closure of the facility.”	264.73(b)(2)					
remove “264.347” from the list of citations; add to end of paragraph: “Maintain in the operating record ... until closure of the facility.”	264.73(b)(6)					
replace “§ 264.144.” with “§ 264.144 of this part. This information must be maintained... until closure of the facility;”	264.73(b)(8)					
remove parentheses around phrase “and date of placement”; insert “of this chapter” after each of the following citations: “§ 268.5”, “§ 268.6”, “§ 268.8”, and “§ 268.7”; add to end of paragraph: “This information must be maintained ... until closure of the facility;”	264.73(b)(10)					
add new paragraph (b)(18): monitoring, testing or analytical data where required by § 264.347 must be maintained in the operating record for five years.	264.73(b)(18)					
add new paragraph (b)(19): certifications as required by § 264.196(f) must be maintained in the operating record until closure of the facility.	264.73(b)(19)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART F RELEASES FROM SOLID WASTE MANAGEMENT UNITS						
DETECTION MONITORING PROGRAM						
remove the second sentence beginning with “A sequence of at least four samples . . .”	264.98(d)					
replace “part 264” with “this part” in the first sentence; add to end of paragraph: “However, the Regional Administrator, ... waste constituents.”	264.98(g)(2)					
insert “or at an alternative site-specific schedule approved by the Administrator” after “within one month” in the first sentence; replace “found pursuant to” with “in” before the second occurrence of “paragraph (g)(2)”	264.98(g)(3)					
COMPLIANCE MONITORING PROGRAM						
remove the second sentence beginning with “A sequence of at least four samples . . .”	264.99(f)					
completely revise; Annually determine whether additional hazardous constituents from Appendix IX are present in the uppermost aquifer; consult with the Regional Administrator to determine enhanced sampling event; report concentration of additional constituents within seven days and add them to the monitoring list	264.99(g)					
CORRECTIVE ACTION PROGRAM						
replace “semi-annually” with “annually” in the second sentence	264.100(g)					
SUBPART G CLOSURE AND POST-CLOSURE						
CLOSURE; TIME ALLOWED FOR CLOSURE						
replace “semi-annually” with “annually” and “that describe” with “describing”	264.113(e)(5)					
CERTIFICATION OF CLOSURE						

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
1† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the second sentence; and “independent registered professional engineer’s” with “Professional Engineer’s” in the third sentence	264.115					
CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the second sentence; and “independent registered professional engineer’s” with “Professional Engineer’s” in the third sentence	264.120					
SUBPART H FINANCIAL REQUIREMENTS						
FINANCIAL ASSURANCE FOR CLOSURE						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the first sentence	264.143(i)					
FINANCIAL ASSURANCE FOR POST-CLOSURE CARE						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the first sentence	264.145(i)					
LIABILITY REQUIREMENTS						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the first sentence	264.147(e)					
SUBPART I USE AND MANAGEMENT OF CONTAINERS						
INSPECTIONS						
† insert “except for Performance Track member facilities, ...of this part” after “where containers are stored,”; replace “looking for” with “The owner or operator must look for”	264.174					
SUBPART J TANKS SYSTEMS						
ASSESSMENT OF EXISTING TANK SYSTEM’S INTEGRITY						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer”	264.191(a)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace “an independent registered professional engineer” with “a qualified Professional Engineer”	264.191(b)(5)(ii)					
† DESIGN AND INSTALLATION OF NEW TANK SYSTEMS OR COMPONENTS						
replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the first sentence	264.192(a) introductory paragraph					
replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the second sentence.	264.192(b) introductory paragraph					
† CONTAINMENT AND DETECTION OF RELEASES						
insert “and existing” after “For all new”	264.193(a)(1)					
remove paragraphs (a)(2) through (a)(4); redesignate paragraph (a)(5) as (a)(2) and completely revise; For tank systems that store or treat materials that become hazardous wastes, within two years of the hazardous waste listing, or when the tank system has reached 15 years of age, whichever comes later	264.193(a)(2)					
replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the first sentence	264.193(i)(2)					
† INSPECTIONS						
2 remove subparagraphs (b)(1) through (b)(3); completely revise; inspect data gathered from monitoring and leak detection equipment	264.195(b)					
redesignate existing paragraphs (c) and (d) as (g) and (h) without revision; add new paragraphs (c) through (f); Owner or operator must inspect at least once each operating day:	264.195(c) introductory paragraph					
above ground portions of tank system; construction materials and externally accessible portion of the tank system	264.195(c)(1)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
construction materials and the area surrounding externally accessible portion of the tank system	264.195(c)(2)					
at least weekly inspections when using leak detection systems or established workplace practices; alternate inspection schedule documentation	264.195(d)					
performance Track member facilities may inspect less frequently upon approval of Director; application procedures	264.195(e)					
ancillary equipment inspected at least once each operating day	264.195(f)					
redesignate existing paragraphs (c) and (d) as (g) and (h) without revision	264.195(g) and (h)					

RESPONSE TO LEAKS OR SPILLS AND DISPOSITION OF LEAKING OR UNFIT-FOR-USE TANK SYSTEMS

† replace “an independent, qualified, registered, professional engineer” with “a qualified Professional Engineer” in the first sentence; replace the second sentence with “This certification must be ... until closure of the facility.”	264.196(f)					
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SUBPART L WASTE PILES

DESIGN AND OPERATING REQUIREMENTS

† remove the following three phrases: “on which construction ... January 29, 1992”, “on which construction ... July 29, 1992” and “that is to commence ... July 29, 1992”; remove definition of “Construction commences”	264.251(c) introductory paragraph					
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SUBPART M LAND TREATMENT

CLOSURE AND POST-CLOSURE CARE

† replace “an independent registered professional engineer” with “a qualified Professional Engineer”.	264.280(b)					
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SUBPART N LANDFILLS

† SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS						
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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
3 remove paragraph (a); redesignate paragraph (b) as (a); remove “Effective May 8, 1985,” and capitalize “The” at the beginning of the paragraph	264.314(a)					
redesignate paragraphs (c) through (e) as (b) through (d).	264.314(b) - (d)					
redesignate 264.314(f) as 264.314(e); in the introductory paragraph replace “Effective November 8, 1985, the” with “The”; remove the comma after “determines”	264.314(e) introductory paragraph					
old 264.314(f)(1) and (f)(2) redesignated as (e)(1) and (e)(2)	264.314(e)(1) and (e)(2)					
SUBPART O INCINERATORS						
PERFORMANCE STANDARDS						
† remove italics from “-p-dioxins” in the second sentence and remove last sentence	264.343(a)(2)					
MONITORING AND INSPECTIONS						
† replace “log” with “record”; add “of this part and maintained in the operating record for five years.” after “§ 264.73”	264.347(d)					
SUBPART S SPECIAL PROVISIONS FOR CLEANUP						
STAGING PILES						
† replace “an independent, qualified, registered professional engineer” with “a qualified Professional Engineer”	264.554(c)(2)					
SUBPART W DRIP PADS						
ASSESSMENT OF EXISTING DRIP PAD INTEGRITY						
replace “an independent, qualified registered professional engineer” with “a qualified Professional Engineer”; remove “of this subpart” after both instances of “§ 264.573” and after “§ 264.573(b)” in the last sentence	264.571(a)					
remove “of this subpart” after “§ 264.573(b)” and “§ 264.573”; replace “an independent qualified registered professional engineer” with “a qualified Professional Engineer”	264.571(b)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace “an independent qualified registered professional engineer” with “a qualified Professional Engineer”	264.571(c)					
† DESIGN AND OPERATING REQUIREMENTS						
replace “an independent, qualified registered professional engineer” with “a qualified Professional Engineer”	264.573(a)(4)(ii)					
replace “an independent, qualified registered professional engineer” with “a qualified Professional Engineer”	264.573(g)					
INSPECTIONS						
replace “an independent qualified registered professional engineer” with “a qualified Professional Engineer”	264.574(a)					
SUBPART BB AIR EMISSIONS STANDARDS FOR EQUIPMENT LEAKS						
† ALTERNATIVE STANDARDS FOR VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE: PERCENTAGE OF VALVES ALLOWED TO LEAK						
remove paragraph (b)(1); redesignate paragraphs (b)(2) and (b)(3) as (b)(1) and (b)(2) without revision	264.1061(b)(1) and (b)(2)					
remove paragraph (d).	264.1061(d)					
ALTERNATIVE STANDARDS FOR VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE: SKIP PERIOD LEAK DETECTION AND REPAIR						
† redesignate paragraph (a)(1) as (a) without revision; remove paragraph (a)(2)	264.1062(a)					
SUBPART DD CONTAINMENT BUILDINGS						
APPLICABILITY						
† remove the second sentence.	264.1100 introductory paragraph					
† DESIGN AND OPERATING STANDARDS						
completely revise; certification by qualified PE that containment building design meets requirements of paragraphs (a), (b), and (c)	264.1101(c)(2)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† insert “except for Performance Track member facilities that must inspect at least once each month, upon approval by the Director,” after “every seven days”; add “To apply for reduced inspection frequency... follow the procedures described in § 264.15(b)(5).” to end of paragraph	264.1101(c)(4)					

PART 265 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART B GENERAL FACILITY STANDARDS

† GENERAL INSPECTION REQUIREMENTS						
remove “any” before “operator error” in second sentence; add “, except for Performance Track member facilities ... as described in paragraph (b)(5) of this section” to end of third sentence; remove “of this part” after “265.1090” in last sentence	265.15(b)(4)					
add new paragraph (b)(5): Performance Track member facilities choosing to reduce their inspection frequency must:	265.15(b)(5) introductory paragraph					
submit application; identify units and proposed inspection frequency; at least monthly inspections	265.15(b)(5)(i)					
director will notify of decision within 60 days; notice and copy of application in operating record	265.15(b)(5)(ii)					
discontinuation of Performance Track membership must immediately notify Director of change in status; dated notice in operating record	265.15(b)(5)(iii)					

PERSONNEL TRAINING

† add new paragraph (a)(4): For facility employees receiving emergency response training pursuant to OSHA regulations facility not required to provide separate emergency response training.	265.16(a)(4)					
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SUBPART D CONTINGENCY PLAN AND EMERGENCY PROCEDURES

CONTENT OF CONTINGENCY PLAN

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add to end of paragraph: “The owner or operator may develop one contingency plan ... for a RCRA permit modification.”	265.52(b)					
EMERGENCY PROCEDURES						
† Remove old paragraph (i); redesignate old paragraph (j) as (i)	265.56(i)					
SUBPART E MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING						
† OPERATING RECORD						
replace “until closure of the facility” with “for three years unless noted below”.	265.73(b) introductory paragraph					
replace “appendix I,” with “Appendix I to part 265.”; add to end of paragraph: “This information must be ... closure of the facility;”	265.73(b)(1)					
remove “specific” after “cross- references to”; remove the comma after “document numbers” and replace semicolon after “a manifest” with a period; add to end of paragraph: “This information must be... until closure of the facility;”	265.73(b)(2)					
4 in first sentence remove the references 265.90, 265.222, 265.223, and 265.259, insert a comma after “265.302”, remove “through” prior to “265.304”, add reference to 265.224 in numerical order; and remove “of this part” after “265.1090”; add to end of paragraph: “Maintain in the operating record for three years ... until closure of the facility.”	265.73(b)(6)					
add to end of paragraph: “must be maintained ...until closure of the facility;”	265.73(b)(7)					
insert “of this chapter” after “§ 268.5”, “§ 268.6”, “§ 268.8”, and “§ 268.7(a)”; add to end of paragraph: “All of this information ... until closure of the facility.”	265.73(b)(8)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph (b)(15): maintain in operating record until closure; monitoring, testing or analytical data, and corrective action where required by §§ 265.90, 265.93(d)(2), and 265.93(d)(5), and §265.196(f) certification	265.73(b)(15)					

SUBPART F GROUND-WATER MONITORING

† APPLICABILITY

replace “submit to the Regional Administrator” with “develop”; add “This plan ...until closure of the facility.” to end of paragraph.	265.90(d)(1)					
replace “and submit a written report” with “ a report”; add “and place...until closure of the facility.” to end of paragraph	265.90(d)(3)					

† PREPARATION, EVALUATION, AND RESPONSE

remove “and submit” and “program”; add to end of paragraph: “This plan must ...until closure of the facility.”	265.93(d)(2)					
replace “, within 15 days after that determination, submit to the Regional Administrator a written” with “prepare a”; add to end of paragraph: “This report must... until closure of the facility.”	265.93(d)(5)					

SUBPART G CLOSURE AND POST-CLOSURE CARE

CLOSURE; TIME ALLOWED FOR CLOSURE

† replace “semi-annual” with annual”; replace “that describe” with “describing”	265.113(e)(5)					
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CERTIFICATION OF CLOSURE

† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in second sentence; replace “independent registered professional engineer’s” with “a qualified Professional Engineer’s” in third sentence	265.115					
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CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in second sentence; replace “independent registered professional engineer’s” with “a qualified Professional Engineer’s” in third sentence.	265.120					

SUBPART H FINANCIAL REQUIREMENTS

FINANCIAL ASSURANCE FOR CLOSURE

† replace “an independent registered professional engineer” with “a qualified Professional Engineer”	265.143(h)					
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FINANCIAL ASSURANCE FOR POST-CLOSURE CARE

† replace “an independent registered professional engineer” with “a qualified Professional Engineer”	265.145(h)					
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LIABILITY REQUIREMENTS

† replace “an independent registered professional engineer” with “a qualified Professional Engineer”	265.147(e)					
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SUBPART I USE AND MANAGEMENT OF CONTAINERS

INSPECTIONS

† completely revise; weekly inspections of container storage areas; Performance Track facilities inspect once a month; application for reduced inspection frequency; Comment regarding remedial action	265.174					
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SUBPART J TANK SYSTEMS

† ASSESSMENT OF EXISTING TANK SYSTEM’S INTEGRITY						
replace “an independent, qualified, registered, professional engineer” with “a qualified Professional Engineer” in the second sentence	265.191(a)					
replace “an independent, qualified, registered, professional engineer” with “a qualified Professional Engineer”	265.191(b)(5)(ii)					
† DESIGN AND INSTALLATION OF NEW TANK SYSTEMS OR COMPONENTS						
replace “an independent, qualified, registered, professional engineer” with “a qualified Professional Engineer” in the second sentence	265.192(a) introductory paragraph					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace “an independent, qualified, registered, professional engineer” with “a qualified Professional Engineer” in the second sentence.	265.192(b) introductory paragraph					
† CONTAINMENT AND DETECTION OF RELEASES						
insert “and existing” after “all new”	265.193(a)(1)					
remove paragraphs (a)(2) through (a)(4); redesignate paragraph (a)(5) as (a)(2) and completely revise; For tank systems that store or treat materials that become hazardous wastes, within two years of the hazardous waste listing, or when the tank system has reached 15 years of age, whichever comes later	265.193(a)(2)					
replace “an independent, qualified, registered, professional engineer” with “a qualified Professional Engineer” in the second sentence.	265.193(i)(2)					
† INSPECTIONS						
5 remove subparagraphs (a)(1) through (a)(5); completely revise; inspect data gathered from monitoring and leak detection equipment	265.195(a)					
redesignate existing paragraphs (b) and (c) as (f) and (g) without revision; add new paragraphs (b) through (e); owner or operator must inspect at least once each operating day:	265.195(b) introductory paragraph					
overflow/spill control equipment;	265.195(b)(1)					
above ground portions of tank system;	265.195(b)(2)					
construction materials and the area surrounding externally accessible portion of the tank system	265.195(b)(3)					
at least weekly inspections when using leak detection systems or established workplace practices; alternate inspection schedule documentation	265.195(c)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Performance Track member facilities may inspect less frequently upon approval of Director; application procedures.	265.195(d)					
Ancillary equipment inspected at least once each operating day	265.195(e)					
redesignate paragraphs (b) and (c) as (f) and (g) without revision	265.195(f) and (g)					

RESPONSE TO LEAKS OR SPILLS AND THE DISPOSITION OF LEAKING OR UNFIT-FOR-USE TANK SYSTEMS

† replace “an independent, qualified, registered, professional engineer” with “a qualified Professional Engineer”; replace the last sentence with: “This certification is ...until closure of the facility.”	265.196(f)					
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† SPECIAL REQUIREMENTS FOR GENERATORS OF BETWEEN 100 AND 1,000 KG/MO THAT ACCUMULATE HAZARDOUS WASTE IN TANKS

replace “Generators” with “Except as noted in paragraph (d) of this section, generators”	265.201(c) introductory paragraph					
redesignate paragraphs (d) - (f) as (f) - (h) without revision; add new paragraphs (d) and (e): weekly inspections by generators accumulating 100 to 1,000 kg/mo in tanks or tank systems with secondary containment; documentation of alternate inspection schedule	265.201(d)					
Performance Track facilities inspect less frequently upon approval of Director; application procedures	265.201(e)					
redesignate paragraphs (d) - (f) as (f) - (h) without revision	265.201(f) - (h)					

SUBPART K SURFACE IMPOUNDMENTS

DESIGN AND OPERATING REQUIREMENTS

† remove the following three phrases: “on which construction ... January 29, 1992”, “on which construction ... July 29, 1992” and “that is to commence ... July 29, 1992”; remove definition of “Construction commences”	265.221(a)					
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† RESPONSE ACTIONS

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
6 redesignate old section 265.223 titled "Response Actions" as 265.224.	265.224					
6 in the first sentence, replace the text after "§265.221(a) must" with "develop and keep on-site until closure of the facility a response action plan"	265.224(a)					
SUBPART L WASTE PILES						
RESPONSE ACTIONS						
† in the first sentence, replace the text after "§265.254 must" with "develop and keep on-site until closure of the facility a response action plan"	265.259(a)					
SUBPART M LAND TREATMENT						
CLOSURE AND POST-CLOSURE						
† replace "an independent registered professional engineer" with "a qualified Professional Engineer"	265.280(e)					
SUBPART N LANDFILLS						
DESIGN AND OPERATING REQUIREMENTS						
† remove the following three phrases: "on which construction ... January 29, 1992", "on which construction ... July 29, 1992" and "that is to commence ... July 29, 1992"; remove definition of "Construction commences"	265.301(a)					
RESPONSE ACTIONS						
† in the first sentence, replace the text after "§265.301(a) must" with "develop and keep on-site until closure of the facility a response action plan"	265.303(a)					
SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS						
7 remove paragraph (a); redesignate paragraph (b) as (a); remove "Effective May 8, 1985," and capitalize "The" at the beginning of the paragraph	265.314(a)					
redesignate paragraphs (c) through (g) as (b) through (f).	265.314(b) through (f)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate 265.314(g) as 265.314(f); in the introductory paragraph replace "Effective November 8, 1985, the" with "The"; remove the comma after "determines"	265.314(f) introductory paragraph					
Old 265.314(g)(1) and (g)(2) redesignated as (f)(1) and (f)(2)	265.314(f)(1) and (f)(2)					

SUBPART W DRIP PADS

† ASSESSMENT OF EXISTING DRIP PAD INTEGRITY

replace "an independent, qualified registered professional engineer" with "a qualified Professional Engineer"; remove "of this subpart" after each instance of "§ 265.440" and "§ 265.443", and after § 265.443(b) in last sentence	265.441(a)					
remove "of this subpart" after each instance of "§ 265.443(b)" and "§ 265.443"; replace "an independent qualified registered professional engineer" with "a qualified Professional Engineer"	265.441(b)					
replace "an independent, qualified registered professional engineer" with "a qualified Professional Engineer"	265.441(c)					

† DESIGN AND OPERATING REQUIREMENTS

replace "an independent, qualified registered professional engineer" with "a qualified Professional Engineer"; replace "subsection (b)" with "paragraph (b) of this section"	265.443(a)(4)(ii)					
replace "an independent, qualified registered professional engineer" with "a qualified Professional Engineer"	265.443(g)					

INSPECTIONS

† remove "of this subpart" after "§ 265.443"; replace "an independent qualified, registered professional engineer" with "a qualified Professional Engineer"	265.444(a)					
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SUBPART BB AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† ALTERNATIVE STANDARDS FOR VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE: PERCENTAGE OF VALVES ALLOWED TO LEAK						
remove paragraph (b)(1); redesignate paragraphs (b)(2) and (b)(3) as (b)(1) and (b)(2) without revision	265.1061(b)(1) and (2)					
remove paragraph (d).	265.1061(d)					
ALTERNATIVE STANDARDS FOR VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE: SKIP PERIOD LEAK DETECTION AND REPAIR						
† redesignate paragraph (a)(1) as (a) without revision and remove paragraph (a)(2)	265.1062(a)					
SUBPART DD CONTAINMENT BUILDINGS						
APPLICABILITY						
† remove the second sentence	265.1100 introductory paragraph					
† DESIGN AND OPERATING STANDARDS						
completely revise; certification by qualified PE that containment building design meets requirements of paragraphs (a), (b), and (c)	265.1101(c)(2)					
insert “except for Performance Track member facilities that must inspect at least once each month, upon approval by the Director,” after “every seven days”; add “To apply for reduced inspection frequency... follow the procedures described in § 264.15(b)(5).” to end of paragraph	265.1101(c)(4)					
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						
PERMIT STANDARDS FOR BURNERS						
† replace “until closure of the facility” with “for five years”	266.102(e)(10)					
† INTERIM STATUS STANDARDS FOR BURNERS						
replace “three years” with “five years”	266.103(d)					
replace “until closure of the boiler or industrial furnace unit” with “for five years”	266.103(k)					
PART 268 LAND DISPOSAL RESTRICTIONS						
SUBPART A GENERAL						

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† TESTING, TRACKING, AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES						
8 insert “concurrently with the hazardous waste determination required in § 262.11 of this chapter” after “can be made” in second sentence; replace “as referenced in § 260.11 of this chapter” with “(incorporated by reference, see § 260.11 of this chapter)” in third sentence; insert after third sentence: “(Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility...and paragraph (b) of this section.)”	268.7(a)(1)					
insert “or if the generator chooses not to make the determination of whether his waste must be treated,” after “treatment standards” in the first sentence; insert “of this section” after “paragraph (a)(4)” in second sentence; insert after second sentence: “(Alternatively, if the generator chooses not to make the determination ... treatment facility must make the determination.)”	268.7(a)(2)					
completely revise: one time 268.7(b)(3) notice and (b)(4) certification for initial shipment of recyclable material used in a manner constituting disposal subject to 266.20(b); records of recipients of waste-derived products	268.7(b)(6)					
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC						
† insert as the second sentence “This determination ... required in § 262.11 of this chapter.” insert “40 CFR” before “Part 261” in the parentheses in the second and third sentences	268.9(a)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† replace “generators and treaters” with “generator’s and treater’s” in first sentence; remove “that is placed in the generators and treaters files” from second sentence; remove third and fourth sentences	268.9(d)					

PART 270 EPA-ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART B PERMIT APPLICATION

CONTENTS OF PART B: GENERAL REQUIREMENTS

9† replace “a registered professional engineer” with “a qualified Professional Engineer”	270.14(a)					
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SPECIFIC PART B INFORMATION REQUIREMENTS FOR TANK SYSTEMS

† replace “an independent, qualified, registered professional engineer” with “a qualified Professional Engineer”	270.16(a)					
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SPECIAL PART B INFORMATION REQUIREMENTS FOR DRIP PADS

† replace “an independent qualified, registered professional engineer” with “a qualified Professional Engineer”	270.26(c)(15)					
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SUBPART D CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

† add new paragraph (l): Performance Track facilities; procedures; compliance with requirements under § 264.15(b)(5); application approved if Director does not deny or issue an extension to the deadline in writing within 60 days; adherence to revised inspection schedule.	270.42(l)					
† add new entry O to the table in Appendix I to § 270.42; see provision as shown at 71 <u>FR</u> 16914.	270.42, Appendix I, Item O					

† Optional Provisions

- 1 There is a typographical error in the Federal Register for Revision Checklist 213 (71 FR 16862; April 4, 2006): in the amended language for § 264.115 in the third column of page 16904 “in the approved closure plan..” should be “in the approved closure plan.”, there should not be two periods at the end of the first sentence.
- 2 The final rule addressed by Revision Checklist 213 completely revised §264.195(b) by removing subparagraphs (b)(1) – (3) and incorporating the text from (b)(2) into the revised paragraph (b).

- 3 The final rule addressed by Revision Checklist 213 removes 264.314(a) introductory paragraph through (a)(2); redesignates 264.314 (b) – (f) as 264.314(a) – (e) and revises newly redesignated 264.314(a) and 264.314(e) introductory paragraph.
- 4 There is a typographical error in the Federal Register for Revision Checklist 213 (71 FR 16862; April 4, 2006): in the amended language for § 265.73(b)(6) in the third column of page 16908 “265.1063(d) through 265. 265.1063(i)” should be “265.1063(d) through 265.1063(i)”, there is a duplication of the “265. ”.
- 5 The final rule addressed by Revision Checklist 213 completely revised §265.195(a) by removing subparagraphs (a)(1) – (3) and incorporating the text from (a)(3) into the newly designated (a).
- 6 The final rule addressed by Revision Checklist 213 redesignates 265.223 “Response Actions” as 265.224 and revises the text. Note that this redesignation addresses an error that has existed since Revision Checklist 100 (57 FR 3462; January 29, 1992) added 265.223 “Response Actions” when 265.223 “Containment system” already existed. §265.223 “Containment system” remains in the CFR
- 7 The final rule addressed by Revision Checklist 213 removes 265.314(a) introductory paragraph through (a)(2); redesignates 264.314 (b) – (g) as 264.314(a) – (f) and revises newly redesignated 264.314(a) and 264.314(f) introductory paragraph.
- 8 There is a typographical error in the Federal Register for Revision Checklist 213 (71 FR 16862; April 4, 2006): in the fourth sentence of the amended language for § 268.7(a) in the second column of page 16913 “paragraph (b) of this section.” should be “paragraph (b) of this section.)”, there is a missing close parenthesis at the end of the sentence.
- 9 There is a typographical error in the Federal Register for Revision Checklist 213 (71 FR 16862; April 4, 2006): in the amended language for § 270.14(a) in the second column of page 16914 “§§ 0.14 through 270.29” should be “§§ 270.14 through 270.29”.