

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 223

Hazardous Waste Technical Corrections and Clarifications

75 FR 12989-13009, 75 FR 31716-31717

March 18, 2010, June 4, 2010

(RCRA Cluster XX, 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						
Amend the definition of “ <i>New hazardous waste management facility</i> or <i>new facility</i> ” by removing the date “October 21, 1976” and adding in its place the date “November 19, 1980”	260.10					
Remove Appendix I	Part 260 Appendix I					
PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
Remove the citation “§ 261.4(a)(13)” and adding in its place the citation “§ 261.4(a)(14)”.	261.1(c)(10)					
Remove the entry for “Scrap metal other than excluded scrap metal (see 261.1(c)(9))” and add in its place the entry “Scrap metal that is not excluded under § 261.4(a)(13)”.	261.2(c), Table 1					
Remove the citation “(a)(7)” and add in its place the citation “(b)(7)”.	261.4(a)(17)(vi)					
Revise by changing “parts 262 through 266, 268” to “parts 262 through 268”	261.5(b)					
Revise by changing “parts 262 through 266, 268” to “parts 262 through 268”	261.5(e)intro					
Remove reference to 261.32	261.5(e)(1)					
Remove reference to 261.32	261.5(e)(2)					
Revise to read: “Full regulation” means those regulations applicable to generators of 1,000 kg or greater of hazardous waste in a calendar month.	261.5(e)(2) Comment					

RCRA REVISION CHECKLIST 223: Hazardous Waste Technical Corrections and Clarifications
(cont'd)

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Paragraph should read: "set forth in paragraphs (e)(1) <u>or</u> (e)(2) of this section..."	261.5(f)intro					
Revise by changing "parts 262 through 266, 268" to "parts 262 through 268"	261.5(f)(2)					
Replace "less than 100 kilograms" with "100 kilograms or less".	261.5(g)intro					
Replace "between 100 kg and 1000 kg of hazardous waste" with "greater than 100 kg and less than 1000 kg of hazardous waste"; Change "parts 262 through 266, 268" to "parts 262 through 268"	261.5(g)(2)					
Revise "subparts C though O" to "subparts C through N"; and add 268 to "parts 270 and 124 of this chapter"	261.6(a)(2)					
Replace "for energy recovery" with "(as defined in section 266.100 (a))"	261.6(a)(2)(ii)					
Replace "parts 262 through parts 266, 268, 270 or 124" with "parts 262 through parts 268, 270 or 124"	261.6(a)(3)					
Add 267 to list of parts.	261.6(c)(1)					
Add 267 to list of parts.	261.6(d)					
Replace "parts 261 through 265, 267, 268" with "parts 261 through 268"	261.7(a)(1)					
Replace "parts 261 through 265, 267, 268" with "parts 261 through 268"	261.7(a)(2)					
Remove 261.32	261.7(b)(1)					
Remove 261.32	261.7(b)(3)					
Replace paragraph with: "It is a forbidden explosive as defined in 49 CFR 173.54, or is a Division 1.1, 1.2 or 1.3 explosive as defined in 49 CFR 173.50 and 173.53."	261.23(a)(8)					
Replace "parts 261 through 265, 267, 268" with "parts 261 through 268"	261.30(c)					
Remove "or §261.32"	261.30(d)					
In the listing for F037, change "oil cooling wastewaters" to "oily cooling wastewaters"	261.31(a)					
Change the listing for K107, by correcting the misspelled chemical name "...carboxylic acid hydrazines" to read "...carboxylic acid hydrazides."	261.32(a) table					

RCRA REVISION CHECKLIST 223: Hazardous Waste Technical Corrections and Clarifications
(cont'd)

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In the left column, within the Iron and Steel industry, remove the subheading after the description of K062 for the following section headings that have no waste codes included: “ <i>Primary Copper</i> .;” “ <i>Primary Lead</i> .;” “ <i>Primary Zinc</i> .;” and “ <i>Ferroalloys</i> .;”	261.32(a) table					
Revise the listing for U239, “Benzene, dimethyl- (I,T)” to read “Benzene, dimethyl- (I).”	261.33(f)					
Remove the entries “K064,” “K065,” “K066,” “K090,” and “K091.”	261, Appendix VII					
PART 262 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE						
Add 267 to list of parts	262.10(f)					
Add 267 to list of parts	262.10(j)(1)					
Add 267 to list of parts	262.10(k)					
Add 267 to list of parts	261.11(d)					
^{2 3} For rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility (following the procedures of 40 CFR 264.72(f) or 265.72(f)), the generator must:	262.23(f)					
Sign either:	262.23(f)(1)					
Item 20 of the new manifest if a new manifest is used for the returned shipment; or	262.23(f)(1)(i)					
Item 18c of the original manifest if the original manifest is used for the returned shipment;	262.23(f)(1)(ii)					
Provide the transporter a copy of the manifest;	262.23(f)(2)					
Within 30 days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and	262.23(f)(3)					
Retain at the generator’s site a copy of each manifest for at least three years from the date of delivery.	262.23(f)(4)					

**RCRA REVISION CHECKLIST 223: Hazardous Waste Technical Corrections and Clarifications
(cont'd)**

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1 Replace language with: "A generator who generates 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in §§261.31 or 261.33(e) in a calendar month, may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:"	262.34(a)					
1 Move the following language to new 262.34(a)(5): "Generators accumulating hazardous waste on-site for 90 days or less without a permit or without having interim status are exempt from all the requirements in subparts G and H of 40 CFR part 265, except for 40 CFR 265.111 and 265.114. "	262.34(a)(1)(iv)(B)					
1 Amend to read "each container and tank" instead of "each container."	262.34(a)(2)					
Replace "40 CFR 268.7(a)(5)" with "all applicable requirements under 40 CFR part 268."	262.34(a)(4)					
1 Language moved from 262.34(a)(1)(iv)(B): "Generators accumulating hazardous waste on-site for 90 days or less without a permit or without having interim status are exempt from all the requirements in subparts G and H of 40 CFR part 265, except for 40 CFR 265.111 and 265.114."	262.34(a)(5)					

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(cont'd)

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Replace language with “A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in §§261.31 or 261.33(e) in a calendar month, who accumulates hazardous waste or acute hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 CFR parts 264 265, and 267 and the permit requirements of 40 CFR part 270 unless he has been granted an extension to the 90-day period. Such extension may be granted by EPA if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Regional Administrator on a case-by-case basis.”	262.34(b)					
Add “§261.31 or” before “§261.33(e)” and add “or (d)” after “(a)”	262.34(c)(1)					
Add “§261.31 or” before “§261.33(e)” and change “paragraphs (c)(1)(i) through (ii)” to read “paragraphs (c)(1)(i) and (ii)”	262.34(c)(2)					
Replace “40 CFR 268.7(a)(5)” with “all applicable requirements under 40 CFR part 268.”	262.34(d)(4)					
Add 267 to list of parts	262.34(f)					
Add 267 to list of parts	262.34(i)					
Add 267 to list of parts	262.41(b)					
Replace “greater than 1,000 kilograms” with “1,000 kilograms or greater”	262.42(a)(1)					
Replace “greater than 1,000 kilograms” with “1,000 kilograms or greater”	262.42(a)(2)					

RCRA REVISION CHECKLIST 223: Hazardous Waste Technical Corrections and Clarifications
(cont'd)

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4 For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of 40 CFR 264.72(e)(1) through (6) or 40 CFR 265.72(e)(1) through (6)), the generator must comply with the requirements of paragraph (a) or (b) of this section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of paragraph (a) or (b) of this section for a shipment forwarding such waste to an alternate facility by a designated facility:	262.42(c)					
The copy of the manifest received by the generator must have the hand written signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility, and	262.42(c)(1)					
The 35/45/60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.	262.42(c)(2)					
Note to paragraph (c): The submission to EPA need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.	262.42(c) Note					
Amend §262.60(b) introductory text by removing the citation “§262.20(a)” and adding in its place “§262.20”.	262.60(b)					
PART 263 --- STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE						
Add 267 to list of parts	263.12					
PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
Remove “or part 1510 of chapter V”.	264.52					
Remove the parenthetical phrase “(in the applicable regional contingency plan under part 1510 of this title)”.	264.56(d)(2) introductory text					

RCRA REVISION CHECKLIST 223: Hazardous Waste Technical Corrections and Clarifications
(cont'd)

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Add, at the end of the provision: “and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.”	264.72(e)(6)					
Amend as follows: “Write the facility’s U.S. EPA ID number in Item 1 of the new manifest. Write the <u>facility</u> ’s name and mailing address in Item 5 of the new manifest. If the mailing address is different from the facility’s site address, then write the facility’s site address in the designated space for Item 5 of the new manifest.”	264.72(f)(1)					
Add reference to subparagraph (8) at the end of this provision.	264.72(f)(7)					
Add new provision: For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in §262.42(a).	264.72(f)(8)					
Change cross-references from “(e)(1)” to “(d)(1)” and “(e)(2)” to “(d)(2)”	264.314(d)					
Change cross-references from “§264.314(e)” to “§264.314(d)”	264.316(b)					
H Revise the citation “§264.314(d)” to read “§264.314(c)”;	264.552(a)(3)(ii)					
H Revise the citation “§264.314(f)” to read “§ 264.314(e)”	264.552(a)(3)(iii)					
H Revise the citation “§264.314(c)” to read “§ 264.314(b)” and “§264.314(e)” to read “§264.314(d)”	264.552(a)(3)(iv)					
H Revise the citation from “260.11(a)(11)” to read “260.11(c)(3)(v).”	264.552(e)(4)(iv)(F)					
PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
Remove “or part 1510 of chapter V”.	265.52					
Remove the parenthetical phrase “(in the applicable regional contingency plan under part 1510 of this title)”.	265.56(d)(2) introductory text					
Add, at the end of the provision: “and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.”	265.72(e)(6)					

RCRA REVISION CHECKLIST 223: Hazardous Waste Technical Corrections and Clarifications
(cont'd)

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Amend as follows: "Write the facility's U.S. EPA ID number in Item 1 of the new manifest. Write the <u>facility's</u> name and mailing address in Item 5 of the new manifest. If the mailing address is different from the facility's site address, then write the facility's site address in the designated space for Item 5 of the new manifest."	265.72(f)(1)					
Add reference to subparagraph (8) at the end of this provision.	265.72(f)(7)					
Add new provision: For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in §262.42(a).	265.72(f)(8)					
Change cross-references from "(f)(1)" to "(e)(1)" and "(f)(2)" to "(e)(2)"	265.314(d)					
Change cross-references from "§264.314(f)" to "§264.314(e)"	265.316(b)					
PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
1 Add at the end of this paragraph the phrase, "and the recycler complies with §268.7(b)(6)."	266.20(b)					
Add 267 to list of parts	266.22					
Add 267 to list of parts	266.70(d)					
Add 267 to list of parts	266.80(b)					
H Add 267 to list of parts	266.101(c)(1)					
H Add 267 to list of parts	266.101(c)(2)					
PART 268—LAND DISPOSAL RESTRICTIONS						
H Revise the wastewater concentration associated with the regulated hazardous constituent, vinyl chloride, for F025 to read "0.27," and by revising the wastewater concentration associated with the regulated hazardous constituent, arsenic, for K031 to read "1.4."	268.40 table "Treatment Standards for Hazardous Wastes"					
H For the waste codes K156, K157 and K158, reinsert the parenthetical sentence, "(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)"	268.40 table "Treatment Standards for Hazardous Wastes"					

**RCRA REVISION CHECKLIST 223: Hazardous Waste Technical Corrections and Clarifications
(cont'd)**

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H Restore treatment standard entries for “bis(2-Ethylhexyl)phthalate” and for “Hexachloropropylene.”	268.48 Universal Treatment Standards table					
PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM						
Redesignate paragraph (a) as (a)(1)	270.4(a)					
Redesignate paragraph (a)(1) as paragraph (a)(1)(i).	270.4(a)					
Redesignate paragraph (a)(2) as paragraph (a)(1)(ii).	270.4(a)					
Redesignate paragraph (a)(3) as paragraph (a)(1)(iii).	270.4(a)					
Redesignate paragraph (a)(4) as paragraph (a)(1)(iv).	270.4(a)					
Add paragraph (a)(2) to read as follows: ‘A permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§270.41 and 270.43, or the permit may be modified upon the request of the permittee as set forth in §270.42.	270.4(a)					

¹ This provision was withdrawn on June 4, 2010 (75 FR 31716)

² 40 CFR 262.23(f) is a new paragraph.

³ States are required to adopt the revisions to the manifest regulations (the addition of paragraph 262.23(f)) in accordance with the consistency requirements in 271.4(c).

⁴ 40 CFR 262.42(c) is a new paragraph.