RCRA REVISION CHECKLIST 233E

Remanufacturing exclusion
Less stringent for all states

Revisions to the Definition of Solid Waste
80 FR 1694-1814
January 13, 2015
(RCRA Cluster XXIV, 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 "*Remanufacturing*" to mean: processing a higher-value hazardous secondary material in order to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For the purpose of this definition, a hazardous secondary mate rial is considered higher-value if it was generated from the use of a commercial-grade material in a manufacturing process and can be remanufactured into a similar commercial-grade material.	260.10					
PART 261 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART A GENERAL						
Add or revise: *Reclaimed*. Materials noted with a "–" in column 3 of Table 1 are not solid wastes when reclaimed. Materials noted with an "*" in column 3 of Table 1 are solid wastes when reclaimed unless they meet the requirements of §§ 261.4(a)(17), or 261.4(a)(23), 261.4(a)(24), or 261.4(a)(27).	261.2(c)(3)					
Revise column 3 to read: Reclamation (§ 261.2(c)(3)), except as provided in §§ 261.4(a)(17), 261.4(a)(23), 261.4(a)(24) or 261.4(a)(27).	261.2(c)(4) table 1					

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Add section 261.4(a)(27) as follows: Hazardous secondary material that is generated and then transferred to another person for the purpose of remanufacturing is not a solid waste, provided that:	261.4(a)(27) introductory text					
The hazardous secondary material consists of one or more of the following spent solvents: toluene, xylenes, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, NN-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol, and/or methanol;	261.4(a)(27)(i)					
The hazardous secondary material originated from using one or more of the solvents listed in paragraph (a)(27)(i) of this section in a commercial grade for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and/or the paints and coatings manufacturing sectors (NAICS 325510).	261.4(a)(27)(ii)					
The hazardous secondary material generator sends the hazardous secondary material spent solvents listed in paragraph (a)(27)(i) of this section to a remanufacturer in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and/or the paints and coatings manufacturing sectors (NAICS 325510).	261.4(a)(27)(iii)					

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After remanufacturing one or more of the solvents listed in paragraph (a)(27)(i) of this section, the use of the remanufactured solvent shall be limited to reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and the paints and coatings manufacturing sectors (NAICS 325510) or to using them as ingredients in a product. These allowed uses correspond to chemical functional uses enumerated under the Chemical Data Reporting Rule of the Toxic Substances Control Act (40 CFR Parts 704, 710–711), including Industrial Function Codes U015 (solvents consumed in a reaction to produce other chemicals) and U030 (solvents become part of the mixture);	261.4(a)(27)(iv)					
After remanufacturing one or more of the solvents listed in paragraph (a)(27)(i) of this section, the use of the remanufactured solvent does not involve cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles. (These disallowed continuing uses correspond to chemical functional uses in Industrial Function Code U029 under the Chemical Data Reporting Rule of the Toxics Substances Control Act.); and	261.4(a)(27)(v)					
Both the hazardous secondary material generator and the remanufacturer must:	261.4(a)(27)(vi)					
Notify EPA or the State Director, if the state is authorized for the program, and update the notification every two years per 40 CFR 260.42;	261.4(a)(27)(vi)(A)					
Develop and maintain an up-to-date remanufacturing plan which identifies:	261.4(a)(27)(vi)(B)					
The name, address and EPA ID number of the generator(s) and the remanufacturer(s),	261.4(a)(27)(vi)(B)*(1)*					
The types and estimated annual volumes of spent solvents to be remanufactured,	261.4(a)(27)(vi)(B)*(2)*					

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The processes and industry sectors that generate the spent solvents,	261.4(a)(27)(vi)(B)*(3)*					
The specific uses and industry sectors for the remanufactured solvents, and	261.4(a)(27)(vi)(B)*(4)*					
A certification from the remanufacturer stating "on behalf of [insert remanufacturer facility name], I certify that this facility is a remanufacturer under pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and/or the paints and coatings manufacturing sectors (NAICS 325510), and will accept the spent solvent(s) for the sole purpose of remanufacturing into commercial-grade solvent(s) that will be used for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) or for use as product ingredient(s). I also certify that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the appropriate Clean Air Act regulations under 40 CFR part 60, part 61 or part 63, or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in 40 CFR part 261, subparts AA (vents), BB (equipment) and CC (tank storage),";	261.4(a)(27)(vi)(B)*(5)*					
Maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments;	261.4(a)(27)(vi)(C)					
Prior to remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards found in subparts I and J of 40 CFR part 261, with the tanks and containers being labeled or otherwise having an immediately available record of the material being stored;	261.4(a)(27)(vi)(D)					

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During remanufacturing, and during storage of the hazardous secondary materials prior to remanufacturing, the remanufacturer certifies that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the appropriate Clean Air Act regulations under 40 CFR part 60, part 61 or part 63; or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in 40 CFR part 261 subparts AA (vents), BB (equipment) and CC (tank storage); and	261.4(a)(27)(vi)(E)					
Meet the requirements prohibiting speculative accumulation per 40 CFR 261.1(c)(8).	261.4(a)(27)(vi)(F)					
SUBPART I – USE AND MANAGEMENT OF CONTAINERS						
Add new Subpart I to Part 261 as follows: Subpart I—Use and Management of Containers	261 Subpart I					
Add Heading: Applicability	261.170					
This subpart applies to hazardous secondary materials excluded under the remanufacturing exclusion at § 261.4(a)(27) and stored in containers.	261.170					
Add Heading: Condition of containers.	261.171					
If a container holding hazardous secondary material is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the hazardous secondary material must be transferred from this container to a container that is in good condition or managed in some other way that complies with the requirements of this part.	261.171					
Add Heading: Compatibility of hazardous secondary materials with containers.	261.172					
The container must be made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous secondary material to be stored, so that the ability of the container to contain the material is not impaired.	261.172					
Add Heading: Management of containers.	261.173					

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A container holding hazardous secondary material must always be closed during storage, except when it is necessary to add or remove the hazardous secondary material.	261.173(a)					
A container holding hazardous secondary material must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.	261.173(b)					
Add Heading: Containment.	261.175					
Container storage areas must have a containment system that is designed and operated in accordance with paragraph (b) of this section.	261.175(a)					
A containment system must be designed and operated as follows:	261.175(b)					
A base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;	261.175(b)(1)					
The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;	261.175(b)(2)					
The containment system must have sufficient capacity to contain 10% of the volume of containers or the volume of the largest container, whichever is greater.	261.175(b)(3)					
Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in paragraph (b)(3) of this section to contain any run-on which might enter the system; and	261.175(b)(4)					
Spilled or leaked material and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.	261.175(b)(5)					

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Add Heading: Special requirements for ignitable or reactive hazardous secondary material.	261.176					
Containers holding ignitable or reactive hazardous secondary material must be located at least 15 meters (50 feet) from the facility's property line.	261.176					
Add Heading: Special requirements for incompatible materials.	261.177					
Incompatible materials must not be placed in the same container.	261.177(a)					
Hazardous secondary material must not be placed in an unwashed container that previously held an incompatible material.	261.177(b)					
A storage container holding a hazardous secondary material that is incompatible with any other materials stored nearby must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.	261.177(c)					
Add Heading: Air emission standards.	261.179					
The remanufacturer or other person that stores or treats the hazardous secondary material shall manage all hazardous secondary material placed in a container in accordance with the applicable requirements of subparts AA, BB, and CC of this part.	261.179					
SUBPART J – TANK SYSTEMS						
Add new Subpart J to Part 261 as follows: Subpart J—Tank Systems	261 Subpart J					
Add Heading: Applicability	261.190					
The requirements of this subpart apply to tank systems for storing or treating hazardous secondary material excluded under the remanufacturing exclusion at § 261.4(a)(27).	261.190(a)					
Tank systems, including sumps, as defined in § 260.10, that serve as part of a secondary containment system to collect or contain releases of hazardous secondary materials are exempted from the requirements in § 261.193(a).	261.190(b)					
Add Heading: Assessment of existing tank system's integrity.	261.191					

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Tank systems must meet the secondary containment requirements of § 261.193, or the remanufacturer or other person that handles the hazardous secondary material must determine that the tank system is not leaking or is unfit for use. Except as provided in paragraph (c) of this section, a written assessment reviewed and certified by a qualified Professional Engineer must be kept on file at the remanufacturer's facility or other facility that stores or treats the hazardous secondary material that attests to the tank system's integrity.	261.191(a)					
This assessment must determine that the tank system is adequately designed and has sufficient structural strength and compatibility with the material(s) to be stored or treated, to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:	261.191(b)					
Design standard(s), if available, according to which the tank and ancillary equipment were constructed;	261.191(b)(1)					
Hazardous characteristics of the material(s) that have been and will be handled;	261.191(b)(2)					
Existing corrosion protection measures;	261.191(b)(3)					
Documented age of the tank system, if available (otherwise, an estimate of the age); and	261.191(b)(4)					
Results of a leak test, internal inspection, or other tank integrity examination such that:	261.191(b)(5)					
For non-enterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects, and	261.191(b)(5)(i)					

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For other than non-enterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination that is certified by a qualified Professional Engineer that addresses cracks, leaks, corrosion, and erosion.	261.191(b)(5)(ii)					
The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," 4th edition, 1981, may be used, where applicable, as guidelines in conducting other than a leak test.	261.191(b)(5)(ii)Note					
If, as a result of the assessment conducted in accordance with paragraph (a) of this section, a tank system is found to be leaking or unfit for use, the remanufacturer or other person that stores or treats the hazardous secondary material must comply with the requirements of § 261.196.	261.191(c)					
Reserved	261.192					
Add Heading: Containment and detection of releases.	261.193					
Secondary containment systems must be:	261.193(a)					
Designed, installed, and operated to prevent any migration of materials or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and	261.193(a)(1)					
Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.	261.193(a)(2)					

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If the collected material is a hazardous waste under part 261 of this chapter, it is subject to management as a hazardous waste in accordance with all applicable requirements of parts 262 through 265, 266, and 268 of this chapter. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of sections 301, 304, and 402 of the Clean Water Act, as amended. If discharged to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR part 302.	261.193(a) Note					
To meet the requirements of paragraph (a) of this section, secondary containment systems must be at a minimum:	261.193(b)					
Constructed of or lined with materials that are compatible with the materials(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the material to which it is exposed, climatic conditions, and the stress of daily operation (including stresses from nearby vehicular traffic).	261.193(b)(1)					
Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;	261.193(b)(2)					
Provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous secondary material or accumulated liquid in the secondary containment system at the earliest practicable time; and	261.193(b)(3)					

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Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked material and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment.	261.193(b)(4)					
Secondary containment for tanks must include one or more of the following devices:	261.193(c)					
A liner (external to the tank);	261.193(c)(1)					
A vault; or	261.193(c)(2)					
A double-walled tank.	261.193(c)(3)					
In addition to the requirements of paragraphs (a), (b), and (c) of this section, secondary containment systems must satisfy the following requirements:	261.193(d)					
External liner systems must be:	261.193(d)(1)					
Designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;	261.193(d)(1)(i)					
Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event.	261.193(d)(1)(ii)					
Free of cracks or gaps; and	261.193(d)(1)(iii)					
Designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the material if the material is released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the material).	261.193(d)(1)(iv)					
Vault systems must be:	261.193(d)(2)					
Designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;	261.193(d)(2)(i)					

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Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;	261.193(d)(2)(ii)					
Constructed with chemical-resistant water stops in place at all joints (if any);	261.193(d)(2)(iii)					
Provided with an impermeable interior coating or lining that is compatible with the stored material and that will prevent migration of material into the concrete;	261.193(d)(2)(iv)					
Provided with a means to protect against the formation of and ignition of vapors within the vault, if the material being stored or treated is ignitable or reactive; and	261.193(d)(2)(v)					
Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.	261.193(d)(2)(vi)					
Double-walled tanks must be:	261.193(d)(3)					
Designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;	261.193(d)(3)(i)					
Protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and	261.193(d)(3)(ii)					
Provided with a built-in continuous leak detection system capable of detecting a release within 24 hours, or at the earliest practicable time.	261.193(d)(3)(iii)					
The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks" may be used as guidelines for aspects of the design of underground steel double-walled tanks.	261.193(d)(3)Note					
Reserved	261.193(e)					

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Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of paragraphs (a) and (b) of this section except for:	261.193(f)					
Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;	261.193(f)(1)					
Welded flanges, welded joints, and welded connections that are visually inspected for leaks on a daily basis;	261.193(f)(2)					
Sealless or magnetic coupling pumps and sealless valves that are visually inspected for leaks on a daily basis; and	261.193(f)(3)					
Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices) that are visually inspected for leaks on a daily basis.	261.193(f)(4)					
Add Heading: General operating requirements.	261.194					
Hazardous secondary materials or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.	261.194(a)					
The remanufacturer or other person that stores or treats the hazardous secondary material must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include at a minimum:	261.194(b)					
Spill prevention controls (e.g., check valves, dry disconnect couplings);	261.194(b)(1)					
Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and	261.194(b)(2)					
Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.	261.194(b)(3)					

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The remanufacturer or other person that stores or treats the hazardous secondary material must comply with the requirements of § 261.196 of this subpart if a leak or spill occurs in the tank system.	261.194(c)					
Reserved	261.195					
Add Heading: Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.	261.196					
Add introductory text to read as follows: A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the remanufacturer or other person that stores or treats the hazardous secondary material must satisfy the following requirements:	261.196					
Cessation of use; prevent flow or addition of materials. The remanufacturer or other person that stores or treats the hazardous secondary material must immediately stop the flow of hazardous secondary material into the tank system or secondary containment system and inspect the system to determine the cause of the release.	261.196(a)					
Removal of material from tank system or secondary containment system.	261.196(b)					
If the release was from the tank system, the remanufacturer or other person that stores or treats the hazardous secondary material must, within 24 hours after detection of the leak or, if the remanufacturer or other person that stores or treats the hazardous secondary material demonstrates that it is not possible, at the earliest practicable time, remove as much of the material as is necessary to prevent further release of hazardous secondary material to the environment and to allow inspection and repair of the tank system to be performed.	261.196(b)(1)					

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If the material released was to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.	261.196(b)(2)					
Containment of visible releases to the environment. The remanufacturer or other person that stores or treats the hazardous secondary material must immediately conduct a visual inspection of the release and, based upon that inspection:	261.196(c)					
Prevent further migration of the leak or spill to soils or surface water; and	261.196(c)(1)					
Remove, and properly dispose of, any visible contamination of the soil or surface water.	261.196(c)(2)					
Notifications, reports.	261.196(d)					
Any release to the environment, except as provided in paragraph (d)(2) of this section, must be reported to the Regional Administrator within 24 hours of its detection. If the release has been reported pursuant to 40 CFR part 302, that report will satisfy this requirement.	261.196(d)(1)					
A leak or spill of hazardous secondary material is exempted from the requirements of this paragraph if it is:	261.196(d)(2)					
Less than or equal to a quantity of 1 pound, and	261.196(d)(2)(i)					
Immediately contained and cleaned up.	261.196(d)(2)(ii)					
Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Regional Administrator:	261.196(d)(3)					
Likely route of migration of the release;	261.196(d)(3)(i)					
Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);	261.196(d)(3)(ii)					
Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Regional Administrator as soon as they become available.	261.196(d)(3)(ii)					

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Proximity to downgradient drinking water, surface water, and populated areas; and	261.196(d)(3)(iv)					
Description of response actions taken or planned.	261.196(d)(3)(v)					
Provision of secondary containment, repair, or closure.	261.196(e)					
Unless the remanufacturer or other person that stores or treats the hazardous secondary material satisfies the requirements of paragraphs (e)(2) through (4) of this section, the tank system must cease to operate under the remanufacturing exclusion at 40 CFR 261.4(a)(27).	261.196(e)(1)					
If the cause of the release was a spill that has not damaged the integrity of the system, the remanufacturer or other person that stores or treats the hazardous secondary material may return the system to service as soon as the released material is removed and repairs, if necessary, are made.	261.196(e)(2)					
If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.	261.196(e)(3)					

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If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the remanufacturer or other person that stores or treats the hazardous secondary material must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of § 261.193 before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of paragraph (f) of this section are satisfied. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with § 261.193 of this subpart prior to being returned to use.	261.196(e)(4)					
Certification of major repairs. If the remanufacturer or other person that stores or treats the hazardous secondary material has repaired a tank system in accordance with paragraph (e) of this section, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the remanufacturer or other person that stores or treats the hazardous secondary material has obtained a certification by a qualified Professional Engineer that the repaired system is capable of handling hazardous secondary materials without release for the intended life of the system. This certification must be kept on file at the facility and maintained until closure of the facility.	261.196(f)					

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The Regional Administrator may, on the basis of any information received that there is or has been a release of hazardous secondary material or hazardous constituents into the environment, issue an order under RCRA section 7003(a) requiring corrective action or such other response as deemed necessary to protect human health or the environment.	261.196 Note 1					
40 CFR part 302 may require the owner or operator to notify the National Response Center of certain releases.	261.196 Note 2					
Add Heading: Termination of remanufacturing exclusion.	261.197					
Hazardous secondary material stored in units more than 90 days after the unit ceases to operate under the remanufacturing exclusion at 40 CFR 261.4(a)(27) or otherwise ceases to be operated for manufacturing, or for storage of a product or a raw material, then becomes subject to regulation as hazardous waste under parts 261 through 266, 268, 270, 271, and 124 of this chapter, as applicable.	261.197					
Add Heading: Special requirements for ignitable or reactive materials.	261.198					
Ignitable or reactive material must not be placed in tank systems, unless the material is stored or treated in such a way that it is protected from any material or conditions that may cause the material to ignite or react.	261.198(a)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
The remanufacturer or other person that stores or treats hazardous secondary material which is ignitable or reactive must store or treat the hazardous secondary material in a tank that is in compliance with the requirements for the maintenance of protective distances between the material management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in Tables 2–1 through 2–6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," (1977 or 1981), (incorporated by reference, see § 260.11).	261.198(b)					
Add Heading: Special requirements for incompatible materials.	261.199					
Incompatible materials must not be placed in the same tank system.	261.199(a)					
Hazardous secondary material must not be placed in a tank system that has not been decontaminated and that previously held an incompatible material.	261.199(b)					
Add Heading: Air emission standards.	261.200					
The remanufacturer or other person that stores or treats the hazardous secondary material shall manage all hazardous secondary material placed in a tank in accordance with the applicable requirements of subparts AA, BB, and CC of this part.	261.200					
SUBPART AA – AIR EMISSION STANDARDS FOR PROCESS VENTS						
1 Add new Subpart AA to Part 261 as follows: Subpart AA—Air Emission Standards for Process Vents	261 Subpart AA					
Add Heading: Applicability	261.1030					

	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	The regulations in this subpart apply to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or stream stripping operations that manage hazardous secondary materials excluded under the remanufacturing exclusion at § 261.4(a)(27) with concentrations of at least 10 ppmw, unless the process vents are equipped with operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63.	261.1030					
2	Definitions. As used in this subpart, all terms not defined herein shall have the meaning given them in the Resource Conservation and Recovery Act and parts 260–266.	261.1031					
	Reserved	261.1033(b)(2)					
	SUBPART BB – AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS						
3	Add new Subpart BB to Part 261 as follows: Subpart BB—Air Emission Standards for Equipment Leaks	261 Subpart BB					
	Add Heading: Applicability	261.1050					
	The regulations in this subpart apply to equipment that contains hazardous secondary materials excluded under the remanufacturing exclusion at § 261.4(a)(27), unless the equipment operations are subject to the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63.	261.1050(a)					
	Definitions. As used in this subpart, all terms shall have the meaning given them in § 261.1031, the Resource Conservation and Recovery Act, and 40 CFR parts 260–266.	261.1051					
	SUBPART CC – AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS						
4	Add new Subpart CC to Part 261 as follows: Subpart CC—Air Emission Standards for Tanks and Containers	Subpart CC					
	Add Heading: Applicability	261.1080					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
The regulations in this subpart apply to tanks and containers that contain hazardous secondary materials excluded under the remanufacturing exclusion at § 261.4(a)(27), unless the tanks and containers are equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulations codified under 40 CFR part 60, part 61, or part 63.	261.1080(a)					
Reserved	261.1080(b)					
Definitions. As used in this subpart, all terms not defined herein shall have the meaning given to them in the Resource Conservation and Recovery Act and parts 260 through 266 of this chapter.	261.1081					
The remanufacturer or other person that stores or treats the hazardous secondary material shall control air pollutant emissions from each hazardous secondary material management unit in accordance with standards specified in §§ 261.1084 through 261.1087 of this subpart, as applicable to the hazardous secondary material management unit, except as provided for in paragraph (c) of this section.	261.1082(b)					
Reserved	261.1083(b)					
Reserved	261.1086(b)(2)					
Reserved	261.1089(c)					
Reserved	261.1089(f)(2)					
No corresponding provisions	261.1089(i)					
No corresponding provisions	261.1089(j)					

[1] This subpart is exactly the same as 40 CFR 265 subpart AA with four significant differences: 1) replace the phrase "hazardous waste" with "hazardous secondary materials" in all instances, and 2) remove and reserve paragraphs and sections referring to permit conditions in part 264, 3) replace internal references to provisions in part 265 with the corresponding provision in part 261, and 4) adopt the provisions in 261.1030 instead of those in 265.1030. These provisions are noted in this checklist.

[2] The definitions listed in 261.1031 are taken from 264.1031, with the replacement of terms described in endnote 1.

[3] This subpart is exactly the same as 40 CFR 265 subpart BB with four significant differences: 1) replace the phrase "hazardous waste" with "hazardous secondary materials" in all instances, and 2) remove and reserve paragraphs and sections referring to permit conditions in part 264, 3) replace internal references to provisions in part 265 with the corresponding provision in part 261, and 4) adopt the provision in 261.1050 instead of those in 265.1050. This provision is noted in this checklist.

[4] This subpart is exactly the same as 40 CFR 265 subpart CC with four significant differences: 1) replace the phrase "hazardous waste" with "hazardous secondary materials" in all instances, and 2) remove and reserve paragraphs and sections

referring to permit conditions in part 264, 3) replace internal references to provisions in part 265 with the corresponding provision in part 261, adjusting for the section citations because there are no corresponding provisions to 265.1082 and 265.1086, and 4) adopt the provision in 261.1080 instead of those in 265.1080 and remove provisions which are reserved or have no corresponding provision in part 261. These provisions are listed in this checklist.