

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 192 A

Mixture and Derived-From Rules Revisions

66 FR 27266-27297

May 16, 2001

(RCRA Cluster XI, HSWA/Non-HSWA)

Name of State: _____

State Statutory Authority: _____

Title of Regulations: _____ Effective Date: _____

Date Checklist Completed: _____

Notes: The revisions to 40 CFR 261.3(g) and 261.3(h)(1)-(3) are promulgated pursuant to HSWA. The HSWA revisions are considered less stringent than the existing Federal regulations and therefore, are immediately effective only in those States not authorized for the base RCRA program. The revisions to 40 CFR 261.3(a)(2)(iii) and (iv), and 261.3(c)(2)(i) are promulgated pursuant to non-HSWA authorities and do not go into effect in an authorized State until the State adopts and receives authorization for the revisions. HSWA provisions are identified by a ♦ (diamond symbol) in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART A – GENERAL						
DEFINITION OF HAZARDOUS WASTE						
remove and reserve	261.3(a)(2)(iii)					
replace “§§” with “40 CFR”; replace “of this chapter” with “, paragraph (g) of this section, or paragraph (h) of this section”; replace ending colon with semicolon	261.3(a)(2)(iv)					
insert “, (g) or (h)” after “(c)(2)(ii)”	261.3(c)(2)(i)					

RCRA REVISION CHECKLIST 192 A: Mixture and Derived-From
Rules Revisions (cont'd)

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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; listed hazardous waste solely because it exhibits one or more characteristic, is not a hazardous waste, if characteristics are no longer exhibited	261.3(g)(1)					
◆ 261.3(g)(1) exclusion also pertains to:	261.3(g)(2)					
◆ wastes excluded	261.3(g)(2)(i)					
	261.3(g)(2)(ii)					
◆ wastes excluded are subject to 268, even if no longer exhibit characteristic at point of land disposal	261.3(g)(3)					
†,◆ add new subparagraph; hazardous waste containing radioactive waste is no longer a hazardous waste	261.3(h)(1)					
†,◆ exemption also pertains to:	261.3(h)(2)					
†,◆ wastes excluded	261.3(h)(2)(i)					
	261.3(h)(2)(ii)					
†,◆ waste exempted must meet storage and transportation criteria; waste that fails is regulated as hazardous	261.3(h)(3)					

† Optional.

¹ There is a typographical error in the May 16, 2001 rule (66 FR 27266; May 16, 2001). States should not remove the comma following “ash”. The phrase should continue to read “...spill residue, ash, emission control dust, ...”.