

US EPA ARCHIVE DOCUMENT

SECTION C

CHECKLISTS AND MISCELLANEOUS CHANGES

**REGULATORY CHANGES TO DELAWARE REGULATIONS GOVERNING
HAZARDOUS WASTE (DRGHW)**

REVISION 5 AUTHORIZATION APPLICATION

RCRA REVISION CHECKLISTS ADOPTED BY DELAWARE

Federal Register Reference	Description Of Regulation	Date Adopted By State And Effective	Equivalency
65 FR 67068-67133 (Checklist 189, RCRA Cluster XI, HSWA)	Chlorinated Aliphatics Listing for Newly Identified Wastes	Adopted: 6/13/02 Effective: 7/11/02	Equivalent
66 FR 34374-34376 (Checklist 193, RCRA Cluster XI, Non-HSWA)	Change of Official EPA Mailing Address	Adopted: 6/13/02 Effective: 7/11/02	Equivalent
66 FR 58258-58300 (Checklist 195, RCRA Cluster XII, HSWA/Non-HSWA)	Inorganic Chemical Manufacturing Wastes Identification and Listing	Adopted: 4/25/02 Effective: 7/1/02	Equivalent

NON REVISION CHECKLIST STATE INITIATED MISCELLANEOUS CHANGES

DRGHW Section	Change Made	Date Adopted By State And Effective	Equivalency
261.21(a)(1) and (3)	Deleted outdated language	Adopted: 6/13/02 Effective: 7/11/02	Remains More Stringent
264.53	Clarifies requirement for copy of Contingency Plan to be in printed format and be made available for inspection upon request.	Adopted: 6/13/02 Effective: 7/11/02	Remains equivalent
264.344(c)(1)	Adds reference for designee of Secretary	Adopted: 6/13/02 Effective: 7/11/02	Remains equivalent
264.1033(l)(3)(ii), 264.1052(c)(2), (d)(6)(iii), 264.1053(g)(2), 264.1057(d)(2), 264.1058(c)(2), 264.1084(k)(1), 264.1085(f)(1), 264.1086(c)(4)(iii)	Requires facility to make first effort at repair of a defective pollution control device or component to be within one calendar day after detection.	Adopted: 6/13/02 Effective: 7/11/02	More stringent
265.37	Clarifies that owner or operator must make a written attempt to establish arrangements for emergency services.	Adopted: 6/13/02 Effective: 7/11/02	Requirement for written documentation of receipt makes the State more stringent.
265.1033(k)(3)(ii), 265.1052(d)(6)(ii), 265.1053(g)(2),	Requires facility to make first effort at repair of a defective	Adopted: 6/13/02 Effective: 7/11/02	More Stringent

265.1057(d)(2), 265.1058(c)(2), 265.1085(k)(1), 265.1086(f)(1), 265.1087(c)(4)(iii).	pollution control device or component to be within one calendar day after detection.		
265.1085(i)	Reinserts paragraph that was previously deleted by mistake	Adopted: 6/13/02 Effective: 7/11/02	Remains equivalent
Part 265 Appendix I	Corrects erroneous citation reference in first paragraph	Adopted: 6/13/02 Effective: 7/11/02	Remains equivalent
Part 268 Appendix VIII	Corrects title	Adopted: 6/13/02 Effective: 7/11/02	Remains equivalent
279.11 Table 1	Corrects degree symbol for Flash Point	Adopted: 6/13/02 Effective: 7/11/02	Remains equivalent
279.42(b)	Deletes paragraph (b)(2). State prohibits use of a letter to request an EPA ID Number by a transporter of used oil.	Adopted: 6/13/02 Effective: 7/11/02	More Stringent
122.1(c)(7)	Adds reference to 7 Del. C., Chapter 63.	Adopted: 6/13/02 Effective: 7/11/02	Remains equivalent

Adopted: 6/13/02
 Effective: 7/11/02

RCRA REVISION CHECKLIST 189

Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes
 65 FR 67068-67133
 November 8, 2000
 (RCRA Cluster XI, HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

Industry and EPA hazardous waste No.	Hazardous Waste	Hazard code
add following waste streams to subgroup "Organic chemicals" in alphanumeric order	261.32	261.32
		X

* * * * *

Organic chemicals:

* * * * *

K174 Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (i) they are disposed of in a subtitle C or non-hazardous landfill licensed or permitted by the state or federal government; (ii) they are not otherwise placed on the land prior to final disposal; and (iii) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Respondents in any action brought to enforce the requirements of subtitle C must, upon a showing by the government that the respondent managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, demonstrate that they meet the terms of the exclusion set forth above. In doing so, they must provide appropriate documentation (e.g., contracts between the generator and the landfill owner/operator, invoices documenting delivery of waste to landfill, etc.) that the terms of the exclusion were met. (T)

K175 Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)

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US EPA ARCHIVE DOCUMENT

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add to appendix in alphanumeric order, the following waste streams	261 Appendix VII	261 Appendix VII	X			
EPA hazardous waste No.	Hazardous constituents for which listed					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
K174	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD), 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF), 1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,6,7,8,9-HpCDF), HxCDDs (All Hexachlorodibenzo-p-dioxins), HxCDFs (All Hexachlorodibenzofurans), PeCDDs (All Pentachlorodibenzo-p-dioxins), OCDD (1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin), OCDF (1,2,3,4,6,7,8,9-Octachlorodibenzofuran), PeCDFs (All Pentachlorodibenzofurans), TCDDs (All Tetrachlorodibenzo-p-dioxins), TCDFs (All Tetrachlorodibenzofurans).					
K175	Mercury					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

APPENDIX VIII TO PART 261

HAZARDOUS CONSTITUENTS

add to appendix in alphabetical order, the following entries	261 Appendix VIII	261 Appendix VIII	X			
Common name	Chemical abstracts name		Chemical abstracts No.	Hazardous waste No.		
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Octachlorodibenzo-p-dioxin (OCDD).	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin		3268-87-9			
Octachlorodibenzofuran (OCDF).	1,2,3,4,6,7,8,9-Octachlorodibenzofuran		39001-02-0			
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

Note the following typographical errors in the November 8, 2000 rule, in the entry for K174 on page 67127:

- There should be a closing bracket following "Octachlorodibenzo-p-dioxin" in line 4 of the "Hazardous constituents for which listed" column;
- There should not be a hyphenation between "tetrachlorodi" and "benzo-p-dioxins" in line 5 of the "Hazardous constituents for which listed" column; and
- Both "tetrachlorodibenzo-p-dioxins" and "tetrachlorodibenzofurans" should be initially capitalized as with other constituents, in line 5 of the "Hazardous constituents for which listed" column.

PART 268 – LAND DISPOSAL RESTRICTIONS

SUBPART C – PROHIBITIONS ON LAND DISPOSAL

ii WASTE SPECIFIC PROHIBITIONS -- CHLORINATED ALIPHATIC WASTES

add new paragraph; effective May 8, 2001, wastes K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	268.33(a)	268.33(a)	X			
add new paragraph; requirements of 268.33(a) do not apply if:	268.33(b) intro	268.33(b) intro	X			
wastes meet treatment standards specified in 268 subpart D;	268.33(b)(1)	268.33(b)(1)	X			
exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	268.33(b)(2)	268.33(b)(2)	X			
wastes meet treatment standards established pursuant to petition granted under 268.44;	268.33(b)(3)	268.33(b)(3)	X			

ⁱⁱ This is a new section added by the 65 FR 67068 (November 8, 2000) rule. Originally, 268.33 dealt with "Waste Specific Prohibitions – First Third Wastes," but pursuant to 62 FR 25998-26040 (May 12, 1997; Revision Checklist 157), the section was removed and reserved effective August 11, 1997. Revision Checklist 165 (63 FR 24596; May 4, 1998) added a new section at 268.33 but this rule was vacated on April 9, 1999. The July 1, 2000 CFR reserved section 268.33.

hazardous debris has met treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.33(b)(4)	268.33(b)(4)	X			
extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.33(b)(5)	268.33(b)(5)	X			
add new paragraph; to determine if identified hazardous waste exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains regulated constituents in excess of 268 subpart D levels, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	268.33(c)	268.33(c)	X			
add new paragraph; disposal of K175 wastes complying with 268.40 treatment standards must also be macroencapsulated in accordance with 268.45 Table 1 unless waste is placed in:	268.33(d) intro	268.33(d) intro	X			
Subtitle C monofill containing only applicable K175 wastes that meet 268.40 treatment standards; or	268.33(d)(1)	268.33(d)(1)	X			
dedicated Subtitle C landfill cell in which other co-disposed wastes are at pH ≥ 6.0	268.33(d)(2)	268.33(d)(2)	X			

SUBPART D – TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

iii	add entries to F039 in alphabetic order, add in alphanumeric order new entries for K174 and K175, and add new footnote 12 as shown at 65 FR 67128-67131	268.40/Table	268.40/Table	X			
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UNIVERSAL TREATMENT STANDARDS

iv	add following to the subgroup "Organic Constituents" in alphabetical order	268.48(a)/Table	268.48(a)/Table	X			
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UNIVERSAL TREATMENT STANDARDS NOTE: NA means not applicable

REGULATED CONSTITUENT Common Name							CAS ¹ Number	Wastewater Standard	Nonwastewater Standard
							Concentration in mg/l ²	Concentration in mg/kg ³ unless noted as "mg/l TCLP"	
*	*	*	*	*	*	*	*	*	*
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)							35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)							67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)							55673-89-7	0.000035	0.0025
*	*	*	*	*	*	*	*	*	*
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD)							3268-87-9	0.000063	0.005
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)							39001-02-0	0.000063	0.005
*	*	*	*	*	*	*	*	*	*

ⁱⁱⁱNote that in addition to adding a new footnote 12 to the table, the November 8, 2000 rule (Revision Checklist 189) also republished footnotes 1-5 and 11. The only changes to these footnotes were revising upper case "Part" and "Subpart" to lower case "part" and "subpart" in footnotes 5 and 11.

^{iv}Note that although the amendatory language states the footnotes are republished without change, "mg/l" is incorrectly revised to "mg/L" in footnote 2. Also note that lower case "part" and "subpart" were incorrectly revised to upper case "Part" and "Subpart" in footnote 3. States should not adopt these revisions.

Adopted: 6/13/02
 Effective: 7/11/02

RCRA REVISION CHECKLIST 193

Change of Official EPA Mailing Address
 66 FR 34374-34376
 June 28, 2001
 (RCRA Cluster XI, non-HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

PART 260 – HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B – DEFINITIONS

REFERENCES

replace the phrase "OSW Methods Team, 401 M St., SW." with "OSW Methods Team, 1200 Pennsylvania Ave., NW."	260.11(a)(11)	260.11(a)(11)	X			
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RCRA REVISION CHECKLIST 195

Inorganic Chemical Manufacturing Wastes Identification and Listing

66 FR 58258-58300

November 20, 2001

(RCRA Cluster XII, HSWA/Non-HSWA)

Name of State: Delaware

State Statutory Authority: 7 Del. Code, Chapter 63

Adopted: 4/25/02

Title of Regulations: *Delaware Regulations Governing Hazardous Waste* Effective Date: July 1, 2002

Date Checklist Completed: -----

This rule is promulgated under both HSWA and non-HSWA authorities. The listings of K176 and K177 are promulgated under HSWA authorities. The land disposal restrictions promulgated in this rule are also issued under HSWA authorities. These requirements, with the exception of the application of the land disposal restrictions to K178, will go into effect in all States, including authorized States, on the effective date of this rule. The listing of K178 is promulgated under non-HSWA authorities and will only become effective in an authorized State when the State amends its regulations to include this listing and receives authorization. For States without authorization, the listing of K178 goes into effect on the effective date of this rule. While all land disposal restrictions are adopted under HSWA authorities regardless of the statutory authority for the corresponding waste listing, the treatment standards and prohibitions for K178 will not have immediate regulatory effect. This is consistent with prior rules establishing LDR requirements for new, non-HSWA lists. The treatment standards and prohibitions for K178 only take effect when EPA authorizes State regulations listing K178 wastes.

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

EXCLUSIONS

unchanged even though included in this rule	261.4(b)(15)	261.4(b)(15)	X			
^{i, †} remove “and”; after “K172” insert “,K174, K175, K176, K177, and K178,”; remove “(February 8, 1999)”	261.4(b)(15)(i)	261.4(b)(15)(i)	X			
unchanged even though included in this rule	261.4(b)(15)(ii)-(iv)	261.4(b)(15)(ii)-(iv)	X			

ⁱ While the November 20, 2001 rule added K174 and K175 wastes (as well as K176-K178) to 40 CFR 261.4(b)(15)(i), the rule does not discuss the Agency’s rationale for adding these two K wastes. Regulatory specialists at the RCRA Hotline related that the addition of K174 and K175 is not an error. These two wastes were added to the hazardous waste listings in the November 8, 2000 rule (65 FR 67068; Revision Checklist 189). At that time, EPA deferred the addition of K174 and K175 wastes to the exclusions at 40 CFR 261.4(b)(15)(i). The Hotline believes the Agency has made a decision to add the wastes to the exclusions with the current rule, even though this is not explained in the preamble.

† replace "After" with "As of"; replace "will" with "derived from K169-K172 is"; remove "be" after "longer"; insert new 2 nd sentence "After November 21, 2003, leachate....to discharge"; insert "(b)(15)(v)" after "paragraph"	261.4(b)(15)(v)	261.4(b)(15)(v)	X			
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SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

add following waste streams to subgroup "Inorganic chemicals" in alphanumeric order	261.32	261.32	X			
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Industry and EPA hazardous waste No. Hazardous Waste

* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Inorganic chemicals:						
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide).					(E)
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).					(T)
K178	Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process					(T)
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add to appendix in alphanumeric order, the following waste streams	261 Appendix VII	261 Appendix VII	X			
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EPA hazardous waste No. Hazardous constituents for which listed

* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
K176	Arsenic, Lead.					

K177

Antimony.

K178

Thallium.

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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS - INORGANIC CHEMICAL WASTES

add new paragraph; effective May 20, 2002, wastes K176-K178, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	268.36(a)	268.36(a)	X			
add new paragraph; requirements of 268.36(a) do not apply if:	268.36(b) intro	268.36(b) intro	X			
wastes meet treatment standards specified in 268 subpart D;	268.36(b)(1)	268.36(b)(1)	X			
exemption from a prohibition pursuant to petition under 268.6, with respect to wastes and units covered by the petition;	268.36(b)(2)	268.36(b)(2)	X			
wastes meet treatment standards established pursuant to petition granted under 268.44;	268.36(b)(3)	268.36(b)(3)	X			
hazardous debris has met treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.36(b)(4)	268.36(b)(4)	X			

extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.36(b)(5)	268.36(b)(5)	X			
add new paragraph; to determine if identified hazardous waste exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains regulated constituents in excess of 268 subpart D levels, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	268.36(c)	268.36(c)	X			

SUBPART D – TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

ii add in alphabetic order, new entries for K176-178 as shown at 66 <u>FR</u> 58298-58299	268.40/Table	268.40/Table	X			
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† Optional

ii While the November 20, 2001 rule reprints footnotes 1-5 and 11 to the table at 40 CFR 268.40, the footnotes are reprinted without change. Note that reprinted footnote 1 contains a typographical error: "49 CFR part 261" should be "40 CFR part 261".