

US EPA ARCHIVE DOCUMENT

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

**REVISION 6 AUTHORIZATION APPLICATION**

**RCRA Revision Checklists Adopted By Delaware**

<b>Federal Register Reference</b>	<b>Description of Regulation</b>	<b>Date Adopted by State and Effective</b>	<b>Equivalency</b>
66 FR 27218-27266 (Checklist 191) Non-HSWA	Storage, Treatment, Transportation, and Disposal of Mixed Waste Rule	Adopted: February 12, 2004; Effective: March 21, 2004	Equivalent
66 FR 27266-27297 (Checklists 192A & 192B) RCRA Cluster XI HSWA/Non-HSWA	Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-From Rule and Land Disposal Restrictions Correction	Adopted: February 12, 2004; Effective: March 21, 2004	Equivalent
66 FR 50332-50334 (Checklist 194, RCRA Cluster XII, HSWA/Non-HSWA)	Mixture and Derived From Rules Revision II	Adopted: February 12, 2004; Effective: March 21, 2004	Equivalent
67 FR 2962-3029 (Checklist 196, RCRA Cluster XII, HSWA)	CAMU Amendments	Adopted: February 12, 2004; Effective: March 21, 2004	Equivalent
67 FR 11251-11254 (Checklist 199, RCRA Cluster XII, Non-HSWA)	Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes and TCLP Use with MGP Waste	Adopted: February 12, 2004; Effective: March 21, 2004	Equivalent
67 FR 48393-48415 (Checklist 200, RCRA Cluster XIII, HSWA/Non-HSWA)	Zinc Fertilizer Rule	Adopted: February 12, 2004; Effective: March 21, 2004	More Stringent
67 FR 62618-62624 (Checklist 201 RCRA Cluster XIII, HSWA)	Treatment Variance for Radioactively Contaminated Batteries	Adopted: July 14, 2004; Effective: August 21, 2004	Equivalent

**Non Revision Checklist State Initiated Miscellaneous Changes**

<b>DRGHW Section</b>	<b>Change Made</b>	<b>Date Adopted by State and Effective</b>	<b>Equivalency</b>
260.10	Reinserted "under" in number 2 of definition for "Facility"	Adopted: February 12, 2004; Effective: March 21, 2004	Equivalent
261.1(c)(8)	Reinserted deleted word in third to last sentence.	Adopted: February 12, 2004; Effective: March 21, 2004	Equivalent
261.32	Reinserts erroneously deleted waste codes	Adopted: July 14, 2004; Effective: August 21, 2004	Equivalent
Part 261, Appendix VIII	Reinserts erroneously deleted waste codes	Adopted: July 14, 2004; Effective: August 21, 2004	Equivalent
263.102(c)	Amends requirements for permit termination, etc.	Adopted: February 12, 2004; Effective: March 21, 2004	Broader in Scope
263.103(d)	Increases the time an application to replace an expiring permit must be submitted from 60 days to 90 days	Adopted: July 14, 2004; Effective: August 21, 2004	Broader in Scope
264.145(a)(1)	Reinserts the word "to" after "conforms" in first sentence of (a)(1).	Adopted: February 12, 2004; Effective: March 21, 2004	Equivalent
264.1050(h)	New paragraph added regarding applicability of Part 264, subpart BB requirements to purged coatings and solvents from surface coating operations.	Adopted: July 14, 2004; Effective: August 21, 2004	Equivalent
265.55	Adds language clarifying that emergency coordinator must receive annual training in assessing possible hazards to human health and the environment that may result from a release, fire or explosion	Adopted: July 14, 2004; Effective: August 21, 2004	Broader in Scope
265.195(c)	Adds requirement for written inspection records for tanks.	Adopted: February 12, 2004; Effective: March 21, 2004	More Stringent

265.201(c)	Adds requirement for written inspection records for tanks.	Adopted: February 12, 2004; Effective: March 21, 2004	More Stringent
265.1050(g)	New paragraph added regarding applicability of Part 265, subpart BB requirements to purged coatings and solvents from surface coating operations.	Adopted: July 14, 2004; Effective: August 21, 2004	Equivalent
273.19	Adds requirement for written records for shipments of universal waste.	Adopted: February 12, 2004; Effective: March 21, 2004	More Stringent
122.20 title and paragraph (a)(1)	Reinserts missing word in title and corrects spelling error in para. (a)(1).	Adopted: February 12, 2004; Effective: March 21, 2004	Equivalent

*Revision 6 Crosswalk  
Revised 7/14/2004*

RCRA REVISION CHECKLIST 191

Effective 3/21/04

Mixed Waste Rule  
 66 FR 27218-27266  
 May 16, 2001  
 (RCRA Cluster XI, non-HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 266 – STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
†, 1, 2 SUBPART N – CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL						
WHAT DEFINITIONS APPLY TO THIS SUBPART?						
the following special definitions are added:	266.210 intro	266.210 intro	X			
“Agreement State”	266.210	266.210	X			
“Certified delivery”	266.210	266.210	X			
“Director”	266.210	266.210	X			
“Eligible Naturally Occurring and/or Accelerator-produced Radioactive Material (NARM)”	266.210	266.210	X			
“Exempted waste”	266.210	266.210	X			
“Hazardous waste”	266.210	266.210	X			
“Land Disposal Restriction (LDR) Treatment Standards”	266.210	266.210	X			
“License”	266.210	266.210	X			
“Low-Level Mixed Waste (LLMW)”	266.210	266.210	X			
“Low-Level Radioactive Waste (LLW)”	266.210	266.210	X			
“Mixed Waste”	266.210	266.210	X			
“Naturally Occurring and/or Accelerator-produced Radioactive Material (NARM)”	266.210	266.210	X			
“NRC”	266.210	266.210	X			
“We or us”	266.210	266.210	X			

<sup>1</sup> Revision Checklist 191 added a new subpart N to part 266 (§§ 266.210 through 266.360).

Note on page 27262 of 66 FR 27218-27266, the FR notice presents two versions of the title of subpart N. In column two, the subpart is entitled “Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal”. In column three, the subpart is entitled “Conditional Exemption for Low-Level Mixed Waste Storage and Disposal”. It was assumed the title in column two was the intended title.

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"You"	266.210	266.210	X			
WHAT DOES A STORAGE AND TREATMENT CONDITIONAL EXEMPTION DO?						
LLMW exempt from 261.3 if certain criteria or conditions met	266.220	266.220	X			
WHAT WASTES ARE ELIGIBLE FOR THE STORAGE AND TREATMENT CONDITIONAL EXEMPTION?						
eligible if generated and managed under license	266.225	266.225	X			
WHAT CONDITIONS MUST YOU MEET FOR YOUR LLMW TO QUALIFY FOR AND MAINTAIN A STORAGE AND TREATMENT EXEMPTION?						
notification in writing by certified delivery; notification information; signature requirements; timeliness	266.230(a)	266.230(a)	X			
to qualify for and maintain LLMW exemption:	266.230(b) intro	266.230(b) intro	X			
storage, training, inventory, inspection and emergency plan requirements	266.230(b)(1)-(5)	266.230(b)(1)-(5)	X			
WHAT WASTE TREATMENT DOES THE STORAGE AND TREATMENT CONDITIONAL EXEMPTION ALLOW?						
treatment in licensed tanks or containers; treatment requiring RCRA permit is not allowed	266.235	266.235	X			
HOW COULD YOU LOSE THE CONDITIONAL EXEMPTION FOR YOUR LLMW AND WHAT ACTION MUST YOU TAKE?						
failing to meet 266.230 conditions; non-exc.npt waste and storage unit immediately subject to RCRA requirements	266.240(a) intro	266.240(a) intro	X			
failure to meet 266.230 conditions requires written report within 30 days; certification; report must include:	266.240(a)(1) intro	266.240(a)(1) intro	X			
specific conditions failed; storage location; dates failed	266.240(a)(1)(i)-(iii)	266.240(a)(1)(i)-(iii)	X			
failure endangering human health or environment requires oral notification and written follow up; qualifying failures; emergency plan must be followed	266.240(a)(2)	266.240(a)(2)	X			

termination of exemption for serious or repeated noncompliance	266.240(b)	266.240(b)	X			
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**IF YOU LOSE THE STORAGE AND TREATMENT CONDITIONAL EXEMPTION FOR YOUR LLMW, CAN THE EXEMPTION BE RECLAIMED?**

exemption may be reclaimed if:	266.245(a) intro	266.245(a) intro	X			
266.230 conditions are again met; and	266.245(a)(1)	266.245(a)(1)	X			
notification that exemption is being reclaimed; signature requirements; notice must:	266.245(a)(2) intro	266.245(a)(2) intro	X			
explain each failure; certification; action taken; other information	266.245(a)(2)(i)-(iv)	266.245(a)(2)(i)-(iv)	X			
factors which can terminate a reclaimed exemption; additional conditions may be added	266.245(b)	266.245(b)	X			

**WHAT RECORDS MUST YOU KEEP AT YOUR FACILITY AND FOR HOW LONG?**

records must be kept as follows:	266.250(a) intro	266.250(a) intro	X			
initial notification, return receipts, failure reports and exemption reclaim records; inventories, inspections, training, emergency plan	266.250(a)(1)-(4)	266.250(a)(1)-(4)	X			
retention periods for notification, training, emergency plan, inventory and inspection records	266.250(b)	266.250(b)	X			

**WHEN IS YOUR LLMW NO LONGER ELIGIBLE FOR THE STORAGE AND TREATMENT CONDITIONAL EXEMPTION?**

when waste meets decay-in-storage requirements and can be disposed; waste becomes subject to RCRA and accumulation period begins	266.255(a)	266.255(a)	X			
once removed from storage, no longer eligible for exemption; 266.305 exemption may apply	266.255(b)	266.255(b)	X			

**DO CLOSURE REQUIREMENTS APPLY TO UNITS THAT STORED LLMW PRIOR TO THE EFFECTIVE DATE OF SUBPART N?**

units not subject to closure requirements; units subject to closure requirements	266.260	266.260	X			
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## WHAT DOES THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION DO?

waste exempted from 261.3 if conditions are met	266.305	266.305	X			
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## WHAT WASTES ARE ELIGIBLE FOR THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION?

eligible waste must be:	266.310 intro	266.310 intro	X			
a LLMW as defined in 266.210 that meets LLRWDF criteria; and/or	266.310(a)	266.310(a)	X			
an eligible NARM waste, defined in 266.210	266.310(b)	266.310(b)	X			

## WHAT ARE THE CONDITIONS YOU MUST MEET FOR YOUR WASTE TO QUALIFY FOR AND MAINTAIN THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION?

following conditions must be met for exemption:	266.315 intro	266.315 intro	X			
eligible waste meets LDR treatment standards	266.315(a)	266.315(a)	X			
manifested and transported according to NRC regulations	266.315(b)	266.315(b)	X			
waste meets container storage requirements	266.315(c)	266.315(c)	X			
waste disposed of at designated LLRWDF	266.315(d)	266.315(d)	X			

## WHAT TREATMENT STANDARDS MUST YOUR ELIGIBLE WASTE MEET?

LLMW or eligible NARM must meet 268 subpart D LDR treatment standards	266.320	266.320	X			
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## ARE YOU SUBJECT TO THE MANIFEST AND TRANSPORTATION CONDITION IN § 266.315(b)?

must meet manifest and transportation requirements	266.325	266.325	X			
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## WHEN DOES THE TRANSPORTATION AND DISPOSAL EXEMPTION TAKE EFFECT?

exemption is effective when:	266.330 intro	266.330 intro	X			
waste meets applicable LDR treatment standards	266.330(a)	266.330(a)	X			
return receipts for notification are received	266.330(b)	266.330(b)	X			
packaging and preparation requirements are completed and manifest is prepared, and	266.330(c)	266.330(c)	X			

waste placed on vehicle destined for licensed LLRWDF	266.330(d)	266.330(d)	X			
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## WHERE MUST YOUR EXEMPTED WASTE BE DISPOSED OF?

waste must be disposed of in regulated and licensed LLRWDF	266.335	266.335	X			
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## WHAT TYPE OF CONTAINER MUST BE USED FOR DISPOSAL OF EXEMPTED WASTE?

waste must be placed in containers before disposal that are:	266.340 intro	266.340 intro	X			
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carbon steel drum; or	266.340(a)	266.340(a)	X			
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equivalent performance of a carbon steel drum; or	266.340(b)	266.340(b)	X			
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high integrity container	266.340(c)	266.340(c)	X			
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## WHOM MUST YOU NOTIFY?

notification of exemption prior to initial shipment of waste; contents of dated written notice	266.345(a)	266.345(a)	X			
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notification before shipment of each exempted waste; return receipt required; notification to include:	266.345(b) intro	266.345(b) intro	X			
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notification requirements	266.345(b)(1)-(7)	266.345(b)(1)-(7)	X			
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## WHAT RECORDS MUST YOU KEEP AT YOUR FACILITY AND FOR HOW LONG?

in addition to records required by license, records must:	266.350 intro	266.350 intro	X			
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follow applicable recordkeeping requirements	266.350(a)	266.350(a)	X			
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keep copy of all notifications for three years after last disposal	266.350(b)	266.350(b)	X			
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keep copy of all notifications and return receipts for three years after last waste disposed	266.350(c)	266.350(c)	X			
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keep copy of 266.345(b) notifications and return receipts for three years after disposal	266.350(d)	266.350(d)	X			
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keep all required documents related to waste tracking and 266.350(a)-(d) records	266.350(e)	266.350(e)	X			
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## HOW COULD YOU LOSE THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION FOR YOUR WASTE AND WHAT ACTIONS MUST YOU TAKE?

waste loses exemption if not managed in accordance with 266.315	266.355(a) intro	266.355(a) intro	X			
failure to meet 266.315 conditions requires notification; must be certified; notification must include:	266.355(a)(1) intro	266.355(a)(1) intro	X			
notification requirements	266.355(a)(1)(i)-(iii)	266.355(a)(1)(i)-(iii)	X			
if failure endangers human health or environment, provide oral notification and written follow up	266.355(a)(2)	266.355(a)(2)	X			
termination of exemption or additional conditions required for noncompliance	266.355(b)	266.355(b)	X			

**IF YOU LOSE THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION FOR A WASTE, CAN THE EXEMPTION BE RECLAIMED?**

exemption reclaimed after notification of exemption loss, and if:	266.360(a) intro	266.360(a) intro	X			
266.315 conditions are again met; and	266.360(a)(1)	266.360(a)(1)	X			
notification of reclaimed exemption; signature requirements; notice must:	266.360(a)(2) intro	266.360(a)(2) intro	X			
notification requirements	266.360(a)(2)(i)-(iv)	266.360(a)(2)(i)-(iv)	X			
reclaimed exemption may be terminated based on listed factors; conditions may be added	266.360(b)	266.360(b)	X			

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: **Delaware**

State Statutory Authority: **7 Delaware Code, Chapters 60 and 63**

Title of Regulations: **Delaware Regulations Governing Hazardous Waste**; Effective Date: 3/21/2004

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)	261.3(a)(2)(iii)	X			
† 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)	Not Adopted See Checklist 194	X			
†, <sup>1</sup> insert “, (g) or (h)” after “(c)(2)(ii)”	261.3(c)(2)(i)	261.3(c)(2)(i)	X			

<sup>1</sup> 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, ...”.

✧	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)	X			
✧	261.3(g)(1) exclusion also pertains to:	261.3(g)(2)	261.3(g)(2)	X			
✧	wastes excluded	261.3(g)(2)(i)	261.3(g)(2)(i)	X			
		261.3(g)(2)(ii)	261.3(g)(2)(ii)	X			
✧	wastes excluded are subject to 268, even if no longer exhibit characteristic at point of land disposal	261.3(g)(3)	261.3(g)(3)	X			
†✧	add new subparagraph; hazardous waste containing radioactive waste is no longer a hazardous waste	261.3(h)(1)	261.3(h)(1)	X			
†✧	exemption also pertains to:	261.3(h)(2)	261.3(h)(2)	X			
†✧	wastes excluded	261.3(h)(2)(i)	261.3(h)(2)(i)	X			
		261.3(h)(2)(ii)	261.3(h)(2)(ii)	X			
†✧	waste exempted must meet storage and transportation criteria; waste that fails is regulated as hazardous	261.3(h)(3)	261.3(h)(3)	X			

† Optional.

RCRA REVISION CHECKLIST 192 B

Land Disposal Restrictions Correction

66 FR 27266-27297

May 16, 2001

(RCRA Cluster XI, HSWA)

Name of State: **Delaware**

State Statutory Authority: **7 Delaware Code, Chapters 60 and 63**

Title of Regulations: **Delaware Regulations Governing Hazardous Waste**; Effective Date: 3/21/2004

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 268 – LAND DISPOSAL RESTRICTIONS						
APPENDIX VII TO PART 268						
LDR EFFECTIVE DATES OF SURFACE DISPOSED PROHIBITED HAZARDOUS WASTES						
revise Table 1 by adding an entry for U048 as shown at 66 <u>FR</u> 27297	Appendix VII, Table 1	Appendix VII, Table 1	X			

RCRA REVISION CHECKLIST 194

Mixture and Derived-From Rules Revision II  
 66 FR 50332-50334  
 October 3, 2001  
 (RCRA Cluster XII, HSWA/Non-HSWA)

Name of State: Delaware  
 State Statutory Authority: 7 Delaware Code, Chapters 60 and 63  
 Title of Regulations: Delaware Regulations Governing Hazardous Waste Effective Date: 3/21/04  
 Date Checklist Completed: \_\_\_\_\_

Notes: The addition of 40 CFR 261.3(g)(4) is promulgated pursuant to HSWA. The HSWA revision is considered less stringent than the existing Federal regulations and, therefore, is immediately effective only in those States not authorized for the base RCRA program. HSWA provisions are identified by a "♦" (diamond symbol) in this checklist.

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 A – GENERAL

DEFINITION OF HAZARDOUS WASTE

1,†  unchanged even though included in this rule	261.3(a)(2)(iv)	261.3(a)(2)(iv) ♦	X			
	261.3(a)(2)(iv)(A)	261.3(a)(2)(iv)(A) ♦	X			
	261.3(a)(2)(iv)(B)	261.3(a)(2)(iv)(B) ♦	X			
	261.3(a)(2)(iv)(C)	261.3(a)(2)(iv)(C) ♦	X			
	261.3(a)(2)(iv)(D)	261.3(a)(2)(iv)(D) ♦	X			
	261.3(a)(2)(iv)(E)	261.3(a)(2)(iv)(E) ♦	X			
	261.3(a)(2)(iv)(F)	261.3(a)(2)(iv)(F) ♦	X			
	261.3(a)(2)(iv)(G)	261.3(a)(2)(iv)(G) ♦	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 194: Mixture and Derived-From Rules  
Revision II (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADE R IN SCOPE
†, • add new subparagraph; any mixture of a solid waste excluded under 261.4(b)(7) & a hazardous waste listed in 261 subpart D solely because it exhibits a characteristic, is not a hazardous waste if it no longer exhibits a characteristic for which it was listed.	261.3(g)(4)	261.3(g)(4)	X		1	

† Optional

<sup>1</sup> The October 3, 2001 rule contains potentially confusing information. In the preamble (p. 50332), it states that EPA inadvertently deleted subparagraphs A-G of 40 CFR 261.3(a)(2)(iv) in the May 16, 2001 rule (Revision Checklist 192 A) and is, therefore, reinserting the deleted subparagraphs. Additionally, on page 50333, the amendatory language states that 40 CFR 261.3 is amended by revising paragraph (a)(2)(iv). However, the May 16, 2001 rule does not contain instructions to remove 40 CFR 261.3(a)(2)(iv)(A)-(G). In comparison to the May 16, 2001 rule, the October 3, 2001 rule merely reprints 40 CFR 261.3(a)(2)(iv) intro and subparagraphs (a)(2)(iv)(A)-(G) unchanged.

Note that in the on-line version of the 2001 CFR, 40 CFR 261.3(a)(2)(iv) intro does not include the revisions from the May 16, 2001 rule but it does include subparagraphs (A)-(G).

RCRA REVISION CHECKLIST 196

CAMU Amendments  
 67 FR 2962-3029  
 January 22, 2002  
 (RCRA Cluster XII, HSWA)

Name of State: **Delaware**

State Statutory Authority: **7 Delaware Code, Chapters 60 and 63**

Title of Regulations: **Delaware Regulations Governing Hazardous Waste** Effective Date: 3/21/2004

Date Checklist Completed:

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 260 – HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B – DEFINITIONS						
DEFINITIONS						
remove "Corrective action management unit (CAMU)"	260.10	260.10	X			
revise "Remediation waste"; insert comma after "debris"; remove "contain listed hazardous wastes or that themselves exhibit a hazardous characteristic and"	260.10	260.10	X			

PART 264 – STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART S – SPECIAL PROVISIONS FOR CLEANUP						
APPLICABILITY OF CORRECTIVE ACTION MANAGEMENT UNIT (CAMU) REGULATIONS						
add new subparagraph; except as provided in 264.550(b), CAMU's are subject to 264.552	264.550(a)	264.550(a)	X			
add new subparagraph; CAMU's approved before April 22, 2002, or that have submitted substantially complete applications on or before November 20, 2000, are subject to 264.551 for grandfathered CAMUs; such CAMUs will not be subject to 264.552, so long as they remain within approved scope	264.550(b)	264.550(b)	X			
<sup>2</sup> GRANDFATHERED CORRECTIVE ACTION MANAGEMENT UNITS (CAMUs)						
<sup>3</sup> redesignate old 264.552 as 264.551	264.551	264.551	X			

<sup>1</sup> Revision Checklist 196 revised the title of Subpart S of Part 264 from “Corrective Action for Solid Waste Management Units” to “Special Provisions for Cleanup”.

<sup>2</sup> Revision Checklist 196 redesignated 264.552 as 265.551 and revised the section heading from “Corrective Action Management Units (CAMU)” to “Grandfathered Corrective Action Management Units (CAMUs)”.

<sup>3</sup> Revision Checklist 196 redesignated 264.552 as 265.551, revised the introductory paragraph at newly redesignated 264.551(a), and inserted a new section 264.552.

revise redesignated intro paragraph; insert "Section" after "RCRA."; remove ", as defined in § 260.10,"; insert new second sentence on meaning of CAMU; replace "owner/operator" with "owner or operator"	264.551(a) intro	264.551(a) intro	X			
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CORRECTIVE ACTION MANAGEMENT UNITS (CAMU)

Regional Administrator (RA) may designate an area at facility as CAMU for purpose of implementing remedies under 264.101 or RCRA 3008(h) or to implement remedies at a facility not subject to 264.101; meaning of CAMU; CAMU must be located within contiguous property under owner/operator control where wastes originated; one or more CAMUs may be designated at facility	264.552(a)	264.552(a)	X			
<i>CAMU-eligible waste means:</i>	264.552(a)(1)	264.552(a)(1)	X			
all solid & hazardous wastes, and all media & debris, managed for implementing cleanup; as-generated wastes from ongoing industrial operations at a site are not CAMU-eligible wastes	264.552(a)(1)(i)	264.552(a)(1)(i)	X			
wastes that otherwise meet 264.552(a)(1)(i) description are not "CAMU-Eligible Wastes" where:	264.552(a)(1)(ii)	264.552(a)(1)(ii)	X			

they are hazardous wastes found during cleanup in intact or substantially intact containers, tanks, or other non-land-based above ground units, unless wastes are first placed in these units as part of cleanup, or containers or tanks are excavated during cleanup; or	264.552(a)(1)(ii) (A)	264.552(a)(1)(ii) (A)	X			
RA exercises discretion in 264.552(a)(2) to prohibit management of wastes in a CAMU	264.552(a)(1)(ii) (B)	264.552(a)(1)(ii) (B)	X			
notwithstanding 264.552(a)(1)(i), as-generated non-hazardous waste may be placed in a CAMU when used to facilitate treatment or performance of CAMU	264.552(a)(1)(iii)	264.552(a)(1) (iii)	X			
RA may prohibit waste placement in a CAMU if wastes not managed in compliance with applicable part 268 or 265 requirements, or non-compliance with other RCRA requirements contributed to a release	264.552(a)(2)	264.552(a)(2)	X			
liquids prohibition	264.552(a)(3)	264.552(a)(3)	X			
placement of bulk or noncontainerized liquid hazardous waste or free liquids contained in hazardous waste is prohibited in any CAMU except where placement facilitates cleanup remedy	264.552(a)(3)(i)	264.552(a)(3)(i)	X			

264.314(d) requirements for placement of containers holding free liquids in landfills apply to CAMU except where placement facilitates cleanup remedy	264.552(a)(3)(ii)	264.552(a)(3)(ii)	X			
placement of nonhazardous liquid waste in CAMU is prohibited unless it facilitates cleanup remedy or 264.314(f) demonstration is made	264.552(a)(3)(iii)	264.552(a)(3)(iii)	X			
absence or presence of free liquids must be determined in accordance with 264.314(c); sorbents used to treat free liquids must meet 264.314(e)	264.552(a)(3)(iv)	264.552(a)(3)(iv)	X			
placement of CAMU-eligible wastes into or within CAMU is not land disposal	264.552(a)(4)	264.552(a)(4)	X			
consolidation or placement of CAMU-eligible wastes into or within CAMU is not creation of a unit subject to minimum technology requirements	264.552(a)(5)	264.552(a)(5)	X			
RA may designate a regulated unit as a CAMU, or incorporate a regulated unit into a CAMU, if:	264.552(b)(1)	264.552(b)(1)	X			
regulated unit is closed or closing under 264.113 or 265.113; and	264.552(b)(1)(i)	264.552(b)(1)(i)	X			
inclusion will enhance effective, protective & reliable remedial actions	264.552(b)(1)(ii)	264.552(b)(1)(ii)	X			

subpart F, G & H and the unit-specific requirements of 264/265 that applied to regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU	264.552(b)(2)	264.552(b)(2)	X			
only in accordance with 264.552(f) shall RA designate a CAMU to be used for storage and/or treatment; all other CAMUs designated in accordance with:	264.552(c)	264.552(c)	X			
CAMU shall facilitate effective, protective, reliable & cost-effective remedies;	264.552(c)(1)	264.552(c)(1)	X			
CAMU waste management activities shall not create unacceptable risks from exposure to hazardous wastes or constituents;	264.552(c)(2)	264.552(c)(2)	X			
CAMU includes uncontaminated areas of facility, only if including such areas for managing CAMU-eligible waste is more protective than management of such wastes at contaminated areas of facility;	264.552(c)(3)	264.552(c)(3)	X			
areas where wastes remain in place after CAMU closure, shall be managed to minimize future releases;	264.552(c)(4)	264.552(c)(4)	X			
CAMU expedites timing of remedial activity implementation;	264.552(c)(5)	264.552(c)(5)	X			

CAMU enables use of treatment technologies to enhance long-term remedial action effectiveness by reducing toxicity, mobility or volume of wastes that remain after closure; and	264.552(c)(6)	264.552(c)(6)	X		
CAMU minimizes land area upon which wastes will remain after closure	264.552(c)(7)	264.552(c)(7)	X		
owner/operator to provide sufficient information to enable RA to designate CAMU; information must include:	264.552(d)	264.552(d)	X		
origin of waste and how managed;	264.552(d)(1)	264.552(d)(1)	X		
whether waste was listed or identified as hazardous at time of disposal and/or release; and	264.552(d)(2)	264.552(d)(2)	X		
whether disposal and/or release occurred before or after LDRs were in effect for the listing or characteristic	264.552(d)(3)	264.552(d)(3)	X		
RA shall specify, in a permit or order CAMU requirements to include:	264.552(e)	264.552(e)	X		
areal configuration	264.552(e)(1)	264.552(e)(1)	X		
except as 264.552(g) provides, applicable design, operation, treatment & closure requirements	264.552(e)(2)	264.552(e)(2)	X		
except as 264.552(g) provides, minimum design requirements:	264.552(e)(3)	264.552(e)(3)	X		

except 264.552(e)(3)(ii) approved alternate, CAMUs consisting of new, replacement or laterally expanded units must include composite liner & leachate collection system; meaning of <i>composite liner</i> ; construction of upper component; thickness of HDPE; installation of FML;	264.552(e)(3)(i)	264.552(e)(3)(i)	X			
alternate requirements may be approved if:	264.552(e)(3)(ii)	264.552(e)(3)(ii)	X			
RA finds alternate design & operating practices, together with location, will prevent migration into ground or surface water at least as effectively as 264.552(e)(3)(i) systems; or	264.552(e)(3)(ii)(A)	264.552(e)(3)(ii)(A)	X			
CAMU to be established in area with existing significant contamination, and RA finds alternative design would prevent migration that exceeds long-term remedial goals	264.552(e)(3)(ii)(B)	264.552(e)(3)(ii)(B)	X			

minimum treatment requirements; unless in CAMU treatment/storage only under 264.552(f), CAMU eligible waste that absent 264.552 would be subject to 268 Treatment Standards and the RA determines waste contains principal hazardous constituents must be treated to 264.052(e)(4)(iii) standards	264.552(e)(4)	264.552(e)(4)	X			
principal hazardous constituents are those that pose a risk substantially higher than cleanup levels or goals at site	264.552(e)(4)(i)	264.552(e)(4)(i)	X			
principal hazardous constituents (PHCs):	264.552(e)(4)(i)(A)	264.552(e)(4)(i)(A)	X			
carcinogens that pose specified risk from ingestion or inhalation; and	264.552(e)(4)(i)(A)(1)	264.552(e)(4)(i)(A)(1)	X			
non-carcinogens that pose specified risk from ingestion or inhalation an order of magnitude or more above their reference dose	264.552(e)(4)(i)(A)(2)	264.552(e)(4)(i)(A)(2)	X			

PHCs can also be designated when risks posed by potential migration to ground water are substantially higher than cleanup levels or goals; factors for designation	264.552(e)(4)(i)(B)	264.552(e)(4)(i)(B)	X			
RA may designate other constituents as PHCs if determined to pose a risk substantially higher than cleanup levels or goals at site	264.552(e)(4)(i)(C)	264.552(e)(4)(i)(C)	X	1		
in determining PHCs, the RA must consider all constituents subject to 268 treatment standards	264.552(e)(4)(ii)	264.552(e)(4)(ii)	X			
<sup>4</sup> waste determined to contain PHCs must meet treatment standards determined in accordance with 264.552(e)(4)(iv) or (v)	264.552(e)(4)(iii)	264.552(e)(4)(iii)	X			
treatment standards for wastes placed in CAMUs	264.552(e)(4)(iv)	264.552(e)(4)(iv)	X			
non-metals must achieve 90% reduction in PHC concentrations	264.552(e)(4)(iv)(A)	264.552(e)(4)(iv)(A)	X			
metals must achieve 90% reduction in PHC concentrations or in total constituent concentrations	264.552(e)(4)(iv)(B)	264.552(e)(4)(iv)(B)	X			

<sup>4</sup> There is a punctuation error at 264.552(e)(4)(iii) in the January 22, 2002 rule (67 FR 2962; Revision Checklist 196): the ending colon should be replaced with a period.

when 90% reduction in PHC concentrations result in a concentration less than 10 times the UTS, treatment is not required; UTS are identified in 268.48	264.552(e)(4)(iv)(C)	264.552(e)(4)(iv)(C)	X			
wastes exhibiting ignitability, corrosivity or reactivity must also be treated to eliminate characteristic	264.552(e)(4)(iv)(D)	264.552(e)(4)(iv)(D)	X			
debris must be treated in accordance with 268.45, or to 264.552(e)(4)(iv)(A)-(D) or (e)(4)(v) levels	264.552(e)(4)(iv)(E)	264.552(e)(4)(iv)(E)	X			
alternatives to TCLP; for metal bearing wastes, RA may specify a test other than TCLP to measure treatment effectiveness	264.552(e)(4)(iv)(F)	264.552(e)(4)(iv)(F)	X			
RA may adjust treatment standards based on following; adjusted level must be protective of human health and environment:	264.552(e)(4)(v)	264.552(e)(4)(v)	X			
technical impracticability of 264.552(e)(4)(iv);	264.552(e)(4)(v)(A)	264.552(e)(4)(v)(A)	X			
264.552(e)(4)(iv) would result in PHC concentrations significantly above or below cleanup standards;	264.552(e)(4)(v)(B)	264.552(e)(4)(v)(B)	X			
affected local community views of 264.552(e)(4)(iv) methods;	264.552(e)(4)(v)(C)	264.552(e)(4)(v)(C)	X			
short-term risks of method necessary to achieve 264.552(e)(4)(iv);	264.552(e)(4)(v)(D)	264.552(e)(4)(v)(D)	X			
long-term protection of CAMU & engineering controls:	264.552(e)(4)(v)(E)	264.552(e)(4)(v)(E)	X			

where 264.552(e)(4)(iv) treatment standards are substantially met & PHCs are of very low mobility; or	264.552(e)(4)(v) (E)(1)	264.552(e)(4)(v) (E)(1)	X			
where cost-effective treatment is used & CAMU meets 264.301(c)&(d) requirements; or	264.552(e)(4)(v) (E)(2)	264.552(e)(4)(v) (E)(2)	X			
where cost-effective treatment is not reasonably available & CAMU meets 264.301(c)&(d) requirements; or	264.552(e)(4)(v) (E)(3)	264.552(e)(4)(v) (E)(3)	X			
where cost-effective treatment has been used & PHCs are of very low mobility; or	264.552(e)(4)(v) (E)(4)	264.552(e)(4)(v) (E)(4)	X			
where cost-effective treatment is not available, PHCs are of very low mobility, & CAMU meets/exceeds 264.552(e)(3)(i)&(ii) requirements, or CAMU provides substantially equivalent or greater protection	264.552(e)(4)(v) (E)(5)	264.552(e)(4)(v) (E)(5)	X			
treatment required must be completed prior to, or within reasonable time after, placement in CAMU	264.552(e)(4)(vi)	264.552(e)(4) (vi)	X			
RA may specify a PHC subset as analytical surrogates for determining if treatment standards are met for other PHCs; specification based on difficulty of treatment	264.552(e)(4)(vii)	264.552(e)(4) (vii)	X			
ground water monitoring & corrective action requirements sufficient to:	264.552(e)(5)	264.552(e)(5)	X			

detect & characterize existing releases in ground water from CAMU; and	264.552(e)(5)(i)	264.552(e)(5)(i)	X			
detect & characterize releases to ground water from CAMU when wastes remain after closure; and	264.552(e)(5)(ii)	264.552(e)(5)(ii)	X			
require RA notification & corrective action for releases to ground water from CAMU	264.552(e)(5)(iii)	264.552(e)(5)(iii)	X			
except as 264.552(d) provides, closure & post-closure requirements:	264.552(e)(6)	264.552(e)(6)	X			
closure of CAMU shall:	264.552(e)(6)(i)	264.552(e)(6)(i)	X			
minimize further maintenance; and	264.552(e)(6)(i) (A)	264.552(e)(6)(i) (A)	X			
control, minimize or eliminate post-closure escape of hazardous wastes to ground, surface waters or atmosphere	264.552(e)(6)(i) (B)	264.552(e)(6)(i) (B)	X			
requirements for CAMU closure shall include:	264.552(e)(6)(ii)	264.552(e)(6)(ii)	X			
waste excavation, removal, treatment or containment requirements; and	264.552(e)(6)(ii) (A)	264.552(e)(6)(ii) (A)	X			
equipment, devices & structures removal and decontamination requirements	264.552(e)(6)(ii) (B)	264.552(e)(6)(ii) (B)	X			
in establishing 264.552(e) closure requirements, the RA shall consider:	264.552(e)(6)(iii)	264.552(e)(6)(iii)	X			
CAMU characteristics;	264.552(e)(6)(iii) (A)	264.552(e)(6)(iii)(A)	X			
volume of wastes remaining after closure;	264.552(e)(6)(iii) (B)	264.552(e)(6)(iii)(B)	X			
potential for releases;	264.552(e)(6)(iii) (C)	264.552(e)(6)(iii)(C)	X			
physical & chemical characteristics of waste;	264.552(e)(6)(iii) (D)	264.552(e)(6)(iii)(D)	X			

environmental conditions which may influence migration of any potential or actual releases; and	264.552(e)(6)(iii)(E)	264.552(e)(6)(iii)(E)	X			
exposure potential from releases	264.552(e)(6)(iii)(F)	264.552(e)(6)(iii)(F)	X			
cap requirements:	264.552(e)(6)(iv)	264.552(e)(6)(iv)	X			
at final closure in areas where wastes will remain, owner/operator must cover CAMU with cover that meets following performance criteria:	264.552(e)(6)(iv)(A)	264.552(e)(6)(iv)(A)	X			
long-term liquids migration minimization;	264.552(e)(6)(iv)(A)(1)	264.552(e)(6)(iv)(A)(1)	X			
minimum maintenance;	264.552(e)(6)(iv)(A)(2)	264.552(e)(6)(iv)(A)(2)	X			
promote drainage & minimize erosion;	264.552(e)(6)(iv)(A)(3)	264.552(e)(6)(iv)(A)(3)	X			
accommodate settling and subsidence to maintain cover integrity; and	264.552(e)(6)(iv)(A)(4)	264.552(e)(6)(iv)(A)(4)	X			
permeability less than or equal to any bottom liner system or natural subsoils	264.552(e)(6)(iv)(A)(5)	264.552(e)(6)(iv)(A)(5)	X			
RA may determine that 264.552(e)(6)(iv)(A) modifications are needed to facilitate treatment or performance	264.552(e)(6)(iv)(B)	264.552(e)(6)(iv)(B)	X			
post-closure requirements to protect human health & environment to include monitoring & maintenance; frequency to ensure integrity of cap, final cover or other containment system	264.552(e)(6)(v)	264.552(e)(6)(v)	X			

CAMUs used only for storage and/or treatment will not have wastes remaining after closure; such CAMUs designated using all 264.552 requirements, with following exceptions	264.552(f)	264.552(f)	X			
qualified CAMUs that operate within 264.554(d)(1)(iii), (h) & (i) time limits are subject to specified staging pile requirements in lieu of 264.552(c) & (e)(3)-(6)	264.552(f)(1)	264.552(f)(1)	X			
qualified CAMUs that do not operate within 264.554(d)(1)(iii), (h) & (i) time limits:	264.552(f)(2)	264.552(f)(2)	X			
must operate with a time limit established by RA, no longer than necessary to achieve timely remedy, and	264.552(f)(2)(i)	264.552(f)(2)(i)	X			
are subject to specified staging pile requirements in lieu of 264.552(c) & (e)(4) & (6)	264.552(f)(2)(ii)	264.552(f)(2)(ii)	X			
CAMUs with wastes at or below remedial levels or goals do not have to comply with liner, cap, ground water monitoring or design standards	264.552(g)	264.552(g)	X			
RA shall provide public notice & opportunity for comment before designating a CAMU; notice shall include rationale for any proposed adjustments	264.552(h)	264.552(h)	X			

RA may impose additional requirements to protect human health & the environment	264.552(i)	264.552(i)	X			
incorporation of a CAMU into existing permit must be approved by RA according to 270.41 or 270.42	264.552(j)	264.552(j)	X			
CAMU designation does not change EPA's authority to address clean-up levels, media-specific compliance, or other remedy selection decisions	264.552(k)	264.552(k)	X			
<b>STAGING PILES</b>						
add new subparagraph; storage includes mixing, sizing, blending or other similar physical operations as long as they prepare wastes for subsequent management or treatment	264.554(a)(1)	264.554(a)(1)	X			
add and reserve new subparagraph	264.554(a)(2)	264.554(a)(2)	X			
†, <sup>5</sup> <b>DISPOSAL OF CAMU-ELIGIBLE WASTES IN PERMITTED HAZARDOUS WASTE LANDFILLS</b>						
if 264.555(a)(1)-(3) conditions are met, the RA may approve placement of CAMU-eligible wastes in hazardous waste landfills not at waste origination site, without meeting 268 requirements:	264.555(a)	264.555(a)	X			
waste meets 264.552(a)(1) & (2) definition	264.555(a)(1)	264.555(a)(1)	X			

<sup>5</sup> Revision Checklist 196 added a new section to Subpart S at 264.555 called "Disposal of CAMU-eligible wastes in permitted hazardous waste landfills".

RA identifies PHCs in waste & requires treatment to any of the following standards:	264.555(a)(2)	264.555(a)(2)	X			
264.552(e)(4)(iv); or	264.555(a)(2)(i)	264.555(a)(2)(i)	X			
264.552(e)(4)(v)(A), (C), (D) or (E)(I); or	264.555(a)(2)(ii)	264.555(a)(2)(ii)	X			
264.552(e)(4)(v)(E)(2), where treatment significantly reduces toxicity or mobility of PHCs, minimizing threat posed by waste	264.555(a)(2)(iii)	264.555(a)(2)(iii)	X			
landfill must have RCRA permit, meet 264 subpart N requirements & be authorized to accept CAMU-eligible wastes; "permit" does not include interim status	264.555(a)(3)	264.555(a)(3)	X			
person seeking approval to provide sufficient information to enable RA to approve placement of CAMU-eligible waste; information in 264.552(d) (1)-(3) required, unless not reasonably available	264.555(b)	264.555(b)	X			
RA shall provide public notice & opportunity for comment before approving CAMU-eligible waste for placement off-site; approval must be specific to a single remediation	264.555(c)	264.555(c)	X			

applicable part 264 hazardous waste management requirements for CAMU-eligible waste must be incorporated into receiving facility permit through permit issuance or modification, providing notice and opportunity for comment & hearing; a landfill may not receive hazardous CAMU-eligible waste unless specifically authorized by permit	264.555(d)	264.555(d)	X			
CAMU-eligible wastes may not be placed in off-site landfill in accordance with 264.555(d) until:	264.555(e)	264.555(e)	X			
owner/operator notifies RA & persons on mailing list of intent to receive waste; contents of notice	264.555(e)(1)	264.555(e)(1)	X			
within 15 days of notification, persons on mailing list may provide comments to RA	264.555(e)(2)	264.555(e)(2)	X			
within 30 days of notification, RA may object to waste placement; RA can extend review for additional 30 days	264.555(e)(3)	264.555(e)(3)	X			
RA notifies owner/operator that he/she does not object	264.555(e)(4)	264.555(e)(4)	X			
if RA objects, facility may not receive waste until objection resolved or permit modification under 270.42 is obtained	264.555(e)(5)	264.555(e)(5)	X			
RA may modify, reduce or eliminate notification requirements as part of 264.555(d) process	264.555(e)(6)	264.555(e)(6)	X			

generators of CAMU-eligible wastes sent off-site under 264.555, must comply with 268.7(a)(4); off-site facilities treating such wastes must comply with 268.7(b)(4); certification with respect to 264.555(a)(2) treatment requirements	264.555(f)	264.555(f)	X			
for purposes of 264.555 only, "design of CAMU" in 264.552(e)(4)(v)(E) means design of permitted Subtitle C landfill	264.555(g)	264.555(g)	X			

† Optional

RCRA REVISION CHECKLIST 199  
 Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes  
 and TCLP Use with MGP Waste67 FR 11251-11254  
 March 13, 2002  
 (RCRA Cluster XII, Non-HSWA)

Name of State: **Delaware**

State Statutory Authority: **7 Delaware Code, Chapters 60 and 63**

Title of Regulations: **Delaware Regulations Governing Hazardous Waste**; Effective Date: 3/21/2004

Date Checklist Completed:

**Conditionally optional provisions are identified by a “††” (double dagger 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
<b>PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A – GENERAL</b>						
<b>DEFINITION OF SOLID WASTE</b>						
††, <sup>1</sup> remove “(except as provided under 40 CFR 261.4(a)(17))” at end of second sentence	261.2(c)(3)	261.2(c)(3)	X			
<b>EXCLUSIONS</b>						
†† replace “Secondary materials (i.e., sludges, by-products, and spent materials as defined in § 261.1)” with “Spent materials (as defined in § 261.1)”	261.4(a)(17)	261.4(a)(17)	X			
†† replace “secondary” with “spent”	261.4(a)(17)(i)	261.4(a)(17)(i)	X			
†† replace “secondary” with “spent”	261.4(a)(17)(ii)	261.4(a)(17)(ii)	X			
††, <sup>2</sup> replace “(a)(15)(iv)” with “(a)(17)(iv)”; replace first occurrence of “secondary material” with “spent material”	261.4(a)(17)(iii)	261.4(a)(17)(iii)	X			
††, <sup>3</sup> in first sentence, replace “secondary material” with “spent material”; in second sentence, replace “secondary materials” with “spent materials”	261.4(a)(17)(iv)	261.4(a)(17)(iv)	X			

††, <sup>4</sup> unchanged even though included in this rule	261.4(a)(17)(iv) (A)	261.4(a)(17)(iv) (A)	X			
†† revise “secondary material” to “spent material”	261.4(a)(17)(iv) (B)	261.4(a)(17)(iv) (B)	X			
unchanged even though included in this rule	261.4(a)(17)(iv) (C)	261.4(a)(17)(iv) (C)	X			
†† replace “provides a notice” with “provides notice”; replace “, identifying” with “providing”; remove “non” prior to “land-based”	261.4(a)(17)(v)	261.4(a)(17)(v)	X			
††, <sup>5</sup> replace “§ 261.4(b)(7)” with “paragraph (a)(7) of this section”; replace “secondary materials” with “spent materials”	261.4(a)(17)(vi)	261.4(a)(17)(vi)	X			

SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

TOXICITY CHARACTERISTIC

insert “(except manufactured gas plant waste)” after “A solid waste”	261.24(a)	261.24(a)	X			
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<sup>1</sup> States that have adopted the revised version of Revision Checklist 167 D (63 FR 28556; May 26, 1998) (revised January 2002), should make the following changes to 40 CFR 261.2(c)(3) instead:

*Insert new second sentence: “Materials noted with a “–” in column 3 of Table 1 are not solid wastes when reclaimed.”*

<sup>2</sup> There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). The second occurrence of “secondary material” should have also been revised to “spent material”. States should make this revision.

<sup>3</sup> There are typographical errors in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). In the first sentence, the rule incorrectly revises “on pads, rather than in tanks, containers, or buildings.” to “on pads rather than tanks containers, or buildings.” States should not make these changes. Additionally, in the third sentence, the rule should have also revised “secondary material” to “spent material”. States should make this change.

<sup>4</sup> There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). In the second sentence, “secondary material” should have been revised to “spent material”. States should make this revision.

<sup>5</sup> There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). The rule incorrectly revises the internal reference to “paragraph (a)(7) of this section”. The correct revised internal reference should read “paragraph (b)(7) of this section”.

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SPA 24

**RCRA REVISION CHECKLIST 200**  
**Zinc Fertilizer Rule**  
**67 FR 48393 – 48415**  
**July 24, 2002**  
**(RCRA Cluster XIII, HSWA/ Non-HSWA)**

Name of State: Delaware

State Statutory Authority: 7 Delaware Code, Chapters 60 and 63

Title of Regulations: Delaware Regulations Governing Hazardous Waste; Effective Date:

Date Checklist Completed:

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A -- GENERAL</b>						
<b>EXCLUSIONS</b>						
add new paragraphs (a)(20) and (21) to read as follows:	261.4	Not Adopted			X	
Hazardous secondary materials used to make zinc fertilizers, provided these conditions are satisfied:	261.4(a)(20)	Not Adopted			X	
Materials must not be accumulated speculatively, as defined in §261.1 (c)(8).	261.4(a)(20)(i)	Not Adopted			X	
Generators and intermediate handlers must:	261.4(a)(20)(ii)	Not Adopted			X	
Submit a one-time notice to Regional Administrator or State Director, containing facility name, address and EPA ID number; providing a description of material; and identifying when the manufacturer will manage these wastes under paragraph (a)(20).	261.4(a)(20)(ii)(A)	Not Adopted			X	

**US EPA ARCHIVE DOCUMENT**

Draft

SPA 24

RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV. ALIEN	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Store material in tanks, containers, or buildings that prevent releases into environment. Buildings must be made of non-carthen materials and have a floor, walls and a roof. Tanks must be structurally sound and, if outdoors, must have roofs or covers. Containers must be kept closed except when adding or removing material, and must be in sound condition. Containers stored outdoors must be managed within storage areas that:	261.4(a)(20)(ii)(B)	Not Adopted			X	
have containment structures or systems to contain leaks, spills and accumulated precipitation; and	261.4(a)(20)(ii)(B)(1)	Not Adopted			X	
provide for drainage and removal of leaks, spills and accumulated precipitation; and	261.4(a)(20)(ii)(B)(2)	Not Adopted			X	
prevent run-on into the containment system.	261.4(a)(20)(ii)(B)(3)	Not Adopted			X	
With each off-site shipment, provide written notice to the receiving facility that the material is subject to paragraph (a)(20).	261.4(a)(20)(ii)(C)	Not Adopted			X	
Maintain at generator's or intermediate handler's facility for no less than three years records of all shipments. These records must contain:	261.4(a)(20)(ii)(D)	Not Adopted			X	

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RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Name of transporter and date of shipment;	261.4(a)(20)(ii)(D)(1)	Not Adopted			X	
Name and address of receiving facility, and documentation confirming shipment receipt; and	261.4(a)(20)(ii)(D)(2)	Not Adopted			X	
Type and quantity of material in each shipment.	261.4(a)(20)(ii)(D)(3)	Not Adopted			X	
Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:	261.4(a)(20)(iii)	Not Adopted			X	
Store materials in accordance with requirements for generators and intermediate handlers, as in paragraph (a)(20)(ii)(B).	261.4(a)(20)(iii)(A)	Not Adopted			X	
Submit a one-time notification to the Regional Administrator or State Director that, specifies the name, address and EPA ID number of the manufacturer, and identifies when the manufacturer will manage these materials under paragraph (a)(20).	261.4(a)(20)(iii)(B)	Not Adopted			X	
Maintain records for a minimum of three years of all shipments received; must identify name and address of generating facility, name of transporter and date materials were received, quantity received, and describe the process that generated the material.	261.4(a)(20)(iii)(C)	Not Adopted			X	

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RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Submit to the Regional Administrator or State Director an annual report identifying the total quantities of all materials used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the process(s) which generated them.	261.4(a)(20)(iii)(D)	Not Adopted			X	
Nothing in this section preempts, overrides or otherwise negates the provision in §262.11.	261.4(a)(20)(iv)	Not Adopted			X	
Interim status and permitted storage units that have only stored zinc-bearing hazardous wastes prior to the submission of the one-time notice described in (a)(20)(ii)(A), and that afterward will be used only to store these excluded materials, are not subject to the closure requirements of 40 CFR Parts 264 and 265.	261.4(a)(20)(v)	Not Adopted			X	
Zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under paragraph (a)(20) of this section, provided that:	261.4(a)(21)	Not Adopted			X	
The fertilizers meet the following contaminant limits:	261.4(a)(21)(i)	Not Adopted			X	

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RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
For metal contaminants: The Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm): Arsenic - .3 Cadmium - 1.4 Chromium - .6 Lead - 2.8 Mercury - .3	261.4(a)(21)(i)(A)	Not Adopted			X	
For dioxin contaminants the fertilizer must contain no more than eight (8) parts per trillion of dioxin, measured as toxic equivalent (TEQ).	261.4(a)(21)(i)(B)	Not Adopted			X	
The manufacturer analyzes fertilizer to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. Testing must be performed whenever there are changes to manufacturing processes or ingredients that could significantly affect amounts of contaminants in product. The manufacturer may use any reliable analytical method. It is manufacturer's responsibility to ensure that sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.	261.4(a)(21)(ii)	Not Adopted			X	

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RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
The manufacturer maintains for no less than three years records of all sampling and analyses performed to determine compliance with the requirements of (a)(21)(ii). Such records must at a minimum include:	261.4(a)(21)(iii)	Not Adopted			X	
Dates and times product samples were taken, and dates samples were analyzed;	261.4(a)(21)(iii)(A)	Not Adopted			X	
Names and qualifications of person(s) taking samples;	261.4(a)(21)(iii)(B)	Not Adopted			X	
Description of methods and equipment used to take the samples;	261.4(a)(21)(iii)(C)	Not Adopted			X	
Name and address of the laboratory where analyses were performed;	261.4(a)(21)(iii)(D)	Not Adopted			X	
Description of analytical methods used, and	261.4(a)(21)(iii)(E)	Not Adopted			X	
All laboratory analytical results used to determine compliance with the contaminant limits specified in paragraph (a)(21).	261.4(a)(21)(iii)(F)	Not Adopted			X	

PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART C -- RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

APPLICABILITY						
remove the last two sentences of paragraph (b), and add a new paragraph (d) to read as follows:	266.20	266.20	X			
Fertilizers that contain recyclable materials are not subject to regulation provided that:	266.20(d)	Not Adopted			X	

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RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
They are zinc fertilizers excluded from the definition of solid waste according to §261.4(a)(21); or	266.20(d)(1)	Not Adopted			X	
They meet applicable treatment standards in subpart D of Part 268 of this chapter for each hazardous waste that they contain.	266.20(d)(2)	Not Adopted			X	
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART D - TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS						
Section 268.40 is amended by removing and reserving paragraph (i)	268.40	268.40	X			

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RCRA REVISION CHECKLIST 201  
 Treatment Variance for Radioactively  
 Contaminated Batteries  
 67 FR 62618 – 62624  
 October 7, 2002  
 (RCRA Cluster XIII, HSWA)

Name of State: Delaware

State Statutory Authority: 7 Delaware Code, Chapters 60 and 63

Title of Regulations: Delaware Regulations Governing Hazardous Waste; Effective Date: 8/21/2004

Date Checklist Completed:

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 268 – LAND DISPOSAL RESTRICTIONS</b>						
<b>SUBPART D – TREATMENT STANDARDS</b>						

**APPLICABILITY OF TREATMENT STANDARDS**

Amend the Table by adding the following entries to the end of entries D006, D009, and D011:	268.40/Table	268.40/Table	X			
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**TREATMENT STANDARDS FOR HAZARDOUS WASTES**

[NOTE: NA means not applicable]

Waste code	Waste description and treatment/ Regulatory subcategory	Regulated hazardous constituent		Wastewaters: Concentration in mg/L, <sup>3</sup> or technology code <sup>4</sup>	Nonwastewaters: Concentration in mg/kg <sup>5</sup> unless noted as “mg/L TCLP”, or technology code <sup>4</sup>
		Common name	CAS <sup>2</sup> No.		
* * * * *					
D006 <sup>9</sup> .....	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
	Radioactively contaminated cadmium containing batteries. (Note: This subcategory consists of nonwastewaters only)	Cadmium.....	7740-43-9	NA	Macroencapsulation in accordance with 40 CFR 268.45.
* * * * *					
D009 <sup>9</sup> .....	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
	Radioactively contaminated mercury containing batteries. (Note: This subcategory consists of nonwastewaters only)	Mercury.....	7439-97-6	NA	Macroencapsulation in accordance with 40 CFR 268.45.
* * * * *					

RCRA REVISION CHECKLIST 201: Treatment Variance for Radioactively Contaminated Batteries  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
D011 <sup>9</sup> ..... Radioactively contaminated silver containing batteries. (Note: This subcategory consists of nonwastewaters only)	* * * * * Silver.....	7440-22-4	NA			Macroencapsulation in accordance with 40 CFR 268.45.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

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