

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 95

Land Disposal Restrictions for
Electric Arc Furnace Dust (K061)
56 FR 41164-41178
August 19, 1991
(RCRA Cluster II, HSWA Rule)

Name Of State: MARYLAND
State Statutory Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland (1996
Replacement Volume and 1999 Cumulative Supplement)
Title of Regulations: COMAR 26.13 Effective Date: _____
Date Checklist Completed: _____

Note: This checklist revises and finalizes treatment standards for K061 nonwastewaters in the high zinc subcategory originally regulated in the First Third Land Disposal Restrictions rule addressed by Revision Checklist 50 (53 FR 31138; August 17, 1988). Other related checklists include Revision Checklist 62 (54 FR 18836; May 2, 1989) and Revision Checklist 66 (54 FR 36967; September 6, 1989), as these two checklists amended and corrected Revision Checklist 50.

		STATE ANALOG IS:			
	ANALOGOUS	EQUIV-	MORE	BROADER	
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	STATE CITATION	ALERT	STRINGENT	IN SCOPE
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE					
SUBPART A – GENERAL					
DEFINITION OF HAZARDOUS WASTE					
† add new paragraph which excludes as hazardous waste certain nonwastewater residues resulting from high tempera- ture metals recovery processing of K061 waste; generic exclusion levels; testing requirements; notification and certification requirements for each shipment of certain K061 HTMR residues sent to a subtitle D unit	261.3(c)(2)(ii)(C)	No Analog		X	

**RCRA REVISION CHECKLIST 95: Land Disposal Restrictions for
Electric Arc Furnace Dust (K061) (Cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

Attorney General Comment: Maryland has not adopted an analog to 40 CFR 261.3(c)(2)(ii)(C) which excludes nonwastewater residues as hazardous wastes. The State is more stringent.

EXCLUSIONS

† add new paragraph which excludes as solid waste nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery	261.4(a)(11)	26.13.02.04A(10)	X		
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART D - TREATMENT STANDARDS

TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

in Table CCWE revise entry for K061, high zinc subcategory as shown below (see 56 FR 41177)	268.41(a)/Table CCWE	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions
at end of paragraph add "except that mixtures of high and low zinc nonwastewater K061 are subject to the treatment standard for high zinc K061"	268.41(b)	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 95: Land Disposal Restrictions for
Electric Arc Furnace Dust (K061) (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

in Table 2 remove entry for K061	268.42(a)/Table 2	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions
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RCRA REVISION CHECKLIST 118

Liquids in Landfills II
 57 FR 54452-54461
 November 18, 1992
 (RCRA Cluster III, HSWA provisions)

Name Of State: MARYLAND

State Statutory Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland (1996

Replacement Volume and 1999 Cumulative Supplement)

Title of Regulations: COMAR 26.13 Effective Date: _____

Date Checklist Completed: _____

Attorney General Comment: Maryland does not allow bulk or noncontainerized liquid waste or waste containing free liquids to be disposed in landfills per COMAR 26.13.05.14N & 26.13.06.22F(1), under any condition. The State is more stringent.

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 "sorbent"	260.10	Not adopted	X			
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PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART B - GENERAL FACILITY STANDARDS

GENERAL WASTE ANALYSIS

add new paragraph; procedures owner or operator will use to determine whether biodegradable sorbent has been added to waste in container	264.13(c)(3)	Not adopted			X	
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Attorney General Comment: Maryland has not adopted an analog addressing procedures to determine whether biodegradable sorbent has been added to a waste in a container because the State does not allow bulk or noncontainerized liquid waste or waste containing free liquids to be disposed in landfills. See note at beginning of checklist. Maryland is more stringent.

RCRA REVISION CHECKLIST 118: Liquids in Landfills (cont'd)

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

SUBPART N – LANDFILLS

SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS

change "an absorbent" to "a sorbent"	264.314(a)(2)	26.13.05.14N(1)			X	
change "absorbents" to "sorbents"	264.314(b)	26.13.05.14N(1)			X	
change "absorbent" to "sorbent"	264.314(d)(1)(ii)	26.13.05.14N(1)			X	
redesignate old 264.314(e) as 264.314(f); add new paragraph requiring that sorbents, used to treat free liquids disposed in landfills, must be nonbiodegradable; definition of nonbiodegradable sorbents	264.314(e)	26.13.05.14N(1)			X	
nonbiodegradable sorbents	264.314(e)(1)	26.13.05.14N(1)			X	
	264.314(e)(1)(i)	26.13.05.14N(1)			X	
	264.314(e)(1)(ii)	26.13.05.14N(1)			X	
	264.314(e)(1)(iii)	26.13.05.14N(1)			X	
tests for nonbiodegradable sorbents	264.314(e)(2)	26.13.05.14N(1)			X	
	264.314(e)(2)(i)	26.13.05.14N(1)			X	
	264.314(e)(2)(ii)	26.13.05.14N(1)			X	
former 264.314(e) becomes 264.314(f)	264.314(f)	26.13.05.14N(1)			X	
	264.314(f)(1)	26.13.05.14N(1)			X	
	264.314(f)(2)	26.13.05.14N(1)			X	

RCRA REVISION CHECKLIST 118: Liquids in Landfills (cont'd)

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

DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS (LAB PACKS)

change "absorbent" to "sorber" in two places; add ", determined to be nonbiodegradable in accordance with § 264.314(e)," before "to completely"; change "absorb" to "sorb"; change "packing" to "it has been packed"	264.316(b)	No Analog			X	
change "absorbent" to "sorber"; add ", after "containers"	264.316(c)	No Analog			X	

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART B - GENERAL FACILITY STANDARDS

GENERAL WASTE ANALYSIS

add new paragraph; procedures owner or operator will use to determine whether biodegradable sorber has been added to waste in container	265.13(c)(3)	Not adopted			X	
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SUBPART N - LANDFILLS

SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS

change "an absorbent" to "a sorber"	265.314(a)(2)	26.13.06.22F(1)			X	
change "absorbents" to "sorbents"	265.314(b)	26.13.06.22F(1)			X	
change "absorbent" to "sorber"	265.314(c)(1)(ii)	26.13.06.22F(1)			X	

RCRA REVISION CHECKLIST 118: Liquids in Landfills (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate old 265.314(f) as 265.314(g); add new paragraph requiring that sorbents, used to treat free liquids disposed in landfills, must be nonbiodegradable; definition of nonbiodegradable sorbents	265.314(f)	26.13.06.22F(1)			X	
nonbiodegradable sorbents	265.314(f)(1)	26.13.06.22F(1)			X	
	265.314(f)(1)(i)	26.13.06.22F(1)			X	
	265.314(f)(1)(ii)	26.13.06.22F(1)			X	
	265.314(f)(1)(iii)	26.13.06.22F(1)			X	
tests for nonbiodegradable sorbents	265.314(f)(2)	26.13.06.22F(1)			X	
	265.314(f)(2)(i)	26.13.06.22F(1)			X	
	265.314(f)(2)(ii)	26.13.06.22F(1)			X	
former 265.314(f) becomes 265.314(g)	265.314(g)	26.13.06.22F(1)			X	
	265.314(g)(1)	26.13.06.22F(1)			X	
	265.314(g)(2)	26.13.06.22F(1)			X	
DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS (LAB PACKS)						
change "absorbent" to "sorbent" in both places; add ", determined to be nonbiodegradable in accordance with § 265.314(f)," before "to completely"; change "absorb" to "sorb"; change "packing" to "it has been packed"	265.316(b)	26.13.06F(3)(c)	X			

RCRA REVISION CHECKLIST 118: Liquids in Landfills (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
² change "absorbent" to "sorbent"; add "," after "containers"	265.316(c)	26.13.06.F(3)(d)	X			

- 1 Note that there is a typographical error in the Federal Register article; at 265.314(f)(1)(ii), "polysobutylene" should be "polyisobutylene."
- 2 Note that there is an error in the Federal Register article; "container's" should be "containers,".

RCRA REVISION CHECKLIST 144

Removal of Legally Obsolete Rules

60 FR 33912-33915

June 29, 1995

(RCRA Cluster V, Both HSWA and Non-HSWA provisions)

Name Of State: MARYLANDState Statutory Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland (1996Replacement Volume and 1999 Cumulative Supplement)Title of Regulations: COMAR 26.13 Effective Date: _____

Date Checklist Completed: _____

Attorney General Comment: Maryland has never adopted analogs to the Federal provisions addressed in this checklist and thus, has not made any of the Revision Checklist 144 changes.

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 D - LISTS OF HAZARDOUS WASTES								
HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES								
I remove footnote 1	261.31(a)	No Analog	X					
PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES								
SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES								
INTERIM STATUS STANDARDS FOR BURNERS								
delete the last sentence	266.103(c)(5)	No Analog	X					
remove old 266.104(f) and redesignate 266.104(g) as 266.104(f)	266.104(f)	No Analog	X					

RCRA REVISION CHECKLIST 144: Removal of Legally Obsolete Rules (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate old 266.104(g)-(i) as 266.104(f)-(h)	266.104(g)	No Analog	X			
	266.104(h)	No Analog	X			

PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART A - GENERAL INFORMATION

DEFINITIONS

"Interim authorization": replace "3006(c)" with "3006(g)(2)"	270.2	No analog	X			
remove definitions of "Phase I" and "Phase II"	270.2	No analog	X			

SUBPART B - PERMIT APPLICATION

GENERAL APPLICATION REQUIREMENTS

remove "At any time after promulgation of Phase II"; replace "the owner and operator" with "The owner or operator"; replace the three occurrences of "HWM" with "hazardous waste management"; remove "authorization for Phase II"	270.10(e)(4)	No analog	X			
replace the two occurrences of "HWM" with "hazardous waste management"; replace "Phase II interim" with "interim or final"; remove "or final authorization"	270.10(f)(2)	No analog	X			
replace "HWM" with "hazardous waste management"	270.10(g)(1)	No analog	X			
remove comma after "Administrator"; remove "for phase II"; remove comma after "storing"	270.10(g)(1)(i)	No analog	X			

RCRA REVISION CHECKLIST 144: Removal of Legally Obsolete Rules (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove "Phase II"; remove comma after "storing"	270.10(g)(1)(ii)	No analog	X			
remove " for Phase II" in the first sentence; remove "Phase II" in the second sentence	270.10(g)(1)(iii)	No analog	X			

- Note that this footnote was removed by Revision Checklist 120 (December 24, 1992; 57 FR 61492), but this change was not included in the July 1, 1993 CFR as it should have been. This error was carried over into the July 1, 1994 CFR. The rule addressed by Revision Checklist 144 corrects the CFR error.

RCRA REVISION CHECKLIST 145

Liquids in Landfills III
60 FR 35703-35706
July 11, 1995
(RCRA Cluster VI, HSWA provisions)

Name Of State: MARYLAND
State Statutory Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland (1996 Replacement Volume and 1999 Cumulative Supplement)
Title of Regulations: COMAR 26.13 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 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART N - LANDFILLS

†

SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS

replace the period at the end of the paragraph with "; or"	264.314(e)(2)(ii)	26.13.05.14N(1)			X	
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Attorney General Comment: Maryland does not allow bulk or noncontainerized liquid waste or waste containing free liquids to be disposed in landfills per 26.13.05.14N and 26.13.06.22F(1). Thus, the State does not have an analog to 40 CFR 264.314(e)(2)(ii). Maryland is more stringent.

add new paragraph; sorbent material is determined to be non-biodegradable under OECD test 301B	264.314(e)(2)(iii)	26.13.05.14N(1)			X	
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Attorney General Comment: Maryland does not allow bulk or noncontainerized liquid waste or waste containing free liquids to be disposed in landfills per 26.13.05.14N and 26.13.06.22F(1). Thus, the State does not have an analog to 40 CFR 264.314(e)(2)(iii). Maryland is more stringent.

RCRA REVISION CHECKLIST 145: Liquids in Landfills III (cont'd)

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

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART N - LANDFILLS

†

SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS

replace the period at the end of the paragraph with "; or"	265.314(f)(2)(ii)	No Analog			X	
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Attorney General Comment: Maryland does not allow bulk or noncontainerized liquid waste or waste containing free liquids to be disposed in landfills per 26.13.05.14N and 26.13.06.22F(1). Thus, the State does not have an analog to 40 CFR 265.314(f)(2)(ii). Maryland is more stringent.

add new paragraph; sorbent material is determined to be non- biodegradable under OECD test 301B	265.314(f)(2)(iii)	No Analog			X	
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Attorney General Comment: Maryland does not allow bulk or noncontainerized liquid waste or waste containing free liquids to be disposed in landfills per 26.13.05.14N and 26.13.06.22F(1). Thus, the State does not have an analog to 40 CFR 265.314(f)(2)(iii). Maryland is more stringent.

RCRA REVISION CHECKLIST 152

Imports and Exports of Hazardous Waste:
Implementation of OECD Council Decision
61 FR 16290-16316
April 12, 1996
(RCRA Cluster VI, HSWA provisions)

Note: 1) Like the export requirements at 40 CFR 262, Subpart E, the 40 CFR 262, Subpart H requirements will be administered by EPA and not the States because the exercise of foreign relations and international commerce powers is reserved to the Federal government under the Constitution. However, EPA strongly encourages States to incorporate these requirements into their regulations for the convenience of the regulated community and for completeness, particularly in the situation where a State has already incorporated the 40 CFR 262, Subparts E and F provisions into its regulations.

2) The requirements in this rule apply to only those wastes identified or listed under the Federal program that are subject to Federal manifesting requirements. Thus, State-only wastes would not be subject to the import/export regulations addressed by this rule. The summary provides guidance and examples for appropriately incorporating these new requirements into State regulations.

3) Note the changes to 40 CFR 260.2 have not been included in this checklist because information requests should be sent to EPA with the information provided according to Federal availability of information procedures. Additionally, States are not required to adopt an analog to 260.2

Note: Maryland has adopted the April 12, 1996 Federal final rule (61 FR 16290; Revision Checklist 152) addressing imports and exports of hazardous waste. The exercise of foreign relations and international commerce powers is reserved to the Federal government under the United States Constitution. Therefore, the State has left the authority for these provisions with EPA. Maryland is not seeking authorization for the provisions addressed by Revision Checklist 152

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

Name Of State: MARYLAND

State Statutory Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland (1996
Replacement Volume and 1999 Cumulative Supplement)

Title of Regulations: COMAR 26.13 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 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

REQUIREMENTS FOR RECYCLABLE MATERIALS

† add new paragraph; hazardous waste that is exported to or imported from designated member countries of the OECD for purpose of recovery is subject to 40 CFR part 262 subpart H, if subject to either the manifesting requirements in part 262, the universal waste management standards in part 273 or State requirements analogous to part 273	261.6(a)(5)	26.13.02.06E	X			
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**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

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

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

† redesignate paragraphs 262.10(d)-(g) as 262.10(e)-(h); add new paragraph (d); persons who export or import hazardous waste subject to the manifest requirements of part 262, the universal waste standards of part 273, or the State requirements analogous to part 273, to or from countries listed in 262.58(a)(1) for recovery, must comply with part 262, subpart H	262.10(d)	26.13.03.07-5A	X			
† former 262.10(d)-(g) become 262.10(e)-(h)	262.10(e)-(h)	26.13.03.01C-F	X			

SUBPART E - EXPORTS OF HAZARDOUS WASTE

NOTIFICATION OF INTENT TO EXPORT

† completely revise paragraph; addresses of Office of Enforcement and Compliance Assurance where notifications submitted by mail or by hand-delivery should be sent; display on the envelope of all notifications "Attention: Notification of Intent to Export"	262.53(b)	26.13.03.07-1A(6)	X			
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**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

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

ANNUAL REPORTS

† completely revise paragraph; addresses of Office of Enforcement and Compliance Assurance where annual reports submitted by mail or by hand-delivery should be sent	262.56(b)	26.13.03.07-2C(4)			X	
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Attorney General Comment: Maryland requires a copy of the notice of intent to export and the annual report must be sent to the Secretary, in addition to the EPA. The State is more stringent.

† **INTERNATIONAL AGREEMENTS**

persons who export or import hazardous waste subject to manifest requirements of Part 262, to the universal waste standards of part 273, or to State requirements analogous to part 273, to or from countries defined in 262.58(a)(1) for purposes of recovery, are subject to part 262 subpart H; requirements of part 262 subparts E and F do not apply	262.58(a)	26.13.03.07-5A&B	X			
designated list of OECD countries for purposes of part 262 subpart H	262.58(a)(1)	26.13.03.07-5C & C1	X			
Canada and Mexico considered OECD countries only for the purpose of transit	262.58(a)(2)	26.13.03.07-5C & C2	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
persons who export or import hazardous waste from OECD countries for purposes other than recovery, from Mexico (for any purpose), or from Canada (for any purpose), are subject to part 262 subparts E and F	262.58(b)	26.13.03.07-5D	X			

**SUBPART H - TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN
THE OECD**

†

APPLICABILITY

requirements of part 262 subpart H apply to imports and exports of wastes considered hazardous under U.S. national procedures and destined for recovery in countries listed in 262.58(a)(1); a waste is considered hazardous if it meets the definition of hazardous waste in 261.3 and is subject to either the manifesting requirements in part 262 subpart B, the universal waste management standards in part 273, or State requirements analogous to part 273	262.80(a)	26.13.03.07-5A-C	X			
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**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
persons who mix two or more wastes or subject two or more wastes to physical or chemical transformation operations, and thereby create a new hazardous waste, become generators and assume generator duties under RCRA and any notifier duties under part 262 subpart H, if applicable	262.80(b)	26.13.03.07-5E	X			
† DEFINITIONS						
definitions applicable to part 262 subpart H	262.81	26.13.03.07-5F(1)	X			
"competent authorities"	262.81(a)	26.13.03.07-5F(1)	X			
"concerned countries"	262.81(b)	26.13.03.07-5F(1)	X			
"consignee"	262.81(c)	26.13.03.07-5F(1)	X			
"country of transit"	262.81(d)	26.13.03.07-5F(1)	X			
"exporting country"	262.81(e)	26.13.03.07-5F(1)	X			
"importing country"	262.81(f)	26.13.03.07-5F(1)	X			
"notifier"	262.81(g)	26.13.03.07-5F(1)	X			
"OECD area"	262.81(h)	26.13.03.07-5F(1)	X			
"recognized trader"	262.81(i)	26.13.03.07-5F(1)	X			
"recovery facility"	262.81(j)	26.13.03.07-5F(1)	X			
"recovery operations"	262.81(k)	26.13.03.07-5F(1)	X			
"transfrontier movement"	262.81(l)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

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

†

GENERAL CONDITIONS

level of import and export waste control is indicated by green, amber, or red lists and by U.S. national procedures as defined in 262.80(a); green, amber, and red lists are incorporated by reference in 262.89(e)	262.82(a)	26.13.03.07-5F(1)	X			
green-list wastes are subject to existing controls normally applied to commercial transactions, except as provided below:	262.82(a)(1)	26.13.03.07-5F(1)	X			
green-list wastes that are considered hazardous under U.S. national procedures are subject to amber-list controls	262.82(a)(1)(i)	26.13.03.07-5F(1)	X			
green-list wastes that are contaminated or mixed with amber-list wastes, such that the waste is considered hazardous, are subject to amber-list controls	262.82(a)(1)(ii)	26.13.03.07-5F(1)	X			
green-list wastes that are contaminated or mixed with red-list wastes, such that the waste is considered hazardous under U.S. national procedures, are subject to red-list controls	262.82(a)(1)(iii)	26.13.03.07-5F(1)	X			
amber-list wastes that are considered hazardous under 262.80(a) are subject to the amber-list controls of part 262 subpart H	262.82(a)(2)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
amber-list wastes contaminated or mixed with red-list wastes, such that the waste is considered hazardous under U.S. national procedures, must be handled in accordance with red-list controls	262.82(a)(2)(i)	26.13.03.07-5F(1)	X			
[Reserved]	262.82(a)(2)(ii)	26.13.03.07-5F(1)	X			
red-list wastes that are considered hazardous under 262.80(a) are subject to red-list controls of part 262 subpart H	262.82(a)(3)	26.13.03.07-5F(1)	X			
wastes not yet assigned to a list are eligible for transfrontier movements, as follows:	262.82(a)(4)	26.13.03.07-5F(1)	X			
wastes considered hazardous under 262.80(a) are subject to red-list controls, or	262.82(a)(4)(i)	26.13.03.07-5F(1)	X			
wastes not considered hazardous under 262.80(a) may move as though they appeared on the green list	262.82(a)(4)(ii)	26.13.03.07-5F(1)	X			
general conditions applicable to transfrontier movements of hazardous waste	262.82(b)	26.13.03.07-5F(1)	X			
waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country	262.82(b)(1)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
transfrontier movement must comply with applicable international transport agreements, and	262.82(b)(2)	26.13.03.07-5F(1)	X			
waste transported through a non-OECD country must comply with applicable international and national laws and regulations	262.82(b)(3)	26.13.03.07-5F(1)	X			
provisions relating to re-export for recovery to a third country	262.82(c)	26.13.03.07-5F(1)	X			
re-export of amber-list wastes from U.S., as the importing country, to a third country listed in 262.58(a)(1) may occur only after a notifier in the U.S. provides notification to and obtains consent of competent authorities in the third country, the original exporting country, and new transit countries; notification must comply with 262.83; 30-day objection period to proposed movement	262.82(c)(1)	26.13.03.07-5F(1)	X			
30-day period begins when competent authorities in both the initial exporting country and the new importing country issue Acknowledgements of Receipt of the notification	262.82(c)(1)(i)	26.13.03.07-5F(1)	X			

RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
transfrontier movement may commence if no objection lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD importing or transit countries	262.82(c)(1)(ii)	26.13.03.07-5F(1)	X			
re-export of red-list wastes from original importing country to a third country listed in 262.58(a)(1) may occur following notification of the competent authorities in the third country, the original exporting country, and new transit countries by a notifier in original importing country in accordance with 262.83; transfrontier movement may not proceed until receipt by original importing country of written consent of the competent authorities of the third country, original exporting country, and new transit country	262.82(c)(2)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
re-export of amber-list or red-list wastes to a country other than those listed in 262.58(a)(1) is subject to the notification to and consent of the competent authorities of the original OECD country of export and any OECD country of transit as required in 262.82(c)(1)&(2) in addition to compliance with international agreements and arrangements to which the first importing OECD country is party and all applicable regulatory requirements for exports from the first importing country	262.82(c)(3)	26.13.03.07-5F(1)	X			

RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)

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

† NOTIFICATION AND CONSENT

applicability; consent must be obtained from competent authorities of OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to part 262 subpart H; hazardous wastes subject to amber-list controls are subject to the requirements in 262.83(b); hazardous wastes subject to red-list controls are subject to the requirements in 262.83(c); and wastes not identified on any list is subject to the requirements in 262.83(d)	262.83(a)	26.13.03.07-5F(1)	X			
export from the U.S. of hazardous wastes on the amber list described in 262.80(a) is prohibited unless the requirements of 262.83(b)(1) or (2) are met	262.83(b)	26.13.03.07-5F(1)	X			
transactions requiring specific consent:	262.83(b)(1)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
at least 45 days prior to transfrontier movement the notifier must provide written notification in English of proposed transfrontier movement to Office of Enforcement and Compliance Assurance, with words "Attention: OECD Export Notification" on the envelope; notification must include all the information identified in 262.83(e); for wastes with similar physical and chemical characteristics, the same U.N. classifications, and the same RCRA waste codes, which are to be sent to the same recovery facility, the notifier may submit one notification of intent to export wastes in multiple shipments during a period of up to one year	262.83(b)(1)(i)	26.13.03.07-5F(1) & F(2)(a)			X	
Attorney General Comment: Maryland requires copies of the notifications and reports required by 40 CFR 262.83(b)(1)(i) & (b)(2)(i), 262.84(e) & 262.87 to be provided to the Secretary. Maryland is more stringent.						
transfrontier movement may commence upon tacit consent; if no objections to notification provided pursuant to 262.83(b)(1)(i) are lodged within 30 days after issuance of Acknowledgment of Receipt by the competent authority of the importing country; tacit consent expires one year after close of 30 day period; renotification and renewal is required for exports after that expiration date	262.83(b)(1)(ii)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
written consent; if competent authorities of OECD importing and transit countries provide written consent in a period less than 30 days, transfrontier movement may commence immediately; written consent expires one year after date of consent; renotification and renewal is required for exports after that expiration date	262.83(b)(1)(iii)	26.13.03.07-5F(1)	X			
shipments to facilities preapproved by competent authorities of importing countries:	262.83(b)(2)	26.13.03.07-5F(1)	X			
notifier must provide EPA with information identified in 262.83(e) at least 10 days in advance of shipment to pre-approved facility; notification should indicate the facility is pre-approved, and may apply to a single specific shipment or multiple shipments as described in 262.83(b)(1)(i); information must be sent to Office of Enforcement and Compliance Assurance with "OECD Export Notifications--Pre-approved Facility" displayed on the envelope	262.83(b)(2)(i)	26.13.03.07-5F(1) & F(2)(b)			X	

Attorney General Comment: Maryland requires copies of the notifications and reports required by 40 CFR 262.83(b)(1)(i) & (b)(2)(i), 262.84(e) & 262.87 to be provided to the Secretary. Maryland is more stringent.

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
shipments may commence after notification required in 262.83(b)(1)(i) is received by competent authorities of all concerned countries, unless notifier receives information indicating objections to the shipment	262.83(b)(2)(ii)	26.13.03.07-5F(1)	X			
export from the U.S. of hazardous wastes as described in 262.80(a) that appear on the red list is prohibited unless notice pursuant to 262.83(b)(1)(i) is given and notifier receives written consent from the importing country and any transit countries prior to transfrontier movement	262.83(c)	26.13.03.07-5F(1)	X			
wastes not assigned to the green, amber, or red list that are considered hazardous under 262.80(a) are subject to notification and consent requirements for red-list wastes in accordance with 262.83(c); unlisted wastes that are not considered hazardous under 262.80(a) are not subject to amber or red controls when exported or imported	262.83(d)	26.13.03.07-5F(1)	X			
notifications submitted must include the following information:	262.83(e)	26.13.03.07-5F(1)	X			
serial number or other identifier of the notification form	262.83(e)(1)	26.13.03.07-5F(1)	X			
notifier name and EPA identification number, address, and telephone and telefax numbers	262.83(e)(2)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
importing recovery facility name, address, telephone and telefax numbers, and technologies employed	262.83(e)(3)	26.13.03.07-5F(1)	X			
consignee name, address, and telephone and telefax numbers; whether consignee will engage in waste exchange or storage prior to delivery to final recovery facility and identification of operations employed at final recovery facility	262.83(e)(4)	26.13.03.07-5F(1)	X			
intended transporters and/or their agents	262.83(e)(5)	26.13.03.07-5F(1)	X			
country of export and competent authority; point of departure	262.83(e)(6)	26.13.03.07-5F(1)	X			
countries of transit and competent authorities; points of entry and departure	262.83(e)(7)	26.13.03.07-5F(1)	X			
country of import and competent authority; point of entry	262.83(e)(8)	26.13.03.07-5F(1)	X			
statement of whether notification is single or general notification; if general, include period of validity	262.83(e)(9)	26.13.03.07-5F(1)	X			
date foreseen for commencement of transfrontier movement	262.83(e)(10)	26.13.03.07-5F(1)	X			
designation of waste type(s) from list (green, red or amber), descriptions of each waste type, estimated total quantity of each waste, RCRA waste code, and U.N. number; and	262.83(e)(11)	26.13.03.07-5F(1)	X			

RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
certification/declaration signed by notifier that the information is complete and correct, and that legally enforceable written contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement	262.83(e)(12)	26.13.03.07-5F(1)	X			
† TRACKING DOCUMENT						
U.S. parties subject to 262.85 must ensure that a tracking document meeting the conditions of 262.84(b), accompanies each transfrontier shipment of amber-list or red-list wastes from the initiation of the shipment until it reaches the final recovery facility, except as provided in 262.84(a)(1) and (2)	262.84(a)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for shipments of hazardous waste in the U.S. solely by water (bulk shipments only), the generator must forward tracking document to last water transporter to handle the waste in the U.S. in accordance with 262.23(c)	262.84(a)(1)	26.13.03.07-5F(1)	X			
for rail shipments of hazardous waste in the U.S. originating at the site of generation, the generator must forward the tracking document with the manifest in accordance with 262.23(d) to next non-rail transporter or to last rail transporter to handle the waste in the U.S.	262.84(a)(2)	26.13.03.07-5F(1)	X			
tracking document must include information required under 262.83 and the following:	262.84(b)	26.13.03.07-5F(1)	X			
date shipment commenced	262.84(b)(1)	26.13.03.07-5F(1)	X			
name (if not notifier), address, phone and telefax number of primary exporter	262.84(b)(2)	26.13.03.07-5F(1)	X			
company name and EPA identification number of all transporters	262.84(b)(3)	26.13.03.07-5F(1)	X			
identification (license, registered name or registration number) of means of transport, including types of packaging	262.84(b)(4)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
any special precautions to be taken by transporters	262.84(b)(5)	26.13.03.07-5F(1)	X			
certification/declaration signed by notifier that no objection to the shipment has been lodged, as specified	262.84(b)(6)	26.13.03.07-5F(1)	X			
appropriate signatures for each custody transfer	262.84(b)(7)	26.13.03.07-5F(1)	X			
notifiers must comply with manifest requirements of 262.54(a),(b),(c),(e), and (i) and part 262 subpart F	262.84(c)	26.13.03.07-5F(1)	X			
each U.S. person that has physical custody of waste from time movement commences until it arrives at recovery facility must sign tracking document	262.84(d)	26.13.03.07-5F(1)	X			
within three working days of the receipt of imports subject to part 262 subpart H, the owner or operator of the U.S. recovery facility must send signed copies of the tracking document to notifier, Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to competent authorities of exporting and transit countries	262.84(e)	26.13.03.07-5F(1) & F(2)(c)			X	

Attorney General Comment: Maryland requires copies of the notifications and reports required by 40 CFR 262.83(b)(1)(i) & (b)(2)(i), 262.84(e) & 262.87 to be provided to the Secretary. Maryland is more stringent.

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

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

† **CONTRACTS**

transfrontier movements of hazardous wastes subject to amber or red control procedures are prohibited unless they occur under a valid written contract, chain of contracts, or equivalent arrangements; such contracts or equivalent arrangements must be executed by the notifier and the owner or operator of the recovery facility and must specify responsibilities for each; such contracts or equivalent arrangements are valid only if participants to the contract have appropriate legal status	262.85(a)	26.13.03.07-5F(1)	X			
contracts or equivalent arrangements must specify name and EPA identification number, where available, of:	262.85(b)	26.13.03.07-5F(1)	X			
generator of each type of waste;	262.85(b)(1)	26.13.03.07-5F(1)	X			
each person who will have physical custody of wastes;	262.85(b)(2)	26.13.03.07-5F(1)	X			
each person who will have legal control of wastes; and	262.85(b)(3)	26.13.03.07-5F(1)	X			
the recovery facility	262.85(b)(4)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
contracts or equivalent arrangements must specify the party who will assume responsibility for alternate waste management if its disposition cannot be carried out as described in the notification of intent to export; contracts must specify:	262.85(c)	26.13.03.07-5F(1)	X			
person with actual possession or physical control of wastes must immediately inform notifier and competent authorities of the exporting and importing countries; if wastes located in a country of transit, notify competent authorities of that country; and	262.85(c)(1)	26.13.03.07-5F(1)	X			
person specified in contract assumes responsibility for adequate management of wastes in compliance with applicable laws including arranging for the return of the waste to original country of export, if necessary	262.85(c)(2)	26.13.03.07-5F(1)	X			
contracts must specify that the consignee will provide notification as required in 262.82(c) prior to re-export to a third country	262.85(d)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALEMENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
contracts or equivalent arrangements must include financial guarantee provisions, if required, in accordance with applicable national or international law	262.85(e)	26.13.03.07-5F(1)	X			
contracts or equivalent arrangements must require compliance with all applicable requirements of part 262 subpart H	262.85(f)	26.13.03.07-5F(1)	X			
upon EPA request, U.S. notifiers, consignees, or recovery facilities must submit to EPA copies of contracts, chain of contracts or equivalent arrangements; confidential information as asserted in accordance with 40 CFR 2.203(b) in the contracts or equivalent arrangements will be disclosed by EPA only as provided in 260.2	262.85(g)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

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

† **PROVISIONS RELATING TO RECOGNIZED TRADERS**

a recognized trader who takes physical custody of waste and conducts recovery operations is acting as the owner or operator of a recovery facility and must be authorized in accordance with applicable Federal law	262.86(a)	26.13.03.07-5F(1)	X			
a recognized trader acting as notifier or consignee must comply with the requirements of part 262 subpart H	262.86(b)	26.13.03.07-5F(1)	X			

† **REPORTING AND RECORDKEEPING**

for all waste movements subject to part 262 subpart H, primary exporters, as defined in 262.51, shall file annual reports no later than March 1 of each year that summarize the types, quantities, frequency, and ultimate destination of all hazardous waste exported during previous calendar year; such reports shall include:	262.87(a)	26.13.03.07-5F(1) & F(2)(d)			X	
EPA identification number, name, mailing and site address of the notifier filing report	262.87(a)(1)	26.13.03.07-5F(1) & F(2)(d)			X	
calendar year covered by the report	262.87(a)(2)	26.13.03.07-5F(1) & F(2)(d)			X	
name and site address of each final recovery facility	262.87(a)(3)	26.13.03.07-5F(1) & F(2)(d)			X	

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for each hazardous waste exported by a final recovery facility, a description of the hazardous waste, EPA hazardous waste number, OECD waste type(s) and waste code, DOT hazard class, name and EPA identification number of each transporter, total amount of waste shipped, and number of shipments pursuant to each notification	262.87(a)(4)	26.13.03.07-5F(1) & F(2)(d)			X	
in even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1000 kg in a calendar month, and except for waste for which information already provided pursuant to 262.41:	262.87(a)(5)	26.13.03.07-5F(1) & F(2)(d)			X	
description of efforts to reduce volume and toxicity of waste generated; and	262.87(a)(5)(i)	26.13.03.07-5F(1) & F(2)(d)			X	
description of changes in volume and toxicity achieved during the year in comparison to previous years; and	262.87(a)(5)(ii)	26.13.03.07-5F(1) & F(2)(d)			X	
certification signed by primary exporter that the information is true, accurate, and complete	262.87(a)(6)	26.13.03.07-5F(1) & F(2)(d)			X	

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
exception reports; persons meeting the definition of primary exporter in 262.51 must file an exception report with the Administrator in lieu of the requirements of 262.42 if any of the following occurs:	262.87(b)	26.13.03.07-5F(1) & F(2)(d)			X	
he has not received a copy of the tracking document signed by the transporter stating the point of departure of the waste from the U.S. within 45 days from date it was accepted by initial transporter	262.87(b)(1)	26.13.03.07-5F(1) & F(2)(d)			X	
within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation that the hazardous waste was received	262.87(b)(2)	26.13.03.07-5F(1) & F(2)(d)			X	
waste is returned to U.S.	262.87(b)(3)	26.13.03.07-5F(1) & F(2)(d)			X	
recordkeeping	262.87(c)	26.13.03.07-5F(1) & F(2)(d)			X	
persons meeting the definition of primary exporter in 262.51 shall keep the following records:	262.87(c)(1)	26.13.03.07-5F(1) & F(2)(d)			X	
a copy of each notification of intent to export and all written consents obtained from competent authorities of concerned countries for at least 3 years from the date the waste was accepted by the initial transporter	262.87(c)(1)(i)	26.13.03.07-5F(1) & F(2)(d)			X	

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
a copy of each annual report for at least 3 years from the due date of the report; and	262.87(c)(1)(ii)	26.13.03.07-5F(1) & F(2)(d)			X	
a copy of any exception reports and a copy of each confirmation of delivery sent by the recovery facility to the notifier for at least 3 years as specified	262.87(c)(1)(iii)	26.13.03.07-5F(1) & F(2)(d)			X	
periods of retention are automatically extended during unresolved enforcement action or as requested by Administrator	262.87(c)(2)	26.13.03.07-5F(1) & F(2)(d)			X	
Attorney General Comment: Maryland requires copies of the notifications and reports required by 40 CFR 262.83(b)(1)(i) & (b)(2)(i), 262.84(e) & 262.87 to be provided to the Secretary. Maryland is more stringent.						
† PRE-APPROVAL FOR U.S. RECOVERY FACILITIES						
[reserved]	262.88	26.13.03.07-5F(1)	X			
† OECD WASTE LISTS						
for the purposes of part 262 subpart H, a waste is considered hazardous if the waste:	262.89(a)	26.13.03.07-5F(1)	X			
meets Federal definition of hazardous waste in 261.3; and	262.89(a)(1)	26.13.03.07-5F(1)	X			
is subject to the RCRA manifesting requirements at part 262, subpart B, to the universal waste standards of part 273, or to State requirements analogous to part 273	262.89(a)(2)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if waste is hazardous under 262.89(a) and appears on the amber or red list, it is subject to amber- or red-list requirements, respectively	262.89(b)	26.13.03.07-5F(1)	X			
if waste is hazardous under 262.89(a) and does not appear on either the amber or red lists, it is subject to red-list requirements	262.89(c)	26.13.03.07-5F(1)	X			
the appropriate control procedures for hazardous waste and hazardous waste mixtures are addressed in 262.82	262.89(d)	26.13.03.07-5F(1)	X			
OECD Green, Amber, and Red Lists as set forth in Appendices 3, 4, and 5 to the OECD Council Decision C(92)39/FINAL are incorporated by reference as they existed on date of approval; notice of any change will be published in the <u>Federal Register</u> ; these materials are available for inspection at Office of Federal Register and may be obtained from the Organization for Economic Cooperation, France	262.89(e)	26.13.03.07-5F(1)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

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

PART 263 - STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A - GENERAL

SCOPE

† add new paragraph; transporters of hazardous waste subject to RCRA manifesting requirements of part 262, part 273, or State requirements analogous to part 273, that is being imported or exported to any countries listed in 262.58(a)(1) for the purposes of recovery, is subject to part 263 subpart A, part 262 subpart H, including, but not limited to, 262.84 for tracking documents	263.10(d)	26.13.04.01A(3)(a) & (3)	X			
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THE MANIFEST SYSTEM

† after "In the case of exports" insert "other than those subject to subpart H of 40 CFR part 262"; delete "(1)" after "other person"; delete "(2)" after "Consent; and"; add new last sentence "For exports of hazardous waste subject to the requirements of subpart H of 40 CFR part 262, a transporter may not accept hazardous waste without a tracking document that includes all information required by 40 CFR 262.84"	263.20(a)	26.13.04.01A(3)(a)	X			
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RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)

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

PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT,
STORAGE, AND DISPOSAL FACILITIES

SUBPART B - GENERAL FACILITY STANDARDS

REQUIRED NOTICES

† redesignate former 264.12(a) as 264.12(a)(1)	264.12(a)(1)	26.13.05.02C(1)	X			
† add new paragraph; owner or operator of a recovery facility that has arranged to receive hazardous waste subject to part 262 subpart H, must provide a copy of the tracking document bearing all signatures to the notifier, the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to the competent authorities of all concerned countries within three working days of receipt of shipment; the original signed tracking document must be maintained for at least three years	264.12(a)(2)	26.13.05.02C(4)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

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

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

USE OF MANIFEST SYSTEM

† add new paragraph after comment; within three working days of receipt of a shipment subject to part 262 subpart H, the owner or operator of the facility must provide a copy of the tracking document bearing all signatures to notifier, Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to competent authorities of all concerned countries; original tracking document must be maintained for at least three years from date of signature	264.71(d)	26.13.05.05B(4)(b)& (c)	X			
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**PART - 265 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

SUBPART B - GENERAL FACILITY STANDARDS

REQUIRED NOTICES

† redesignate former 265.12(a) as 265.12(a)(1)	265.12(a)(1)	26.13.05.02C(1)	X			
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**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add new paragraph; owner or operator of a recovery facility that has arranged to receive hazardous waste subject to part 262 subpart H, must provide a copy of the tracking document bearing all signatures to the notifier, the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to the competent authorities of all concerned countries within three working days of receipt of shipment; the original signed tracking document must be maintained for at least three years	265.12(a)(2)	26.13.05.02C(4)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

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

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

USE OF THE MANIFEST SYSTEM

† add new paragraph after comment; within three working days of receipt of a shipment subject to part 262 subpart H, owner or operator of the facility must provide a copy of the tracking document bearing all signatures to notifier, Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to competent authorities of all concerned countries; original tracking document must be maintained for at least three years from date of signature	265.71(d)	26.13.05.05B(4)(b)	X			
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**PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS
WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES**

SUBPART F - RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

APPLICABILITY AND REQUIREMENTS

† add "and" at end of paragraph	266.70(b)(2)	26.13.10.03B(2)	X			
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**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†, 2 add new paragraph; for precious metals exported to or imported from OECD countries for recovery, persons who generate, transport or store recyclable materials are subject to part 262 subpart H, 265.12(a)(1) and 265.12(a)(2); for precious metals exported or imported from non-OECD countries, such persons are subject to part 262 subparts E and F	266.70(b)(3)	26.13.10.03B(3)(a)&(b)	X			

PART 273 - STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART B - STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

EXPTS						
† insert "other than to those OECD countries specified in 40 CFR 262.58(a)(1) (in which case the handler is subject to the requirements of 40 CFR part 262, subpart H)" after "foreign destination"	273.20 intro	26.13.10.8C & C(1)&(2)	X			

**RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)**

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

SUBPART C - STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

† **EXPORTS**

insert "other than to those OECD countries specified in 40 CFR 262.58(a)(1) (in which case the handler is subject to the requirements of 40 CFR part 262, subpart H)" after "foreign destination"	273.40 intro	26.13.10.21G	X			
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SUBPART D - STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

† **EXPORTS**

insert "other than to those OECD countries specified in 40 CFR 262.58(a)(1) (in which case the transporter is subject to the requirements of 40 CFR part 262, subpart H)" after "foreign destination"	273.56 intro	26.13.10.22G, G(1) & G(2)	X			
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SUBPART F - IMPORT REQUIREMENTS

† **IMPORTS**

replace "below" with "in paragraphs (a) through (c) of this section"	273.70 intro	26.13.10.24A, A(1), A(2), & B	X			
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RCRA REVISION CHECKLIST 152: Imports and Exports of Hazardous
Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph; persons managing universal waste imported from OECD country as specified in 262.58(a)(1) are subject to 273.70(a) through (c) in addition to part 262 subpart H	273.70(d)	26.13.10.24B(4)	X			

- 1 There is a typographical error in the Federal Register for this rule: "Green-list waste" should be "Green-list wastes".
- 2 There is a typographical error in §266.70(b)(3) in the Federal Register for this rule. In the sentence "For precious metals exported to or imported from designated OECD member countries for recovery, subpart H of part 262 and §265.12(a)(2) of this chapter.", after "for recovery," insert "persons who generate, transport or store recyclable materials are subject to".

RCRA REVISION CHECKLIST 153

Conditionally Exempt Small Quantity Generator
Disposal Options under Subtitle D
61 FR 34252-34278
July 1, 1996
(RCRA Cluster VII, HSWA provisions)

States with authorized RCRA programs may have already adopted requirements under State law similar to the provisions addressed by this checklist; however, these States are not authorized to implement these requirements in lieu of EPA until the State modification has been approved. (As indicated in the checklist, only the changes to §261.5 will be assessed against the Federal program.) States with such existing standards may continue to administer their standards as a matter of State law, but they need to seek authorization for these provisions. States, whose requirements are more stringent and do not allow the disposal of wastes generated by CESQGs into Subtitle D landfills under their existing authorized Subtitle D program, would not be required to revise their programs and obtain authorization for the revisions to §261.5. Instead, the State should inform their EPA Regional Office by letter that for this final rule they are not required to submit an application because the State provision currently in effect is more stringent than the requirement authorized in the July 1, 1996 (61 FR 34252) final rule.

For a State not to be required to submit a revision authorization application for this checklist, the following must be true:

- the State must have provisions that are already authorized by EPA,
- these provisions must be more stringent than the Subtitle C provisions in the final rule addressed by this checklist and not allow the disposal of CESQG waste in Subtitle D landfills, and
- the State must not change its authorized regulatory language.

Because the provisions in such States are more stringent than those addressed by this checklist, they would continue to apply in that State, even though the Federal provisions are promulgated pursuant to HSWA authority.

**RCRA REVISION CHECKLIST 153: Conditionally Exempt Small Quantity
Generator Disposal Options under Subtitle D (Cont'd)**

Name Of State: MARYLAND

State Statutory Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland (1996

Replacement Volume and 1999 Cumulative Supplement)

Title of Regulations: COMAR 26.13 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 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

SUBPART A - GENERAL

**SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY
EXEMPT SMALL QUANTITY GENERATORS**

remains unchanged even though included in this rule	261.5(f)(3) intro	26.13.02.05D(2)	X			
remains unchanged even though included in this rule	261.5(f)(3)(i)-(iii)	26.13.02.05D(2)(a) & (b)	X			
replace "or industrial solid waste" with "solid waste and, if managed in a municipal solid waste landfill is subject to Part 258 of this chapter"	261.5(f)(3)(iv)	26.13.02.05D(2)(c)	X			
redesignate 261.5(f)(3)(v), as 261.5(f)(3)(vi); add new paragraph 261.5(f)(3)(v) regarding facilities that are permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste that is subject to 257.5 through 257.30	261.5(f)(3)(v)	26.13.02.05D(2)(c)	X			
former 261.5(f)(3)(v) becomes 261.5(f)(3)(vi)	261.5(f)(3)(vi)	26.13.02.05D(2)(f)	X			
former 261.5(f)(3)(vi) becomes 261.5(f)(3)(vii)	261.5(f)(3)(vii)	26.13.02.05D(2)(g)	X			

RCRA REVISION CHECKLIST 153: Conditionally Exempt Small Quantity
Generator Disposal Options under Subtitle D (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remains unchanged even though included in this rule	261.5(g)(3) intro	26.13.02.05D(2)	X			
remains unchanged even though included in this rule	261.5(g)(3)(i)-(iii)	26.13.02.05D(2)(a)&(b)	X			
replace "or industrial solid waste" with "solid waste and, if managed in a municipal solid waste landfill is subject to Part 258 of this chapter"	261.5(g)(3)(iv)	26.13.02.05D(2)(c)			X	
redesignate 261.5(g)(3)(v), as 261.5(g)(3)(vi); add new paragraph 261.5(g)(3)(v) regarding facilities that are permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste that is subject to 257.5 through 257.30	261.5(g)(3)(v)	26.13.02.05D(2)(c)			X	
Attorney General Comment: At 26.13.02.05D(2)(c)(i), Maryland allows CESQG wastes to be disposed of in permitted, licensed or registered municipal solid waste landfills or non-municipal, non-hazardous waste disposal facilities only if the waste is destined to be disposed of outside of Maryland. The State is more stringent.						
former 261.5(g)(3)(v) becomes 261.5(g)(3)(vi)	261.5(g)(3)(vi)	26.13.02.05D(2)(f)	X			
former 261.5(g)(3)(vi) becomes 261.5(g)(3)(vii)	261.5(g)(3)(vii)	26.13.02.05D(2)(g)	X			

RCRA REVISION CHECKLIST 157
Land Disposal Restrictions Phase IV--
Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining,
Exemptions From RCRA for Certain Processed Materials; and
Miscellaneous Hazardous Waste Provisions
62 FR 25998-26040
May 12, 1997
(RCRA Cluster VII, HSWA provisions)

Name Of State: MARYLAND
State Statutory Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland (1996
Replacement Volume and 1999 Cumulative Supplement)
Title of Regulations: COMAR 26.13 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 261 -- IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						

SUBPART A -- GENERAL

†

PURPOSE AND SCOPE

add new paragraph; definition "Excluded scrap metal"	261.1(c)(9)	26.13.02.01C(3)(e) (ii)	X			
add new paragraph; definition "Processed scrap metal"	261.1(c)(10)	26.13.02.01C(3)(e) (iii), (iv), & (v)	X			
add new paragraph; definition "Home scrap metal"	261.1(c)(11)	26.13.02.01C(3)(e) (vi)	X			
add new paragraph; definition "Prompt scrap metal"	261.1(c)(12)	26.13.02.01C(3)(e) (vii)	X			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

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

† DEFINITION OF SOLID WASTE

revise table 1; add after entry for scrap metal "other than excluded scrap metal (see 261.1(c)(9))" also add "and 'processed scrap metal'" after "scrap metal" in Note.	261.2(c)/Table 1	26.13.02.02G	X			
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† EXCLUSIONS

add paragraph; excluded scrap metal being recycled	261.4(a)(13)	26.13.02.04A(11)	X			
add paragraph; shredded circuit boards being recycled provided that they are:	261.4(a)(14)	26.13.02.04A(12)	X			
add paragraph; stored in containers sufficient to prevent release, and	261.4(a)(14)(i)	26.13.02.04A(12)(a)	X			
add paragraph; free of mercury switches, mercury relays and nickel cadmium batteries and lithium batteries	261.4(a)(14)(ii)	26.13.02.04A(12)(b)	X			

† REQUIREMENTS FOR RECYCLABLE MATERIALS

scrap metal; add "that is not excluded under 261.4(a)(13)"	261.6(a)(3)(ii)	26.13.02.06A(3)(a)(ii)	X			
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PART 268 -- LAND DISPOSAL RESTRICTIONS

SUBPART A – GENERAL

† PURPOSE, SCOPE AND APPLICABILITY

no change	268.1(e)intro - (e)(3)	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
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RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
revise paragraph; <i>de minimis</i> losses of characteristic wastes to wastewaters are not considered prohibited wastes and definition of " <i>de minimis</i> losses"	268.1(e)(4)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
TREATMENT SURFACE IMPOUNDMENT EXEMPTION						
completely revise subparagraph; sampling and testing and recordkeeping provisions of 264.13 and 265.13 of this chapter apply	268.4(a)(2)(iv)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† remove "and submits a copy of the waste analysis plan under §268.4(a)(2)"	268.4(a)(4)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
TESTING, TRACKING, AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES						
† redesignate old 268.7(a) as 268.7(a)(1); requirements for generators	268.7(a)intro	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† old 268.7(a) is new 268.7(a)(1); completely revise paragraph; generator of hazardous waste must determine if it has to be treated before it can be land disposed; this is done by determining if the waste meets treatment standards in 268.40 or 268.45; determination can be made in two ways: test the waste; or use knowledge of the waste; for testing, method 1311 is used and land treatment methods of 268.40 and 268.42 may apply; if characteristic waste, generators must comply with 268.9	268.7(a)(1)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† REMOVED	268.7(a)(1)(i)-(v)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† revise paragraph; if waste does not meet treatment standard, one-time notice with initial shipment of waste to each treatment or storage facility receiving waste; the generator must place a copy in the file; notice must include information in 268.7(a)(2) column of 268.7(a)(4) table; no further notice is necessary unless waste or facility change	268.7(a)(2)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† REMOVED	268.7(a)(2)(i)(A)-(D)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† REMOVED	268.7(a)(2)(ii)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† completely revise subparagraph; if waste meets treatment standard at original point of generation	268.7(a)(3)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† completely revise subparagraph; with initial shipment of waste, generator must send one-time written notice to each treatment/storage/disposal facility receiving waste, and place a copy in the file; notice must include information in the 268.7(a)(3) column of 268.7(a)(4) table; certification statement	268.7(a)(3)(i)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† completely revise subparagraph; if waste changes, generator must send new notice and certification to receiving facility and place a copy in their files; generators of hazardous debris excluded from definition of hazardous waste under 261.3(f) are not subject to these requirements	268.7(a)(3)(ii)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† REMOVED	268.7(a)(3)(iii)-(vii)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† insert new 268.7(a)(4) and redesignate old 268.7(a)(4) as 268.7(a)(5); completely revise subparagraph; certain exemptions from the requirement that hazardous wastes meet treatment standards before land disposed include but are not limited to case-by-case extensions under 268.5, disposal in a no-migration unit under 268.6 or national capacity variance or case by case capacity variance under subpart C; with initial shipment, generator must send one-time written notice to each land disposal facility for exempted waste; notice must include information in 268.7(a)(4) column of 268.7(a)(4) table; changed waste requires further notice	268.7(a)(4)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† add table	268.7(a)(4)/table	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† old 268.7(a)(4) is new 268.7(a)(5); add "and treating" after "managing"; remove ", and is treating such waste in such tank, containers or containment buildings"; add "LDR" before "treatment standards"; replace "under subpart D of this part" with "found at 268.40"; replace "the generator" with "they" after "describes the procedures"	268.7(a)(5)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† redesignate old 268.7(a)(4)(i) as 268.7(a)(5)(i); replace "Part" with "part"	268.7(a)(5)(i)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† redesignate 268.7(a)(4)(ii) as 268.7(a)(5)(ii); completely revise subparagraph; plan must be kept on-site and made available to inspectors	268.7(a)(5)(ii)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† redesignate old 268.7(a)(4)(iii) as 268.7(a)(5)(iii); replace "268.7(a)(2)" with "268.7(a)(3)"	268.7(a)(5)(iii)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† redesignate old 268.7(a)(5) as 268.7(a)(6); replace "whether the" with "that the"; replace "described in Appendix I of this part" with wording referencing method 1311, SW-846 and 260.11	268.7(a)(6)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate old 268.7(a)(6) as 268.7(a)(7); insert parenthetical phrase addressing characteristic waste subject to CWA	268.7(a)(7)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
redesignate old 268.7(a)(7) as 268.7(a)(8); replace the two occurrences of "five years" with "three years"	268.7(a)(8)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
†★, ² redesignate old 268.7(a)(8) as 268.7(a)(9); completely revise subparagraph and place certification in new 268.7(a)(9)(i); if generator is managing lab packs containing hazardous waste and wishes to use alternative treatment method in 268.42(c):	268.7(a)(9)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
†★, ² add new subparagraph; with initial shipment of waste, generator must submit notice with information in the 268.7(a)(9) column of the 268.7(a)(4) table; certification must be placed in files; replace old certification with new certification	268.7(a)(9)(i)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
†★, ² add new subparagraph; no further notification is necessary until wastes or receiving facility change in which case new notice and certification must be sent and copy placed in files	268.7(a)(9)(ii)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†★, ² add new subparagraph; if lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents need not be determined	268.7(a)(9)(iii)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
†★, ² add new subparagraph; generator must also comply with requirements in 268.7(a)(6) and (a)(7)	268.7(a)(9)(iv)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
no change	268.7(a)(10)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† insert "40 CFR" before "264.13" and "265.13"; insert "(for permitted TSDs)" after "264.13"; insert "(for interim status facilities)" after "265.13"	268.7(b)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† revise subparagraph; for wastes with treatment standards expressed as concentrations in waste extract, owner or operator must test extract of treatment residues using test method 1311 to assure that treatment residues extract meet applicable treatment standards	268.7(b)(1)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† remove old 268.7(b)(2); redesignate old 268.7(b)(3) as 268.7(b)(2); remove "(268.43)"; replace "the treatment residues" with "they" after "to assure"	268.7(b)(2)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† redesignate old 268.7(b)(4) as 268.7(b)(3); completely revise paragraph; one-time notice must be sent with initial shipment of waste to land disposal facility; copy of notice must be placed in facility's file	268.7(b)(3)intro	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† redesignate old 268.7(b)(4)(i) as 268.7(b)(3)(i); completely revise subparagraph; no further notification is necessary until waste or receiving facility change in which case new notice must be sent and copy placed in facility's file	268.7(b)(3)(i)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† redesignate old 268.7(b)(4)(ii) as 268.7(b)(3)(ii); completely revise subparagraph; the one-time notice must include these requirements; remove old 268.7(b)(4)(iii) and (iv)	268.7(b)(3)(ii)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† add table	268.7(b)(3)(ii)/table	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
†, ³ redesignate old 268.7(b)(5) as 268.7(b)(4); completely revise subparagraph; treatment facility must submit a one-time certification signed by an authorized representative with initial shipment of waste or treatment residue of restricted waste to land disposal facility; certification	268.7(b)(4)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† redesignate old 268.7(b)(5)(i) as 268.7(b)(4)(i); completely revise subparagraph; copy of the certification must be placed in treatment facility's on-site files; if waste or treatment residue changes, new notice must be sent and copy placed in files	268.7(b)(4)(i)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† redesignate old 268.7(b)(5)(ii) as 268.7(b)(4)(ii); completely revise subparagraph; debris excluded from definition of hazardous waste in 261.3(e) is subject to notification and certification requirements of 268.7(d)	268.7(b)(4)(ii)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† redesignate old 268.7(b)(5)(iii) as 268.7(b)(4)(iii); completely revise subparagraph; for wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with treatment standards is based in whole or in part on analytical detection limit alternative specified in 268.40(d), certification, signed by authorized representative; certification statement	268.7(b)(4)(iii)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† redesignate old 268.7(b)(6) as 268.7(b)(5); compliance with generator notice and certification requirements if waste sent offsite	268.7(b)(5)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† redesignate old 268.7(b)(7) as 268.7(b)(6); notification for recyclable materials used in a manner constituting disposal and subject to 266.20(b); with each shipment 268.7(b)(5) certification and 268.7(b)(4) notice to Regional Administrator; records of recipients of waste-derived products	268.7(b)(6)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
† delete ", and the certification specified in 268.8 if applicable."	268.7(c)(1)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
replace "method described in Appendix I of this part or using any method required by generators under 268.32 of this part" with the wording referencing method 1311 SW-846 and 260.11	268.7(c)(2)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

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

SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC

revise paragraph; initial generator of solid waste must determine each EPA Hazardous Waste Number in order to determine treatment standards under subpart D; for 268, waste will carry the waste code for any applicable listed waste; where waste exhibits characteristic, it will carry one or more of the characteristic waste codes, except when treatment standard operates in lieu of treatment standard for characteristic waste, as specified 268.9(b); if generator determines that waste displays hazardous characteristic, generator must determine defined hazardous constituent except for certain D001 wastes	268.9(a)	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
replace "Hazardous Waste Number(s)" with "hazardous waste code(s)"; replace "in D001 and D002 wastes prohibited under §268.37 or D0012-D0043 wastes under §268.38" with a phrase and sentence renaming listing requirement if all underlying hazardous constituents will be treated and monitored	268.9(d)(1)(ii)	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

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

SUBPART C -- PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS -- WOOD PRESERVING WASTES

completely revise paragraph; effective August 11, 1997, the following wastes are prohibited from land disposal: F032, F034, F035	268.30(a)	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
REMOVED	268.30(a)(1)-(4)	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
completely revise paragraph; effective May 12, 1999, soil and debris contaminated with F032, F034, F035 and radioactive wastes mixed with F032, F034, F035 are prohibited from land disposal	268.30(b)	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
completely revise paragraph; between May 12, 1997 and May 12, 1999, soil and debris contaminated with F032, F034, F035 and radioactive waste mixed with F032, F034, F035 may be disposed in a landfill or surface impoundment only if 268.5(h)(2) requirements are met	268.30(c)	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
completely revise paragraph; requirements of 268.30 (a) and (b) do not apply if:	268.30(d)	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
insert "applicable treatment" before "standards"; replace "of Subpart D" with "specified in Subpart D"; remove "or" at end of paragraph	268.30(d)(1)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
remove "or" at end of paragraph	268.30(d)(2)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
redesignate old 268.30(d)(3) as new 268.30(d)(4); add new 268.30(d)(3); the wastes meet the applicable alternate treatment standards established pursuant to a petition granted under 268.44	268.30(d)(3)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions
old 268.30(d)(3) is new 268.30(d)(4); persons have been granted an extension to effective date of prohibition pursuant to 268.5 with respect to wastes covered by extension	268.30(d)(4)	No analog				Maryland is not seeking authorization for the Land Disposal Restrictions
add new paragraph; to determine whether a hazardous waste identified in 268.40 exceeds applicable treatment standards, initial generator must test a sample of waste extract or entire waste; if waste contains constituents in excess of applicable treatment levels of 268.48, waste is prohibited from land disposal and all requirements of 268 are applicable unless otherwise specified	268.30(e)	Not adopted				Maryland is not seeking authorization for the Land Disposal Restrictions

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
REMOVED AND RESERVED	268.32 - 268.36	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
SUBPART D-- TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS						
add entries for F032, F034 and F035; revise entries for D001 and F024 as per 62 <u>FR</u> 26023-26025	268.40/ Table of Treatment Standards for Hazardous Wastes	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
TREATMENT STANDARDS EXPRESSED AS SPECIFIC TECHNOLOGIES						
add entry for "POLYM" as per 62 <u>FR</u> 26025	268.42/ Table 1	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
VARIANCE FROM A TREATMENT STANDARD						
revise paragraph; the following facilities are excluded from the treatment standards under 268.40 and are subject to the following constituent concentrations:	268.44(o)	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
revise title of table to read "Table--Wastes Excluded from the Treatment Standards Under §268.40"	268.44(o)/ Table 1	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
APPENDIX I, II, III and X TO PART 268						
REMOVED AND RESERVED	268 Appendices I, II, III and X	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

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

APPENDIX VI TO PART 268

RECOMMENDED TECHNOLOGIES TO ACHIEVE DEACTIVATION OF CHARACTERISTICS IN SECTION 268.42

† revise introduction to appendix; treatment standard for many characteristic wastes is stated in 268.40; characteristic wastes that are not managed in a facility must be treated not only by "deactivating" but also to achieve UTS for underlying constituents; the appendix presents a partial list that may help meet treatment standards; use of these treatment standards is not mandatory	268 Appendix VI	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
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RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
APPENDIX VII TO PART 268						
LDR EFFECTIVE DATES OF SURFACE DISPOSED PROHIBITED HAZARDOUS WASTES						
† revise tables 1 and 2 as shown in 62 <u>FR</u> 26025-26037	268 Appendix VII	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
APPENDIX VIII TO PART 268						
NATIONAL CAPACITY LDR VARIANCES FOR UIC WASTES						
† revise table as shown in 62 <u>FR</u> 26037-26039	268 Appendix VIII	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			
APPENDIX X TO PART 268						
RECORDKEEPING, NOTIFICATION, AND/OR CERTIFICATION REQUIREMENTS						
† removed and reserved	268 Appendix X	Not adopted	Maryland is not seeking authorization for the Land Disposal Restrictions			

- 1 This section heading has been revised. The former heading read "Waste analysis and recordkeeping".
- 2 If a State has chosen to adopt the lab pack option (see Revision Checklist 78), then it must make the revisions specified in this checklist for this provision. If the lab pack option has not been adopted, these revisions are not required. As a reminder, the requirements for the lab pack options are 264.316(f), 265.316(f), 268.7(a)(9), 268.42(c), 268.42(c)(1)-(4), Appendix IV and V to Part 268.
- 3 Subparagraphs 268.7(b)(5)-(b)(5)(v) were redesignated and revised by Revision Checklist 157 as 268.7(b)(4)-(b)(4)(iii).
- 4 Note that 268.44(o) was added to the Federal code by a March 25, 1991 rule at 56 FR 12351. The provision contains a variance from the treatment standards under 268.43(a) that only affects two facilities located in Chicago, Illinois. The March 25, 1991 rule also added and reserved paragraphs 268.44(m) and (n). Due to the limited applicability of this variance, no revision checklist was necessary for this rule. Revision Checklist 157 made changes to 268.44(o) and is included in this checklist for completeness. However, States would likely not want to include 268.44(m)-(o) in their code, unless the variance is extended to a facility in that particular State.
- 5 Note that there is an error at 62 FR 26037. The title for Appendix VIII should be listed as "National Capacity LDR Variances for UIC Wastes" but is incorrectly listed in the Federal Register as "LDR Effective Dates of Surface Disposed Prohibited Hazardous Wastes".

RCRA REVISION CHECKLIST 168

Hazardous Waste Combustors; Revised Standards

63 FR 33782 - 33829

June 19, 1998

(RCRA Cluster VIII, non-HSWA provisions)

Note that the June 19, 1998 rule addressed by this checklist makes amendments addressing the Clean Air Regulations. These changes are not necessary for RCRA authorization for this rule; however, of concern are those places within the RCRA regulations, which reference changes made to the Clean Air Regulations. In these situations, a State must reference regulations analogous to the referenced provisions. A State may, if it has chosen to adopt these optional Clean Air Regulation changes, reference its own corresponding analog. If choosing not to adopt them, a State should retain the reference to the Federal regulations. Those provisions where this issue of concern have been indicated with a "✓" in the far left margin.

Name Of State: MARYLANDState Statutory Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland (1996Replacement Volume and 1999 Cumulative Supplement)Title of Regulations: COMAR 26.13 Effective Date: _____

Date Checklist Completed: _____

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROA DER IN SCOP E

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

^{1,†} add paragraph; comparable fuels or syngas fuels that meet requirements of 261.38	261.4(a)(16)	26.13.02.04A(13)	X			
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SUBPART D - LISTS OF HAZARDOUS WASTES

^{2,†} COMPARABLE/SYNGAS FUEL EXCLUSION

wastes meeting following comparable/syngas fuel requirements are not solid wastes:	261.38 intro	26.13.02.19-1B	X			
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RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
comparable fuels; physical and constituent specifications	261.38(a) intro	26.13.02.19-1B(1)	X			
	261.38(a)(1) intro					
	261.38(a)(1)(i)					
	261.38(a)(1)(ii)					
	261.38(a)(2)					
synthesis gas fuel specifications	261.38(b) intro	26.13.02.19-1B(2) & B(2)(a)-(e)	X			
	261.38(b)(1)					
	261.38(b)(2)					
	261.38(b)(3)					
	261.38(b)(4)					
	261.38(b)(5)					
Detection and Detection Limit Values for Comparable Fuel Specification	261.38/Table 1	26.13.02.19-1B/ Table 1	X			
implementation; waste meeting comparable or syngas fuel specification is excluded from the definition of solid waste provided following requirements are met:	261.38(c) intro	26.13.02.19-2A, A(1), A(1)(a)-(b), & 19-1B(3)	X			
notices; person claiming and qualifying for exclusion is comparable/syngas fuel generator; person burning fuel is comparable/syngas burner; generator must claim and certify exclusion	261.38(c)(1)	26.03.02.19- 1A(2)(b) & (c), & 26.13.02.19-2B(1)	X			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
State RCRA and CAA Directors in authorized States or Regional RCRA and CAA Directors in unauthorized States	261.38(c)(1)(i) intro	26.13.02.19-2B(3)(a)&(b)	X			
generator must submit one-time notice certifying compliance with conditions of exclusion and providing required documentation	261.38(c)(1)(i)(A)	26.13.02.19-2B(2)	X			
generator shall specify facility(ies) generating comparable/syngas fuel	261.38(c)(1)(i)(B)	26.13.02.19-2B(4)	X			
generator's notification requirements	261.38(c)(1)(i)(C) intro	26.13.02.19-2B(5)	X			
	261.38(c)(1)(i)(C)(1)					
	261.38(c)(1)(i)(C)(2)					
	261.38(c)(1)(i)(C)(3)					
	261.38(c)(1)(i)(C)(4)					
public notice; prior to burning excluded comparable/syngas fuel, burner must publish notice; information requirements	261.38(c)(1)(ii) intro	26.13.02.19-2C				X
	261.38(c)(1)(ii)(A)					
	261.38(c)(1)(ii)(B)					
	261.38(c)(1)(ii)(C)					
	261.38(c)(1)(ii)(D)					
	261.38(c)(1)(ii)(E)					
Attorney General Comment: At 26.13.02.19-2C(2), Maryland requires burners to submit a copy of the public notice to the Secretary. This is a more stringent requirement.						
burning; exclusion for comparable/syngas fuel applies only if fuel is burned in units subject to Federal/State/local air emission requirements, including applicable CAA MACT requirements	261.38(c)(2) intro	26.13.02.19-2A, 2A(1), 2A(1)(a)&(b) & 2A(2)	X			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
industrial furnaces as defined in § 260.10	261.38(c)(2)(i)	26.13.02.19-2A(2)(a)	X			
boilers as defined in § 260.10, and	261.38(c)(2)(ii) intro	26.13.02.19-2A(2)(b)	X			
industrial boilers located on facility engaged in manufacturing process where substances are transformed into new products, including component parts of products, by mechanical or chemical processes; or	261.38(c)(2)(ii)(A)	26.13.02.19-2A(2)(b)(i)	X			
utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale	261.38(c)(2)(ii)(B)	26.13.02.19-2A(2)(b)(ii)	X			
✓ hazardous waste incinerators subject to regulation under subpart O of parts 264 and 265, or applicable CAA MACT standards	261.38(c)(2)(iii)	26.13.02.19-2A(2)(c)	X			
blending to meet viscosity specification; hazardous waste blending requirements	261.38(c)(3) intro	26.13.02.19-2D intro	X			
	261.38(c)(3)(i)	26.13.02.19-2D(1)	X			
	261.38(c)(3)(ii)	26.13.02.19-2D(2)	X			
	261.38(c)(3)(iii)	26.13.02.19-2D(3)	X			
treatment to meet comparable fuel exclusion specifications	261.38(c)(4) intro	26.13.02.19-2E intro	X			
hazardous waste may be treated to meet exclusion specification if standards are met; treatment standards	261.38(c)(4)(i) intro	26.13.02.19-2E(1) intro	X			
	261.38(c)(4)(i)(A)	26.13.02.19-E(1)(a)	X			
	261.38(c)(4)(i)(B)	26.13.02.19-E(1)(b)	X			
	261.38(c)(4)(i)(C)	26.13.02.19-E(1)(c)	X			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
residuals resulting from treatment of listed subpart D hazardous waste to generate a comparable fuel remain hazardous waste	261.38(c)(4)(ii)	26.13.02.19-2E(2)	X			
generation of a syngas fuel	261.38(c)(5) intro	26.13.02.19-2F intro	X			
syngas fuel can be generated from processing hazardous wastes to meet exclusion specification; processing standards	261.38(c)(5)(i) intro	26.13.02.19-2F(1) intro	X			
	261.38(c)(5)(i)(A)	26.13.02.19-2F(1)(a)	X			
	261.38(c)(5)(i)(B)	26.13.02.19-2F(1)(b)	X			
	261.38(c)(5)(i)(C)	26.13.02.19-2F(1)(c)	X			
residuals resulting from treatment of listed subpart D hazardous waste to generate a comparable fuel remain hazardous waste	261.38(c)(5)(ii)	26.13.02.19-2F(2)	X			
dilution prohibition for comparable/syngas fuels	261.38(c)(6)	26.13.02.19-2G	X			
waste analysis plans; generator shall develop and follow written waste analysis plan; plan shall be developed in accordance with SW-846 and followed/retained at facility excluding waste	261.38(c)(7) intro	26.13.02.19-3A intro, (A)(1) & (2)	X			
minimum specifications for waste analysis plan	261.38(c)(7)(i) intro	26.13.02.19-3A(3) intro	X			
	261.38(c)(7)(i)(A)	26.13.02.19-3(A)(3)(a)	X			
	261.38(c)(7)(i)(B)	26.13.02.19-3(A)(3)(b)	X			
	261.38(c)(7)(i)(C)	26.13.02.19-3(A)(3)(c)	X			
	261.38(c)(7)(i)(D)	26.13.02.19-3A(3)(d)	X			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	261.38(c)(7)(i)(E)	26.13.02.19-3A(3)(e)	X			
	261.38(c)(7)(ii) intro	26.13.02.19-3A(4) intro	X			
	261.38(c)(7)(ii)(A)	26.13.02.19-3A(4)(a)	X			
	261.38(c)(7)(ii)(B)	26.13.02.19-3A(4)(b)	X			
	261.38(c)(7)(ii)(C)	26.13.02.19-3A(4)(c)	X			
	261.38(c)(7)(ii)(D)	26.13.02.19-3A(4)(d)	X			
	261.38(c)(7)(ii)(E)	26.13.02.19-3A(4)(e)	X			
	261.38(c)(7)(ii)(F)	26.13.02.19-3A(4)(f)	X			
	261.38(c)(7)(ii)(G)	26.13.02.19-3A(4)(g)	X			
waste analysis plan recording requirements	261.38(c)(7)(ii)(H)	26.13.02.19-3A(4)(h)	X			
waste analysis plan shall be submitted prior to performing sampling, analysis or management of syngas fuel as excluded waste; approval of plan must be in writing and received by facility prior to sampling and analysis; plan approval may contain provisions and conditions as regulatory authority deems appropriate	261.38(c)(7)(iii)	26.13.02.19-3B	X			
comparable fuel sampling and analysis	261.38(c)(8) intro	26.13.02.19-4 intro	X			
for each excluded waste generator must test for constituents in Part 261 Appendix VIII, except those generator determines by testing or	261.38(c)(8)(i) intro	26.13.02.19-4A intro & A(1)-(3) intro	X			
	261.38(c)(8)(i)(A)	26.13.02.19-4A(3)(a)	X			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
knowledge to not be present in waste; generator required to document basis of each decision; generator may not determine certain categories of constituents should not be present	261.38(c)(8)(i)(B)	26.13.02.19-4A(3)(b)	X			
	261.38(c)(8)(i)(C)	26.13.02.19-4A(3)(c)	X			
	261.38(c)(8)(i)(D)	26.13.02.19-4A(3)(d)	X			
for each excluded waste where generator of comparable/syngas fuel is not original generator, generator of comparable/syngas fuel may not use process knowledge and must test to determine constituent specifications	261.38(c)(8)(ii)	26.13.02.19-4B intro, B(1)&(2)	X			
generator may use any reliable analytical method to demonstrate no constituent of concern is present above specification levels; responsibility of generator to ensure unbiased, precise, and representative sampling and analysis; waste is eligible for exclusion if:	261.38(c)(8)(iii) intro	26.13.02.19-4C intro & C(1)-(3) intro	X			
each constituent of concern is not present above specification level at 95% upper confidence limit around mean, and	261.38(c)(8)(iii)(A)	26.13.02.19-4C(3)(a)	X			
analysis could have detected presence of constituent at or below specification level at 95% upper confidence limit around mean	261.38(c)(8)(iii)(B)	26.13.02.19-4C(3)(b)	X			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
nothing preempts, overrides or negates 262.11 provision which requires generators of solid waste to determine if waste is hazardous waste	261.38(c)(8)(iv)	26.13.02.19-4D	X			
in enforcement action, burden of proof to establish conformance with exclusion specification shall be on generator	261.38(c)(8)(v)	26.13.02.19-4E	X			
generator must conduct sampling and analysis in accordance with waste analysis plan	261.38(c)(8)(vi)	26.13.02.19-4F	X			
syngas and comparable fuel not blended to meet kinematic viscosity specification shall be analyzed as generated	261.38(c)(8)(vii)	26.13.02.19-4G	X			
if comparable fuel blended to meet kinematic viscosity specification generator shall:	261.38(c)(8)(viii) intro	26.13.02.19-4H	X			
analyze fuel as generated to ensure meeting constituent and heating value specifications	261.38(c)(8)(viii)(A)	26.13.02.19-4H(1)	X			
after blending, analyze fuel again to ensure blended fuel meets comparable/syngas fuel specifications	261.38(c)(8)(viii)(B)	26.13.02.19-4H(2)	X			
excluded comparable/syngas fuel must be re-tested at least annually and after a process change that could change chemical or physical properties of waste	261.38(c)(8)(ix)	26.13.02.19-4I, I(1) & I(2)	X			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
speculative accumulation; any persons handling comparable/syngas fuel are subject to speculative accumulation test under 261.2(c)(4)	261.38(c)(9)	26.13.02.19-2A(4)	X			
records; generator must maintain certain records on-site	261.38(c)(10) intro	26.13.02.19-5A intro	X			
information required to be submitted to implementing authority as part of notification of claim	261.38(c)(10)(i) intro	26.13.02.19-A(1) intro	X			
	261.38(c)(10)(i)(A)	26.13.02.19-A(1)(a) & (b)	X			
	261.38(c)(10)(i)(B)	26.13.02.19-A(1)(c)	X			
	261.38(c)(10)(i)(C)	26.13.02.19-5A(1)(d)	X			
brief description of process generating hazardous waste and process generating excluded fuel, if not same	261.38(c)(10)(ii)	26.13.02.19-5A(2)	X			
estimate of average and maximum monthly and annual quantities of each waste claimed for exclusion	261.38(c)(10)(iii)	26.13.02.19-5A(3)	X			
documentation for any claim that constituent is not present in hazardous waste	261.38(c)(10)(iv)	26.13.02.19-5A(4)	X			
results of all analyses and all detection limits achieved	261.38(c)(10)(v)	26.13.02.19-5A(5)	X			
required documentation if excluded waste was generated through treatment or blending	261.38(c)(10)(vi)	26.13.02.19-5A(6)	X			
certification from burner if waste is shipped off-site	261.38(c)(10)(vii)	26.13.02.19-5A(7)	X			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
waste analysis plan and results of sampling and analysis	261.38(c)(10)(viii) intro	26.13.02.19-5A(8)	X			
required analysis and sampling information	261.38(c)(10)(viii)(A)					
	261.38(c)(10)(viii)(B)					
	261.38(c)(10)(viii)(C)					
	261.38(c)(10)(viii)(D)					
	261.38(c)(10)(viii)(E)					
	261.38(c)(10)(viii)(F)					
	261.38(c)(10)(viii)(G)					
	261.38(c)(10)(viii)(H)	26.13.02.19-5A(8)	X			
if fuel is shipped off-site for burning, generator must retain shipment information on-site; information requirements	261.38(c)(10)(ix) intro					
	261.38(c)(10)(ix)(A)					
	261.38(c)(10)(ix)(B)					
	261.38(c)(10)(ix)(C)					
	261.38(c)(10)(ix)(D)					
	261.38(c)(10)(ix)(E)	26.13.02.19-5A(9) intro & (9)(a)-(e)	X			
records retention; records must be maintained for three years; generator must maintain current waste analysis plan during three-year period	261.38(c)(11)	26.13.02.19-5B			X	
Attorney General Comment: At 26.13.02.19-5B(3), Maryland requires records and waste analysis plans to be maintained as long as the Department has an active enforcement case. This is more stringent.						

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
burner certification; prior to submitting notification, generator intending to ship fuel off-site for burning must obtain one-time written, signed statement from burner; certification information requirements	261.38(c)(12) intro	26.13.02.19-2B(6)	X			
	261.38(c)(12)(i)					
	261.38(c)(12)(ii)					
	261.38(c)(12)(iii)					
ineligible waste codes; wastes listed because of presence of dioxins or furans are not eligible for exclusion, and fuel produced from or containing these wastes remains hazardous waste subject to full RCRA requirements	261.38(c)(13)	26.13.02.19-2A(5)	X			

PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

✓,† add new paragraph; combustion facility changes to meet part 63 MACT standards; procedures apply to hazardous waste combustion facility permit modifications requested under Appendix I of 270.42, section L(9)	270.42(j) intro	No direct analog; see 26.13.07.13-2A(10)(e)	X			
	270.42(j)(1)	26.13.07.13-2A(10)(e)(1) & (e)(ii)	X			
	270.42(j)(2)	No analog			X	
Attorney General Comment: Maryland does not allow for automatic approval of permit modification requests, in the event the Director does not approve or deny a request within 90 days of receipt. The State is more stringent.						
† add entry L(9) as follows:	270.42 Appendix I	26.13.07.13-2A(10)(e) intro	X			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

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

Modification	Class
* * * * *	*
L. Incinerators, Boilers and Industrial Furnaces	¹ 1
* * * * *	*
9. Technology Changes Needed to meet Standards under 40 CFR part 63 (Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of §270.42(i) are followed.	
* * * * *	*

¹ Class 1 modifications requiring Agency prior approval.

SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

✓,† add paragraph; changes necessary to comply with standards under 40 CFR part 63, Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors	270.72(b)(8)	26.13.07.23C(3)(h)	X			
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- ¹ There is a typographical error in the 63 FR 33782 (6/19/98) rule. The new paragraph 261.4(a)(16) should be numbered 261.4(a)(17). Paragraph 261.4(a)(16) was added by 63 FR 28556 (May 26, 1998, Revision Checklist 167).
- ² The entire section at 40 CFR 261.38 was added by the June 19, 1998 rule (63 FR 33782; Revision Checklist 168).

RCRA REVISION CHECKLIST 182

Hazardous Air Pollutant Standards for Combustors

64 FR 52828-53077

September 30, 1999

As amended November 19, 1999, at 64 FR 63209-63213

(RCRA Cluster X, HSWA/non-HSWA)

Note that the revisions to 260.10, 261.38 Table 1, 264.340(b)-(e), 264.601 intro, 265.340(b)-(c), 266.100(b)-(h), 266.101(c), 266.105(c), 266.112(b)(1) & (b)(2)(i), 266 Appendix VIII, 270.19 intro & (e), 270.22 intro, 270.62 intro, and 270.66 were made pursuant to HSWA. The revisions to 270.42 Appendix I were made relative to non-HSWA authority. Those provisions designated as HSWA are identified by a "◆" (diamond symbol) in this checklist.

Name Of State: MARYLANDState Statutory Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland (1996Replacement Volume and 1999 Cumulative Supplement)Title of Regulations: COMAR 26.13 Effective Date: _____

Date Checklist Completed: _____

Attorney General Comment: Maryland has adopted a portion of this checklist and as such, is not seeking authorization for the checklist. In the authorization Federal Register notice, the State's adoption of the changes linked to Revision Checklist 168 (i.e., 40 CFR 261.38/Table and Item L(9) of 270.42, Appendix I) is addressed, even though the State is not seeking authorization for the entire checklist.

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 “dioxins and furans (D/F)”	260.10	26.13.01.03B(13-1)	X			
add “TEQ”	260.10	Not adopted				
PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART D – LISTS OF HAZARDOUS WASTES						
COMPARABLE/SYNGAS FUEL EXCLUSION						
revise table as shown in 64 <u>FR</u> 53070-53074 and 63213	261.38/Table 1	26.13.02.19-1B/Table 1	X			

**RCRA REVISION CHECKLIST 182: Hazardous Air Pollutant
Standards for Combustors (cont'd)**

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

**PART 264 – STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

SUBPART O – INCINERATORS

APPLICABILITY

¹ ,†,◆ redesignate old 264.340(b) as (c) and add new paragraph; integration of the MACT standards	264.340(b) intro	Not adopted				
¹ ,†,◆ add new subparagraph; except as provided by 264.340(b)(2), part 264 standards no longer apply when compliance with MACT requirements of part 63, subpart EEE is demonstrated by conducting performance test and submitting NOC under 63.1207(j) & 63.1210(d); part 264 conditions continue until removed from permit or permit is terminated or revoked, unless permit provides otherwise	264.340(b)(1)	Not adopted				
¹ ,†,◆ add new subparagraph; MACT standards do not replace 264.351 closure requirements or applicable requirements of 264, subparts A-H, BB & CC	264.340(b)(2)	Not adopted				
¹ ,†,◆ redesignate old 264.340(b)-(d) as (c)-(e)	264.340(c)-(e)	Not adopted				

**RCRA REVISION CHECKLIST 182: Hazardous Air Pollutant
Standards for Combustors (cont'd)**

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

SUBPART X – MISCELLANEOUS UNITS

ENVIRONMENTAL PERFORMANCE STANDARDS

◆ replace “shall include” with “must include”; add “part 63 subpart EEE,” after “part 270”; add “of this chapter” after “part 146”	264.601 intro	Not adopted				
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PART 265 – INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART O – INCINERATORS

APPLICABILITY

^{2,†,◆} redesignate old 265.340(b) as (c) and add new paragraph; integration of the MACT standards	265.340(b) intro	Not adopted				
^{2,†,◆} add new subparagraph; except as provided by 265.340(b)(2), part 265 standards no longer apply when compliance with MACT requirements of part 63, subpart EEE is demonstrated by conducting performance test and submitting NOC under 63.1207(j) & 63.1210(d)	265.340(b)(1)	Not adopted				
^{2,†,◆} add new subparagraph; following requirements continue to apply even when MACT compliance is demonstrated: 265.351 and applicable requirements of 265, subparts A-H, BB & CC	265.340(b)(2)	Not adopted				
^{2,†,◆} redesignate old 265.340(b) as (c)	265.340(c)	Not adopted				

**RCRA REVISION CHECKLIST 182: Hazardous Air Pollutant
Standards for Combustors (cont'd)**

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

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

SUBPART H – HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

3

APPLICABILITY

⁴ ,†,◆ redesignate old 266.100(b) as (c) and add new paragraph; integration of the MACT standards	266.100(b) intro	Not adopted				
⁴ ,†,◆ add new subparagraph; except as provided by 266.100(b)(2), part 266 standards no longer apply when compliance with MACT requirements of part 63, subpart EEE is demonstrated by conducting performance test and submitting NOC under 63.1207(j) & 63.1210(d); part 266 conditions continue until removed from permit or permit is terminated or revoked, unless permit provides otherwise	266.100(b)(1)	Not adopted				
⁴ ,†,◆ add new subparagraph; following requirements continue to apply:	266.100(b)(2) intro	Not adopted				
⁴ ,†,◆ add new subparagraph; closure requirements of 266.102(e)(11) & 266.103(l);	266.100(b)(2)(i)	Not adopted				
⁴ ,†,◆ add new subparagraph; direct transfer standards of 266.111;	266.100(b)(2)(ii)	Not adopted				
⁴ ,†,◆ add new subparagraph; residues standards of 266.212; and	266.100(b)(2)(iii)	Not adopted				

RCRA REVISION CHECKLIST 182: Hazardous Air Pollutant
Standards for Combustors (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
⁴ ,†,◆ add new subparagraph; applicable requirements of subparts A-H, BB & CC of 264/265	266.100(b)(2)(iv)	Not adopted				
†,◆ redesignate old 266.100(b) as (c)	266.100(c)	Not adopted				
†,◆ redesignate old 266.100(c) intro as (d) intro	266.100(d) intro	Not adopted				
⁴ , ⁵ ,†,◆ redesignate old 266.100(c)(1) intro as (d)(1) intro; remove comma in "furnace, must"; replace "(c)(3)" with "(d)(3)"; replace ending colon with ", and owners or operators of lead recovery furnaces that are subject to regulation under the Secondary Lead Smelting NESHAP must comply with the requirements of paragraph (h) of this section"	266.100(d)(1) intro	Not adopted				
†,◆ redesignate old 266.100(c)(1)(i)-(iii) & (c)(2) as (d)(1)(i)-(iii) & (d)(2)	266.100(d)(1)(i)-(iii) & (d)(2)	Not adopted				
⁶ , ⁵ ,†,◆ redesignate old 266.100(c)(3) intro as (d)(3) intro; after "mercury recovery furnace," insert "except for owners or operators of lead recovery furnaces subject to regulation under the Secondary Lead Smelting NESHAP,"	266.100(d)(3) intro	Not adopted				
†,◆ redesignate old 266.100(c)(3)(i)-(ii) as (d)(3)(i)-(ii)	266.100(d)(3)(i)-(ii)	Not adopted				

**RCRA REVISION CHECKLIST 182: Hazardous Air Pollutant
Standards for Combustors (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,◆ redesignate old 266.100(d)-(f) as (e)-(g)	266.100(e)-(g)	Not adopted				
5,†,◆ add new paragraph; starting June 23, 1997, lead recovery furnaces subject to Secondary Lead Smelting NESHAP are conditionally exempt from 266 subpart H, except 266.101; to be exempt, o/o must provide notice to Director; contents of notice	266.100(h)	Not adopted				
MANAGEMENT PRIOR TO BURNING						
◆ add “and treatment” after “Storage”	266.101(c) intro	Not adopted				
◆ add “or treat” after “that store”; add “and treatment” after “apply to storage” and after “as to storage”	266.101(c)(1)	Not adopted				
STANDARDS TO CONTROL PARTICULATE MATTER						
◆ redesignate old 266.105(c) as (d) and add new paragraph; oxygen correction	266.105(c) intro	Not adopted				
◆ add new subparagraph; measured pollutant levels must be corrected for oxygen in stack gas according to specified formula	266.105(c)(1)	Not adopted				
◆ add new subparagraph; explanation of “E” in 266.105(c)(1) formula	266.105(c)(2)	Not adopted				
◆ add new subparagraph; compliance with 266 subpart H emission standards must be based on correcting to 7 percent oxygen	266.105(c)(3)	Not adopted				

RCRA REVISION CHECKLIST 182: Hazardous Air Pollutant
Standards for Combustors (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
◆ redesignate old 266.105(c) as (d)	266.105(d)	Not adopted				
REGULATION OF RESIDUES						
◆ add new sentence at end of paragraph; for polychlorinated dibenzo-p-dioxins & polychlorinated dibenzo-furans, analyses must determine specific congeners & homologues, & results converted using 266, appendix IX, section 4.0 procedure	266.112(b)(1) intro	Not adopted				
◆ in sentence two, replace "prescribed" with "contained", add ", or other appropriate methods" after "SW-846" & replace "shall" with "must" after "higher,"; in sentence five, add "of this chapter" after "268.43"; remove last sentence; add new sentence to end of paragraph - in complying with 268.43, what analyses must be performed for F039 nonwastewater levels for specified constituents	266.112(b)(2)(i)	Not adopted				
◆ add new note; administrative stay, under condition that owner or operator complies with 268.43, remains in effect until further administrative action is taken and notice is published in the <u>FR</u> and CFR	266.112(b)(2)(i)/ Note	Not adopted				

RCRA REVISION CHECKLIST 182: Hazardous Air Pollutant
Standards for Combustors (cont'd)

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

APPENDIX VIII TO PART 266

ORGANIC COMPOUNDS FOR WHICH RESIDUES MUST BE ANALYZED

⁷ , ♦ revise appendix title, add polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans to table, add footnote 1 as shown in 64 <u>FR</u> 53076, and add note to table as shown in 64 <u>FR</u> 63213	Appendix VIII	Not adopted				
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS:
THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART B - PERMIT APPLICATION

SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS

^{1, 8} , ♦ add "and § 270.19(e)" after "264.340"; replace "provides" with "provide"; add "paragraphs" after "requirements of"	270.19 intro	Not adopted				
^{1, †} , ♦ add new paragraph; when compliance with air emission standards & limitations in part 63, subpart EEE is demonstrated, 270.19 requirements do not apply; Director may apply 270.19 on case-by-case basis for information collection	270.19(e)	Not adopted				

RCRA REVISION CHECKLIST 182: Hazardous Air Pollutant
Standards for Combustors (cont'd)

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

SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE

^{4,†,◆} add new intro paragraph; when cement or lightweight aggregate kiln complies with air emission standards & limitations in part 63, subpart EEE, 270.22 requirements do not apply; Director may apply 270.22 on case-by-case basis for information collection	270.22 intro	Not adopted				
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SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

^{9,†} add new A(8) and revise L(9) as shown in 64 <u>FR</u> 53077	270.42 Appendix I	26.13.07.13-2A(10)(e) intro	X			
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SUBPART F - SPECIAL FORMS OF PERMITS

HAZARDOUS WASTE INCINERATOR PERMITS

^{1,†,◆} add new intro paragraph; when compliance with air emission standards & limitations in part 63, subpart EEE is demonstrated, 270.62 requirements do not apply; Director may apply 270.62 on case-by-case basis for information collection	270.62 intro	Not adopted				
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**RCRA REVISION CHECKLIST 182: Hazardous Air Pollutant
Standards for Combustors (cont'd)**

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

PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE

⁴ ,†,◆ add new intro paragraph; when cement or lightweight aggregate kiln complies with air emission standards & limitations in part 63, subpart EEE, 270.66 requirements do not apply; Director may apply 270.66 on case-by-case basis for information collection	270.66 intro	Not adopted				
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- 1 If a State adopts the optional exemption at 264.340(b)(1), the State must adopt all the revisions to 264.340, 270.19, and 270.62.
- 2 If a State adopts the optional exemption at 265.340(b)(1), the State must adopt all the revisions to 265.340.
- 3 Note that this rule contains an error; the provision at 266.100(a) should be updated to account for the renumbering of the old 266.100(b)-(f) as (c)-(g) and the addition of a new 266.100(h). States that adopt the exemptions at 266.100(b) and (h) should also make corresponding revisions to the internal references in 266.100(a).
- 4 If a State adopts the optional exemption at 266.100(b)(1), the State must adopt all the revisions to 266.100(b), 270.22, and 270.66. In addition, the State may need to renumber its analogs to the old 266.100(b)-(f) and update the internal reference to "(c)(3)" in the old 266.100(c)(1) to be consistent with the renumbering.
- 5 If a State chooses to adopt the optional exemption at 266.100(h), the State must also amend the old 266.100(c)(1) and 266.100(c)(3) (which may have been renumbered as (d)(1) and (d)(3) by this rule) to add the clauses regarding lead recovery furnaces subject to the Secondary Lead Smelting NESHAP.
- 6 The Federal Register does not reprint the introductory paragraph at 266.100(d)(3) after the newly inserted phrase. The paragraph contains references to subparagraphs of 266.100(c) which has been redesignated as 266.100(d). This paragraph should have been reprinted and the references changed to reflect the redesignation. Also, the July 1, 2000 CFR contains an error at this provision. The introductory paragraph is only printed through the new language, the rest of the paragraph has been omitted. State's should insert the new language and retain the rest of the paragraph.
- 7 There is a typographical error at 64 FR 53076. Within the table at Appendix VIII to Part 266, in the "Semivolatiles" column, "Plychlorinate dibenzo-furans" should be "Polychlorinate dibenzo-furans".
- 8 There are errors at 64 FR 53076. Within the text of the introductory paragraph of 270.19, "and §270.19(e)" should be inserted after "§264.340" not after "of this chapter". The word "chapter" should not be capitalized in keeping with previous CFR format.
- 9 State's that have adopted the optional Revision Checklist 168 entry at L(9) of this table, should adopt the technical correction made by this checklist.

RCRA REVISION CHECKLIST 188

Hazardous Air Pollutant Standards; Technical Corrections

65 FR 42292-42302

July 10, 2000

As amended May 14, 2001 at 66 FR 24270-24272 and July 3, 2001 at 66 FR 35807-35107
(RCRA Cluster XI, Non-HSWA)

Name Of State: MARYLAND

State Statutory Authority: Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland (1996

Replacement Volume and 1999 Cumulative Supplement)

Title of Regulations: COMAR 26.13 Effective Date: _____

Date Checklist Completed: _____

Attorney General Comment: Maryland has only partially adopted Revision Checklist 188. Specifically, the State has adopted an analog to 40 CFR 261.38(c)(2)(iv) regarding gas turbines. This is the only provision on the Checklist which has been adopted. The State is not seeking authorization for this checklist.

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

PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART D – LISTS OF HAZARDOUS WASTES

COMPARABLE/SYNGAS FUEL EXCLUSION

add subparagraph; gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale	261.38(c)(2)(iv)	26.13.02.19-2A(2)(d)	X			
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PART 264 – STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART O – INCINERATORS

APPLICABILITY

in first sentence: replace “paragraph (b)(2)” with “paragraphs (b)(2) and (b)(3)”; replace “subpart EEE of part 63 of this Chapter” with “part 63, subpart EEE of this chapter”	264.340(b)(1)	Not adopted				
add subparagraph; 264.343(c) remains in effect for incinerators that elect to comply with alternative standard	264.340(b)(3)	Not adopted				

RCRA REVISION CHECKLIST 188: Hazardous Air Pollutant
Standards: Technical Corrections (cont'd)

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

PART 270 – EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT
PROGRAM

SUBPART D – CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

¹ completely revise; facility owners/operators must have complied with 40 CFR 63.1210 in effect prior to May 14, 2001 to request permit modification under 270.42	270.42(j)(1)	Not adopted				
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- ¹ Amended by the May 14, 2001 (66 FR 24270) rule which addresses the *Chemical Manufacturers Association v. EPA*, 217 F. 3d 861 (D. C. Cir. 2000) decision, where the court vacated the Notice of Intent to Comply (NIC) provisions of EPA's rules relating to the standards for hazardous waste combustors.