

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C1**

**Hazardous Waste Management System: General
40 CFR Part 260 as of July 1, 1997**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART A - GENERAL						
1 Purpose, scope, and applicability	260.1	33-20-1.1 33-20-1.6 & 2.1	X			
Availability of information; confidentiality of information	260.2	No State analog; 33-20-2.2.	West Virginia does not adopt 40 CFR 260.2; 40 CFR 260.2 was not included on Base Program Checklist IA. West Virginia's analogs to the availability of information requirements (including W. Va. Code § 22-18-12) are documented on the "Availability of Information Checklist (RCRA §3006(f))".			
Use of number and gender	260.3	33-20-1.6 & 2.1	X			
SUBPART B - DEFINITIONS						
Definitions	260.10	45-25-2 45-25-3.1 33-20-1.6 & 2.1; 33-20-2.1.a 150-11-1.5 157-7-2	X			
<p>Note that at 33-20-2.1.a, West Virginia has inadvertently retained a reference to 40 CFR part 267. 40 CFR Part 267 is currently reserved. This reference will be removed the next time the State's regulations are changed.</p> <p>At §33-20-2.1.a.1., West Virginia has included a definition for "full regulation". This definition is consistent with the Federal definition in the comment after 40 CFR 261.5(e)(2).</p> <p>The State has also added a definition of "Mercury containing lamp" and revised the definition of "Universal Waste" to include "mercury containing lamps" at §33-20-2.1.a.2. and §33-20-2.1.a.3., respectively. The State is not seeking authorization for its requirements for mercury containing lamps.</p>						
References	260.11	33-20-1.6 & 2.1 45-25-1.5.a/Table 25-A, Item 22	X			

WEST VIRGINIA
CONSOLIDATED CHECKLIST C1
40 CFR Part 260 as of July 1, 1997

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

SUBPART C - RULEMAKING PETITIONS

† General	260.20	33-20-1.6 & 2.1; 150-11-6; 150-11-7	X			
† Petitions for equivalent testing or analytical methods	260.21(a)-(c)	33-20-1.6 & 2.1	X			
Amendment of regulations and incorporation of new method in EPA "Test Methods" document	260.21(d)	No State analog; 33-20-2.3	West Virginia has not adopted the 40 CFR 260.21(d) provision because it is the EPA Administrator, not the State, who can incorporate a new test in the EPA publication.			
† Petitions to amend Part 261 to exclude a waste produced at a particular facility	260.22	33-20-1.6, 2.1 & 2.4			X	

West Virginia is more stringent at §§33-20-2.4.a through 33-20-2.4.c, because the State has additional requirements for persons who have petitioned and received approval from EPA to exclude a waste at a particular facility. See Section II.D of the West Virginia Office of Legal Services (OLS) Statement.

Note that although West Virginia has provisions at §33-20-2.4 describing its requirements for delisting, the State has inadvertently included 40 CFR 260.22 in its incorporation by reference. This will be corrected the next time the State revises its regulations by either excepting 40 CFR 260.22 from its incorporation by reference or amending the blanket substitution at 1.6.a.2.

Petitions to amend 40 CFR part 273 to include additional hazardous wastes	260.23	33-20-2.3 33-20-2.5			X	
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West Virginia is more stringent at §§33-20-2.5, because the State has additional requirements for persons who have petitioned and received approval from EPA to include additional wastes as universal wastes. See Section II.C of the West Virginia Office of Legal Services (OLS) Statement.

† Variances from classification as a solid waste	260.30	33-20-1.6 & 2.1	X			
† Standards and criteria for variances from classification as a solid waste	260.31	33-20-1.6 & 2.1	X			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C1
 40 CFR Part 260 as of July 1, 1997

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† Variance to be classified as a boiler	260.32	33-20-1.6 & 2.1	X			
† Procedures for variances from classification as a solid waste or to be classified as a boiler	260.33	33-20-1.6 & 2.1	X			
†, 2 Additional regulation of certain hazardous waste recycling activities on a case-by-case basis	260.40	33-20-1.6 & 2.1	X			
†, 2 Procedures for case-by-case regulation of hazardous waste recycling activities	260.41	33-20-1.6 & 2.1	X			

1

Notes:

- a. §33-20-1.7 clarifies how cross references to Federal provisions not incorporated by reference are to be interpreted.
- b. §33-20-1.8, explains how (1) inconsistencies between Federal regulations incorporated by reference and State provisions are to be resolved; and (2) how Federal regulations beyond the statutory authority of the Division of Environmental Protection are to be resolved.
- c. §33-20-1.9 explains that all provisions of the hazardous waste rule are to be applied prospectively.
- d. At §45-25-1.5.b, the Office of Air Quality (OAQ) regulations incorporate by reference the July 1, 1998 version of 33 CSR 20, except those portions of 33 CSR 20 which incorporate by reference the Code of Federal regulations.
- e. §45-25-1.1.c defines the relationship between the Office of Air Quality (OAQ) rules and other applicable laws.
- f. §45-25-9 explains that inconsistencies between the Office of Air Quality (OAQ) rule and any other rule of the West Virginia Department of Environmental Protection (DEP) are to be resolved by the determination of the Director.

2

Not needed if the State does not allow the exclusion of 261.6(a)(2)(iv).

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C2**

**Identification and Listing of Hazardous Waste
40 CFR Part 261 as of July 1, 1997**

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

SUBPART A - GENERAL

† Purpose and scope	261.1	33-20-1.6 & 3.1	X			
Definition of solid waste	261.2	33-20-1.6 & 3.1 157-7-2.1 150-11-1.5	X			
Definition of hazardous waste	261.3, except 261.3(a)(2)(iv)	33-20-1.6 & 3.1 45-25-4.15 157-7-2.1 150-11-1.5	X			
Mixtures of solid waste and one or more hazardous wastes	261.3(a)(2)(iv)	33-20-1.6 & 3.1 & 3.1.a 33-20-3.4 & 3.4.a.			X	X

West Virginia's provision at §33-20-3.1.a is more stringent in that there are more requirements to satisfy in order to qualify for an exemption for an operator of a wastewater treatment facility receiving mixtures of wastes. Because there are fewer criteria to be satisfied under the Federal program, West Virginia is broader in scope to the extent that facilities not regulated by EPA may be regulated under the West Virginia requirements. See Section II.B of the Office of Legal Services (OLS) Statement.

Exclusions	261.4	33-20-1.6 & 3.1 45-25-6.1	X			
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SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS

Special requirements for hazardous waste generated by conditionally exempt small quantity generators	261.5, except 261.5(b), 261.5(f)(3)(iv) and (v), and 261.5 (g)(3)(iv) and (v)	33-20-1.6 & 3.1	X			
Exceptions to CESQG regulatory exemption	261.5(b)	33-20-1.6 & 3.1 33-20-4.2.b			X	
Requirements for exclusion of acute hazardous waste	261.5(f)(3)(iv) and (v)	33-20-3.2			X	
Requirements for exclusion of hazardous waste	261.5(g)(3)(iv) and (v)	33-20-3.2			X	

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of July 1, 1997**

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

At §33-20-3.2, West Virginia excepts 261.5(f)(3)(iv)&(v) and 261.5(g)(3)(iv)&(v) from the incorporation by reference and subjects conditionally exempt small quantity generators (CESQGs) to the notification requirements at §33-20-4. West Virginia is more stringent because unlike the Federal provisions at 40 CFR 261.5(f)(3)(iv)&(v) and 261.5(g)(3)(iv)&(v), the State does not allow CESQGs to deliver hazardous wastes to facilities that are permitted, licensed or registered to manage municipal solid waste or non-municipal non-hazardous waste. The State is also more stringent by subjecting CESQGs to the §30-20-4 notification requirements. See Section II.C of the West Virginia OLS Statement.

Requirements for recyclable materials	261.6, except 261.6(b) and 261.6(c)(1)	33-20-1.6 & 3.1	X			
Generator and transporter requirements; exemption from notification requirements	261.6(b)	33-20-1.6 & 3.1 33-20-4.2.b			X	

At §33-20-4.2.b, West Virginia subjects persons exempted from the Federal notification requirements as specified a 261.6(b) to the State's notification requirements. See Section II.C of the West Virginia OLS Statement.

Recycling facility requirements	261.6(c)(1)	33-20-1.6 & 3.1 45-25-1.5.a/Table 25-A, Item 20 45-25-6.2	X			
Residues of hazardous waste in empty containers	261.7	33-20-1.6 & 3.1	X			
PCB wastes regulated under Toxic Substance Control Act	261.8	33-20-1.6 & 3.1	X			
Requirements for Universal Waste	261.9, except 261.9(c)	33-20-1.6 & 3.1	X			
Requirements for Universal Waste (Thermostats)	261.9(c)	33-20-1.6 & 3.1 33-20-3.3	X			

West Virginia has revised the provision at 40 CFR 261.9(c) to include "Mercury containing lamps"; the State is not seeking authorization for its requirements for mercury containing lamps.

† **SUBPART B - CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTE**

Criteria for identifying the characteristics of hazardous waste	261.10	33-20-1.6 & 3.1	X			
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WEST VIRGINIA
 CONSOLIDATED CHECKLIST C2
 40 CFR Part 261 as of July 1, 1997

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Criteria for listing hazardous waste	261.11	33-20-1.6 & 3.1	X			

SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

General	261.20	33-20-1.6 & 3.1	X			
Characteristic of ignitability	261.21	33-20-1.6 & 3.1	X			
Characteristic of corrosivity	261.22	33-20-1.6 & 3.1	X			
Characteristic of reactivity	261.23	33-20-1.6 & 3.1	X			
Toxicity Characteristic	261.24	33-20-1.6 & 3.1	X			

SUBPART D - LISTS OF HAZARDOUS WASTES

General	261.30	33-20-1.6 & 3.1	X			
Hazardous wastes from non-specific sources	261.31	33-20-1.6 & 3.1	X			
Hazardous wastes from specific sources	261.32	33-20-1.6 & 3.1 33-20-3.4 & 3.4.b	X			
Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof	261.33, except 261.33(f)	33-20-1.6 & 3.1	X			
Toxic wastes	261.33(f)	33-20-1.6 & 3.1 33-20-3.4 & 3.4.c	X			
Deletion of certain hazardous waste codes following equipment cleaning and replacement	261.35	33-20-1.6 & 3.1	X			

APPENDICES TO PART 261

Representative sampling methods	Appendix I	33-20-1.6 & 3.1	X			
Method 1311 toxicity characteristic leaching procedure (TCLP)	Appendix II	33-20-1.6 & 3.1	X			
Chemical analysis test methods	Appendix III	33-20-1.6 & 3.1	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of July 1, 1997**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Basis for listing hazardous waste	Appendix VII	33-20-1.6 & 3.1 33-20-3.4 & 3.4.d	X			
Hazardous constituents	Appendix VIII	33-20-1.6 & 3.1	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C3**

**Standards Applicable to Generators of Hazardous Waste
40 CFR PART 262 as of July 1, 1997**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART A - GENERAL						
Purpose, Scope and Applicability	262.10, except 262.10(g)	33-20-1.6 & 5.1	X			
Compliance requirements and penalties	262.10(g)	33-20-5.2	X			
Hazardous waste determination	262.11	33-20-1.6 & 33-20-5.1	X			
EPA identification numbers	262.12	33-20-1.6 & 33-20-5.1 33-20-4	X			

West Virginia's §33-20-4 subjects generators to notification requirements that are consistent with the Federal notification requirements at RCRA §3010; the State allows generators to use either the EPA form 8700-12 or provide the same information in any other manner selected by the notifier.

SUBPART B - THE MANIFEST

General requirements	262.20	33-20-1.6 & 5.1 157-7-3.1.1	X			
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§157-7-3.1.1 requires any person who offers hazardous waste for off-site treatment, storage, or disposal to prepare a manifest using EPA Forms 8700-22 and 8700-22A in accordance with the State's analog to 40 CFR Part 262. This is consistent with, and equivalent to the Federal requirements.

Acquisition of manifests	262.21	33-20-1.6 & 5.1	X			
Number of copies	262.22	33-20-1.6 & 5.1	X			
Use of the manifest	262.23	33-20-1.6 & 5.1	X			

SUBPART C - PRE-TRANSPORT REQUIREMENTS

Packaging	262.30	33-20-1.6 & 5.1	X			
Labeling	262.31	33-20-1.6 & 5.1	X			
Marking	262.32	33-20-1.6 & 5.1	X			
Placarding	262.33	33-20-1.6 & 5.1	X			
Accumulation time	262.34 except 262.34(a)(1)(i)&(ii)	33-20-1.6 & 5.1	X			
Generator must comply with 264, Subparts I and J and air emission standards	262.34(a)(1)(i)&(ii)	33-20-1.6 & 5.1 45-20-1.5.a/Table 25-A, Item 21	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C3
40 CFR PART 262 as of July 1, 1997 (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 D - RECORDKEEPING AND REPORTING						
Recordkeeping	262.40	33-20-1.6 & 5.1	X			
Biennial report	262.41	33-20-1.6 & 5.1	X			
Exception reporting	262.42	33-20-1.6 & 5.1	X			
Additional reporting	262.43	33-20-1.6 & 5.1	X			
Special requirements for generators of between 100 and 1000 kg/month	262.44	33-20-1.6 & 5.1	X			
SUBPART E - EXPORTS OF HAZARDOUS WASTE						
Applicability	262.50	33-20-1.6 & 5.3	X			
Definitions	262.51	33-20-1.6 & 5.3	X			
General requirements	262.52	33-20-1.6 & 5.3	X			
Notification of intent to export	262.53	33-20-1.6 & 5.3			X	
Special manifest requirements	262.54	33-20-1.6 & 5.3			X	
Exception reports	262.55	33-20-1.6 & 5.3			X	
Annual reports	262.56	33-20-1.6 & 5.3			X	
Recordkeeping	262.57	33-20-1.6 & 5.3			X	
International agreements	262.58	33-20-1.6 & 5.3	X			

West Virginia has incorporated the 40 CFR Part 262, Subpart E provisions into its regulations; however, the State has excepted these requirements from the substitution of terms at §33-20-1.6.a; thus, those provisions that are not delegable to States remain the provenance of EPA. West Virginia is more stringent in that at §33-20-5.3, the State requires that copies of all documentation, manifests, exception reports, annual reports or records, inter alia, submitted to EPA must also be submitted to the chief within the same time frames as specified in 40 CFR Part 262, Subpart E.

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C3
40 CFR PART 262 as of July 1, 1997 (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 F - IMPORTS OF HAZARDOUS WASTE

Imports of hazardous waste	262.60	33-20-1.6 & 5.1	X			
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SUBPART G - FARMERS

Farmers	262.70	33-20-1.6 & 5.1	X			
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SUBPART H- TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

The provisions in 40 CFR 262, Subpart H were added by the final rule addressed by Revision Checklist 152. West Virginia has incorporated the 40 CFR Part 262, Subpart H provisions into its regulations; however, the State has excepted these requirements from the substitution of terms at §33-20-1.6.a; thus, those provisions that are not delegable to States remain the provenance of EPA. Per guidance on Revision Checklist 152 from EPA, West Virginia is not seeking authorization for this checklist.

Applicability	262.80	33-20-1.6 & 5.4	X			
Definitions	262.81	33-20-1.6 & 5.4	X			
General conditions	262.82	33-20-1.6 & 5.4	X			
Notification and consent	262.83	33-20-1.6 & 5.4			X	
Tracking document	262.84	33-20-1.6 & 5.4			X	
Contracts	262.85	33-20-1.6 & 5.4			X	
Provisions relating to recognized traders	262.86	33-20-1.6 & 5.4			X	
Reporting and recordkeeping	262.87	33-20-1.6 & 5.4			X	
Pre-approval for U.S. recovery facilities (Reserved)	262.88	33-20-1.6 & 5.4	NA			
OECD waste lists	262.89	33-20-1.6 & 5.4	X			

West Virginia is more stringent in that at §33-20-5.4, the State requires that copies of all documentation, manifests, exception reports, annual reports or records, inter alia, submitted to EPA must also be submitted to the chief within the same time frames as specified in 40 CFR Part 262, Subpart H.

**WEST VIRGINIA
 CONSOLIDATED CHECKLIST C3
 40 CFR PART 262 as of July 1, 1997 (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 TO PART 262						
Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22a and their Instructions)	Appendix	33-20-1.6 & 5.1	X			

WEST VIRGINIA
CONSOLIDATED CHECKLIST C4

Standards Applicable to Transporters of Hazardous Waste
40 CFR Part 263 as of July 1, 1997

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

SUBPART A - GENERAL

SCOPE¹

transportation standards and comment	263.10(a)	33-20-1.6 33-20-6.1 33-20-6.2 150-11-1.1 150-11-1.7 157-7-1.1 157-7-1.6 157-7-5.1	X			
on-site transportation excluded	263.10(b)	33-20-1.6 & 6.1; 150-11-1.6 157-7-5.1	X			
compliance with 262 required if transporter:	263.10(c)	33-20-1.6 & 6.1; 150-11-1.8 157-7-1.6 & 5.1	X			
transports waste into U.S. from abroad	263.10(c)(1)	33-20-1.6 & 6.1; 150-11-1.8 157-7-1.6 & 5.1	X			
mixes wastes of different DOT shipping descriptions	263.10(c)(2)	33-20-1.6 & 6.1; 150-11-1.8 157-7-1.6 & 5.1	X			

Transporters importing or exporting hazardous waste subject to Part 262, Part 273, or analogous state standards to any countries listed in 262.58(a)(1) for recovery	263.10(d)	33-20-1.6 & 6.1 157-7-1.6 & 5.1	The Public Service Commission (PSC) rail regulations do not currently include an analog to this provision which was added by Revision Checklist 152. Per EPA guidance on that checklist, States cannot receive authorization for Checklist 152			
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**WEST VIRGINIA
CONSOLIDATED CHECKLIST C4
Standards Applicable to Transporters of Hazardous Waste
40 CFR Part 263 as of July 1, 1997**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Part 263 does not apply to transportation during an explosives or munitions emergency response	263.10(e)	33-20-1.6 & 6.1 150-11-1.13.1 157-7-1.6 & 5.1	X			
§266.203 identifies how this part applies to military munitions classified as solid waste	263.10(f)	33-20-1.6 & 6.1 150-11-1.13.2 157-7-1.6 & 5.1	X			

EPA IDENTIFICATION NUMBER

EPA identification number required	263.11(a)	33-20-1.6 & 6.1; 150-11-1.10; 157-7-5.3	X			
application for EPA ID number	263.11(b)	33-20-1.6 & 6.1 33-20-4 150-11-1.10 157-7.5.4	X			

West Virginia's §33-20-4 subjects transporters to notification requirements that are consistent with the Federal notification requirements at RCRA §3010; the State allows transporters to use either the EPA form 8700-12 or pr same information in any other manner selected by the notifier.

TRANSFER FACILITY REQUIREMENTS

exception for storage of 10 days or less	263.12	33-20-1.6 & 6.1 150-11-1.11 157-7-1.6 & 5.1	X			
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SUBPART B - COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

THE MANIFEST SYSTEM

manifest required; conditions for accepting exported waste	263.20(a)	33-20-1.6 & 6.1; 150-11-2.1.1; 157-7-3.1.1	X			
signature and date; copy to generator	263.20(b)	33-20-1.6 & 6.1; 150-11-2.1.2; 157-7-3.1.2	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C4
Standards Applicable to Transporters of Hazardous Waste
40 CFR Part 263 as of July 1, 1997**

FEDERAL REQUIREMENTS	FEDERAL REGULATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
manifest accompanies waste; EPA Acknowledgment of Consent also accompanies exports	263.20(c)	33-20-1.6 & 6.1; 157-7-3.1.3	X			
procedures when delivering waste to another transporter or to the designated facility	263.20(d)	33-20-1.6 & 6.1; 157-7-3.2	X			
	263.20(d)(1)	33-20-1.6 & 6.1; 157-7-3.2.1	X			
	263.20(d)(2)	33-20-1.6 & 6.1; 157-7-3.2.2	X			
	263.20(d)(3)	33-20-1.6 & 6.1; 157-7-3.2.3	X			
	263.20(e)	33-20-1.6 & 6.1	X			
water transporters, conditions under which 263.20(c), (d) & (f) do not apply	263.20(e)	33-20-1.6 & 6.1	X			
delivered by water	263.20(e)(1)	33-20-1.6 & 6.1	X			
shipping paper; EPA Acknowledgment of Consent for exports	263.20(e)(2)	33-20-1.6 & 6.1	X			
signature of owner	263.20(e)(3)	33-20-1.6 & 6.1	X			
signature of transporter	263.20(e)(4)	33-20-1.6 & 6.1	X			
copies retained	263.20(e)(5)	33-20-1.6 & 6.1	X			
rail shipments; conditions under which 263.20(c), (d) & (e) do not apply	263.20(f)	33-20-6.2	X			
	263.20(f)(1)	33-20-6.2; 150-11-2.2	X			
	263.20(f)(1)(i)	33-20-6.2; 150-11-2.2.1	X			
	263.20(f)(1)(ii)	33-20-6.2; 150-11-2.2.2	X			
	263.20(f)(1)(iii)	33-20-6.2; 150-11-2.2.3	X			

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C4
Standards Applicable to Transporters of Hazardous Waste
40 CFR Part 263 as of July 1, 1997**

FEDERAL REQUIREMENTS	FEDERAL CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
duties of the initial rail transporter	263.20(f)(1)(iii)(A)-(C)	33-20-6.2; 150-11-2.2.3.a-c	X			
	263.20(f)(1)(iv)	33-20-6.2; 150-11-2.2.4	X			
shipping paper; EPA Acknowledgment of Consent for exports	263.20(f)(2)	33-20-6.2; 150-11-2.3	X			
procedures when waste is delivered to designated facility	263.20(f)(3)	33-20-6.2; 150-11-2.4	X			
	263.20(f)(3)(i)	33-20-6.2; 150-11-2.4.1	X			
	263.20(f)(3)(ii)	33-20-6.2; 150-11-2.4.2	X			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C4
 Standards Applicable to Transporters of Hazardous Waste
 40 CFR Part 263 as of July 1, 1997

FEDERAL REQUIREMENTS	FEDERAL REGULATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	263.20(f)(4)	33-20-6.2; 150-11-2.5	X			
	263.20(f)(4)(i)	33-20-6.2; 150-11-2.5.1	X			
procedures when delivering to non-rail transporter	263.20(f)(4)(ii)	33-20-6.2; 150-11-2.5.2	X			
acceptance from a rail transporter by a non-rail transporter	263.20(f)(5)	33-20-1.6 & 6.1; 157-7-3.1.4	X			
procedures when transporting waste out of U.S.	263.20(g)	33-20-1.6 & 6.1; 150-11-2.7 157-7-3.4	X			
date waste left U.S.	263.20(g)(1)	33-20-1.6 & 6.1; 150-11-2.7.1 157-7-3.4.1	X			
signature and copy retention	263.20(g)(2)	33-20-1.6 & 6.1; 150-11-2.7.2 157-7-3.4.2	X			
return signed copy to generator	263.20(g)(3)	33-20-1.6 & 6.1; 150-11-2.7.3 157-7-3.4.3	X			
copy to U.S. Customs official at departure point	263.20(g)(4)	33-20-1.6 & 6.1 150-11-2.7.4 157-7-3.4.4	X			
transporters of waste from a generator of 100 kg/mo to 1000 kg/mo not subject to 263.20 or 263.22 provided certain conditions are met:	263.20(h)	33-20-1.6 & 6.1 150-11-2.8 157-7-3.3	X			

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C4
Standards Applicable to Transporters of Hazardous Waste
40 CFR Part 263 as of July 1, 1997**

FEDERAL REQUIREMENTS	FEDERAL REGULATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	263.20(h)(1)	33-20-1.6 & 6.1 150-11-2.8.1 157-7-3.3.1	X			
	263.20(h)(2)	33-20-1.6 & 6.1 150-11-2.8.2 157-7-3.3.2	X			
	263.20(h)(2)(i)	33-20-1.6 & 6.1 150-11-2.8.2.a 157-7-3.3.3	X			
	263.20(h)(2)(ii)	33-20-1.6 & 6.1 150-11-2.8.2.b 157-7-3.3.4	X			
	263.20(h)(2)(iii)	33-20-1.6 & 6.1 150-11-2.8.2.c 157-7-3.3.5	X			
	263.20(h)(2)(iv)	33-20-1.6 & 6.1 150-11-2.8.2.d 157-7-3.3.6	X			
	263.20(h)(3)	33-20-1.6 & 6.1 150-11-2.8.3 157-7-3.3.7	X			
What the transporter must record	263.20(h)(4)	33-20-1.6 & 6.1 150-11-2.8.4 157-7-3.3.8	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C4
Standards Applicable to Transporters of Hazardous Waste
40 CFR Part 263 as of July 1, 1997**

FEDERAL REQUIREMENTS	FEDERAL REGULATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
COMPLIANCE WITH THE MANIFEST						
delivery of entire quantity to:	263.21(a)	33-20-1.6 & 6.1; 150-11-2.6.1; 157-7-3.5.1	X			
designated facility	263.21(a)(1)	33-20-1.6 & 6.1; 150-11-2.6.1.a; 157-7-3.5.1.a	X			
alternate designated facility	263.21(a)(2)	33-20-1.6 & 6.1; 150-11-2.6.1.b; 157-7-3.5.1.b	X			
next designated transporter	263.21(a)(3)	33-20-1.6 & 6.1; 150-11-2.6.1.c; 157-7-3.5.1.c	X			
designated place outside the U.S.	263.21(a)(4)	33-20-1.6 & 6.1; 150-11-2.6.1.d; 157-7-3.5.1.d	X			
requirements if unable to deliver waste	263.21(b)	33-20-1.6 & 6.1; 150-11-2.6.2; 157-7-3.5.2	X			
RECORDKEEPING						
3-year record retention	263.22(a)	33-20-1.6 & 6.1; 150-11-3.1 157-7-4.1	X			
water transporter, 3 year record retention of shipping paper	263.22(b)	33-20-1.6 & 6.1	X			
for shipments by rail:	263.22(c)	33-20-6.2 150-11-3.1	X			
initial transporter retains manifest and shipping paper for 3 years	263.22(c)(1)	33-20-6.2 150-11-3.1	X			

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C4
Standards Applicable to Transporters of Hazardous Waste
40 CFR Part 263 as of July 1, 1997**

FEDERAL REQUIREMENTS	FEDERAL REGULATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
final transporter retains manifest or shipping paper for 3 years	263.22(c)(2)	33-20-6.2 150-11-3.2	X			
transporter of waste out of U.S. retains manifest for 3 years	263.22(d)	33-20-1.6 & 6.1; 150-11-3.3; 157-7-4.2	X			
automatic extension of retention periods	263.22(e)	33-20-1.6 & 6.1; 150-11-3.4; 157-7-4.3	X			

SUBPART C - HAZARDOUS WASTE DISCHARGES

IMMEDIATE ACTION

transporter action in event of discharge	263.30(a)	33-20-1.6 & 6.1; 150-11-5.1; 157-7-6.1	X			
removal/authorization by official	263.30(b)	33-20-1.6 & 6.1; 150-11-5.2; 157-7-6.2	X			
duties of transporter:	263.30(c)	33-20-1.6 & 6.1; 150-11-5.3.1; 157-7-6.3	X			
notice to National Response Center	263.30(c)(1)	33-20-1.6 & 6.1; 150-11-5.3.1.a-1.c, 150-11-5.3.2, 157-7-6.3.1-3			X	

West Virginia has more stringent notification requirements at §§150-11-5.3.1, 5.3.2, 157-7-6.3.1 and 6.3.2. See S IV.A of the West Virginia Office of Legal Services (OLS) Statement.

written report to DOT	263.30(c)(2)	33-20-1.6 & 6.1; 150-11-5.4; 157-7-6.4			X	
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West Virginia has more stringent reporting requirements at 157-7-6.4.1 and 6.4.2. See Section IV.A of the West Office of Legal Services (OLS) Statement.

water transporter must give same notice as required by 33 CFR 153.203 for oil and hazardous substances	263.30(d)	33-20-1.6 & 6.1	X			
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WEST VIRGINIA
 CONSOLIDATED CHECKLIST C4
 Standards Applicable to Transporters of Hazardous Waste
 40 CFR Part 263 as of July 1, 1997

FEDERAL REQUIREMENTS	FEDERAL CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
DISCHARGE CLEAN UP						
transporter must clean up hazardous waste discharge	263.31	33-20-1.6 & 6.1; 150-11-5.5; 157-7-6.5	X			

1. West Virginia Notes:

- a. At §157-7-5.2, West Virginia requires that each hazardous waste transporter operating on the roads and highways of the State to be in compliance with the applicable rules and regulations of the Division of Highways; the representative of the Division of Highways conducting the inspection may deem the driver, vehicle and cargo out of service until the violations are corrected.
- b. At §157-7-6.6, West Virginia clarifies that nothing in the 157 CSR 7 relieves a highway transporter of the obligation of complying with the applicable sections of the Legislative rule "Special Regulations" of the Office of Water Resources.

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C5**

**Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997**

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

SUBPART A - GENERAL

Purpose, scope and applicability	264.1, except 264.1(g)(11)(iii)	33-20-1.6, 7.1, & 7.2	X			
Handlers and transporters of thermostats	264.1(g)(11)(iii)	33-20-1.6 & 7.3	X			

At §33-20-7.3, West Virginia has revised the Federal provision at 40 CFR 264.1(g)(11)(iii) to include mercury containing lamps. West Virginia is not seeking authorization for the requirements for mercury containing lamps.

[Reserved]	264.2	NA	NA			
Relationship to interim status standards	264.3	33-20-1.6 & 7.2	X			
Imminent hazard action	264.4	33-20-1.6 & 7.2	X			

SUBPART B - GENERAL FACILITY STANDARDS

Applicability	264.10	33-20-1.6 & 7.2	X			
Identification number	264.11	33-20-1.6 & 7.2 33-20-4	X			

West Virginia's §33-20-4 subjects owners and operators of hazardous waste facilities to notification requirements that are consistent with the Federal notification requirements at RCRA §3010; the State allows owners and operator of TSD facilities to use either the EPA form 8700-12 or provide the same information in any other manner selected by the notifier.

Required notices	264.12 (except 264.12(a)(1)&(2))	33-20-1.6, 7.2	X			
Notice from an owner/operator who has received waste from a foreign source	264.12(a)(1)&(2)	33-20-1.6, 7.2, & 7.4			X	

At §33-20-7.4, West Virginia makes it clear that the notification requirements at 40 CFR 264.12(a)(1)&(2) are retained by EPA; however, the State requires that identical notice be sent to the chief. This makes the State more stringent. See Section V.A of the West Virginia OLS Statement.

General waste analysis	264.13	33-20-1.6 & 7.2	X			
Security	264.14	33-20-1.6 & 7.2	X			
General inspection requirements	264.15	33-20-1.6 & 7.2	X			

WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Personnel training	264.16	33-20-1.6 & 7.2 45-25-4.2	X			
General requirements for ignitable, reactive, or incompatible wastes	264.17	33-20-1.6 & 7.2 45-25-4.4	X			
Location standards	264.18	33-20-1.6 & 7.2	X			
Construction quality assurance program	264.19	33-20-1.6 & 7.2	X			
SUBPART C - PREPAREDNESS AND PREVENTION						
Applicability	264.30	33-20-1.6 & 7.2	X			
Design and operation of facility	264.31	33-20-1.6 & 7.2 45-25-4.3	X			
Required equipment	264.32	33-20-1.6 & 7.2	X			
Testing and maintenance of equipment	264.33	33-20-1.6 & 7.2	X			
Access to communications or alarm system	264.34	33-20-1.6 & 7.2	X			
Required aisle space	264.35	33-20-1.6 & 7.2	X			
[Reserved]	264.36	NA	NA			
Arrangements with Local authorities	264.37	33-20-1.6 & 7.2	X			
SUBPART D - CONTINGENCY PLAN AND EMERGENCY PROCEDURES						
Applicability	264.50	33-20-1.6 & 7.2	X			
Purpose and implementation of contingency plan	264.51	33-20-1.6 & 7.2	X			
Content of contingency plan	264.52	33-20-1.6 & 7.2	X			
Copies of contingency plan	264.53	33-20-1.6 & 7.2	X			
Amendment of contingency plan	264.54	33-20-1.6 & 7.2	X			
Emergency coordinator	264.55	33-20-1.6 & 7.2	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Emergency Procedures	264.56	33-20-1.6 & 7.2	X			

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Applicability	264.70	33-20-1.6 & 7.2	X			
Use of manifest system	264.71	33-20-1.6 & 7.2	X			
Manifest discrepancies	264.72	33-20-1.6 & 7.2	X			
Operating record	264.73	33-20-1.6 & 7.2	X			
Availability, retention, and disposition of records	264.74	33-20-1.6 & 7.2 45-25-4.1	X			

Note that under § 45-25-4.1, facilities subject to 45 CSR 25 must maintain a listing of all permits or construction approvals received or applied for under the programs listed at § 45-25-4.1.a-f. This is consistent with the Federal information and recordkeeping requirements at 40 CFR 270.13(k) and 40 CFR 264.74.

Biennial report	264.75	33-20-1.6 & 7.2	X			
Unmanifested waste report	264.76	33-20-1.6 & 7.2	X			
Additional reports	264.77	33-20-1.6 & 7.2	X			

SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Applicability	264.90	33-20-1.6 & 7.2	X			
Required programs	264.91	33-20-1.6 & 7.2	X			
Ground-water protection standard	264.92	33-20-1.6 33-20-7.5 33-20-7.5.a	X			
Hazardous constituents	264.93	33-20-1.6 & 7.2	X			
Concentration limits	264.94	46 CSR 12 33-20-1.6 33-20-7.5 33-20-7.5.b	X			

West Virginia's groundwater standards are set forth in 46 CSR 12. At §46-12-4, the Office of Waste Management, acting in accordance with federal regulations, has the authority to use the federal standards in lieu of the State standards. See the Remarks of the Office of Legal Services (OLS) Statement, Section V.A., for a discussion on the State's provisions at 46 CSR 12.

Point of compliance	264.95	33-20-1.6, & 7.2	X			
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**WEST VIRGINIA
CONSOLIDATED CHECKLIST C5**
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Compliance period	264.96	33-20-1.6, & 7.2	X			
General ground-water monitoring requirements	264.97	33-20-1.6, & 7.2	X			
Detection monitoring program	264.98	33-20-1.6, & 7.2	X			
Compliance monitoring program	264.99, except 264.99(g)	33-20-1.6 & 7.2	X			
Monitoring well samples	264.99(g)	33-20-1.6, 7.5.c & 7.5.c.1	X			

West Virginia's provision at §33-20-7.5.c.1 indicates that the frequencies for collecting samples required under 40 CFR 264.99(g) will be specified in the facility permit and will not be less than once every five years. West Virginia has agreed in the MOA between the State and EPA to comply with the Federal requirement relative to the frequencies for collecting samples. See the Remarks of the Office of Legal Services (OLS) Statement, Section V.A., for a discussion on the State's provision at 33-20-7.5.c.

Corrective action program	264.100	33-20-1.6 & 7.2	X			
Corrective action for solid waste management units	264.101	33-20-1.6 & 7.2	X			

SUBPART G - CLOSURE AND POST-CLOSURE

Applicability	264.110	33-20-1.6 & 7.2	X			
Closure performance standard	264.111	33-20-1.6 & 7.2	X			
Closure plan; amendment of plan	264.112	33-20-1.6 & 7.2	X			
Closure; time allowed for closure	264.113	33-20-1.6 & 7.2	X			
Disposal or decontamination of equipment, structures and soils	264.114	33-20-1.6 & 7.2	X			
Certification of closure	264.115	33-20-1.6 & 7.2	X			
Survey plat	264.116	33-20-1.6 & 7.2	X			
Post-closure care and use of property	264.117	33-20-1.6 & 7.2	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Post-closure plan; amendment of plan	264.118	33-20-1.6 & 7.2	X			
Post-closure notices	264.119	33-20-1.6 & 7.2 33-20-12	X			
Certification of completion of post-closure care	264.120	33-20-1.6 & 7.2	X			
SUBPART H - FINANCIAL REQUIREMENTS						
Applicability	264.140	33-20-1.6 & 7.2	X			
Definitions of terms as used in this subpart	264.141	33-20-1.6 & 7.2	X			
Cost estimate for closure	264.142	33-20-1.6 & 7.2	X			
Financial assurance for closure	264.143	33-20-1.6 & 7.2	X			
Cost estimate for post- closure care	264.144	33-20-1.6 & 7.2	X			
Financial assurance for post- closure care	264.145	33-20-1.6 & 7.2	X			
Use of a mechanism for financial assurance of both closure and post-closure care	264.146	33-20-1.6 & 7.2	X			
Liability requirements	264.147	33-20-1.6 & 7.2	X			
Incapacity of owners or operators, guarantors, or financial institutions	264.148	33-20-1.6 & 7.2	X			
Use of State-required mechanisms	264.149	33-20-7.6	NA			
State assumption of responsibility	264.150	33-20-7.6	NA			
Per EPA's guidance in the document "Guidelines for State Adoption of Federal RCRA Adoption of Federal RCRA Regulations by Reference", at §33-20-7.6, West Virginia has excluded 40 CFR 264.149 and 264.150 from its incorporation by reference of the Federal financial requirements.						
Wording of the instruments	264.151	33-20-1.6 & 7.2	X			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C5
 Standards for Owners and Operators of Hazardous Waste Treatment,
 Storage, and Disposal Facilities
 40 CFR Part 264 as of July 1, 1997 (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 I - USE AND MANAGEMENT OF CONTAINERS						
Applicability	264.170	33-20-1.6 & 7.2	X			
Condition of containers	264.171	33-20-1.6 & 7.2	X			
Compatibility of waste with containers	264.172	33-20-1.6 & 7.2	X			
Management of containers	264.173	33-20-1.6 & 7.2	X			
Inspections	264.174	33-20-1.6 & 7.2	X			
Containment	264.175	33-20-1.6 & 7.2	X			
Special requirements for ignitable or reactive waste	264.176	33-20-1.6 & 7.2	X			
Special requirements for incompatible wastes	264.177	33-20-1.6 & 7.2	X			
Closure	264.178	33-20-1.6 & 7.2	X			
Air Emission Standards	264.179	33-20-1.6 & 7.2 45-25-3.2 & 4.5/Table 25-A, Item 10	X			

US EPA ARCHIVE DOCUMENT

WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (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 J - TANK SYSTEMS						
1 Applicability	264.190	33-20-1.6 & 7.2	X			
Assessment of existing tank system's integrity	264.191	33-20-1.6 & 7.2	X			
Design and installation of new tank systems or components	264.192	33-20-1.6 & 7.2	X			
Containment and detection of releases	264.193	33-20-1.6 & 7.2	X			
General operating requirements	264.194	33-20-1.6 & 7.2	X			
Inspections	264.195	33-20-1.6 & 7.2	X			
Response to leaks or spills and disposition of leaking or unfit-for-use tank systems	264.196	33-20-1.6 & 7.2	X			
Closure and post-closure care	264.197	33-20-1.6 & 7.2	X			
Special requirements for ignitable or reactive wastes	264.198	33-20-1.6 & 7.2	X			
Special requirements for incompatible wastes	264.199	33-20-1.6 & 7.2	X			
Air emission standards	264.200	33-20-1.6 & 7.2 45-25-3.2 & 4.6/Table 25-A, Item 10	X			
SUBPART K - SURFACE IMPOUNDMENTS						
Applicability	264.220	33-20-1.6 & 7.2	X			
Design and operating requirements	264.221	33-20-1.6 & 7.2 45-25-4.11 ^b	X			
2 Action leakage rate	264.222	33-20-1.6 & 7.2	X			
Response actions	264.223	33-20-1.6 & 7.2	X			
[Reserved]	264.224	NA	NA			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C5
 Standards for Owners and Operators of Hazardous Waste Treatment,
 Storage, and Disposal Facilities
 40 CFR Part 264 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
[Reserved]	264.225	NA	NA			
Monitoring and inspection	264.226	33-20-1.6 & 7.2	X			
Emergency repairs; contingency plans	264.227	33-20-1.6 & 7.2	X			
Closure and post-closure care	264.228	33-20-1.6 & 7.2 45-25-4.11 ^b	X			
Special requirements for ignitable or reactive waste	264.229	33-20-1.6 & 7.2	X			
Special requirements for incompatible wastes	264.230	33-20-1.6 & 7.2	X			
Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027	264.231	33-20-1.6 & 7.2	X			
Air emission standards	264.232	33-20-1.6/Table 25-A, Item 10 & 7.2 45-25-3.2 & 4.7	X			

SUBPART L - WASTE PILES

Applicability	264.250	33-20-1.6 & 7.2	X			
Design and operating requirements	264.251	33-20-1.6 & 7.2 45-25-4.9	X			
Action leakage rate	264.252	33-20-1.6 & 7.2	X			
Response actions	264.253	33-20-1.6 & 7.2	X			
Monitoring and inspection	264.254	33-20-1.6 & 7.2	X			
[Reserved]	264.255	NA	NA			
Special requirements for ignitable or reactive waste	264.256	33-20-1.6 & 7.2	X			
Special requirements for incompatible wastes	264.257	33-20-1.6 & 7.2	X			
Closure and post-closure care	264.258	33-20-1.6 & 7.2	X			

WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Special requirements for hazardous wastes F020, F021, F022, F023, F026 and F027	264.259	33-20-1.6 & 7.2	X			
SUBPART M - LAND TREATMENT						
Applicability	264.270	33-20-1.6 & 7.2	X			
Treatment program	264.271	33-20-1.6 & 7.2	X			
Treatment demonstration	264.272	33-20-1.6 & 7.2	X			
Design and operating requirements	264.273	33-20-1.6 & 7.2 45-25-4.11 ^b	X			
[Reserved]	264.274-264.275	NA	NA			
Food-chain crops	264.276	33-20-1.6 & 7.2	X			
[Reserved]	264.277	NA	NA			
Unsaturated zone monitoring	264.278	33-20-1.6 & 7.2	X			
Recordkeeping	264.279	33-20-1.6 & 7.2	X			
Closure and post-closure care	264.280	33-20-1.6 & 7.2 45-25-4.11 ^b	X			
Special requirements for ignitable or reactive waste	264.281	33-20-1.6 & 7.2	X			
Special requirements for incompatible wastes	264.282	33-20-1.6 & 7.2	X			
Special requirements for hazardous wastes F020, F021, F022, F023, F026 and F027	264.283	33-20-1.6 & 7.2	X			
SUBPART N - LANDFILLS						
Applicability	264.300	33-20-1.6 & 7.2	X			
Design and operating requirements	264.301	33-20-1.6 & 7.2 45-25-4.10 ^a , 4.11 ^b	X			
Action leakage rate	264.302	33-20-1.6 & 7.2	X			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C5
 Standards for Owners and Operators of Hazardous Waste Treatment,
 Storage, and Disposal Facilities
 40 CFR Part 264 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Monitoring and inspection	264.303	33-20-1.6 & 7.2	X			
Response actions	264.304	33-20-1.6 & 7.2	X			
[Reserved]	264.305-264.308	NA	NA			
Surveying and recordkeeping	264.309	33-20-1.6 & 7.2	X			
Closure and post-closure care	264.310	33-20-1.6 & 7.2 45-25-4.11 ^b	X			
[Reserved]	264.311	NA	NA			
Special requirements for ignitable or reactive waste	264.312	33-20-1.6 & 7.2	X			
Special requirements for incompatible wastes	264.313	33-20-1.6 & 7.2	X			
Special requirements for bulk and containerized liquids	264.314	33-20-1.6 & 7.2	X			
Special requirements for containers	264.315	33-20-1.6 & 7.2	X			
Disposal of small containers of hazardous waste in overpacked drums (lab packs)	264.316	33-20-1.6 & 7.2	X			
Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027	264.317	33-20-1.6 & 7.2	X			

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (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 O - INCINERATORS						
Applicability	264.340	33-20-1.6, 7.1, 7.1.a, 7.2; 45-25-1.1.a, & 1.1.b., 45-25-3.2/Table 25-A, Item 1 & 45-25-4.15	X			
Waste analysis	264.341	33-20-1.6 & 7.7 45-25-3.2/Table 25-A, Item 1	X			
Principal organic hazardous constituents (POHCs)	264.342	33-20-1.6 & 7.7 45-25-3.2/Table 25-A, Item 1	X			
Performance standards	264.343	33-20-1.6 & 7.7 45-25-3.2/Table 25-A, Item 1	X			
Hazardous waste incinerator permits	264.344	33-20-1.6 & 7.7 45-25-3.2/Table 25-A, Item 1	X			
Operating requirements	264.345	33-20-1.6 & 7.7 45-25-3.2/Table 25-A, Item 1 45-25	X			
[Reserved]	264.346	NA	NA			
Monitoring and inspections	264.347	33-20-1.6 & 7.7 45-25-3.2/Table 25-A, Item 1	X			
[Reserved]	264.348-264.350	NA	NA			
Closure	264.351	33-20-1.6 & 7.1, 7.1.a, 7.2; 45-25-3.2/Table 25-A, Item 1	X			

See Section V.A of the West Virginia OLS Statement for a discussion of the division of responsibilities between the Office of Waste Management and the Office of Air Quality.

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C5
 Standards for Owners and Operators of Hazardous Waste Treatment,
 Storage, and Disposal Facilities
 40 CFR Part 264 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPARTS P-R - [RESERVED]						
SUBPART S - CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS						
Corrective action management units (CAMU)	264.552	33-20-1.6 & 7.2	X			
Temporary units (TU)	264.553	33-20-1.6 & 7.2	X			
SUBPARTS T-V - [RESERVED]						
SUBPART W - DRIP PADS						
Applicability	264.570	33-20-1.6 & 7.2	X			
Assessment of existing drip pad integrity	264.571	33-20-1.6 & 7.2	X			
3 Design and installation of new drip pads	264.572	33-20-1.6 & 7.2	X			
Design and operating requirements	264.573	33-20-1.6 & 7.2	X			
Inspections	264.574	33-20-1.6 & 7.2	X			
Closure	264.575	33-20-1.6 & 7.2	X			
SUBPART X - MISCELLANEOUS UNITS						
Applicability	264.600	33-20-1.6 & 7.2 45-25-3.2/Table 25-A, Item 4	X			
Environmental performance standards	264.601	33-20-1.6 & 7.2 45-25-3.2/Table 25-A, Item 4 45-25-4.8 & 4.12 ^c	X			
Monitoring, analysis, inspection, response, reporting, and corrective action	264.602	45-25-3.2/Table 25-A, Item 4 33-20-1.6 & 7.2	X			
Post-closure care	264.603	45-25-3.2/Table 25-A, Item 4 33-20-1.6 & 7.2	X			
SUBPARTS Y-Z - [RESERVED]						

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (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 AA - AIR EMISSION STANDARDS FOR PROCESS VENTS						
Air Applicability	264.1030	33-20-7.8 45-25-1.1.a 45-25-3.2/Table 25-A, Item 6	X			
Air Definitions	264.1031	33-20-7.8 45-25-3.2/Table 25-A, Item 6	X			
Air Standards: process vents	264.1032	45-25-3.2 33-20-7.8	X			
Air Standards: closed-vent systems and control devices	264.1033	33-20-7.8 45-25-3.2/Table 25-A, Item 6	X			
Test methods and procedures	264.1034	33-20-7.8 45-25-3.2/Table 25-A, Item 6	X			
Recordkeeping requirements	264.1035	33-20-7.8 45-25-3.2/Table 25-A, Item 6	X			
Reporting requirements	264.1036	33-20-7.8 45-25-3.2/Table 25-A, Item 6	X			
[Reserved]	264.1037-264.1049	NA	NA			
SUBPART BB - AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS						
Applicability	264.1050	33-20-7.8 45-25-1.1.a 45-25-3.2/Table 25-A, Item 8	X			
Definitions	264.1051	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Standards: pumps in light liquid service	264.1052	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			

WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Standards: compressors	264.1053	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Standards: pressure relief devices in gas/vapor service	264.1054	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Standards: sampling connecting systems	264.1055	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Standards: open-ended valves or lines	264.1056	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Standards: valves in gas/vapor service or in light liquid service	264.1057	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Standards: pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors	264.1058	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Standards: delay of repair	264.1059	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Standards: closed-vent systems and control devices	264.1060	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Alternative standards for valves in gas/vapor service or in light liquid service: percentage of valves allowed to leak	264.1061	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Alternative standards for valves in gas/vapor service or in light liquid service: skip period leak detection and repair	264.1062	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			

US EPA ARCHIVE DOCUMENT

WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Test methods and procedures	264.1063	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Recordkeeping requirements	264.1064	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
Reporting requirements	264.1065	33-20-7.8 45-25-3.2/Table 25-A, Item 8	X			
[Reserved]	264.1066-264.1079	NA	NA			

SUBPART CC - AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Applicability	264.1080	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			
Definitions	264.1081	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			
Standards: General	264.1082	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			
Waste determination procedures	264.1083	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			
Standards: Tanks	264.1084	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			
Standards: Surface impoundments	264.1085	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			
Standards: Containers	264.1086	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Standards: Closed-vent systems and control devices	264.1087	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			
Inspections and monitoring requirements	264.1088	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			
Recordkeeping requirements	264.1089	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			
Reporting requirements	264.1090	33-20-7.8 45-25-3.2/Table 25-A, Item 10	X			
[Reserved]	264.1091	NA	NA			

SUBPART DD - CONTAINMENT BUILDINGS

Applicability	264.1100	33-20-1.6 & 7.2	X			
Design and operating standards	264.1101	33-20-1.6 & 7.2	X			
Closure and post-closure care	264.1102	33-20-1.6 & 7.2	X			
[Reserved]	264.1103-264.1110	NA	NA			

SUBPART EE - HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Applicability	264.1200	33-20-1.6 & 7.2	X			
Design and operating standards	264.1201	33-20-1.6 & 7.2	X			
Closure and post-closure care	264.1202	33-20-1.6 & 7.2	X			

APPENDICES TO PART 264

Recordkeeping instructions	Appendix I	33-20-1.6 & 7.2	X			
[Reserved]	Appendices II-III	NA	NA			
Cochran's approximation to the Behrens-Fisher Students' T-test	Appendix IV	33-20-1.6 & 7.2	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Examples of potentially incompatible waste	Appendix V	33-20-1.6 & 7.2	X			
Political jurisdictions in which compliance with §264.18(a) must be demonstrated	Appendix VI	33-20-1.6 & 7.2	X			
[Reserved]	Appendices VII-VIII	NA	NA			
Ground-water monitoring list	Appendix IX	33-20-1.6 & 7.2	X			

- 1 In the base program, the content of this 264.190 introductory paragraph was located at 264.190(a).
- 2 264.222 was originally introduced into the Federal code by Checklist IV A as an exemption from Subpart F for double-lined surface impoundments (Ground-Water Monitoring) and was removed by Revision Checklist 17 I. Revision Checklist 100 introduced a new section 264.222 back into the code.
- 3 This section of code was introduced by Revision Checklist 82 as 264.575 and was subsequently redesignated as 264.572 by Revision Checklist 92.

WEST VIRGINIA
CONSOLIDATED CHECKLIST C5
Standards for Owners and Operators of Hazardous Waste Treatment,
Storage, and Disposal Facilities
40 CFR Part 264 as of July 1, 1997 (cont'd)

West Virginia Notes:

^a West Virginia's provision at §45-25-4.10, requiring hazardous waste landfills to be covered or otherwise managed to prevent wind dispersal, is analogous to 40 CFR 264.301(j) and 265.301(i).

^b The provisions addressed by West Virginia at 45-25-4.11 are consistent with, and equivalent to, the Federal code. A §45-25-4.11, the State requires that all landfills, surface impoundments, and land treatment facilities shall be located, designed, constructed, operated, maintained, closed in a manner that will assure protection of human health and the environment. Such a requirement is throughout the Federal code; for example, see 264.15, 264.17(b), 264.18(b), 264.31, 264.51, 264.91(b), 264.101(c), and 264.111(b).

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C6**

Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR Part 265 as of July 1, 1997

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

SUBPART A - GENERAL

Purpose, scope, and applicability	265.1, except 265.1(c)(1)(14)(iii)	33-20-1.6 & 8.1	X			
Handlers and transporters of thermostats	265.1(c)(1)(14)(iii)	33-20-1.6 & 8.2	X			

At §33-20-8.2, West Virginia has revised the Federal provision at 40 CFR 264.1(g)(11)(iii) to include mercury containing lamps. West Virginia is not seeking authorization for the requirements for mercury containing lamps.

[Reserved]	265.2-265.3	NA	NA			
Imminent hazard action	265.4	33-20-1.6 & 8.1	X			

SUBPART B - GENERAL FACILITY STANDARDS

Applicability	265.10	33-20-1.6 & 8.1	X			
Identification number	265.11	33-20-1.6 & 8.1	X			
Required notices	265.12	33-20-1.6 & 8.3			X	

Note that at §33-20-8.3, West Virginia excepts the provisions of 40 CFR 265.12(a) from its incorporation by reference. The provisions are retained by EPA. The State requires that identical notice be sent to the chief, thus making the State more stringent. See Section V.A of the West Virginia OLS Statement.

1 General waste analysis	265.13	33-20-1.6 & 8.1	X			
Security	265.14	33-20-1.6 & 8.1	X			
General inspection requirements	265.15	33-20-1.6 & 8.1	X			
Personnel training	265.16	33-20-1.6 & 8.1 45-25-4.2	X			
General requirements for ignitable, reactive, or incompatible wastes	265.17	33-20-1.6 & 8.1 45-25-4.4	X			
Location standards	265.18	33-20-1.6 & 8.1	X			
Construction quality assurance program	265.19	33-20-1.6 & 8.1	X			

SUBPART C - PREPAREDNESS AND PREVENTION

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C6
 Interim Status Standards for Owners and Operators of
 Hazardous Waste Treatment, Storage, and Disposal Facilities
 40 CFR Part 265 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORESTRIN-GENT	BROADER IN SCOPE
Applicability	265.30	33-20-1.6 & 8.1	X			
Maintenance and operation of facility	265.31	33-20-1.6 & 8.1 45-25-4.3	X			
Required equipment	265.32	33-20-1.6 & 8.1	X			
Testing and maintenance of equipment	265.33	33-20-1.6 & 8.1	X			
Access to communications or alarm system	265.34	33-20-1.6 & 8.1	X			
Required aisle space	265.35	33-20-1.6 & 8.1	X			
[Reserved]	265.36	NA	NA			
Arrangements with local authorities	265.37	33-20-1.6 & 8.1	X			

SUBPART D - CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Applicability	265.50	33-20-1.6 & 8.1	X			
Purpose and implementation of contingency plan	265.51	33-20-1.6 & 8.1	X			
Content of contingency plan	265.52	33-20-1.6 & 8.1	X			
Copies of contingency plan	265.53	33-20-1.6 & 8.1	X			
Amendment of contingency plan	265.54	33-20-1.6 & 8.1	X			
Emergency coordinator	265.55	33-20-1.6 & 8.1	X			
Emergency procedures	265.56	33-20-1.6 & 8.1	X			

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Applicability	265.70	33-20-1.6 & 8.1	X			
Use of manifest system	265.71	33-20-1.6 & 8.1	X			
Manifest discrepancies	265.72	33-20-1.6 & 8.1	X			
Operating record	265.73	33-20-1.6 & 8.1	X			
Availability, retention, and disposition of records	265.74	33-20-1.6 & 8.1 45-25-4.1	X			

WEST VIRGINIA
CONSOLIDATED CHECKLIST C6
Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR Part 265 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Under §45-25-4.1, facilities subject to 45 CSR 25 must maintain a listing of all permits or construction approvals required or applied for under the programs listed at § 45-25-4.1.a-f. This is consistent with the Federal information and recordkeeping requirements at 40 CFR 270.13(k) and 40 CFR 265.74						
Biennial report	265.75	33-20-1.6 & 8.1	X			
Unmanifested waste report	265.76	33-20-1.6 & 8.1	X			
Additional reports	265.77	33-20-1.6 & 8.1	X			
SUBPART F - GROUND-WATER MONITORING						
Applicability	265.90	33-20-1.6 & 8.1	X			
Ground-water monitoring system	265.91	33-20-1.6 & 8.1	X			
Sampling and analysis	265.92	33-20-1.6 & 8.1	X			
Preparation, evaluation, and response	265.93	33-20-1.6 & 8.1	X			
Recordkeeping and reporting	265.94	33-20-1.6 & 8.1	X			
SUBPART G - CLOSURE AND POST-CLOSURE						
Applicability	265.110	33-20-1.6 & 8.1	X			
Closure performance standard	265.111	33-20-1.6 & 8.1	X			
Closure plan; amendment of plan	265.112	33-20-1.6 & 8.1	X			
Closure; time allowed for closure	265.113	33-20-1.6 & 8.1	X			
Disposal or decontamination of equipment, structures and soils	265.114	33-20-1.6 & 8.1	X			
Certification of closure	265.115	33-20-1.6 & 8.1	X			
Survey plat	265.116	33-20-1.6 & 8.1	X			
Post-closure care and use of property	265.117	33-20-1.6 & 8.1	X			
Post-closure plan; amendment of plan	265.118	33-20-1.6 & 8.1	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C6
Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR Part 265 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORESTRIN-GENT	BROADER IN SCOPE
Post-closure notices	265.119	33-20-1.6 & 8.1	X			
Certification of completion of post-closure care	265.120	33-20-1.6 & 8.1	X			

SUBPART H - FINANCIAL REQUIREMENTS

Applicability	265.140	33-20-1.6 & 8.1	X			
Definition of terms as used in this subpart	265.141	33-20-1.6 & 8.1	X			
Cost estimate for closure	265.142	33-20-1.6 & 8.1	X			
Financial assurance for closure	265.143	33-20-1.6 & 8.1	X			
Cost estimate for post-closure care	265.144	33-20-1.6 & 8.1	X			
Financial assurance for post-closure care	265.145	33-20-1.6 & 8.1	X			
Use of a mechanism for financial assurance of both closure and post-closure care	265.146	33-20-1.6 & 8.1	X			
Liability requirements	265.147	33-20-1.6 & 8.1	X			
Incapacity of owners or operators, guarantors, or financial institutions	265.148	33-20-1.6 & 8.1	X			
Use of State-required mechanisms	265.149	33-20-8.3	NA			
State assumption of responsibility	265.150	33-20-8.3	NA			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C6
 Interim Status Standards for Owners and Operators of
 Hazardous Waste Treatment, Storage, and Disposal Facilities
 40 CFR Part 265 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
SUBPART I - USE AND MANAGEMENT OF CONTAINERS						
Applicability	265.170	33-20-1.6 & 8.1	X			
Condition of containers	265.171	33-20-1.6 & 8.1	X			
Compatibility of waste with containers	265.172	33-20-1.6 & 8.1	X			
Management of containers	265.173	33-20-1.6 & 8.1	X			
Inspections	265.174	33-20-1.6 & 8.1	X			
[Reserved]	265.175	NA	NA			
Special requirements for ignitable or reactive waste	265.176	33-20-1.6 & 8.1	X			
Special requirements for incompatible wastes	265.177	33-20-1.6 & 8.1	X			
Air Emission Standards	265.178	33-20-1.6 & 8.1 45-25-3.2/Table 25-A, Item 10 45-25-4.5	X			
SUBPART J - TANK SYSTEMS						
Applicability	265.190	33-20-1.6 & 8.1	X			
Assessment of existing tank system's integrity	265.191	33-20-1.6 & 8.1	X			
Design and installation of new tank systems or components	265.192	33-20-1.6 & 8.1	X			
Containment and detection of releases	265.193	33-20-1.6 & 8.1	X			
General operating requirements	265.194	33-20-1.6 & 8.1	X			
Inspections	265.195	33-20-1.6 & 8.1	X			
Response to leaks or spills and disposition of leaking or unfit-for-use tank systems	265.196	33-20-1.6 & 8.1	X			
Closure and post-closure care	265.197	33-20-1.6 & 8.1	X			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C6
 Interim Status Standards for Owners and Operators of
 Hazardous Waste Treatment, Storage, and Disposal Facilities
 40 CFR Part 265 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Special requirements for ignitable or reactive wastes	265.198	33-20-1.6 & 8.1	X			
Special requirements for incompatible wastes	265.199	33-20-1.6 & 8.1	X			
Waste analysis and trial tests	265.200	33-20-1.6 & 8.1	X			
Special requirements for generators of between 100 and 1,000 kg/mo that accumulate hazardous waste in tanks	265.201	33-20-1.6 & 8.1	X			
Air Emission Standards	265.202	33-20-1.6 & 8.1 45-25-3.2/Table 25-A, Item 10 45-25-4.6	X			

SUBPART K - SURFACE IMPOUNDMENTS

Applicability	265.220	33-20-1.6 & 8.1	X			
Design and operating requirements	265.221	33-20-1.6 & 8.1 45-25-4.11 ^b	X			
Action leakage rate	265.222	33-20-1.6 & 8.1	X			
Containment system	265.223	33-20-1.6 & 8.1	X			
Response actions	265.223	33-20-1.6 & 8.1	X			
[Reserved]	265.224	NA	NA			
Waste analysis and trial tests	265.225	33-20-1.6 & 8.1	X			
Monitoring and inspection	265.226	33-20-1.6 & 8.1	X			
[Reserved]	265.227	NA	NA			
Closure and post-closure care	265.228	33-20-1.6 & 8.1 45-25-4.11 ^b	X			
Special requirements for ignitable or reactive waste	265.229	33-20-1.6 & 8.1	X			
Special requirements for incompatible wastes	265.230	33-20-1.6 & 8.1	X			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C6
 Interim Status Standards for Owners and Operators of
 Hazardous Waste Treatment, Storage, and Disposal Facilities
 40 CFR Part 265 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Air Emission Standards	265.231	45-25-3.2/Table 25-A, Item 10 45-25-4.7	X			

SUBPART L - WASTE PILES

Applicability	265.250	33-20-1.6 & 8.1	X			
Protection from wind	265.251	33-20-1.6 & 8.1 45-25-4.9	X			
Waste analysis	265.252	33-20-1.6 & 8.1	X			
Containment	265.253	33-20-1.6 & 8.1	X			
Design and operating requirements	265.254	33-20-1.6 & 8.1	X			
Action leakage rates	265.255	33-20-1.6 & 8.1	X			
Special requirements for ignitable or reactive waste	265.256	33-20-1.6 & 8.1	X			
Special requirements for incompatible wastes	265.257	33-20-1.6 & 8.1	X			
Closure and post-closure care	265.258	33-20-1.6 & 8.1	X			
Response actions	265.259	33-20-1.6 & 8.1	X			
Monitoring and inspection	265.260	33-20-1.6 & 8.1	X			

SUBPART M - LAND TREATMENT

Applicability	265.270	33-20-1.6 & 8.1	X			
[Reserved]	265.271	NA	NA			
General operating requirements	265.272	33-20-1.6 & 8.1 45-25-4.11 ^b	X			
Waste analysis	265.273	33-20-1.6 & 8.1	X			
[Reserved]	265.274-265.275	NA	NA			
Food-chain crops	265.276	33-20-1.6 & 8.1	X			
[Reserved]	265.277	NA	NA			
Unsaturated zone (zone of aeration) monitoring	265.278	33-20-1.6 & 8.1	X			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C6
 Interim Status Standards for Owners and Operators of
 Hazardous Waste Treatment, Storage, and Disposal Facilities
 40 CFR Part 265 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Recordkeeping	265.279	33-20-1.6 & 8.1	X			
Closure and post-closure	265.280	33-20-1.6 & 8.1 45-25-4.11 ^b	X			
Special requirements for ignitable or reactive waste	265.281	33-20-1.6 & 8.1	X			
Special requirements for incompatible wastes	265.282	33-20-1.6 & 8.1	X			

SUBPART N - LANDFILLS

Applicability	265.300	33-20-1.6 & 8.1	X			
Design and operating requirements	265.301	33-20-1.6 & 8.1 45-25-4.10 ^a , 4.11 ^b	X			
Action leakage rate	265.302	33-20-1.6 & 8.1	X			
Response actions	265.303	33-20-1.6 & 8.1	X			
Monitoring and inspection	265.304	33-20-1.6 & 8.1	X			
[Reserved]	265.305-265.308	NA	NA			
Surveying and recordkeeping	265.309	33-20-1.6 & 8.1	X			
Closure and post-closure care	265.310	33-20-1.6 & 8.1 45-25-4.11 ^b	X			
[Reserved]	265.311	NA	NA			
Special requirements for ignitable or reactive waste	265.312	33-20-1.6 & 8.1	X			
Special requirements for incompatible wastes	265.313	33-20-1.6 & 8.1	X			
Special requirements for bulk and containerized liquids	265.314	33-20-1.6 & 8.1	X			
Special requirements for containers	265.315	33-20-1.6 & 8.1	X			
Disposal of small containers of hazardous waste in overpacked drums (lab packs)	265.316	33-20-1.6 & 8.1	X			

SUBPART O - INCINERATORS

US EPA ARCHIVE DOCUMENT

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C6
 Interim Status Standards for Owners and Operators of
 Hazardous Waste Treatment, Storage, and Disposal Facilities
 40 CFR Part 265 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Applicability	265.340	33-20-1.6 & 8.1 45-25-3.2/Table 25-A, Item 1 45-25-4.15 45-25-1.1.a & 1.1.b	X			
Waste analysis	265.341	33-20-1.6 & 8.4 45-25-3.2/Table 25-A, Item 1	X			
[Reserved]	265.342-265.344	NA	NA			
General operating requirements	265.345	33-20-1.6 & 8.4 45-25-3.2/Table 25-A, Item 1	X			
[Reserved]	265.346	NA	NA			
Monitoring and inspections	265.347	33-20-1.6 & 8.4 45-25-3.2/Table 25-A, Item 1	X			
[Reserved]	265.348-265.350	NA	NA			
Closure	265.351	33-20-1.6 & 8.1 45-25-3.2/Table 25-A, Item 1	X			
Interim status incinerators burning particular hazardous wastes	265.352	33-20-1.6 & 8.4 45-25-3.2/Table 25-A, Item 1	X			
[Reserved]	265.353-265.369	NA	NA			
SUBPART P - THERMAL TREATMENT						
Other thermal treatment	265.370	33-20-1.6 & 8.4 45-25-3.2/Table 25-A, Item 12	X			
[Reserved]	265.371-265.372	NA	NA			
General operating requirements	265.373	33-20-1.6 & 8.1 45-25-3.2/Table 25-A, Item 12	X			
[Reserved]	265.374	NA	NA			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C6
Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR Part 265 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Waste analysis	265.375	33-20-1.6 & 8.5 45-25-3.2/Table 25-A, Item 12	X			
[Reserved]	265.376	NA	NA			
Monitoring and inspections	265.377	33-20-1.6 & 8.1 45-25-3.2/Table 25-A, Item 12	X			
[Reserved]	265.378-265.380	NA	NA			
Closure	265.381	33-20-1.6 & 8.1 45-25-3.2/Table 25-A, Item 12	X			
Open burning; waste explosives	265.382	33-20-1.6 & 8.1 45-25-3.2/Table 25-A, Item 12 45-25-3.2.d	X			

At §45-25-3.2.d, West Virginia limits the applicability of the distance tests at 265.382 to the open burning or open detonation of military explosives in a manner that presents an uncontrolled fragment release hazard. Others must comply with applicable distances from the American Table of Distances for Commercial Explosives (June 19, 1991) and the Department of Defense Contractors' Safety Manual for Ammunition and Explosives. These requirements are consistent with the code in that at 40 CFR 265.382, EPA used minimum separation distances developed by the Department of Defense 1980 final rule; 45 FR 33217, second column, starting with 4th full paragraph); West Virginia is referencing an updated version of these standards.

Interim status thermal treatment devices burning particular hazardous waste	265.383	33-20-1.6 & 8.5 45-25-3.2/Table 25-A, Item 12	X			
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SUBPART Q - CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT

Applicability	265.400	33-20-1.6 & 8.1	X			
General operating requirements	265.401	33-20-1.6 & 8.1	X			
Waste analysis and trial tests	265.402	33-20-1.6 & 8.1	X			
Inspections	265.403	33-20-1.6 & 8.1	X			
Closure	265.404	33-20-1.6 & 8.1	X			
Special requirements for ignitable or reactive waste	265.405	33-20-1.6 & 8.1	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C6
Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR Part 265 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-VALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Special requirements for incompatible wastes	265.406	33-20-1.6 & 8.1	X			
SUBPART R - UNDERGROUND INJECTION						
Applicability	265.430	33-20-1.6 & 8.1	X			
SUBPARTS S-V - RESERVED						
SUBPART W - DRIP PADS						
Applicability	265.440	33-20-1.6 & 8.1	X			
Assessment of existing drip pad integrity	265.441	33-20-1.6 & 8.1	X			
Design and installation of new drip pads	265.442	33-20-1.6 & 8.1	X			
Design and operating requirements	265.443	33-20-1.6 & 8.1	X			
Inspections	265.444	33-20-1.6 & 8.1	X			
Closure	265.445	33-20-1.6 & 8.1	X			
SUBPART AA - AIR EMISSION STANDARDS FOR PROCESS VENTS						
Applicability	265.1030	33-20-8.6 45-25-1.1.a 45-25-3.2/Table 25-A, Item 6	X			
Definitions	265.1031	33-20-8.6 45-25-3.2/Table 25-A, Item 6	X			
Standards: process vents	265.1032	33-20-8.6 45-25-3.2/Table 25-A, Item 6	X			
Standards: closed-vent systems and control devices	265.1033	33-20-8.6 45-25-3.2/Table 25-A, Item 6	X			
Test methods and procedures	265.1034	33-20-8.6 45-25-3.2/Table 25-A, Item 6	X			

WEST VIRGINIA
CONSOLIDATED CHECKLIST C6
Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR Part 265 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS RESTRICTIVE	MORE RESTRICTIVE	BROADER IN SCOPE
Recordkeeping requirements	265.1035	33-20-8.6 45-25-3.2/Table 25-A, Item 6	X			
[Reserved]	265.1036- 265.1049	NA	NA			

SUBPART BB - AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Applicability	265.1050	33-20-8.6 45-25-1.1.a 45-25-3.2/Table 25-A, Item 8	X			
Definitions	265.1051	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Standards: pumps in light liquid service	265.1052	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Standards: compressors	265.1053	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Standards: pressure relief devices in gas/vapor service	265.1054	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Standards: sampling connecting systems	265.1055	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Standards: open-ended valves or lines	265.1056	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Standards: valves in gas/vapor service or in light liquid service	265.1057	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Standards: pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors	265.1058	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C6
Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR Part 265 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Standards: delay of repair	265.1059	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Standards: closed-vent systems and control devices	265.1060	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Alternative standards for valves in gas/vapor service or in light liquid service: percentage of valves allowed to leak	265.1061	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Alternative standards for valves in gas/vapor service or in light liquid service: skip period leak detection and repair	265.1062	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Test methods and procedures	265.1063	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
Recordkeeping requirements	265.1064	33-20-8.6 45-25-3.2/Table 25-A, Item 8	X			
[Reserved]	265.1065-265.1079	NA	NA			
SUBPART CC - AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS						
Applicability	265.1080	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			
Definitions	265.1081	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			
Schedule for implementation of air emission standards	265.1082	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			
Standards: General	265.1083	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C6
Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR Part 265 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Waste determination procedures	265.1084	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			
Standards: Tanks	265.1085	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			
Standards: Surface impoundments	265.1086	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			
Standards: Containers	265.1087	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			
Standards: Closed-vent systems and control devices	265.1088	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			
Inspections and monitoring requirements	265.1089	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			
Recordkeeping requirements	265.1090	33-20-8.6 45-25-3.2/Table 25-A, Item 10	X			
[Reserved]	265.1091	NA	NA			

SUBPART DD - CONTAINMENT BUILDINGS

Applicability	265.1100	33-20-1.6 & 8.1	X			
Design and operating standards	265.1101	33-20-1.6 & 8.1	X			
Closure and post-closure care	265.1102	33-20-1.6 & 8.1	X			
[Reserved]	265.1103-265.1110	NA	NA			

SUBPART EE - HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Applicability	265.1200	33-20-1.6 & 8.1				
Design and operating standards	265.1201	33-20-1.6 & 8.1				
Closure and post-closure	265.1202	33-20-1.6 & 8.1				

APPENDICES TO PART 265

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C6
 Interim Status Standards for Owners and Operators of
 Hazardous Waste Treatment, Storage, and Disposal Facilities
 40 CFR Part 265 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Recordkeeping instructions	Appendix I	33-20-1.6 & 8.1	X			
[Reserved]	Appendix II	NA	NA			
EPA Interim Primary Drinking Water Standards	Appendix III	33-20-1.6 & 8.1	X			
Tests for significance	Appendix IV	33-20-1.6 & 8.1	X			
Examples of potentially incompatible waste	Appendix V	33-20-1.6 & 8.1	X			
Compounds with Henry's Law Constant less than 0.1 Y/X	Appendix VI	33-20-1.6 & 8.1 45-25-3.2/Table 25-A, Item 10				

¹ The August 14, 1989 rule (54 FR 33376, Revision Checklist 64) amended the first sentence of 265.13(a)(1). Because of a misinterpretation of the codification instructions, the second sentence of the provisions at this citation was omitted from the 1990 and 1991 CFRs. Revision Checklist 102 (57 FR 8086; March 6, 1992) corrected by restoring the mistakenly deleted language.

West Virginia Notes:

^a West Virginia's provision at §45-25-4.10, requiring hazardous waste landfills to be covered or otherwise managed to prevent wind dispersal, is analogous to 40 CFR 264.301(j) and 265.301(i).

^b The provisions addressed by West Virginia at 45-25-4.11 are consistent with, and equivalent to, the Federal code. At 45-25-4.11, the State requires that all landfills, surface impoundments, and land treatment facilities shall be located, designed, constructed, operated, maintained, closed in a manner that will assure protection of human health and the environment. This requirement is throughout the Federal code; for example, see 264.15, 264.17(b), 264.18(b), 264.31, 264.51, 264.91(b), 264.101(c), and 264.111(b).

WEST VIRGINIA
CONSOLIDATED CHECKLIST C7

Standards for the Management of Specific Hazardous Wastes and
Specific Types of Hazardous Waste Management Facilities
40 CFR Part 266 as of July 1, 1997

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

SUBPART A-B - [RESERVED]

SUBPART C - RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Applicability	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	266.20	33-20-1.6 & 9	X			
Standards applicable to generators and transporters of materials used in a manner that constitutes disposal	266.21	33-20-1.6 & 9	X			
Standards applicable to storers of materials that are to be used in a manner that constitutes disposal who are not the ultimate users	266.22	33-20-1.6 & 9	X			
Standards applicable to users of materials that are used in a manner that constitutes disposal	266.23	33-20-1.6 & 9	X			

SUBPART D-E - [RESERVED]

SUBPART F - RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

Applicability and requirements	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	266.70	33-20-1.6 & 9	X			

SUBPART G - SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Applicability and requirements	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	266.80	33-20-1.6 & 9	X			

SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Applicability	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	266.100	33-20-1.6 & 9 45-25-1.1.a & 1.1.b 45-25-3.2/Table 25-A, Item 13	X			
Management prior to burning	266.101	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			

US EPA ARCHIVE DOCUMENT

WEST VIRGINIA
CONSOLIDATED CHECKLIST C7
Standards for the Management of Specific hazardous Wastes and
Specific Types of Hazardous Waste Management Facilities
40 CFR Part 266 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Permit standards for burners	266.102	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Interim status standards for burners	266.103	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Standards to control organic emissions	266.104	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Standards to control particulate matter	266.105	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Standards to control metals emissions	266.106	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Standards to control hydrogen chloride (HCl) and chlorine gas (Cl ₂) emissions	266.107	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Small quantity on-site burner exemption	266.108	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Low risk waste exemption	266.109	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Waiver of DRE trial burn for boilers	266.110	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Standards for direct transfer	266.111	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Regulation of residues	266.112	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			

SUBPARTS I-L - [RESERVED]

SUBPART M - MILITARY MUNITIONS

WEST VIRGINIA
CONSOLIDATED CHECKLIST C7
Standards for the Management of Specific hazardous Wastes and
Specific Types of Hazardous Waste Management Facilities
40 CFR Part 266 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Applicability	266.200	33-20-1.6 & 9 150-11-1.1 150-11-10.1 157-7-1.1, 1.6 & 5.1	X			
Definitions	266.201	33-20-1.6 & 9 150-11-1.5 157-7-1.1, 1.6 & 5.1	X			
Definition of solid waste	266.202	33-20-1.6 & 9 150-11-1.5 157-7-1.1, 1.6 & 5.1	X			
Standards applicable to the transportation of solid waste military munitions	266.203	33-20-1.6 & 9 150-11-10.2 through 150-11- 10.4 157-7-1.1, 1.6 & 5.1	X			
Standards applicable to emergency responses	266.204	33-20-1.6 & 9 150-11-10.5 157-7-1.1, 1.6 & 5.1	X			
Standards applicable to the storage of solid waste military munitions	266.205	33-20-1.6 & 9	X			
Standards applicable to the treatment and disposal of waste military munitions	266.206	33-20-1.6 & 9	X			
APPENDICES TO PART 266						
Tier I and Tier II feed rate and emissions screening limits for metals	Appendix I/Table I-A	33-20-1.6 & 9	X			

US EPA ARCHIVE DOCUMENT

WEST VIRGINIA
CONSOLIDATED CHECKLIST C7
Standards for the Management of Specific hazardous Wastes and
Specific Types of Hazardous Waste Management Facilities
40 CFR Part 266 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Tier I feed rate limits for total chlorine and chloride	Appendix II	33-20-1.6 & 9	X			
Tier II emission rate screening limits for free chlorine and hydrogen chloride	Appendix III	33-20-1.6 & 9	X			
Reference air concentrations	Appendix IV	33-20-1.6 & 9	X			
Risk specific doses	Appendix V	33-20-1.6 & 9	X			
Stack plume rise	Appendix VI	33-20-1.6 & 9	X			
Health-based limits for exclusion of waste-derived residues	Appendix VII	33-20-1.6 & 9	X			
Potential pics for determination of exclusion of waste-derived residues	Appendix VIII	33-20-1.6 & 9	X			
Methods manual for compliance with BIF regulations	Appendix IX	33-20-1.6 & 9	X			
[Reserved]	Appendix X	NA	NA			
Lead-bearing materials that may be processed in exempt lead smelters	Appendix XI	33-20-1.6 & 9	X			
Nickel- or chromium-bearing materials that may be processed in exempt nickel-chromium recovery furnaces	Appendix XII	33-20-1.6 & 9	X			
Mercury bearing wastes that may be processing in exempt mercury recovery units	Appendix XIII	33-20-1.6 & 9	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C7**

**Standards for the Management of Specific Hazardous Wastes and
Specific Types of Hazardous Waste Management Facilities
40 CFR Part 266 as of July 1, 1997**

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

SUBPART A-B - [RESERVED]

SUBPART C - RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Applicability	266.20	33-20-1.6 & 9	X			
Standards applicable to generators and transporters of materials used in a manner that constitutes disposal	266.21	33-20-1.6 & 9	X			
Standards applicable to storers of materials that are to be used in a manner that constitutes disposal who are not the ultimate users	266.22	33-20-1.6 & 9	X			
Standards applicable to users of materials that are used in a manner that constitutes disposal	266.23	33-20-1.6 & 9	X			

SUBPART D-E - [RESERVED]

SUBPART F - RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

Applicability and requirements	266.70	33-20-1.6 & 9	X			
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SUBPART G - SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Applicability and requirements	266.80	33-20-1.6 & 9	X			
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SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Applicability	266.100	33-20-1.6 & 9 45-25-1.1.a & 1.1.b 45-25-3.2/Table 25-A, Item 13	X			
Management prior to burning	266.101	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C7
Standards for the Management of Specific hazardous Wastes and
Specific Types of Hazardous Waste Management Facilities
40 CFR Part 266 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Permit standards for burners	266.102	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Interim status standards for burners	266.103	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Standards to control organic emissions	266.104	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Standards to control particulate matter	266.105	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Standards to control metals emissions	266.106	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Standards to control hydrogen chloride (HCl) and chlorine gas (Cl ₂) emissions	266.107	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Small quantity on-site burner exemption	266.108	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Low risk waste exemption	266.109	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Waiver of DRE trial burn for boilers	266.110	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Standards for direct transfer	266.111	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			
Regulation of residues	266.112	33-20-1.6 & 9 45-25-3.2/Table 25-A, Item 13	X			

SUBPARTS I-L - [RESERVED]

SUBPART M - MILITARY MUNITIONS

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C7
Standards for the Management of Specific hazardous Wastes and
Specific Types of Hazardous Waste Management Facilities
40 CFR Part 266 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Applicability	266.200	33-20-1.6 & 9 150-11-1.1 150-11-10.1 157-7-1.1, 1.6 & 5.1	X			
Definitions	266.201	33-20-1.6 & 9 150-11-1.5 157-7-1.1, 1.6 & 5.1	X			
Definition of solid waste	266.202	33-20-1.6 & 9 150-11-1.5 157-7-1.1, 1.6 & 5.1	X			
Standards applicable to the transportation of solid waste military munitions	266.203	33-20-1.6 & 9 150-11-10.2 through 150-11- 10.4 157-7-1.1, 1.6 & 5.1	X			
Standards applicable to emergency responses	266.204	33-20-1.6 & 9 150-11-10.5 157-7-1.1, 1.6 & 5.1	X			
Standards applicable to the storage of solid waste military munitions	266.205	33-20-1.6 & 9	X			
Standards applicable to the treatment and disposal of waste military munitions	266.206	33-20-1.6 & 9	X			
APPENDICES TO PART 266						
Tier I and Tier II feed rate and emissions screening limits for metals	Appendix I/Table I-A	33-20-1.6 & 9	X			

US EPA ARCHIVE DOCUMENT

WEST VIRGINIA
CONSOLIDATED CHECKLIST C7
Standards for the Management of Specific hazardous Wastes and
Specific Types of Hazardous Waste Management Facilities
40 CFR Part 266 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Tier I feed rate limits for total chlorine and chloride	Appendix II	33-20-1.6 & 9	X			
Tier II emission rate screening limits for free chlorine and hydrogen chloride	Appendix III	33-20-1.6 & 9	X			
Reference air concentrations	Appendix IV	33-20-1.6 & 9	X			
Risk specific doses	Appendix V	33-20-1.6 & 9	X			
Stack plume rise	Appendix VI	33-20-1.6 & 9	X			
Health-based limits for exclusion of waste-derived residues	Appendix VII	33-20-1.6 & 9	X			
Potential pics for determination of exclusion of waste-derived residues	Appendix VIII	33-20-1.6 & 9	X			
Methods manual for compliance with BIF regulations	Appendix IX	33-20-1.6 & 9	X			
[Reserved]	Appendix X	NA	NA			
Lead-bearing materials that may be processed in exempt lead smelters	Appendix XI	33-20-1.6 & 9	X			
Nickel- or chromium-bearing materials that may be processed in exempt nickel-chromium recovery furnaces	Appendix XII	33-20-1.6 & 9	X			
Mercury bearing wastes that may be processing in exempt mercury recovery units	Appendix XIII	33-20-1.6 & 9	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C8**

**Land Disposal Restrictions
40 CFR Part 268 as of July 1, 1997**

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

SUBPART A - GENERAL

Purpose, scope and applicability	268.1, except 268.1(f)(3)	33-20-1.6 & 10.1	X			
Handlers and transporters of thermostats	268.1(f)(3)	33-20-1.6 & 10.2	X			

At §33-20-10.2, West Virginia has revised the provision at 40 CFR 268.1(f)(3) to include mercury containing lamps; the State is not seeking authorization for the requirements for mercury containing lamps.

Definitions applicable to this part	268.2	33-20-1.6 & 10.1	X			
Dilution prohibited as a substitute for treatment	268.3	33-20-1.6 & 10.1	X			
Treatment surface impoundment exemption	268.4	33-20-1.6 & 10.1	X			
Procedures for case-by-case extensions to an effective date	268.5	33-20-10.3				
Petitions to allow land disposal of a waste prohibited under Subpart C of Part 268	268.6	33-20-10.3				
Waste analysis and recordkeeping	268.7	33-20-1.6 & 10.1	X			
Landfill and surface impoundment disposal restrictions	268.8	33-20-1.6 & 10.1	X			
Special rules regarding wastes that exhibit a characteristic	268.9	33-20-1.6 & 10.1	X			

The provisions of 40 CFR 268.5 and 268.6 are not delegable to States; therefore, West Virginia has excluded the provisions from its incorporation by reference of 40 CFR Part 268.

SUBPART B - SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Surface impoundment exemptions	268.14	33-20-1.6 & 10.1	X			
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US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C8
Land Disposal Restrictions
40 CFR Part 268 as of July 1, 1997 (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 - solvent wastes	268.30	33-20-1.6 & 10.1	X			
Waste specific prohibitions - dioxin-containing wastes	268.31	33-20-1.6 & 10.1	X			
Waste specific prohibitions - California list wastes	268.32	33-20-1.6 & 10.1	X			
Waste specific prohibitions - first third wastes	268.33	33-20-1.6 & 10.1	X			
Waste specific prohibitions - second third wastes	268.34	33-20-1.6 & 10.1	X			
Waste specific prohibitions - third wastes	268.35	33-20-1.6 & 10.1	X			
Waste specific prohibitions - newly listed wastes	268.36	33-20-1.6 & 10.1	X			
Waste specific prohibitions - ignitable and corrosive characteristic wastes whose treatment standards were vacated	268.37	33-20-1.6 & 10.1	X			
Waste specific prohibitions - newly identified organic toxicity characteristic wastes and newly listed coke by-product and chlorotoluene production wastes	268.38	33-20-1.6 & 10.1	X			
Waste specific prohibitions - spent aluminum potliners; reactive; and carbamate wastes	268.39	33-20-1.6 & 10.1	X			
SUBPART D - TREATMENT STANDARDS						
Applicability of treatment standards	268.40, except 268.40(b)	33-20-1.6 & 10.1	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C8
Land Disposal Restrictions
40 CFR Part 268 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Compliance with wastewaters, nonwastewaters; compliance for wastes covered by the waste extract standards and technology standard	268.40(b)	33-20-1.6 & 10.4	X			
At §33-20-10.4, West Virginia retains the meaning of "Administrator" as defined in 40 CFR 260.10".						
Treatment standards expressed as concentrations in waste extract	268.41	33-20-1.6 & 10.1	X			
Treatment standards expressed as specified technologies	268.42(a)	33-20-1.6 & 10.1	X			
Approval of alternate treatment standards	268.42(b)	33-20-10.3	The provisions of 40 CFR 268.42(b) are not delegable to States; therefore West Virginia has excluded the provisions from its incorporation by reference of 40 CFR Part 268.			
Treatment standards expressed as waste concentrations	268.43	33-20-1.6 & 10.1	X			
Variance from a treatment standard	268.44	33-20-1.6 & 10.1	X			
Treatment standards for hazardous debris	268.45	33-20-1.6 & 10.1	X			
Alternative treatment standards based on HTMR	268.46	33-20-1.6 & 10.1	X			
Universal treatment standards	268.48	33-20-1.6 & 10.1	X			
SUBPART E - PROHIBITIONS ON STORAGE						
Prohibitions on storage of restricted wastes	268.50	33-20-1.6 & 10.1	X			

US EPA ARCHIVE DOCUMENT

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C8
 Land Disposal Restrictions
 40 CFR Part 268 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
APPENDICES TO PART 268						
Toxicity characteristic leaching procedure (TCLP)	Appendix I	33-20-1.6 & 10.1	X			
Treatment standards (as concentrations in the treatment residual extract)	Appendix II	33-20-1.6 & 10.1	X			
List of halogenated organic compounds regulated under 268.32	Appendix III	33-20-1.6 & 10.1	X			
Organometallic lab packs	Appendix IV	33-20-1.6 & 10.1	X			
[Reserved]	Appendix V	NA	NA			
Recommended technologies to achieve deactivation of characteristics in Section 268.42	Appendix VI	33-20-1.6 & 10.1	X			
Effective dates of surface disposed wastes regulated in the LDRs	Appendix VII	33-20-1.6 & 10.1	X			
National capacity LDR variances for UIC wastes	Appendix VIII	33-20-1.6 & 10.1	X			
Extraction procedure (EP) toxicity test method and structural integrity test (Method 1310)	Appendix IX	33-20-1.6 & 10.1	X			
Recordkeeping, notification, and/or certification requirements	Appendix X	33-20-1.6 & 10.1	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9**

EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997

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 A - GENERAL INFORMATION

Purpose and scope of these regulations	270.1 except 270.1(c)(2)(viii)(C)	33-20-1.6 & 11.1	X			
exclusion for universal waste thermostats	270.1(c)(2)(viii)(C)	33-20-1.6, 11.1, & 11.2	X			

At §33-20-11.2, the State has added a reference to "mercury containing lamps" to the provision at 270.1(c)(2)(viii)(C) because West Virginia regulates those materials as universal waste.

Definitions	270.2	33-20-1.6, 11.1, & 11.3 45-25-2	X			
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Note that at §33-20-11.3.a and 45-25-2.16, West Virginia has added a definition for "RCRA Permit".

At §45-25-2, the OAQ regulations contain analogs to several definitions found in 40 CFR 270.2 and some excluded in the Federal regulations which do not affect equivalency.

Considerations under Federal law	270.3	33-20-1.6 & 11.1	X			
Effect of a permit	270.4	33-20-1.6 & 11.1	X			
Noncompliance and program reporting by the director	270.5	33-20-1.6 & 11.1	X			
References	270.6	33-20-1.6 & 11.1	X			

SUBPART B - PERMIT APPLICATION

General application requirements	270.10	33-20-1.6 & 11.1	X			
Signatories to permit applications and reports	270.11	33-20-1.6 & 11.1	X			
Confidential business information claims	270.12	33-20-11.19 & 11.20 45-25-5.15 & 5.16	X			
Contents of part A of the permit application	270.13	33-20-1.6 & 11.1	X			
Contents of part B: General requirements	270.14, except (b)(5) & (b)(22)	33-20-1.6 & 11.1	X			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C9:
 EPA Administered Permit Programs: The Hazardous Waste
 Permit Program; Procedures for Decision Making
 40 CFR Parts 270 and 124 as of July 1, 1997 (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 inspection schedule requirements	270.14(b)(5)	33-20-1.6 & 11.1 45-25-3.2/Table 25-A, Item 11	X			
Summary of pre-application meeting, a list of the attendees, and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 124.31(c)	270.14(b)(22)	33-20-1.6 & 11.1 45-25-3.2/Table 25-A, Item 18	X			
Specific part B information requirements for containers	270.15	33-20-1.6 & 11.1	X			
Specific part B information requirements for tank systems	270.16	33-20-1.6 & 11.1	X			
Specific part B information requirements for surface impoundments	270.17	33-20-1.6 & 11.1	X			
Specific part B information requirements for waste piles	270.18	33-20-1.6 & 11.1	X			
Specific part B information requirements for incinerators	270.19	33-20-1.6 & 11.1 45-25-3.2/Table 25-A, Item 2 & 4.13	X			
Specific part B information requirements for land treatment facilities	270.20	33-20-1.6 & 11.1	X			
Specific part B information requirements for landfills	270.21	33-20-1.6 & 11.1	X			
Specific part B information requirements for boilers and industrial furnaces burning hazardous waste	270.22	33-20-1.6 & 11.1 45-25-3.2/Table 25-A, Item 14	X			
Specific part B information requirements for miscellaneous units	270.23	33-20-1.6 & 11.1 45-25-3.2/Table 25-A, Item 5	X			
Specific part B information requirements for process vents	270.24	33-20-11.21 45-25-3.2/Table 25-A, Items 7 & 18	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Specific part B information requirements for equipment	270.25	33-20-1.6 & 11.1 45-25-3.2/Table 25-A, Item 9	X			
Special part B information requirements for drip pads	270.26	33-20-1.6 & 11.1	X			
Specific part B information requirements for air emission controls for tanks, surface impoundments, and containers	270.27	33-20-1.6 & 11.1 45-25-3.2/Table 25-A, Item 11	X			
[Reserved]	270.28	NA	NA			
Permit denial	270.29	33-20-1.6 & 11.1	X			

SUBPART C - PERMIT CONDITIONS

Conditions applicable to all permits	270.30, except 270.30(m)	33-20-1.6 & 11.1	X			
Information repository	270.30(m)	33-20-1.6 & 11.1 45-25-3.2/Table 25-A, Item 19	X			
Requirements for recording and reporting of monitoring results	270.31	33-20-1.6 & 11.1	X			
Establishing permit conditions	270.32	33-20-1.6 & 11.1	X			
Schedules of compliance	270.33	33-20-1.6 & 11.1	X			

SUBPART D - CHANGES TO PERMIT

Transfer of permits	270.40	33-20-1.6 & 11.1	X			
Modification or revocation and reissuance of permits	270.41	33-20-1.6 & 11.1	X			
Permit modification at the request of the permittee	270.42	33-20-1.6 & 11.1	X			
Termination of permits	270.43	33-20-1.6 & 11.1	X			

SUBPART E - EXPIRATION AND CONTINUATION OF PERMITS

Duration of permits	270.50	33-20-1.6 & 11.1	X			
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US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE RESTRICTIVE	BROADER IN SCOPE
Continuation of expiring permits	270.51	33-20-1.6 & 11.1	X			

SUBPART F - SPECIAL FORMS OF PERMITS

Permits by rule	270.60, except (b)	33-20-1.6 & 11.1	X			
Underground injection	270.60(b)	No State analog; 33-20-11.22	X			

Underground injection wells that inject hazardous waste must be permitted pursuant to the State UIC Program and a to the rules of the Environmental Quality Board. See Section VII.A of the Office of Legal Services (OLS) Statewide discussion of West Virginia's analog to 40 CFR 270.60(b).

Emergency permits	270.61	33-20-1.6 & 11.1 45-25-4.14	X			
Hazardous waste incinerator permits	270.62	33-20-1.6 & 11.1 45-25-3.2/Table 25-A, Item 3	X			
Permits for land treatment demonstrations using field test or laboratory analyses	270.63	33-20-1.6 & 11.1	X			
# Interim permits for UIC wells	270.64	No State analog; 33-20-11.22	X			

Underground injection wells that inject hazardous waste must be permitted pursuant to the State UIC Program and a to the rules of the Environmental Quality Board. See Section VII.A of the Office of Legal Services (OLS) Statewide discussion of West Virginia's analog to 40 CFR 270.64.

Research, development and demonstration permits	270.65	33-20-1.6 & 11.1	X			
Permits for boilers and industrial furnaces burning hazardous waste	270.66	33-20-1.6 & 11.1 45-25-3.2/Table 25-A, Item 15	X			

SUBPART G - INTERIM STATUS

Qualifying for interim status	270.70	33-20-1.6 & 11.1	X			
Operation during interim status	270.71	33-20-1.6 & 11.1	X			
Changes during interim status	270.72	33-20-1.6 & 11.1	X			
Termination of interim status	270.73	33-20-1.6 & 11.1	X			

PART 124 - PROCEDURES FOR DECISION MAKING

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)**

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

West Virginia has adopted analogs to several provisions from 40 CFR Part 124 which are not required by EPA for authorization. Such provisions include analogs to 124.3(c) through (g), 124.5(b), 124.6(b), 124.9, 124.10(a)(2), 124.12(b) through (d), 124.14, 124.15 and 124.18.

SUBPART A - GENERAL PROGRAM REQUIREMENTS

if permit required, then must submit application; exceptions; when processing shall begin; signature and certification requirements	124.3(a)	33-20-11.8.a 45-25-5.4.a	X			
review for completeness	124.3(c)	33-20-11.8.b 45-25-5.4.b	X			
failure or refusal to correct deficiencies	124.3(d)	33-20-11.8.c 45-25-5.4.c	X			
notification of site visit	124.3(e)	33-20-11.8.d 45-25-5.4.d	X			
effective date of an application	124.3(f)	33-20-11.8.e 45-25-5.4.e	X			

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C9:
 EPA Administered Permit Programs: The Hazardous Waste
 Permit Program; Procedures for Decision Making
 40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	124.3(g)	33-20-11.8.f 45-25-5.4.f	X			
	124.3(g)(1)	33-20-11.8.f.1 45-25-5.4.f.1	X			
	124.3(g)(2)	33-20-11.8.f.2 45-25-5.4.f.2	X			
	124.3(g)(3)	33-20-11.8.f.3 45-25-5.4.f.3	X			
project decision schedule	124.3(g)(4)	33-20-11.8.f.4 45-25-5.4.f.4	X			

MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF PERMITS

who initiates a modification, revocation and reissuance or termination of permit; reasons these actions can be taken	124.5(a)	33-20-11.9.a 45-25-5.5.a	X			
notice of intent tentative to deny a permit application	124.5(b)	33-20-11.9.b 45-25-5.5.b	X			
modify or revoke and reissue procedures:	124.5(c)(1)	33-20-11.9.b.1 45-25-5.5.b.1	X			
only those conditions to be modified shall be reopened; entire permit is reopened if permit revoked and reissued	124.5(c)(2)	33-20-11.9.b.2 45-25-5.5.b.2	X			
minor modifications are not subject to 124.5	124.5(c)(3)	33-20-11.9.b.3 45-25-5.5.b.3	X			
termination procedures; @ notice of intent to terminate	124.5(d)	33-20-11.9.c 45-25-5.5.c	X			

DRAFT PERMITS

@ decision to prepare draft or deny application	124.6(a)	33-20-11.10.a 45-25-5.6.a	X			
notice of intent to deny a permit application	124.6(b)	33-20-11.10.b 45-25-5.6.b	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
@	124.6(d)	33-20-11.10.c 45-25-5.6.c	X			
	124.6(d)(1)	33-20-11.10.c.1 45-25-5.6.c.1	X			
	124.6(d)(2)	33-20-11.10.c.2 45-25-5.6.c.2	X			
	124.6(d)(3)	33-20-11.10.c.3 45-25-5.6.c.3	X			
contents of a draft permit	124.6(d)(4)(i)	33-20-11.10.c.4 45-25-5.6.c.4	X			
@ statement of basis or fact sheet accompanies draft permit; available to public; public hearing; issue final decision; respond to comments; appeals	124.6(e)	33-20-11.10.d 45-25-5.6.d	X			

West Virginia has added §45-25-5.6.e requiring that public notice of a draft permit shall also be given by the methods contained in 40 CFR 270.2, 270.14, 270.30, 270.62, and 270.66.

FACT SHEET

@ what the fact sheet must be prepared for; what the sheet will set forth; who receives fact sheet	124.8(a)	33-20-11.11.a 45-25-5.7.a	X			
@	124.8(b)	33-20-11.11.b 45-25-5.7.b	X			
what the fact sheet shall include	124.8(b)(1)	33-20-11.11.b.1 45-25-5.7.b.1	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
what the fact sheet shall include (cont'd)	124.8(b)(2)	33-20-11.11.b.2 45-25-5.7.b.2	X			
	124.8(b)(4)	33-20-11.11.b.3 45-25-5.7.b.3	X			
	124.8(b)(5)	33-20-11.11.b.4 45-25-5.7.b.4	X			
	124.8(b)(6)	33-20-11.11.b.5 45-25-5.7.b.5.	X			
	124.8(b)(6)(i)-(iii)	33-20-11.11.b.5.A -C 45-25-5.7.b.5.A -C	X			
	124.8(b)(7)	33-20-11.11.b.6 45-25-5.7.b.6	X			

ADMINISTRATIVE RECORD FOR DRAFT PERMITS

draft permit shall be based on the administrative record	124.9(a)	33-20-11.18.a 45-25-5.14.a	X			
what the administrative record consists of	124.9(b)	33-20-11.18.a 45-25-5.14.a	X			
	124.9(b)(1)	33-20-11.18.a.1 45-25-5.14.a.1	X			
	124.9(b)(2)	33-20-11.18.a.2 45-25-5.14.a.2	X			
	124.9(b)(3)	33-20-11.18.a.3 45-25-5.14.a.3	X			
	124.9(b)(4)	33-20-11.18.a.4 45-25-5.14.a.4	X			
	124.9(b)(5)	33-20-11.18.a.5 45-25-5.14.a.5	X			
material which need not be physically included	124.9(c)	33-20-11.18.d 45-25-5.14.d	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PUBLIC NOTICE OF PERMIT ACTIONS AND PUBLIC COMMENT PERIOD						
@		33-20-11.12.a 45-25-5.8.a	X			
	124.10(a)(1)					
	124.10(a)(1)(ii)	33-20-11.12.a.1 45-25-5.8.a.1	X			
what the Director must give public notice of	124.10(a)(1)(iii)	33-20-11.12.a.2 45-25-5.8.a.2	X			
when no public notice is required	124.10(a)(2)	33-20-11.12.b 45-25-5.8.b	X			
@		33-20-11.12.c 45-25-5.8.c	X			
	124.10(b)(1)					
timing of public notice	124.10(b)(2)	33-20-11.12.c 45-25-5.8.c	X			
@		33-20-11.12.d 45-25-5.8.d	X			
how public notice shall be given	124.10(c)					
1,		33-20-11.12.d.1 45-25-5.8.d.1	X			
@		33-20-11.12.d.1.A 45-25-5.8.b.1.A	X			
	124.10(c)(1)					
	124.10(c)(1)(i)					
	124.10(c)(1)(ii)	33-20-11.12.d.1.B 45-25-5.8.d.1.B	X			
	124.10(c)(1)(iii)	33-20-11.12.d.1.C 45-25-5.8.d.1.C	X			
	124.10(c)(1)(ix)	33-20-11.12.d.1.D 45-25-5.8.D	X			
by mail; persons to whom notice must be mailed	124.10(c)(1)(ix)(A)	33-20-11.12.d.1.D.i 45-25-5.8.d.1.D.i	X			
	124.10(c)(1)(ix)(B)	33-20-11.12.d.1.D.ii 45-25-5.8.d.1.D.ii	X			
by mail; persons to whom notice must be mailed (cont'd)	124.10(c)(1)(ix)(C)	33-20-11.12.d.1.D.iii 45-25-5.8.d.1.D.iii	X			

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	124.10(c)(1)(x)(A)&(B)	33-20-11.12.d.1.E & .F 45-25-5.8.d.1.E.i & .ii	X			
@ publication in a newspaper	124.10(c)(2)(i)&(ii)	33-20-11.12.d.2 45-25-5.8.d.2	X			
@ legal notice to public under State law	124.10(c)(3)	33-20-11.12.d.3 45-25-5.8.d.3	X			
@ any other method to give notice to persons potentially affected	124.10(c)(4)	33-20-11.12.d.4 45-25-5.8.d.4	X			
@	124.10(d)(1)	33-20-11.12.e 45-25-5.8.e	X			
	124.10(d)(1)(i)	33-20-11.12.e.1 45-25-5.8.e.1	X			
	124.10(d)(1)(ii)	33-20-11.12.e.2 45-25-5.8.e.2	X			
	124.10(d)(1)(iii)	33-20-11.12.e.3 45-25-5.8.e.3	X			
	124.10(d)(1)(iv)	33-20-11.12.e.4 45-25-5.8.e.4	X			
	124.10(d)(1)(v)	33-20-11.12.e.5 45-25-5.8.e.5	X			
minimum information requirements contained in a public notice	124.10(d)(1)(vi)	33-20-11.12.e.6 45-25-5.8.e.6	X			
minimum information requirements contained in a public notice (cont'd)	124.10(d)(1)(ix)	33-20-11.12.e.7 45-25-5.8.e.7	X			
@	124.10(d)(2)	33-20-11.12.f 45-25-5.8.f	X			
public notices for hearings; contents	124.10(d)(2)(i)	33-20-11.12.f.1 45-25-5.8.f.1	X			
	124.10(d)(2)(ii)	33-20-11.12.f.1.A 45-25-5.8.f.1.A	X			

WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	124.10(d)(2)(iii)	33-20-11.12.f.1.B 45-25-5.8.f.1.B	X			
@ all persons identified in 124.10(c)(1)(i)-(iv) must be mailed fact sheet, the permit application and the draft permit	124.10(e)	33-20-11.12.g 45-25-5.8.g	X			
PUBLIC COMMENTS AND REQUESTS FOR PUBLIC HEARINGS						
procedures	124.11	33-20-11.13 45-25-5.9	X			
PUBLIC HEARINGS						
@	124.12(a)(1)	33-20-11.14.a 45-25-5.10.a	X			
	124.12(a)(2)	33-20-11.14.b 45-25-5.10.b	X			
	124.12(a)(3)	33-20-11.14.c 45-25-5.10.c	X			
when director must or may hold a public hearing; how public notice shall be given	124.12(a)(4)	33-20-11.14.d 45-25-5.10.d	X			
designation of a presiding officer	124.12(b)	33-20-11.14.e 45-25-5.10.e	X			
submission of oral or written statements and data concerning the draft permit	124.12(c)	33-20-11.14.f 45-25-5.10.f	X			
tape recording or written transcript of the hearing	124.12(d)	33-20-11.14.g 45-25-5.10.g	X			
REOPENING OF THE PUBLIC COMMENT PERIOD						
actions the director may take if information raises substantial new questions	124.14(b)	33-20-11.15.a 45-25-5.11.a	X			
prepare a new draft permit	124.14(b)(1)	33-20-11.15.a.1 45-25-5.11.a.1	X			
prepare a revised statement of basis	124.14(b)(2)	33-20-11.15.a.2 45-25-5.11.a.2	X			

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORESTRIN-GENT	BROADER IN SCOPE
reopen or extend the comment period	124.14(b)(3)	33-20-11.15.a.3 45-25-5.11.a.3	X			
comments limited to new questions which required reopening	124.14(c)	33-20-11.15.b 45-25-5.11.b	X			
public notice shall be issued under §124.10	124.14(e)	33-20-11.15.c 45-25-5.11.c	X			

ISSUANCE AND EFFECTIVE DATE OF PERMIT

issuance and effective date of permit	124.15(a)	33-20-11.16.a 45-25-5.12.a	X			
	124.15(b)	33-20-11.16.b 45-25-5.12.b	X			
	124.15(b)(1)	33-20-11.16.b.1 45-25-5.12.b.1	X			
	124.15(b)(2)	33-20-11.16.b.2 45-25-5.12.b.2	X			
	124.15(b)(3)	33-20-11.16.b.3 45-25-5.12.b.3	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
RESPONSE TO COMMENTS						
@						
Director's response to comments and what it must contain	124.17(a)	33-20-11.16.a 45-25-5.13.a	X			
	124.17(a)(1)	33-20-11.16.a.1 45-25-5.13.a.1	X			
	124.17(a)(2)	33-20-11.16.a.2 45-25-5.13.a.2	X			
@ response to comments available to the public	124.17(c)	33-20-11.16.b 45-25-5.13.b	X			
ADMINISTRATIVE RECORD FOR FINAL PERMIT						
final permit decisions shall be based on the administrative record	124.18(a)	33-20-11.18.b 45-25-5.14.b	X			
	124.18(b)	33-20-11.18.b & .b.1 45-25-5.14.b & .b.1	X			
	124.18(b)(1)	33-20-11.18.b.2 45-25-5.14.b.2	X			
	124.18(b)(2)	33-20-11.18.b.3 45-25-5.14.b.3	X			
	124.18(b)(3)	33-20-11.18.b.4 45-25-5.14.b.4	X			
	124.18(b)(4)	33-20-11.18.b.5 45-25-5.14.b.5	X			
	124.18(b)(6)	33-20-11.18.b.6 45-25-5.14.b.6	X			
what the administrative record consists of	124.18(b)(7)	33-20-11.18.b.8 45-25-5.14.b.8	X			
material which need not be physically included	124.18(e)	33-20-11.18.d 45-25-5.14.d	X			

At §33-20-11.18.b.7 and at §45-25-5.14.b.7, West Virginia also includes the addendum to the fact sheet in the materials which comprise the administrative record.

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C9:
EPA Administered Permit Programs: The Hazardous Waste
Permit Program; Procedures for Decision Making
40 CFR Parts 270 and 124 as of July 1, 1997 (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 §33-20-11.18.c and at §45-25-5.14.b.7, West Virginia states that the administrative record shall be complete on the final permit is issued.						
PROCEDURES APPLICABLE TO PERMITS						
Pre-application public meeting and notice	124.31	33-20-11.5 45-25-5.1	X			
Public notice requirements at the application stage	124.32	33-20-11.6 45-25-5.2	X			
Information repository	124.33	33-20-11.7 45-25-5.3	X			

@ Procedural requirement. For explanation, see the instructions for the Consolidated Base Program Checklists at the beginning of Appendix K.

These provisions were not included in Base Program Checklist V, but were listed as provisions under 271.14 which must have the legal authority to implement. Thus, if States do not have these provisions in their code, they must demonstrate legal authority to carry them out.

¹ The July 26, 1988 Federal Register (53 FR 28118) redesignated 124.10(c)(1)(viii) and (ix) as (c)(1)(ix) and (x). Changes were addressed by Revision Checklist 70.

West Virginia Notes:

^a West Virginia's program is broader in scope because the State has permit application fees at §33-20-11.4 and §45-25-7.

^b At §45-25-1.1.e, the Office of Air Quality (OAQ) requires that permit applications be processed in accordance with the procedures set forth in the Office of Waste Management (OWM) regulations (33 CSR 20) and the air regulations. The O also directly incorporate by reference individual provisions in 40 CFR Part 270 that pertain to air emissions. Only those provisions that are directly referenced in Table 25-A are listed as having an analog in 45 CSR 25. Otherwise, the analogs Part 270 incorporated by reference in the OWM regulations govern permit applications that are subject to review by the

^c At §33-20-15, West Virginia allows any person aggrieved or adversely affected by the failure or refusal of the director to grant within a reasonable time an application for a permit or by the issuance or denial of or by the terms and conditions of a permit granted by the director under the provisions of this rule, to appeal to the Environmental Quality Board.

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C10**

**Standards for the Management of Used Oil
40 CFR Part 279 as of July 1, 1997**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL						
SUBPART A - DEFINITIONS						
Definitions	279.1	33-20-1.6, 14.1 & 14.3	X			
SUBPART B - APPLICABILITY						
Applicability	279.10	33-20-1.6, 14.1 & 14.3	X			
Used oil specifications	279.11	33-20-1.6, 14.1 & 14.3	X			
Prohibitions	279.12	33-20-1.6, 14.1 & 14.3	X			
SUBPART C - STANDARDS FOR USED OIL GENERATORS						
Applicability	279.20	33-20-1.6, 14.1 & 14.3	X			
Hazardous waste mixing	279.21	33-20-1.6, 14.1 & 14.3	X			
Used oil storage	279.22	33-20-1.6, 14.1 & 14.3	X			
On-site burning in space heaters	279.23	33-20-1.6, 14.1 & 14.3 45-25-3.2/Table 25-A, Item 16	X			
Off-site shipments	279.24	33-20-1.6, 14.1 & 14.3	X			
SUBPART D - STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS						
Do-it-yourselfer used oil collection centers	279.30	33-20-1.6, 14.1 & 14.3	X			
Used oil collection centers	279.31	33-20-1.6, 14.1 & 14.3	X			
Used oil aggregation points owned by the generator	279.32	33-20-1.6, 14.1 & 14.3	X			

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C10
Standards for the Management of Used Oil
40 CFR Part 279 as of July 1, 1997 (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 - STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES						
Applicability	279.40, except 279.40(c)	33-20-1.6, 14.1 & 14.3 150-11-1.1 150-11-1.12 150-11-9.1 through 150-11- 9.3 157-7-1.1, 1.6 & 5.1	X			
Trucks used to transport hazardous waste	279.40(c)	33-20-1.6, 14.1 & 14.3 157-7-1.1, 1.6 & 5.1	X			
Restrictions on transporters who are not also processors or re-refiners	279.41	33-20-1.6, 14.1 & 14.3 150-11-9.4 157-7-1.6 & 5.1	X			
Notification	279.42	33-20-1.6, 14.1 & 14.3 150-11-9.5 157-7-1.6 & 5.1	X			
Used oil transportation	279.43	33-20-1.6, 14.1 & 14.3 150-11-9.6 157-7-1.6 & 5.1	X			
Rebuttable presumption for used oil	279.44	33-20-1.6, 14.1 & 14.3 150-11-9.7 157-7-1.6 & 5.1	X			
Used oil storage at transfer facilities	279.45	33-20-1.6, 14.1 & 14.3 157-7-1.6 & 5.1	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C10
Standards for the Management of Used Oil
40 CFR Part 279 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Tracking	279.46	33-20-1.6, 14.1 & 14.3 150-11-9.8 157-7-1.6 & 5.1	X			
management of residues	279.47	33-20-1.6, 14.1 & 14.3 150-11-9.9 157-7-1.6 & 5.1	X			

SUBPART F - STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS

Applicability	279.50	33-20-1.6, 14.1 & 14.3	X			
Notification	279.51	33-20-1.6, 14.1 & 14.3	X			
General facility standards	279.52	33-20-1.6, 14.1 & 14.3	X			
Rebuttable presumption for used oil	279.53	33-20-1.6, 14.1 & 14.3	X			
Used oil management	279.54	33-20-1.6, 14.1 & 14.3	X			
Analysis plan	279.55	33-20-1.6, 14.1 & 14.3	X			
Tracking	279.56	33-20-1.6, 14.1 & 14.3	X			
Operating record and reporting	279.57	33-20-1.6, 14.1 & 14.3	X			
Off-site shipments of used oil	279.58	33-20-1.6, 14.1 & 14.3	X			
Management of residues	279.59	33-20-1.6, 14.1 & 14.3	X			

**SUBPART G - STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL
FOR ENERGY RECOVERY**

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C10
Standards for the Management of Used Oil
40 CFR Part 279 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Applicability	279.60	33-20-1.6, 14.1 & 14.3 45-25-3.2/Table 25-A, Item 17	X			
Restrictions on burning	279.61	33-20-1.6, 14.1 & 14.3 45-25-3.2/Table 25-A, Item 17	X			
Notification	279.62	33-20-1.6, 14.1 & 14.3 45-25-3.2/Table 25-A, Item 17	X			
Rebuttable presumption for used oil	279.63	33-20-1.6, 14.1 & 14.3 45-25-3.2/Table 25-A, Item 17	X			
Used oil storage	279.64	33-20-1.6, 14.1 & 14.3	X			
Tracking	279.65	33-20-1.6, 14.1 & 14.3	X			
Notices	279.66	33-20-1.6, 14.1 & 14.3	X			
Management of residues	279.67	33-20-1.6, 14.1 & 14.3	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C10
Standards for the Management of Used Oil
40 CFR Part 279 as of July 1, 1997 (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 H - STANDARDS FOR USED OIL FUEL MARKETERS						
Applicability	279.70	33-20-1.6, 14.1 & 14.3	X			
Prohibitions	279.71	33-20-1.6, 14.1 & 14.3	X			
On-specification used oil fuel	279.72	33-20-1.6, 14.1 & 14.3	X			
Notification	279.73	33-20-1.6, 14.1 & 14.3	X			
Tracking	279.74	33-20-1.6, 14.1 & 14.3	X			
Notices	279.75	33-20-1.6, 14.1 & 14.3	X			
SUBPART I - STANDARDS FOR USE AS A DUST SUPPRESSANT AND DISPOSAL OF USED OIL						
Applicability	279.80	33-20-1.6, 14.1 & 14.3	X			
Disposal	279.81	33-20-1.6, 14.1 & 14.3	X			
Use as a dust suppressant	279.82(a)	33-20-1.6, 14.1 & 14.3	X			
State petition	279.82(b)	33-20-1.6, 14.1, 14.2	X			
At §33-20-14.2, West Virginia retains the reference to "United States Environmental Protection Agency".						

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C11
 Analysis of West Virginia Regulations
 Universal Wastes
 40 CFR PART 273 as of July 1, 1997

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

PART 273--STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

Note: In addition to pesticides, lead acid batteries, and thermostats, at §33-20-13.2, West Virginia also includes mercury containing lamps (commonly known as fluorescent light bulbs) as a universal waste, subject to the requirements of 40 Part 273 which the State incorporates by reference. The May 11, 1995 final rule (60 FR 25492) permits States to add hazardous wastes to their universal waste program. However, EPA's guidance released on February 13, 1997 (Mem Shapiro, Office of Solid Waste, "Universal Waste Questions and Answers Document"), West Virginia is seeking out for only the three waste streams included in the Federal program; the State is not seeking authorization for its requirements for mercury containing lamps.

SUBPART A--GENERAL

Part 273 establishes requirements for managing the listed universal wastes	142 A	273.1 , except 273.1(a)(3)	33-20-1.6 & 13.1	X			
Thermostats	142A	273.1(a)(3)	33-20-1.6 & 13.6	X			

West Virginia has revised the Federal provision at 40 CFR 273.1(a)(3) to include mercury containing lamps; the State seeking authorization for its requirements for mercury containing lamps.

Applicability--batteries	142 B	273.2	33-20-1.6 & 13.1	X			
Applicability--pesticides	142 C	273.3	33-20-1.6 & 13.1	X			
Applicability--thermostats	142 D	273.4	33-20-1.6 & 33-20-13.1 & 13.4	X			

At 33-20-13.4, West Virginia has revised the Federal provision at 40 CFR 273.4 by adding a new subdivision design subdivision (d) which states that whenever "mercury thermostats" or "thermostats" is used in 40 CFR Part 273, it shall read to include mercury containing lamps, except where such language refers to mercury containing ampules. The provision also requires mercury containing lamps to be managed as universal waste to the same extent as mercury thermostats. must be managed in accordance with the requirements of 40 CFR Parts 260 through 272.

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C11
40 CFR PART 273 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER SCOPE
Applicability--household and conditionally exempt small quantity generator waste	142 A	273.5	33-20-1.6 & 13.1	X			
Definitions	142 B	273.6	33-20-1.6 & 13.1 33-20-13.5	X			

The State has also added a definition of "Mercury containing lamp" and revised the definition of "Universal Waste" include "mercury containing lamps" at §33-20-13.5.a. and §33-20-13.5.b., respectively. The State is not seeking authorization for its requirements for mercury containing lamps.

SUBPART B--STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

Applicability	142 A	273.10	33-20-1.6 & 13.1	X			
Prohibitions	142 A	273.11	33-20-1.6 & 13.1	X			
Notification	142 A	273.12	33-20-1.6 & 13.1	X			
Waste management	142 B	273.13	33-20-1.6 & 13.1	X			
Labeling/markings	142 A	273.14	33-20-1.6 & 13.1	X			
Accumulation time limits	142 A	273.15	33-20-1.6 & 13.1	X			
Employee training	142 A	273.16	33-20-1.6 & 13.1	X			
Response to releases	142 A	273.17	33-20-1.6 & 13.1	X			
Off-site shipments	142 A	273.18	33-20-1.6 & 13.1	X			
Tracking universal waste shipments	142 A	273.19	33-20-1.6 & 13.1	X			
Exports	142 A	273.20	33-20-1.6 & 13.1 33-20-13.6			X	

At 33-20-13.6, West Virginia excepts 40 CFR 273.20 from the substitution of terms in Subdivision 1.6.a. By doing remains the regulatory agency for exports. The State is more stringent in that persons subject to the provisions of 27 must file with West Virginia's chief of the office of waste management, copies of all records submitted to EPA. See X of the West Virginia OLS Statement.

WEST VIRGINIA
 CONSOLIDATED CHECKLIST C11
 40 CFR PART 273 as of July 1, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
SUBPART C--STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE							
Applicability	142 A	273.30	33-20-1.6 & 13.1	X			
Prohibitions	142 A	273.31	33-20-1.6 & 13.1	X			
Notification	142 A 142 C	273.32	33-20-1.6 & 13.1	X			
Waste management	142 B	273.33	33-20-1.6 & 13.1	X			
Labeling/markings	142 A	273.34	33-20-1.6 & 13.1	X			
Accumulation time limits	142 A	273.35	33-20-1.6 & 13.1	X			
Employee training	142 A	273.36	33-20-1.6 & 13.1	X			
Response to releases	142 A	273.37	33-20-1.6 & 13.1	X			
Off-site shipments	142 A	273.38	33-20-1.6 & 13.1	X			
Tracking universal waste shipments	142 A	273.39	33-20-1.6 & 13.1	X			
Exports	142 A	273.40	33-20-1.6 & 13.1 33-20-13.6			X	

At 33-20-13.6, West Virginia excepts 40 CFR 273.40 from the substitution of terms in Subdivision 1.6.a. By doing so, West Virginia remains the regulatory agency for exports. The State is more stringent in that persons subject to the provisions of 27 must file with West Virginia's chief of the office of waste management, copies of all records submitted to EPA. See X of the West Virginia OLS Statement.

US EPA ARCHIVE DOCUMENT

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C11
40 CFR PART 273 as of July 1, 1997 (cont'd)**

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

SUBPART D--STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Applicability	142 A	273.50	33-20-1.6 & 13.1 150-11-1.1, & 8.1 157-7-1.1, 1.6 & 5.1	X			
Prohibitions	142 A	273.51	33-20-1.6 & 13.1 150-11-8.2 157-7-1.6 & 5.1	X			
Waste management	142 A	273.52	33-20-1.6 & 13.1 150-11-8.3 157-7-1.6 & 5.1	X			
Storage time limits	142 A	273.53	33-20-1.6 & 13.1 150-11-8.4 157-7-1.6 & 5.1	X			
Response to releases	142 A	273.54	33-20-1.6 & 13.1 150-11-8.5 157-7-1.6 & 5.1	X			
Off-site shipments	142 A	273.55	33-20-1.6 & 13.1 150-11-8.6 157-7-1.6 & 5.1	X			
Exports	142 A	273.56	33-20-1.6 & 13.1 33-20-13.6 150-11-8.7 157-7-1.6 & 5.1				X

At 33-20-13.6, West Virginia excepts 40 CFR 273.56 from the substitution of terms in Subdivision 1.6.a. EPA remains regulatory agency for exports. The State is more stringent in that persons subject to the provisions of 273.56 must file with West Virginia's chief of the office of waste management, copies of all records submitted to EPA. See Section West Virginia OLS Statement.

SUBPART E--STANDARDS FOR DESTINATION FACILITIES

Applicability	142 A	273.60	33-20-1.6 & 13.1	X			
Off-site shipments	142 A	273.61	33-20-1.6 & 13.1	X			

**WEST VIRGINIA
CONSOLIDATED CHECKLIST C11
40 CFR PART 273 as of July 1, 1997 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Tracking universal waste shipments	142 A	273.62	33-20-1.6 & 13.1	X			

SUBPART F--IMPORT REQUIREMENTS

Imports	142 A	273.70	33-20-1.6 & 13.1 33-20-13.7	X			
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At §33-20-13.7, West Virginia excepts imports from incorporation by reference to the extent that jurisdiction is limited West Virginia. Persons managing universal waste that is imported to West Virginia are subject to the requirements 20-13.

SUBPART G--PETITIONS TO INCLUDE OTHER WASTES UNDER 40 CFR PART 273

General	142 E	273.80	33-20-13.8 & 33-20-2.5.d	X			
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At §33-20-13.8, West Virginia excepts the provisions of 40 CFR 273.80 from its incorporation by reference of The State has the reader consult with the provisions of 33-20-2.5.d to petition to include a waste as a universal

At 33-20-2.5.d.3, West Virginia states that decisions of the chief may be appealed. Although a similar provision is found at 40 CFR 273.80, 40 CFR 260, Subpart C contains provisions for appeal of any Federal regulation.

Factors for petitions to include other wastes under 40 CFR part 273	142 E	273.81	33-20-13.8 & 33-20-2.5.d	X			
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At §33-20-13.8, West Virginia excepts the provisions of 40 CFR 273.81 from its incorporation by reference of 40 C The State has the reader consult with the provisions of 33-20-2.5.d to petition to include a waste as a universal waste