

US EPA ARCHIVE DOCUMENT

WEST VIRGINIA CONSOLIDATED DELISTING CHECKLIST

Hazardous Waste Management System: General
40 CFR 260.20 and 260.22 as of June 30, 1999
(Includes Revision Checklist 17 B)

Note: As per the guidance on Checklist 17 B, it isn't enough for a State to have just the requirements in Revision Checklist 17 B. States must also adopt all the other delisting requirements to have a complete delisting program. As such, West Virginia has completed this checklist rather than Revision Checklist 17B to demonstrate the State's adoption of all the required provisions for the delisting program.

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	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

petition to modify or revoke any provision in Parts 260-266 and 268; purpose of 260.21 and 260.22	*,†34, 111, †142 E	260.20(a)	33-20-1.6 33-20-2.1	X			
submission by certified mail and what each petition must contain	*	260.20(b)	33-20-1.6 33-20-2.1	X			
Administrator makes tentative decision to grant or deny; notice of decision	*	260.20(c)	33-20-1.6 33-20-2.1	X			
informal public hearing	*	260.20(d)	33-20-1.6 33-20-2.1	X			
final decision by Administrator	*	260.20(e)	33-20-1.6 33-20-2.1	X			

WEST VIRGINIA

1999 CONSOLIDATED DELISTING CHECKLIST: Hazardous Waste Management System: General (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY							
AG Statement Comment: At §§ 33-20-1.6 and 2.1, West Virginia has incorporated by reference the Federal requirements at 40 CFR 260.22. At § 33-20-2.4.a, the State reiterates that any person seeking to exclude a waste at a particular generating facility may petition the chief for the exclusion, following the procedures of 40 CFR § 260.20 and 260.22.							
petitions to exclude a waste at a particular generating facility	*,†17 B	260.22(a)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
		260.22(a)(1)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
		260.22(a)(2)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
procedures for exclusion from 261.3(a)(2)(ii) or (c) for a waste described in these sections and listed in or derived from a waste in Subpart D; demonstration the petitioner must make; operation of 261, Subpart C	*,†17 B	260.22(b)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
waste listed with codes "I", "C", "R" or "E" in Subpart D	*,†17 B	260.22(c)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
		260.22(c)(1)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
	*,†17 B	260.22(c)(2)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			

WEST VIRGINIA
1999 CONSOLIDATED DELISTING CHECKLIST: Hazardous Waste Management System: General (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
waste listed with code "T" in Subpart D	*,†17 B	260.22(d)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
		260.22(d)(1)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
	*,†17 B, 126	260.22(d)(1)(i)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
		260.22(d)(1)(ii)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
		260.22(d)(2)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
		260.22(d)(3)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
		260.22(d)(4)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
	*,†17 B	260.22(d)(4)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			

WEST VIRGINIA
1999 CONSOLIDATED DELISTING CHECKLIST: Hazardous Waste Management System: General (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		260.22(e)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
		260.22(e)(1)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
		260.22(e)(2)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
	*,†17 B	260.22(e)(3)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
	†17 B	260.22(e)(4)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
waste listed with an "H" code in Subpart D							
reserved for listing radioactive waste	*	260.22(f)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
reserved for listing infectious waste	*	260.22(g)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
demonstration samples	*	260.22(h)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
what each petition must include in addition to 260.20(b) requirements	*	260.22(i)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
additional information	*	260.22(j)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
waste to which exclusion applies	*	260.22(k)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			

WEST VIRGINIA
1999 CONSOLIDATED DELISTING CHECKLIST: Hazardous Waste Management System: General (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
exclusion by Administrator of only part of waste for which demonstration was submitted	*	260.22(l)	33-20-1.6 33-20-2.1 33-20-2.4.a	X			
remove paragraph 260.22(m)	*,†17 B	260.22(m)	33-20-1.6 33-20-2.1	Equivalent; no longer in the Federal code			
non-refundable fees to recover costs for review and investigation of the petition	Not applicable	No Federal analog	33-20-2.4.b introductory paragraph through 2.4.b.3				X

Office of Legal Services' Comment: West Virginia requires that petitioners pay an initial non-refundable application fee of \$1,000 with the petition. The petitioner must also execute an agreement with the chief providing for the recovery of all reasonable costs attributable to the review and investigation of the petition in excess of the initial fee. A petitioner is not held liable for costs incurred in excess of the initial application fee if the petition is withdrawn in compliance with the procedures outlined at § 33-20-2.4.b.3. The Federal code does not require application fees; thus the State's provisions are broader in scope than the Federal requirements.

petitions granted by the administrator of the EPA	Not applicable	No direct Federal analog	33-20-2.4.c intro through 2.4.c.2			X	
---	----------------	--------------------------	--------------------------------------	--	--	---	--

Office of Legal Services' Comment: West Virginia is more stringent in that the State accepts delisting petitions granted by the EPA on the condition that (1) the petitioner submits a copy of the petition submitted to the EPA administrator, including all demonstrative information and a copy of the administrator's approval granting the exclusion pursuant to 40 CFR 260.20(e); and (2) no scientifically supportable reasons for denying the petition are advanced which had not been presented to the EPA administrator.

WEST VIRGINIA
RCRA REVISION CHECKLIST 17 L

Corrective Action
50 FR 28702-28755
July 15, 1985
(HSWA Cluster I)

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

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

SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS

APPLICABILITY

solid waste management unit	264.90(a)	33-20-1.6 33-20-7.2	X			
-----------------------------	-----------	------------------------	---	--	--	--

CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

solid waste management unit	264.101(a)	33-20-1.6 33-20-7.2	X			
specified in permit	264.101(b)	33-20-1.6 33-20-7.2	X			

PART 270 - PERMITTING REQUIREMENTS

SUBPART F - SPECIAL FORMS OF PERMITS

PERMITS BY RULE

UIC permits issued after 11/8/84	270.60(b)(3)	33-20-1.6 33-20-11.23	X			
NPDES permits issued after 11/8/84	270.60(c)(3)(vii)	33-20-1.6 33-20-11.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 44 A

Permit Application Requirements Regarding Corrective Action
52 FR 45788-45799
December 1, 1987
(HSWA Cluster II)

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 B - PERMIT APPLICATION

CONTENTS OF PART B: GENERAL REQUIREMENTS

facilities containing a regulated unit	270.14(c)	33-20-1.6 33-20-11.1	X			
information requirements:	270.14(d)	33-20-1.6 33-20-11.1	X			
solid waste management unit information	270.14(d)(1)(i-v)	33-20-1.6 33-20-11.1	X			
hazardous waste release information	270.14(d)(2)	33-20-1.6 33-20-11.1	X			
facility assessment information	270.14(d)(3)	33-20-1.6 33-20-11.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 44 B

Corrective Action Beyond the Facility Boundary
52 FR 45788-45799
December 1, 1987
(HSWA Cluster II)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
PART 264 - STANDARDS FOR THE OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES								
SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS								
CORRECTIVE ACTION PROGRAM								
new introductory wording	264.100(e)	33-20-1.6 33-20-7.2	X					
compliance point/ downgradient property boundary	264.100(e)(1)	33-20-1.6 33-20-7.2	X					
release beyond the facility boundary	264.100(e)(2)	33-20-1.6 33-20-7.2	X					
CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS								
corrective action beyond facility boundaries	264.101(c)	33-20-1.6 33-20-7.2	X					

WEST VIRGINIA
RCRA REVISION CHECKLIST 44 C

Corrective Action for Injection Wells
52 FR 45788-45799
December 1, 1987
(HWA Cluster II)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
PART 144 - REQUIREMENTS FOR THE UNDERGROUND INJECTION CONTROL PROGRAM								
SUBPART A - GENERAL PROVISIONS								
PURPOSE AND SCOPE OF PART 144								
interim status for Class I wells	144.1(h)	47-13-7.3(a-h)	X					
SUBPART D - AUTHORIZATION BY PERMIT								
APPLICATION FOR A PERMIT, AUTHORIZATION BY PERMIT								
information requirements	144.31(g)(1)	47-13-8.2.g	X					
information on hazardous waste releases	144.31(g)(2)	47-13-8.2.g.2	X					
preliminary site investigations	144.31(g)(3)	47-13-8.2.g.3	X					

WEST VIRGINIA
RCRA REVISION CHECKLIST 44 C: Corrective Action for Injection Wells (cont'd)

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

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

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

remove (c)(2)	265.1(c)(2)	33-20-1.6 33-20-8.1	Equivalent; no longer in the Federal code adopted by reference			
---------------	-------------	------------------------	---	--	--	--

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

SUBPART F - SPECIAL FORMS OF PERMITS

PERMITS BY RULE

complies with 264.101	270.60(b)(3) (i)	33-20-1.6 33-20-11.23	X			
UIC well is the only unit	270.60(b)(3) (ii)	33-20-1.6 33-20-11.23	X			

**WEST VIRGINIA
RCRA REVISION CHECKLIST 121**

Corrective Action Management Units and Temporary Units
58 FR 8658-8685
February 16, 1993
(RCRA Cluster III, HSWA provisions)

Note: The final rule addressed by this checklist reduces the regulatory requirements for certain types of waste management conducted during correction action.

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

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

† **DEFINITIONS**

add "corrective action management unit"	260.10 "corrective action management unit"	33-20-1.6 33-20-2.1	X			
add sentence excluding a corrective action management unit into which remediation wastes are placed from definition	260.10 "disposal facility"	33-20-1.6 33-20-2.1	X			
designate existing definition as "(1)"; add second definition numbered "(2)" for the purpose of implementing correction action under 264.101	260.10 "facility"	33-20-1.6 33-20-2.1	X			
replace "or a cave" with "a cave, or a corrective action management unit"	260.10 "landfill"	33-20-1.6 33-20-2.1	X			
add "corrective action management unit," after "containment building, "	260.10 "miscellaneous unit"	33-20-1.6 33-20-2.1	X			
add "remediation waste"	260.10 "remediation waste"	33-20-1.6 33-20-2.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 121: Corrective Action
Management Units and Temporary Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES								
SUBPART A - GENERAL								
† RELATIONSHIP TO INTERIM STATUS STANDARDS								
add ", except as provided under 40 CFR part 264 subpart S" at end of paragraph	264.3	33-20-1.6 33-20-7.2	X					
SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS								
† CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS								
add "in accordance with this section and subpart S of this part" after "in the permit"	264.101(b)	33-20-1.6 33-20-7.2	X					
SUBPART S - CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS								
† CORRECTIVE ACTION MANAGEMENT UNITS (CAMU)								
Regional Administrator may designate one or more areas at a facility as CAMUs for purpose of implementing remedies under 264.101 or RCRA 3008(h)	264.552	33-20-1.6 33-20-7.2	X					

WEST VIRGINIA
RCRA REVISION CHECKLIST 121: Corrective Action
Management Units and Temporary Units (cont'd)

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

† TEMPORARY UNITS (TU)

Regional Administrator may determine alternative design, operating, or closure standards for temporary tanks and container storage areas for treatment or storage of hazardous remediation wastes under 264.101 or RCRA 3008(h); must protect human health and environment	264.553	33-20-1.6 33-20-7.2	X			
--	---------	------------------------	---	--	--	--

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

SUBPART A - GENERAL

† PURPOSE, SCOPE, AND APPLICABILITY

add ", and of 40 CFR 264.552 and 40 CFR 264.553," after "standards of this part"	265.1(b)	33-20-1.6 33-20-8.1	X			
--	----------	------------------------	---	--	--	--

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

† DEFINITIONS APPLICABLE IN THIS PART

add ", except in a corrective action management unit," after "on the land"	268.2(c)	33-20-1.6 33-20-10.1	X			
--	----------	-------------------------	---	--	--	--

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

SUBPART A - GENERAL INFORMATION

† DEFINITIONS

add "corrective action management unit"	270.2	33-20-1.6 33-20-11.1	X			
---	-------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 121: Corrective Action
Management Units and Temporary Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add sentence excluding a corrective action management unit into which remediation wastes are placed from definition	270.2 "disposal facility"	33-20-1.6 33-20-11.1	X			

SUBPART D - CHANGES TO PERMIT

† **PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE**

add new section N. to table	270.42 Appendix I	33-20-1.6 33-20-11.1	X			
-----------------------------	-------------------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 160

Land Disposal Restrictions Phase III -- Emergency Extension of the K088
National Capacity Variance, Amendment
62 FR 37694-37699
July 14, 1997
(RCRA Cluster VIII, HSWA provisions)

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS - SPENT ALUMINUM POTLINERS; REACTIVE; AND CARBAMATE WASTES

revise paragraph: replace "July 8" with "October 8"; replace "these wastes" with "this waste"; remove "on July 8, 1997" from last sentence	268.39(c)	33-20-1.6 33-20-10.1	X			
--	-----------	-------------------------	---	--	--	--

According to the Office of Solid Waste in the EPA, the change of "these wastes" to "this waste" was unintentional. The final rule should only have changed the date in this paragraph. The previous wording was more consistent.

WEST VIRGINIA
RCRA REVISION CHECKLIST 161

Emergency Revision of the Carbamate Land Disposal Restrictions
62 FR 45568
August 28, 1997
(RCRA Cluster VIII, HSWA provisions)

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART D -- TREATMENT STANDARDS

APPLICABILITY OF THE TREATMENT STANDARDS

replace "Between August 26, 1996 and August 26, 1997" with "Between August 26, 1997 and August 26, 1998"	268.40(g)	33-20-1.6 33-20-10.1	X			
in footnote 6 to the table, replace "Between August 26, 1996 and August 26, 1997" with "Between August 26, 1997 and August 26, 1998"	268.48(a)/Table	33-20-1.6 33-20-10.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 164

Kraft Mill Steam Stripper Condensate Exclusion
63 FR 18504-18751
April 15, 1998
(RCRA Cluster VIII, non-HSWA provisions)

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

add new paragraph; condensates derived from overhead gases from kraft mill steam strippers used to comply with 40 CFR 63.446(e); exemption applies only to combustion at mill generating condensates	261.4(a)(15)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25- A, Item 20)	X			
--	--------------	---	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 166

Recycled Used Oil Management Standards; Technical Correction and Clarification

63 FR 24963-24969

May 6, 1998

as amended July 14, 1998, at 63 FR 37780-37782

(RCRA Cluster VIII, non-HSWA provisions)

Note: States should be aware that Revision Checklist 166 includes two final rules—one published on May 6, 1988 (63 FR 24963; StATS Rule Code 166) and the other on July 14, 1998 (63 FR 37780; StATS Rule Code 166.1). The 1998 CFR contains changes addressed by the May 6, 1998 final rule, but does not include changes addressed by the July 14, 1998 final rule. The July 14, 1998 technical correction removes three amendments made by the May 6, 1998 rule. Therefore, States that adopt the July 1, 1998 CFR by reference and are also adopting Revision Checklist 166 as part of RCRA Cluster VIII should include the July 14, 1998 final rule as published in the Federal Register in their adoption by reference. Otherwise, States that adopt only the July 1, 1998 CFR will have a partial adoption of Revision Checklist 166. Section XIII (Adoption of Specific CFR Parts), shows the specific citations which were amended by the July 14, 1998 final rule.

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

† REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS

no change	261.5(j)	33-20-1.6 33-20-3.1	X			
-----------	----------	------------------------	---	--	--	--

† REQUIREMENTS FOR RECYCLABLE MATERIALS

replace "266.40(e)" with "279.11"	261.6(a)(3)(iv)(A)	33-20-1.6 33-20-3.1	X			
replace "266.40(e)" with "279.11"	261.6(a)(3)(iv)(B)	33-20-1.6 33-20-3.1	X			
replace "266.40(e)" with "279.11"	261.6(a)(3)(iv)(C)	33-20-1.6 33-20-3.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 166: Recycled Used Oil Management Standards;
Technical Correction and Clarification (cont'd)

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

PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART B - APPLICABILITY

† **APPLICABILITY**

replace "40 CFR part 279" with "this part"	279.10(i)	33-20-1.6 33-20-14.1	X			
--	-----------	-------------------------	---	--	--	--

† **USED OIL STORAGE**

insert "that is" between "environment" and "not"; insert "and" between "chapter" and "which"; replace "authorized used oil program for" with "recycled used oil management program in effect in"	279.22(d)	33-20-1.6 33-20-14.1	X			
no change	279.22(d)(1)	33-20-1.6 33-20-14.1	X			
no change	279.22(d)(2)	33-20-1.6 33-20-14.1	X			
no change	279.22(d)(3)	33-20-1.6 33-20-14.1	X			
remove "to prevent further releases"	279.22(d)(4)	33-20-1.6 33-20-14.1	X			

SUBPART E - STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

† **USED OIL STORAGE AT TRANSFER FACILITIES**

insert "that is" between "environment" and "not"; insert a comma after "part 280"; insert "of this chapter and" after "subpart F"; replace "authorized used oil program for" with "recycled used oil management program in effect in"	279.45(h)	33-20-1.6 33-20-14.1	X			
---	-----------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 166: Recycled Used Oil Management Standards;
Technical Correction and Clarification (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
no change	279.45(h)(1)	33-20-1.6 33-20-14.1	X			
replace "release" with "released"	279.45(h)(2)	33-20-1.6 33-20-14.1	X			
no change	279.45(h)(3)	33-20-1.6 33-20-14.1	X			
no change	279.45(h)(4)	33-20-1.6 33-20-14.1	X			

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

†

USED OIL MANAGEMENT

insert "that is" between "environment" and "not"; insert "and" between "chapter" and "which"; replace "authorized used oil program for" with "recycled used oil management program in effect in"	279.54(g)	33-20-1.6 33-20-14.1	X			
no change	279.54(g)(1)	33-20-1.6 33-20-14.1	X			
no change	279.54(g)(2)	33-20-1.6 33-20-14.1	X			
replace "mange" with "manage"	279.54(g)(3)	33-20-1.6 33-20-14.1	X			
no change	279.54(g)(4)	33-20-1.6 33-20-14.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 166: Recycled Used Oil Management Standards;
Technical Correction and Clarification (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 G - STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY						

†
USED OIL STORAGE

insert "that is" between "environment" and "not"; insert a comma after "part 280"; insert "of this chapter and" after "subpart F"; replace "authorized used oil program for" with "recycled used oil management program in effect in"	279.64(g)	33-20-1.6 33-20-14.1	X			
no change	279.64(g)(1)	33-20-1.6 33-20-14.1	X			
no change	279.64(g)(2)	33-20-1.6 33-20-14.1	X			
no change	279.64(g)(3)	33-20-1.6 33-20-14.1	X			
no change	279.64(g)(4)	33-20-1.6 33-20-14.1	X			

SUBPART H - STANDARDS FOR USED OIL FUEL MARKETERS

†
TRACKING

no change	279.74(b)	33-20-1.6 33-20-14.1	X			
no change	279.74(b)(1)	33-20-1.6 33-20-14.1	X			
no change	279.74(b)(2)	33-20-1.6 33-20-14.1	X			
no change	279.74(b)(3)	33-20-1.6 33-20-14.1	X			
no change	279.74(b)(4)	33-20-1.6 33-20-14.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 166: Recycled Used Oil Management Standards;
Technical Correction and Clarification (cont'd)

¹ The July 14, 1998 rule withdrew the revisions made by the May 6, 1998 rule at 40 CFR 261.5(j), 279.10(i), and 279.74(b) and made a correction at 40 CFR 279.10(i).

WEST VIRGINIA
RCRA REVISION CHECKLIST 169

Petroleum Refining Process Wastes
63 FR 42110-42189
August 6, 1998
(RCRA Cluster IX, HSWA/Non-HSWA provisions)

Note: The revisions to 40 CFR 261.32, Part 261 Appendix VII, 268.35 and 268.40 are promulgated pursuant to HSWA. These regulations become effective on the Federal effective date in all States. The revision to 40 CFR 266.100 is promulgated pursuant to HSWA, but it is optional for adoption. The revisions to 40 CFR Part 261.3, 261.4, and 261.6 are promulgated relative to non-HSWA authority. The non-HSWA revisions related to the exclusions from the definition of solid waste of certain oil-bearing hazardous secondary material from petroleum refining and certain recovered oils from associated petrochemicals are optional. The addition of 40 CFR 261.4(a)(19) is a clarifying change and States are not required to make it because they do not need further authorization to interpret their regulations in accordance with this clarification. Those provisions designated as HSWA are identified by a "♦" (diamond symbol) in this checklist.

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF HAZARDOUS WASTE

insert ", provided that the wastes...separation" after "§ 261.32"; insert "crude oil storage tank sediment ... (EPA Hazardous Waste No. K172)" after "(EPA Hazardous Waste No. K050)"	261.3(a)(2)(iv)(C)	33-20-1.6 33-20-3.1 33-20-3.1.a 33-20-3.1.a.1 33-20-3.1.a.2 33-20-3.1.a.3				X	X
---	--------------------	--	--	--	--	---	---

Office of Legal Services' Comment: 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.

replace "§ 261.6(a)(3)(iv) through (vi) "with "§ 261.6(a)(3)(iii) and (iv)"	261.3(c)(2)(ii)(B)	33-20-1.6 33-20-3.1	X				
---	--------------------	------------------------	---	--	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new subparagraph; catalyst inert support media separated from wastes listed in § 261.32 – Spent † hydrotreating catalyst and spent hydrorefining catalyst	261.3(c)(2)(ii)(E)	33-20-1.6 33-20-3.1	X			
EXCLUSIONS						
completely revise 261.4(a)(12) as 261.4(a)(12)(i)&(ii); oil- bearing hazardous secondary materials generated at petroleum refinery and inserted into the refining process unless the material is placed on land or speculatively accumulated before recycled; non-characteristic materials inserted into thermal cracking units; oil- bearing hazardous secondary materials inserted into same refinery where generated, or sent directly to another refinery; oil- bearing hazardous secondary materials generated elsewhere in petroleum industry are not excluded; residuals generated from materials excluded under 261.4(a)(12)(i) that would have otherwise met listing under 261 subpart D, are designated as F037 listed †, wastes when disposed of or intended for disposal	261.4(a)(12)(i)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25- A, Item 20)	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
recovered oil recycled in same manner and conditions as in 261.4(a)(12)(i); recovered oil is oil reclaimed from secondary materials generated from normal petroleum industry practices; recovered oil does not include oil-bearing hazardous wastes listed in 261 subpart D, however, oil recovered from such wastes may be considered recovered oil; recovered oil does not include used oil as defined in 279.1 †	261.4(a)(12)(ii)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25-A, Item 20)	X			
add new paragraph; petrochemical recovered oil from associated organic chemical manufacturing facility, where oil is inserted into refining process with normal process streams provided: †	261.4(a)(18)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25-A, Item 20)	X			
oil is hazardous only because it exhibits characteristic of ignitability and/or toxicity for benzene; and †	261.4(a)(18)(i)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25-A, Item 20)	X			
oil generated is not placed on land or speculatively accumulated before recycled; definitions of "associated organic chemical manufacturing facility" and "petrochemical recovered oil" †	261.4(a)(18)(ii)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25-A, Item 20)	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add new paragraph; spent caustic solutions from petroleum refining liquid treating processes used as feedstock to produce cresylic or naphthenic acid unless material is placed on land or accumulated speculatively as defined in 261.1(c)	261.4(a)(19)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25-A, Item 20)	X			

REQUIREMENTS FOR RECYCLABLE MATERIALS

† at end of paragraph, replace “; and” with a period	261.6(a)(3)(iv)(C)	33-20-1.6 33-20-3.1	X			
†, remove	261.6(a)(3)(v)	33-20-1.6 33-20-3.1	X			

SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

†, revise entry for F037; remove colon after “those generated in”; replace period with a comma after “receiving dry weather flow”; use lower case with “Sludge”; add new sentence to end of description regarding the inclusion of excluded residuals generated from processing or recycling oil-bearing hazardous secondary materials if to be disposed	261.31(a)	33-20-1.6 33-20-3.1	X			
--	-----------	------------------------	---	--	--	--

HAZARDOUS WASTES FROM SPECIFIC SOURCES

♦ add following waste streams to subgroup “Petroleum refining”, in alphanumeric order	261.32	33-20-1.6 33-20-3.1	X			
---	--------	------------------------	---	--	--	--

Industry and EPA hazardous waste No.

Hazardous Waste

Hazard code

WEST VIRGINIA
RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Petroleum refining:						
K169	Crude oil storage tank sediment from petroleum refining operations		(T)			
K170	Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations					(T)
K171	Spent Hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).					(I,T)
K172	Spent Hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).					(I,T)

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add to appendix in alphanumeric order, the following waste streams to subgroup "Petroleum refining"						
♦	261 Appendix VII	33-20-1.6 33-20-3.1	X			
Hazardous constituents for which listed						

EPA hazardous waste No.

- K169 Benzene.
K170 Benzo(a)pyrene, dibenz(a,h)anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, 3-methylcholanthrene, 7,12-dimethylbenz(a)anthracene.
K171 Benzene, arsenic.
K172 Benzene, arsenic.

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

SUBPART H – HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

APPLICABILITY

♦,†,, replace "261.6(a)(3)(iv) through (vi)" with "261.6(a)(3)(iii) and (iv)"	266.100(b)(3)	33-20-1.6 33-20-9 45-25-1.5.a	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 268 – LAND DISPOSAL RESTRICTIONS						
SUBPART C – PROHIBITIONS ON LAND DISPOSAL						
WASTE SPECIFIC PROHIBITIONS-PETROLEUM REFINING WASTES						
add new paragraph; effective February 8, 1999, wastes K169-K172, soils and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soils and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	268.35(a)	33-20-1.6 33-20-10.1	X			
add new paragraph; requirements of 268.35(a) do not apply if:	268.35(b) intro	33-20-1.6 33-20-10.1	X			
wastes meet treatment standards specified in 268 subpart D;	268.35(b)(1)	33-20-1.6 33-20-10.1	X			
exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	268.35(b)(2)	33-20-1.6 33-20-10.1	X			
wastes meet treatment standards established pursuant to petition granted under 268.44;	268.35(b)(3)	33-20-1.6 33-20-10.1	X			
hazardous debris meeting treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.35(b)(4)	33-20-1.6 33-20-10.1	X			
extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.35(b)(5)	33-20-1.6 33-20-10.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph; to determine if hazardous wastes identified in 268.35 exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains constituents in excess of UTS levels of 268.48, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	268.35(c)	33-20-1.6 33-20-10.1	X			

SUBPART D – TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

add in alphanumeric order new entries for K169, K170, K171, and K172 as shown at 63 FR 42187	268.40/Table	33-20-1.6 33-20-10.1	X			
--	--------------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

¹ The internal reference to "§261.6(a)(3)(iv) through (vi)", as affected by Revision Checklist 135, was incorrect in the July 1, 1997, CFR. The reference should have been "§261.6(a)(3)(iii) through (v)" to correctly correspond to the deletion of subparagraphs in 40 CFR 261.6(a)(3) by Revision Checklists 112, 135, and 142B. Not all of these checklists made the corresponding changes to the internal references at 40 CFR 261.3(c)(2)(ii)(B) or 266.100(b)(3); therefore, the internal reference has remained incorrect in the CFR since July 1, 1993. Revision Checklist 169 subsequently corrects the internal references at both provisions to also reflect the removal of 40 CFR 261.6(a)(3)(v).

² The optional revision of the exclusion at 40 CFR 261.4(a)(12)(i)&(ii) replaces the provision at 40 CFR 261.6(a)(3)(v) causing this later provision to be removed; therefore, these changes should be adopted together. States should be aware that adoption of the removal of 40 CFR 261.6(a)(3)(v) without the adoption of the revisions to 40 CFR 261.4(a)(12)(i)&(ii) would make the State potentially broader-in-scope than the Federal requirements. The correction of the internal reference to "261.6(a)(3)(iv) through (vi)" at 40 CFR 261.3(c)(2)(ii)(B) is also optional but should be made if the revisions to 40 CFR 261.4(a)(12)(i)&(ii) are adopted. Although the revision of the internal reference at 40 CFR 266.100(b)(3) is made pursuant to HSWA authority, it is also optional since the revision should be made only if the revisions to 40 CFR 261.4(a)(12)(i)&(ii) are adopted.

³ This change is conditionally optional. If a State chooses to make the optional changes at 40 CFR 261.4(a)(12), it needs to make this change as well.

⁴ The 1997 40 CFR reprints 40 CFR 268.35 (which was removed by the rule addressed by Revision Checklist 157), and includes a note that the section has been removed effective August 11, 1997 (62 FR 26022, 5/12/97). Since it was promulgated after the effective date of the removal, Revision Checklist 169 adds a new 40 CFR 268.35.

⁵ Note that the August 6, 1998 rule (Revision Checklist 169) republished the appropriate footnotes to the Table of Treatment Standards at 40 CFR 268.40 without change.

WEST VIRGINIA
RCRA REVISION CHECKLIST 170

Land Disposal Restrictions Phase IV -- Zinc Micronutrient Fertilizers, Amendment

63 FR 46332-46334

August 31, 1998

(RCRA Cluster IX, HSWA)

Note: This August 31, 1998 (63 FR 46332) notice stays the land disposal treatment standards for metal-bearing hazardous wastes which exhibit the characteristic of toxicity as it applies to zinc micronutrient fertilizers. Zinc micronutrient fertilizers are now subject to the applicable treatment standards in 268.41 contained in the July 1, 1990 edition of the CFR. The stay remains in effect until further regulatory action is taken by the Agency. If and when further action is taken, EPA will publish a notice in the Federal Register (a notice of Proposed Rulemaking is expected in 1999). A checklist is necessary because the code is affected. Because this amendment raises the level to which certain constituents must be treated and is, therefore, less stringent than previous standards, States are not required to adopt this checklist. As such, this checklist has been designated as optional.

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

add new subparagraph; zinc-containing fertilizers produced for general public use and produced from or containing recycled characteristic hazardous wastes (D004- D011) are subject to 268.41 treatment standards in the July 1, 1990 edition of the CFR	268.40(i) (first entry)	33-20-1.6 33-20-10.1	X			
--	-------------------------	-------------------------	---	--	--	--

^{1,†}

¹ Note that paragraph 268.40(i) was added by 63 FR 46332-46334(August 31, 1998, Revision Checklist 170) and a second paragraph 268.40(i) was added 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171).

WEST VIRGINIA
RCRA REVISION CHECKLIST 171

Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards
for Listed Hazardous Wastes from Carbamate Production

63 FR 47410-47418

September 4, 1998

(RCRA Cluster IX, HSWA)

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

replace "August 26, 1997 and August 26, 1998" with "August 26, 1996 and March 4, 1999"	268.40(g)	33-20-1.6 33-20-10.1	X			
add new paragraph; effective September 4, 1998, treatment standards for certain "P" and "U" wastes specified in 261.33 may be satisfied by either meeting constituent concentrations in "Treatment Standards for Hazardous Wastes" table, or by treating the waste by technologies specified	second entry 268.40(i)	33-20-1.6 33-20-10.1	X			
revise "Treatment Standards for Hazardous Wastes" table and footnotes to table as shown at 63 FR 47416-47417	268.40/Table	33-20-1.6 33-20-10.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 171: Emergency Revision of the
Land Disposal Restrictions (LDR) Treatment Standards
for Listed Hazardous Wastes from Carbamate Production (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
UNIVERSAL TREATMENT STANDARDS						
remove entries for the following: A2213; Bendiocarb phenol; Diethylene glycol, dicarbamate; Dimetilan; Formparanate; Isolan; o-Phenylenediamine; and Tirpate; remove footnote "6" in column one, after the following: Aldicarb sulfone; Barban; Bendiocarb; Benomyl; Butylate; Carbaryl; Carbenzadim; Carbofuran; Carbofuran phenol; Carbosulfan; m-Cumenyl methylcarbamate; Dithiocarbamates (total); EPTC; Formetanate hydrochloride; Methiocarb; Methomyl; Metolcarb; Mexacarbate; Molinate; Oxamyl; Pebulate; o-Phenylenediamine; Physostigmine; Physostigmine salicylate; Promecarb; Propham; Propoxur; Prosulfocarb; Thiodicarb; Thiophanate-methyl; Triallate; Triethylamine; and Vernolate; and by removing footnote 6 itself	268.48(a)/Table	33-20-1.6 33-20-10.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 171: Emergency Revision of the
Land Disposal Restrictions (LDR) Treatment Standards
for Listed Hazardous Wastes from Carbamate Production (cont'd)

¹ Paragraph 268.40(i) was added by 63 FR 46332-46334(August 31, 1998, Revision Checklist 170) and a second paragraph 268.40(i) was added 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171). While the instructions for the 64 FR 25408 rule (May 11, 1999, Revision Checklist 179) indicate that the first paragraph should be redesignated as 268.40(j), the revisions made by this rule to 268.40(i) are made to the language introduced by the first paragraph; therefore, it is assumed that the second paragraph 268.40(i) should be redesignated as 268.40(j), and the first paragraph remain 268.40(i).

² Note that on pages 47416-47417 of the September 4, 1998 rule, "mg/l" has been erroneously expressed as "mg/L" throughout the table "Treatment Standards for Hazardous Wastes" and throughout the footnotes to this table. Milligrams per liter is correctly abbreviated as "mg/l".

³ Footnote 11 to the table "Treatment Standards for Hazardous Wastes" was inadvertently revised to "mg/L TCLP". The correct version of footnote 11 is found in the May 26, 1998 FR notice (63 FR 28738).

⁴ This rule, 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171), incorrectly removes footnote 6 from the 268.48(a)/Table. The footnote has been reinserted by Revision Checklist 179 (May 11, 1999, 64 FR 25408).

WEST VIRGINIA
RCRA REVISION CHECKLIST 172

Land Disposal Restrictions Phase IV -- Extension of Compliance

Date for Characteristic Slags

63 FR 48124-48127

September 9, 1998

(RCRA Cluster IX, HSWA)

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART D - TREATMENT STANDARDS

WASTE SPECIFIC PROHIBITIONS--SECOND THIRD WASTES

redesignate old 268.34(b)-(e) as 268.34(c)-(f); add new 268.34(b) setting November 26, 1998 as the effective date when slags from secondary lead smelting which exhibit the Toxicity Characteristic due to one or more metals, are prohibited from land disposal	268.34(b)-(f)	33-20-1.6 33-20-10.1	X			
---	---------------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 173

Land Disposal Restrictions; Treatment Standards for
Spent Potliners from Primary Aluminum
Reduction (K088); Final Rule
63 FR 51254-51267
September 24, 1998
(RCRA Cluster IX, HSWA provisions)

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS-SPENT ALUMINUM POTLINERS; REACTIVE; AND CARBAMATE
WASTES

replace "October 8, 1997" with "September 21, 1998"; replace "this waste" with "these wastes"	268.39(c)	33-20-1.6 33-20-10.1	X			
--	-----------	-------------------------	---	--	--	--

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

in the entry for K088, correct "Acenaphthene" to "Acenaphthalene"; correct "Benz(a)anthracene" to "Benzo(a)anthracene"; in nonwastewaters column for Arsenic, replace "5.0 mg/l TCLP" with "26.1 mg/kg"; remove "Fluoride" and its corresponding data	268.40/Table	33-20-1.6 33-20-10.1	X			
--	--------------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 174

Post-Closure Permit Requirement and Closure Process

63 FR 56710-56735

October 22, 1998

(RCRA Cluster IX, HSWA/non-HSWA provisions)

Note : 1) The revisions to 40 CFR 264.90(f), 264.110(c), 264.112(b)(8), 264.112(c)(2)(iv), 264.118(b)(4), 264.118(d)(2)(iv), 264.140(d), 265.90(f), 265.110(d), 265.112(b)(8), 265.112(c)(1)(iv), 265.118(c)(5), 265.118(d)(1)(iii), 265.121(a)(2), 265.140(d) and 271.16(e) are promulgated pursuant to HSWA. The revisions to 40 CFR 264.90(e), 265.110(c), 265.118(c)(4), 265.121 (except for 265.121(a)(2)), 270.1, 270.14(a), and 270.28 are promulgated relative to non-HSWA authority. Those provisions designated as HSWA are identified by a "♦" (diamond symbol) in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS						
APPLICABILITY						
add new paragraph; 264 Subpart F regulations apply to all owners/operators subject to 270.1(c)(7) when either post-closure permit or enforceable document is issued; when an enforceable document is issued; references to "in the permit" mean "in the enforceable document"	264.90(e)	33-20-1.6 33-20-7.2	X			
add new paragraph; Regional Administrator may replace requirements of 264.91-- 264.100 with alternative regulations for groundwater monitoring & corrective action for releases to groundwater contained in permit (or enforceable document) where Regional Administrator determines:	264.90(f) intro	33-20-1.6 33-20-7.2	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	264.90(f)(1)	33-20-1.6 33-20-7.2	X			
†,◆ it is not necessary to apply 264.91 - 264.100 requirements because alternative requirements will protect human health and environment	264.90(f)(2)	33-20-1.6 33-20-7.2	X			

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

†,◆ add new paragraph; Regional Administrator may replace part 264 Subpart G requirements with alternative requirements contained in permit or enforceable document where Regional Administrator determines that:	264.110(c) intro	33-20-1.6 33-20-7.2	X			
†,◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	264.110(c)(1)	33-20-1.6 33-20-7.2	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,◆ it is not necessary to apply part 264 Subpart G requirements because alternative requirements will protect human health and environment and satisfy 264.111(a)&(b) requirements	264.110(c)(2)	33-20-1.6 33-20-7.2	X			

CLOSURE PLAN; AMENDMENT OF PLAN

†,◆ 1 add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d), either alternative requirements or reference to enforceable document containing those requirements	264.112(b)(8)	33-20-1.6 33-20-7.2	X			
†,◆ add new paragraph; owner/ operator requests Regional Administrator to apply alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d)	264.112(c)(2)(iv)	33-20-1.6 33-20-7.2	X			

POST-CLOSURE PLAN; AMENDMENT OF PLAN

†,◆ add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d), either alternative requirements or reference to enforceable document containing those requirements	264.118(b)(4)	33-20-1.6 33-20-7.2	X			
--	---------------	------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†, ♦ add new paragraph; owner/operator requests Regional Administrator to apply alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d)	264.118(d)(2)(iv)	33-20-1.6 33-20-7.2	X			

SUBPART H - FINANCIAL REQUIREMENTS

APPLICABILITY

†, ♦ add new paragraph; Regional Administrator may replace part 264 Subpart H requirements with alternative requirements for financial assurance in permit or enforceable document, where Regional Administrator :	264.140(d) intro	33-20-1.6 33-20-7.2	X			
†, ♦, 1 prescribes alternative requirements under 264.90(f) and/or 264.110(c); and	264.140(d)(1)	33-20-1.6 33-20-7.2	X			
†, ♦ determines it is not necessary to apply part 264 Subpart H requirements because alternative requirements will protect human health and environment	264.140(d)(2)	33-20-1.6 33-20-7.2	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)

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

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

SUBPART F - GROUND-WATER MONITORING

APPLICABILITY

†,◆ add new paragraph; Regional Administrator may replace part 265 Subpart F requirements with alternative requirements developed for groundwater monitoring contained in approved closure or post- closure plan or enforceable document where Regional Administrator determines:	265.90(f) intro	33-20-1.6 33-20-8.1	X			
†,◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	265.90(f)(1)	33-20-1.6 33-20-8.1	X			
†,◆ it is not necessary to apply part 265 Subpart F requirements because alternative requirements will protect human health and environment; alternative standards must meet 264.101(a) requirements	265.90(f)(2)	33-20-1.6 33-20-8.1	X			

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

† add new paragraph; 265.121 applies to owners/operators of units subject to 270.1(c)(7) and are regulated under enforceable document	265.110(c)	33-20-1.6 33-20-8.1	X			
---	------------	------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,◆ add new paragraph; Regional Administrator may replace part 265 Subpart G requirements with alternative requirements for closure contained in approved closure or post- closure plan or in enforceable document where Regional Administrator determines:	265.110(d) intro	33-20-1.6 33-20-8.1	X			
†,◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	265.110(d)(1)	33-20-1.6 33-20-8.1	X			
†,◆ it is not necessary to apply part 265 Subpart G requirements because alternative requirements will protect human health and environment, and will satisfy 265.111(a)&(b)	265.110(d)(2)	33-20-1.6 33-20-8.1	X			
CLOSURE PLAN; AMENDMENT OF PLAN						
†,◆ add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d), either alternative requirements or reference to enforceable document containing those requirements	265.112(b)(8)	33-20-1.6 33-20-8.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†, ♦ add new paragraph; owner/operator requests Regional Administrator to apply alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d)	265.112(c)(1)(iv)	33-20-1.6 33-20-8.1	X			

POST-CLOSURE PLAN; AMENDMENT OF PLAN

† add new paragraph; for facilities subject to 265.121, provisions that satisfy 265.121(a)(1)&(3)	265.118(c)(4)	33-20-1.6 33-20-8.1	X			
†, ♦ add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d), either alternative requirements or reference to enforceable document containing those requirements	265.118(c)(5)	33-20-1.6 33-20-8.1	X			
†, ♦ add new paragraph; owner/operator requests Regional Administrator to apply alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d)	265.118(d)(1)(iii)	33-20-1.6 33-20-8.1	X			

POST-CLOSURE REQUIREMENTS FOR FACILITIES THAT OBTAIN ENFORCEABLE DOCUMENTS
IN LIEU OF POST-CLOSURE PERMITS

† add new paragraph; owners/operators subject to post-closure permit requirements of 270.1(c), but who obtain enforceable documents in lieu of post- closure permits, must comply with following requirements:	265.121(a) intro	33-20-1.6 33-20-8.1	X			
--	------------------	------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† 270.28 facility information requirements	265.121(a)(1)	33-20-1.6 33-20-8.1	X			
†, ♦ 264.101 facility-wide corrective action requirements	265.121(a)(2)	33-20-1.6 33-20-8.1	X			
† 264.91 through 264.100 requirements	265.121(a)(3)	33-20-1.6 33-20-8.1	X			
† add new paragraph; in issuing enforceable documents in lieu of permits, Regional Administrator will assure opportunity for public involvement including opportunity for public notice and comment:	265.121(b)(1)	33-20-1.6 33-20-8.1	X			
† when EPA becomes involved in facility remediation as regulatory or enforcement matter;	265.121(b)(1)(i)	33-20-1.6 33-20-8.1	X			
† on proposed preferred remedy and assumptions that remedy is based upon; and	265.121(b)(1)(ii)	33-20-1.6 33-20-8.1	X			
† at time of proposed decision that remedial action is complete at facility; specified requirements must be met before Regional Administrator may consider requirements of 270.1(c)(7) to be fulfilled, unless facility qualifies for modification under 265.121(b)(2) or (3)	265.121(b)(1)(iii)	33-20-1.6 33-20-8.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† if Regional Administrator determines that delay in implementation of remedy would adversely affect human health or environment, Regional Administrator may delay compliance with 265.121(b)(1) and implement remedy immediately; however, Regional Administrator must assure involvement of public at earliest opportunity	265.121(b)(2)	33-20-1.6 33-20-8.1	X			
† Regional Administrator may allow remediation initiated prior to October 22, 1998 to substitute for corrective action even if 265.121(b)(1) requirements have not been met as long as notice and comment takes place at earliest opportunity	265.121(b)(3)	33-20-1.6 33-20-8.1	X			

SUBPART H - FINANCIAL REQUIREMENTS

APPLICABILITY

†, ♦ add new paragraph; Regional Administrator may replace part 265 Subpart F requirements with alternative requirements for financial assurance contained in permit or enforceable document where Regional Administrator:	265.140(d) intro	33-20-1.6 33-20-8.1	X			
†, ♦ prescribes alternative requirements under 265.90(f) and/or 265.110(d), and	265.140(d)(1)	33-20-1.6 33-20-8.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†, ♦ determines it is not necessary to apply 265 Subpart H requirements because alternative will protect human health and environment	265.140(d)(2)	33-20-1.6 33-20-8.1	X			

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

SUBPART A - GENERAL INFORMATION

PURPOSE AND SCOPE OF THESE REGULATIONS

† insert "of this chapter" after "265.115"; insert "or decontamination" after "closure by removal"; insert ", or obtain an enforceable document in lieu of post-closure permit, as provided under paragraph (c)(7) of this section" after "270.1(c)(5) and (6)"; insert "40 CFR" prior to "part 264"; replace initial capitalizations with lower case letters in "groundwater monitoring, ... post-closure care requirements"	270.1(c) intro	33-20-1.6 33-20-11.1	X			
† add new paragraph; enforceable documents for post-closure care; at Regional Administrator's discretion, owner/operator may obtain enforceable document imposing 265.121 requirements in lieu of post-closure permit; definition of enforceable document	270.1(c)(7)	33-20-1.6 33-20-11.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (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 B - PERMIT APPLICATION

CONTENTS OF PART B: GENERAL REQUIREMENTS

† add new sentence to end of existing paragraph; for post-closure permits, only 270.28 information is required in Part B application	270.14(a)	33-20-1.6 33-20-11.1	X			
--	-----------	-------------------------	---	--	--	--

PART B INFORMATION REQUIREMENTS FOR POST-CLOSURE PERMITS

† add new section; for post-closure permits, owner/operator required to only submit information specified in 270.14(b)(1), (4)-(6), (11), (13), (14), (16), (18), and (19), (c), and (d) unless Regional Administrator determines that 270.14, 270.16 - 270.18, 270.20, or 270.21 information is necessary; owner/operator required to submit same information when alternative authority is used in lieu of post-closure permit	270.28	33-20-1.6 33-20-11.1	X			
--	--------	-------------------------	---	--	--	--

¹ The October 22, 1998 rule (63 FR 56710) contains a typographical error. The internal reference to "264.110(d)" should be "264.110(c)".

WEST VIRGINIA
RCRA REVISION CHECKLIST 175

HWIR-Media
63 FR 65874-65947
November 30, 1998
(RCRA Cluster IX, HSWA/non-HSWA provisions)

Notes : 1) While not included in this revision checklist, this rule adds new requirements to Part 271. Specifically, it adds the procedures for a State to receive authorization for rules listed as acceptable for abbreviated application requirements.

2) The revisions to 40 CFR 260.10, 264.1(j) intro, 264.101(d), 264.552(a), 264.553(a), 264.554, 265.1(b), 268.2(c), 268.50(g), 270.2, 270.42 Appendix I, and 270.230(e)(1) were promulgated pursuant to HSWA. The revisions to 40 CFR 261.4(g), 264.1(j)(1)-(13), 264.73(b)(17), 270.11(d), 270.68, 270.73(a), and Part 270 Subpart H (except 270.230(e)(1)) were promulgated relative to non-HSWA authority. The 264.1(j) introductory paragraph is also a non-HSWA provision to the extent that it addresses the requirements that remediation waste management units can meet in lieu of 40 CFR Part 264, Subparts B, C and D. Those provisions designated as HSWA are identified by a "♦" (diamond symbol) in this checklist.

3) Revision Checklist 121 added 40 CFR 264, Subpart S addressing Corrective Action Management Units (CAMUs) and Temporary Units. The rule addressed by that checklist limited the use of CAMUs and Temporary Units to remedies under 40 CFR 264.101 or RCRA §3008(h) (corrective action). The rule addressed by Revision Checklist 175 expands the availability for use of these units to permitted facilities that are not subject to 40 CFR 264.101.

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

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

DEFINITIONS

†, ♦ remove "266, 268, and 270 through"	260.10(intro)	33-20-1.6 33-20-2.1	X			
†, ♦, replace existing definition of "corrective action management unit or CAMU" with new definition of "corrective action management unit (CAMU)"	260.10 "corrective action management unit (CAMU)"	33-20-1.6 33-20-2.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†, ♦ add third definition numbered "(3)", a remediation waste management site is not facility subject to 264.101, but is subject to corrective action if site is located within such facility	260.10 "facility"	33-20-1.6 33-20-2.1	X			
†, ♦ replace "40 CFR part 146" with "part 146 of this chapter"; remove "or" prior to "unit eligible"; insert "a" prior to "research"; replace "§ 270.65" with "40 CFR 270.65, or staging pile"	260.10 "miscellaneous unit"	33-20-1.6 33-20-2.1	X			
†, ♦ replace ", which" with "that" after "debris"; replace "which" with "that" prior to "themselves"; remove "waste" after "exhibit a hazardous"; replace ", that" with "and" after "characteristic"; remove "the purpose of" prior to "implementing"; replace "implementing corrective" with "implementing cleanup"; delete remainder of text beginning with "action requirements..."	260.10 "remediation waste"	33-20-1.6 33-20-2.1	X			
†, ♦ add "remediation waste management site"	260.10 "remediation waste management site"	33-20-1.6 33-20-2.1	X			
†, ♦ add "staging pile"	260.10 "staging pile"	33-20-1.6 33-20-2.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

† add new paragraph; dredged material subject to permit issued under the Federal Water Pollution Control Act or section 103 of Marine Protection, Research, and Sanctuaries Act of 1972 is not hazardous waste; for 261.4(g), following definitions apply:	261.4(g) intro	33-20-1.6 33-20-3.1 45-25 Table 25-A (Item 20)	X			
† <i>dredged material</i> has the same meaning as defined in 40 CFR 232.2;	261.4(g)(1)	33-20-1.6 33-20-3.1 45-25 Table 25-A (Item 20)	X			
† definition of <i>permit</i>	261.4(g)(2) intro	33-20-1.6 33-20-3.1 45-25 Table 25-A	X			
	261.4(g)(2)(i)					
	261.4(g)(2)(ii)					
	261.4(g)(2)(iii)					

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

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

†, ♦, add new paragraph; subparts B, C, and D of 264 and 264.101 do not apply to cleanup only remediation waste management sites; owners/operators of remediation waste management sites must comply with certain requirements	264.1(j)	33-20-1.6 33-20-7.2	X			
--	----------	------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

OPERATING RECORD

† add new paragraph; any records required under 264.1(j)(13)	264.73(b)(17)	33-20-1.6 33-20-7.2	X			
--	---------------	------------------------	---	--	--	--

SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS

CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

†, ♦ add new paragraph; does not apply to remediation waste management sites unless part of a facility subject to permit for treating, storing or disposing of hazardous wastes that are not remediation wastes	264.101(d)	33-20-1.6 33-20-7.2	X			
---	------------	------------------------	---	--	--	--

SUBPART S - CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

CORRECTIVE ACTION MANAGEMENT UNITS (CAMU)

†, ♦ completely revise paragraph; Regional Administrator may designate an area at facility as CAMU for purpose of implementing remedies under 264.101 or RCRA 3008(h) or to implement remedies at a facility that is not subject to 264.101; CAMU must be located within contiguous property under owner/operator control where wastes originated; one or more CAMUs may be designated at facility	264.552(a) intro	33-20-1.6 33-20-7.2	X			
†, ♦ reprinted, no change	264.552(a)(1)	33-20-1.6 33-20-7.2	X			
†, ♦ reprinted, no change	264.552(a)(2)	33-20-1.6 33-20-7.2	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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

TEMPORARY UNITS (TU)

†, ♦ completely revise paragraph; Regional Administrator may designate unit as temporary unit, for temporary tanks and container storage areas used to treat or store hazardous remediation wastes under 264.101 or RCRA 3008(h), or at permitted facility not subject to 264.101; temporary unit must be located within contiguous property under owner/operator control where wastes originated; Regional Administrator may replace Part 264/265 design, operating, or closure standard with alternative requirements which protect human health and environment

264.553(a)

33-20-1.6
33-20-7.2

X

†, ♦ **STAGING PILES**

add new section; section written in special format to make regulatory requirements easier to understand; establishes enforceable legal requirements; "I" and "you" refer to owner/operator

264.554

33-20-1.6
33-20-7.2

X

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

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†, ♦ replace "40 CFR 264.552 and 40 CFR 264.553" with "40 CFR 264.552, 264.553, and 264.554"	265.1(b)	33-20-1.6 33-20-8.1	X			

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

†, ♦ insert "or staging pile" after "corrective action management unit"	268.2(c)	33-20-1.6 33-20-10.1	X			
---	----------	-------------------------	---	--	--	--

SUBPART E - PROHIBITIONS ON STORAGE

PROHIBITION ON STORAGE OF RESTRICTED WASTES

†, ♦ add new paragraph; prohibition and requirements in 268.50 do not apply to hazardous remediation wastes stored in staging pile approved pursuant to 265.554	268.50(g)	33-20-1.6 33-20-10.1	X			
---	-----------	-------------------------	---	--	--	--

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

SUBPART A - GENERAL INFORMATION

DEFINITIONS

† add "Remedial Action Plan (RAP)"	270.2	33-20-1.6 33-20-11.1	X			
------------------------------------	-------	-------------------------	---	--	--	--

SUBPART B - PERMIT APPLICATION

SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS

† redesignate 270.11(d) as 270.11(d)(1); replace "must make" with "shall make"; in certification statement, replace "in accordance with" with "according to"; remove "be" in "to be the best of my knowledge"	270.11(d)(1)	33-20-1.6 33-20-11.1	X			
---	--------------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add new paragraph; for RAPs under 270 subpart H, owner may make the certification at 270.11(d)(2) instead of 270.11(d)(1); certification statement	270.11(d)(2)	33-20-1.6 33-20-11.1	X			

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

†, ♦ add entries D.3.g and N.3 as follows:	270.42, Appendix I	33-20-1.6 33-20-11.1 45-25 Table 25-A	X			
--	--------------------	---	---	--	--	--

Modifications												Class
*	*	*	*	*	*	*	*	*	*	*	*	*
D. Closure	*	*	*	*	*	*	*	*	*	*	*	*
3.	Addition of the following new units to be used temporarily for closure activities:											
*	*	*	*	*	*	*	*	*	*	*	*	*
	g. Staging piles											2
*	*	*	*	*	*	*	*	*	*	*	*	*
N. Corrective Action:	*	*	*	*	*	*	*	*	*	*	*	*
3.	Approval of a staging pile or staging pile operating term extension pursuant to § 264.554											2

SUBPART F - SPECIAL FORMS OF PERMITS

† REMEDIAL ACTION PLANS (RAPs)

add new section; RAPs are special forms of permits regulated under 270 subpart H	270.68	33-20-1.6 33-20-11.1				
--	--------	-------------------------	--	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (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 G - INTERIM STATUS

TERMINATION OF INTERIM STATUS

† insert “, except an application for a remedial action plan (RAP) under subpart H of this part,” following “application”	270.73(a)	33-20-1.6 33-20-11.1	X			
---	-----------	-------------------------	---	--	--	--

† SUBPART H - REMEDIAL ACTION PLANS (RAPs)

† WHY IS THIS SUBPART WRITTEN IN A SPECIAL FORMAT?

add new subpart; why is this subpart written in a special format?	270.79	33-20-1.6 33-20-11.1	X			
---	--------	-------------------------	---	--	--	--

† WHAT IS A RAP?

explanation of a RAP; when RAPs may be issued	270.80	33-20-1.6 33-20-11.1	X			
---	--------	-------------------------	---	--	--	--

† WHEN DO I NEED A RAP?

treatment, storage, or disposal of hazardous remediation wastes in manner requiring permit under 270.1, either obtain:	270.85	33-20-1.6 33-20-11.1	X			
--	--------	-------------------------	---	--	--	--

† DOES MY RAP GRANT ME ANY RIGHTS OR RELIEVE ME OF ANY OBLIGATIONS?

the provisions of 270.4 apply to RAPs	270.90	33-20-1.6 33-20-11.1	X			
---------------------------------------	--------	-------------------------	---	--	--	--

† HOW DO I APPLY FOR A RAP?

to apply for RAP, complete & sign application and submit to Director according to 270 subpart H requirements	270.95	33-20-1.6 33-20-11.1	X			
--	--------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† WHO MUST OBTAIN A RAP?						
when facility or remediation waste management site is owned by one person, but treatment, storage or disposal activities are operated by another, operator must obtain a RAP	270.100	33-20-1.6 33-20-11.1	X			
† WHO MUST SIGN THE APPLICATION AND ANY REQUIRED REPORTS FOR A RAP?						
both owner & operator must sign RAP application according to 270.11(a)-(c); both owner & operator must also make the 270.11(d)(1) certification; owner may choose 270.11(d)(2) certification if operator certifies under 270.11(d)(1)	270.105	33-20-1.6 33-20-11.1				
† WHAT MUST I INCLUDE IN MY APPLICATION FOR A RAP?						
the following must be included in application for RAP:	270.110	33-20-1.6 33-20-11.1	X			
† WHAT IF I WANT TO KEEP THIS INFORMATION CONFIDENTIAL?						
any or all information submitted to EPA under 270 subpart H can be claimed confidential; to assert claim, stamp "confidential business information" on each page; information claimed as confidential will be subjected to 40 CFR part 2 procedures; without a claim, information may be made available to public without further notice; any requests for name and/or address confidentiality will be denied	270.115	33-20-1.6 33-20-11.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† TO WHOM MUST I SUBMIT MY RAP APPLICATION?						
applications for RAP must be submitted to Director	270.120	33-20-1.6 33-20-11.1	X			
† IF I SUBMIT MY RAP APPLICATION AS PART OF ANOTHER DOCUMENT, WHAT MUST I DO?						
when submitting applications for RAP as part of another document, clearly identify the components constituting your RAP	270.125	33-20-1.6 33-20-11.1	X			
† WHAT IS THE PROCESS FOR APPROVING OR DENYING MY APPLICATION FOR A RAP?						
Director will make tentative decision on RAP application if all 270.110 information requirements are included & proposed remediation waste management activities meet regulatory standards; Director will prepare draft RAP & provide opportunity for public comment	270.130	33-20-1.6 33-20-11.1	X			
† WHAT MUST THE DIRECTOR INCLUDE IN A DRAFT RAP?						
if Director prepares draft RAP, it must include:	270.135	33-20-1.6 33-20-11.1	X			
† WHAT ELSE MUST THE DIRECTOR PREPARE IN ADDITION TO THE DRAFT RAP OR NOTICE OF INTENT TO DENY?						
once the Director has prepared draft RAP or NOI to deny, he must:	270.140	33-20-1.6 33-20-11.1	X			
† WHAT ARE THE PROCEDURES FOR PUBLIC COMMENT ON THE DRAFT RAP OR NOTICE OF INTENT TO DENY?						
What Director must do	270.145	33-20-1.6 33-20-11.1	X			
† HOW WILL THE DIRECTOR MAKE A FINAL DECISION ON MY RAP APPLICATION?						

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Director must consider & respond to significant comments and revise draft RAP as appropriate	270.150	33-20-1.6 33-20-11.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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

† MAY THE DECISION TO APPROVE OR DENY MY RAP APPLICATION BE ADMINISTRATIVELY APPEALED?

any commenter or public hearing participant may appeal decision to approve or deny a RAP application under 124.19; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision; notice of RAP application review will be given under 270.145; notice will include:	270.155	33-20-1.6 33-20-11.1	X			
---	---------	-------------------------	---	--	--	--

AG Statement Comment:

See 33 CSR 20, §11.22. That rule modifies 40 CFR 270.155 to provide for an administrative appeal of a decision to approve or deny a Remedial Action Plan application. Any RAP commentor or participant may appeal the Director's decision to the Environmental Quality Board, pursuant to W.Va. Code 22-18-20.

† WHEN DOES MY RAP BECOME EFFECTIVE?

RAP becomes effective 30 days after approval unless:	270.160	33-20-1.6 33-20-11.1	X			
--	---------	-------------------------	---	--	--	--

† WHEN MAY I BEGIN PHYSICAL CONSTRUCTION OF NEW UNITS PERMITTED UNDER THE RAP?

physical construction of newly permitted units must not begin before final RAP is received	270.165	33-20-1.6 33-20-11.1	X			
--	---------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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

† AFTER MY RAP IS ISSUED, HOW MAY IT BE MODIFIED, REVOKED AND REISSUED, OR TERMINATED?

RAP must specify procedures for modifications, revocations and reissuance, or termination; procedures must provide for public review & comment; if RAP is part of traditional RCRA permit, will be modified according to 270.40-270.42, revoked & reissued according to 270.41 & 270.43, or terminated according to 270.43	270.170	33-20-1.6 33-20-11.1	X			
--	---------	-------------------------	---	--	--	--

† FOR WHAT REASONS MAY THE DIRECTOR CHOOSE TO MODIFY MY FINAL RAP?

final RAP may be modified on Director's initiative for following reasons only; if reasons don't exist, RAP only modified at your request; reasons for modification:	270.175	33-20-1.6 33-20-11.1	X			
---	---------	-------------------------	---	--	--	--

† FOR WHAT REASONS MAY THE DIRECTOR CHOOSE TO REVOKE AND REISSUE MY FINAL RAP?

final RAP may be revoked & reissued on Director's initiative for following reasons only; if reasons don't exist, RAP only revoked & reissued at your request; reasons for revocation and reissuance are same as those for modification in 270.175(a)(5)-(8)	270.180	33-20-1.6 33-20-11.1	X			
---	---------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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

† FOR WHAT REASONS MAY THE DIRECTOR CHOOSE TO TERMINATE MY FINAL RAP, OR DENY MY RENEWAL APPLICATION?

final RAP may be terminated or renewal application denied on Director's initiative, for same reasons as in 270.175(a)(5)-(7)	270.185	33-20-1.6 33-20-11.1	X			
--	---------	-------------------------	---	--	--	--

† MAY THE DECISION TO APPROVE OR DENY A MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF MY RAP BE ADMINISTRATIVELY APPEALED?

any commenter or public hearing participant may appeal decision to approve RAP modification, revocation & reissuance or termination according to 270.155; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision	270.190	33-20-1.6 33-20-11.1	X			
--	---------	-------------------------	---	--	--	--

† WHEN WILL MY RAP EXPIRE?

RAPs issued for fixed term not to exceed 10 years, although up to 10 year renewals are possible; Director must review RAP for LDR 5 years after issuance or reissuance and assure continued compliance with RCRA 3004 & 3005	270.195	33-20-1.6 33-20-11.1	X			
--	---------	-------------------------	---	--	--	--

† HOW MAY I RENEW MY RAP IF IT IS EXPIRING?

to renew expiring RAP, follow application & issuance process in 270 subpart H	270.200	33-20-1.6 33-20-11.1	X			
---	---------	-------------------------	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† WHAT HAPPENS IF I HAVE APPLIED CORRECTLY FOR A RAP RENEWAL BUT HAVE NOT RECEIVED APPROVAL BY THE TIME MY OLD RAP EXPIRES?						
if RAP renewal application has been submitted, but no new RAP has been issued before expiration date, previous RAP conditions continue	270.205	33-20-1.6 33-20-11.1	X			
† WHAT RECORDS MUST I MAINTAIN CONCERNING MY RAP?						
records are required of:	270.210	33-20-1.6 33-20-11.1	X			
† HOW ARE TIME PERIODS IN THE REQUIREMENTS IN THIS SUBPART AND MY RAP COMPUTED?						
how time periods are computed	270.215	33-20-1.6 33-20-11.1	X			
† HOW MAY I TRANSFER MY RAP TO A NEW OWNER OR OPERATOR?						
when transferring RAP to new owner/operator, follow requirements for RAP modification; not "significant" modifications for purposes of 270.170; revised RAP application submitted by new owner/operator no later than 90 days before change along with transfer of responsibility date	270.220	33-20-1.6 33-20-11.1	X			
† WHAT MUST THE STATE OR EPA REGION REPORT ABOUT NONCOMPLIANCE WITH RAPs?						
State or EPA Region must report RAP noncompliance according to 270.5	270.225	33-20-1.6 33-20-11.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
MAY I PERFORM REMEDIATION WASTE MANAGEMENT ACTIVITIES UNDER A RAP AT A LOCATION REMOVED FROM THE AREA WHERE THE REMEDIATION WASTES ORIGINATED?						
remediation waste management RAP may be requested for location removed from area of waste origination if location is more protective	270.230	33-20-1.6 33-20-11.1	X			

† Optional.

WEST VIRGINIA
RCRA REVISION CHECKLIST 176

Universal Waste Rule -- Technical Amendments
63 FR 71225-71230
December 24,1998
(RCRA Cluster IX, non-HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						

SUBPART G - SPENT LEAD-ACID BATTERIES BEING RECLAIMED

†★

APPLICABILITY AND REQUIREMENTS

completely revise; if spent lead-acid batteries are generated, collected, transported, stored, or regenerated for reclamation, they may be exempt from certain requirements; use table shown at 63 <u>FR</u> 71230 to determine applicable requirements; alternatively, the part 273 Universal Waste rule may be used to manage spent lead-acid batteries	266.80(a)	33-20-1.6 33-20-9	X			
add new table; spent lead-acid batteries exemptions	266.80(a)/Table	33-20-1.6 33-20-9	X			
completely revise; spent lead-acid batteries that are stored prior to being reclaimed through any means except regeneration, are subject to 266.80(b) requirements; requirements differ slightly depending upon RCRA permit status	266.80(b)	33-20-1.6 33-20-9	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 176: Universal Waste Rule -- Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Interim Status Facilities must comply with specified requirements	266.80(b)(1) intro	33-20-1.6 33-20-9	X			
	266.80(b)(1)(i)					
	266.80(b)(1)(ii)					
	266.80(b)(1)(iii)					
	266.80(b)(1)(iv)					
	266.80(b)(1)(v)					
	266.80(b)(1)(vi)					
	266.80(b)(1)(vii)					
Permitted Facilities must comply with specified requirements	266.80(b)(2) intro	33-20-1.6 33-20-9	X			
	266.80(b)(2)(i)					
	266.80(b)(2)(ii)					
	266.80(b)(2)(iii)					
	266.80(b)(2)(iv)					
	266.80(b)(2)(v)					
	266.80(b)(2)(vi)					
	266.80(b)(2)(vii)					

PART 273 - STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A - GENERAL

DEFINITIONS

†★ remove "more than" prior to "5,000"; insert "or more" prior to "total"	273.6 "small quantity handler of universal waste"	33-20-1.6 33-20-13.1 33-20-13.5 *	X			
---	---	---	---	--	--	--

†★ While the provisions indicated were optional when first added to the CFR, States which have chosen to adopt them must also adopt the subsequent revisions. The revisions, therefore, are considered conditionally optional.

* 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 at this time.

¹ EPA is restoring and reorganizing the management rules for storing spent lead-acid batteries before reclamation that were mistakenly deleted in the final Universal Waste Rule (60 FR 25492).

**WEST VIRGINIA
RCRA REVISION CHECKLIST 177**

Organic Air Emission Standards: Clarification and Technical Amendments

64 FR 3382

January 21, 1999

(RCRA Cluster IX, HSWA provisions)

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

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART B - THE MANIFEST

ACCUMULATION TIME

insert "the applicable requirements of" after "complies with"; change "subpart" to "subparts"; insert ", AA, BB, and CC" after "subparts I"	262.34(a)(1)(i)	33-20-1.6 33-20-5.1 45-25-1.5.a (Table 25-A, Item 21)	X			
insert "the applicable requirements of" after "complies with"; change "subpart" to "subparts"; insert ", AA, BB, and CC" after "subparts J"; remove comma after "part 265"	262.34(a)(1)(ii)	33-20-1.6 33-20-5.1 45-25-1.5.a (Table 25-A, Item 21)	X			

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

SUBPART AA - AIR EMISSION STANDARDS FOR PROCESS VENTS

DEFINITIONS

revise "Equipment"; insert "or other connector" after "flange"	264.1031	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25-A, Item 10)	X			
revise "Open-ended valve or line"; replace "process fluid" with "hazardous waste"	264.1031	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25-A, Item 10)	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 177: Organic Air Emission Standards: Clarification and
Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add "sampling connection system" definition in alphabetic order	264.1031	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25-A, Item 10)	X			

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

APPLICABILITY

replace "generated" with "placed in the unit"; replace "the result" with "a result"; add comma after "3004(v)"; replace comma with semicolon after "3008(h)" and after "authorities"	264.1080(b)(5)	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25-A, Item 10)	X			
---	----------------	--	---	--	--	--

WASTE DETERMINATION PROCEDURES

add new paragraph; average VO concentration of waste stream shall be determined before first time material in hazardous waste stream is placed in unit exempted under 264.1082(c)(1) from using air emission controls, thereafter concentration shall be determined for each averaging period that hazardous waste is managed in unit; and	264.1083(a)(1)(i)	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25-A, Item 10)	X			
add new paragraph; perform new determination when changes to generating source are likely to cause concentration to increase to level equal to or greater than limit specified in 264.1082	264.1083(a)(1)(ii)	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25-A, Item 10)	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 177: Organic Air Emission Standards: Clarification and
Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph; average VO concentration of waste stream shall be determined before first time material in treated waste stream is placed in exempt unit, thereafter update determination information at least once every 12 months; and	264.1083(b)(1)(i)	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25- A, Item 10)	X			
add new paragraph; perform new determination when process generating or treating waste stream changes are likely to cause concentration to increase such that 264.1082(c)(2) treatment conditions are not achieved	264.1083(b)(1)(ii)	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25- A, Item 10)	X			

STANDARDS: TANKS

replace "in the event...unsafe condition" with "under either of the following conditions as specified in paragraph (h)(3)(i) or (h)(3)(ii) of this section"	264.1084(h)(3) intro	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25- A, Item 10)	X			
add new paragraph; when opening safety device is required to avoid unsafe condition	264.1084(h)(3)(i)	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25- A, Item 10)	X			
add new paragraph; when purging of inerts from tank is required and purge stream is routed to closed- vent system and control device designed & operated according to 264.1087	264.1084(h)(3)(ii)	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25- A, Item 10)	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 177: Organic Air Emission Standards: Clarification and
Technical Amendments (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: CONTAINERS						
add new paragraph; transfer of hazardous waste in or out of container using Container Level 3 controls shall be conducted to minimize exposure to atmosphere; examples of acceptable container loading procedures	264.1086(e)(6)	33-20-1.6 33-20-7.1 33-20-7.8 45-25-1.5.a (Table 25- A, Item 10)	X			

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

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

APPLICABILITY

replace "generated" with "placed in the unit"; replace "the result" with "a result"; removed "RCRA" from after "under the"; insert "RCRA sections" before "3004(u)"; add comma after "3004(v)"; replace comma with semicolon after "3008(h)" and after "authorities"	265.1080(b)(5)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			
--	----------------	--	---	--	--	--

WEST VIRGINIA
RCRA REVISION CHECKLIST 177: Organic Air Emission Standards: Clarification and
Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
WASTE DETERMINATION PROCEDURES						
add new paragraph; average VO concentration of waste stream shall be determined before first time material in hazardous waste stream is placed in unit exempted under 265.1083(c)(1) from using air emission controls, thereafter concentration shall be determined for each averaging period hazardous waste is managed in unit; and	265.1084(a)(1)(i)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			
add new paragraph; perform new determination when changes to generating source are likely to cause concentration to increase to level equal to or greater than limit specified in 265.1083(c)(1)	265.1084(a)(1)(ii)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			
after first sentence, insert new sentence "All of the samples for a given waste determination shall be collected within a one-hour period."	265.1084(a)(3)(ii)(B)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			
add new paragraph; sufficient information to document waste quantity and operating conditions represented by samples	265.1084(a)(3)(ii)(D)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			
revise paragraph; analysis	265.1084(a)(3)(iii)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 177: Organic Air Emission Standards: Clarification and
Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph; average VO concentration of waste stream shall be determined before first time material in treated waste stream is placed in exempt unit, thereafter update determination information at least once every 12 months; and	265.1084(b)(1)(i)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			
add new paragraph; perform new determination when process generating or treating waste stream changes are likely to cause concentration to increase such that treatment conditions are not achieved	265.1084(b)(1)(ii)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			
after first sentence, insert new sentence "All of the samples for a given waste determination shall be collected within a one-hour period."; remove "source or"; insert "or treating" after "generating"	265.1084(b)(3)(ii)(B)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			
add new paragraph; sufficient information to document waste quantity and operating conditions represented by the samples	265.1084(b)(3)(ii)(D)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			
revise paragraph; analysis	265.1084(b)(3)(iii)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25- A, Item 10)	X			

STANDARDS: TANKS

WEST VIRGINIA
RCRA REVISION CHECKLIST 177: Organic Air Emission Standards: Clarification and
Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace "in the event...unsafe condition" with "under either of the following conditions as specified in paragraph (h)(3)(i) or (h)(3)(ii) of this section"	265.1085(h)(3)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25-A, Item 10)	X			
add new paragraph; when opening safety device is required to avoid unsafe condition	265.1085(h)(3)(i)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25-A, Item 10)	X			
add new paragraph; when purging of inerts from tank is required and purge stream is routed to closed-vent system and control device designed & operated according to 265.1088	265.1085(h)(3)(ii)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25-A, Item 10)	X			
STANDARDS: CONTAINERS						
add new paragraph; transfer of hazardous waste in or out of container using Container Level 3 controls shall be conducted to minimize exposure to atmosphere; examples of acceptable container loading procedures	265.1087(e)(6)	33-20-1.6 33-20-8.1 33-20-8.6 45-25-1.5.a (Table 25-A, Item 10)	X			

¹ There is a typographical error in the revised paragraphs: "under either or the following conditions" should be "under either of the following conditions".

² States should be sure to add a new paragraph at 265.1085(h)(3)(i), and not replace 265.1085(i), which currently follows 265.1085(h)(3).

WEST VIRGINIA
RCRA REVISION CHECKLIST 178

Petroleum Refining Process Wastes -- Leachate Exemption

64 FR 6806

February 11, 1999
(RCRA Cluster IX, HSWA)

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

† add new paragraph; leachate or gas condensate collected from landfills where certain solid wastes previously disposed, provided:	261.4(b)(15) intro	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25- A, Item 10)	X			
† solid wastes disposed meet one or more listing descriptions for K169- K172 if wastes had been generated after effective date of listing (February 8, 1999);	261.4(b)(15)(i)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25- A, Item 10)	X			
† solid wastes in 261.4(b)(15)(i) were disposed prior to effective date of listing;	261.4(b)(15)(ii)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25- A, Item 10)	X			
† leachate or gas condensate do not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;	261.4(b)(15)(iii)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25- A, Item 10)	X			
† discharge of leachate or gas condensate, including transfer from the landfill to a POTW by truck, rail or dedicated pipe, is subject to 307(b) or 402 of CWA	261.4(b)(15)(iv)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25- A, Item 10)	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 178: Petroleum Refining Process Wastes -- Leachate Exemption
(cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
after February 13, 2001, leachate or gas condensate will no longer be exempt if stored or managed in surface impoundment prior to discharge; exception if surface impoundment is used to temporarily store † in response to an emergency	261.4(b)(15)(v)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25- A, Item 10	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 179

Land Disposal Restrictions Phase IV -- Technical Corrections
and Clarifications to Treatment Standards

64 FR 25408-25417

May 11, 1999

(RCRA Cluster IX, HSWA/non-HSWA provisions)

Note that the revisions to 262.34(d)(4), 268.2(h), 268.2(k), 268.7(a)(4)/table, 268.7(b)(3)(ii)/Table, 268.7(b)(4)(iv), 268.9(d)(2) intro, 268.9(d)(2)(i), 268.40(i), 268.40(j), 268.40/Table, 268.48(a)/Table, 268.49(c)(3) intro, 268.49(c)(3)(A)&(B) were made pursuant to HSWA. The revisions to 261.2(c)(3), 261.2(c)(4)/Table, 261.2(e)(1)(iii), first paragraph 261.4(a)(16), 261.4(a)(17) introductory paragraph, 261.4(a)(17)(v), and 261.4(b)(7)(iii)&(iii)(A) were made relative to non-HSWA authority. Those provisions designated as HSWA are identified by a "♦" (diamond symbol) in this checklist.

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF SOLID WASTE

replace both references to "40 CFR 261.4(a)(15)" to "40 CFR 261.4(a)(17)"	261.2(c)(3)	33-20-1.6 33-20-3.1	These changes modify provisions revised by Revision Checklist (CL) 167D. West Virginia is authorized for CL 167D; however, because of the vacatur of the final rule addressed by CL 167D, West Virginia is not seeking authorization for the changes addressed by Revision Checklist 179 to the Revision Checklist 167D revisions.
in heading of column 3 of Table 1 replace "261.4(a)(15)" with "261.4(a)(17)"	261.2(c)(4)/Table	33-20-1.6 33-20-3.1	
reinsert language at beginning of paragraph: "Returned to the original process....no placement on land; in the existing sentence replace reference to "§ 261.4(a)(15)" with "§ 261.4(a)(17)"	261.2(e)(1)(iii)	33-20-1.6 33-20-3.1	

WEST VIRGINIA
RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections
and Clarifications to Treatment Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
EXCLUSIONS						
redesignate first paragraph 261.4(a)(16) as 261.4(a)(17)	first paragraph 261.4(a)(16)	33-20-1.6 33-20-3.1 45-25-1.5.a	These changes modify provisions revised by Revision Checklist (CL) 167D. West Virginia is authorized for CL 167D; however, because of the vacatur of the final rule addressed by CL 167D, West Virginia is not seeking authorization for the changes addressed by Revision Checklist 179 to the Revision Checklist 167D revisions.			
insert “or by beneficiation” after “by mineral processing”	261.4(a)(17) intro	33-20-1.6 33-20-3.1 45-25-1.5.a				
insert “non” before “land-based units”	261.4(a)(17)(v)	33-20-1.6 33-20-3.1 45-25-1.5.a				
insert “or with normal mineral processing raw materials” after “beneficiation raw materials”	261.4(b)(7)(iii)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25-A, Item 20)	X			
insert “or normal mineral processing raw materials after “beneficiation raw materials”	261.4(b)(7)(iii)(A)	33-20-1.6 33-20-3.1 45-25-1.5.a (Table 25-A, Item 20)	X			
PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE						
SUBPART C - PRE-TRANSPORT REQUIREMENTS						
ACCUMULATION TIME						
replace reference “40 CFR 268.7(a)(4)” with “40 CFR 268.7(a)(5)”	262.34(d)(4)	33-20-1.6 33-20-5.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections
and Clarifications to Treatment Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART A - GENERAL						
DEFINITIONS APPLICABLE IN THIS PART						
at end of paragraph add “Any deliberate mixing of prohibited hazardous waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in § 268.3.”	268.2(h)	33-20-1.6 33-20-10.1	X			
add “Natural Resources” before “Conservation Service”; at end of paragraph add “Any deliberate mixing of prohibited hazardous waste with soil that changes its treatment classification (i.e., from waste to contaminated soil) is not allowed under the dilution prohibition in Sec. 268.3.”	268.2(k)	33-20-1.6 33-20-10.1	X			
TESTING, TRACKING , AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES						
in the “Generator Paperwork Requirements Table” revise entry 1. by adding a “✓” in columns 1, 2 and 4; revise entry 3. by adding a “✓” in column 2; and revise entry 8. by adding a “✓” in column 2	268.7(a)(4)/Table	33-20-1.6 33-20-10.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections
and Clarifications to Treatment Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<p>in the "Treatment Facility Paperwork Requirements Table" revise entry 1. by placing a "✓" in the column titled § 268.7(b)</p> <p>♦</p>	268.7(b)(3)(ii)\Table	33-20-1.6 33-20-10.1	X			
<p>remove "required" from before "method of treatment"; insert ", or § 268.49, and," after "method of treatment"; remove "are reasonably expected to" before "contain underlying"; insert "if these wastes" before "are treated on-site"; insert "or 268.49" after "40 CFR 268.40"; remove "universal" from before "treatment standards."</p> <p>♦,†★</p>	268.7(b)(4)(iv)	33-20-1.6 33-20-10.1	X			
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC						
<p>replace reference to "§268.7(b)(5)" with "§268.7(b)(4)"</p> <p>♦,†★</p>	268.9(d)(2) intro	33-20-1.6 33-20-10.1	X			
<p>replace "but does not treat" with "but does not meet standards applicable to"; replace reference to "§ 268.7(b)(5)(iv)" with "268.7(b)(4)(iv)"</p> <p>♦,†★</p>	268.9(d)(2)(i)	33-20-1.6 33-20-10.1	X			
APPLICABILITY OF TREATMENT STANDARDS						
<p>revise first 268.40(i); replace "Zinc-containing fertilizers" with "Zinc micronutrient fertilizers"</p> <p>♦</p>	first 268.40(i)	33-20-1.6 33-20-10.1	X			
<p>redesignate second 268.40(i) as 268.40(j)</p> <p>♦</p>	second 268.40(i)	33-20-1.6 33-20-10.1	X			
<p>redesignated from second 268.40(i)</p> <p>♦</p>	268.40(j)	33-20-1.6 33-20-10.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections
and Clarifications to Treatment Standards (cont'd)

♦ revise the entries for K088, K156, K159, P194, U404 and U408, and footnotes 8 and 11 to read as follows:	268.40/Table	33-20-1.6 33-20-10.1	X			
--	--------------	-------------------------	---	--	--	--

TREATMENT STANDARDS FOR HAZARDOUS WASTES
[Note: NA means not applicable]

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² No.	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code
K088	Spent potliners from primary aluminum reduction.	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene	205-99-2	0.11	6.8
		Benzo(k)fluoranthene	207-08-9	0.11	6.8
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Fluoranthene	206-44-0	0.068	3.4
		Indeno(1,2,3,-c,d)pyrene	193-39-5	0.0055	3.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Antimony	7440-36-0	1.9	1.15 mg/l TCLP
		Arsenic	7440-38-2	1.4	26.1 mg/l TCLP
		Barium	7440-39-3	1.2	21 mg/l TCLP
		Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/l TCLP

WEST VIRGINIA
RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections
and Clarifications to Treatment Standards (cont'd)

	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
	Lead	7439-92-1	0.69	0.75 mg/l TCLP
	Mercury	7439-97-6	0.15	0.025 mg/l TCLP
	Nickel	7440-02-0	3.98	11 mg/l TCLP
	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
	Silver	7440-22-4	0.43	0.14 mg/l TCLP
	Cyanide (Total) ⁷	57-12-5	1.2	590
	Cyanide (Amenable) ⁷	57-12-5	0.86	30
	Fluoride	16984-48-8	35	NA
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. ¹⁰	Acetonitrile	75-05-8	5.6 18
		Acetophenone	96-86-2	0.010 9.7
		Aniline	62-53-3	0.81 14
		Benomyl	17804-35-2	0.056 1.4
		Benzene	71-43-2	0.14 10
		Carbaryl	63-25-2	0.006 0.14
		Carbenzadim	10605-21-7	0.056 1.4
		Carbofuran	1563-66-2	0.006 0.14
		Carbosulfan	55285-14-8	0.028 1.4
		Chlorobenzene	108-90-7	0.057 6.0
		Chloroform	67-66-3	0.046 6.0
		o-Dichlorobenzene	95-50-1	0.088 6.0
		Methomyl	16752-77-5	0.028 0.14
		Methylene chloride	75-09-2	0.089 30
		Methyl ethyl ketone	78-93-3	0.28 36
		Naphthalene	91-20-3	0.059 5.6

WEST VIRGINIA
RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections
and Clarifications to Treatment Standards (cont'd)

		Phenol	108-95-2	0.039	6.2		
		Pyridine	110-86-1	0.014	16		
		Toluene	108-88-3	0.080	10		
		Triethylamine	121-44-8	0.081	1.5		
*	*	*	*	*	*	*	*
K159	Organics from the treatment of thiocarbamate wastes. ¹⁰	Benzene	71-43-2	0.14	10		
		Butylate	2008-41-5	0.042	1.4		
		EPTC (Eptam)	759-94-4	0.042	1.4		
		Molinate	2212-67-1	0.042	1.4		
		Pebulate	1114-71-2	0.042	1.4		
		Vernolate	1929-77-7	0.042	1.4		
*	*	*	*	*	*	*	*
P194	Oxamyl	Oxamyl	23135-22-0	0.056	0.28		
*	*	*	*	*	*	*	*
U404	Triethylamine	Triethylamine	121-44-8	0.081	1.5		
*	*	*	*	*	*	*	*
U408	2,4,6-Tribomophenol	2,4,6-Tribomophenol	118-79-6	0.035	7.4		
*	*	*	*	*	*	*	*

¹ The waste descriptions provided in this table do not replace waste descriptions in 40 CFR 261. Descriptions of Treatment/Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

² CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.

³ Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

⁴ All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in § 268.42 Table 1--Technology Codes and Descriptions of Technology-Based Standards.

⁵ Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 40 CFR Part 264, Subpart O, or Part 265, Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in § 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

⁷ Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, as incorporated by reference in

WEST VIRGINIA
RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections
and Clarifications to Treatment Standards (cont'd)

40 CFR 260.11, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

* * * * *

⁸ These wastes, when rendered nonhazardous and then subsequently managed in CWA, or CWA-equivalent systems are not subject to treatment standards. (See § 268.1(c) (3) and (4)).

* * * * *

¹⁰ The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in this table or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at §268.42 Table 1 of this Part, for nonwastewaters; and, biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at § 268.42 Table 1 of this part, for wastewaters.

¹¹ For these wastes, the definition of CMBST is limited to: (1) combustion units operating under 40 CFR 266, (2) combustion units permitted under 40 CFR Part 264, Subpart O, or (3) combustion units operating under 40 CFR 265, Subpart O, which have obtained a determination of equivalent treatment under 268.42(b).

RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections
and Clarifications to Treatment Standards (cont'd)

UNIVERSAL TREATMENT STANDARDS

“Aldicarb sulfone”,
 “Barban,” “Bendiocarb,”
 “Benomyl,” “Butylate,”
 “Carbaryl,” “Carbenzadim,”
 “Carbofuran,” “Carbofuran-
 phenol,” “Carbosulfan,”
 “m-Cumenyl-
 methylcarbamate,”
 “Dithiocarbamates (total),”
 “EPTC,” “Formetanate
 hydrochloride,”
 “Methiocarb,” “Methomyl,”
 “Metolcarb,” “Mexacarbate,”
 “Molinate,” “Oxamyl,”
 “Pebulate,” “Physostigmine,”
 “Physostigmine salicylate,”
 “Promecarb,” “Propham,”
 “Propoxur,” “Prosulfocarb,”
 “Thiodicarb,”
 “Thiophanate-methyl,”
 “Triallate,” “Triethylamine,”
 and “Vernolate;”, add
 footnote 6 “6. Between
 August 26, 1998 and
 March 4, 1999, these
 constituents are not
 “underlying hazardous
 constituents” as defined in
 Sec. 268.2(i) of this part.”

33-20-1.6
33-20-10.1

X

no revision made	268.49(c)(3) intro	33-20-1.6 33-20-10.1	X			
------------------	--------------------	-------------------------	---	--	--	--

268.49(c)(3) intro

33-20-1.6
33-20-10.1

X

WEST VIRGINIA
RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections
and Clarifications to Treatment Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace "also contains analyzable constituents," with "contains only analyzable and nonanalyzable organic constituents,"; replace "treatment of those analyzable constituents" with "treatment of the						
♦,†★ analyzable organic constituents"	268.49(c)(3)(A)	33-20-1.6 33-20-10.1	X			
replace "method						
♦,†★ specified" with "method(s) specified"	268.49(c)(3)(B)	33-20-1.6 33-20-10.1	X			

†★ Conditionally optional. While the provisions indicated were optional when first added to the CFR, States which have chosen to adopt them must also adopt the subsequent revisions. The revisions, therefore, are considered conditionally optional.

¹ The May 26, 1998 (CL 167D) rule inadvertently removed the provision language at § 261.2(e)(1)(iii) and replaced it with the additional language which was intended to be added at the end of the paragraph. The original language has been reinserted by Revision Checklist 179 at the beginning of the paragraph, and the May 26, 1998 (CL 167D) addition (now the last sentence of the provision) has been revised to indicate the correct internal reference.

² Paragraph 261.4(a)(16) was added by 63 FR 28556 (May 26, 1998, Revision Checklist 167). A second paragraph 261.4(a)(16) was added in error by the 63 FR 33782 (June 19, 1998, Revision Checklist 168) rule. The first paragraph 261.4(a)(16) was redesignated by the May 11, 1999 (64 FR 25408, Revision Checklist 179) rule as 261.4(a)(17).

³ A typographical error exists at the redesignated § 261.4(a)(17)(iii). The internal reference "paragraph (a)(15)(iv)" should be "paragraph (a)(17)(iv)".

⁴ Paragraph 268.40(i) was added by 63 FR 46332-46334 (August 31, 1998, Revision Checklist 170) and a second paragraph 268.40(i) was added 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171). While the instructions for the 64 FR 25408 rule (May 11, 1999, Revision Checklist 179) indicate that the first paragraph should be redesignated as 268.40(j), the revisions made by this rule to 268.40(i) are made to the language introduced by the first paragraph; therefore, it is assumed that the second paragraph 268.40(i) should be redesignated as 268.40(j), and the first paragraph 268.40(i) revised as indicated in the rule.

⁵ 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171) incorrectly removed footnote 6 from 268.48(a)/table. The footnote has been reinserted by Revision Checklist 179 (May 11, 1999, 64 FR 25408).

WEST VIRGINIA
RCRA REVISION CHECKLIST 180

Test Procedures for the Analysis
of Oil and Grease and Non-Polar Material
64 FR 26315-26327
May 14, 1999
(RCRA Cluster IX, Non-HSWA)

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

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

REFERENCES

revise reference to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" by inserting "dated" before "July 1992", "September 1994", "August 1993", "January 1995", and "December 1996"; add new reference to Update IIIA; insert new sentence regarding the availability of Update IIIA; insert "all of" before "its updates"; revise phone numbers for NTIS; add address of the Office of the Federal Register	260.11(a)(11)	33-20-1.6 33-20-2.1	X			
add to the list of publications incorporated by reference, new Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry	260.11(a)(16)	33-20-1.6 33-20-2.1	X			

WEST VIRGINIA
RCRA REVISION CHECKLIST 182

Hazardous Air Pollutant Standards for Combustors
64 FR 52828-53077
September 30, 1999
as amended November 19, 1999, at 64 FR 63209-63213
(RCRA Cluster X, HSWA/Non-HSWA)

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 260 – HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B – DEFINITIONS						
DEFINITIONS						
add “dioxins and furans (D/F)”	260.10	33-20-1.10 45-25-1.5.c	X			
add “TEQ”	260.10	33-20-1.10 45-25-1.5.c	X			
PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART D – LISTS OF HAZARDOUS WASTES						
COMPARABLE/SYNGAS FUEL EXCLUSION						
revise table as shown in 64 <u>FR</u> 53070-53074 and 63213	261.38/Table 1	33-20-1.10 45-25-1.5.c	X			
PART 264 – STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART O – INCINERATORS						
APPLICABILITY						
redesignate old 264.340(b) as (c) and add new paragraph; integration of the MACT standards	264.340(b) intro	33-20-1.10 45-25-1.5.c	X			

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
,†,◆ add new subparagraph; except as provided by 264.340(b)(2), part 264 standards no longer apply when compliance with MACT requirements of part 63, subpart EEE is demonstrated by conducting performance test and submitting NOC under 63.1207(j) & 63.1210(d); part 264 conditions continue until removed from permit or permit is terminated or revoked, unless permit provides otherwise	264.340(b)(1)	33-20-1.10 45-25-1.5.c	X			
,†,◆ add new subparagraph; MACT standards do not replace 264.351 closure requirements or applicable requirements of 264, subparts A-H, BB & CC	264.340(b)(2)	33-20-1.10 45-25-1.5.c	X			
,†,◆ redesignate old 264.340(b)-(d) as (c)-(e)	264.340(c)-(e)	33-20-1.10 45-25-1.5.c	X			

SUBPART X – MISCELLANEOUS UNITS

ENVIRONMENTAL PERFORMANCE STANDARDS

◆ replace “shall include” with “must include”; add “part 63 subpart EEE,” after “part 270”; add “of this chapter” after “part 146”	264.601 intro	33-20-1.10 45-25-1.5.c	X			
--	---------------	---------------------------	---	--	--	--

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

SUBPART O – INCINERATORS

APPLICABILITY

,†,◆ redesignate old 265.340(b) as (c) and add new paragraph; integration of the MACT standards	265.340(b) intro	33-20-1.10 45-25-1.5.c	X			
,†,◆ add new subparagraph; except as provided by 265.340(b)(2), part 265 standards no longer apply when compliance with MACT requirements of part 63, subpart EEE is demonstrated by conducting performance test and submitting NOC under 63.1207(j) & 63.1210(d)	265.340(b)(1)	33-20-1.10 45-25-1.5.c	X			

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,♦ add new subparagraph; following requirements continue to apply even when MACT compliance is demonstrated: 265.351 and applicable requirements of 265, subparts A-H, BB & CC	265.340(b)(2)	33-20-1.10 45-25-1.5.c	X			
†,♦ redesignate old 265.340(b) as (c)	265.340(c)	33-20-1.10 45-25-1.5.c	X			

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

SUBPART H – HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

3 APPLICABILITY

4,†,♦ redesignate old 266.100(b) as (c) and add new paragraph; integration of the MACT standards	266.100(b) intro	33-20-1.10 45-25-1.5.c	X			
†,♦ add new subparagraph; except as provided by 266.100(b)(2), part 266 standards no longer apply when compliance with MACT requirements of part 63, subpart EEE is demonstrated by conducting performance test and submitting NOC under 63.1207(j) & 63.1210(d); part 266 conditions continue until removed from permit or permit is terminated or revoked, unless permit provides otherwise	266.100(b)(1)	33-20-1.10 45-25-1.5.c	X			
†,♦ add new subparagraph; following requirements continue to apply:	266.100(b)(2) intro	33-20-1.10 45-25-1.5.c	X			
†,♦ add new subparagraph; closure requirements of 266.102(e)(11) & 266.103(l);	266.100(b)(2)(i)	33-20-1.10 45-25-1.5.c	X			
†,♦ add new subparagraph; direct transfer standards of 266.111;	266.100(b)(2)(ii)	33-20-1.10 45-25-1.5.c	X			
†,♦ add new subparagraph; residues standards of 266.212; and	266.100(b)(2)(iii)	33-20-1.10 45-25-1.5.c	X			
†,♦ add new subparagraph; applicable requirements of subparts A-H, BB & CC of 264/265	266.100(b)(2)(iv)	33-20-1.10 45-25-1.5.c	X			
†,♦ redesignate old 266.100(b) as (c)	266.100(c)	33-20-1.10 45-25-1.5.c	X			

WEST VIRGINIA

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
†, ♦ redesignate old 266.100(c) intro as (d) intro	266.100(d) intro	33-20-1.10 45-25-1.5.c	X			
5, †, ♦ redesignate old 266.100(c)(1) intro as (d)(1) intro; remove comma in "furnace, must"; replace "(c)(3)" with "(d)(3)"; replace ending colon with ", and owners or operators of lead recovery furnaces that are subject to regulation under the Secondary Lead Smelting NESHAP must comply with the requirements of paragraph (h) of this section"	266.100(d)(1) intro	33-20-1.10 45-25-1.5.c	X			
†, ♦ redesignate old 266.100(c)(1)(i)-(iii) & (c)(2) as (d)(1)(i)-(iii) & (d)(2)	266.100(d)(1)(i)-(iii) & (d)(2)	33-20-1.10 45-25-1.5.c	X			
†, ♦ redesignate old 266.100(c)(3) intro as (d)(3) intro; after "mercury recovery furnace," insert "except for owners or operators of lead recovery furnaces subject to regulation under the Secondary Lead Smelting NESHAP,"	266.100(d)(3) intro	33-20-1.10 45-25-1.5.c	X			
†, ♦ redesignate old 266.100(c)(3)(i)-(ii) as (d)(3)(i)-(ii)	266.100(d)(3)(i)-(ii)	33-20-1.10 45-25-1.5.c	X			
†, ♦ redesignate old 266.100(d)-(f) as (e)-(g)	266.100(e)-(g)	33-20-1.10 45-25-1.5.c	X			
†, ♦ add new paragraph; starting June 23, 1997, lead recovery furnaces subject to Secondary Lead Smelting NESHAP are conditionally exempt from 266 subpart H, except 266.101; to be exempt, o/o must provide notice to Director; contents of notice	266.100(h)	33-20-1.10 45-25-1.5.c	X			
MANAGEMENT PRIOR TO BURNING						
♦ add "and treatment" after "Storage"	266.101(c) intro	33-20-1.10 45-25-1.5.c	X			
♦ add "or treat" after "that store"; add "and treatment" after "apply to storage" and after "as to storage"	266.101(c)(1)	33-20-1.10 45-25-1.5.c	X			
STANDARDS TO CONTROL PARTICULATE MATTER						
♦ redesignate old 266.105(c) as (d) and add new paragraph; oxygen correction	266.105(c) intro	33-20-1.10 45-25-1.5.c	X			

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
♦ add new subparagraph; measured pollutant levels must be corrected for oxygen in stack gas according to specified formula	266.105(c)(1)	33-20-1.10 45-25-1.5.c	X			
♦ add new subparagraph; explanation of "E" in 266.105(c)(1) formula	266.105(c)(2)	33-20-1.10 45-25-1.5.c	X			
♦ add new subparagraph; compliance with 266 subpart H emission standards must be based on correcting to 7 percent oxygen	266.105(c)(3)	33-20-1.10 45-25-1.5.c	X			
♦ redesignate old 266.105(c) as (d)	266.105(d)	33-20-1.10 45-25-1.5.c	X			

REGULATION OF RESIDUES

♦ add new sentence at end of paragraph; for polychlorinated dibenzo-p-dioxins & polychlorinated dibenzo-furans, analyses must determine specific congeners & homologues, & results converted using 266, appendix IX, section 4.0 procedure	266.112(b)(1) intro	33-20-1.10 45-25-1.5.c	X			
♦ in sentence two, replace "prescribed" with "contained", add ", or other appropriate methods" after "SW-846" & add ", must be used" after "higher"; remove entire sentence beginning with "If a health-based limit..."; in sentence five, add "of this chapter" after "268.43"; remove last sentence; add new sentence to end of paragraph - in complying with 268.43, what analyses must be performed for F039 nonwastewater levels for specified constituents	266.112(b)(2)(i)	33-20-1.10 45-25-1.5.c	X			
♦ add new note; administrative stay, under condition that owner or operator complies with 268.43, remains in effect until further administrative action is taken and notice is published in the FR and CFR	266.112(b)(2)(i)/ Note	33-20-1.10 45-25-1.5.c	X			

WEST VIRGINIA

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

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

APPENDIX VIII TO PART 266

ORGANIC COMPOUNDS FOR WHICH RESIDUES MUST BE ANALYZED

6 ♦ revise appendix title, add polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans to table, add footnote 1 as shown in 64 FR 53076, and add note to table as shown in 64 FR 63213	Appendix VIII	33-20-1.10 45-25-1.5.c	X			
--	---------------	---------------------------	---	--	--	--

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

SUBPART B - PERMIT APPLICATION

SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS

7,†,♦ add "and § 270.19(e)" after "264.340"; replace "provides" with "provide"; add "paragraphs" after "requirements of"	270.19 intro	33-20-1.10 45-25-1.5.c	X			
†,♦ add new paragraph; when compliance with air emission standards & limitations in part 63, subpart EEE is demonstrated, 270.19 requirements do not apply; Director may apply 270.19 on case-by-case basis for information collection	270.19(e)	33-20-1.10 45-25-1.5.c	X			

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

†,♦ add new intro paragraph; when cement or lightweight aggregate kiln complies with air emission standards & limitations in part 63, subpart EEE, 270.22 requirements do not apply; Director may apply 270.22 on case-by-case basis for information collection	270.22 intro	33-20-1.10 45-25-1.5.c	X			
---	--------------	---------------------------	---	--	--	--

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

8 † add new A(8) and revise L(9) as shown in 64 FR 53077	270.42 Appendix I	33-20-1.10 45-25-1.5.c	X			
---	-------------------	---------------------------	---	--	--	--

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

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

SUBPART F - SPECIAL FORMS OF PERMITS

HAZARDOUS WASTE INCINERATOR PERMITS

†,♦ add new intro paragraph; when compliance with air emission standards & limitations in part 63, subpart EEE is demonstrated, 270.62 requirements do not apply; Director may apply 270.62 on case-by-case basis for information collection	270.62 intro	33-20-1.10 45-25-1.5.c	X			
--	--------------	---------------------------	---	--	--	--

PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE

†,♦ add new intro paragraph; when cement or lightweight aggregate kiln complies with air emission standards & limitations in part 63, subpart EEE, 270.66 requirements do not apply; Director may apply 270.66 on case-by-case basis for information collection	270.66 intro	33-20-1.10 45-25-1.5.c	X			
---	--------------	---------------------------	---	--	--	--

¹ If a State adopts the optional exemption at 264.340(b)(1), the State must adopt all the revisions to 264.340, 270.19, and 270.60.

² If a State adopts the optional exemption at 265.340(b)(1), the State must adopt all the revisions to 265.340.

³ Note that this rule contains an error; the provision at 266.100(a) should be updated to account for the renumbering of the old 266.100(b)-(f) as (c)-(g) and the addition of a new 266.100(h). States that adopt the exemptions at 266.100(b) and (h) should also make corresponding revisions to the internal references in 266.100(a).

⁴ If a State adopts the optional exemption at 266.100(b)(1), the State must adopt all the revisions to 266.100(b), 270.22, and 270.66. In addition, the State may need to renumber its analogs to the old 266.100(b)-(f) and update the internal reference to "(c)(3)" in the old 266.100(c)(1) to be consistent with the renumbering.

⁵ If a State chooses to adopt the optional exemption at 266.100(h), the State must also amend the old 266.100(c)(1) and 266.100(c)(3) (which may have been renumbered as (d)(1) and (d)(3) by this rule) to add the clauses regarding lead recovery furnaces subject to the Secondary Lead Smelting NESHAP.

⁶ There is a typographical error at 64 FR 53076. Within the table at Appendix VIII to Part 266, in the "Semivolatiles" column, "Plychlorinate dibenzo-furans" should be "Polychlorinate dibenzo-furans".

⁷ There are errors at 64 FR 53076. Within the text of the introductory paragraph of 270.19, "and § 270.19(e)" should be inserted after "§ 264.340" not after "of this chapter". The word "chapter" should not be capitalized in keeping with previous CFR format.

⁸ State's that have adopted the optional Revision Checklist 168 entry at L(9) of this table, should adopt the technical correction made by this checklist.

WEST VIRGINIA
RCRA REVISION CHECKLIST 184

Accumulation Time for Waste Water Treatment Sludges
65 FR 12378-12398
March 8, 2000
(RCRA Cluster X, Non-HSWA)

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

PART 262 – STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART C – PRE-TRANSPORT REQUIREMENTS

ACCUMULATION TIME

1 † no change even though included in this rule	262.34(a)(4)	33-20-5.5	X			
† add new paragraph; generators who generate 1,000 kilograms or greater of hazardous waste per month who also generate F006 wastes, may accumulate F006 waste on-site for up to 180 days without permit or interim status provided:	262.34(g) intro	33-20-5.5	X			
† generator implements pollution prevention practices;	262.34(g)(1)	33-20-5.5	X			
† waste is legitimately recycled through metals recovery;	262.34(g)(2)	33-20-5.5	X			
† no more than 20,000 kilograms is accumulated on-site at any one time; and	262.34(g)(3)	33-20-5.5	X			

WEST VIRGINIA

RCRA REVISION CHECKLIST 184: Accumulation Time for Waste Water Treatment Sludges (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†	262.34(g)(4) intro	33-20-5.5	X			
	262.34(g)(4)(i) intro	33-20-5.5	X			
	262.34(g)(4)(i)(A)	33-20-5.5	X			
	262.34(g)(4)(i)(B)	33-20-5.5	X			
	262.34(g)(4)(i)(C) intro	33-20-5.5	X			
	262.34(g)(4)(i)(C) (1)&(2)	33-20-5.5	X			
	262.34(g)(4)(ii)	33-20-5.5	X			
	262.34(g)(4)(iii)	33-20-5.5	X			
	262.34(g)(4)(iv)	33-20-5.5	X			
	waste is managed in accordance with practices specified	262.34(g)(4)(v)	X			
† add new paragraph; generators who generate 1,000 kilograms or greater of hazardous waste per month who also generate F006 wastes, & must transport 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for up to 270 days without permit or interim status if complies with 262.34(g)(1)-(4)	262.34(h)	33-20-5.5	X			

WEST VIRGINIA

RCRA REVISION CHECKLIST 184: Accumulation Time for Waste Water Treatment Sludges (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add new paragraph; generators accumulating in accordance with 262.34(g) & (h) who accumulate for more than 180 days, or accumulate more than 20,000 kilograms are operators of storage facilities subject to 40 CFR parts 264 & 265, & permit requirements of part 270, unless extension or exception granted; reasons for extensions & exceptions granted; Regional Administrator may grant extensions & exceptions on case-by-case basis	262.34(i)	33-20-5.5	X			

¹ While the March 8, 2000 rule includes instructions to revise 40 CFR 262.34(a)(4) by replacing the internal reference "268.7(a)(4)" with "268.7(a)(5)", this revision was already made in the October 20, 1999 rule (64 FR 56469; Revision Checklist 183). The end result is no change to 40 CFR 262.34(a)(4) in this checklist.