

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 107

Used Oil Filter Exclusion; Technical Corrections

57 FR 29220

July 1, 1992

(RCRA Cluster III, HSWA provisions)

Note: 1) This revision checklist corrects typographical errors in the May 20, 1992 (57 FR 21524; Revision Checklist 104) final rule. This checklist is considered "conditionally optional" because it is linked to whether a State chooses to adopt the optional oil filter exclusion addressed by Revision Checklist 104. If a State does adopt this exclusion, it must also adopt the technical corrections addressed by Revision Checklist 107. If the State does not adopt this exemption (i.e. Revision Checklist 104), the State should not adopt Revision Checklist 107. States that adopt the Revision Checklist 104 provisions are encouraged to make the corrections addressed by this checklist at the same time.

2) Because no revisions were made to 261.4(b)(15)(i) - (iv) in the Federal Register, these citations are not included in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION 40 CFR	ANALOGOUS STATE CITATION ADPC&E REG. No. 23	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

change "waste" to "wastes"; replace "Subpart C" with "Subpart D"	261.4(b)(15)	NOTE: This provision was adopted in the April 22, 1994 revision to Regulation No. 23, but has been superseded and deleted as a result of the adoption of subsequent federal revisions.	X			
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REVISED 11/95

(See extract from old regulation on following page.)

(8) Cement kiln dust waste, except as provided by § 266.112 of this chapter for facilities that burn or process hazardous waste.

(9) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the Toxicity Characteristic solely for Hazardous Waste Codes D004 through D017 and which is not a hazardous waste for any other reason or reasons, if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.

(10) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of § 261.24 (Hazardous Waste Codes D018 through D043 only) and are subject to the corrective action regulations under 40 CFR part 280.

(11) Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) in § 261.24 of this part that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until [insert date six months after publication]. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:

- (i) Operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed; and
- (ii) A copy of the written agreement has been submitted to: Characteristics Section (OS-333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and this Department.

(12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and

industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

(13)-(14) [Reserved]

(15) Non-terne plated used oil filters that are not mixed with waste listed in subsection D of this Section if these oil filters have been gravity hot-drained using one of the following methods:

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- (i) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- (ii) Hot-draining and crushing;
- (iii) Dismantling and hot-draining; or
- (iv) Any other equivalent hot-draining method which will remove used oil.

(c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit, is not subject to regulation under sections 262 through 265, 268, and 270, and 40 CFR 271 or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

(d) Samples. (1) Except as provided in paragraph (d)(2) of this section, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this part or sections 262 through 268 or section 270 of this chapter or to the notification requirements of section 3010 of RCRA, when:

- (i) The sample is being transported to a laboratory for the purpose of testing; or
- (ii) The sample is being transported back to the sample collector after testing; or
- (iii) The sample is being stored by the sample collector before transport to a laboratory for testing; or
- (iv) The sample is being stored in a laboratory before testing; or
- (v) The sample is being stored in a laboratory after testing but before it is returned to the sample collector; or
- (vi) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement

RCRA REVISION CHECKLIST 108

Toxicity Characteristics Revisions: Technical Corrections

57 FR 30657-30658

July 10, 1992

(RCRA Cluster III, HSWA provisions)

Note: This Revision Checklist corrects errors made at the time of the promulgation of the final Toxicity Characteristic (TC) rule on March 29, 1990 (55 FR 11798; Revision Checklist 74). States that have not adopted Revision Checklist 74 provisions are strongly encouraged to adopt these corrections at the same time that the Revision Checklist 74 provisions are adopted.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION 40 CFR	ANALOGOUS STATE CITATION ADPC&E REG. No. 23	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

1 replace "characteristic of EP toxicity, and do not fail the test for" with "toxicity characteristic for any other constituent, and do not exhibit"	261.4(b)(6)(ii)	261.4(b)(6)(ii)	X			
insert "arsenical-treated" after "discarded"; replace "solely for arsenic" with "for Hazardous Waste Codes D004 through D017"; delete "or reasons," after "reason"	261.4(b)(9)	261.4(b)(9)	X			

RCRA REVISION CHECKLIST 108: Toxicity Characteristics Revisions:
Technical Corrections (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION 40 CFR	ANALOGOUS STATE CITATION ADPC&E REG. No. 23	STATE ANALOGIS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

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

SUBPART N - LANDFILLS

DESIGN REQUIREMENTS

2 replace "EP toxicity characteristics" with "Toxicity Characteristic"; insert ", with EPA Hazardous Waste Number D004 through D017" after "chapter"	265.301(d)(1)	265.301(d)(1)	X			
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There is an error in the Federal Register at 57 FR 30658. "Specific waste" should read "Specific wastes" as found in the 1991 CFR. Note that there is also an error in the July 1, 1991 CFR for this citation; "characteristic of EP" should be "characteristic of EP."

- 2 There are several errors in the Federal Register for this citation. First, "such waste does not" should read "such wastes do not" and "261.4 of this chapter" should read "261.24 of this chapter" as they are found in the March 29, 1990 Federal Register and in the 1991 CFR. Second, "Waste Number" should be "Waste Numbers."

RCRA REVISION CHECKLIST 109

**Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris
57 FR 37194-37282
August 18, 1992
(RCRA Cluster III, HSWA provisions)**

Note: This checklist may be subject to change in the future. EPA's State and Regional Programs Branch is currently discussing the relationship of hazardous waste injection issues to the State authorization program. In question are the changes made to 40 CFR Part 148 by the final rule addressed by this checklist and whether they should be included in the checklist. This present checklist does not include these changes.

2) The following Part 268 sections are not delegable to States because of the national concerns that must be examined when decisions are made relative to them: 268.5 (case-by-case effective date extensions); 268.42(b) (application for alternate treatment method); and 268.44 (variance from a treatment standard). "No migration" petitions under 268.6 will be handled by EPA, even though States may be authorized to grant such petitions in the future. States have the authority to grant such petitions under RCRA Section 3006 because such decisions do not require a national perspective, as do decisions under 268.5, 268.42(b) or 268.44. However, EPA has had few opportunities to implement the land disposal restrictions and expects to gain valuable experience and information from reviewing "no-migration" petitions. In the past, the nondelegable sections/paragraphs of the LDR regulations have been omitted from the LDR checklists because States could not assume the authority for them. However, this procedure has led to confusion among the States on how to handle the sections/paragraphs in their code. For this reason, the Agency has decided to include these nondelegable sections on the LDR checklists. To differentiate these sections from the delegable portions of the LDR restrictions, asterisks precede (a single row) and follow (a double row) each nondelegable section.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART A - GENERAL						
DEFINITIONS						
add "containment building"	260.10	260.10	X			
revise "miscellaneous unit"	260.10	260.10	X			
revise "pile"	260.10	260.10	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (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						
DEFINITION OF HAZARDOUS WASTE						
insert "of this part" after the first "subpart C"; insert "," before "or unless"; add a sentence addressing the relationship of nonwastewater mixtures and the Part 268 requirements	261.3(a)(2)(iii)	261.3(a)(2)(iii)	X			
split paragraph into two subparagraphs, (C)(1)&(2), with the second subparagraph addressing the notification for HTMR residues; in first subparagraph, insert ", K062 or F006" after "K061"; replace "(as defined in 40 CFR 260.10(6), (7), and (12))" with "(as defined in paragraphs (6), (7), and (13) of the definition for 'Industrial Furnace' in 40 CFR 260.10)"; replace "identified below" with "identified in the tables in this paragraph"; replace "The generic exclusion levels are:" with a sentence addressing burden of proof for persons claiming this exclusion in an enforcement action; replace single table with the two tables indicated at 57 FR 37264	261.3(c)(2)(ii)(C)(1)	261.3(c)(2)(ii)(C)(1)	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
completely revise requirements addressing notification and certification; one- time notification and certification for K061, K062 or F006 HTMR residues, which meet generic exclusion levels and exhibit no characteristics, that are sent to Subtitle D units; update of notification and certification; annual EPA/State notification; deadline for submission to EPA/State; what the notification must include; certification signed by authorized representative and what it must state	261.3(c)(2)(ii)(C)(2)	261.3(c)(2)(ii)(C)(2)	X			
add new paragraph and subparagraphs addressing debris that is excluded from regulation provided it meets specified criteria:	261.3(f)	261.3(f)	X			
Part 268-defined hazardous debris treated using a specified 268.45, Table 1, extraction or destruction technology; burden of proof on claimant in an enforcement action	261.3(f)(1)	261.3(f)(1)	X			
Part 268-defined debris determined by Regional Administrator to no longer be contaminated with hazardous waste	261.3(f)(2)	261.3(f)(2)	X			
PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE						
SUBPART C - PRE-TRANSPORT REQUIREMENTS						
ACCUMULATION TIME						
replace ";" at the end of text with a ":"	262.34(a)(1)(iii)	262.34(a)(1)(iii)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (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 "." with "; and/or"	262.34(a)(1)(iii)(B)	262.34(a)(1)(iii)(B)	X			
add new subparagraphs addressing waste placed in containment buildings; compliance with 265, Subpart DD; professional engineer certification of compliance with 265.1101 design standards placed in operating record no later than 60 days after the date of initial unit operation; requirements after February 18, 1993; records which must be maintained	262.34(a)(1)(iv)	262.34(a)(1)(iv)	X			
written description of procedures to ensure each waste volume remains in unit for no more than 90 days; written description of waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit; documentation that procedures are complied with	262.34(a)(1)(iv)(A)	262.34(a)(1)(iv)(A)	X			
documentation that unit is emptied at least once every 90 days	262.34(a)(1)(iv)(B)	262.34(a)(1)(iv)(B)	X			
1 remove first paragraph numbered (a)(2) (including (a)(2)(i)&(ii)); remove unnumbered paragraph following (a)(2)(ii)	262.34(a)(2)	262.34(a)(2)	X			

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

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove "and" from the end of paragraph	264.110(b)(1)	264.110(b)(1)	X			
replace "." with ";	264.110(b)(2)	264.110(b)(2)	X			
replace "." with ";	264.110(b)(3)	264.110(b)(3)	X			
add new paragraph addressing containment buildings that are required under 264.1102 to meet the requirements for landfills	264.110(b)(4)	264.110(b)(4)	X			
CLOSURE PERFORMANCE STANDARD						
change ", and 264.601 through 264.603" to ", 264.601 through 264.603, and 264.1102"	264.111(c)	264.111(c)	X			
CLOSURE PLAN; AMENDMENT OF PLAN						
replace "264.90 et seq." with "subpart F of this part"; change "and 264.601" to ", 264.601 and 264.1102"	264.112(a)(2)	264.112(a)(2)	X			
SUBPART H - FINANCIAL REQUIREMENTS						
APPLICABILITY						
replace ", and" with ";	264.140(b)(1)	264.140(b)(1)	X			
replace "." with ";	264.140(b)(2)	264.140(b)(2)	X			
replace "." with ";	264.140(b)(3)	264.140(b)(3)	X			
add new paragraph regarding containment buildings that are required under 264.1102 to meet the requirements for landfills	264.140(b)(4)	264.140(b)(4)	X			
COST ESTIMATE FOR CLOSURE						
change ", and 264.601 through 264.603" to ", 264.601 through 264.603, and 264.1102"	264.142(a)	264.142(a)	X			
SUBPART DD - CONTAINMENT BUILDINGS						

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
APPLICABILITY						
applies to owners/operators storing or treating hazardous waste in units designed and operated under 264.1101; effective February 18, 1993, but may notify Regional Administrator of earlier time; not subject to definition of land disposal in RCRA 3004(k) provided unit:	264.1100	264.1100	X			
is a completely enclosed, self-supporting structure designed and constructed as specified	264.1100(a)	264.1100(a)	X			
has a primary barrier designed to withstand movement of personnel, wastes and handling equipment within unit	264.1100(b)	264.1100(b)	X			
if used to manage liquids:	264.1100(c)	264.1100(c)	X			
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	264.1100(c)(1)	264.1100(c)(1)	X			
liquid collection system to minimize accumulation of liquid on primary barrier	264.1100(c)(2)	264.1100(c)(2)	X			
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 264.1101(b)(4)	264.1100(c)(3)	264.1100(c)(3)	X			
controls to prevent fugitive dust emissions to meet 264.1101(c)(1)(iv) standards	264.1100(d)	264.1100(d)	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	264.1100(e)	264.1100(e)	X			
DESIGN AND OPERATING STANDARDS						
all containment buildings must comply with following design standards:	264.1101(a)	264.1101(a)	X			
completely enclosed as specified	264.1101(a)(1)	264.1101(a)(1)	X			
design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	264.1101(a)(2)	264.1101(a)(2)	X			
provide effective barrier against fugitive dust emissions under 264.1101(c)(1)(iv)	264.1101(a)(2)(i)	264.1101(a)(2)(i)	X			
unit designed and operated so that wastes do not contact openings	264.1101(a)(2)(ii)	264.1101(a)(2)(ii)	X			
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	264.1101(a)(3)	264.1101(a)(3)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	264.1101(a)(4)	264.1101(a)(4)	X			
requirements for hazardous waste containing free liquids or treated with free liquids:	264.1101(b)	264.1101(b)	X			
primary barrier to prevent migration of hazardous constituents into the barrier	264.1101(b)(1)	264.1101(b)(1)	X			
liquid collection and removal system to minimize accumulation of liquid on primary barrier:	264.1101(b)(2)	264.1101(b)(2)	X			
primary barrier sloped to drain liquids to collection system	264.1101(b)(2)(i)	264.1101(b)(2)(i)	X			
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time	264.1101(b)(2)(ii)	264.1101(b)(2)(ii)	X			
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	264.1101(b)(3)	264.1101(b)(3)	X			
what must be installed at a minimum to satisfy leak detection component of secondary containment system	264.1101(b)(3)(i)	264.1101(b)(3)(i)	X			
constructed with 1% or greater bottom slope	264.1101(b)(3)(i)(A)	264.1101(b)(3)(i)(A)	X			
granular, synthetic, or geonet drainage materials as specified	264.1101(b)(3)(i)(B)	264.1101(b)(3)(i)(B)	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	264.1101(b)(3)(ii)	264.1101(b)(3)(ii)	X			
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	264.1101(b)(3)(iii)	264.1101(b)(3)(iii)	X			
for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	264.1101(b)(4)	264.1101(b)(4)	X			
2 provide written notice by February 18, 1993; what notice must contain	264.1101(b)(4)(i)	264.1101(b)(4)(i)	X			
respond to Regional Administrator comments within 30 days	264.1101(b)(4)(ii)	264.1101(b)(4)(ii)	X			
if approved, fulfill terms of revised plans	264.1101(b)(4)(iii)	264.1101(b)(4)(iii)	X			
owners and operators of all containment buildings must:	264.1101(c)	264.1101(c)	X			
use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	264.1101(c)(1)	264.1101(c)(1)	X			
maintain primary barrier as specified	264.1101(c)(1)(i)	264.1101(c)(1)(i)	X			
maintain level of stored/treated hazardous waste as specified	264.1101(c)(1)(ii)	264.1101(c)(1)(ii)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	264.1101(c)(1)(iii)	264.1101(c)(1)(iii)	X			
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	264.1101(c)(1)(iv)	264.1101(c)(1)(iv)	X			
certification by qualified registered professional engineer; for units in operation prior to February 18, 1993, certification placed in operating record or on-site files no later than 60 days after date of initial operation; after February 18, 1993, PE certification required prior to operation of unit	264.1101(c)(2)	264.1101(c)(2)	X			
prompt repairs of unit throughout active life as specified, according to the following procedures:	264.1101(c)(3)	264.1101(c)(3)	X			
3 detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	264.1101(c)(3)(i)	264.1101(c)(3)(i)	X			
enter record of discovery in facility operating record	264.1101(c)(3)(i)(A)	264.1101(c)(3)(i)(A)	X			
immediately remove portion of containment building affected by the condition from service	264.1101(c)(3)(i)(B)	264.1101(c)(3)(i)(B)	X			

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**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
determine steps to be taken for repair, remove leakage from secondary collection system and establish schedule for cleanup and repairs	264.1101(c)(3)(i)(C)	264.1101(c)(3)(i)(C)	X			
within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	264.1101(c)(3)(i)(D)	264.1101(c)(3)(i)(D)	X			
Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	264.1101(c)(3)(ii)	264.1101(c)(3)(ii)	X			
written notification to Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 264.1101(c)(3)(i)(D) plan	264.1101(c)(3)(iii)	264.1101(c)(3)(iii)	X			
what must be inspected and recorded in facility's operating records, at least once every seven days	264.1101(c)(4)	264.1101(c)(4)	X			
for containment buildings that contain areas both with and without secondary containment, the owner/operator must:	264.1101(d)	264.1101(d)	X			
design and operate each area in accordance with 264.1101(a)-(c) requirements	264.1101(d)(1)	264.1101(d)(1)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
take measures to prevent release of liquids or wet materials into areas without secondary containment	264.1101(d)(2)	264.1101(d)(2)	X			
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	264.1101(d)(3)	264.1101(d)(3)	X			
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	264.1101(e)	264.1101(e)	X			

CLOSURE AND POST-CLOSURE CARE

what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 264 Subpart G & H requirements	264.1102(a)	264.1102(a)	X			
if 264.1102(a) requirements met and not all contaminated subsoils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 264.310; owner/operator must meet 264 Subpart G & H requirements for landfills	264.1102(b)	264.1102(b)	X			
reserved	264.1103-264.1110	264.1103-264.1110	X			

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

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

remove "and" from end of paragraph	265.110(b)(1)	265.110(b)(1)	X			
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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove "and" from end of paragraph	265.110(b)(2)	265.110(b)(2)	X			
replace "." with "; and"	265.110(b)(3)	265.110(b)(3)	X			
add new paragraph addressing containment buildings that are required under 265.1102 to meet the requirements for landfills	265.110(b)(4)	265.110(b)(4)	X			
CLOSURE PERFORMANCE STANDARD						
change "and 265.404" to ", 265.404, and 264.1102"	265.111(e)	265.111(c)	X			
CLOSURE PLAN; AMENDMENT OF PLAN						
4 replace "§§ 265.90 et seq." with "subpart F of this part, §§"; change ", and 265.404" to ", 265.404, and 264.1102"	265.112(d)(4)	265.112(d)(4)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART H - FINANCIAL REQUIREMENTS						
APPLICABILITY						
265.144 and 265.146 apply only to owners and operators of:	265.140(b)	265.140(b)	X			
disposal facilities	265.140(b)(1)	265.140(b)(1)	X			
tank systems required to meet landfill requirements under 264.197	265.140(b)(1)	265.140(b)(1)	X			
containment buildings required to meet landfill requirements	265.140(b)(3)	265.140(b)(3)	X			
COST ESTIMATE FOR CLOSURE						
replace "of §§ 265.178" with "in §§ 265.178"; change "and 265.404" to ", 265.404 and 265.1102"	265.142(a)	265.142(a)	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (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 K - SURFACE IMPOUNDMENTS

DESIGN AND OPERATING REQUIREMENTS

add new paragraph regarding surface impoundments newly subject to RCRA §3005(j)(1) must be in compliance with 265.221(a),(c)&(d) no later than 48 months after additional characteristic or listing promulgation; Part 268 land disposal prohibitions or an extension to an effective date, within the 48-month period, shall not cut short compliance period	265.221(h)	265.221(h)	X			
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SUBPART DD - CONTAINMENT BUILDINGS

APPLICABILITY

applies to owners/operators storing or treating hazardous waste in units designed and operated under 265.1101; effective February 18, 1993, but may notify Regional Administrator of earlier time; not subject to definition of land disposal in RCRA 3004(k) provided unit:	265.1100	265.1100	X			
is a completely enclosed, self supporting structure designed and constructed as specified	265.1100(a)	265.1100(a)	X			
has a primary barrier designed to withstand movement of personnel, wastes and handling equipment within unit	265.1100(b)	265.1100(b)	X			
if used to manage liquids:	265.1100(c)	265.1100(c)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	WIDER IN SCOPE
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	265.1100(c)(1)	265.1100(c)(1)	X			
liquid collection system to minimize accumulation of liquid on primary barrier	265.1100(c)(2)	265.1100(c)(2)	X			
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 265.1101(b)(4)	265.1100(c)(3)	265.1100(c)(3)	X			
5 controls to prevent fugitive dust emissions	265.1100(d)	265.1100(d)	X			
designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	265.1100(e)	265.1100(e)	X			
DESIGN AND OPERATING STANDARDS						
all containment buildings must comply with following design standards:	265.1101(a)	265.1101(a)	X			
completely enclosed as specified	265.1101(a)(1)	265.1101(a)(1)	X			
design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	265.1101(a)(2)	265.1101(a)(2)	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
provide effective barrier against fugitive dust emissions under 265.1101(c)(1)(iv)	265.1101(a)(2)(i)	265.1101(a)(2)(i)	X			
unit designed and operated so that wastes do not contact openings	265.1101(a)(2)(ii)	265.1101(a)(2)(ii)	X			
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	265.1101(a)(3)	265.1101(a)(3)	X			
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	265.1101(a)(4)	265.1101(a)(4)	X			
requirements for hazardous waste containing free liquids or treated with free liquids:	265.1101(b)	265.1101(b)	X			
primary barrier to prevent migration of hazardous constituents into the barrier	265.1101(b)(1)	265.1101(b)(1)	X			
liquid collection and removal system to prevent accumulation of liquid on primary barrier:	265.1101(b)(2)	265.1101(b)(2)	X			
primary barrier sloped to drain liquids to collection system	265.1101(b)(2)(i)	265.1101(b)(2)(i)	X			
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time to protect human health and environment	265.1101(b)(2)(ii)	265.1101(b)(2)(ii)	X			

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	265.1101(b)(3)	265.1101(b)(3)	X			
what must be installed at a minimum to satisfy leak detection component of secondary containment system	265.1101(b)(3)(i)	265.1101(b)(3)(i)	X			
construct with 1% or greater bottom slope	265.1101(b)(3)(i)(A)	265.1101(b)(3)(i)(A)	X			
granular, synthetic, or geonet drainage materials as specified	265.1101(b)(3)(i)(B)	265.1101(b)(3)(i)(B)	X			
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	265.1101(b)(3)(ii)	265.1101(b)(3)(ii)	X			
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	265.1101(b)(3)(iii)	265.1101(b)(3)(iii)	X			
for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	265.1101(b)(4)	265.1101(b)(4)	X			
provide written notice by February 18, 1993; what notice must contain	265.1101(b)(4)(i)	265.1101(b)(4)(i)	X			
respond to Regional Administrator comments within 30 days	265.1101(b)(4)(ii)	265.1101(b)(4)(ii)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (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 approved, fulfill terms of revised plans	265.1101(b)(4)(iii)	265.1101(b)(4)(iii)	X			
owners and operators of all containment buildings must:	265.1101(c)	265.1101(c)	X			
use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	265.1101(c)(1)	265.1101(c)(1)	X			
maintain primary barrier as specified	265.1101(c)(1)(i)	265.1101(c)(1)(i)	X			
maintain level of stored/treated hazardous waste as specified	265.1101(c)(1)(ii)	265.1101(c)(1)(ii)	X			
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	265.1101(c)(1)(iii)	265.1101(c)(1)(iii)	X			
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	265.1101(c)(1)(iv)	265.1101(c)(1)(iv)	X			
certification by qualified registered professional engineer; for units in operation prior to February 18, 1993, certification placed in operating record or on-site files no later than 60 days after date of initial operation; after February 18, 1993, PE certification required prior to operation of unit	265.1101(c)(2)	265.1101(c)(2)	X			
prompt repairs of unit throughout active life, according to the following procedures:	265.1101(c)(3)	265.1101(c)(3)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	265.1101(c)(3)(i)	265.1101(c)(3)(i)	X			
enter record of discovery in facility operating record	265.1101(c)(3)(i)(A)	265.1101(c)(3)(i)(A)	X			
immediately remove portion of containment building affected by the condition from service	265.1101(c)(3)(i)(B)	265.1101(c)(3)(i)(B)	X			
determine steps to be taken for repair; remove leakage from secondary collection system and establish schedule for cleanup and repairs	265.1101(c)(3)(i)(C)	265.1101(c)(3)(i)(C)	X			
within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	265.1101(c)(3)(i)(D)	265.1101(c)(3)(i)(D)	X			
Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	265.1101(c)(3)(ii)	265.1101(c)(3)(ii)	X			
written notification of Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 265.1101(c)(3)(i)(D) plan	265.1101(c)(3)(iii)	265.1101(c)(3)(iii)	X			

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**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
what must be inspected and recorded in facility's operating records, at least once every seven days	265.1101(c)(4)	265.1101(c)(4)	X			
for containment building that contains both areas with and without secondary containment, the owner/operator must:	265.1101(d)	265.1101(d)	X			
design and operate each area in accordance with 265.1101(a)-(c) requirements	265.1101(d)(1)	265.1101(d)(1)	X			
take measures to prevent release of liquids or wet materials into areas without secondary containment	265.1101(d)(2)	265.1101(d)(2)	X			
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	265.1101(d)(3)	265.1101(d)(3)	X			
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	265.1101(e)	265.1101(e)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOGIS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
CLOSURE AND POST-CLOSURE CARE						
what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 265 Subparts G & H requirements	265.1102(a)	265.1102(a)	X			
if 265.1102(a) requirements met and not all contaminated soils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 265.310; owner/operator must meet 265 Subparts G & H requirements for landfills	265.1102(b)	265.1102(b)	X			
reserved	265.1103-265.1110	265.1103-265.1110	X			

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

remove definition of "inorganic solid debris"; add new paragraph defining "debris"	268.2(g)	268.2(g)	X			
add new paragraph defining "hazardous debris"	268.2(h)	268.2(h)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

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

Guidance note: 268.5 is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this section into their code.

PROCEDURES FOR CASE-BY-CASE EXTENSIONS TO AN EFFECTIVE DATE

replace ";" with ":" or " at the end of the paragraph	268.5(h)(2)(ii)	268.5(h)(2)(ii)	X			
replace "." with ":" or " at the end of the paragraph	268.5(h)(2)(iv)	268.5(h)(2)(iv)	X			
redesignate old 268.5(h)(2)(v) as 268.5(h)(2)(vi); add new paragraph addressing surface impoundments newly subject to RCRA 3006(j)(1); compliance with 265 Subpart F within 12 months and with 265.221(a), (c), and (d) within 48 months; effect of a national capacity variance	268.5(h)(2)(v)	268.5(h)(2)(v)	X			
old 268.5(h)(2)(v) becomes new 268.5(h)(2)(vi)	268.5(h)(2)(vi)	268.5(h)(2)(vi)	X			

WASTE ANALYSIS AND RECORDKEEPING

remove "and" from end of subparagraph	268.7(a)(1)(iii)	268.7(a)(1)(iii)	X			
6 redesignate old 268.7(a)(1)(iv) as 268.7(a)(1)(v); add new subparagraph addressing, for hazardous debris, the contaminants subject to treatment as provided by 268.45(b); statement that must be used	268.7(a)(1)(iv)	268.7(a)(1)(iv)	X			
old 268.7(a)(1)(iv) becomes 268.7(a)(1)(v)	268.7(a)(1)(v)	268.7(a)(1)(v)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add sentence to end addressing generators of hazardous debris that is excluded from the definition of hazardous waste under 261.3(e)(2)	268.7(a)(2)	268.7(a)(2)	X			
remove "and" from end of subparagraph	268.7(a)(3)(iv)	268.7(a)(3)(iv)	X			
7 redesignate old 268.7(a)(3)(v) as 268.7(a)(3)(vi); add new subparagraph addressing, for hazardous debris, the contaminants subject to treatment as provided by 268.45(b); statement which must be used	268.7(a)(3)(v)	268.7(a)(3)(v)	X			
7 old 268.7(a)(3)(v) becomes 268.7(a)(3)(vi)	268.7(a)(3)(vi)	268.7(a)(3)(vi)	X			
8 in two places, replace "tanks or containers" with "tanks, containers, or containment buildings"; before the last sentence, insert a parenthetical sentence addressing generators treating hazardous debris under alternative treatment standards of Table 1, 268.45	268.7(a)(4)	268.7(a)(4)	X			
add clause addressing debris excluded from the hazardous waste definition at 261.3(e), which is subject to notification and certification under 268.7(d)	268.7(b)(4)	268.7(b)(4)	X			
add sentence addressing debris excluded from the definition of hazardous waste under 261.3(e), which is subject to notification and certification under 268.7(d)	268.7(b)(5)	268.7(b)(5)	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
notification and certification requirements for generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under 261.3(e)	268.7(d)	268.7(d)	X			
one-time notification including specified information	268.7(d)(1)	268.7(d)(1)	X			
	268.7(d)(1)(i)	268.7(d)(1)(i)	X			
	268.7(d)(1)(ii)	268.7(d)(1)(ii)	X			
	268.7(d)(1)(iii)	268.7(d)(1)(iii)	X			
when notification must be updated	268.7(d)(2)	268.7(d)(2)	X			
how the owner or operator must document and certify compliance with Table 1, 268.45 treatment standards	268.7(d)(3)	268.7(d)(3)	X			
	268.7(d)(3)(i)	268.7(d)(3)(i)	X			
	268.7(d)(3)(ii)	268.7(d)(3)(ii)	X			
	268.7(d)(3)(iii)	268.7(d)(3)(iii)	X			
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC						
revise paragraph after "no longer hazardous"; place one-time notification and certification in generator's/treater's files and send to EPA region or authorized State; when notification and certification must be updated; annual EPA/State notification if such changes occur, by December 31	268.9(d)	268.9(d)	X			
remove "The" at beginning of subparagraph	268.9(d)(1)(i)	268.9(d)(1)(i)	X			
remove text after "Hazardous Waste Number(s)"; add "and treatability group(s);"	268.9(d)(1)(ii)	268.9(d)(1)(ii)	X			
remove "initial"	268.9(d)(1)(iii)	268.9(d)(1)(iii)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (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 "268.7(b)(5)(1)" with "268.7(b)(5)"	268.9(d)(2)	268.9(d)(2)	X			

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

SURFACE IMPOUNDMENT EXEMPTIONS

defines additional circumstances in which prohibited waste may continue to be placed in a surface impoundment	268.14(a)	268.14(a)	X			
continued storage of "newly identified waste" in newly regulated impoundment for 48 months after the promulgation of the additional listing or characteristic, provided waste is not otherwise prohibited and impoundment is in compliance with 265, Subpart F within 12 months after new listing/characteristic promulgation	268.14(b)	268.14(b)	X			
continue treatment of "newly identified waste" in newly regulated impoundment, provided waste is not otherwise prohibited and surface impoundment is in compliance with 265, Subpart F within 12 months after new listing/characteristic promulgation	268.14(c)	268.14(c)	X			

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS - NEWLY LISTED WASTES

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
effective November 9, 1992, K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, K136, U328, U353 and U359 prohibited from land disposal	268.36(a)	268.36(a)	X			
effective June 30, 1993, F037 and F038 not generated from surface impoundment cleanouts or closures are prohibited from land disposal	268.36(b)	268.36(b)	X			
effective June 30, 1994, F037 and F038 generated from surface impoundment cleanout or closures are prohibited from land disposal	268.36(c)	268.36(c)	X			
effective June 30, 1994, radioactive wastes mixed with specified wastes are prohibited from land disposal	268.36(d)	268.36(d)	X			
effective June 30, 1994, debris contaminated with specified wastes and not contaminated with other prohibited waste are prohibited from land disposal	268.36(e)	268.36(e)	X			
under what circumstances 268.36(b) wastes may be disposed in a landfill or generated and disposed in a surface impoundment	268.36(f)	268.36(f)	X			
under what circumstances 268.36(d) and (e) wastes may be disposed in a landfill or generated and disposed in a surface impoundment	268.36(g)	268.36(g)	X			
under what circumstances 268.36 (a)-(e) do not apply	268.36(h)	268.36(h)	X			
	268.36(h)(1)	268.36(h)(1)	X			
	268.36(h)(2)	268.36(h)(2)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	268.36(h)(3)	268.36(h)(3)	X			
	268.36(h)(4)	268.36(h)(4)	X			
how to determine whether a 268.36 waste exceeds a 268.41 or 268.43 treatment standard; waste prohibited and all Part 268 requirements apply if constituents in excess of applicable levels	268.36(i)	268.36(i)	X			

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

add clause addressing hazardous debris after "268.42(a)"	268.40(b)	268.40(b)	X			
if 268.41 through 268.48 treatment standard established and waste is a hazardous debris, then waste subject to those standards rather than the 268.45 hazardous debris standards	268.40(d)	268.40(d)	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT						
after "exceeded", replace "by" with "in"; after "treatment residual," replace "developed" with "extracted"; replace "Appendix I" with "appendix I"; after "of this part", replace "of" with "for"; remove clause addressing D004, D008, D031, K084, K101, K102, P010, P011, P012, P036 and U136; remove parenthetical sentence; in last sentence, remove "unless otherwise noted in the following Table CCW"	268.41(a)	268.41(a)	X			
amend Table CCWE by revising the "F001-F005 spent solvents" entry; removing entries for "K061 (Low Zinc Subcategory - less than 15% Total Zinc)" and for "K061 (High Zinc Subcategory - greater than 15% Total Zinc) - Effective until August 7, 1991"; and by adding entries for "F037", "F038" and "K061" as shown at 57 FR 37272	268.41(a)/Table CCWE	268.41(a)/Table CCWE	X			
add paragraph addressing treatment standards for constituents in F001-F005 listed in Table CCWE	268.41(c)	268.41(c)	X			
TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES						
add entries for K107, K108, K109, K110, K112, K123, K124, K125, K126, U328, U353 and U359 as shown at 57 FR 37273	268.42/Table 2	268.42/Table 2	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (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>***** Guidance note: 268.42(b) is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this paragraph into their code. *****</p>						
replace "achievable" with "achieved"; after the first occurrence of "(a), (c) and (d) of this section" add "for wastes or specified in Table 1 of §268.45 for hazardous debris"; after the second occurrence of "(a), (c) and (d) of this section" add "for wastes or in Table 1 of §268.45 for hazardous debris"	268.42(b)					

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

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

change the first occurrence of "§268.41, §268.43" to "§§268.41 or 268.43"; change the second occurrence of "§268.41, §268.43" to "§§268.41, 268.43"; add sentence addressing hazardous debris containing radioactive waste	268.42(d)	268.42(d)	X			
TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS						
10 revise entries for F001-F005 spent solvents, K015, K016, K018, K019, K020, K023, K024, K028, K030, K043, K048, K049, K050, K051, K052, K087, K093, K094, U028, U069, U088, U102, U107 and U190; remove U042 entry; add entries for F037, F038, K111, K117, K118, K131, K132 and K136 as shown at 57 <u>FR</u> 37274-37277	268.43/Table CCW	268.43/Table CCW	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
TREATMENT STANDARDS FOR HAZARDOUS DEBRIS						
treatment of hazardous debris prior to land disposal as specified unless EPA determines under 261.3(e)(2) that debris is no longer contaminated with hazardous waste	268.45(a)	268.45(a)	X			
general; treatment for each 268.45(b) contaminant subject to treatment in accordance with 268.45; Table 1	268.45(a)(1)	268.45(a)(1)	X			
characteristic debris; deactivation as specified in 268.45, Table 1	268.45(a)(2)	268.45(a)(2)	X			
mixtures of debris types; standards for each debris type must be achieved; if applicable, immobilization must be used last	268.45(a)(3)	268.45(a)(3)	X			
mixtures of 268.45(b) contaminant types; 268.45, Table 1 treatment for each contaminant must be used; if applicable, immobilization must be used last	268.45(a)(4)	268.45(a)(4)	X			
waste PCBs; hazardous debris subject to both 40 CFR 761 and 268.45 must meet more stringent requirements	268.45(a)(5)	268.45(a)(5)	X			
hazardous debris treated for each "contaminant subject to treatment," determined as follows:	268.45(b)	268.45(b)	X			
toxicity characteristic debris; those EP constituents for which debris exhibits a toxicity characteristic	268.45(b)(1)	268.45(b)(1)	X			

US EPA ARCHIVE DOCUMENT

**RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
debris contaminated with listed waste; constituents for which BDAT standards are established for wastes under 268.41 and 268.43	268.45(b)(2)	268.45(b)(2)	X			
cyanide reactive debris; reactive because of cyanide must be treated for cyanide	268.45(b)(3)	268.45(b)(3)	X			
when hazardous debris that has been treated is not considered a hazardous waste; hazardous debris contaminated with a listed waste that is treated by a Table 1 immobilization technology must be managed in a Subtitle C facility	268.45(c)	268.45(c)	X			
general requirements for treatment residues:	268.45(d)(1)	268.45(d)(1)	X			
separate residue from debris by simple physical or mechanical means;	268.45(d)(1)(i)	268.45(d)(1)(i)	X			
residue is subject to 268 Subpart D waste-specific treatment standards	268.45(d)(1)(ii)	268.45(d)(1)(ii)	X			
residue from nontoxic debris, as specified, must be deactivated; not subject to 268 Subpart D waste-specific treatment standards	268.45(d)(2)	268.45(d)(2)	X			
residue from cyanide-reactive debris must meet 268.43, D003 standards	268.45(d)(3)	268.45(d)(3)	X			
ignitable nonwastewater residue, as specified, must meet technology-based "D001 Ignitable Liquids" standard	268.45(d)(4)	268.45(d)(4)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
layers of debris removed by spalling remain subject to 268.45 treatment standards	268.45(d)(5)	268.45(d)(5)	X			
alternative treatment standards for hazardous debris	268.45/Table 1	268.45/Table 1	X			

ALTERNATIVE TREATMENT STANDARDS BASED ON HTMR

Table 1 identifies alternative treatment standards for F006 and K062 nonwastewaters	268.46	268.46	X			
alternative treatment standards as shown at 57 FR 37281	268.46/Table 1	268.46/Table 1	X			

SUBPART E - PROHIBITIONS ON STORAGE

PROHIBITIONS ON STORAGE OF RESTRICTED WASTES

remove "or" from between "tanks" and "containers"; after containers add "or containment buildings"; insert "and parts 264 and 265" after "262.34"; remove parenthesized sentence	268.50(a)(1)	268.50(a)(1)	X			
remove "or" between "tanks" and "containers" and add "or containment buildings" after "containers"	268.50(a)(2)	268.50(a)(2)	X			

APPENDIX II to PART 268

TREATMENT STANDARDS (AS CONCENTRATIONS IN THE TREATMENT RESIDUAL EXTRACT)

remove table; replace with note indicating that F001-F005 spent solvent waste treatment standards appear in 268.41, 268.42 and 268.43	Appendix II	Appendix II	X			
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS:
THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART B - PERMIT APPLICATION

CONTENTS OF PART A OF THE PERMIT APPLICATION

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (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 hazardous debris, description of debris category(ies) and contaminant category(ies) to be treated, stored or disposed of at facility	270.13(n)	270.13(n)	X			
CONTENTS OF PART B: GENERAL REQUIREMENTS						
insert "and hazardous debris" after "hazardous waste"; insert "of this chapter" after "part 264"	270.14(b)(2)	270.14(b)(2)	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

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

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATIONS AT THE REQUEST OF THE PERMITTEE

replace "of restricted wastes" with ", or in containment buildings"	270.42(e)(3)(ii)(B)	270.42(e)(3)(ii)(B)	X			
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APPENDIX I TO SECTION 270.42

CLASSIFICATION OF PERMIT MODIFICATION

add entry 6 to section I	270.42 Appendix I, I(6)	270.42 Appendix I, I(6)	X			
add new section M	270.42 Appendix I, M	270.42 Appendix I, M	X			

SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

remove "or" before "containers" and insert "or containment buildings" after "containers"; in two places, insert "of this chapter" after "Part 268"	270.72(b)(6)	270.72(b)(6)	X			
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¹ This revision fixes an error in the July 1, 1991 CFR which makes it appear that there are two paragraphs designated as 262.34(a)(2) (see the editorial note in the CFR). Revision Checklist 82 originally inserted the first 262.34(a)(2), 262.34(a)(2)(i), 262.34(a)(2)(ii) and redesignated the old 262.34(a)(2)-(4) as 262.34(a)(3)-(5). However, Revision Checklist 92 redesignated 262.34(a)(3) as 262.34(a)(2), effectively removing the first 262.34(a)(2) and incorporating these requirements into 262.34(a)(1) at 262.34(a)(1)(iii) and (iii)(A)&(B). It was not the Agency's intent to include these requirements both at 262.34(a)(1)(iii)(A)&(B) and at 262.34(a)(2) as is indicated in the July 1, 1991 CFR. The first 262.34(a)(2) in that CFR should not be in the code. Revision Checklist 92 also redesignated 262.34(a)(3)-(5) as 262.34(a)(2)-(4), i.e., returned these subparagraphs to their original numbering prior to the redesignation by Revision Checklist 82. The revision, which is part of Revision Checklist 109, removes the first 262.34(a)(2), returning the code to what was intended by Checklist 92.

² Note that there is an error in the Federal Register; the deadline for the written notice should be February 18, 1993, rather than November 16, 1992 as it appears in the Federal Register, in keeping with the effective date of these provisions, with the preamble to the rule at 57 FR 37215 (second full paragraph in the right-hand column), and with the similar provision under 265.1101(b)(4)(i).

³ Note that there is a typographical error in the Federal Register; "lead" should be "led."

⁴ Note that the Federal Register for this rule introduces an error into the second-to-last sentence of this subparagraph by inserting an extraneous "with" between "§§" and "265.111."

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for
Newly Listed Wastes and Hazardous Debris (cont'd)

- 5 Note there is an error in the Federal Register article for this rule. The phrase "as needed to permit" should read "as needed to prevent."
- 6 Note there is a typographical error in the Federal Register article for this checklist. The instructions preceding 268.7 (on page 57 ER 37270) incorrectly say that 268.7(a)(1)(v) is added. It is a new 268.7(a)(1)(iv) which is added, and the old 268.7(a)(1)(iv) is redesignated as 268.7(a)(1)(v).
- 7 Note that there is a typographical error in the Federal Register article for this checklist. The instructions preceding 268.7 (on page 57 ER 37270) incorrectly say 268.7(a)(3)(vi) is added. It is a new 268.7(a)(3)(v) which is added and the old 268.7(a)(3)(v) is redesignated as 268.7(a)(3)(vi).
- 8 Note that there is a typographical error in the Federal Register article for this checklist; there should be a comma, not a semicolon, after the second occurrence of "containers" in 268.7(a)(4).
- 9 The addition of 268.14 to Federal code means that Subpart B of Part 268 is relevant to the States for the first time. The other sections of code in Subpart B, 268.10 through 268.13, contain the schedule by which EPA must evaluate wastes for land disposal restrictions. As such, States do not need requirements equivalent to 268.10 through 268.13. The surface impoundment exemptions of 268.14, however, address the length of time interim status impoundments can be used to receive or generate newly identified or listed hazardous wastes and resolve the potential conflicts between RCRA §§3004(h)(4), 3004(j)(6) and 3004(j)(11) [see the discussion in the Federal Register for this rule, pp. 37218-37221]. Therefore, States must adopt requirements analogous to 268.14(a)-(c).
- 10 Note there are two different entries in Table CCW for K030. Because there isn't an entry for K043, likely the second "K030" should read "K043." Also, the Federal Register adds an entry for K111, but this is not noted in the revision instructions for the table.

RCRA REVISION CHECKLIST 110

Coke By-Products Listings

57 FR 37284-37306

August 18, 1992

(RCRA Cluster III, HWSA provisions)

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

† EXCLUSIONS

replace "No. K087" with "Nos. K060, K087, K141, K142, K143, K144, K145, K147 and K148"; replace "Section" with "section"; insert comma after "of this part"; replace "tar or are" with "tar, or"; replace "refining process" with "recovery or refining processes, or mixed with coal tar"	261.4(a)(10)	261.4(a)(10)	X			
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SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

add K141-K145, K147 and K148 in alphanumeric order to the subgroup "Coking" as specified at 57 FR 37305	261.32	261.32	X			
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RCRA REVISION CHECKLIST 110

Coke By-Products Listings

57 FR 37284-37306

August 18, 1992

(RCRA Cluster III, HWSA provisions)

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

† EXCLUSIONS

replace "No. K087" with "Nos. K060, K087, K141, K142, K143, K144, K145, K147 and K148"; replace "Section" with "section"; insert comma after "of this part"; replace "tar or are" with "tar, or"; replace "refining process" with "recovery or refining processes, or mixed with coal tar"	261.4(a)(10)	261.4(a)(10)	X			
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SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

add K141-K145, K147 and K148 in alphanumeric order to the subgroup "Coking" as specified at 57 FR 37305	261.32	261.32	X			
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RCRA REVISION CHECKLIST 110: Coke-By-Products Listings (cont'd)

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

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add K141-K145, K147 and K148 in alphanumeric order as specified at 57 <u>FR</u> 37305	261, Appendix VII	261, Appendix VII	X			
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RCRA REVISION CHECKLIST 111

**Burning of Hazardous Waste in Boilers and Industrial Furnaces;
Technical Amendment III
57 FR 38558-38566
August 25, 1992
(RCRA Cluster III, Both HSWA and Non-HSWA provisions)**

Notes: 1) The notice addressed by this checklist makes several technical amendments to the final rule addressed by Revision Checklist 85 (56 FR 7134, February 21, 1991), Revision Checklist 94 (56 FR 32688, July 17, 1991), and Revision Checklist 96 (56 FR 42504, August 27, 1991). These revisions provide clarification and correct unintended consequences of the Boilers and Industrial Furnaces (BIF) rule and its previous corrections.

2) Note that on September 5, 1991 (56 FR 43874; Revision Checklist 98), an administrative stay of the permitting standards as they apply to coke ovens burning certain hazardous wastes was published, affecting the February 21, 1991 (56 FR 7134; Revision Checklist 85) final rule. The changes addressed by that administrative stay are optional. However, the final rule addressed by Revision Checklist 105 (June 22, 1992; 57 FR 27880) removed the September 5, 1991 administrative stay. Thus, States that have adopted the Coke Oven Administrative Stay introduced by Revision Checklist 98 should either remove their analog to the note that follows 266.100(a) or state in their regulations that this stay ends on June 22, 1992.

3) States that are not authorized for Revision Checklists 85, 94 and 96 are strongly encouraged to adopt these present technical corrections and the ones addressed by Revision Checklist 114 (57 FR 44999; September 20, 1992) at the same time the requirements addressed by Revision Checklists 85, 94 and 96 are adopted. States already authorized for the provisions addressed by Revision Checklists 85, 94 and 96 should adopt these present technical corrections, and Revision Checklist 114, as soon as possible. A checklist is available which consolidates all of these checklists into one consolidated Boilers and Industrial Furnaces 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						
insert "followed by an afterburner using controlled flame combustion" after "heat"	260.10 "infrared incinerator"	260.10 "infrared incinerator"	X			
insert "followed by an afterburner using controlled flame combustion" after "heat"	260.10 "plasma arc incinerator"	260.10 "plasma arc incinerator"	X			
SUBPART C - RULEMAKING PETITIONS						
GENERAL						
replace "265" with "266" in the first sentence	260.20(a)	260.20(a)	X			
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						

**RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (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 A - GENERAL						
DEFINITION OF SOLID WASTE						
change "paragraph" to "paragraphs"; insert "and (d)(2)" after "(d)(1)"	261.2(e)(2)(iv)	261.2(e)(2)(iv)	X			
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A - GENERAL						
PURPOSE, SCOPE, AND APPLICABILITY						
change "subparts C, D, F, or G" to "subparts C, F, G, or H"	264.1(g)(2)	264.1(g)(2)	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	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						
change "subparts C, D, F, or G" to "subparts C, F, G, or H"	265.1(c)(6)	265.1(c)(6)	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						
APPLICABILITY						
change "(b), (c), and (d)" to "(b), (c), (d), and (f)"	266.100(a)	266.100(a)	X			
replace "261.111" with "266.111"	266.100(f)	266.100(f)	X			
MANAGEMENT PRIOR TO BURNING						
replace "subparts A through L of part 264, subparts A through L of part 265, and part 270" with "parts 264, 265, and 270"	266.101(c)(1)	266.101(c)(1)	X			
delete "-" from "on-site"; replace "regulation under subparts A through L of part 264, subparts A through L of part 265, and part 270" with "the regulations of parts 264, 265, and 270"; replace "with respect to the storage of" with "applicable to storage units for those storage units that store"	266.101(c)(2)	266.101(c)(2)	X			
INTERIM STATUS STANDARDS FOR BURNERS						
insert "or Adjusted Tier I" after "Tier I"; insert "," after the second "(e)"	266.103(b)(2)(ii)	266.103(b)(2)(ii)	X			

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RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
insert "or Adjusted Tier I" after "Tier I"; replace "feedstream" with "feed stream"	266.103(b)(2)(iii)	266.103(b)(2)(iii)	X			
insert ", unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under §266.106(b) or (e)" after "feed"	266.103(b)(3)(ii)(B)	266.103(b)(3)(ii)(B)	X			
insert ", unless complying with the Tier I or Adjusted Tier I feed rate screening limits for chlorine under § 266.107 (b)(1) or (e) and for all metals under § 266.106 (b) or (e), and the uncontrolled particulate emissions do not exceed the standard under § 266.105" after "product"	266.103(b)(3)(v)	266.103(b)(3)(v)	X			
2 insert "or as otherwise specified" after "section"; insert "of §§ 266.104(b) through (e), 266.105, 266.106, 266.107 and 266.103(a)(5)(i)(D)" after "emission standards"	266.103(c)(1)	266.103(c)(1)	X			
replace text after "except that" with ":	266.103(c)(1)(ii)(A)	266.103(c)(1)(ii)(A)	X			
add new subparagraph addressing operating limits for facilities that comply with Tier I or Adjusted Tier I metals feed rate screening limits	266.103(c)(1)(ii)(A)(I)	266.103(c)(1)(ii)(A)(I)	X			

**RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new subparagraph addressing metal concentration limits for industrial furnaces that must comply with alternative metals implementation approach under 266.103(c)(3)(ii)	266.103(c)(1)(ii)(A)(2)	266.103(c)(1)(ii)(A)(2)	X			
3 delete ":", add "(unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106 (b) or (e));"	266.103(c)(1)(ii)(C)	266.103(c)(1)(ii)(C)	X			
4 replace "," with "," and add phrase addressing the operating limits for facilities that comply with Tier I or Adjusted Tier I feed rate screening limits	266.103(c)(1)(iii)	266.103(c)(1)(iii)	X			
4 replace "," with "," and add phrase addressing compliance with Tier I or Adjusted Tier I feed rate screening limits	266.103(c)(1)(vi)	266.103(c)(1)(vi)	X			
before "266.104(c)," replace "§§" with "§"; add sentence addressing owners and operators of facilities electing to comply with 266.104(f) alternative hydrocarbon provision and requesting a 266.103(c)(7)(ii)(B) time extension;	266.103(c)(5)	266.103(c)(5)	X			
replace "owner and operator request" with "owner or operator requests"; replace "them to" with "the facility to comply with the alternative hydrocarbon provisions of § 266.104(f) and"	266.103(c)(7)(ii)(B)	266.103(c)(7)(ii)(B)	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (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 TO CONTROL ORGANIC EMISSIONS						
replace initial "The" with "When the baseline HC (and CO) level is determined, the"; replace "when the baseline HC (and CO) level is determined" at end of sentence with a phrase regarding normal products, operating conditions, feedstocks and fuels; remove "(and CO)" after the second occurrence of "HC"; insert "HC" after "rolling average"; after "hazardous waste," replace phrase regarding normal operating conditions, feedstocks and fuels with phrase regarding adjustment for hydrocarbon level variability under good operating conditions; before last sentence, add sentence addressing baseline CO level determination; in last sentence, replace "may" with "must" and "different" with "lower"	266.104(f)(1)	266.104(f)(1)	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
STANDARDS TO CONTROL METALS EMISSIONS						
remove parentheses around "and Tier II"; add "either" after "comply with"; at end of subparagraph, add phrase addressing adjusted Tier I limits	266.106(b)(7)	266.106(b)(7)	X			
in title, insert "and Adjusted Tier I"; add sentence addressing applicability of this paragraph	266.106(d)	266.106(d)	X			
5 remove "," after "each metal" and insert ". In addition, conformance with either the Tier III or Adjusted Tier I metals controls must be demonstrated by"	266.106(d)(1)	266.106(d)(1)	X			
replace the equation as shown at 57 FR 38566	266.106(d)(3)	266.106(d)(3)	X			
after "testing", add parenthetical phrase regarding facilities complying with Adjusted Tier I controls	266.106(d)(5)	266.106(d)(5)	X			
STANDARDS TO CONTROL HYDROGEN CHLORIDE (HCl) AND CHLORINE GAS (Cl₂) EMISSIONS						
replace "(b) or (c)" with "(b), (c), or (e)"	266.107(a)	266.107(a)	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
 Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
SMALL QUANTITY ON-SITE BURNER EXEMPTION						
replace equation as shown at 57 FR 38566	266.108(c)	266.108(c)	X			
REGULATION OF RESIDUES						
replace "concentrations" with "concentration"; insert "each" before "nonmetal toxic"; replace "constituents" with "constituent"; replace "levels" with "level"; at the end of the first sentence add phrase regarding level of detection	266.112(b)(2)(i)	266.112(b)(2)(i)	X			
APPENDIX IX TO PART 266						
METHODS MANUAL FOR COMPLIANCE WITH THE BIF REGULATIONS						
in footnote 1, replace "EPA-450/2-78-027" with "EPA-450/2-78-027R"	Appendix IX/Section 5.0/Table 5.0-3.	3(b)(2)	X			
6 in the title, replace "ISCT PREDICATED" with "ISCST PREDICTED" and replace " $\mu\text{G}/\text{M}^3$ " with " $\mu\text{g}/\text{m}^3$ "	Appendix IX/Section 5.0/Table 5.0-4.	3(b)(2)	X			
6 in the title, replace "ISCT PREDICATED" with "ISCST PREDICTED" and replace " $\mu\text{G}/\text{M}^3$ " with " $\mu\text{g}/\text{m}^3$ "	Appendix IX/Section 5.0/Table 5.0-5.	3(b)(2)	X			
in first paragraph, add reference to footnote "1" after "(EPA 1986)"; in footnote 1, replace "EPA-450/2-78-027" with "EPA-450/2-78-027R"; in third paragraph, replace "Auer 3978" with "Auer 1978"	Appendix IX/Section 6.0, Subsection 6.1	3(b)(2)	X			

¹ This rule corrects an error in the September 5, 1991 rule (56 FR 43874, Revision Checklist 98) by replacing the reference to "(f)" that was erroneously removed.

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

- 2 Note that this rule erroneously changes "266.103(a)(5)(i)(D)" to "266.103(a)(5)(I)(D)." We have used the correct citation in this checklist.
- 3 Note that there is an error in the Federal Register article for this rule. There should be an additional closing parenthesis after "(e)" to complete the parenthetical phrase.
- 4 Note that the Federal Register incorrectly ends these revised paragraphs with periods, rather than leaving the original semicolons. This is inconsistent with the structure of the surrounding subparagraphs.
- 5 Note that there is an error in the Federal Register article for this rule. The phrase "dispersion modeling to predict the maximum annual average off-site ground level contamination for each" appears twice but should only occur once.
- 6 Note that there are errors in the Federal Register article for this rule. The original titles for these tables in the July 17, 1991 rule (56 ER 32688, Revision Checklist 94) read " $\mu\text{G}/\text{M}^3$ ", not " $8\text{G}/\text{M}^3$ " as indicated in the corrections numbered 11 and 12 on page 38566 of the current rule. The " $8\text{G}/\text{M}^3$ ", however, appears in the 1991 and 1992 CFRs and is incorrect. Note also that the " $\mu\text{G}/\text{M}^3$ " in the July 17, 1991, Federal Register article and the " $8\text{G}/\text{M}^3$ " in the 1991 and 1992 CFRs should be " $\mu\text{g}/\text{m}^3$ " rather than " g/m^3 " as shown at 57 ER 38566 (August 25, 1992). The error was corrected by Revision Checklist 114 (57 ER 44999; September 30, 1992).

RCRA REVISION CHECKLIST 112

Recycled Used Oil Management Standards

57 FR 41566-41626

September 10, 1992

(RCRA Cluster III, both HSWA and non-HSWA provisions)

Notes:

- 1) The rule addressed by this checklist promulgates a final listing decision for used oils that are recycled and finalizes standards for the management of used oil under RCRA § 3014, now codified in a new Part 279 of Chapter 40. These management standards cover used oil generators, transporters, processors and re-refiners, burners, and marketers. EPA is continuing to evaluate the potential hazards associated with the management of used oil.
- 2) On May 3, 1993, a final rule (58 FR 26420; Revision Checklist 122) was published, which amended the September 10, 1992 rule. In addition, the May rule also redesignates certain provisions as HSWA (the September 10, 1992 rule designated all provisions as non-HSWA). After publication of the September 10, 1992 rule, EPA realized that its position, making all provisions of that rule non-HSWA, was arguably inconsistent with statements made in the preamble of the November 29, 1985 rule (50 FR 49201; Revision Checklist 19) which promulgated 266, Subpart E. Those provisions were issued under HSWA authority and are recodified in certain portions of Part 279 (specifically, 279.10, 279.11 and portions of 279.1 and Subparts G and H of Part 279) by the September 10, 1992 rule. As such, these provisions were redesignated as HSWA provisions by the May 3, 1993 rule (see p. 58 FR 26424 for the 271.26 table outlining these provisions). Those provisions designated as HSWA by that rule are identified by "◆" (diamond symbol) in this checklist.
- 3) On March 4, 1994 EPA published a final rule (59 FR 10550; Revision Checklist 130) which provided clarifying amendments to the September 10, 1992 final rule, expanded the exemption from the Part 279 requirements to other petroleum refinery applications and corrected an error in the May 3, 1993 final rule. Revision Checklist 130 will be part of SPA 15. Because Revision Checklists 122 and 130 amend or in some cases supercede requirements addressed by Revision Checklist 112, EPA strongly encourages States to apply for Revision Checklists 112, 122 and 130 at the same time. To help States apply for these checklists concurrently, a checklist which consolidates the provisions for these three checklists will be available shortly after Revision Checklist 130 is available. States that choose to apply for the consolidated version of the recycled used oil management standards will have until the due date for Revision Checklist 130 to make these amendments.

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B - DEFINITIONS						
DEFINITIONS						
add, in alphabetical order, definition of "used oil"	260.10	260.10	X			

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF HAZARDOUS WASTE						
used oil containing >1000 ppm total halogens presumed to be hazardous waste; presumption may be rebutted by demonstrating that the used oil does not contain hazardous waste; example from SW-846; where SW-846 may be obtained	261.3(a)(2)(v)	261.3(a)(2)(v)	X			
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling agreement, to reclaim metalworking oils/fluids; presumption does apply to metal working oils/fluids if such oils/fluids are recycled in any other manner or disposed	261.3(a)(2)(v)(A)	261.3(a)(2)(v)(A)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation; rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	261.3(a)(2)(v)(B)	261.3(a)(2)(v)(B)	X			
SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS						
replace "subpart E of part 266" with "subpart G of part 279"	261.5(j)	261.5(j)	X			
REQUIREMENTS FOR RECYCLABLE MATERIALS						
remove 261.6(a)(2)(iii); redesignate 261.6(a)(2)(iv) and (v) as 261.6(a)(2)(iii) and (iv)	261.6(a)(2)(iii)	261.6(a)(2)(iii)	X			
	261.6(a)(2)(iv)	261.6(a)(2)(iv)	X			
	261.6(a)(2)(v)	261.6(a)(2)(v)	X			
remove 261.6(a)(3)(iii); redesignate 261.6(a)(3)(iv)-(viii) as 261.6(a)(3)(iii)-(vii)	261.6(a)(3)(iii)	261.6(a)(3)(iii)	X			
	261.6(a)(3)(iv)	261.6(a)(3)(iv)	X			
	261.6(a)(3)(v)	261.6(a)(3)(v)	X			
	261.6(a)(3)(vi)	261.6(a)(3)(vi)	X			
	261.6(a)(3)(vii)	261.6(a)(3)(vii)	X			
	261.6(a)(3)(viii)	261.6(a)(3)(viii)	X			
used oil that is recycled and is hazardous waste solely because it exhibits a characteristic is not subject to Parts 260-268 but is regulated under Part 279; definition of used oil that is recycled	261.6(a)(4)	261.6(a)(4)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
SUBPART E - USED OIL BURNED FOR ENERGY RECOVERY						
remove and reserve Subpart E	266.40-266.44	266.40-266.44	X			
SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES						
APPLICABILITY						
substitute "part 279 of this chapter" for "subpart E of part 266 rather than this subpart"	266.100(b)(1)	266.100(b)(1)	X			
PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL						
SUBPART A - DEFINITIONS						
DEFINITIONS						
terms defined in sections 260.10, 261.1 and 280.12 have same meanings in Part 279	279.1	279.1	X			
"aboveground tank"	279.1	279.1	X			
"container"	279.1	279.1	X			
"do-it-yourselfer used oil collection center"	279.1	279.1	X			
"existing tank"	279.1	279.1	X			
"household 'do-it-yourselfer' used oil"	279.1	279.1	X			
"household 'do-it-yourselfer' used oil generator"	279.1	279.1	X			
"new tank"	279.1	279.1	X			
"processing"	279.1	279.1	X			
"re-refining distillation bottoms"	279.1	279.1	X			
"tank"	279.1	279.1	X			
◆ "used oil"	279.1	279.1	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
"used oil aggregation point"	279.1	279.1	X			
◆ "used oil burner"	279.1	279.1	X			
"used oil collection center"	279.1	279.1	X			
◆ "used oil fuel marketer"	279.1	279.1	X			
"used oil generator"	279.1	279.1	X			
1 "used oil processor/ re-refiner"	279.1	279.1	X			
"used oil transfer facility"	279.1	279.1	X			
"used oil transporter"	279.1	279.1	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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

SUBPART B - APPLICABILITY

APPLICABILITY						
section identifies materials subject to regulation as used oil under Part 279; also identifies some materials which are not so regulated and indicates if subject to Parts 260-266, 268, 270 and 124	279.10	279.10	X			
EPA presumes used oil is to be recycled unless used oil handler disposes of it or sends it for disposal; except as provided in 279.11, used oil is subject to regulation under Part 279, regardless of whether it exhibits a 261 Subpart C characteristic	279.10(a)	279.10(a)	X			
mixtures of used oil and hazardous waste	279.10(b)	279.10(b)	X			
listed hazardous waste	279.10(b)(1)	279.10(b)(1)	X			
mixtures of used oil and hazardous waste listed in 261 Subpart D subject to regulation as hazardous waste under Parts 260-266, 268, 270 and 124 rather than as used oil under Part 279	279.10(b)(1)(i)	279.10(b)(1)(i)	X			
used oil containing >1000 ppm total halogens presumed to be hazardous waste; presumption may be rebutted by demonstrating that the used oil does not contain hazardous waste; example from SW-846; where to obtain SW-846	279.10(b)(1)(ii)	279.10(b)(1)(ii)	X			

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**RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.10(b)(1)(ii)(A)	279.10(b)(1)(ii)(A)	X			
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation; presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.10(b)(1)(ii)(B)	279.10(b)(1)(ii)(B)	X			
♦ mixtures of used oil and hazardous waste that exhibit a 261, Subpart C hazardous waste characteristic are subject to:	279.10(b)(2)	279.10(b)(2)	X			
♦ except as 279.10(b)(2)(iii) provides, regulation under Parts 260-266, 268, 270 and 124 if mixture exhibits any 261, Subpart C hazardous waste characteristics	279.10(b)(2)(i)	279.10(b)(2)(i)	X			
♦ if the mixture does not exhibit any 261, Subpart C hazardous waste characteristics, it is regulated under Part 279	279.10(b)(2)(ii)	279.10(b)(2)(ii)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
◆,2 mixture is regulated under Part 279 if waste mixed with oil is hazardous solely because it exhibits the characteristic of ignitability and is not listed in 261, Subpart D, provided mixture does not exhibit the 261.21 characteristic of ignitability	279.10(b)(2)(iii)	279.10(b)(2)(iii)	X			
◆ mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under 261.5 are subject to regulation as used oil under Part 279	279.10(b)(3)	279.10(b)(3)	X			
mixtures of used oil and non-hazardous solid waste are subject to regulation as used oil under Part 279	279.10(c)	279.10(c)	X			
mixtures of used oil with products	279.10(d)	279.10(d)	X			
except as provided in 279.10(d)(2), mixtures of used oil and fuels or other products are subject to Part 279	279.10(d)(1)	279.10(d)(1)	X			
used oil and diesel fuel mixed on-site by the generator for use in the generator's own vehicles not subject to Part 279 after mixing; prior to mixing used oil is subject to 279, Subpart C	279.10(d)(2)	279.10(d)(2)	X			
materials derived from used oil	279.10(e)	279.10(e)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
materials reclaimed from used oil that are used beneficially and not burned for energy recovery or used in a manner constituting disposal are:	279.10(e)	279.10(e)	X			
not used oil and not subject to Part 279	279.10(e)(1)(i)	279.10(e)(1)(i)	X			
not solid wastes and not subject to Parts 260-266, 268, 270 and 124	279.10(e)(1)(ii)	279.10(e)(1)(ii)	X			
materials produced from used oil burned for energy recovery are subject to Part 279	279.10(e)(2)	279.10(e)(2)	X			
except as provided in 279.10(e)(4), materials derived from used oil that are disposed of or used in a manner constituting disposal are:	279.10(e)(3)	279.10(e)(3)	X			
not used oil and not subject to Part 279	279.10(e)(3)(i)	279.10(e)(3)(i)	X			
are solid waste and are subject to Parts 260-266, 268, 270 and 124 if the materials are identified as hazardous waste	279.10(e)(3)(ii)	279.10(e)(3) ii)	X			
re-refining distillation bottoms used as feedstock to manufacture asphalt products are:	279.10(e)(4)	279.10(e)(4)	X			
not subject to Part 279 at this time	279.10(e)(4)(i)	279.10(e)(4)(i)	X			
not subject to Parts 260-266, 268, 270 and 124 at this time	279.10(e)(4)(ii)	279.10(e)(4)(ii)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
CWA, Section 402 or 307(b), wastewater contaminated with <i>de minimis</i> quantities of used oil not subject to Part 279; definition of <i>de minimis</i> ; exception does not apply if used oil is discarded as result of abnormal manufacturing operations resulting in substantial releases or to used oil recovered from wastewaters	279.10(f)	279.10(f)	X			
3 used oil placed directly into a crude oil or natural gas pipeline is subject to Part 279 management standards prior to placement; exempt from requirements of Part 279 after pipeline introduction	279.10(g)	279.10(g)	X			
used oil produced on vessels from normal shipboard operations is not subject to Part 279 until it is transported ashore	279.10(h)	Not applicable, Arkansas is an inland state.				
PCB-contaminated used oil regulated under 40 CFR Part 761 is exempt from Part 279	279.10(i)	279.10(i)	X			

USED OIL SPECIFICATIONS

♦ used oil burned for energy recovery and fuel produced from treatment of used oil is subject to Part 279 unless it is shown not to exceed allowable levels of specific constituents and properties in Table 1; once used oil no longer exceeds specifications and there is compliance with 279.72, 279.73 & 279.74(b), then not subject to Part 279	279.11	279.11	X			
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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
◆ "Used Oil Not Exceeding Any Specification Level Is Not Subject to This Part When Burned for Energy Recovery"; lists constituents/properties and allowable levels	279.11, Table 1	279.11, Table 1	X			
PROHIBITIONS						
used oil shall not be managed in surface impoundments or waste piles unless those units are subject to Part 264 or 265	279.12(a)	279.12(a)	X			
use of used oil as a dust suppressant is prohibited, except in States listed in 279.82(c)	279.12(b)	279.12(b)	X			
off-specification used oil fuel may be burned in:	279.12(c)	279.12(c)	X			
industrial furnaces identified in 260.10	279.12(c)(1)	279.12(c)(1)	X			
specific boilers:	279.12(c)(2)	279.12(c)(2)	X			
industrial boilers on the site of a facility engaged in a manufacturing process where substances are transformed into new products by mechanical or chemical processes	279.12(c)(2)(i)	279.12(c)(2)(i)	X			
utility boilers used to produce electric power, steam, heated or cooled air, or gases or fluids for sale	279.12(c)(2)(ii)	279.12(c)(2)(ii)	X			
used oil-fired space heaters if burner meets 279.23 provisions	279.12(c)(2)(iii)	279.12(c)(2)(iii)	X			

SUBPART C - STANDARDS FOR USED OIL GENERATORS

APPLICABILITY

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
definition of used oil generator; 279 Subpart C applies to all used oil generators except:	279.20(a)	279.20(a)	X			
household "do-it-yourselfer" used oil generators	279.20(a)(1)	279.20(a)(1)	X			
vessels, until the used oil is transported ashore; definition of co-generators; decision as to which party will fulfill Part 279 requirements	279.20(a)(2)	279.20(a)(2)	X			
diesel fuel and used oil mixed by the used oil generator for use in generator's own vehicles, after mixing; prior to mixing, the used oil is subject to Part 279	279.20(a)(3)	279.20(a)(3)	X			
farmers who generate an average of ≤25 gallons per month from vehicles or machinery used on the farm in a calendar year	279.20(a)(4)	279.20(a)(4)	X			
used oil generators who conduct specific activities are subject to the requirements of other applicable provisions of Part 279	279.20(b)	279.20(b)	X			
except under 279.24(a)&(b), generators who transport used oil must also comply with Subpart E of Part 279	279.20(b)(1)	279.20(b)(1)	X			
generators who process or re-refine used oil must also comply with Subpart F of Part 279	279.20(b)(2)	279.20(b)(2)	X			

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**RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
generators who burn off-specification used oil for energy recovery, except under 279.23, must also comply with Subpart G of Part 279	279.20(b)(3)	279.20(b)(3)	X			
generators who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets 279.11 specifications must also comply with Subpart H of Part 279	279.20(b)(4)	279.20(b)(4)	X			
generators who dispose of used oil must also comply with Subpart I of Part 279	279.20(b)(5)	279.20(b)(5)	X			
HAZARDOUS WASTE MIXING						
generators shall not mix hazardous waste with used oil except as provided by 279.10(b)(2)(ii)&(iii)	279.21(a)	279.21(a)	X			
the rebuttable presumption of 279.10(b)(1)(ii) applies to used oil managed by generators; used oil containing >1,000 ppm total halogens is presumed to be hazardous and must be managed as such; does not apply to certain metalworking oils/fluids and certain used oils removed from refrigeration units	279.21(b)	279.21(b)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
USED OIL STORAGE						
wastewaters containing <i>de minimis</i> quantities of used oil not subject to Part 279; used oil generators are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) and Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the Part 279, Subpart C requirements	279.22	279.22	X			
used oil generators may not store used oil in units other than tanks, containers, or units subject to Part 264 or 265	279.22(a)	279.22(a)	X			
containers and aboveground tanks used to store used oil must be:	279.22(b)	279.22(b)	X			
in good condition	279.22(b)(1)	279.22(b)(1)	X			
not leaking	279.22(b)(2)	279.22(b)(2)	X			
labels	279.22(c)	279.22(c)	X			
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.22(c)(1)	279.22(c)(1)	X			
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.22(c)(2)	279.22(c)(2)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a generator must perform these cleanup steps:	279.22(d)	279.22(d)	X			
stop the release	279.22(d)(1)	279.22(d)(1)	X			
contain the released used oil	279.22(d)(2)	279.22(d)(2)	X			
clean up and properly manage the released used oil and other materials	279.22(d)(3)	279.22(d)(3)	X			
repair or replace any leaking used oil storage containers or tanks prior to returning them to service	279.22(d)(4)	279.22(d)(4)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
ON-SITE BURNING IN SPACE HEATERS						
♦ generators may burn used oil in used oil-fired space heaters if:	279.23(a)	279.23(a)	X			
♦ the heater burns only used oil generated by the owner/operator or received from household do-it-yourself used oil generators	279.23(a)	279.23(a)	X			
♦ the heater is designed to have a maximum capacity ≤0.5 million Btu/hour	279.23(b)	279.23(b)	X			
♦ the combustion gases are vented to the ambient air	279.23(c)	279.23(c)	X			
OFF-SITE SHIPMENTS						
except as provided in 279.24(a)-(c), generators must ensure their used oil is transported only by transporters with EPA ID numbers	279.24	279.24	X			
generators, without an EPA ID number, may transport used oil generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center if:	279.24(a)	279.24(a)	X			
the generator transports the used oil in a vehicle owned by the generator or by an employee of the generator	279.24(a)(1)	279.24(a)(1)	X			
≤55 gallons is transported at any time	279.24(a)(2)	279.24(a)(2)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
the used oil is transported to a used oil collection center that is registered, licensed, permitted or recognized by a state/county/municipal government to manage used oil	279.24(a)(3)	279.24(a)(3)	X			
generators, without an EPA ID number, may transport used oil generated at the generator's site to an aggregation point if:	279.24(b)	279.24(b)	X			
the generator transports the used oil in a vehicle owned by the generator or by an employee of the generator	279.24(b)(1)	279.24(b)(1)	X			
≤55 gallons is transported at any time	279.24(b)(2)	279.24(b)(2)	X			
the generator transports the used oil to an aggregation point owned and/or operated by the same generator	279.24(b)(3)	279.24(b)(3)	X			
used oil generators may arrange for used oil to be transported by a transporter without an EPA ID number if the used oil is reclaimed under a contractual agreement ("tolling arrangement") pursuant to which the reclaimed oil is returned by the processor/re-refiner to the generator for use as a lubricant, cutting oil or coolant; what the tolling arrangement must indicate:	279.24(c)	279.24(c)				
type of used oil and frequency of shipments	279.24(c)(1)	279.24(c)(1)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
that the vehicle used to transport the used oil to the processing/re-refining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor/re-refiner	279.24(c)(2)	279.24(c)(2)	X			
reclaimed oil will be returned to the generator	279.24(c)(3)	279.24(c)(3)	X			

SUBPART D - STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

DO-IT-YOURSELFER USED OIL COLLECTION CENTERS

section applies to owners/operators of do-it-yourselfer (DIY) used oil collection centers; definition of DIY used oil collection center	279.30(a)	279.30(a)	X			
owners/operators of DIY used oil collection centers must comply with the generator standards in Subpart C of Part 279	279.30(b)	279.30(b)	X			

USED OIL COLLECTION CENTERS

section applies to owners/operators of used oil collection centers; definition of used oil collection center; such centers may accept used oil from household DIYs	279.31(a)	279.31(a)	X			
owners/operators must:	279.31(b)	279.31(b)	X			
comply with the generator standards in Subpart C of Part 279	279.31(b)(1)	279.31(b)(1)	X			
be registered/licensed/permitted/recognized by a state/county/municipal government to manage used oil	279.31(b)(2)	279.31(b)(2)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
USED OIL AGGREGATION POINTS OWNED BY THE GENERATOR						
section applies to owners/operators of used oil aggregation points; definition of used oil aggregation point; such points may accept oil from household DIYs	279.32(a)	279.32(a)	X			
owners/operators must comply with the generator standards in Subpart C of Part 279	279.32(b)	279.32(b)	X			
SUBPART E - STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES						
APPLICABILITY						
definition of used oil transporters; Subpart E of Part 279 applies to all used oil transporters except:	279.40(a)	279.40(a)	X			
on-site transportation	279.40(a)(1)	279.40(a)(1)	X			
generators who transport ≤ 55 gallons from the generator to a used oil collection center	279.40(a)(2)	279.40(a)(2)	X			
generators who transport ≤ 55 gallons from the generator to a used oil aggregation point owned or operated by the same generator	279.40(a)(3)	279.40(a)(3)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
those who transport used oil generated by household do-it-yourselfers from the initial generator to a regulated used oil generator, collection center, aggregation point, processor/re-refiner, or burner subject to Part 279; Subpart E of Part 279 applies to transportation of collected household DIY used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household DIY used oil is collected	279.40(a)(4)	279.40(a)(4)	X			
transporters who import or export used oil are subject to Part 279, Subpart E whenever the used oil is in the United States	279.40(b)	279.40(b)	X			
used oil transported in a truck previously used to transport hazardous waste must be managed as hazardous waste unless the truck has been emptied, prior to transport, as described in 261.7 or the waste/oil mixture is determined under 279.10(b) not to be hazardous waste	279.40(c)	279.40(c)	X			
specific used oil transporters are subject to additional provisions of Part 279 as follows:	279.40(d)	279.40(d)	X			
transporters who generate used oil must also comply with Subpart C of Part 279	279.40(d)(1)	279.40(d)(1)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
except as 279.41 provides, transporters who process or re-refine used oil must also comply with Subpart F of Part 279	279.40(d)(2)	279.40(d)(2)	X			
transporters who burn off-specification used oil for energy recovery must also comply with Subpart G of Part 279	279.40(d)(3)	279.40(d)(3)	X			
4 transporters must also comply with Subpart H of Part 279 if they direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets used oil fuel specifications of 279.11	279.40(d)(4)	279.40(d)(4)	X			
transporters who dispose of used oil must also comply with Subpart I of Part 279	279.40(d)(5)	279.40(d)(5)	X			
RESTRICTIONS ON TRANSPORTERS WHO ARE NOT ALSO PROCESSORS OR RE-REFINERS						
used oil transporters may consolidate or aggregate loads of used oil for transport; except as 279.41(b) provides, used oil transporters may not process used oil unless they also comply with the requirements for processors/re-refiners in Subpart F of Part 279	279.41(a)	279.41(a)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
transporters may conduct processing operations incidental to transport, but not designed to produce used oil derived products, unless the transporter also complies with the processor/re-refiner requirements in Subpart F of Part 279	279.41(b)	279.41(b)	X			
NOTIFICATION						
used oil transporters who have not previously done so must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.42(a)	279.42(a)			X	
a used oil transporter without an EPA ID number may obtain one by submitting either:	279.42(b)	279.42(b)			X	
a completed EPA Form 8700-12; or	279.42(b)(1)	279.42(b)			X	

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**RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
a letter requesting an EPA ID number; what the letter should include	279.42(b)(2)	279.42(b)			X	
	279.42(b)(2)(i)	279.42(b)			X	
	279.42(b)(2)(ii)	279.42(b)			X	
	279.42(b)(2)(iii)	279.42(b)			X	
	279.42(b)(2)(iv)	279.42(b)			X	
	279.42(b)(2)(v)	279.42(b)			X	
	279.42(b)(2)(vi)	279.42(b)			X	
	279.42(b)(2)(vii)	279.42(b)			X	
USED OIL TRANSPORTATION						
a used oil transporter must deliver all used oil received to:	279.43(a)	279.43(a)	X			
another used oil transporter with an EPA ID number	279.43(a)(1)	279.43(a)(1)	X			
a used oil processing/ re-refining facility with an EPA ID number	279.43(a)(2)	279.43(a)(2)	X			
an off-specification used oil burner facility with an EPA ID number	279.43(a)(3)	279.43(a)(3)	X			
an on-specification used oil burner facility	279.43(a)(4)	279.43(a)(4)	X			
used oil transporters must comply with all applicable requirements of the U.S. Dept. of Transportation under 49 CFR Parts 173, 178 and 179, as well as 49 CFR Parts 100-177 if used oil meets criteria as combustible or flammable liquid	279.43(b)	279.43(b)	X			
used oil discharges	279.43(c)	279.43(c)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if there is a discharge during transport, the transporter must immediately take appropriate action to protect human health and the environment	279.43(c)(1)	279.43(c)(1)	X			
if an official appropriately determines that the used oil must be removed immediately to protect human health and the environment and authorizes the transport, transporters without EPA ID numbers may remove used oil discharged during transport	279.43(c)(2)	279.43(c)(2)	X			
an air, rail, highway or water transporter who has discharged used oil must:	279.43(c)(3)	279.43(c)(3)	X			
5 give notice, if required by 49 CFR 171.15, to the National Response Center	279.43(c)(3)(i)	279.43(c)(3)(i)	X			
report in writing to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Dept. of Transportation	279.43(c)(3)(ii)	279.43(c)(3)(ii)	X			
a water transporter who has discharged used oil must give notice as required by 33 CFR 153.203	279.43(c)(4)	279.43(c)(4)	X			
6 a transporter must clean up any used oil discharged during transport or take action required or approved by government officials so that the used oil discharge no longer presents a hazard to human health or the environment	279.43(c)(5)	279.43(c)(5)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
REBUTTABLE PRESUMPTION FOR USED OIL						
7 used oil transporter must determine whether total halogen content of used oil transported or stored is above or below 1,000 ppm	279.44(a)	279.44(a)	X			
transporter must determine this by:	279.44(b)	279.44(b)	X			
testing the used oil; or	279.44(b)(1)	279.44(b)(1)	X			
applying knowledge of the halogen content of the used oil in light of the materials or processes used	279.44(b)(2)	279.44(b)(2)	X			
used oil containing ≥ 1000 ppm total halogens is presumed to be hazardous waste; presumption may be rebutted by demonstrating that the used oil does not contain hazardous waste; SW-846 example; where to obtain SW-846	279.44(c)	279.44(c)	X			
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling agreement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.44(c)(1)	279.44(c)(1)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption applies to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.44(c)(2)	279.44(c)(2)	X			
transporter must maintain records of analyses or information used to comply with 279.44(a), (b) & (c) for at least 3 years	279.44(d)	279.44(d)	X			

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**RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
USED OIL STORAGE AT TRANSFER FACILITIES						
8 wastewaters containing with <i>de minimis</i> quantities of used oil not subject to Part 279; used oil transporters are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112); transporters are subject to Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the Part 279, Subpart D requirements	279.45	279.45	X			
9 section applies to used oil transfer facilities; definition of used oil transfer facilities; transfer facilities that store used oil for more than 35 days subject to regulation under Subpart F of Part 279	279.45(a)	279.45(a)	X			
used oil may not be stored in units other than tanks, containers, or units subject to regulation under Part 264 or 265	279.45(b)	279.45(b)	X			
containers and aboveground tanks must be:	279.45(c)	279.45(b)	X			
in good condition	279.45(c)(1)	279.45(c)(1)	X			
not leaking	279.45(c)(2)	279.45(c)(2)	X			
containers must have a secondary containment system	279.45(d)	279.45(d)	X			
	279.45(d)(1)	279.45(d)(1)	X			
secondary containment system must, at a minimum, include	279.45(d)(1)(i)	279.45(d)(1)(i)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	279.45(d)(1)(ii)	279.45(d)(1)(ii)	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.45(d)(2)	279.45(d)(2)	X			
existing aboveground tanks must have a secondary containment system	279.45(e)	279.45(e)	X			
what the secondary containment system must, at a minimum, include	279.45(e)(1)	279.45(e)(1)	X			
	279.45(e)(1)(i)	279.45(e)(1)(i)	X			
	279.45(e)(1)(ii)	279.45(e)(1)(ii)	X			
	279.45(e)(1)(iii)	279.45(e)(1)(iii)	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.45(e)(2)	279.45(e)(2)	X			
new aboveground tanks must have a secondary containment system	279.45(f)	279.45(f)	X			
	279.45(f)(1)	279.45(f)(1)	X			
	279.45(f)(1)(i)	279.45(f)(1)(i)	X			
	279.45(f)(1)(ii)	279.45(f)(1)(ii)	X			
what the secondary containment system must, at a minimum, include	279.45(f)(1)(iii)	279.45(f)(1)(iii)	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.45(f)(2)	279.45(f)(2)	X			
labels	279.45(g)	279.45(g)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.45(g)(1)	279.45(g)(1)	X			
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.45(g)(2)	279.45(g)(2)	X			
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, the owner/operator must perform these cleanup steps:	279.45(h)	279.45(h)	X			
stop the release	279.45(h)(1)	279.45(h)(1)	X			
contain the released used oil	279.45(h)(2)	279.45(h)(2)	X			
clean up and properly manage the released used oil and other materials	279.45(h)(3)	279.45(h)(3)	X			
repair or replace any leaking used oil storage containers or tanks prior to returning them to service	279.45(h)(4)	279.45(h)(4)	X			

TRACKING

used oil transporters must keep a record of each used oil shipment accepted for transport; what the records must include	279.46(a)	279.46(a)	X			
	279.46(a)(1)	279.46(a)(1)	X			
	279.46(a)(2)	279.46(a)(2)	X			
	279.46(a)(3)	279.46(a)(3)	X			
	279.46(a)(4)	279.46(a)(4)	X			
	279.46(a)(5)	279.46(a)(5)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
used oil transporters must keep a record of each used oil shipment delivered to another used oil transporter, burner, processor/re-refiner, or disposal facility; what the records must include	279.46(b)	279.46(b)	X			
	279.46(b)(1)	279.46(b)(1)	X			
	279.46(b)(2)	279.46(b)(2)	X			
	279.46(b)(3)	279.46(b)(3)	X			
	279.46(b)(4)	279.46(b)(3)	X			
	279.46(b)(5)	279.46(b)(5)	X			
for each shipment exported to any foreign country, transporters must maintain records described in 279.46(b)(1)-(4)	279.46(c)	279.46(c)	X			
records described in 279.46(a), (b) & (c) must be maintained for at least 3 years	279.46(d)	279.46(d)	X			
MANAGEMENT OF RESIDUES						
transporters who generate residues must manage the residues as specified in 279.10(e)	279.47	279.47	X			
SUBPART F - STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS						
APPLICABILITY						
subpart applies to owners/operators of facilities that process used oil; definition of processing and specific inclusions; exclusions:	279.50(a)	279.50(a)	X			
transporters that conduct incidental processing operations occurring during normal course of transportation as provided in 279.41	279.50(a)(1)	279.50(a)(1)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
burners that conduct incidental processing operations occurring during normal course of used oil management prior to burning as provided in 279.61(b)	279.50(a)(2)	279.50(a)(2)	X			
specific processors/re-refiners who are subject to additional provisions of Part 279:	279.50(b)	279.50(b)	X			
processors/re-refiners who generate used oil must also comply with Subpart C of Part 279	279.50(b)(1)	279.50(b)(1)	X			
processors/re-refiners who transport used oil must also comply with Subpart E of Part 279	279.50(b)(2)	279.50(b)(2)	X			
except as 279.50(b)(3)(i)&(ii) provide otherwise, processors/re-refiners who burn off-specification used oil for energy recovery must also comply with Subpart G of Part 279; exceptions	279.50(b)(3)	279.50(b)(3)	X			
used oil is burned in an on-site space heater meeting 279.23 requirements	279.50(b)(3)(i)	279.50(b)(3)(i)	X			
used oil is burned for processing used oil, which is considered burning incidentally to used oil processing	279.50(b)(3)(ii)	279.50(b)(3)(ii)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
processors/re-refiners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications of 279.11 must also comply with Subpart H of Part 279	279.50(b)(4)	279.50(b)(4)	X			
processors/re-refiners who dispose of used oil also must comply with Subpart I of Part 279	279.50(b)(5)	279.50(b)(5)	X			

NOTIFICATION

processors/re-refiners who have not previously done so must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.51(a)	279.51(a)	X			
a processor/re-refiner without an EPA ID number may obtain one by submitting either:	279.51(b)	279.51(b)			X	
a completed EPA Form 8700-12; or	279.51(b)(1)	279.51(b)			X	
	279.51(b)(2)	279.51(b)			X	
	279.51(b)(2)(i)	279.51(b)			X	
	279.51(b)(2)(ii)	279.51(b)			X	
	279.51(b)(2)(iii)	279.51(b)			X	
	279.51(b)(2)(iv)	279.51(b)			X	
a letter requesting an EPA ID number; what the letter should include	279.51(b)(2)(v)	279.51(b)			X	
	279.51(b)(2)(vi)	279.51(b)			X	

GENERAL FACILITY STANDARDS

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
10 owners/operators of used oil processing and re-refining facilities must comply with the following preparedness and prevention requirements:	279.52(a)	279.52(a)	X			
facilities must be maintained and operated to minimize the possibility of fire, explosion, or any unplanned release of used oil to air, soil or surface water which could threaten human health or the environment	279.52(a)(1)	279.52(a)(1)	X			
unless none of the hazards posed by the used oil handled at the facility could require the equipment specified in 279.52(a)(2)(i)-(iv), all facilities must be equipped with the following:	279.52(a)(2)	279.52(a)(2)	X			
internal communications or alarm system capable of providing immediate emergency instruction to facility personnel	279.52(a)(2)(i)	279.52(a)(2)(i)	X			
device capable of summoning emergency assistance	279.52(a)(2)(ii)	279.52(a)(2)(ii)	X			
portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment, and	279.52(a)(2)(iii)	279.52(a)(2)(iii)	X			
water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers or water spray systems	279.52(a)(2)(iv)	279.52(a)(2)(iv)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
all communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment must be tested and maintained to assure proper operation in time of emergency	279.52(a)(3)	279.52(a)(3)	X			
access to communications or alarm system	279.52(a)(4)	279.52(a)(4)	X			
all personnel involved in any handling operation must have immediate access to an internal alarm or emergency communication device, unless device not required in 279.52(a)(2)	279.52(a)(4)(i)	279.52(a)(4)(i)	X			
if only one employee is present while the facility is operating, the employee must have immediate access to a device capable of summoning external emergency assistance, unless not required in 279.52(a)(2)	279.52(a)(4)(ii)	279.52(a)(4)(ii)	X			
owner/operator must maintain aisle space to allow unobstructed movement of personnel and emergency equipment to any area of facility operation in an emergency, unless aisle space not needed for these purposes	279.52(a)(5)	279.52(a)(5)	X			
as appropriate, owner/operator must attempt to make arrangements with local authorities	279.52(a)(6)(i)	279.52(a)(6)(i)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
arrangements to familiarize police, fire departments, and emergency response teams with the facility's layout, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes	279.52(a)(6)(i)(A)	279.52(a)(6)(i)(A)	X			
if more than one police and fire department might respond, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with others to provide support	279.52(a)(6)(i)(B)	279.52(a)(6)(i)(B)	X			
agreements with State emergency response teams, emergency response contractors, and equipment suppliers	279.52(a)(6)(i)(C)	279.52(a)(6)(i)(C)	X			
arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases	279.52(a)(6)(i)(D)	279.52(a)(6)(i)(D)	X			
if State or local authorities decline to enter into such arrangements, owner/operator must document the refusal in the operating record	279.52(a)(6)(ii)	279.52(a)(6)(ii)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
10 owners/operators of used oil processing and re-refining facilities must comply with the following contingency plan and emergency procedure requirements:	279.52(b)	279.52(b)	X			
purpose and implementation of contingency plan	279.52(b)(1)	279.52(b)(1)	X			
contingency plan required; plan must be designed to minimize hazards to human health or the environment from fire, explosion or any unplanned release to air, soil, or surface water	279.52(b)(1)(i)	279.52(b)(1)(i)	X			
11 provisions of plan must be carried out immediately whenever fire, explosion or release of used oil could threaten human health or the environment	279.52(b)(1)(ii)	279.52(b)(1)(ii)	X			
content of contingency plan	279.52(b)(2)	279.52(b)(2)	X			
what the contingency plan must describe	279.52(b)(2)(i)	279.52(b)(2)(i)	X			
if a Part 112 SPCC Plan, or other plan, has already been prepared, owner/operator may amend existing plan to meet requirements of Part 279	279.52(b)(2)(ii)	279.52(b)(2)(ii)	X			
plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate 279.52(a)(6) emergency services	279.52(b)(2)(iii)	279.52(b)(2)(iii)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOGIS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
plan must list names, addresses and phone numbers for primary emergency coordinator and others qualified to act as emergency coordinator in specified order; list must be kept up to date	279.52(b)(2)(iv)	279.52(b)(2)(iv)	X			
plan must include a list of required emergency equipment at the facility and location, physical description and brief outline of capabilities of each item; list must be kept up to date	279.52(b)(2)(v)	279.52(b)(2)(v)	X			
plan must include evacuation plan if evacuation possibly necessary; evacuation plan must describe signal(s) to begin evacuation, evacuation routes and alternative routes	279.52(b)(2)(vi)	279.52(b)(2)(vi)	X			
contingency plan copy and all revisions must be:	279.52(b)(3)	279.52(b)(3)	X			
maintained at the facility	279.52(b)(3)(i)	279.52(b)(3)(i)	X			
submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services	279.52(b)(3)(ii)	279.52(b)(3)(ii)	X			
contingency plan must be reviewed and amended whenever:	279.52(b)(4)	279.52(b)(4)	X			
applicable regulations are revised	279.52(b)(4)(i)	279.52(b)(4)(i)	X			
the plan fails in an emergency	279.52(b)(4)(ii)	279.52(b)(4)(ii)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
the facility changes in any way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency	279.52(b)(4)(iii)	279.52(b)(4)(iii)	X			
the list of emergency coordinators changes	279.52(b)(4)(iv)	279.52(b)(4)(iv)	X			
the list of emergency equipment changes	279.52(b)(4)(v)	279.52(b)(4)(v)	X			
at all times, at least one employee responsible for coordinating all emergency response measures must be at the facility or on call; knowledge and authority the emergency coordinator must have; guidance responsibilities spelled out in 279.52(b)(6)	279.52(b)(5)	279.52(b)(5)	X			
emergency procedures	279.52(b)(6)	279.52(b)(6)	X			
if there is an imminent or actual emergency, the emergency coordinator or designee must immediately:	279.52(b)(6)(i)	279.52(b)(6)(i)	X			
activate internal facility alarms or communication systems	279.52(b)(6)(i)(A)	279.52(b)(6)(i)(A)	X			
notify State or local agencies with designated response roles if needed	279.52(b)(6)(i)(B)	279.52(b)(6)(i)(B)	X			
emergency coordinator must immediately identify the character, exact source, amount, and real extent of any released materials; how the coordinator may do this	279.52(b)(6)(ii)	279.52(b)(6)(ii)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
concurrently, the emergency coordinator must assess possible hazards to human health or the environment; what the assessment must consider	279.52(b)(6)(iii)	279.52(b)(6)(iii)	X			
if release, fire, or explosion could threaten human health or the environment, emergency coordinator must report findings	279.52(b)(6)(iv)	279.52(b)(6)(iv)	X			
if evacuation may be advisable, emergency coordinator must immediately notify local authorities and be available to help them decide whether to evacuate local areas	279.52(b)(6)(iv)(A)	279.52(b)(6)(iv)(A)	X			
emergency coordinator must immediately notify either the government official designated as the on-scene coordinator or the National Response Center; what the report must include	279.52(b)(6)(iv)(B)	279.52(b)(6)(iv)(B)	X			
	279.52(b)(6)(iv)(B)(1)	279.52(b)(6)(iv)(B)(1)	X			
	279.52(b)(6)(iv)(B)(2)	279.52(b)(6)(iv)(B)(2)	X			
	279.52(b)(6)(iv)(B)(3)	279.52(b)(6)(iv)(B)(3)	X			
	279.52(b)(6)(iv)(B)(4)	279.52(b)(6)(iv)(B)(4)	X			
	279.52(b)(6)(iv)(B)(5)	279.52(b)(6)(iv)(B)(5)	X			
	279.52(b)(6)(iv)(B)(6)	279.52(b)(6)(iv)(B)(6)	X			
emergency coordinator must take all reasonable measures to ensure that fires, explosions and releases do not occur, recur, or spread; what measures must include	279.52(b)(6)(v)	279.52(b)(6)(v)	X			
emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures if the facility stops operation because of a fire, explosion or release	279.52(b)(6)(vi)	279.52(b)(6)(vi)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIT- VALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
emergency coordinator must provide for recycling, storing or disposing of any material that results from a release, fire or explosion immediately after that event	279.52(b)(6)(vii)	279.52(b)(6)(vii)	X			
emergency coordinator must ensure that:	279.52(b)(6)(viii)	279.52(b)(6)(viii)	X			
no waste or used oil that may be incompatible with the released material is recycled, treated, stored or disposed of until cleanup procedures are completed	279.52(b)(6)(viii)(A)	279.52(b)(6)(viii)(A)	X			
before operations resume, all emergency equipment is cleaned and fit for intended use	279.52(b)(6)(viii)(B)	279.52(b)(6)(viii)(B)	X			
12 before operations in affected area(s) resume, owner/operator must notify Regional Administrator and State and local officials that facility complies with 279.52(a)	279.52(b)(6)(viii)(C)	279.52(b)(6)(viii)(C)	X			
owner/operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan; must submit written report to Regional Administrator within 15 days; what the report must include	279.52(b)(6)(ix)	279.52(b)(6)(ix)	X			
	279.52(b)(6)(ix)(A)	279.52(b)(6)(ix)(A)	X			
	279.52(b)(6)(ix)(B)	279.52(b)(6)(ix)(B)	X			
	279.52(b)(6)(ix)(C)	279.52(b)(6)(ix)(C)	X			
	279.52(b)(6)(ix)(D)	279.52(b)(6)(ix)(D)	X			
	279.52(b)(6)(ix)(E)	279.52(b)(6)(ix)(E)	X			
	279.52(b)(6)(ix)(F)	279.52(b)(6)(ix)(F)	X			
279.52(b)(6)(ix)(G)	279.52(b)(6)(ix)(G)	X				

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
REBUTTABLE PRESUMPTION FOR USED OIL						
owner/operator of a processing/re-refining facility must determine whether total halogen content of used oil managed at the facility is above or below 1,000 ppm	279.53(a)	279.53(a)	X			
how the owner/operator must make this determination	279.53(b)	279.53(b)	X			
	279.53(b)(1)	279.53(b)(1)	X			
	279.53(b)(2)	279.53(b)(2)	X			
if the used oil contains \geq 1,000 ppm total halogens, it is presumed to be a hazardous waste; how the owner/operator may rebut the presumption; SW-846 example; where to obtain SW-846	279.53(c)	279.53(c)	X			
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling agreement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.53(c)(1)	279.53(c)(1)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption applies to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.53(c)(2)	279.53(c)(2)	X			
USED OIL MANAGEMENT						
13 wastewaters containing <i>de minimis</i> quantities of used oil not subject to Part 279; used oil processors/ re-refiners are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) and Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the Part 279, Subpart F requirements	279.54	279.54	X			
processors/re-refiners may not store or process used oil in units other than tanks, containers, or units subject to regulation under Part 264 or 265	279.54(a)	279.54(a)	X			
containers and aboveground tanks must be:	279.54(b)	279.54(b)	X			
in good condition	279.54(b)(1)	279.54(b)(1)	X			
not leaking	279.54(b)(2)	279.54(b)(2)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
containers must have a secondary containment system	279.54(c)	279.54(c)	X			
what the secondary containment system must, at a minimum, include	279.54(c)(1)	279.54(c)(1)	X			
	279.54(c)(1)(i)	279.54(c)(1)(i)	X			
	279.54(c)(1)(ii)	279.54(c)(1)(ii)	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.54(c)(2)	279.54(c)(2)	X			
existing aboveground tanks used to store or process used oil must have a secondary containment system	279.54(d)	279.54(d)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
what the secondary containment system must, at a minimum, include	279.54(d)(1)	279.54(d)(1)	X			
	279.54(d)(1)(i)	279.54(d)(1)(i)	X			
	279.54(d)(1)(ii)	279.54(d)(1)(ii)	X			
	279.54(d)(1)(iii)	279.54(d)(1)(iii)	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.54(d)(2)	279.54(d)(2)	X			
new aboveground tanks used to store or process used oil must be equipped with a secondary containment system	279.54(e)	279.54(e)	X			
what the secondary containment system must, at a minimum, include	279.54(e)(1)	279.54(e)(1)	X			
	279.54(e)(1)(i)	279.54(e)(1)(i)	X			
	279.54(e)(1)(ii)	279.54(e)(1)(ii)	X			
	279.54(e)(1)(iii)	279.54(e)(1)(iii)	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.54(e)(2)	279.54(e)(2)	X			
labels	279.54(f)	279.54(f)	X			
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.54(f)(1)	279.54(f)(1)	X			
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.54(f)(2)	279.54(f)(2)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, the owner/operator must perform these cleanup steps:	279.54(g)	279.54(g)	X			
stop the release	279.54(g)(1)	279.54(g)(1)	X			
contain the released used oil	279.54(g)(2)	279.54(g)(2)	X			
14 clean up and properly manage the released used oil and other materials	279.54(g)(3)	279.54(g)(3)	X			
repair or replace leaking used oil storage containers or tanks prior to returning them to service	279.54(g)(4)	279.54(g)(4)	X			
closure	279.54(h)	279.54(h)	X			
at closure, owners/operators who store or process used oil in aboveground tanks must comply with these requirements:	279.54(h)(1)	279.54(h)(1)	X			
owner/operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste; exception	279.54(h)(1)(i)	279.54(h)(1)(i)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
if owner/operator demonstrates that not all contaminated soils can be removed or decontaminated, closure and post-closure care as for a hazardous waste landfill	279.54(h)(1)(ii)	279.54(h)(1)(ii)	X			
at closure, owners/operators who store used oil in containers must comply with these requirements:	279.54(h)(2)	279.54(h)(2)	X			
containers of used oils or used oil residues must be removed from the site	279.54(h)(2)(i)	279.54(h)(2)(i)	X			
owner/operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste; exception	279.54(h)(2)(ii)	279.54(h)(2)(ii)	X			
ANALYSIS PLAN						
owners/operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing procedures to be used to comply with analysis requirements of 279.53 and 279.72; plan must be kept at the facility	279.55	279.55	X			
for 279.53, what the plan must specify, at a minimum:	279.55(a)	279.55(a)	X			
whether sample analyses or knowledge of the halogen content will be used	279.55(a)(1)	279.55(a)(1)	X			
if sample analyses are used:	279.55(a)(2)	279.55(a)(2)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
methods to be used to obtain representative samples	279.55(a)(2)(i)	279.55(a)(2)(i)	X			
	279.55(a)(2)(i)(A)	279.55(a)(2)(i)(A)	X			
	279.55(a)(2)(i)(B)	279.55(a)(2)(i)(B)	X			
frequency of sampling and whether analysis will be performed on-site or off-site	279.55(a)(2)(ii)	279.55(a)(2)(ii)	X			
methods used to analyze used oil for 279.53 parameters	279.55(a)(2)(iii)	279.55(a)(2)(iii)	X			
type of information that will be used to determine halogen content of the used oil	279.55(a)(3)	279.55(a)(3)	X			
if 279.72 on-specification used oil fuel requirements apply, at a minimum the plan must specify:	279.55(b)	279.55(b)	X			
whether sample analyses or other information will be used to make this determination	279.55(b)(1)	279.55(b)(1)	X			
if sample analyses are used:	279.55(b)(2)	279.55(b)(2)	X			
methods to be used to obtain representative samples	279.55(b)(2)(i)	279.55(b)(2)(i)	X			
	279.55(b)(2)(i)(A)	279.55(b)(2)(i)(A)	X			
	279.55(b)(2)(i)(B)	279.55(b)(2)(i)(B)	X			
whether used oil will be sampled and analyzed before or after processing/re-refining	279.55(b)(2)(ii)	279.55(b)(2)(ii)	X			
frequency of sampling and whether analysis will be performed on-site or off-site	279.55(b)(2)(iii)	279.55(b)(2)(iii)	X			
methods used to analyze used oil for 279.72 parameters	279.55(b)(2)(iv)	279.55(b)(2)(iv)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
type of information that will be used to make the on-specification used oil fuel determination	279.55(b)(3)	279.55(b)(3)	X			
TRACKING						
processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining; forms records may take; what the records must include for each shipment:	279.56(a)	279.56(a)	X			
name and address of transporter who delivered used oil to processor/re-refiner	279.56(a)(1)	279.56(a)(1)	X			
name and address of generator or processor/re-refiner from whom the used oil was sent	279.56(a)(2)	279.56(a)(2)	X			
EPA ID number of transporter	279.56(a)(3)	279.56(a)(3)	X			
EPA ID number of generator or processor/re-refiner	279.56(a)(4)	279.56(a)(4)	X			
quantity of used oil accepted	279.56(a)(5)	279.56(a)(5)	X			
date of acceptance	279.56(a)(6)	279.56(a)(6)	X			
processors/re-refiners must keep a record of each used oil shipment shipped to a used oil burner, processor/re-refiner, or disposal facility; forms records may take; what the records must include for each shipment:	279.56(b)	279.56(b)	X			
name and address of transporter who delivers used oil to burner, processor/re-refiner or disposal facility	279.56(b)(1)	279.56(b)(1)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
name and address of burner, processor/re-refiner or disposal facility who will receive the used oil	279.56(b)(2)	279.56(b)(2)	X			
EPA ID number of transporter	279.56(b)(3)	279.56(b)(3)	X			
EPA ID number of burner, processor/re-refiner or disposal facility	279.56(b)(4)	279.56(b)(4)	X			
quantity of used oil shipped	279.56(b)(5)	279.56(b)(5)	X			
shipment date	279.56(b)(6)	279.56(b)(6)	X			
records described in 279.56(a) and (b) must be maintained for at least 3 years	279.56(c)	279.56(c)	X			
OPERATING RECORD AND REPORTING						
operating record	279.57	279.57	X			
owner/operator must keep a written operating record at the facility	279.57(a)(1)	279.57(a)(1)	X			
information must be recorded as it becomes available and maintained in the operating record until facility closure	279.57(a)(2)	279.57(a)(2)	X			
records and results of used oil analyses described in 279.55 analysis plan	279.57(a)(2)(i)	279.57(a)(2)(i)	X			
15 summary reports and details of all incidents that require implementation of the contingency plan of 279.52(b)	279.57(a)(2)(ii)	279.57(a)(2)(ii)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
processor/re-refiner must send a letter by March 1 of each even-numbered year to the Regional Administrator about used oil activities during the previous calendar year; what the letter must include	279.57(b)	279.57(b)			X	
	279.57(b)(1)	279.57(b)(1)			X	
	279.57(b)(2)	279.57(b)(2)			X	
	279.57(b)(3)	279.57(b)(3)			X	

OFF-SITE SHIPMENTS OF USED OIL

processors/re-refiners who initiate shipments off-site must use a used oil transporter with an EPA ID number	279.58	279.58	X			
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MANAGEMENT OF RESIDUES

16 residues from storage, processing, or re-refining must be managed as specified in 279.10(e)	279.59	279.59	X			
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SUBPART G - STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

APPLICABILITY

♦ except as 279.60(a)(1)&(2) specify, Subpart G applies to used oil burners; definition of a used oil burner; exceptions:	279.60(a)	279.60(a)	X			
♦ burned in an on-site space heater under 279.23 provisions	279.60(a)(1)	279.60(a)(1)	X			
♦ burned incidentally to processing by a processor/re-refiner	279.60(a)(2)	279.60(a)(2)	X			
specific used oil burners are subject to additional provisions of Part 279 as follows:	279.60(b)	279.60(b)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
17 burners who generate used oil must also comply with Subpart C of Part 279	279.60(b)(1)	279.60(b)(1)	X			
burners who transport used oil must also comply with Subpart E of Part 279	279.60(b)(2)	279.60(b)(2)	X			
except as 279.61(b) provides, burners who process or re-refine used oil must also comply with Subpart F of Part 279	279.60(b)(3)	279.60(b)(3)	X			
burners must also comply with Subpart H of Part 279 if they direct shipments of off-specification used oil to a used oil burner or first claim that used oil meets used oil fuel specifications of 279.11	279.60(b)(4)	279.60(b)(4)	X			
burners who dispose of used oil must also comply with Subpart I of Part 279	279.60(b)(5)	279.60(b)(5)	X			
◆ Subpart G does not apply to persons burning used oil that meets the specification of 279.11, if burner meets Part 279, Subpart H requirements	279.60(c)	279.60(c)	X			
RESTRICTIONS ON BURNING						
◆ off-specification used oil fuel may be burned for energy recovery only in specific devices:	279.61(a)	279.61(a)	X			
◆ industrial furnaces identified in 260.10	279.61(a)(1)	279.61(a)(1)	X			
◆	279.61(a)(2)	279.61(a)(2)	X			
	279.61(a)(2)(i)	279.61(a)(2)(i)	X			
	279.61(a)(2)(ii)	279.61(a)(2)(ii)	X			
specific boilers	279.61(a)(2)(iii)	279.61(a)(2)(iii)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
hazardous waste incinerators subject to Subpart O of Part 264 or 265	279.61(a)(3)	279.61(a)(2)(iii)	X			
burners may not process used oil unless they also comply with Subpart F of Part 279	279.61(b)(1)	279.61(b)(1)	X			
used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate to produce on-specification used oil	279.61(b)(2)	279.61(b)(2)	X			
NOTIFICATION						
♦ burners, who have not done so, must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.62(a)	279.62(a)			X	
a used oil burner without an EPA ID number may obtain one by submitting either:	279.62(b)	279.62(b)	X			
a completed EPA Form 8700-12; or	279.62(b)(1)	279.62(b)	X			
	279.62(b)(2)	N/A			X	
	279.62(b)(2)(i)	N/A			X	
	279.62(b)(2)(ii)	N/A			X	
	279.62(b)(2)(iii)	N/A			X	
	279.62(b)(2)(iv)	N/A			X	
a letter requesting an EPA ID number; what the letter should include	279.62(b)(2)(v)	N/A			X	
	279.62(b)(2)(vi)	N/A			X	

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
REBUTTABLE PRESUMPTION FOR USED OIL						
♦ owner/operator of a burner facility must determine whether total halogen content of used oil managed at the facility is above or below 1,000 ppm	279.63(a)	279.63(a)	X			
♦ how the owner/operator must make this determination	279.63(b)	279.63(b)	X			
	279.63(b)(1)	279.63(b)(1)	X			
	279.63(b)(2)	279.63(b)(2)	X			
	279.63(b)(3)	279.63(b)(3)	X			
♦,18 if the used oil contains ≥ 1,000 ppm total halogens, it is presumed to be a hazardous waste; how the owner/operator may rebut the presumption; SW-846 example; where to obtain SW-846	279.63(c)	279.63(c)	X			
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling arrangement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.63(c)(1)	279.63(c)(1)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.63(c)(2)	279.63(c)(2)	X			
records described in 279.63(a), (b) and (c) must be maintained for at least 3 years	279.63(d)	279.63(d)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
USED OIL STORAGE						
19 wastewaters containing <i>de minimis</i> quantities of used oil not subject to Part 279; used oil burners are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112); used oil burners are subject to Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any hazardous waste characteristics, in addition to the Part 279, Subpart G requirements	279.64	279.64	X			
used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under Part 264 or 265	279.64(a)	279.64(a)	X			
containers and aboveground tanks must be:	279.64(b)	279.64(b)	X			
in good condition	279.64(b)(1)	279.64(b)(1)	X			
no. leaking	279.64(b)(2)	279.64(b)(2)	X			
storage containers must have a secondary containment system	279.64(c)	279.64(c)	X			
what the secondary containment system must, at a minimum, include	279.64(c)(1)	279.64(c)(1)	X			
	279.64(c)(1)(i)	279.64(c)(1)(i)	X			
	279.64(c)(1)(ii)	279.64(c)(1)(ii)	X			
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.64(c)(2)	279.64(c)(2)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
existing aboveground tanks must have a secondary containment system	279.64(d)	279.64(d)	X			
what the secondary containment system must, at a minimum, include	279.64(d)(1)	279.64(d)(1)	X			
	279.64(d)(1)(i)	279.64(d)(1)(i)	X			
	279.64(d)(1)(ii)	279.64(d)(1)(ii)	X			
	279.64(d)(1)(iii)	279.64(d)(1)(iii)	X			
entire containment system must be sufficiently impervious to used oil to prevent used oil released into system from migrating out of system to soil, groundwater, or surface water	279.64(d)(2)	279.64(d)(2)	X			
20 new aboveground tanks must have a secondary containment system	279.64(e)	279.64(e)	X			
what the secondary containment system must, at a minimum, include	279.64(e)(1)	279.64(e)(1)	X			
	279.64(e)(1)(i)	279.64(e)(1)(i)	X			
	279.64(e)(1)(ii)	279.64(e)(1)(ii)	X			
	279.64(e)(1)(iii)	279.64(e)(1)(iii)	X			
entire containment system must be sufficiently impervious to used oil to prevent used oil released into system from migrating out of system to soil, groundwater, or surface water	279.64(e)(2)	279.64(e)(2)	X			
labels	279.64(f)	279.64(e)(2)	X			
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.64(f)(1)	279.64(f)(1)	X			
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.64(f)(2)	279.64(f)(2)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a burner must perform these cleanup steps:	279.64(g)	279.64(g)	X			
stop the release	279.64(g)(1)	279.64(g)(1)	X			
contain the released used oil	279.64(g)(2)	279.64(g)(2)	X			
clean up and properly manage the released used oil and other materials	279.64(g)(3)	279.64(g)(3)	X			
repair or replace any leaking used oil storage containers or tanks prior to returning them to service	279.64(g)(4)	279.64(g)(4)	X			
TRACKING						
♦ burners must keep a record of each used oil shipment accepted; forms records may take; what the records for each shipment must include:	279.65(a)	279.65(a)	X			
♦ name and address of transporter who delivered used oil to burner	279.65(a)(1)	279.65(a)(1)	X			
♦ name and address of generator or processor/re-refiner from whom used oil was sent	279.65(a)(2)	279.65(a)(2)	X			
♦ EPA ID number of transporter	279.65(a)(3)	279.65(a)(3)	X			
♦ EPA ID number of generator or processor/re-refiner	279.65(a)(4)	279.65(a)(4)	X			
♦ quantity of used oil accepted	279.65(a)(5)	279.65(a)(5)	X			
♦ date of acceptance	279.65(a)(6)	279.65(a)(6)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
♦ records described in 279.65(a) must be maintained for at least 3 years	279.65(b)	279.65(b)	X			
NOTICES						
♦ before accepting the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide the generator, transporter, or processor/re-refiner a one-time written and signed notice; what the notice must certify	279.66(a)	279.66(a)	X			
	279.66(a)(1)	279.66(a)(1)	X			
	279.66(a)(2)	279.66(a)(2)	X			
♦ certification described in 279.66(a) must be maintained for 3 years after burner last receives shipment of off-specification oil from that individual	279.66(b)	279.66(b)	X			
MANAGEMENT OF RESIDUES						
residues from storage or burning must be managed as specified in 279.10(e)	279.67	279.67	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
SUBPART H - STANDARDS FOR USED OIL FUEL MARKETERS						
APPLICABILITY						
◆,21 this section applies to any person who:	279.70(a)	279.70(a)	X			
◆ directs a shipment of off-specification used oil to a used oil burner	279.70(a)(1)	279.70(a)(1)	X			
◆ first claims that used oil that is to be burned for energy recovery meets the specifications of 279.11	279.70(a)(2)	279.70(a)(2)	X			
◆,22 persons who are not marketers subject to Subpart H	279.70(b)	279.70(b)	X			
	279.70(b)(1)	279.70(b)(1)	X			
	279.70(b)(2)	279.70(b)(2)	X			
any person subject to the requirements of Part 279 Subpart H must also comply with one of specified Part 279 Subparts	279.70(c)	279.70(c)	X			
	279.70(c)(1)	279.70(c)(1)	X			
	279.70(c)(2)	279.70(c)(2)	X			
	279.70(c)(3)	279.70(c)(2)	X			
	279.70(c)(4)	279.70(c)(4)	X			
PROHIBITIONS						
◆ used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who:	279.71	279.71	X			
◆ has an EPA ID number	279.71(a)	279.71(a)	X			
◆ burns the used oil in an industrial furnace or boiler identified in 279.61(a)	279.71(b)	279.71(b)	X			
ON-SPECIFICATION USED OIL FUEL						

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
♦ determination that used oil meets 279.11 fuel specifications may be made by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets those specifications; such used oil to be burned for energy recovery is not subject to further regulation under Part 279	279.72(a)	279.72(a)	X			
♦ generator, transporter, processor/re-refiner or burner who first claims used oil to be burned for energy recovery meets 279.11 specifications must keep analyses or other information for 3 years	279.72(b)	279.72(b)	X			
NOTIFICATION						
♦,23 used oil fuel marketers who have not previously done so must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.73(a)	279.73(a)			X	
a marketer without an EPA ID number may obtain one by submitting either:	279.73(b)	279.73(b)			X	
a completed EPA Form 8700-12; or	279.73(b)(1)	279.73(b)				
	279.73(b)(2)	279.73(b)			X	
	279.73(b)(2)(i)	279.73(b)			X	
	279.73(b)(2)(ii)	279.73(b)			X	
	279.73(b)(2)(iii)	279.73(b)			X	
a letter requesting an EPA ID number; what the letter should include	279.73(b)(2)(iv)	279.73(b)			X	
	279.73(b)(2)(v)	279.73(b)			X	

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
TRACKING						
◆,24 generator who directs a shipment of off-specification used oil to a burner must keep a record of each shipment; forms records may take; what the records must include for each shipment:	279.74(a)	279.74(a)	X			
◆ name and address of transporter who delivers used oil to burner	279.74(a)(1)	279.74(a)(1)	X			
◆ name and address of burner receiving used oil	279.74(a)(2)	279.74(a)(2)	X			
◆ EPA ID number of transporter	279.74(a)(3)	279.74(a)(3)	X			
◆ EPA ID number of burner	279.74(a)(4)	279.74(a)(4)	X			
◆ quantity of used oil shipped	279.74(a)(5)	279.74(a)(5)	X			
◆ shipment date	279.74(a)(6)	279.74(a)(6)	X			
◆ generator, transporter, processor/re-refiner or burner who first claims used oil to be burned for energy recovery meets 279.11 specifications must keep a record of each shipment to an on-specification used oil burner; each record must include:	279.74(b)	279.74(b)	X			
◆ name and address of receiving facility	279.74(b)(1)	279.74(b)(1)	X			
◆ quantity delivered	279.74(b)(2)	279.74(b)(2)	X			
◆ date of shipment or delivery	279.74(b)(3)	279.74(b)(3)	X			
◆ cross-reference to analysis or other information used to determine that the oil meets 279.72(a) specification	279.74(b)(4)	279.74(b)(4)	X			

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
◆ records described in 279.74(a) and (b) must be maintained for at least 3 years	279.74(c)	279.74(c)	X			

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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
NOTICES						
♦ before a used oil generator, transporter, or processor/refiner directs the first shipment of off-specification used oil fuel to a burner, burner must provide a one-time written and signed notice; what the notice must certify	279.75(a)	279.75(a)	X			
	279.75(a)(1)	279.75(a)(1)	X			
	279.75(a)(2)	279.75(a)(2)	X			
♦ 279.75 certification must be maintained for 3 years from the date of the last shipment of off-specification used oil to the burner	279.75(b)	279.75(b)	X			

SUBPART I - STANDARDS FOR USE AS A DUST SUPPRESSANT AND
DISPOSAL OF USED OIL

APPLICABILITY

Subpart I applies to all used oils that cannot be recycled and are being disposed	279.80	279.80	X			
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DISPOSAL

used oils that are hazardous waste and cannot be recycled under Part 279 must be managed in accordance with Parts 260-266, 268, 270 and 124	279.81(a)	279.81(a)	X			
used oils that are not hazardous wastes and cannot be recycled under Part 279 must be disposed in accordance with Parts 257 and 258	279.81(b)	279.81(b)	X			

USE AS A DUST SUPPRESSANT

use of used oil as a dust suppressant is prohibited; exception	279.82(a)	279.82(a)	X			
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RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
a State may petition EPA to allow the use of used oil meeting specific requirements as a dust suppressant; what State must show; program must minimize impact on the environment	279.82(b)	279.82(b) and (c)			X	
list of States (reserved)	279.82(c)	N/A				

- 1 This definition may be changed in the future by EPA to better explain what is meant by a "used oil processor/re-refiner."
- 2 Note that there is a typographical error in the Federal Register at 279.10(b)(2)(iii); "because if" should be "because it."
- 3 Expanded by the March 4, 1994 rule (59 FR 10550) addressed by Revision Checklist 130.
- 4 The Federal Register at 279.40(d)(4) includes an extraneous phrase, "partuel Marketers of this", between "subpart H of this" and "part."
- 5 Note that there is an error in the Federal Register at 279.43(c)(3)(i); there should be a comma after "171.15."
- 6 Note that there is a typographical error in the Federal Register at 279.43(c)(5); "used oil discharged that occurs" should be "used oil discharge that occurs."
- 7 Note that there is a typographical error in the Federal Register at 279.44(a); "used oil being transporter" should be "used oil being transported."
- 8 There appears to be a technical error in 279.45; "generators" should perhaps be "transporters". The checklist description for this paragraph corrects this error.
- 9 The Federal Register for 279.45(a) says "subpart F of this chapter" and should more specifically say "subpart F of this part."
- 10 The Federal Register texts for 279.52(a) and 279.52(b) include two typographical errors: "processors" should be "processing" and "re-refiners" should be "re-refining."
- 11 The Federal Register for 279.52(b)(1)(ii) says "release or used oil" but should say "release of used oil."
- 12 The Federal Register says that the facility must be in compliance "with paragraph (h) of this section." There is no 279.52(h); 279.52(b)(6)(viii)(C) should read paragraphs "(b)(6)(viii)(A) and (B)." This error was corrected by a May 3, 1993 rule (58 FR 26420; Revision Checklist 122).
- 13 Note, "generators" in the third sentence should be "processors/re-refiners."
- 14 Note that there is an error in the Federal Register at 279.54(g)(3); "mange" should be "manage."

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

- 15 There is a typographical error in the Federal Register at 279.57(a)(2)(ii): "an specified" should be "as specified."
- 16 In § 279.59, "re-finishing" is an error and has been replaced in this checklist with "re-refining."
- 17 Note that there is an error in the Federal Register at 279.60(b)(1); "comply this" should be "comply with."
- 18 Note that there is an error in the Federal Register at 279.63(c); the "1" after "hazardous waste" should be deleted.
- 19 There appears to be a technical error in 279.64; "generators" should perhaps be "burners." The checklist description for this paragraph corrects this error.
- 20 The paragraph title and first sentence do not agree. Because 279.64(d) referred to existing aboveground tanks, this checklist assumes that 279.64(e) refers to new aboveground tanks.
- 21 The applicability section of a subpart usually designates to whom the subpart applies; it is likely that "section" in § 279.70(a) is an error. Other paragraphs in this section refer to the subpart.
- 22 Only 279.70(b)(1)&(2) are designated as HSWA provisions.
- 23 Because used oil fuel marketers are subject to all requirements of Subpart H, it is likely that "of this section" is an error in the Federal Register at 279.73(a).
- 24 "Generator" in this paragraph should be "marketer." This error was changed by the May 3, 1993 (58 FR 26420; Revision Checklist 122) technical correction.

RCRA REVISION CHECKLIST 113

Consolidated Liability Requirements

53 FR 33938-33960

September 1, 1988

56 FR 30200

July 1, 1991

57 FR 42832-42844

September 16, 1992

(RCRA Cluster III, Non-HSWA provisions)

Notes:

1) This special consolidated checklist addresses changes made to the Federal code by the September 1, 1988 final rule (53 FR 33938, withheld Revision Checklist 51) as well as amendments made by the July 1, 1991 (56 FR 30200, withheld Revision Checklist 93) and the September 16, 1992 (57 FR 42832) final rules. The September 1, 1988 rule was the subject of litigation and its checklist, Revision Checklist 51, was withheld by EPA to encourage States not to adopt those changes until a final settlement agreement could be reached and implemented. The July 1, 1991 and September 16, 1992 rules were promulgated to make the revisions mandated by the settlement agreement. Now that all requirements of the settlement agreement have been met, EPA is issuing this Consolidated Liability Requirements Checklist to aid States in correctly adopting the changes made by these three rules.

Revision Checklists 51 and 93 will not be issued individually. Rather, States should use this Consolidated Liability Requirements Checklist to adopt the provisions of the three final rules. States that have already adopted changes based on the September 1, 1988 final rule are strongly encouraged to complete this consolidated checklist to ensure that all revisions pursuant to the two amendments are correctly made in the State's code. Note that the deadline for this consolidated checklist is July 1, 1994, based on the promulgation date of the most recent of the amendments.

2) In the September 1, 1988 final rule, all changes were classified as less stringent and, therefore, optional with regard to State adoption. Note that, as part of the settlement agreement with Chemical Waste Management, Inc., the claims reporting requirements were reclassified as more stringent and, therefore, required for State adoption. Only those changes marked as optional (†) in this consolidated checklist should be considered less stringent provisions. The September 16, 1992 rule modified the claims reporting requirements (264.147(a)(7)&(b)(7) and 265.147(a)(7)&(b)(7)) and they are less stringent than the claim reporting requirements promulgated in the September 1, 1988 rule. Thus, States which have already adopted the September 1, 1988 provisions are not required to adopt the "clarified" reporting requirements of the September 16, 1992 rule, although EPA strongly encourages them to do so. States that did not adopt the September 1, 1988 claims reporting requirements should not do so but should, instead, adopt the clarified September 16, 1992 version included in this consolidated checklist.

3) This checklist includes a "rule" reference column. To simplify references to the three rules addressed by this checklist, "51" will signify the September 1, 1988 rule, "93" will signify the July 1, 1991 rule, and "113" will indicate the September 16, 1992 rule.

4) There were several typographical errors in the September 1, 1988 Federal Register article. These are explained in endnotes in this consolidated checklist.

5) The optional designation (†) is placed in the margin of the consolidated checklist if a checklist introduced a new optional paragraph into the Federal code. If a checklist addresses optional changes to an existing paragraph, the optional designation is placed beside the corresponding checklist number.

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	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 H - FINANCIAL REQUIREMENTS							
DEFINITIONS OF TERMS AS USED IN THIS SUBPART							
† add new paragraph defining "substantial business relationship"	51	264.141(h)	264.141(h)	X			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
FINANCIAL ASSURANCE FOR CLOSURE							
remove "hereafter referred to as 'corporate guarantee'" from first sentence; insert "direct or higher-tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "certified copy of the" before "guarantee must accompany"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	113	264.143(f)(10)	264.143(f)(10)	X			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
FINANCIAL ASSURANCE FOR POST-CLOSURE CARE							
1 replace "of" with "for" in the first sentence; remove "hereafter referred to as 'corporate guarantee'"; insert "direct or higher-tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "A certified copy of" after "§ 264.151(h)."; change "The corporate" to "the corporate"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	264.145(f)(11)	264.145(f)(11)	X			
LIABILITY REQUIREMENTS							
delete "in one of three ways"; replace "and (3)" with "(3), (4), (5), or (6)"	†51	264.147(a)	264.147(a)	X			
insert "or" after "owner"; delete "corporate" before "guarantee"; change "paragraph (g)" to "paragraphs (f) and (g)"	†51,93	264.147(a)(2)	264.147(a)(2)	X			
replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	264.147(a)(3)	264.147(a)(3)	X			
† add new paragraph; requirements may be met by obtaining surety bond for liability coverage	51	264.147(a)(4)	264.147(a)(4)	X			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
2 add and amend new paragraph; notify Regional Administrator in writing whenever:	51,113	264.147(b)(7)	264.147(b)(7)	X			
2 add and amend new subparagraph; claims reduce amount of financial assurance for liability coverage	51,113	264.147(b)(7)(i)	264.147(b)(7)(i)	X			
2 add and amend new subparagraph; Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third-party claimant	51,113	264.147(b)(7)(ii)	264.147(b)(7)(ii)	X			
2 add new subparagraph; final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	264.147(b)(7)(iii)	264.147(b)(7)(iii)	X			
insert ", a letter of credit, a surety bond, a trust fund, or a guarantee" after "obtain insurance"; replace "Evidence of insurance" with "Evidence of liability coverage"	†113	264.147(f)(6)	264.147(f)(6)	X			
remove "corporate" before "guarantee"	†51	264.147(g)	264.147(g)	X			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove "corporate" before "guarantee" in three places; insert "direct or higher-tier" before "parent"; after "parent corporation of the owner or operator" insert ", a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a 'substantial business relationship' with the owner or operator."; change "The guarantee must meet" to "The guarantor must meet"; change "(f)(7)" to "(f)(6)"; add "of this part" after "§ 264.151(h)(2)"; replace "The terms of the corporate guarantee must provide that:" with text regarding letter from the guarantor's chief financial officer	†51	264.147(g)(1)	264.147(g)(1)	X			
4 remove and reserve	†51	264.147(g)(1)(ii)	264.147(g)(1)(ii)	X			
remove "corporate" before "guarantee"	†51	264.147(g)(2)(i)	264.147(g)(2)(i)	X			
remove "corporate" before "guarantee"	†51	264.147(g)(2)(ii)	264.147(g)(2)(ii)	X			
redesignate old paragraph (h) as (k); add new paragraph titled "Letter of credit for liability coverage"	†51	264.147(h)	264.147(h)	X			
†,5 requirements may be satisfied by obtaining irrevocable standby letter of credit that conforms to 264.147(h) requirements and submitting copy to Regional Administrator	51	264.147(h)(1)	264.147(h)(1)	X			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† criteria for financial institution issuing letter of credit	51	264.147(h)(2)	264.147(h)(2)	X			
† wording of letter of credit must be identical to wording specified in 264.151(k)	51	264.147(h)(3)	264.147(h)(3)	X			
† establishment and use of standby trust fund by owner or operator using letter of credit	113	264.147(h)(4)	264.147(h)(4)	X			
† wording of standby trust fund must be identical to wording specified in 264.151(n)	113	264.147(h)(5)	264.147(h)(5)	X			
† add new paragraph titled "Surety bond for liability coverage"	51	264.147(i)	264.147(i)	X			
† requirements may be satisfied by obtaining surety bond conforming to 264.147(i) requirements and submitting copy to Regional Administrator	51	264.147(i)(1)	264.147(i)(1)	X			
† criterion for surety company issuing bond	51	264.147(i)(2)	264.147(i)(2)	X			
† wording of surety bond must be identical to wording specified in 264.151(l)	51	264.147(i)(3)	264.147(i)(3)	X			
† conditions under which surety bond may be used	51	264.147(i)(4)	264.147(i)(4)	X			
		264.147(i)(4)(i)	264.147(i)(4)(i)	X			
		264.147(i)(4)(ii)	264.147(i)(4)(ii)	X			
† add new paragraph titled "Trust fund for liability coverage"	51	264.147(j)	264.147(j)	X			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† requirements may be satisfied by establishing trust fund and submitting an originally signed duplicate of trust agreement to Regional Administrator	51	264.147(j)(1)	264.147(j)(1)	X			
† criteria for trustee	51	264.147(j)(2)	264.147(j)(2)	X			
† trust fund must be funded for full amount of liability coverage it is to provide; requirements if fund is reduced below full amount; definition of "full amount"	51	264.147(j)(3)	264.147(j)(3)	X			
† wording of trust fund must be identical to wording specified in 264.151(m)	51	264.147(j)(4)	264.147(j)(4)	X			
old paragraph 264.147(h) becomes 264.147(k)	†51	264.147(k)	264.147(k)	X			
WORDING OF THE INSTRUMENTS							
add text given at 53 ER 33952 to end of "Financial Guarantee Bond"	†51	264.151(b)	264.151(b)	X			
6 replace wording of letter from chief financial officer for closure and/or post-closure care with that shown at 57 ER 42836 & 42837	†113	264.151(f)	264.151(f)	X			
7,8 replace wording of letter from chief financial officer for liability coverage with that shown at 57 ER 42837 & 42838	51,†113	264.151(g)	264.151(g)	X			
9 replace wording of corporate guarantee for closure and/or post-closure care with that shown at 57 ER 42838 & 42839	†113	264.151(h)(1)	264.151(h)(1)	X			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
10 replace wording of guarantee for liability coverage with that shown at <u>FR 42839 & 42840</u>	†51,113	264.151(h)(2)	264.151(h)(2)	X			
after "insured" add other entities that may cancel endorsement; delete "sixty" before "60"	†51	264.151(i)(2)(d)	264.151(i)(2)(d)	X			
11 after "insured" add other entities that may cancel endorsement; delete "sixty" before "60"	†51	264.151(j)(2)(d)	264.151(i)(2)(d)	X			
12 add new introductory subparagraph and wording for letter of credit for liability coverage as shown at <u>57 FR 42840 & 42841</u>	†51,113	264.151(k)	264.151(k)	X			
13 add new introductory subparagraph and wording for surety bond as shown at <u>53 FR 33955 & 33956</u>	†51	264.151(l)	264.151(l)	X			
add new introductory subparagraph and wording for trust agreement as shown at <u>53 FR 33956-33958</u>	†51	264.151(m)(1)	264.151(m)(1)	X			
†,14 add new introductory subparagraph and example of certification of acknowledgement as shown at <u>53 FR 33958</u> , third column	51	264.151(m)(2)	264.151(m)(2)	X			
†,15 add new introductory subparagraph and wording for standby trust agreement as shown at <u>57 FR 42841-42843</u>	113	264.151(n)(1)	264.151(n)(1)	X			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add new introductory subparagraph and wording for certification of acknowledgement to accompany trust agreement, as shown at 57 FR 42843, first and second columns	113	264.151(n)(2)	264.151(n)(2)	X			

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

SUBPART H - FINANCIAL REQUIREMENTS

DEFINITIONS OF TERMS AS USED IN THIS SUBPART

†,16 add new paragraph defining "substantial business relationship"	51	265.141(h)					
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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
FINANCIAL ASSURANCE FOR CLOSURE							
17 remove "hereafter referred to as 'corporate guarantee'" from first sentence; insert "direct or higher-tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "A certified copy of" after "§ 264.151(h)."; change "The" to "the"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	265.143(e)(10)	265.143(e)(10)	X			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
FINANCIAL ASSURANCE FOR POST-CLOSURE CARE							
remove "hereafter referred to as 'corporate guarantee'" from first sentence; insert "direct or higher tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "A certified copy of" after "§ 264.151(h)."; change "The" to "the"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	265.145(e)(11)	265.145(e)(11)	X			
18 LIABILITY REQUIREMENTS							
delete "By the effective date of these regulations"; change "an" to "An"; delete "in one of three ways,"; replace "and (3)" with "(3), (4), (5), or (6)"	†51	265.147(a)	265.147(a)	X			
delete "corporate" before "guarantee"; change "paragraph (g)" to "paragraphs (f) and (g)"	†51,93	265.147(a)(2)	265.147(a)(2)	X			
replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	265.147(a)(3)	265.147(a)(3)	X			
† add new paragraph; requirements may be met by obtaining surety bond for liability coverage	51	265.147(a)(4)	265.147(a)(4)	X			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add new paragraph; requirements may be met by obtaining trust fund for liability coverage	51	265.147(a)(5)	265.147(a)(5)	X			
† add new paragraph; liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amounts required by 265.147; specification of "primary" and "excess" coverage	51	265.147(a)(6)	265.147(a)(6)	X			
19 add new paragraph; notify Regional Administrator in writing whenever:	51,113	265.147(a)(7)	265.147(a)(7)	X			
19 add new subparagraph; claims reduce amount of financial assurance for liability coverage	51,113	265.147(a)(7)(i)	265.147(a)(7)(i)	X			
19 Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third-party claimant	51,113	265.147(a)(7)(ii)	265.147(a)(7)(ii)	X			
19 final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	265.147(a)(7)(iii)	265.147(a)(7)(iii)	X			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
change "bodily damage" to "bodily injury"; after "legal defense costs." insert text regarding combination of per-occurrence coverage levels for sudden and non-sudden accidental occurrences, single annual aggregate level, and requirements for combining coverage; delete "in one of three ways,"; replace "and (3)" with "(3), (4), (5), or (6)"	†51	265.147(b)	265.147(b)	X			
delete "corporate" before "guarantee"	†51	265.147(b)(2)	265.147(b)(2)	X			
replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	265.147(b)(3)	265.147(b)(3)	X			
replace existing paragraph and subparagraphs; requirements may be met by obtaining surety bond for liability coverage	†51	265.147(b)(4)	265.147(b)(4)	X			
20 replace existing paragraph; requirements may be met by obtaining trust fund for liability coverage	†51	265.147(b)(5)	265.147(b)(5)	X			
† add new paragraph; liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amount required by 265.147; specifying "primary" and "excess" coverage	51	265.147(b)(6)	265.147(b)(6)	X			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
19 add and amend new paragraph; notify Regional Administrator in writing whenever:	51,113	265.147(b)(7)	265.147(b)(7)	X			
19 claims reduce amount of financial assurance for liability coverage	51,113	265.147(b)(7)(i)	265.147(b)(7)(i)	X			
19 Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third-party claimant	51,113	265.147(b)(7)(ii)	265.147(b)(7)(ii)	X			
19 add new subparagraph; final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	265.147(b)(7)(iii)	265.147(b)(7)(iii)	X			
insert ", a letter of credit, a surety bond, a trust fund, or a guarantee" after "obtain insurance"; replace "Evidence of insurance" with "Evidence of liability coverage"	†113	265.147(f)(6)	265.147(f)(6)	X			
remove "corporate" before "guarantee"	†51	265.147(g)	265.147(g)	X			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remove "corporate" before "guarantee" in three places; insert "direct or higher-tier" before "parent"; after "parent corporation of the owner or operator" insert ", a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a 'substantial business relationship' with the owner or operator"; change "(f)(7)" to "(f)(6)"; add "of this chapter" after "§ 264.151(h)(2)"; replace "The terms of the corporate guarantee must provide that:" with text regarding letter from the guarantor's chief financial officer	†51	265.147(g)(1)	265.147(g)(1)	X			
4 remove and reserve	†51	265.147(g)(1)(ii)	265.147(g)(1)(ii)	X			
remove "corporate" before "guarantee"	†51	265.147(g)(2)(i)	265.147(g)(2)(i)	X			
remove "corporate" before "guarantee"	†51	265.147(g)(2)(ii)	265.147(g)(2)(ii)	X			
redesignate old 265.147(h) as 265.147(k); add new paragraph titled "Letter of credit for liability coverage"	†51	265.147(h)	265.147(h)	X			
† requirements may be satisfied by obtaining irrevocable standby letter of credit that conforms to 265.147(h) requirements and submitting copy to Regional Administrator	51	265.147(h)(1)	265.147(h)(1)	X			
† criteria for financial institution issuing letter of credit	51	265.147(h)(2)	265.147(h)(2)	X			

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
† wording of letter of credit must be identical to wording specified in 264.151(k)	51	265.147(h)(3)	265.147(h)(3)	X			
† establishment and use of standby trust fund by owner or operator using letter of credit	113	265.147(h)(4)	265.147(h)(4)	X			
† wording of standby trust fund must be identical to wording specified in 264.151(n)	113	265.147(h)(5)	265.147(i)(5)	X			
† add new paragraph titled "Surety bond for liability coverage"	51	265.147(i)	265.147(i)	X			
† requirements may be satisfied by obtaining surety bond conforming to 265.147(i) requirements and submitting copy to Regional Administrator	51	265.147(i)(1)	265.147(i)(1)	X			
† criterion for surety company issuing bond	51	265.147(i)(2)	265.147(i)(2)	X			
†,21 wording of surety bond must be identical to wording specified in 264.151(l)	51	265.147(i)(3)	265.147(i)(3)	X			
†		265.147(i)(4)	265.147(i)(4)	X			
conditions under which surety bond may be used	51	265.147(i)(4)(i)	265.147(i)(4)(i)	X			
		265.147(i)(4)(ii)	265.147(i)(4)(ii)	X			
† add new paragraph titled "Trust fund for liability coverage"	51	265.147(j)	265.147(j)	X			

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† requirements may be satisfied by establishing trust fund conforming to 265.147(j) requirements and submitting signed duplicate of trust agreement to Regional Administrator	51	265.147(j)(1)	265.147(j)(1)	X			
† criteria for trustee	51	265.147(j)(2)	265.147(j)(2)	X			
† trust fund must be funded for full amount of liability coverage it is to provide; requirements if fund is reduced below full amount; definition of "full amount"	51	265.147(j)(3)	265.147(j)(3)	X			
† wording of trust fund must be identical to wording specified in 264.151(m)	51	265.147(j)(4)	265.147(j)(4)	X			
former 265.147(h) becomes 265.147(k)	†51	265.147(k)	265.147(k)	X			

- 1 Note that there is an error in the Federal Register; "direct of higher tier" should be "direct or higher tier."
- 2 The September 1, 1988 (53 FR 33938) rule added 264.147(a)(7) and (b)(7) to the code, and the September 16, 1992 rule (57 FR 42832) revised them (including adding 264.147(a)(7)(iii) and (b)(7)(iii)). Note that the preamble of the September 1, 1988 Federal Register incorrectly characterized these paragraphs as less stringent. The September 16, 1992 Federal Register clarified this issue by stating that, in fact, these paragraphs are more stringent because they address an additional reporting requirement. The amendment made by the September 16, 1992 rule made these requirements less stringent than those introduced by the September 1, 1988 rule. Thus, those States that adopted the more stringent September 1, 1988 provisions are not required to adopt the amendments made by the September 16, 1992 rule, although EPA urges them to do so. States that did not adopt the September 1, 1988 requirements at 264.147(a)(7) and (b)(7) should not do so but should adopt the clarified version promulgated by the September 16, 1992 rule.
- 3 Revision Checklist 45 added the reference to miscellaneous units to the first sentence of this paragraph. When the September 1, 1988 rule revised this paragraph, the Revision Checklist 45 change was inadvertently omitted. The July 1, 1991 rule restored the Revision Checklist 45 reference to miscellaneous units.

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

- 4 Note that only (g)(1)(II) is removed and reserved; (g)(1)(I) remains as it was prior to the September 1, 1988 final rule.
- 5 Note that there is an error in the Federal Register; "letter or credit" should be "letter of credit".
- 6 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.143(f)(10), 264.143(f)(11), 265.143(e)(10) and 265.143(e)(11). If a State chooses to adopt the optional changes at 264.143(f)(10), 264.143(f)(11), 265.143(e)(10) and 265.143(e)(11), it must also adopt the changes at this citation. If the State does not adopt those changes, it should not adopt the Revision Checklist 113 changes at 264.151(f).
- 7 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.147(f)(6) and 265.147(f)(6). If a State chooses to adopt the optional changes at 264.147(f)(6) and 265.147(f)(6), it must also adopt the changes at this citation. If the State does not adopt those changes, it should not adopt the Revision Checklist 113 changes at 264.151(g).
- 8 Note that there are several typographical errors in the Federal Register at 264.151(g) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(g) paragraph 4, line 5	57 ER 42837, column 3	"..'nonsudden' of 'both sudden..' should read '..'nonsudden' or 'both sudden..'"
264.151(g), item 3., line 8	57 ER 42838, column 1	"subpart H or 40 CFR parts" should read "subpart H of 40 CFR parts"
264.151(g), Part A, Alternative I.3	57 ER 42838, column 1	"Current \$" should read "Current liabilities \$"
264.151(g), Part B, Alternative II.7., line 5	57 ER 42838, column 3	") \$ _____ " should be ") \$ _____

- 9 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.147(h)(4), 264.147(h)(5), 265.147(h)(4) and

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

265.147(h)(5). If a State chooses to adopt the optional changes at 264.147(h)(4), 264.147(h)(5), 265.147(h)(4) and 265.147(h)(5), it must also adopt the changes at this citation. If the State does not adopt those changes, it should not adopt the Revision Checklist 113 changes at 264.151(h)(1).

- 10 Note that there are several typographical errors in the Federal Register at 264.151(h)(2) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(h)(2), Guarantee for Liability Coverage, line 15	57 ER 42839, column 3	"or which guarantor is" should read "of which guarantor is"
264.151(h)(2), Guarantee for Liability Coverage, line 19	57 ER 42839, column 3	"264.141(h)]" should read "264.141(h) or 265.141(h)]"
264.151(h)(2), Certification of Valid Claim, line 8	57 ER 42840, column 2	insert "]" after "facility"

- 11 Note that there is a typographical error in the Federal Register; in line three of the revised text of (j)(2)(d) shown at 53 ER 33955, "corpotation" should be "corporation".

- 12 Note that there are several typographical errors in the Federal Register at 264.151(k) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(k), Irrevocable Standby Letter of Credit, line 26	57 ER 42840, column 3	insert "]" after "trust fund."
264.151(k), (2), 2nd paragraph, lines 2 & 5	57 ER 42841, column 1	delete "]" in "[date]" in line 2 add "]" after "[date]" in line 5
264.151(k), (2), 4th paragraph, line 7	57 ER 42841, column 1	end paragraph with "]"

- 13 Note that there are several errors in the September 1, 1988 Federal Register. Explanatory paragraph 10, as well as the actual text of the revised code, should read "(l)" rather than "(1)" (letter rather than number one). Also, the first sentence of the

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

Introductory text for the surety bond should reference "§ 264.147(i) or § 265.147(i)" rather than "§ 264.147(h) or § 265.147(h)".

14 Note that the introductory paragraph for 264.151(m)(2) is not clearly distinguished from the preceding and following certifications. In the middle of the third column at 53 FR 33958, the paragraph numbered (2) and ending with "of this acknowledgement." is the introductory paragraph and should have been printed in the larger type size used for such paragraphs. The example of the certification begins "State of".

15 Note that there are several typographical errors in the Federal Register at 264.151(n)(1) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(n)(1) Standby Trust Agreement (e)(3)	57 <u>FR</u> 42841, column 3	insert "to" after "Property loaned"

16 Note that the September 1, 1988 Federal Register incorrectly labels this paragraph "264.141" rather than "265.141".

17 Note that there is an error in the September 16, 1992 Federal Register. In the preamble text at the bottom of the second column at 57 FR 42834, "265.143(e)(11)" should be "265.143(e)(10)".

18 Note that an error which appears in the July 1, 1989, 1990 and 1991 CFRs has only been partially corrected in the July 1, 1992 CFR. The July 1, 1989, 1990 and 1991 CFRs incorrectly omit 265.147(a)(1)(i)&(ii) and 265.147(b)(1)(i)&(ii). The September 23, 1991 Federal Register (56 FR 47912) reinstated 265.147(a)(1)(i)&(ii) but erroneously did not reinstate 265.147(b)(1)(i)&(ii). Thus, the July 1, 1992 CFR omits 265.147(b)(1)(i)&(ii). A technical correction will be published in the near future to correct this error. In the meantime, States should include analogous requirements in their regulations.

19 The September 1, 1988 rule added 265.147(a)(7) and (b)(7) to the code, and the September 16, 1992 rule revised them (including adding 265.147(a)(7)(iii) and (b)(7)(iii)). Note that the preamble of the September 1, 1988 Federal Register incorrectly characterized these paragraphs as less stringent. The September 16, 1992 Federal Register clarified this issue by stating that, in fact, these paragraphs are more stringent because they address an additional reporting requirement. The

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RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

amendment made by the September 16, 1992 rule made these requirements less stringent than those introduced by the September 1, 1988 rule. Thus, those States that adopted the more stringent September 1, 1988 provisions are not required to adopt the amendments made by the September 16, 1992 rule, although EPA urges them to do so. States that did not adopt the September 1, 1988 requirements at 265.147(a)(7) and (b)(7) should not do so but should adopt the clarified, less stringent version promulgated by the September 16, 1992 rule.

- 20 The Federal Register for Revision Checklist 51, in Item 3. In the first column at 53 ER 33959, erroneously indicates that 265.147(b)(5) is a new paragraph to be added. In fact, this final rule replaces the old 265.147(b)(5) with a new paragraph (b)(5).
- 21 Note that there is a typographical error in the Federal Register: "264.151(1)" (number 1), should be "264.151(l)" (letter l).

RCRA REVISION CHECKLIST 114

Burning of Hazardous Waste in
Boilers and Industrial Furnaces; Technical Amendment IV
57 FR 44999-45001
September 30, 1992
(RCRA Cluster III, HSWA provisions)

Notes: 1) The notice addressed by this checklist makes several technical amendments to the final rules addressed by Revision Checklist 85 (56 FR 7134; February 21, 1991), Revision Checklist 94 (56 FR 32688; July 17, 1991), Revision Checklist 96 (56 FR 42504; August 27, 1991), and Revision Checklist 111 (57 FR 38558; August 25, 1992). These revisions provide clarification and correct unintended consequences of the Boilers and Industrial Furnaces (BIF) rule and its previous corrections.

2) Due to an administrative error, the amendatory instructions in the August 27, 1991 final rule (56 FR 42504; Revision Checklist 96) resulted in the removal of 266.103(c)(1)(i) through (xiii) and 266.103(c)(3)(ii) and (iii) from the 1992 edition of 40 CFR. This present rule clarifies that these paragraphs remain in effect and are regarded by EPA to have been in effect continuously in the form published in the 1991 CFR and as subsequently amended by the August 25, 1992 final rule (57 FR 38558; Revision Checklist 111). Note that Revision Checklist 96 did not include the erroneous removal of these paragraphs; therefore this checklist includes only the technical corrections that were made in reprinting the reinstated text.

3) In reprinting the text that was erroneously removed, several changes were inadvertently made. States need not make these changes in their code. Such changes include:

- At 266.103(c)(1)(ii)(B) and numerous other citations, "adjusted" was changed to "Adjusted"; States may make this change if desired;
- At 266.103(c)(1)(ix), "the" was deleted before "Tier I"; States may make this change if desired;
- At 266.103(c)(1)(ix)(A), "ratio" was incorrectly changed to "ration"; States should not make this change;
- At 266.103(c)(1)(xiii), "metals" was incorrectly changed to "metal"; States should not make this change; and
- At 266.103(c)(3)(i), "on-site" was incorrectly changed to "onsite"; States should not make this change.

4) States that are not authorized for Revision Checklists 85, 94, 96 and 111 are strongly encouraged to adopt these present technical corrections at the same time the requirements addressed by Revision Checklists 85, 94, 96 and 111 are adopted. States already authorized for the provisions addressed by Revision Checklists 85, 94, 96 and 111 should adopt these present technical corrections as soon as possible. An updated Consolidated Boilers and Industrial Furnaces Checklist, which includes this checklist, should be available shortly.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES						
INTERIM STATUS STANDARDS FOR BURNERS						

RCRA REVISION CHECKLIST 114: Burning of Hazardous Waste in Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
1 change "266.103(a)(5)(I)(D)" to "266.103(a)(5)(i)(D)"	266.103(c)(1)	266.103(c)(1)	X			
2 insert ")" after "(e)"	266.103(c)(1)(ii)(C)	266.103(c)(1)(ii)(C)	X			
2 replace "." with ";	266.103(c)(1)(iii)	266.103(c)(1)(iii)	X			
2 replace "." with ";	266.103(c)(1)(vi)	266.103(c)(1)(vi)	X			
delete "," after "injection"; insert "or" after the first "Tier I"	266.103(c)(1)(vii)	266.103(c)(1)(vii)	X			
insert "and the total chlorine and chloride feed rate screening limits under § 266.107(b) or (e)" after "266.106(b) or (e)"	266.103(c)(1)(viii)	266.103(c)(1)(viii)	X			
change ";" to ":"	266.103(c)(1)(viii)	266.103(c)(1)(viii)	X			
change ":" to ";"	266.103(c)(1)(xi)(B)	266.103(c)(1)(xi)(B)	X			

APPENDIX IX TO PART 266

METHODS MANUAL FOR COMPLIANCE WITH BIF REGULATIONS

2 change "g/m ³ " to "µg/m ³ "	Appendix IX/Section 5.0, Table 5.0-4	3(b)(2)	X			
2 change "g/m ³ " to "µg/m ³ "	Appendix IX/Section 5.0, Table 5.0-5	3(b)(2)	X			

¹ This rule corrects an error in the August 25, 1992 rule (57 FR 38558, Revision Checklist 111) that changed this internal reference from "266.103(a)(5)(I)(D)" (which was correct) to "266.103(a)(5)(i)(D)" (which is incorrect). Revision Checklist 96 reflected the correct internal reference.

² This rule corrects an error in the August 25, 1992 rule (57 FR 38558, Revision Checklist 111).

RCRA REVISION CHECKLIST 115

Chlorinated Toluenes Production Waste Listing

57 FR 47376-47386

October 15, 1992

(RCRA Cluster III, 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 D--LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

add waste streams in alphanumeric order to the subgroup "Organic Chemicals" in the table						
	261.32	261.32	X			

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)	(T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add entries in alpha-numeric order						
	Appendix VII	Appendix VII	X			

RCRA REVISION CHECKLIST 115:
Chlorinated Toluenes Production Waste Listing (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
EPA hazardous waste No.	Hazardous constituents for which listed					
*	*	*	*	*	*	*
K149	Benzotrichloride, benzyl chloride, chloroform, chloromethane, chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.					
K150	Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene.					
K151	Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.					
*	*	*	*	*	*	*

¹ In the Federal Register's hazardous waste description for K149, there is a comma after "groups" rather than the correct period, and there appears to be an extra period after "chloride.)". States are advised to use a period after "groups" and omit the period after the closing parenthesis, as shown on this checklist.

RCRA REVISION CHECKLIST 116

Hazardous Soil Case-By-Case Capacity Variance
57 FR 47772-47776
October 20, 1992
(RCRA Cluster III, HSWA provisions)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	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--THIRD THIRD WASTES						
delete "inorganic solid debris as defined in 40 CFR 268.2(g) (which also applies to chromium refractory bricks carrying the EPA Hazardous Waste Numbers K048-K052);"	268.35(c)	268.35(c)	X			
delete ", and soil or debris contaminated with hazardous wastes listed in 40 CFR 268.10, 268.11, and 268.12 that are mixed radioactive/hazardous wastes,"; after "prohibited from land disposal" add ", except as provided in paragraph (e) of this section"	268.35(d)	268.35(d)	X			
old 268.35(e) becomes 268.35(e)(1); new paragraph states "Subject to applicable prohibitions in §§ 268.30, 268.31, and 268.32, contaminated soil and debris are prohibited from land disposal as follows:"	268.35(e)	268.35(e)	X			

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RCRA REVISION CHECKLIST 116:
Hazardous Soil Case-by-Case Capacity Variance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
former 268.35(e) with these changes: add "(including such wastes that are mixed radioactive hazardous wastes)" between "268.12" and ", debris"; replace "are established in subpart D of this part" with "established in subpart D of this part (including such wastes that are mixed radioactive hazardous wastes)"	268.35(e)(1)	268.35(e)(1)	X			
effective May 8, 1993, hazardous soil having treatment standards in 268 Subpart D based on incineration, mercury retorting or vitrification, and soils contaminated with hazardous wastes listed in 40 CFR 268.10, 268.11 and 268.12 that are mixed radioactive hazardous wastes, are prohibited from land disposal	268.35(e)(2)	268.35(e)(2)	X			

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RCRA REVISION CHECKLIST 117 A

Reissuance of the "Mixture" and "Derived-From" Rules
57 FR 7628-7633
March 3, 1992
as amended on June 1, 1992 at 57 FR 23062-23063
and on October 30, 1992 at 57 FR 49278-49279
(RCRA Cluster III, HSWA provisions)

Note: 1) This optional checklist has been developed for those States who feel it necessary to adopt the reissued "mixture" and "derived-from" rule promulgated on March 3, 1992 (57 FR 7628), and subsequently amended on June 1, 1992 (57 FR 23062), and on October 30, 1992 (57 FR 49278). This checklist consolidates these rules into one checklist except for a change made to 261.3(a)(2)(i) by the June 1, 1992 rule. That change is addressed by a separate checklist (Revision Checklist 117 B) because it corrects an omission made by the Toxicity Characteristic rule by replacing "Extraction Procedure Toxicity Characteristics" with "Toxicity Characteristic" in 261.3(a)(2)(i). This change makes the code more stringent and is, therefore, required.

2) The "mixture" and "derived-from" rules were reissued because the U.S. Court of Appeals for the District of Columbia Circuit in *Shell Oil Company v. EPA*, 950 F.2d 741 DC Cir. 1991, determined that adequate notice and comment had not been provided at initial promulgation of the "mixture" and "derived-from" rules, remanded them to the agency, and suggested EPA reinstate the rules on an interim basis and solicit comment. The March 3, 1992 interim final rule simultaneously removed and reissued 40 CFR 261.3. The October 30, 1992 (57 FR 49278) final rule removes the April 28, 1993 expiration date of the March 3, 1992 (57 FR 7628) interim final rule. EPA intends to promulgate revisions to the "mixture" and "derived-from" rules within 12-24 months of the October 30, 1992 final rule.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

† DEFINITION OF HAZARDOUS WASTE

a solid waste as defined in 261.2 is a hazardous waste if:	261.3(a)	261.3(a)	X			
it is not excluded under 261.4(b)	261.3(a)(1)	261.3(a)(1)	X			
it meets any of the following criteria:	261.3(a)(2)	261.3(a)(2)	X			
it exhibits any of the 261 subpart C characteristics of hazardous waste with exceptions for specific mixtures; mixture is hazardous waste if it exceeds the maximum concentration for any 261.24 table 1 contaminant in specific circumstances	261.3(a)(2)(i)	261.3(a)(2)(i)	X			

RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
it is listed in 261 subpart D and has not been excluded from those listings by use of the procedures of 260.20 and 260.22	261.3(a)(2)(ii)	261.3(a)(2)(ii)	X			
it is a mixture of solid waste and a hazardous waste listed in 261 subpart D solely because it exhibits one or more 261 subpart C characteristics of hazardous waste; exceptions	261.3(a)(2)(iii)	261.3(a)(2)(iii)	X			
it is a mixture of solid waste and one or more hazardous wastes listed in 261 subpart D and has not been excluded from listings by use of the procedures of 260.20 and 260.22; mixture is not hazardous waste if the generator can demonstrate mixture is wastewater regulated under § 402 or § 307(b) of the Clean Water Act and:	261.3(a)(2)(iv)	261.3(a)(2)(iv)	X			
solvent carbon tetrachloride, tetrachloroethylene, and/or trichloroethylene if maximum total weekly usage divided by average weekly flow into the headworks of the facility's treatment or pretreatment system is ≤1 ppm; or	261.3(a)(2)(iv)(A)	261.3(a)(2)(iv)(A)	X			
one or more of specified spent solvents if maximum total weekly usage divided by average weekly flow into the headworks of the facility's treatment or pretreatment system is ≤25 ppm; or	261.3(a)(2)(iv)(B)	261.3(a)(2)(iv)(B)	X			

RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or	261.3(a)(2)(iv)(C)	261.3(a)(2)(iv)(C)	X			
a discarded commercial chemical product or chemical intermediate listed in 261.33 arising from <i>de minimis</i> losses from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process; examples of <i>de minimis</i> losses; or	261.3(a)(2)(iv)(D)	261.3(a)(2)(iv)(D)	X			
wastewater resulting from laboratory operations containing 261 subpart D toxic wastes provided the annualized average flow of laboratory wastewater $\leq 1\%$ of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or the combined annualized average concentration is ≤ 1 ppm in the headworks of the facility's wastewater treatment or pretreatment facility; demonstrated laboratory toxic wastes not discharged to wastewater are not included in the calculation	261.3(a)(2)(iv)(E)	261.3(a)(2)(iv)(E)	X			
a solid waste not excluded under 261.3(a)(1) becomes a hazardous waste when:	261.3(b)	261.3(b)	X			
the waste first meets the 261 subpart D listing description	261.3(b)(1)	261.3(b)(1)	X			

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RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
a 261 subpart D hazardous waste is first added to a solid waste	261.3(b)(2)	261.3(b)(2)	X			
the waste exhibits any 261 subpart C characteristic	261.3(b)(3)	261.3(b)(3)	X			
unless and until it meets the criteria of 261.3(d):	261.3(c)	261.3(c)	X			
hazardous waste remains hazardous waste	261.3(c)(1)	261.3(c)(1)	X			
except as provided by 261.3(c)(2)(ii), any solid waste generated from the treatment, storage, or disposal of hazardous waste is a hazardous waste; exception for materials reclaimed from solid waste and used beneficially unless burned for energy recovery or used in a manner constituting disposal	261.3(c)(2)(i)	261.3(c)(2)(i)	X			
the following solid wastes generated from the treatment, storage or disposal of a hazardous waste are not hazardous unless they exhibit one or more characteristics of a hazardous waste:	261.3(c)(2)(ii)	261.3(c)(2)(ii)	X			
waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry	261.3(c)(2)(ii)(A)	261.3(c)(2)(ii)(A)	X			
¹ waste from burning any of the materials exempted by § 261.6(a)(3)(v)-(viii)	261.3(c)(2)(ii)(B)	261.3(c)(2)(ii)(B)	X			

RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
2 nonwastewater residues, such as slags, resulting from high temperature metals recovery processing of K061 waste; generic exclusion levels; testing requirement; notification and certification requirements for each shipment of certain K061 HTMR residues sent to a subtitle D unit	261.3(c)(2)(ii)(C)	261.3(c)(2)(ii)(C)	X			
any solid waste described in 261.3(c) is not a hazardous waste if it meets the following criteria:	261.3(d)	261.3(d)	X			
3 if a solid waste, it does not exhibit any of the 261 subpart C criteria; such wastes that exhibit a characteristic at the point of generation may still be subject to part 268	261.3(d)(1)	261.3(d)(1)	X			
if a waste listed in 261 subpart D, containing a 261 subpart D waste or derived from a 261 subpart D waste, it has also been excluded from 261.3(c) by use of the procedures of 260.20 and 260.22	261.3(d)(2)	261.3(d)(2)	X			

¹ As reissued by the March 3, 1992 rule, this subparagraph incorrectly referenced "261.6(a)(3)(v) through (ix)." The June 1, 1992 rule corrected this reference to read "261.6(a)(3)(v)-(viii)."

² Note that this section of code has been further revised by an August 18, 1992 rule (57 FR 37194; Revision Checklist 109). The changes addressed by this present checklist address only the "mixture" and "derived-from" rules as they were at the time of reissuance in March 1992. Unfortunately, the version of the "mixture" and "derived-from" rules, reissued by the March 3, 1992 rule, omitted 261.3(c)(2)(ii)(C) which had been added by an August 19, 1991 rule (56 FR 41164; Revision Checklist 95). The June 1, 1992 amendment to the reissued mixture and derived-from rule reinstated this omitted code.

³ The code reissued by the March 3, 1992 rule omitted the parenthetical sentence added by Revision Checklist 83 (56 FR 3864; January 31, 1991) addressing characteristic waste no longer exhibiting a characteristic that still may be subject to Part 268 requirements. The June 1, 1992 amendment re-added this sentence to the code.

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RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

RCRA REVISION CHECKLIST 117B

Toxicity Characteristic Amendment
57 FR 23062-23063
June 1, 1992
(RCRA Cluster III, HSWA provision)

Note: The Toxicity Characteristic rule [55 FR 11798 (March 29, 1990); Revision Checklist 74] and its subsequent amendments [55 FR 26986 (June 29, 1990) and 57 FR 30657 (July 10, 1992); Revision Checklist 74] omitted changing the reference to the "Extraction Procedure Toxicity Characteristic" at 261.3(a)(2)(i). The March 3, 1992 reissuance of the "mixture" and "derived-from" rules, reissued 261.3 with that error still in it. The June 1, 1992 amendment (57 FR 23062) to that reissued code corrected this error. Because this change makes the Federal code more stringent, it is required and was placed in a checklist separate from the other provisions (considered optional, for States) addressing the reissuance of the "mixture" and "derived-from" rules.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	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						
change "Extraction Procedure Toxicity characteristic" to "Toxicity Characteristic"	261.3(a)(2)(i)	261.3(a)(2)(i)	X			

RCRA REVISION CHECKLIST 118

Liquids in Landfills II
57 FR 54452-54461
November 18, 1992
(RCRA Cluster III, 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 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B - DEFINITIONS						
DEFINITIONS						
add "sorbent"	260.10	260.10	X			
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART B - GENERAL FACILITY STANDARDS						
GENERAL WASTE ANALYSIS						
add new paragraph; procedures owner or operator will use to determine whether biodegradable sorbent has been added to waste in container	264.13(c)(3)	264.13(c)(3)	X			
SUBPART N - LANDFILLS						
SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS						
change "an absorbent" to "a sorbent"	264.314(a)(2)	264.314(a)			X	
change "absorbents" to "sorbents"	264.314(b)	264.314(b)	X			
change "absorbent" to "sorbent"	264.314(d)(1)(ii)	264.314(d)			X	
redesignate old 264.314(e) as 264.314(f); add new paragraph requiring that sorbents, used to treat free liquids disposed in landfills, must be nonbiodegradable; definition of nonbiodegradable sorbents	264.314(e)	264.314(e)	X			
	264.314(e)(1)	264.314(e)(1)	X			

nonbiodegradable sorbents

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	264.314(e)(1)(i)	264.314(e)(1)(i)	X			
	264.314(e)(1)(ii)	264.314(e)(1)(ii)	X			
	264.314(e)(1)(iii)	264.314(e)(1)(iii)	X			
tests for nonbiodegradable sorbents	264.314(e)(2)	264.314(e)(2)	X			
	264.314(e)(2)(i)	264.314(e)(2)(i)	X			
	264.314(e)(2)(ii)	264.314(e)(2)(ii)	X			
former 264.314(e) becomes 264.314(f)	264.314(f)	Not Adopted			X	
	264.314(f)(1)	Not Adopted			X	
	264.314(f)(2)	Not Adopted			X	

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS (LAB PACKS)						
change "absorbent" to "sorberent" in two places; add ", determined to be nonbiodegradable in accordance with § 264.314(e)," before "to completely"; change "absorb" to "sorb"; change "packing" to "it has been packed"	264.316(b)	264.316(b)	X			
change "absorbent" to "sorberent"; add ", after "containers"	264.316(c)	264.316(c)	X			
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART B - GENERAL FACILITY STANDARDS						
GENERAL WASTE ANALYSIS						
add new paragraph; procedures owner or operator will use to determine whether biodegradable sorberent has been added to waste in container	265.13(c)(3)	265.13(c)(3)	X			
SUBPART N - LANDFILLS						
SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS						
change "an absorbent" to "a sorberent"	265.314(a)(2)	265.314(a)			X	
change "absorbents" to "sorberents"	265.314(b)	265.314(b)	X			
change "absorbent" to "sorberent"	265.314(c)(1)(ii)	265.314(c)			X	

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate old 265.314(f) as 265.314(g); add new paragraph requiring that sorbents, used to treat free liquids disposed in landfills, must be nonbiodegradable; definition of nonbiodegradable sorbents	265.314(f)	265.314(f)	X			
nonbiodegradable sorbents	265.314(f)(1)	265.314(f)(1)	X			
	265.314(f)(1)(i)	265.314(f)(1)(i)	X			
	265.314(f)(1)(ii)	265.314(f)(1)(ii)	X			
	265.314(f)(1)(iii)	265.314(f)(1)(iii)	X			
tests for nonbiodegradable sorbents	265.314(f)(2)	265.314(f)(2)	X			
	265.314(f)(2)(i)	265.314(f)(2)(i)	X			
	265.314(f)(2)(ii)	265.314(f)(2)(ii)	X			
former 265.314(f) becomes 265.314(g)	265.314(g)	Not Adopted			X	
	265.314(g)(1)	Not Adopted			X	
	265.314(g)(2)	Not Adopted			X	

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS (LAB PACKS)						
change "absorbent" to "sorberent" in both places; add ", determined to be nonbiodegradable in accordance with § 265.314(f)," before "to completely"; change "absorb" to "sorb"; change "packing" to "it has been packed"	265.316(b)	265.316(b)	X			
2 change "absorbent" to "sorberent"; add ", after "containers"	265.316(c)	265.316(c)	X			

¹ Note that there is a typographical error in the Federal Register article; at 265.314(f)(1)(ii), "polysobutylene" should be "polyisobutylene."

² Note that there is an error in the Federal Register article; "container's" should be "containers,".

RCRA REVISION CHECKLIST 119

Toxicity Characteristic Revision;
TCLP Correction
57 FR 55114-55117
November 24, 1992
as amended on February 2, 1993 at 58 FR 6854
(RCRA Cluster III, HSWA provisions)

Note: The November 24, 1992 rule amends the version of the TCLP that was added to Appendix II to Part 261 by the March 29, 1990 final rule (55 FR 11798; Revision Checklist 74), concurrent with the removal of the old version of the TCLP from Appendix I to Part 268.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

APPENDIX II TO PART 261

† METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)

change "data is" to "data are"; delete sentence regarding bias determined from matrix spike determination and parenthetical reference phrase following it	Appendix II, 8.2	261, Appendix II, 8.2	X			
change "may not be not less" to "may not be less"	Appendix II, 8.2.2	261, Appendix II, 8.2.2	X			
remove subparagraph	Appendix II, 8.2.5	261, Appendix II, 8.2.5	X			
1 redesignate former 8.4 as 8.5; add new 8.4 and subparagraphs addressing use of internal calibration quantitation methods	Appendix II, 8.4	261, Appendix II, 8.4	X			
	Appendix II, 8.4.1	261, Appendix II, 8.4.1	X			
	Appendix II, 8.4.2	261, Appendix II, 8.4.1	X			
	Appendix II, 8.4.3	261, Appendix II, 8.4.3	X			
	Appendix II, 8.4.4	261, Appendix II, 8.4.4	X			
2 former 8.4 becomes 8.5	Appendix II, 8.5	261, Appendix II, 8.5	X			

NOTE: These revisions to Regulation No. 23 have been superseded with the application of revisions addressed at Checklist 126.

† There is a typographical error in the November 24, 1992 Federal Register; "84.4.4" should be "8.4.4." The February 2, 1993 rule made this correction.

RCRA REVISION CHECKLIST 119: Toxicity Characteristic Revision;
TCLP Correction (cont'd)

- 2 There is a typographical error in the Federal Register; in the table at 8.5, second column heading, there should be a space between "TCLP" and "extraction."

RCRA REVISION CHECKLIST 120

Wood Preserving; Revisions to
Listings and Technical Requirements
57 FR 61492-61505
December 24, 1992

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

Note:

1) This revision checklist terminates the June 13, 1991 (56 FR 27332, Revision Checklist 91) administrative stay by amending the F032, F034, and F035 listings and by revising technical requirements for new drip pads. This checklist amends the impermeability requirement for existing drip pads, replacing it with a specific hydraulic conductivity standard. The stay promulgated February 18, 1992 (57 FR 5859, Revision Checklist 101) no longer applies. (Note, the preamble to this rule refers to this stay as the February 6, 1992 administrative stay.) Facilities with existing drip pads must meet this new hydraulic standard before the compliance date set in this rule rather than the October 20, 1992 deadline set in that administrative stay. States that have adopted Revision Checklists 91 and 101 are encouraged to adopt Revision Checklist 120 as soon as possible. States that have not yet adopted previous Wood Preserving checklists are strongly encouraged to use the Consolidated Wood Preserving Checklist updated through December 31, 1992.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART D--LISTS OF HAZARDOUS WASTES						
HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES						
†,1 revise F032, F034, and F035 listings to read as follows:	261.31(a)/table	261.31(a)/table	X			

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RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Industry and EPA hazardous waste No.	Hazardous waste			Hazard code		
* * * * *						
F032	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with § 261.35 of this chapter or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.					(T)
F034	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.					(T)
F035	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.					(T)
* * * * *						
2 remove the administrative stay addressed in Footnote 1 of the 261.31 table	261.31(a)/table	261.31(a)/table	X			

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADFC&E Reg. No. 23)	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 W--DRIP PADS						
APPLICABILITY						
change "run-on" to "run-off"; at end of paragraph, add sentence regarding applicability of 264.573(b)(3) leak collection system requirement	264.570(a)	264.570(a)	X			
add new paragraph; Subpart W requirements not applicable to management of infrequent, incidental dripping in storage yards provided:	264.570(c)	264.570(c)	X			
owner or operator maintains and complies with a written contingency plan describing how owner or operator will respond immediately to discharge of infrequent and incidental dripping; at a minimum, what the contingency plan must describe	264.570(c)(1)	264.570(c)(1)	X			
	264.570(c)(1)(i)	264.570(c)(1)(i)	X			
	264.570(c)(1)(ii)	264.570(c)(1)(ii)	X			
	264.570(c)(1)(iii)	264.570(c)(1)(iii)	X			
	264.570(c)(1)(iv)	264.570(c)(1)(iv)	X			

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RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
ASSESSMENT OF EXISTING DRIP PAD INTEGRITY						
delete ", and must document the age of the drip pad to the extent possible, to document compliance with paragraph (b) of this section"	264.571(a)	264.571(a)	X			
3 change "modifications will be" to "modifications are"; change "insufficient" to "in sufficient"; change "263.573" to "264.573"; delete "and must document the age of the drip pad to the extent possible"; delete "All upgrades, repairs, and modifications must be completed in accordance with the following:"	264.571(b)	264.571(b)			X	
3 remove subparagraphs	264.571(b)(1)		X			
	264.571(b)(2)		X			
	264.571(b)(3)		X			
DESIGN AND INSTALLATION OF NEW DRIP PADS						
insert "new" before "drip pads"; replace "all of the applicable requirements of §§ 264.573, 264.574 and 264.575 of this subpart." with "one of the following:"	264.572	264.572	X			
add new subparagraph; all of the requirements of 264.573 (except 264.573(a)(4)), 264.574 and 264.575	264.572(a)	264.572(a)	X			
add new subparagraph; all of the requirements of 264.573 (except 264.573(b)), 264.574 and 264.575	264.572(b)	264.572(b)	X			
DESIGN AND OPERATING REQUIREMENTS						

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
4, remove existing text 5, designated as (a)(4) and note 6 regarding administrative stay for existing drip pads; replace with subparagraph addressing hydraulic conductivity requirements; maintain surface free of cracks and gaps; sealing material must be chemically compatible with preservatives that contact pad; requirements apply to existing drip pads and drip pads of owners/operators electing to comply with 264.572(a)	<i>Sherry: see Footnote 6 - the CFR is wrong - Reg 23 shows the correct references.</i> 264.573(a)(4)(i)	264.573(a)(4)(i)			X	
add new subparagraph; owner or operator must obtain and keep at the facility written assessment of drip pad certified by independent qualified registered engineer; assessment must attest to results of evaluation; assessment must be reviewed, updated and recertified annually; evaluation must document extent to which drip pad meets 264.573 (except 264.573(b)) design and operating standards	264.573(a)(4)(ii)	264.573(a)(4)(ii)			⊗	⊗
7 replace existing introductory sentence with: "If owner/ operator elects to comply with § 264.572(b) instead of § 264.572(a), the drip pad must have:"	264.573(b)	264.573(b)	X			

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RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new subparagraph; leakage collection system immediately above the liner designed, constructed, maintained and operated to collect leakage from below the drip pad; date, time and quantity of leakage collected must be documented in operating log	264.573(b)(3)	264.573(b)(3)	X			
replace "at least once every seven days" with "in a manner and frequency"; replace phrase addressing the types of cleaning techniques with phrase addressing proper management of residues and weekly inspections of entire drip pad surface; at end add new sentence requiring owner/ operator to determine whether residues are hazardous under 262.11 and, if so, manage according to Parts 261-268, 270 and RCRA §3010	264.573(i)	264.573(i)	X			

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	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 W--DRIP PADS						
APPLICABILITY						
change "run-on" to "run-off"; delete comma after first occurrence of "1990"; delete "generated" after first occurrence of "operator has"; at end of paragraph, add sentence regarding applicability of 265.443(b)(3) leak collection system requirement	265.440(a)	265.440(a)	X			
add new paragraph; Subpart W requirements not applicable to management of infrequent, incidental drippage in storage yards provided:	265.440(c)	265.440(c)	X			
owner or operator maintains and complies with a written contingency plan describing how owner or operator will respond to discharge of infrequent and incidental drippage; at a minimum, what the contingency plan must describe	265.440(c)(1)	265.440(c)(1)	X			
	265.440(c)(1)(i)	265.440(c)(1)(i)	X			
	265.440(c)(1)(ii)	265.440(c)(1)(ii)	X			
	265.440(c)(1)(iii)	265.440(c)(1)(iii)	X			
	265.440(c)(1)(iv)	265.440(c)(1)(iv)	X			

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
ASSESSMENT OF EXISTING DRIP PAD INTEGRITY						
delete "justify and" after "The evaluation must"; delete ", and must document the age of the drip pad to the extent possible, to document compliance with paragraph (b) of this section"	265.441(a)	265.441(a)			X	ⓧ
3 add comma after first occurrence of "this subpart"; change "modifications will be" to "modifications are"; delete "and must document the age of the drip pad to the extent possible"; delete "," after "265.443 of this subpart"; delete comma after "qualified"; delete "All upgrades, repairs, and modifications must be completed in accordance with the following:"	265.441(b)	265.441(b)			X	
3 remove subparagraphs	265.441(b)(1)		X			
	265.441(b)(2)		X			
	265.441(b)(3)		X			

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
DESIGN AND INSTALLATION OF NEW DRIP PADS						
replace "all of the applicable requirements of §§ 265.443, 265.444 and 265.445 of this subpart." with "one of the following:"	265.442	265.442	X			
all of the applicable requirements of 265.443 (except 265.443(a)(4)), 265.444 and 265.445	265.442(a)	265.442(a)	X			
all of the applicable requirements of 265.443 (except 265.443(b)), 265.444 and 265.445	265.442(b)	265.442(b)	X			

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RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
DESIGN AND OPERATING REQUIREMENTS						
4, remove existing text 8 designated as 265.443(a)(4) and remove two notes regarding administrative stays for new and existing drip pads; replace with new subparagraph regarding hydraulic conductivity requirements; maintain surface free of cracks and gaps; surface material must be chemically compatible with preservatives that contact pad; requirements apply to existing drip pads and drip pads of owners/operators electing to comply with 265.442(a)	265.443(a)(4)(i)	265.443(a)(4)(i)			X	
add new subparagraph; owner or operator must obtain and keep at the facility a written assessment of drip pad certified by independent qualified registered engineer; assessment must attest to results of evaluation; assessment must be reviewed, updated and recertified annually; evaluation must document extent to which drip pad meets 265.443 (except 265.443(b)) design and operating standards	265.443(a)(4)(ii)	265.443(a)(4)(ii)			X	
9 replace existing introductory sentence with "If an owner/operator elects to comply with § 265.442(b) instead of § 265.442(a), the drip pad must have:"	265.443(b)	265.443(b)	X			

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new subparagraph; leakage collection system immediately above the liner designed, constructed, maintained and operated to collect leakage from below the drip pad for removal; date, time and quantity of leakage collected must be documented in operating log	265.443(b)(3)	265.443(b)(3)	X			
replace "at least once every seven days" with "in a manner and frequency"; replace phrase addressing the types of cleaning techniques with phrase addressing proper management of residues and weekly inspections of entire drip pad surface	265.443(i)	265.443(i)	X			

- 1 For those States that did not adopt the June 13, 1991 administrative stay, the changes to these listings represent a narrowing of the F032, F034 and F035 listings. Thus, these changes are optional for States not adopting that administrative stay. Those States which adopted that administrative stay should remove the wording added by the stay and replace the wording with that shown in the December 24, 1992 rule and presented in this checklist.
- 2 Only those States that added the stay to their code need to make this change.
- 3 The Federal Register instructions for revising this paragraph are unclear. According to EPA, the last sentence of (b), which introduces the subparagraphs, is to be removed, as well as subparagraphs (b)(1), (2), and (3). A technical correction will be published in the Federal Register in the near future.
- 4 The Federal Register does not clearly indicate that these notes regarding administrative stays are removed by this rule; according to EPA, they should be removed. A technical correction will be published in the Federal Register in the near future.
- 5 There are two typographical errors in this paragraph in the Federal Register; in both occurrences, "1x10⁻⁷" should be "1x10⁻⁷."

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RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

- 6 Note that the Federal Register is in error. According to EPA, the last line of 264.573(a)(4)(i) should read "§ 264.572(b) instead of §264.572(a)" rather than "§264.572(a) instead of 264.572(b)." As written, the code contradicts what is said in the 264.572(a)&(b) requirements.
- 7 There is an error in the Federal Register at 264.573(b). According to EPA, the phrase "§ 264.572(b) instead of § 264.572(a)" should be "§ 264.572(a) instead of § 264.572(b)." As currently written, the code contradicts the 264.572(a)&(b) requirements.
- 8 Note that the Federal Register is in error. According to the last line of 265.443(a)(4)(i) should read "§ 265.442(b) instead of § 265.442(a)" rather than "§ 265.442(a) instead of § 265.442(b)". As written, the code contradicts what is said in the 265.442(a)&(b) requirements.
- 9 There is an error in the Federal Register at 265.443(b). According to EPA, the phrase "§ 265.442(b) instead of § 265.442(a)" should be "§ 265.442(a) instead of § 265.442(b)." As currently written, the code contradicts the 265.442(a)&(b) requirements.

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; thus authorized States are not required to adopt the changes addressed by this rule. As such, this checklist is designated as optional. However, EPA strongly encourages States to adopt the checklist as soon as possible in order to expedite hazardous waste remediation at RCRA corrective action facilities.

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

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

† DEFINITIONS

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

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

SUBPART A - GENERAL

† RELATIONSHIP TO INTERIM STATUS STANDARDS

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
1 add ", except as provided under 40 CFR part 264 subpart S" at end of paragraph	264.3	264.3	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)	264.101(b)	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(a)	264.552(a)	X			
placement of remediation wastes in CAMU does not constitute land disposal	264.552(a)(1)	264.552(a)(1)	X			
consolidation or placement of remediation wastes in CAMU does not constitute creation of a unit subject to minimum technology requirements	264.552(a)(2)	264.552(a)(2)	X			
Regional Administrator may designate a regulated unit as a CAMU or include a regulated unit in a CAMU; criteria	264.552(b)(1)	264.552(b)(1)	X			
	264.552(b)(1)(i)	264.552(b)(1)(i)	X			
	264.552(b)(1)(ii)	264.552(b)(1)(ii)	X			
Subparts F, G, and H and unit-specific Parts 264 or 265 requirements that applied to regulated unit continue to apply to that portion of CAMU after incorporation	264.552(b)(2)	264.552(b)(2)	X			

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
criteria by which Regional Administrator shall designate CAMU:	264.552(c)	264.552(c)	X			
CAMU shall facilitate implementation of reliable, effective, protective, and cost-effective remedies	264.552(c)(1)	264.552(c)(1)	X			
associated waste management activities shall not create unacceptable risks to humans or the environment	264.552(c)(2)	264.552(c)(2)	X			
CAMU shall include uncontaminated areas only if including such areas for purpose of managing remediation waste is more protective than managing such wastes at contaminated areas	264.552(c)(3)	264.552(c)(3)	X			
CAMU areas where waste will remain after closure shall be managed and contained to minimize future releases, to the extent practicable	264.552(c)(4)	264.552(c)(4)	X			
CAMU shall expedite remedial activity implementation when appropriate and practical	264.552(c)(5)	264.552(c)(5)	X			
CAMU shall enable use of treatment technologies, when appropriate, to enhance long-term effectiveness of remedial actions	264.552(c)(6)	264.552(c)(6)	X			
CAMU shall, to the extent practicable, minimize land area where wastes will remain after closure	264.552(c)(7)	264.552(c)(7)	X			

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
owner/operator shall provide sufficient information to enable Regional Administrator to designate CAMU in accordance with 264.552	264.552(d)	64.552(d)	X			
Regional Administrator shall specify CAMU requirements in permit or order, including:	264.552(e)	264.552(e)	X			
areal configuration of CAMU	264.552(e)(1)	264.552(e)(1)	X			
requirements for remediation waste management, including applicable design, operation and closure requirements	264.552(e)(2)	264.552(e)(2)	X			
requirements for ground water monitoring sufficient to:	264.552(e)(3)	264.552(e)(3)	X			
continue to detect and characterize existing releases from sources within CAMU	264.552(e)(3)(i)	264.552(e)(3)(i)	X			
detect and characterize releases from areas of the CAMU in which wastes will remain after closure	264.552(e)(3)(ii)	264.552(e)(3)(ii)	X			
closure and post-closure requirements:	264.552(e)(4)	264.552(e)(4)	X			
CAMU closure shall:	264.552(e)(4)(i)	264.552(e)(4)(i)	X			
minimize need for further maintenance	264.552(e)(4)(i)(A)	264.552(e)(4)(i)(A)	X			

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
control, minimize, or eliminate post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to ground, surface waters, or atmosphere	264.552(e)(4)(i)(B)	264.552(e)(4)(i)(B)	X			
requirements for closure of CAMU shall include, as appropriate and deemed necessary by the Regional Administrator:	264.552(e)(4)(ii)	264.552(e)(4)(ii)	X			
excavation, removal, treatment or containment of wastes	264.552(e)(4)(ii)(A)	264.552(e)(4)(ii)(A)	X			
capping of areas in which wastes will remain after CAMU closure	264.552(e)(4)(ii)(B)	264.552(e)(4)(ii)(B)	X			
removal and decontamination of equipment, devices, and structures used in remediation waste management activities within CAMU	264.552(e)(4)(ii)(C)	264.552(e)(4)(ii)(C)	X			
in establishing specific 264.552(e) closure requirements, Regional Administrator shall consider:	264.552(e)(4)(iii)	264.552(e)(4)(iii)	X			
CAMU characteristics	264.552(e)(4)(iii)(A)	264.552(e)(4)(iii)(A)	X			
volume of wastes which remain in place after closure	264.552(e)(4)(iii)(B)	264.552(e)(4)(iii)(B)	X			
potential for releases from CAMU	264.552(e)(4)(iii)(C)	264.552(e)(4)(iii)(C)	X			
physical and chemical characteristics of the waste	264.552(e)(4)(iii)(D)	264.552(e)(4)(iii)(D)	X			

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
2 hydrogeological and other relevant environmental conditions which may influence migration of potential or actual releases	264.552(e)(4)(iii)(E)	264.552(e)(4)(iii)(E)	X			
potential for exposure of human and environmental receptors if releases occur	264.552(e)(4)(iii)(F)	264.552(e)(4)(iii)(F)	X			
post-closure requirements as necessary to protect human health and the environment; for areas where wastes will remain, monitoring and maintenance activities and frequency	264.552(e)(4)(iv)	264.552(e)(4)(iv)	X			
Regional Administrator shall document rationale for CAMU designation; make documentation available to public	264.552(f)	264.552(f)	X			
incorporation of CAMU into existing permit approved by Regional Administrator under 270.41 or 270.42 procedures	264.552(g)	264.552(g)	X			
CAMU designation does not change EPA's existing authority to address clean-up levels, media-specific points of compliance, or other remedy selection decisions	264.552(h)	264.552(h)	X			

† TEMPORARY UNITS (TU)

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
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(a)	264.553(a)	X			
temporary unit to which alternative requirements are applied shall be:	264.553(b)	264.553(b)	X			
located within facility boundary	264.553(b)(1)	264.553(b)(1)	X			
used only for treatment or storage of remediation wastes	264.553(b)(2)	264.553(b)(2)	X			
factors Regional Administrator shall consider in establishing temporary unit standards:	264.553(c)	264.553(c)	X			
length of time unit will be in operation	264.553(c)(1)	264.553(c)(1)	X			
type of unit	264.553(c)(2)	264.553(c)(2)	X			
volumes of wastes to be managed	264.553(c)(3)	264.553(c)(3)	X			
physical and chemical characteristics of wastes to be managed	264.553(c)(4)	264.553(c)(4)	X			
potential for releases from the unit	264.553(c)(5)	264.553(c)(5)	X			
hydrogeological and other relevant environmental conditions which may influence migration of potential releases	264.553(c)(6)	264.553(c)(6)	X			

US EPA ARCHIVE DOCUMENT

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
potential for exposure of humans and environmental receptors if releases occur	264.553(c)(7)	264.553(c)(7)	X			
Regional Administrator shall specify in permit or order length of time, up to a year, the temporary unit will be allowed to operate; design, operating, and closure requirements for the unit	264.553(d)	264.553(d)	X			
3 Regional Administrator may extend operational period of temporary unit once for no longer than one year beyond period specified in permit or order, if:	264.553(e)	264.553(e)	X			
continued operation of unit will not threaten human health and environment	264.553(e)(1)	264.553(e)(1)	X			
continued operation of unit is necessary to ensure timely and efficient implementation of remedial actions	264.553(e)(2)	264.553(e)(2)	X			
incorporation of a temporary unit or time extension for temporary unit in an existing permit shall be:	264.553(f)	264.553(f)	X			
approved in accordance with 270.41 permit modification procedures	264.553(f)(1)	264.553(f)(1)	X			
requested by owner/operator as Class II modification in accordance with 270.42	264.553(f)(2)	264.553(f)(2)	X			
Regional Administrator shall document rationale for temporary unit designation; documentation made available to public	264.553(g)	264.553(g)	X			

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

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

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)	265.1(b)	X			
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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)	268.2(c)	X			
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART A - GENERAL INFORMATION

† DEFINITIONS

add "corrective action management unit"	270.2	270.2	X			
add sentence excluding a corrective action management unit into which remediation wastes are placed from definition	270.2 "disposal facility"	270.2 "disposal facility"	X			

SUBPART D - CHANGES TO PERMIT

† PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

add new section N. to table	270.42 Appendix I	270.42 Appendix I	X			
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- 1 Note that the comment following 264.3 remains unchanged.
- 2 Note that there is a typographical error in the Federal Register addressed by this Checklist; in 264.552(e)(4)(iii)(E) "Hydrological" should be "Hydrogeological".
- 3 Note that at 264.553(e), "Administrator" should read "Regional Administrator".

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 122

Recycled Used Oil Management Standards; Technical Amendments and Corrections I

58 FR 26420-26426

May 3, 1993

as amended on June 17, 1993 at 58 FR 33341-33342
(RCRA Cluster III, both HSWA and non-HSWA provisions)

Notes: 1) This rule corrects several technical errors and provides clarifying amendments to the recycled used oil management standards rule, published September 10, 1992 (57 FR 41566; Revision Checklist 112). This rule also corrects an error in the May 20, 1992 Used Oil Filter rule (57 FR 21524; Revision Checklist 104).

2) On March 4, 1994 EPA published a final rule (59 FR 10550; Revision Checklist 130) which provided clarifying amendments to the September 10, 1992 final rule, expanded the exemption from the Part 279 requirements to other petroleum refinery applications and corrected an error in the May 3, 1993 final rule addressed by this current checklist. States which are not authorized for Revision Checklist 112 are strongly encouraged to adopt these present technical amendments and corrections and the ones addressed by Revision Checklist 130 at the same time the requirements addressed by Revision Checklist 112 are adopted. A checklist which consolidates the Checklist 112, 122 and 130 provisions has been developed to help States apply for these three checklists concurrently. That consolidated checklist will be available shortly after Revision Checklist 130 is available. States that have already adopted Checklist 112 are encouraged to adopt Revision Checklists 122 and 130 as soon as possible. States that choose to adopt the consolidated version of the recycled used oil management standards will have until the due date for Revision Checklist 130 to make these changes.

3) This present rule also amends the rule addressed by Revision Checklist 104, States that have already adopted that checklist are encouraged to adopt Checklist 122 as soon as possible.

4) The preamble to the September 10, 1992 rule (57 FR 41566; Revision Checklist 112) indicated none of the provisions of that rule were being promulgated pursuant to HSWA. Therefore, the Part 279 regulations would not be enforceable in an authorized State until the State had received authorization for Revision Checklist 112. However, EPA has now determined that by the addition of Section 3006(h) to RCRA in 1986, it was not Congress's intent to make the original used oil recycling requirements in 266, Subpart E suddenly unenforceable in authorized states. 266 Subpart E (November 29, 1985; 50 FR 49164; Revision Checklist 19) was primarily recodified in certain portions of Part 279 (specifically 279.10, 279.11, and portions of 279.1 and Subparts G and H) by the September 10, 1992 rule. Since these provisions were originally promulgated under HSWA, they remain HSWA requirements and will continue to be enforced by EPA until a State becomes authorized for them. The HSWA provisions changed by this checklist are designated by a "◆" (diamond symbol).

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	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						
1 261.4(b)(15) redesignated as (b)(13)	261.4(b)(13)	261.4(b)(13)	X			
1 add paragraph excluding from regulation used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products	261.4(b)(14)	261.4(b)(14)	X			
1 redesignate as 261.4(b)(13)	261.4(b)(15)	261.4(b)(15)	X			
SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS						
delete "subpart G of" before "part 279"	261.5(j)	261.5(j)	X			

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**RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
 Technical Amendments and Corrections (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	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						
PURPOSE, SCOPE, AND APPLICABILITY						
2 change "261.6(a)(2) and (3)" to "261.6(a)(2), (3), and (4)"; change "that requirements of this part" to "they"; add "part 279 or" before "subparts"; change "subparts C, F, G or H" to "subparts C, D, F or G" (note, this last change appears to be an error; see Endnote 2 for this checklist)	264.1(g)(2)	264.1(g)(2)	X			

**RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standard
Technical Amendments and Corrections (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG		
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS TREATMENT, STORAGE, AND DISPOSAL FACILITIES					
SUBPART A - GENERAL					
PURPOSE, SCOPE, AND APPLICABILITY					
2 change "owner and operator" to "owner or operator"; change "261.6(a)(2) and (3)" to "261.6(a)(2), (3), and (4)"; change "that requirements of this part" to "they"; add "part 279 or" before "subparts"; change "subparts C, F, G or H" to "subparts C, D, F or G" (note, this last change appears to be an error; see endnote 2 for this checklist)	265.1(c)(6)	265.1(c)(6)	X		
PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL					
SUBPART A - DEFINITIONS					
DEFINITIONS					
♦ change "if contaminated" to "is contaminated"	279.1 "used oil"	279.1 "used oil"	X		

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART B - APPLICABILITY						
APPLICABILITY						
3,♦ change "exhibits a" to "solely exhibits one or more of the"; after "chapter", insert "and mixtures of used oil and hazardous waste that is listed in subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C"	279.10(b)(2)	279.10(b)(2)	X			
♦ change "Regulation" to "Except as specified in § 279.10(b)(2)(iii), regulation"	279.10(b)(2)(ii)	279.10(b)(2)(ii)	X			
♦ change "because if" to "because it"	279.10(b)(2)(iii)	279.10(b)(2)(iii)	X			
replace old paragraph with new heading: "Materials containing or otherwise contaminated with used oil"	279.10(c)	279.10(c)	X			
add new subparagraph; except as provided in 279.10(c)(2), materials containing or otherwise contaminated with used oil from which used oil has been properly drained or removed such that no visible signs of free-flowing oil remain in or on material:	279.10(c)(1)	279.10(c)(1)	X			
are not used oil; not subject to Part 279	279.10(c)(1)(i)	279.10(c)(1)(i)	X			
subject to Parts 124, 260-266, 268, and 270 if applicable	279.10(c)(1)(ii)	279.10(c)(1)(ii)	X			

**RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new subparagraph; materials containing or otherwise contaminated with used oil that are burned for energy recovery subject to Part 279	279.10(c)(2)	279.10(c)(2)	X			
add new subparagraph; used oil drained or removed from materials containing or otherwise contaminated with used oil subject to Part 279	279.10(c)(3)	279.10(c)(3)	X			
change "or other products" to "or other fuel products"	279.10(d)(1)	279.10(d)(1)	X			
change "identified as hazardous waste" to "listed or identified as hazardous wastes"	279.10(e)(3)(ii)	279.10(e)(3)(ii)	X			
change "Re-refining" to "Used oil re-refining"; change "are:" to "are not subject to this part."	279.10(e)(4)	279.10(e)(4)	X			
removed	279.10(e)(4)(i)&(ii)	279.10(e)(4)(i)&(ii)	X			
4 replace existing paragraph; change heading to "Used oil containing PCBs"; marketers and burners of used oil containing quantifiable level of PCBs subject to 40 CFR 761.20(e) in addition to Part 279	279.10(i)	279.10(i)	X			
USED OIL SPECIFICATIONS						
†, ⚡ 5 after Table 1, add note regarding applicable standards for burning used oil containing PCBs	279.11, Table 1, note	279.11, Table 1, note	X			
PROHIBITIONS						

**RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph; hazardous waste incinerators subject to regulation under subpart O of 264 or 265	279.12(c)(3)	279.12(c)(3)	X			
SUBPART C - STANDARDS FOR USED OIL GENERATORS						
HAZARDOUS WASTE MIXING						
replace existing paragraph; mixtures of used oil and hazardous waste must be managed in accordance with 279.10(b)	279.21(a)	279.21(a)	X			
USED OIL STORAGE						
remove first sentence	279.22	279.22	X			
ON-SITE BURNING IN SPACE HEATERS						
♦ remove old 279.23(b) and redesignate old 279.23(a) as 279.23	279.23	279.12(c)(3)	X			
♦ old 279.23(a)(1) redesignated as 279.23(a)	279.23(a)	279.23(a)	X			
♦ old 279.23(a)(2) redesignated as 279.23(b)	279.23(b)	279.23(b)	X			
♦ old 279.23(a)(3) redesignated as 279.23(c)	279.23(c)	279.23(c)	X			
SUBPART E - STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES						
APPLICABILITY						
in first sentence, change "generated by" to "from" and delete "from the initial generator"	279.40(a)(4)	279.40(a)(4)	X			
6 delete "of this partuel Marketers"	279.40(d)(4)	279.40(d)(4)	X			
NOTIFICATION						
7 no change to September 10, 1992 text; see Endnote 7	279.42(a)	279.42(a)	X			

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add "ordering information for" after "obtain"	279.42(b)(1)	279.42(b)(1)	X			
USED OIL TRANSPORTATION						
change heading to "DOT Requirements"; replace existing text; used oil transporters must comply with all applicable requirements under DOT regulations in 49 CFR 171-180; persons transporting used oil that meets definition of hazardous material in 49 CFR 171.8 must comply with all applicable regulations in 49 CFR parts 171-180	279.43(b)	279.43(b)	X			
USED OIL STORAGE AT TRANSFER FACILITIES						
remove first sentence; in the third sentence, change "generators" to "transporters"	279.45	279.45	X			
change "." at end of paragraph to "; or"	279.45(d)(1)(ii)	279.45(d)(1)(ii)	X			
add new paragraph regarding equivalent secondary containment system	279.45(d)(1)(iii)	279.45(d)(1)(iii)	X			
SUBPART F - STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS						
NOTIFICATION						
7 no change to September 10, 1992 text; see Endnote 7	279.51(a)	279.51(a)	X			
GENERAL FACILITY STANDARDS						
change "paragraph (h)" to "paragraphs (b)(6)(viii)(A) and (B)"	279.52(b)(6)(viii)(C)	279.52(b)(6)(viii)(C)	X			
USED OIL MANAGEMENT						

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RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove first sentence; in the third sentence, change "generators" to "processors/re-refiners"	279.54	279.54	X			
remove "or process"	279.54(a)	279.54(a)	X			
change "." to "; or" at end of paragraph	279.54(c)(1)(ii)	279.54(c)(1)(ii)	X			
add new paragraph regarding equivalent secondary containment system	279.54(c)(1)(iii)	279.54(c)(1)(iii)	X			

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

APPLICABILITY

change "this subpart" to "with subpart"	279.60(b)(1)	279.60(b)(1)	X			
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NOTIFICATION

◆,7 no change to September 10, 1992 text; see Endnote 7	279.62(a)	279.62(a)	X			
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RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
USED OIL STORAGE						
remove first sentence; in third sentence, change "generators" to "burners"	279.64	279.64	X			
SUBPART H - STANDARDS FOR USED OIL MARKETERS						
APPLICABILITY						
♦ change "section" to "subpart"	279.70(a)	279.70(a)	X			
ON-SPECIFICATION USED OIL FUEL						
♦ remove last sentence	279.72(a)	279.72(a)	X			
NOTIFICATION						
♦,8 change "section" to "subpart"; rest of text unchanged; see Endnote 8)	279.73(a)	279.73(a)	X			
TRACKING						
♦ change "generator" to "marketer"	279.74(a)	279.74(a)	X			

- 1 These changes correct an error in the May 20, 1992 final rule (57 FR 21534, Revision Checklist 104) by redesignating the subparagraphs sequentially. The exclusion for non-terne plated used oil filters was added by the May 20, 1992 rule as subparagraph (b)(15) of § 261.4 even though EPA had not yet promulgated subparagraphs (b)(13) or (b)(14).
- 2 This May 3, 1993 final rule inadvertently removes a correction made by the August 25, 1992 Federal Register (57 FR 38558, Revision Checklist 111). The August 25, 1992 rule changed "subparts C, D, F, or G" to "subparts C, F, G, or H"; the May 3, 1993 rule lists the old version of these internal references. The correct reference is as shown in the August 25, 1992 rule. States may want to not make this change.
- 3 There are two typographical errors in this paragraph in the May 3, 1993 Federal Register. The heading "Characteristic hazardous waste" should be in italics, as it appeared in the September 10, 1992 final rule (57 FR 41566, Revision Checklist 112). "Hazardous waste characteristic" should be "hazardous waste characteristics" to reflect the possibility of more than one characteristic.
- 4 There is an error in the Federal Register; according to EPA, "who market" should be "who market or burn".

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards;
Technical Amendments and Corrections (cont'd)

- 5 States are not required to adopt notes, but a State may want to include an analog to this note, for clarity.

- 6 The May 3, 1993 Federal Register does not correctly indicate the text to be removed. The text in error in the September 10, 1992 Federal Register (57 ER 41566, Revision Checklist 112) is "of this partuel Marketers", not "of the partial Marketers" as the May 3, 1993 notice indicates. This phrase should be removed.

- 7 The May 3, 1993 (58 ER 26420) rule changed the text found in the September 10, 1992 rule (57 ER 41566; Revision Checklist 112), to include renotification. However, the June 17, 1993 (58 ER 33341) rule changed the text back to the original wording in the September 10, 1992 rule.

- 8 The May 3, 1993 (58 ER 26420) Federal Register shows two different changes to this paragraph. Only the first change (revision 43) correcting the wording found in the September 10, 1992 (57 ER 41566, Revision Checklist 112) version of the paragraph should be made. While the May 3, 1993 (58 ER 26420) rule changed the rest of the text so that renotification was required, the June 17, 1993 (58 ER 33341) rule changed the text back to that found in the September 10, 1992 rule.

RCRA REVISION CHECKLIST 123

Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance
58 FR 28506-28511
May 14, 1993
(RCRA Cluster III, HSWA provisions)

Notes:

1) This is the fifth rule addressing hazardous debris and soil contaminants with Third Third wastes. Revision Checklist 78 (55 FR 22520; June 1, 1990) established a national capacity variance for certain hazardous waste soil and debris at 268.35. Revision Checklist 83 (56 FR 3864; January 31, 1991) amended 268.35(d) to also address mixed radioactive hazardous waste and amended 268.35(e) to address additional wastes. Revision Checklist 103 (57 FR 20766; May 15, 1992) established a case-by-case extension, until May 8, 1993, for contaminated debris only. Revision Checklist 116 (57 FR 47772; October 20, 1992) clarified that the case-by-case extension applied to mixed radioactive hazardous waste. This current rule extends, until May 8, 1994, the case-by-case extension for hazardous debris promulgated by the October 20, 1992 final rule. It also clarifies the extension by addressing mixed radioactive hazardous waste debris separately from other debris. The case-by-case extension for hazardous soil retains the May 8, 1993 deadline as specified in the October 20, 1992 rule, but is also clarified. States that have already adopted any of the previous rules addressing hazardous debris and soil should adopt this rule as soon as possible. States that have not adopted Third Third regulations should adopt this rule when adopting the other Third Third rules.

2) Although reprinted in the final rule addressed by this checklist, the 268.35(e) introduction did not change and was not included on this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	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--THIRD THIRD WASTES						
change "1993" to "1994"; delete "268.10, 268.11, and"; in two places, delete parenthetical phrase regarding mixed radioactive hazardous wastes; add "are" after "treatment standards"	268.35(e)(1)	268.35(e)(1)	X			

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RCRA REVISION CHECKLIST 123: Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate old 268.35(e)(2) text as 268.35(e)(4); add new paragraph; effective May 8, 1994, mixed radioactive hazardous debris contaminated with 268.12 wastes and mixed radioactive hazardous debris contaminated with any characteristic waste for which Subpart D treatment standards are established are prohibited from land disposal	268.35(e)(2)	268.35(e)(2)	X			
add new paragraph; 268.35(e)(1)&(2) do not apply where generator has failed to make good-faith effort to locate suitable treatment capacity, has not utilized such capacity as it has found to be available, or has failed to file a report under 268.5(g), by August 12, 1993 or within 90 days after hazardous waste is generated, describing generator's efforts to locate treatment capacity; where 268.35(e)(1)&(2) do not apply, all wastes described in 268.35(e)(1)&(2) are prohibited from land disposal effective May 8, 1993	268.35(e)(3)	268.35(e)(3)	X			
old 268.35(e)(2) text redesignated as 268.35(e)(4); after "hazardous soil" insert "contaminated with wastes specified in this section"	268.35(e)(4)	268.35(e)(4)	X			
add new paragraph; when used in 268.35(e)(1)&(2), debris defined as:	268.35(e)(5)	268.35(e)(5)	X			
as defined in 268.2(g)	268.35(e)(5)(i)	268.35(e)(5)(i)	X			

RCRA REVISION CHECKLIST 123: Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve that require cutting, or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the inorganic or metal materials specified in 268.35(e)(5)(ii)(A)-(H)	268.35(e)(5)(ii)	268.35(e)(5)(ii)	X			
	268.35(e)(5)(ii)(A)	268.35(e)(5)(ii)(A)	X			
	268.35(e)(5)(ii)(B)	268.35(e)(5)(ii)(B)	X			
	268.35(e)(5)(ii)(C)	268.35(e)(5)(ii)(C)	X			
	268.35(e)(5)(ii)(D)	268.35(e)(5)(ii)(D)	X			
	268.35(e)(5)(ii)(E)	268.35(e)(5)(ii)(E)	X			
	268.35(e)(5)(ii)(F)	268.35(e)(5)(ii)(F)	X			
	268.35(e)(5)(ii)(G)	268.35(e)(5)(ii)(G)	X			
	268.35(e)(5)(ii)(H)	268.35(e)(5)(ii)(H)	X			

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RCRA REVISION CHECKLIST 124

**Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes
 Whose Treatment Standards Were Vacated
 58 FR 29860-29887
 May 24, 1993
 (RCRA Cluster III, HSWA provisions)**

Note: This Revision Checklist amends the treatment standards under the land disposal restrictions program for certain wastes displaying the characteristics of ignitability (EPA Hazard Code D001) and corrosivity (EPA Hazard Code D002). The treatment standards for these wastes were vacated by the September 25, 1992, decision of the U.S. Court of Appeals [Chemical Waste Management vs. EPA, 976 F.2d 2 (D.C. Cir. 1992)]. Without this replacement of these standards, land disposal of these wastes would be prohibited.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	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						
PURPOSE, SCOPE AND APPLICABILITY						
change "." to ","; add phrase regarding compliance with 264.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove the characteristic before land disposal	264.1(g)(6)	264.1(g)(6)	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	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

change "." to ","; add phrase regarding compliance with 265.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove characteristic before land disposal	265.1(c)(10)	265.1(c)(10)	X			
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

1 PURPOSE, SCOPE AND APPLICABILITY

add new paragraph; <i>de minimis</i> losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable or corrosive, and that contain underlying hazardous constituents as defined in 268.2, are not considered to be prohibited wastes; <i>de minimis</i> defined	268.1(e)(4)	268.1(e)(4)	X			
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US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph; land disposal prohibitions do not apply to laboratory wastes displaying the characteristic of ignitability or corrosivity that are commingled with other plant wastewaters under designated circumstances: such wastes at facilities whose ultimate discharge is subject to regulation under the CWA, provided the annualized flow of laboratory wastewater into facility's headwork does not exceed 1%, or provided that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headwork	268.1(e)(5)	268.1(e)(5)	X			
DEFINITIONS APPLICABLE IN THIS PART						
add new paragraph; definition of "underlying hazardous constituent"	268.2(i)	268.2(i)	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
WASTE ANALYSIS AND RECORDKEEPING						
in two places, delete "of this part," after "268.32"; add "of this chapter" after "appendix II" and after "subpart C"; add sentence at end regarding what the generator must do if he determines that his waste displays characteristic of ignitability or corrosivity and is prohibited under 268.37	268.7(a)	268.7(a)	X			
2 change "F039 and" to "F039, "; after "3004(d)" add ", and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under §268.37 of this part"	268.7(a)(1)(ii)	268.7(a)(1)(ii)	X			
2 change "F039 and" to "F039, "; after "3004(d)" add ", and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under §268.37 of this part"	268.7(b)(4)(ii)	268.7(b)(4)(ii)	X			

SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new sentence at end; if generator determines that his waste displays characteristic of ignitability (and is not in the High TOC Ignitable Liquid Subcategory or is not treated by INCIN, FSUBS or RORGS of § 268.42, Table 1) or corrosivity and is prohibited under 268.37, generator must determine what underlying hazardous characteristics are reasonably expected to be present in the waste	268.9(a)	268.9(a)	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS--IGNITABLE AND CORROSIVE CHARACTERISTIC WASTES WHOSE TREATMENT STANDARDS WERE VACATED

effective August 9, 1993, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems other than those whose discharge is regulated under the CWA or that inject in Class I deep wells regulated under the SDWA or are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal; CWA-equivalent treatment defined	268.37(a)	268.37(a)	X			
effective February 10, 1994, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems defined in 40 CFR 144.6(e) and 146.6(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection are prohibited from land disposal	268.37(b)	268.37(b)	X			

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 25)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add commas before and after "or hazardous debris for which a treatment technology is specified under § 268.45"; add sentence at end--for waste displaying characteristic of ignitability and reactivity that are diluted to meet deactivation treatment standard in 268.42(a) Tables 1 & 2, the treater must comply with precautionary measures specified in 264.17(b) and 265.17(b)	268.40(b)	268.40(b)	X			

TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

revise Table CCWE entry for F039; add "(and D001 and D002 wastes prohibited under § 268.37)" after "F039" in first column; in third column, add "Table 2 in 268.42, and" before "Table CCW"	(Superseded) See attachments following from Apr. 22, 1994 edition of Reg 23. 268.41(a), Table CCWE	268.41(a), Table CCWE	X			
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TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

Revise Table 2 as shown at 58 FR 29886	(Superseded) 268.42(a), Table 2	268.42(a), Table 2	X			Note: Superseded by adoption of Phase II LDR's.
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TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS

revise Table CCW entry for F039; add "(and D001 and D002 wastes prohibited under § 268.37)" after "F039" in first column; in third column, add "Table 2 in 268.42, and" before "Table CCWE"	(Superseded) 268.43(a), Table CCW	(Superseded) to Now refer to 268.40, Table of Treatment Stds. 268.43(a), Table CCW	X			
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART D - CHANGES TO PERMIT

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION (ADPC&E Reg. No. 23)	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove second item designated as B(1)(b); redesignate item B(1)(c) as B(1)(d); add new B(1)(c) as shown at 58 FR 29887	270.42 Appendix I	270.42 Appendix I	X			

1 There is a typographical error in title of this section as printed in the Federal Register; "scope/and" should be "scope and". States should retain the correct title as it appears in the CFR.

2 There is a typographical error in the Federal Register; "reactive cyanides" should appear in italic type as it does in the CFR.