

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 166

Recycled Used Oil Management Standards; Technical Correction and Clarification

63 FR 24963-24969

May 6, 1998

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

(RCRA Cluster VIII, non-HSWA provisions)

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						
† REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS						
ⁱ no change	261.5(j)	261.5(j)	X			
† REQUIREMENTS FOR RECYCLABLE MATERIALS						
replace “266.40(e)” with “279.11”	261.6(a)(3)(iv)(A)	261.6(a)(3)(iv)(A)	X			
replace “266.40(e)” with “279.11”	261.6(a)(3)(iv)(B)	261.6(a)(3)(iv)(B)	X			
replace “266.40(e)” with “279.11”	261.6(a)(3)(iv)(C)	261.6(a)(3)(iv)(C)	X			
PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL						
SUBPART B – APPLICABILITY						
† APPLICABILITY						
replace “40 CFR part 279” with “this part”	279.10(i)	279.10(i)	X			

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

† USED OIL STORAGE

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

SUBPART E - STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

† USED OIL STORAGE AT TRANSFER FACILITIES

insert "that is" between "environment" and "not"; insert a comma after "part 280"; insert "of this chapter and" after "subpart F"; replace "authorized used oil program for" with "recycled used oil management program in effect in"	279.45(h)	279.45(h)	X			
no change	279.45(h)(1)	279.45(h)(1)	X			
replace "release" with "released"	279.45(h)(2)	279.45(h)(2)	X			
no change	279.45(h)(3)	279.45(h)(3)	X			
no change	279.45(h)(4)	279.45(h)(4)	X			

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

† USED OIL MANAGEMENT

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

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

† USED OIL STORAGE

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

SUBPART H - STANDARDS FOR USED OIL FUEL MARKETERS

† TRACKING

no change	279.74(b)	279.74(b)	X			
no change	279.74(b)(1)	279.74(b)(1)	X			
no change	279.74(b)(2)	279.74(b)(2)	X			
no change	279.74(b)(3)	279.74(b)(3)	X			
no change	279.74(b)(4)	279.74(b)(4)	X			

RCRA REVISION CHECKLIST 167 A

**Land Disposal Restrictions Phase IV –
Treatment Standards for Metal Wastes
and Mineral Processing Wastes**

63 FR 28556-28753

May 26, 1998

(RCRA Cluster VIII, HSWA provisions)

Notes: 1) This rule makes changes to 40 CFR Part 148, addressing Land Disposal Restrictions for Underground Injection Programs relative to mineral processing wastes. These changes are outside the Subtitle C program and are not addressed by this Revision Checklist.

2) On August 10, 1998 (63 FR 42580), a rule was promulgated to clarify the correct adoption sequence of the May 4, 1998 rule (63 FR 24596, CL 165), the May 26, 1998 rule (63 FR 28556, CL 167), and the June 29, 1998 (63 FR 35147) technical amendment to the May 4, 1998 rule, as they relate to the organobromine production waste entries at 40 CFR 268.40 and 268.48. The August 10, 1998 rule does not change the regulatory requirements promulgated by those rules, but merely clarifies that the typographical error in the May 4 rule, which was corrected by the June 29, 1998 technical amendment, was not included in the 40 CFR 268.40 and 268.48 tables that were completely reprinted on May 26, 1998 (CL 167). The August 10, 1998 rule added the effective date of the May 4, 1998 rule to the May 26, 1998 rule (CL 167) for those States adopting the organobromine entries as reprinted in the tables at 40 CFR 268.40 and 268.48.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		APC&EC Reg. No. 23				
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART A - GENERAL						
DEFINITIONS APPLICABLE IN THIS PART						
insert "selenium, sulfides," after "except fluoride,"; delete comma after "hazardous waste"	268.2(i)	268.2(i)	X			
DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT						
add new paragraph; adding iron filings or other metallic forms of iron to lead- containing hazardous wastes to achieve land disposal restriction treatment standard for lead is a form of impermissible dilution and is prohibited; list of lead- containing wastes	268.3(d)	268.3(d)	X			

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

i WASTE SPECIFIC PROHIBITIONS - TOXICITY CHARACTERISTIC METAL WASTES

effective August 24, 1998, the specified wastes are prohibited from land disposal	268.34(a)	268.34(a)	X			
effective May 26, 2000, the specified wastes are prohibited from land disposal	268.34(b)	268.34(b)	X			
between May 26, 1998 and May 26, 2000, newly identified characteristic wastes mixed with D004–D011 wastes, or mixed with newly identified characteristic mineral processing wastes, soil, or debris may be disposed in a landfill or surface impoundment if unit is in compliance with 268.5(h)(2)	268.34(c)	268.34(c)	X			
requirements of 268.34(a) & (b) do not apply if:	268.34(d) intro	268.34(d) intro	X			
wastes meet applicable treatment standards specified in part 268, subpart D	268.34(d)(1)	268.34(d)(1)	X			
persons have been granted an exemption from prohibition pursuant to a petition under 268.6, with respect to wastes & units covered	268.34(d)(2)	268.34(d)(2)	X			
wastes meet applicable alternate treatment standards pursuant to a petition under 268.44; or	268.34(d)(3)	268.34(d)(3)	X			

i CL 157 (62 FR 26022, May 12, 1997) removed and reserved § 268.34. The July 1, 1997 CFR contains the section, with a note indicating the removal effective August 11, 1997. The May 26, 1998 rule (63 FR 28556) instructions indicate that §268.34 is being revised, but the entire section is new since the section was reserved at the time the rule was promulgated.

persons have been granted an exemption to the effective date of a prohibition pursuant to 268.5, with respect to wastes covered by extension	268.34(d)(4)	268.34(d)(4)	X			
to determine whether a hazardous waste exceeds treatment standards in 268.40, test the waste extract or entire waste, or use knowledge of the waste; if waste contains constituents in excess of applicable UTS levels of 268.48, waste is prohibited from land disposal and all requirements of 268 apply, except as specified	268.34(e)	268.34(e)	X			

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

replace "(D001–D003, and D012–D043)" with "(D001–D043)"; insert "and are not managed in a wastewater treatment system...injection well," after "Hazardous Wastes,"; replace "Table UTS," with "Table Universal Treatment Standards,"	268.40(e)	268.40(e)	X			
add new paragraph; prohibited D004–D011 mixed radioactive wastes & mixed radioactive listed wastes containing metals, previously treated & put into storage, do not have to be retreated prior to land disposal	268.40(h)	268.40(h)	X			
ii replace existing table with the table found at 63 <u>FR</u> 28643-28738 (May 26, 1998)	268.40/Table "Treatment Standards for Hazardous Wastes"	268.40/Table TTS: "Treatment Standards for Hazardous Wastes"	X			

ii The CAS # for U408 which is listed on 63 FR 2838 should be "118-79-6" instead of "111-79-6" as printed.

UNIVERSAL TREATMENT STANDARDS

Note: The revised numerical Universal Treatment Standards (UTS) for metal constituents Barium, Lead, Selenium, Beryllium, Nickel, Thallium, and Vanadium are less stringent (†) than existing standards and are optional for State adoption. The revised UTS for Cadmium, Chromium, Silver, Antimony and Zinc are more stringent. The UTS for Mercury is printed in the rule because of the ongoing discussion regarding changing the standards; however, at this time the UTS for Mercury remains unchanged.

iii replace existing table with the table found at 63 <u>FR</u> 28739-28750 (May 26, 1998)	268.48(a)/Table UTS	268.48(a)/Table UTS	X			
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iii Note also, that there is no change to the 2,4,6-tribromophenol entry in the UTS Table in 268.48, although that table has been revised to reflect the new UTS for metal constituents.

RCRA REVISION CHECKLIST 167 B

Land Disposal Restrictions Phase IV – Hazardous Soils Treatment Standards and Exclusions

63 FR 28556-28753

May 26, 1998

(RCRA Cluster VIII, HSWA provisions)

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

† add new paragraph; definition of soil	268.2(k)	268.2(k)	X			
TESTING, TRACKING, AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES						
† delete “Determine if the waste ...as follows:”; delete “a” after “generator of”; replace “§268.40 or §268.45” with “§268.40, §268.45, or §268.49”;after “before they can be land disposed” insert “and some soils are contaminated by such hazardous wastes”;after “These wastes” insert “, and soils contaminated with such wastes,”;after “they are managing a waste” insert “or soil contaminated with a waste,”	268.7(a)(1)	268.7(a)(1)	X			
† insert “or contaminated soil” after “If the waste”	268.7(a)(2)	268.7(a)(2)	X			
† add new paragraph; for contaminated soil certification statement should be included, signed by an authorized representative; certification statement	268.7(a)(2)(i)	268.7(a)(2)(i)	X			
† add and reserve new paragraph	268.7(a)(2)(ii)	268.7(a)(2)(ii)	X			

†	insert “or contaminated soil” after “If the waste” in the first sentence	268.7(a)(3) intro	268.7(a)(3) intro	X			
ⁱ †	completely revise; for contaminated soil, with initial shipment of wastes generator must send notice & place copy in file; notice to include information in 268.7(a)(4) table	268.7(a)(3)(ii)	268.7(a)(3)(ii)	X			
†	insert “or contaminated soil” after “certain wastes” and after “hazardous wastes”	268.7(a)(4)	268.7(a)(4)	X			
†, ⁱⁱ	for entry 1, insert “Numbers” after “Waste”, replace “Manifest numbers” with “Manifest Number of first shipment”; for entry 3, replace parenthetical phrase with “in characteristic wastes” and delete “ ” under 268.7(a)(3) column ; redesignate entry 8 as 9; add new 8 as indicated at 63 FR 28640	268.7(a)(4)/table	268.7(a)(4)/table	X			
†	insert “or contaminated soil” after “prohibited waste”	268.7(a)(5)	268.7(a)(5)	X			
†	insert “or contaminated soil” after “that the waste”	268.7(a)(6)	268.7(a)(6)	X			
†	insert “or contaminated soil” after “For wastes”; delete “as concentrations”; delete the comma after “chapter)”	268.7(b)(1)	268.7(b)(1)	X			

ⁱ Note there is a typographical error at §268.7(a)(3)(ii) in the rule. The reference to "information in “268.7(a)(3) of the Generator” should be “information in column “268.7(a)(3)” of the Generator”.

ⁱⁱ There is a typographical error in the Table at 268.7(a)(4). At the #8 entry “complies with’ “ should be “complies with]”

† insert "or contaminated soil" after "For wastes"	268.7(b)(2)	268.7(b)(2)	X			
† insert "or contaminated soil" after "shipment of waste"	268.7(b)(3)	268.7(b)(3)	X			
† add new sentence & new certification statement after certification statement; a certification is also necessary for contaminated soil; certification statement	268.7(b)(4) intro	268.7(b)(4) intro	X			
† add new paragraph; generators & treaters who receive a determination that contaminated soil subject to 268.49(a) no longer contains a listed hazardous waste and determine that contaminated soil no longer exhibits a characteristic of hazardous waste must:	268.7(e) intro	268.7(e) intro	X			
† add new subparagraph; prepare a one-time only documentation of determinations including supporting information and,	268.7(e)(1)	268.7(e)(1)	X			
† add new subparagraph; maintain that information in the facility files & other records for a minimum 3 years	268.7(e)(2)	268.7(e)(2)	X			

SUBPART D - TREATMENT STANDARDS

VARIANCE FROM A TREATMENT STANDARD

† redesignate 268.44(h)(3) as 268.44(h)(5); add new 268.44(h)(3); for contaminated soil only, treatment would result in hazardous constituent concentrations below that necessary to minimize threats to human health and environment; treatment variances must:	268.44(h)(3) intro	268.44(h)(3) intro	X			
† at a minimum, impose alternative land disposal restriction treatment standards that, using a reasonable maximum exposure scenario, meet the listed specifications	268.44(h)(3)(i)	268.44(h)(3)(i)	X			
	268.44(h)(3)(i)(A)	268.44(h)(3)(i)(A)	X			
	268.44(h)(3)(i)(B)	268.44(h)(3)(i)(B)	X			
† not consider post-land-disposal controls	268.44(h)(3)(ii)	268.44(h)(3)(ii)	X			
† add new paragraph; for contaminated soil only, treatment would result in hazardous constituent concentrations below natural background concentrations at the site of land disposal	268.44(h)(4)	268.44(h)(4)	X			
† redesignate former 268.44(h)(3) as 268.44(h)(5)	268.44(h)(5)	268.44(h)(5)	X			

iii ALTERNATIVE LDR TREATMENT STANDARDS FOR CONTAMINATED SOIL

iii The entire section 268.49 was added by 63 FR 28556, May 26, 1998.

† applicability; LDRs must be complied with prior to placing contaminated soil into a land disposal unit; chart describes whether compliance with LDRs is necessary prior to placing contaminated soil into a land disposal unit; add table as shown at 63 FR 28751(May 26, 1998)	268.49(a)	268.49(a)	X			
† prior to land disposal, contaminated soil identified by 268.49(a) must be treated according to 268.49(c) or 268.48 UTS applicable to contaminating waste and/or applicable characteristic; 268.49(c) treatment standards and the UTS may be modified through a variance approved under 268.44	268.49(b)	268.49(b)	X			
† treatment standards for contaminated soils; prior to land disposal, contaminated soil identified by 268.49(a) as needing to comply with LDRs must be treated according to 268.49(c)(1)-(3) or 268.48 UTS	268.49(c) intro	268.49(c) intro	X			

† all soils; prior to land disposal, all constituents subject to treatment must be treated according to standards specified	268.49(c)(1) intro	268.49(c)(1) intro	X			
	268.49(c)(1)(A)	268.49(c)(1)(A)	X			
	268.49(c)(1)(B)	268.49(c)(1)(B)	X			
	268.49(c)(1)(C)	268.49(c)(1)(C)	X			
† soils that exhibit characteristic of ignitability, corrosivity or reactivity; in addition to treatment required by 268.49(c)(1), prior to land disposal soils that exhibit a characteristic must be treated to eliminate characteristic	268.49(c)(2)	268.49(c)(2)	X			
† soils that contain nonanalyzable constituents; in addition to requirements of 268.49(c)(1)&(2), prior to land disposal specified treatment is required	268.49(c)(3) intro	268.49(c)(3) intro	X			
	268.49(c)(3)(A)	268.49(c)(3)(A)	X			
	268.49(c)(3)(B)	268.49(c)(3)(B)	X			

† constituents subject to treatment; when applying soil treatment standards in 268.49(c), constituents subject to treatment are any listed in 268.48, Table UTS that are reasonably expected to be present, with exceptions, and are present at greater than 10 times the UTS	268.49(d)	268.49(d)	X			
† management of treatment residuals; treatment residuals from treating contaminated soil identified by 268.49(a) must be managed as follows:	268.49(e) intro	268.49(e) intro	X			
† soil residuals are subject to treatment standards of 268.49	268.49(e)(1)	268.49(e)(1)	X			
† non-soil residuals are subject to the standards specified	268.49(e)(2) intro	268.49(e)(2) intro	X			
	268.49(e)(2)(A)	268.49(e)(2)(A)	X			
	268.49(e)(2)(B)	268.49(e)(2)(B)	X			

RCRA REVISION CHECKLIST 167 C

Land Disposal Restrictions Phase IV – Corrections

63 FR 28556-28753

May 26, 1998

as amended at 63 FR 31266, June 8, 1998

(RCRA Cluster VIII, HSWA provisions)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION APC&EC Reg. No. 23	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART A - GENERAL						
TREATMENT SURFACE IMPOUNDMENT EXEMPTION						
replace colon after “at least annually” with a semicolon; delete second sentence beginning with “However, residues which are”	268.4(a)(2)(ii)	268.4(a)(2)(ii)	X			
insert period after “for subsequent management” and delete remainder of sentence	268.4(a)(2)(iii)	268.4(a)(2)(iii)	X			

TESTING, TRACKING, AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES

<p>replace "restricted" with "prohibited"; after first occurrence of "or solid waste or" replace "exempt" with "is exempted"; delete comma after first occurrence of "Subtitle C regulation" and after "261.4(a)(2)"; insert "that" after "261.4(a)(2) or"; insert ", or are managed in an underground injection well regulated by the SDWA" after "CWA-equivalent,"; replace "stating" with "describing"; insert "on-site" after "facility's"; change "file" to "files"</p>	<p>268.7(a)(7)</p>	<p>268.7(a)(7)</p>	<p>X</p>			
<p>for entry 1, insert "Numbers" after "Waste", replace "Manifest numbers" with "Manifest Number of first shipment" remove " " from §268.7(b) column; for entry 2, replace parenthetical phrase</p>	<p>268.7(b)(3)(ii)/Table</p>	<p>268.7(b)(3)(ii)/Table</p>	<p>X</p>			
<p>with "in characteristic wastes"; redesignate entry 5 as 6; add new 5 as indicated at 63 FR 28640</p>						

add new paragraph; for characteristic wastes subject to 268.40 that are reasonably expected to contain 268.2(i) hazardous constituents which are treated on-site and then sent off-site, the certification must state; certification statement	268.7(b)(4)(iv)	268.7(b)(4)(iv)	X			
add new paragraph; for characteristic wastes containing underlying hazardous constituents as defined in 268.2(i) that are treated on-site to hazardous constituent levels in 268.48, the certification must state; certification statement	268.7(b)(4)(v)	268.7(b)(4)(v)	X			
replace "treatment or storage" with "treatment, storage, or disposal"; insert comma after second occurrence of "storage"	268.7(b)(5)	268.7(b)(5)	X			
ⁱ replace both references to "(b)(4)" with "(b)(3)"; replace reference to "(b)(5)" with "(b)(4)"	268.7(b)(6)	268.7(b)(6)	X			

ⁱ The internal reference at 268.7(b)(6) has incorrectly been changed from "266.20(b)" to "268.20(b)". There is no 40 CFR 268.20; therefore, the original reference appears to have been correct and should be retained.

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

ii	replace “(D001–D003, and D012–D043)” with “(D001–D043)”; insert “and are not managed in a wastewater treatment system...injection well,” after “Hazardous Wastes,”; replace “Table UTS,” with “Table Universal Treatment Standards,”	268.40(e)	268.40(e)	X			
	replace existing table with the table found at 63 FR 28643-28738 (May 26, 1998)	268.40/table “Treatment Standards for Hazardous Wastes”	268.40/Table TTS	X			

TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

	remove “paragraphs (a)(1) and (a)(2) of this section and in”; replace “in paragraphs (a)(1) and (a)(2) and Table 1 of this section” with “in the table entitled “Technology... Standards” in this section”	268.42(a)	268.42(a)	X			
	remove	268.42(a)(1) – (a)(3)	268.42(a)	X			

TREATMENT STANDARDS FOR HAZARDOUS DEBRIS

	replace reference to “261.3(e)(2)” with “261.3(f)(2)”	268.45(a) intro	268.45(a) intro	X			
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ⁱⁱ Revisions made at 268.40(e), and the replacement of the 268.40 and 268.48 tables, are included on both Revision Checklists 167A and 167C as revisions were made to these tables both because of changes due to the new LDR Phase IV restrictions and because of corrections needed to the existing tables.

insert "treatment" after "meet the"; replace "under §268.43" with "in 'Treatment Standards for Hazardous Wastes' at §268.40"	268.45(d)(3)	268.45(d)(3)	X			
replace "technology-based standards for ... under §268.42" with "technology specified in the treatment standard for D001: Ignitable Liquids"	268.45(d)(4)	268.45(d)(4)	X			

UNIVERSAL TREATMENT STANDARDS

replace existing table with the table found at 63 FR 28739-28750 (May 26, 1998)	268.48(a)/table UTS	268.48(a)/table UTS	X			
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APPENDIX VII TO PART 268

remove entries for waste code F033; revise second entry for F032, second entry for F034, first entry for K088, entries for D003–D011; add two entries for F035	Appendix VII, Table 1	Appendix VII, Table 1	X			
revise entry number 9 and add entries 12 and 13	Appendix VII, Table 2	Appendix VII, Table 2	X			

APPENDIX VIII TO PART 268

revise title; add in alphanumeric order the entry for "NA"	Appendix VIII	Appendix VIII	X			
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RCRA REVISION CHECKLIST 167 D

Mineral Processing Secondary Materials Exclusion

63 FR 28556-28753

May 26, 1998

(RCRA Cluster VIII, non-HSWA provisions)

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

APC&EC
Reg. No. 23

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF SOLID WASTE

†, i insert "(except as provided under 40 CFR 261.4(a)(15)). Materials noted with a "-" in column 3 of Table 1 are not solid wastes when reclaimed (except as provided under 40 CFR 261.4(a)(15))" at end of sentence	261.2(c)(3)	261.2(c)(3)	X			
†, revise Table 1 by inserting in third column heading "(except as provided in 261.4(a)(15) for mineral processing secondary materials)" following "Reclamation (§ 261.2(c)(3))"	261.2(c)(4)/Table	261.2(c)(4)/Table	X			
†, ii add sentence; where materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion at 261.4(a)(15) apply	261.2(e)(1)(iii)	261.2(e)(1)(iii)	X			

ⁱ Note that there are typographical errors at 261.2(c)(3), 261.2(c)(4) [Table heading], 261.2(e)(1)(iii) and 261.4(a)(16)(iii). All make reference to "261.4(a)(15)", the Kraft Mill Steam Strippers exclusion, when they should be referring to "261.4(a)(16)" the exclusion for secondary materials generated by the primary mineral processing industry.

ⁱⁱ The preamble to the May 26, 1998 (CL 167D) rule indicates that language is being added to the existing provision at 261.2(e)(1)(iii). The instructions indicate that the paragraph is being revised. It is not EPA's intention to remove the existing language and replace it with the May 26, 1998 provision. EPA intends to issue a technical correction which clarifies this provision. Until that amendment is available, it is recommended that the new sentence be added at the end of the existing provision.

EXCLUSIONS

† add new paragraph; secondary materials generated within the primary mineral processing industry from which minerals, acids, cyanide, water or other values are recovered, provided that:	261.4(a)(16) intro	261.4(a)(16) intro	X			
† add new subparagraph; secondary material is legitimately recycled to recover minerals, acids, cyanide, water or other values	261.4(a)(16)(i)	261.4(a)(16)(i)	X			
† add new subparagraph; secondary material is not accumulated speculatively	261.4(a)(16)(ii)	261.4(a)(16)(ii)	X			
†, add new subparagraph; except as provided in 261.4(a)(15)(iv), the secondary material is stored in tanks, containers, or buildings meeting the specified minimum integrity standards; if tanks or containers contain particulate subject to wind dispersal, owner/operator must operate units in a manner which controls fugitive dust; units must be designed, constructed and operated to prevent significant releases to the environment of these materials	261.4(a)(16)(iii)	261.4(a)(16)(iii)	X			

† add new subparagraph; Regional Administrator or State Director may make a site-specific determination that only solid mineral processing secondary materials may be placed on pads, rather than in tanks, containers, or buildings; solid mineral processing secondary materials do not contain free liquid; pads must be designed, constructed & operated to prevent significant releases and provide same degree of containment afforded by the non-RCRA tanks, containers & buildings eligible for exclusion	261.4(a)(16)(iv)	261.4(a)(16)(iv)	X			
† add new subparagraph; environmental considerations for pads	261.4(a)(16)(iv)(A)	261.4(a)(16)(iv)(A)	X			
† add new subparagraph; minimum standards for pads	261.4(a)(16)(iv)(B)	261.4(a)(16)(iv)(B)	X			
† add new subparagraph; notice and comment opportunity requirements before decision	261.4(a)(16)(iv)(C)	261.4(a)(16)(iv)(C)	X			

† add new paragraph; owner/operator provides notice to Regional Administrator or State Director identifying specified information; notification must be updated when type of materials recycled or location changes	261.4(a)(16)(v)	261.4(a)(16)(v)	X			
† add new paragraph; for purposes of 261.4(b)(7), mineral processing secondary materials must be the result of mineral processing & may not contain listed hazardous wastes; listed & characteristic hazardous wastes generated by non-mineral processing industries are not eligible for exclusion	261.4(a)(16)(vi)	261.4(a)(16)(vi)	X			

	replace "paragraphs (b) through (i)" with "paragraphs (b) through (j)"; replace both occurrences of "paragraph (i)" with "paragraphs (i) and (j)"; replace "tank or container" with "waste management unit"; replace "§§ 264.1084 through 264.01087" with "§§ 265.1085 through 265.1088"; replace "§ 264.1084(d) of this subpart" with "§ 265.1080(d) or § 265.1080(b)(7) of this subpart, respectively"	265.1090(a)	265.1090(a)	X			
	delete ", the following information"; replace "the location" with "The location"	265.1090(b)(1)(ii)(B)	265.1090(b)(1)(ii)(B)	X			
iii	replace "or (c)(2)" with "§ 265.1083(c)(2)(i) through (c)(2)(vi)"	265.1090(f)(1)	265.1090(f)(1)	X			
	add new paragraph; for each hazardous waste management unit not using air emission controls specified in 265.1085 through 265.1088 in accordance with 265.1080(b)(7), owner and operator shall record and maintain the following information:	265.1090(j)	265.1090(j)	X			

iii At 265.1090(f)(1) there is a typographical error. The reference to "265.1084(c)(2)(i)" should be "265.1083(c)(2)(i)".

add new paragraph; certification that waste management unit is equipped with and operating air emission controls in accordance with requirements under 40 CFR part 60, part 61, or part 63	265.1090(j)(1)	265.1090(j)(1)	X			
add new paragraph; identification of specific requirements codified under 40 CFR part 60, part 61, or part 63 with which unit is in compliance	265.1090(j)(2)	265.1090(j)(2)	X			

PART 265 APPENDICES

APPENDIX VI - COMPOUNDS WITH HENRY'S LAW CONSTANT LESS THAN 0.1 Y/X

revised to read as follows:	Appendix VI	Appendix VI	X			
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Appendix VI to Part 265--Compounds With Henry's Law Constant Less Than 0.1 Y/X

Compound name	CAS No.
Acetaldoi	107-89-1
Acetamide	60-35-5
2-Acetylaminofluorene	53-96-3
3-Acetyl-5-hydroxypiperidine.	
3-Acetylpiperidine	618-42-8
1-Acetyl-2-thiourea	591-08-2
Acrylamide	79-06-1
Acrylic acid	79-10-7
Adenine	73-24-5
Adipic acid	124-04-9
Compound name	CAS No.
Adiponitrile	111-69-3

† add new paragraph; large quantity handlers of universal waste must manage lamps to prevent releases	273.33(d)	273.33(d)	X			
† lamp must be in containers that are structurally sound, adequate to prevent breakage & compatible; containers must remain closed & lack evidence of leakage, spillage or damage that could cause leakage	273.33(d)(1)	273.33(d)(1)	X			
† immediately clean up & place in a container any broken lamp or lamp with evidence of breakage, leakage, or damage that could cause a leak; containers must be closed, structurally sound, compatible, & lack evidence of leakage, spillage or damage that could cause a leak	273.33(d)(2)	273.33(d)(2)	X			

LABELING/MARKING

† add new paragraph; each lamp or container in which lamps are contained must be clearly labeled or marked with "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)"	273.34(e)	273.34(e)	X			
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SUBPART D - STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

APPLICABILITY

† replace "40 CFR 273.6" with "§ 273.9"	273.50	273.50	X			
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SUBPART E - STANDARDS FOR DESTINATION FACILITIES

APPLICABILITY

† replace "40 CFR 273.6" with "§ 273.9"; replace ending semicolon with a period	273.60(a)	273.60(a)	X			
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SUBPART G - PETITIONS TO INCLUDE OTHER WASTES UNDER 40 CFR PART 273

FACTORS FOR PETITIONS TO INCLUDE OTHER WASTES UNDER THIS PART 273

† replace both occurrences of "40 CFR part 273" with "this part 273"; replace "40 CFR 260.10" with "§ 260.10 of this chapter"; replace "273.6" with "§ 273.9"	273.81(a)	273.81(a)	X			
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RCRA REVISION CHECKLIST 167 E

Bevill Exclusion Revisions and Clarifications

63 FR 28556-28753

May 26, 1998

(RCRA Cluster VIII, non-HSWA 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

DEFINITION OF HAZARDOUS WASTE

following "identified in subpart C", replace "except that" with "of this part. However,"; following "under subpart C", replace "of this part" with "is a hazardous waste"; in second sentence, insert a comma following "had not occurred"	261.3(a)(2)(i)	261.3(a)(2)(i)	X			
remains unchanged even though included in this rule	261.3(a)(2)(iii)	261.3(a)(2)(iii)	X			

EXCLUSIONS

† revise 261.4(b)(7) as 261.4(b)(7), (b)(7)(i), & (b)(7)(ii); new 261.4(b)(7) is now unchanged first sentence of old 261.4(b)(7)	261.4(b)(7) intro	261.4(b)(7) intro	X			
† new 261.4(b)(7)(i) is second sentence of old 261.4(b)(7) with the following revisions: delete comma following "§261.4(b)(7)"; replace colon following "activities" with a semicolon; use lower case with "crushing"	261.4(b)(7)(i)	261.4(b)(7)(i)	X			

† new 261.4(b)(7)(ii) is third sentence of old 261.4(b)(7) with the following revisions: replace "For the purpose" with "For the purposes"; insert "as generated" after "the following wastes"	261.4(b)(7)(ii)	261.4(b)(7)(ii)	X			
† redesignate old 261.4(b)(7)(i) - (xx) as 261.4(b)(7)(ii)(A) - (T)	261.4(b)(7)(ii)(A) - (T)	261.4(b)(7)(ii)(A) - (T)	X			
† add new paragraph; a residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials remains excluded under 261.4(b) if owner/operator meets specified conditions	261.4(b)(7)(iii)	261.4(b)(7)(iii)	X			
	261.4(b)(7)(iii)(A)	261.4(b)(7)(iii)(A)	X			
	261.4(b)(7)(iii)(B)	261.4(b)(7)(iii)(B)	X			

RCRA REVISION CHECKLIST 167 F

Exclusion of Recycled Wood Preserving Wastewaters

63 FR 28556-28753

May 26, 1998

(RCRA Cluster VIII, non-HSWA provisions)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	40 CFR	APC&EC Reg. No. 23				

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

add new paragraph; prior to reuse, wood preserving wastewaters and spent wood preserving solutions described in 261.4(a)(9)(i)&(ii), so long as they meet all specified conditions †	261.4(a)(9)(iii)	261.4(a)(9)(iii)	X			
	261.4(a)(9)(iii)(A)	261.4(a)(9)(iii)(A)	X			
	261.4(a)(9)(iii)(B)	261.4(a)(9)(iii)(B)	X			
	261.4(a)(9)(iii)(C)	261.4(a)(9)(iii)(C)	X			
	261.4(a)(9)(iii)(D)	261.4(a)(9)(iii)(D)	X			
	261.4(a)(9)(iii)(E)	261.4(a)(9)(iii)(E)	X			

RCRA REVISION CHECKLIST 168

Hazardous Waste Combustors; Revised Standards

63 FR 33782 - 33829

June 19, 1998

(RCRA Cluster VIII, non-HSWA provisions)

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	40 CFR	APC&EC Reg. No. 23				

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

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

^{ii, †} COMPARABLE/SYNGAS FUEL EXCLUSION

wastes meeting following comparable/syngas fuel requirements are not solid wastes:	261.38 intro	261.38 intro	X			
comparable fuels; physical and constituent specifications	261.38(a) intro	261.38(a) intro	X			
	261.38(a)(1) intro	261.38(a)(1) intro	X			
	261.38(a)(1)(i)	261.38(a)(1)(i)	X			
	261.38(a)(1)(ii)	261.38(a)(1)(ii)	X			
	261.38(a)(2)	261.38(a)(2)	X			

ⁱ There is a typographical error in the 63 FR 33782 (6/19/98) rule. The new paragraph 261.4(a)(16) should be numbered 261.4(a)(17). Paragraph 261.4(a)(16) was added by 63 FR 28556 (May 26, 1998, Revision Checklist 167).

ⁱⁱ The entire section at 40 CFR 261.38 was added by the June 19, 1998 rule (63 FR 33782; Revision Checklist 168).

synthesis gas fuel specifications	261.38(b) intro	261.38(b) intro	X		
	261.38(b)(1)	261.38(b)(1)	X		
	261.38(b)(2)	261.38(b)(2)	X		
	261.38(b)(3)	261.38(b)(3)	X		
	261.38(b)(4)	261.38(b)(4)	X		
	261.38(b)(5)	261.38(b)(5)	X		
Detection and Detection Limit Values for Comparable Fuel Specification	261.38/Table 1	261.38/Table 1	X		
implementation; waste meeting comparable or syngas fuel specification is excluded from the definition of solid waste provided following requirements are met:	261.38(c) intro	261.38(c) intro	X		
notices; person claiming and qualifying for exclusion is comparable/syngas fuel generator; person burning fuel is comparable/syngas burner; generator must claim and certify exclusion	261.38(c)(1)	261.38(c)(1)	X		
State RCRA and CAA Directors in authorized States or Regional RCRA and CAA Directors in unauthorized States	261.38(c)(1)(i) intro	261.38(c)(1)(i) intro	X		
generator must submit one-time notice certifying compliance with conditions of exclusion and providing required documentation	261.38(c)(1)(i)(A)	261.38(c)(1)(i)(A)	X		
generator shall specify facility(ies) generating comparable/syngas fuel	261.38(c)(1)(i)(B)	261.38(c)(1)(i)(B)	X		

generator's notification requirements	261.38(c)(1)(i)(C) intro	261.38(c)(1)(i)(C) intro	X			
	261.38(c)(1)(i)(C)(1)	261.38(c)(1)(i)(C)(1)	X			
	261.38(c)(1)(i)(C)(2)	261.38(c)(1)(i)(C)(2)	X			
	261.38(c)(1)(i)(C)(3)	261.38(c)(1)(i)(C)(3)	X			
	261.38(c)(1)(i)(C)(4)	261.38(c)(1)(i)(C)(4)	X			
public notice; prior to burning excluded comparable/syngas fuel, burner must publish notice; information requirements	261.38(c)(1)(ii) intro	261.38(c)(1)(ii) intro	X			
	261.38(c)(1)(ii)(A)	261.38(c)(1)(ii)(A)	X			
	261.38(c)(1)(ii)(B)	261.38(c)(1)(ii)(B)	X			
	261.38(c)(1)(ii)(C)	261.38(c)(1)(ii)(C)	X			
	261.38(c)(1)(ii)(D)	261.38(c)(1)(ii)(D)	X			
	261.38(c)(1)(ii)(E)	261.38(c)(1)(ii)(E)	X			
burning; exclusion for comparable/syngas fuel applies only if fuel is burned in units subject to Federal/State/local air emission requirements, including applicable CAA MACT requirements	261.38(c)(2) intro	261.38(c)(2) intro	X			
industrial furnaces as defined in § 260.10	261.38(c)(2)(i)	261.38(c)(2)(i)	X			
boilers as defined in § 260.10, and	261.38(c)(2)(ii) intro	261.38(c)(2)(ii) intro	X			
industrial boilers located on facility engaged in manufacturing process where substances are transformed into new products, including component parts of products, by mechanical or chemical processes; or	261.38(c)(2)(ii)(A)	261.38(c)(2)(ii)(A)	X			

utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale	261.38(c)(2)(ii)(B)	261.38(c)(2)(ii)(B)	X			
hazardous waste incinerators subject to regulation under subpart O of parts 264 and 265, or applicable CAA MACT standards	261.38(c)(2)(iii)	261.38(c)(2)(iii)	X			
blending to meet viscosity specification; hazardous waste blending requirements	261.38(c)(3) intro	261.38(c)(3) intro	X			
	261.38(c)(3)(i)	261.38(c)(3)(i)	X			
	261.38(c)(3)(ii)	261.38(c)(3)(ii)	X			
	261.38(c)(3)(iii)	261.38(c)(3)(iii)	X			
treatment to meet comparable fuel exclusion specifications	261.38(c)(4) intro	261.38(c)(4) intro	X			
hazardous waste may be treated to meet exclusion specification if standards are met; treatment standards	261.38(c)(4)(i) intro	261.38(c)(4)(i) intro	X			
	261.38(c)(4)(i)(A)	261.38(c)(4)(i)(A)	X			
	261.38(c)(4)(i)(B)	261.38(c)(4)(i)(B)	X			
	261.38(c)(4)(i)(C)	261.38(c)(4)(i)(C)	X			
residuals resulting from treatment of listed subpart D hazardous waste to generate a comparable fuel remain hazardous waste	261.38(c)(4)(ii)	261.38(c)(4)(ii)	X			
generation of a syngas fuel	261.38(c)(5) intro	261.38(c)(5) intro	X			
syngas fuel can be generated from processing hazardous wastes to meet exclusion specification; processing standards	261.38(c)(5)(i) intro	261.38(c)(5)(i) intro	X			

	261.38(c)(5)(i)(A)	261.38(c)(5)(i)(A)	X			
	261.38(c)(5)(i)(B)	261.38(c)(5)(i)(B)	X			
	261.38(c)(5)(i)(C)	261.38(c)(5)(i)(C)	X			
residuals resulting from treatment of listed subpart D hazardous waste to generate a comparable fuel remain hazardous waste	261.38(c)(5)(ii)	261.38(c)(5)(ii)	X			
dilution prohibition for comparable/syngas fuels	261.38(c)(6)	261.38(c)(6)	X			
waste analysis plans; generator shall develop and follow written waste analysis plan; plan shall be developed in accordance with SW-846 and followed/retained at facility excluding waste	261.38(c)(7) intro	261.38(c)(7) intro	X			
minimum specifications for waste analysis plan	261.38(c)(7)(i) intro	261.38(c)(7)(i) intro	X			
	261.38(c)(7)(i)(A)	261.38(c)(7)(i)(A)	X			
	261.38(c)(7)(i)(B)	261.38(c)(7)(i)(B)	X			
	261.38(c)(7)(i)(C)	261.38(c)(7)(i)(C)	X			
	261.38(c)(7)(i)(D)	261.38(c)(7)(i)(D)	X			
	261.38(c)(7)(i)(E)	261.38(c)(7)(i)(E)	X			

waste analysis plan recording requirements	261.38(c)(7)(ii) intro	261.38(c)(7)(ii) intro	X			
	261.38(c)(7)(ii)(A)	261.38(c)(7)(ii)(A)	X			
	261.38(c)(7)(ii)(B)	261.38(c)(7)(ii)(B)	X			
	261.38(c)(7)(ii)(C)	261.38(c)(7)(ii)(C)	X			
	261.38(c)(7)(ii)(D)	261.38(c)(7)(ii)(D)	X			
	261.38(c)(7)(ii)(E)	261.38(c)(7)(ii)(E)	X			
	261.38(c)(7)(ii)(F)	261.38(c)(7)(ii)(F)	X			
	261.38(c)(7)(ii)(G)	261.38(c)(7)(ii)(G)	X			
	261.38(c)(7)(ii)(H)	261.38(c)(7)(ii)(H)	X			
waste analysis plan shall be submitted prior to performing sampling, analysis or management of syngas fuel as excluded waste; approval of plan must be in writing and received by facility prior to sampling and analysis; plan approval may contain provisions and conditions as regulatory authority deems appropriate	261.38(c)(7)(iii)	261.38(c)(7)(iii)	X			
comparable fuel sampling and analysis	261.38(c)(8) intro	261.38(c)(8) intro	X			
for each excluded waste generator must test for constituents in Part 261 Appendix VIII, except those generator determines by testing or knowledge to not be present in waste; generator required to document basis of each decision; generator may not determine certain categories of constituents should not be present	261.38(c)(8)(i) intro	261.38(c)(8)(i) intro	X			

	261.38(c)(8)(i)(A)	261.38(c)(8)(i)(A)	X			
	261.38(c)(8)(i)(B)	261.38(c)(8)(i)(B)	X			
	261.38(c)(8)(i)(C)	261.38(c)(8)(i)(C)	X			
	261.38(c)(8)(i)(D)	261.38(c)(8)(i)(D)	X			
for each excluded waste where generator of comparable/syngas fuel is not original generator, generator of comparable/syngas fuel may not use process knowledge and must test to determine constituent specifications	261.38(c)(8)(ii)	261.38(c)(8)(ii)	X			
generator may use any reliable analytical method to demonstrate no constituent of concern is present above specification levels; responsibility of generator to ensure unbiased, precise, and representative sampling and analysis; waste is eligible for exclusion if:	261.38(c)(8)(iii) intro	261.38(c)(8)(iii) intro	X			
each constituent of concern is not present above specification level at 95% upper confidence limit around mean, and	261.38(c)(8)(iii)(A)	261.38(c)(8)(iii)(A)	X			
analysis could have detected presence of constituent at or below specification level at 95% upper confidence limit around mean	261.38(c)(8)(iii)(B)	261.38(c)(8)(iii)(B)	X			
nothing preempts, overrides or negates 262.11 provision which requires generators of solid waste to determine if waste is hazardous waste	261.38(c)(8)(iv)	261.38(c)(8)(iv)	X			

in enforcement action, burden of proof to establish conformance with exclusion specification shall be on generator	261.38(c)(8)(v)	261.38(c)(8)(v)	X			
generator must conduct sampling and analysis in accordance with waste analysis plan	261.38(c)(8)(vi)	261.38(c)(8)(vi)	X			
syngas and comparable fuel not blended to meet kinematic viscosity specification shall be analyzed as generated	261.38(c)(8)(vii)	261.38(c)(8)(vii)	X			
if comparable fuel blended to meet kinematic viscosity specification generator shall:	261.38(c)(8)(viii) intro	261.38(c)(8)(viii) intro	X			
analyze fuel as generated to ensure meeting constituent and heating value specifications	261.38(c)(8)(viii)(A)	261.38(c)(8)(viii)(A)	X			
after blending, analyze fuel again to ensure blended fuel meets comparable/syngas fuel specifications	261.38(c)(8)(viii)(B)	261.38(c)(8)(viii)(B)	X			
excluded comparable/syngas fuel must be re-tested at least annually and after a process change that could change chemical or physical properties of waste	261.38(c)(8)(ix)	261.38(c)(8)(ix)	X			
speculative accumulation; any persons handling comparable/syngas fuel are subject to speculative accumulation test under 261.2(c)(4)	261.38(c)(9)	261.38(c)(9)	X			
records; generator must maintain certain records on-site	261.38(c)(10) intro	261.38(c)(10) intro	X			

information required to be submitted to implementing authority as part of notification of claim	261.38(c)(10)(i) intro	261.38(c)(10)(i) intro	X			
	261.38(c)(10)(i)(A)	261.38(c)(10)(i)(A)	X			
	261.38(c)(10)(i)(B)	261.38(c)(10)(i)(B)	X			
	261.38(c)(10)(i)(C)	261.38(c)(10)(i)(C)	X			
brief description of process generating hazardous waste and process generating excluded fuel, if not same	261.38(c)(10)(ii)	261.38(c)(10)(ii)	X			
estimate of average and maximum monthly and annual quantities of each waste claimed for exclusion	261.38(c)(10)(iii)	261.38(c)(10)(iii)	X			
documentation for any claim that constituent is not present in hazardous waste	261.38(c)(10)(iv)	261.38(c)(10)(iv)	X			
results of all analyses and all detection limits achieved	261.38(c)(10)(v)	261.38(c)(10)(v)	X			
required documentation if excluded waste was generated through treatment or blending	261.38(c)(10)(vi)	261.38(c)(10)(vi)	X			
certification from burner if waste is shipped off-site	261.38(c)(10)(vii)	261.38(c)(10)(vii)	X			
waste analysis plan and results of sampling and analysis	261.38(c)(10)(viii) intro	261.38(c)(10)(viii) intro	X			

required analysis and sampling information	261.38(c)(10)(viii)(A)	261.38(c)(10)(viii)(A)	X			
	261.38(c)(10)(viii)(B)	261.38(c)(10)(viii)(B)	X			
	261.38(c)(10)(viii)(C)	261.38(c)(10)(viii)(C)	X			
	261.38(c)(10)(viii)(D)	261.38(c)(10)(viii)(D)	X			
	261.38(c)(10)(viii)(E)	261.38(c)(10)(viii)(E)	X			
	261.38(c)(10)(viii)(F)	261.38(c)(10)(viii)(F)	X			
	261.38(c)(10)(viii)(G)	261.38(c)(10)(viii)(G)	X			
	261.38(c)(10)(viii)(H)	261.38(c)(10)(viii)(H)	X			
if fuel is shipped off-site for burning, generator must retain shipment information on-site; information requirements	261.38(c)(10)(ix) intro	261.38(c)(10)(ix) intro	X			
	261.38(c)(10)(ix)(A)	261.38(c)(10)(ix)(A)	X			
	261.38(c)(10)(ix)(B)	261.38(c)(10)(ix)(B)	X			
	261.38(c)(10)(ix)(C)	261.38(c)(10)(ix)(C)	X			
	261.38(c)(10)(ix)(D)	261.38(c)(10)(ix)(D)	X			
	261.38(c)(10)(ix)(E)	261.38(c)(10)(ix)(E)	X			
records retention; records must be maintained for three years; generator must maintain current waste analysis plan during three-year period	261.38(c)(11)	261.38(c)(11)	X			
burner certification; prior to submitting notification, generator intending to ship fuel off-site for burning must obtain one-time written, signed statement from burner; certification information requirements	261.38(c)(12) intro	261.38(c)(12) intro	X			
	261.38(c)(12)(i)	261.38(c)(12)(i)	X			
	261.38(c)(12)(ii)	261.38(c)(12)(ii)	X			

	261.38(c)(12)(iii)	261.38(c)(12)(iii)	X			
ineligible waste codes; wastes listed because of presence of dioxins or furans are not eligible for exclusion, and fuel produced from or containing these wastes remains hazardous waste subject to full RCRA requirements	261.38(c)(13)	261.38(c)(13)	X			

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

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

† add new paragraph; combustion facility changes to meet part 63 MACT standards; procedures apply to hazardous waste combustion facility permit modifications requested under Appendix I of 270.42, section L(9)	270.42(j) intro	270.42(j) intro	X			
	270.42(j)(1)	270.42(j)(1)	X			
	270.42(j)(2)	270.42(j)(2)	X			
† add entry L(9) as follows:	270.42 Appendix I	270.42 Appendix I	X			

Modification

Class

L. Incinerators, Boilers and Industrial Furnaces

¹ 1

* * * * *

9. Technology Changes Needed to meet Standards under 40 CFR part 63 (Subpart EEE – National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of §270.42(i) are followed.

* * * * *

¹ Class 1 modifications requiring Agency prior approval.

SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

,† add paragraph; changes necessary to comply with standards under 40 CFR part 63, Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors	270.72(b)(8)	270.72(b)(8)	X			
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Alachlor 15972-60-8
Aldicarb 116-06-3
Ametryn 834-12-8
4-Aminobiphenyl 92-67-1
4-Aminopyridine 504-24-5
Aniline 62-53-3
o-Anisidine 90-04-0
Anthraquinone 84-65-1
Atrazine 1912-24-9
Benzenearsonic acid 98-05-5
Benzenesulfonic acid 98-11-3
Benzidine 92-87-5
Benzo(a)anthracene 56-55-3
Benzo(k)fluoranthene 207-08-9
Benzoic acid 65-85-0
Benzo(g,h,i)perylene 191-24-2
Benzo(a)pyrene 50-32-8
Benzyl alcohol 100-51-6
gamma-BHC 58-89-9
Bis(2-ethylhexyl)phthalate 117-81-7
Bromochloromethyl acetate.
Bromoxynil 1689-84-5
Butyric acid 107-92-6

Compound name	CAS No.
Caprolactam (hexahydro-2H-azepin-2-one)	105-60-2
Catechol (o-dihydroxybenzene)	120-80-9
Cellulose	9004-34-6
Cell wall.	
Chlorhydrin (3-Chloro-1,2-propanediol)	96-24-2
Chloroacetic acid	79-11-8
2-Chloroacetophenone	93-76-5
p-Chloroaniline	106-47-8
p-Chlorobenzophenone	134-85-0
Chlorobenzilate	510-15-6
p-Chloro-m-cresol (6-chloro-m-cresol)	59-50-7
3-Chloro-2,5-diketopyrrolidine.	
Chloro-1,2-ethane diol.	
4-Chlorophenol	106-48-9
Chlorophenol polymers (2-chlorophenol & 4-chlorophenol)	95-57-8 & 106-48-9
1-(o-Chlorophenyl)thiourea	5344-82-1
Chrysene	218-01-9
Citric acid	77-92-9
Creosote	8001-58-9
m-Cresol	108-39-4
o-Cresol	95-48-7
p-Cresol	106-44-5
Cresol (mixed isomers)	1319-77-3
4-Cumylphenol	27576-86

Compound name	CAS No.
Cyanide	57-12-5
4-Cyanomethyl benzoate.	
Diazinon	333-41-5
Dibenzo(a,h)anthracene	53-70-3
Dibutylphthalate	84-74-2
2,5-Dichloroaniline (N,N'-dichloroaniline)	95-82-9
2,6-Dichlorobenzonitrile	1194-65-6
2,6-Dichloro-4-nitroaniline	99-30-9
2,5-Dichlorophenol	333-41-5
3,4-Dichlorotetrahydrofuran	3511-19
Dichlorvos (DDVP)	62737
Diethanolamine	111-42-2
N,N-Diethylaniline	91-66-7
Diethylene glycol	111-46-6
Diethylene glycol dimethyl ether (dimethyl Carbitol)	111-96-6
Diethylene glycol monobutyl ether (butyl Carbitol)	112-34-5
Diethylene glycol monoethyl ether acetate (Carbitol acetate)	112-15-2
Diethylene glycol monoethyl ether (Carbitol Cellosolve)	111-90-0
Diethylene glycol monomethyl ether (methyl Carbitol)	111-77-3
N,N'-Diethylhydrazine	1615-80-1
Diethyl (4-methylumbelliferyl) thionophosphate	299-45-6
Diethyl phosphorothioate	126-75-0
N,N'-Diethylpropionamide	15299-99-7
Dimethoate	60-51-5

Compound name	CAS No.
2,3-Dimethoxystrychnidin-10-one	357-57-3
4-Dimethylaminoazobenzene	60-11-7
7,12-Dimethylbenz(a)anthracene	57-97-6
3,3-Dimethylbenzidine	119-93-7
Dimethylcarbamoyl chloride	79-44-7
Dimethyldisulfide	624-92-0
Dimethylformamide	68-12-2
1,1-Dimethylhydrazine	57-14-7
Dimethylphthalate	131-11-3
Dimethylsulfone	67-71-0
Dimethylsulfoxide	67-68-5
4,6-Dinitro-o-cresol	534-52-1
1,2-Diphenylhydrazine	122-66-7
Dipropylene glycol (1,1'-oxydi-2-propanol)	110-98-5
Endrin	72-20-8
Epinephrine	51-43-4
mono-Ethanolamine	141-43-5
Ethyl carbamate (urethane)	5-17-96
Ethylene glycol	107-21-1
Ethylene glycol monobutyl ether (butyl Cellosolve)	111-76-2
Ethylene glycol monoethyl ether (Cellosolve)	110-80-5
Ethylene glycol monoethyl ether acetate (Cellosolve acetate)	111-15-9
Ethylene glycol monomethyl ether (methyl Cellosolve)	109-86-4
Ethylene glycol monophenyl ether (phenyl Cellosolve)	122-99-6

Compound name	CAS No.
Ethylene glycol monopropyl ether (propyl Cellosolve)	2807-30-9
Ethylene thiourea (2-imidazolidinethione)	9-64-57
4-Ethylmorpholine	100-74-3
3-Ethylphenol	620-17-7
Fluoroacetic acid, sodium salt	62-74-8
Formaldehyde	50-00-0
Formamide	75-12-7
Formic acid	64-18-6
Fumaric acid	110-17-8
Glutaric acid	110-94-1
Glycerin (Glycerol)	56-81-5
Glycidol	556-52-5
Glycinamide	598-41-4
Glyphosate	1071-83-6
Guthion	86-50-0
Hexamethylene-1,6-diisocyanate (1,6-diisocyanatohexane)	822-06-0
Hexamethyl phosphoramidate	680-31-9
Hexanoic acid	142-62-1
Hydrazine	302-01-2
Hydrocyanic acid	74-90-8
Hydroquinone	123-31-9
Hydroxy-2-propionitrile (hydracrylonitrile)	109-78-4
Indeno (1,2,3-cd) pyrene	193-39-5
Lead acetate	301-04-2

Compound name	CAS No.
Lead subacetate (lead acetate, monobasic)	1335-32-6
Leucine	61-90-5
Malathion	121-75-5
Maleic acid	110-16-7
Maleic anhydride	108-31-6
Mesityl oxide	141-79-7
Methane sulfonic acid	75-75-2
Methomyl	16752-77-5
p-Methoxyphenol	150-76-5
Methyl acrylate	96-33-3
4,4'-Methylene-bis-(2-chloroaniline)	101-14-4
4,4'-Methylenediphenyl diisocyanate (diphenyl methane diisocyanate)	101-68-8
4,4'-Methylenedianiline	101-77-9
Methylene diphenylamine (MDA)	
5-Methylfurfural	620-02-0
Methylhydrazine	60-34-4
Methyliminoacetic acid	
Methyl methane sulfonate	66-27-3
1-Methyl-2-methoxyaziridine	
Methylparathion	298-00-0
Methyl sulfuric acid (sulfuric acid, dimethyl ester)	77-78-1
4-Methylthiophenol	106-45-6
Monomethylformamide (N-methylformamide)	123-39-7
Nabam	142-59-6

Compound name	CAS No.
alpha-Naphthol	90-15-3
beta-Naphthol	135-19-3
alpha-Naphthylamine	134-32-7
beta-Naphthylamine	91-59-8
Neopentyl glycol (dimethylolpropane)	126-30-7
Niacinamide	98-92-0
o-Nitroaniline	88-74-4
Nitroglycerin	55-63-0
2-Nitrophenol	88-75-5
4-Nitrophenol	100-02-7
N-Nitrosodimethylamine	62-75-9
Nitrosoguanidine	674-81-7
N-Nitroso-n-methylurea	684-93-5
N-Nitrosomorpholine (4-nitrosomorpholine)	59-89-2
Oxalic acid	144-62-7
Parathion	56-38-2
Pentaerythritol	115-77-5
Phenacetin	62-44-2
Phenol	108-95-2
Phenylacetic acid	103-82-2
m-Phenylene diamine	108-45-2
o-Phenylene diamine	95-54-5
p-Phenylene diamine	106-50-3
Phenyl mercuric acetate	62-38-4

Compound name	CAS No.
Phorate	298-02-2
Phthalic anhydride	85-44-9
alpha-Picoline (2-methyl pyridine)	109-06-8
1,3-Propane sulfone	1120-71-4
beta-Propiolactone	57-57-8
Proporur (Baygon)	
Propylene glycol	57-55-6
Pyrene	129-00-0
Pyridinium bromide	39416-48-3
Quinoline	91-22-5
Quinone (p-benzoquinone)	106-51-4
Resorcinol	108-46-3
Simazine	122-34-9
Sodium acetate	127-09-3
Sodium formate	141-53-7
Strychnine	57-24-9
Succinic acid	110-15-6
Succinimide	123-56-8
Sulfanilic acid	121-47-1
Terephthalic acid	100-21-0
Tetraethylthiopyrophosphate	3689-24-5
Tetraethylenepentamine	112-57-2
Thiofanox	39196-18-4
Thiosemicarbazide	79-19-6
Compound name	CAS No.
2,4-Toluenediamine	95-80-7

2,6-Toluediamine 823-40-5
 3,4-Toluediamine 496-72-0
 2,4-Toluene diisocyanate 584-84-9
 p-Toluic acid 99-94-5
 m-Toluidine 108-44-1
 1,1,2-Trichloro-1,2,2-trifluoroethane 76-13-1
 Triethanolamine 102-71-6
 Triethylene glycol dimethyl ether.
 Tripropylene glycol 24800-44-0
 Warfarin 81-81-2
 3,4-Xylenol (3,4-dimethylphenol) 95-65-8

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

SUBPART B - PERMIT APPLICATION

CONTENTS OF PART B: GENERAL REQUIREMENTS

insert "of this part" following "264.15(b)" and following "264.1088"	270.14(b)(5)	270.14(b)(5)	X			
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RCRA REVISION CHECKLIST 169

Petroleum Refining Process Wastes

63 FR 42110-42189

August 6, 1998

as amended at 63 FR 54356-54357, October 9, 1998
(RCRA Cluster IX, HSWA/Non-HSWA provisions)

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

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	40 CFR	APC&EC Reg. No. 23				

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF HAZARDOUS WASTE

† insert “, provided that the wastes...separation” after “§ 261.32”; insert “crude oil storage tank sediment ... (EPA Hazardous Waste No. K172)” after “(EPA Hazardous Waste No. K050)”	261.3(a)(2)(iv)(C)	261.3(a)(2)(iv)(C)	X			
†, ⁱ replace “§ 261.6(a)(3)(iv) through (vi) “with “§ 261.6(a)(3)(iii) and (iv)”	261.3(c)(2)(ii)(B)	261.3(c)(2)(ii)(B)	X			

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

† add new subparagraph; catalyst inert support media separated from wastes listed in § 261.32 – Spent hydrotreating catalyst and spent hydrorefining catalyst	261.3(c)(2)(ii)(E)	261.3(c)(2)(ii)(E)	X			
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EXCLUSIONS

<p>†, completely revise 261.4(a)(12) as 261.4(a)(12)(i)&(ii); oil-bearing hazardous secondary materials generated at petroleum refinery and inserted into the refining process unless the material is placed on land or speculatively accumulated before recycled; non-characteristic materials inserted into thermal cracking units; oil-bearing hazardous secondary materials inserted into same refinery where generated, or sent directly to another refinery; oil-bearing hazardous secondary materials generated elsewhere in petroleum industry are not excluded; residuals generated from materials excluded under 261.4(a)(12)(i) that would have</p>	<p>261.4(a)(12)(i)</p>	<p>261.4(a)(12)(i)</p>	<p>X</p>			
<p>otherwise met listing under 261 subpart D, are designated as F037 listed wastes when disposed of or intended for disposal</p>						

†, recovered oil recycled in same manner and conditions as in 261.4(a)(12)(i); recovered oil is oil reclaimed from secondary materials generated from normal petroleum industry practices; recovered oil does not include oil-bearing hazardous wastes listed in 261 subpart D, however, oil recovered from such wastes may be considered recovered oil; recovered oil does not include used oil as defined in 279.1	261.4(a)(12)(ii)	261.4(a)(12)(ii)	X			
† add new paragraph; petrochemical recovered oil from associated organic chemical manufacturing facility, where oil is inserted into refining process with normal process streams provided:	261.4(a)(18)	261.4(a)(18)	X			
† oil is hazardous only because it exhibits characteristic of ignitability and/or toxicity for benzene; and	261.4(a)(18)(i)	261.4(a)(18)(i)	X			

† oil generated is not placed on land or speculatively accumulated before recycled; definitions of “associated organic chemical manufacturing facility” and “petrochemical recovered oil”	261.4(a)(18)(ii)	261.4(a)(18)(ii)	X			
† Add new paragraph; spent caustic solutions from petroleum refining liquid treating processes used as feedstock to produce cresylic or naphthenic acid unless material is placed on land or accumulated speculatively as defined in 261.1(c)	261.4(a)(19)	261.4(a)(19)	X			

REQUIREMENTS FOR RECYCLABLE MATERIALS

† at end of paragraph, replace “; and” with a period	261.6(a)(3)(iv)(C)	261.6(a)(3)(iv)(C)	X			
†, ii Remove	261.6(a)(3)(v)	261.6(a)(3)(v)	X			

SUBPART D – LISTS OF HAZARDOUS WASTES

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

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

<p>†, ⁱⁱⁱ revise entry for F037; remove colon after “those generated in”; replace period with a comma after “receiving dry weather flow”; use lower case with “Sludge”; add new sentence to end of description regarding the inclusion of excluded residuals generated from processing or recycling oil-bearing hazardous secondary materials if to be disposed</p>	<p>261.31(a)</p>	<p>261.31(a)</p>	<p>X</p>		
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ⁱⁱⁱ This change is conditionally optional. If a State chooses to make the optional changes at 40 CFR 261.4(a)(12), it needs to make this change as well.

HAZARDOUS WASTES FROM SPECIFIC SOURCES

add following waste streams to subgroup "Petroleum refining", in alphanumeric order	261.32	261.32	X			
Industry and EPA hazardous waste No.	Hazardous Waste					Hazard code

Petroleum refining:

- K169 Crude oil storage tank sediment from petroleum refining operations (T)
- K170 Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations (T)
- K171 Spent Hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I,T)
- K172 Spent Hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I,T)

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add to appendix in alphanumeric order, the following waste streams to subgroup "Petroleum refining"	261 Appendix VII	261 Appendix VII	X			
EPA hazardous waste No.	Hazardous constituents for which listed					

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

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

SUBPART H – HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

APPLICABILITY

, †,, replace "261.6(a)(3)(iv) through (vi)" with "261.6(a)(3)(iii) and (iv)"	266.100(b)(3)	266.100(b)(3)	X			
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PART 268 – LAND DISPOSAL RESTRICTIONS

SUBPART C – PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS-PETROLEUM REFINING WASTES

^{iv} add new paragraph; effective February 8, 1999, wastes K169-K172, soils and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soils and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	268.35(a)	268.35(a)	X			
add new paragraph; requirements of 268.35(a) do not apply if:	268.35(b) intro	268.35(b) intro	X			
wastes meet treatment standards specified in 268 subpart D;	268.35(b)(1)	268.35(b)(1)	X			
exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	268.35(b)(2)	268.35(b)(2)	X			
wastes meet treatment standards established pursuant to petition granted under 268.44;	268.35(b)(3)	268.35(b)(3)	X			

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

hazardous debris meeting treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.35(b)(4)	268.35(b)(4)	X			
extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.35(b)(5)	268.35(b)(5)	X			
add new paragraph; to determine if hazardous wastes identified in 268.35 exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains constituents in excess of UTS levels of 268.48, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	268.35(c)	268.35(c)	X			

SUBPART D – TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

^v add in alphanumeric order new entries for K169, K170, K171, and K172 as shown at 63 FR 42187	268.40/Table	268.40/Table				
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^v Note that the August 6, 1998 rule (Revision Checklist 169) republished the appropriate footnotes to the Table of Treatment Standards at 40 CFR 268.40 without change.

RCRA REVISION CHECKLIST 170

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

63 FR 46332-46334

August 31, 1998

(RCRA Cluster IX, HSWA)

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

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

PART 268 - LAND DISPOSAL RESTRICTIONS

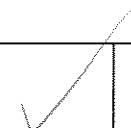
SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

† add new subparagraph; zinc-containing fertilizers produced for general public use and produced from or containing recycled characteristic hazardous wastes (D004-D011) are subject to 268.41 treatment standards in the July 1, 1990 edition of the CFR	268.40(i)	268.40(i)	X			
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*WRONG CHECKLIST
See Intro*

268



RCRA REVISION CHECKLIST 171

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

63 FR 47410-47418

September 4, 1998

(RCRA Cluster IX, HSWA)

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

40 CFR

APC&EC
Reg. No. 23

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

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

ⁱ Note that on pages 47416-47417 of the September 4, 1988 rule, "mg/l" has been erroneously expressed as "mg/L" throughout the table "Treatment Standards for Hazardous Wastes" and throughout the footnotes to this table. Milligrams per liter is correctly abbreviated as "mg/l".

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

UNIVERSAL TREATMENT STANDARDS

remove entries for the following: A2213; Bendiocarb phenol; Diethylene glycol, dicarbamate; Dimetilan; Formparanate; Isolan; o-Phenylenediamine; and Tirpate	268.48(a)/Table	268.48(a)/Table	X			
remove footnote "6" in column one, after the following: Aldicarb sulfone; Barban; Bendiocarb; Benomyl; Butylate; Carbaryl; Carbenzadim; Carbofuran; Carbofuran phenol; Carbosulfan; m-Cumenyl methylcarbamate; Dithiocarbamates (total); EPTC; Formetanate hydrochloride; Methiocarb; Methomyl; Metolcarb; Mexacarbate; Molinate; Oxamyl; Pebulate; o-Phenylenediamine; Physostigmine; Physostigmine salicylate; Promecarb; Propham; Propoxur; Prosulfocarb; Thiodicarb; Thiophanate-methyl; Triallate; Triethylamine; and Vernolate; and by removing footnote 6 itself	268.48(a)/Table	268.48(a)/Table	X			

RCRA REVISION CHECKLIST 172

Land Disposal Restrictions Phase IV -- Extension of Compliance

Date for Characteristic Slags

63 FR 48124-48127

September 9, 1998

(RCRA Cluster IX, HSWA)

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART D - TREATMENT STANDARDS

WASTE SPECIFIC PROHIBITIONS--SECOND THIRD WASTES

† redesignate old 268.34(b)-(e) as 268.34(c)-(f); add new 268.34(b) setting November 26, 1998 as the effective date when slags from secondary lead smelting which exhibit the Toxicity Characteristic due to one or more metals, are prohibited from land disposal	268.34(b)-(f)	268.34(b)-(f)	X			
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RCRA REVISION CHECKLIST 173

**Land Disposal Restrictions; Treatment Standards for
Spent Potliners from Primary Aluminum
Reduction (K088); Final Rule**

63 FR 51254-51267

September 24, 1998

(RCRA Cluster VIII, HSWA provisions)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	40 CFR	APC&EC Reg. No. 23				

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

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

replace "October 8, 1997" with "September 21, 1998"; replace "this waste" with "these wastes"	268.39(c)	268.39(c)	X			
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SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

in the entry for K088, correct "Acenaphthene" to "Acenaphthalene"; correct "Benz(a)anthracene" to "Benz o (a)anthracene"; in nonwastewaters column for Arsenic, replace "5.0 mg/l TCLP" with "26.1 mg/kg"; remove "Fluoride" and its corresponding data	268.40/Table	268.40/Table	X			
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RCRA REVISION CHECKLIST 174

Post-Closure Permit Requirement and Closure Process

63 FR 56710-56735

October 22, 1998

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

Notes : 1) States choosing to adopt this optional checklist must demonstrate the enforcement authority added by this rule to 40 CFR 271.16(e) in order to receive authorization for this checklist.

2) The revisions to 40 CFR 264.90(f), 264.110(c), 264.112(b)(8), 264.112(c)(2)(iv), 264.118(b)(4), 264.118(d)(2)(iv), 264.140(d), 265.90(f), 265.110(d), 265.112(b)(8), 265.112(c)(1)(iv), 265.118(c)(5), 265.118(d)(1)(iii), 265.121(a)(2), 265.140(d) and 271.16(e) are promulgated pursuant to HSWA. Because these provisions are not more stringent, they are immediately effective only in those States not authorized for the base RCRA program. The revisions to 40 CFR 264.90(e), 265.110(c), 265.118(c)(4), 265.121 (except for 265.121(a)(2)), 270.1, 270.14(a), and 270.28 are promulgated relative to non-HSWA authority. Those provisions designated as HSWA are identified by a " " (diamond symbol) in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	40 CFR	APC&EC Reg. No.23				
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART F – RELEASES FROM SOLID WASTE MANAGEMENT UNITS						
APPLICABILITY						
add new paragraph; 264 Subpart F regulations apply to all owners/operators subject to 270.1(c)(7) when either post-closure permit or enforceable document is issued; when an enforceable document is issued, references to “in the permit” mean “in the enforceable document”	264.90(e)	264.90(e)	X			
add new paragraph; Regional Administrator may replace requirements of 264.91-- 264.100 with alternative regulations for groundwater monitoring & corrective action for releases to groundwater contained in permit (or enforceable document) where Regional Administrator determines:	264.90(f) intro	264.90(f) intro	X			

regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	264.90(f)(1)	264.90(f)(1)	X			
it is not necessary to apply 264.91 - 264.100 requirements because alternative requirements will protect human health and environment	264.90(f)(2)	264.90(f)(2)	X			

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

add new paragraph; Regional Administrator may replace part 264 Subpart G requirements with alternative requirements contained in permit or enforceable document where Regional Administrator determines that:	264.110(c)	264.110(c)	X			
regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	264.110(c)(1)	264.110(c)(1)	X			
it is not necessary to apply part 264 Subpart G requirements because alternative requirements will protect human health and environment and satisfy 264.111(a)&(b) requirements	264.110(c)(2)	264.110(c)(2)	X			

CLOSURE PLAN; AMENDMENT OF PLAN

<p>i add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d), either alternative requirements or reference to enforceable document containing those requirements</p>	<p>264.112(b)(8)</p>	<p>264.112(b)(8)</p>	<p>X</p>			
<p>add new paragraph; owner/ operator requests Regional Administrator to apply alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d)</p>	<p>264.112(c)(2)(iv)</p>	<p>264.112(c)(2)(iv)</p>	<p>X</p>			

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

POST-CLOSURE PLAN; AMENDMENT OF PLAN

add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d), either alternative requirements or reference to enforceable document containing those requirements	264.118(b)(4)	264.118(b)(4)	X			
add new paragraph; owner/operator requests Regional Administrator to apply alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d)	264.118(d)(2)(iv)	264.118(d)(2)(iv)	X			

SUBPART H - FINANCIAL REQUIREMENTS

APPLICABILITY

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

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES
SUBPART F - GROUND-WATER MONITORING

APPLICABILITY

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

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

add new paragraph; 265.121 applies to owners/operators of units subject to 270.1(c)(7) and are regulated under enforceable document	265.110(c)	265.110(c)	X			
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add new paragraph; Regional Administrator may replace part 265 Subpart G requirements with alternative requirements for closure contained in approved closure or post-closure plan or in enforceable document where Regional Administrator determines:	265.110(d)	265.110(d)	X			
regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	265.110(d)(1)	265.110(d)(1)	X			
it is not necessary to apply part 265 Subpart G requirements because alternative requirements will protect human health and environment, and will satisfy 265.111(a)&(b)	265.110(d)(2)	265.110(d)(2)	X			

CLOSURE PLAN; AMENDMENT OF PLAN

add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d), either alternative requirements or reference to enforceable document containing those requirements	265.112(b)(8)	265.112(b)(8)	X			
add new paragraph; owner/operator requests Regional Administrator to apply alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d)	265.112(c)(1)(iv)	265.112(c)(1)(iv)	X			

POST-CLOSURE PLAN; AMENDMENT OF PLAN

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

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

add new paragraph; owners/operators subject to post-closure permit requirements of 270.1(c), but who obtain enforceable documents in lieu of post-closure permits, must comply with following requirements:	265.121(a)	265.121(a)	X			
270.28 facility information requirements	265.121(a)(1)	265.121(a)(1)	X			
264.101 facility-wide corrective action requirements	265.121(a)(2)	265.121(a)(2)	X			
264.91 through 264.100 requirements	265.121(a)(3)	265.121(a)(3)	X			
add new paragraph; in issuing enforceable documents in lieu of permits, Regional Administrator will assure opportunity for public involvement including opportunity for public notice and comment:	265.121(b)(1)	265.121(b)(1)	X			

when EPA becomes involved in facility remediation as regulatory or enforcement matter;	265.121(b)(1)(i)	265.121(b)(1)(i)	X			
on proposed preferred remedy and assumptions that remedy is based upon; and	265.121(b)(1)(ii)	265.121(b)(1)(ii)	X			
at time of proposed decision that remedial action is complete at facility; specified requirements must be met before Regional Administrator may consider requirements of 270.1(c)(7) to be fulfilled, unless facility qualifies for modification under 265.121(b)(2) or (3)	265.121(b)(1)(iii)	265.121(b)(1)(iii)	X			
if Regional Administrator determines that delay in implementation of remedy would adversely affect human health or environment, Regional Administrator may delay compliance with 265.121(b)(1) and implement remedy immediately; however, Regional Administrator must assure involvement of public at earliest opportunity	265.121(b)(2)	265.121(b)(2)	X			
Regional Administrator may allow remediation initiated prior to October 22, 1998 to substitute for corrective action even if 265.121(b)(1) requirements have not been met as long as notice and comment takes place at earliest opportunity	265.121(b)(3)	265.121(b)(3)	X			

SUBPART H - FINANCIAL REQUIREMENTS

APPLICABILITY

add new paragraph; enforceable documents for post-closure care; at Regional Administrator's discretion, owner/operator may obtain enforceable document imposing 265.121 requirements in lieu of post-closure permit; definition of enforceable document	270.1(c)(7)	270.1(c)(7)	X		
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add new paragraph; Regional Administrator may replace part 265 Subpart F requirements with alternative requirements for financial assurance contained in permit or enforceable document where Regional Administrator:	265.140(d)	265.140(d)	X			
prescribes alternative requirements under 265.90(f) and/or 265.110(d), and	265.140(d)(1)	265.140(d)(1)	X			
determines it is not necessary to apply 265 Subpart H requirements because alternative will protect human health and environment	265.140(d)(2)	265.140(d)(2)	X			

PART 270 - EPA ADMINISTERED PERMIT PROGRAMS:
THE HAZARDOUS WASTE PERMIT PROGRAM
SUBPART A - GENERAL INFORMATION

PURPOSE AND SCOPE OF THESE REGULATIONS

insert "of this chapter" after "265.115"; insert "or decontamination" after "closure by removal"; insert ", or obtain an enforceable document in lieu of post-closure permit, as provided under paragraph (c)(7) of this section" after "270.1(c)(5) and (6)"; insert "40 CFR" prior to "part 264"; replace initial capitalizations with lower case letters in "groundwater monitoring, ... post-closure care requirements"	270.1(c) intro	270.1(c) intro	X			
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SUBPART B - PERMIT APPLICATION

CONTENTS OF PART B: GENERAL REQUIREMENTS

add new sentence to end of existing paragraph; for post-closure permits, only 270.28 information is required in Part B application	270.14(a)	270.14(a)			X	
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PART B INFORMATION REQUIREMENTS FOR POST-CLOSURE PERMITS

add new section; for post-closure permits, owner/operator required to only submit information specified in 270.14(b)(1), (4)-(6), (11), (13), (14), (16), (18), and (19), (c), and (d) unless Regional Administrator determines that 270.14, 270.16 - 270.18, 270.20, or 270.21 information is necessary; owner/operator required to submit same information when alternative authority is used in lieu of post-closure permit	270.28	270.28	X			
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RCRA REVISION CHECKLIST 175

HWIR-Media

63 FR 65874-65947

November 30, 1998

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

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

2) The revisions to 40 CFR 260.10, 264.1(j) intro, 264.101(d), 264.552(a), 264.553(a), 264.554, 265.1(b), 268.2(c), 268.50(g), 270.2, 270.42 Appendix I, and 270.230(e)(1) were promulgated pursuant to HSWA. Because these provisions are not more stringent, they are immediately effective only in those States not authorized for the base RCRA program. The revisions to 40 CFR 261.4(g), 264.1(j)(1)-(13), 264.73(b)(17), 270.11(d), 270.68, 270.73(a), and Part 270 Subpart H (except 270.230(e)(1)) were promulgated relative to non-HSWA authority. The 264.1(j) introductory paragraph is also a non-HSWA provision to the extent that it addresses the requirements that remediation waste management units can meet in lieu of 40 CFR Part 264, Subparts B, C and D. Those provisions designated as HSWA are identified by a " " (diamond symbol) in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION 40 CFR	ANALOGOUS STATE CITATION APC&EC Reg. No. 23	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 260 – HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B – DEFINITIONS						
DEFINITIONS						
†, remove "266, 268, and 270 through"	260.10(intro)	260.10(intro)	X			
†, replace existing definition of "corrective action management unit or CAMU" with new definition of "corrective action management unit (CAMU)"	260.10 "corrective action management unit (CAMU)"	260.10 "corrective action management unit (CAMU)"	X			
†, add third definition numbered "(3)", a remediation waste management site is not facility subject to 264.101, but is subject to corrective action if site is located within such facility	260.10 "facility"	260.10 "facility"	X			
†, replace "40 CFR part 146" with "part 146 of this chapter"; remove "or" prior to "unit eligible"; insert "a" prior to "research"; replace "§ 270.65" with "40 CFR 270.65, or staging pile"	260.10 "miscellaneous unit"	260.10 "miscellaneous unit"	X			

†,	replace “, which” with “that” after “debris”; replace “which” with “that” prior to “themselves”; remove “waste” after “exhibit a hazardous”; replace “, that” with “and” after “characteristic”; remove “the purpose of” prior to “implementing”; replace “implementing corrective” with “implementing cleanup”; delete remainder of text beginning with “action requirements...”	260.10 “remediation waste”	260.10 “remediation waste”	X			
†,	add “remediation waste management site”	260.10 “remediation waste management site”	260.10 “remediation waste management site”	X			
†,	add “staging pile”	260.10 “staging pile”	260.10 “staging pile”	X			

PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A – GENERAL

EXCLUSIONS

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

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

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

†, j	add new paragraph; subparts B, C, and D of 264 and 264.101 do not apply to cleanup only remediation waste management sites; owners/operators of remediation waste management sites must:	264.1(j) intro	264.1(j) intro	X			
†	add new paragraph; obtain an EPA identification number;	264.1(j)(1)	264.1(j)(1)	X			
†	add new paragraph; obtain a detailed chemical and physical analysis of the hazardous remediation wastes; minimum requirements of analysis	264.1(j)(2)	264.1(j)(2)	X			
†	add new paragraph; prevent people who are unaware of danger from entering, and minimize entry of unauthorized people or livestock onto active portion of remediation waste management site; exceptions	264.1(j)(3) intro	264.1(j)(3) intro	X			
		264.1(j)(3)(i)	264.1(j)(3)(i)	X			
		264.1(j)(3)(ii)	264.1(j)(3)(ii)	X			

Section 264.1(j) intro is a HSWA provision as it applies to facility-wide corrective action at remediation waste management site and a non-HSWA provision to the extent that it addresses the requirements relative to 40 CFR Part 264, Subparts B, C, and D.

† add new paragraph; inspect remediation waste management site for problems that may cause or lead to release of hazardous waste; owner/operator must inspect often enough to correct problems before they harm or lead to hazards to human health or environment; where hazard is imminent or already occurred, owner/operator must take immediate remedial action	264.1(j)(4)	264.1(j)(4)	X			
† add new paragraph; provide personnel with training	264.1(j)(5)	264.1(j)(5)	X			
† add new paragraph; prevent ignition or reaction of ignitable, reactive or incompatible waste	264.1(j)(6)	264.1(j)(6)	X			
† add new paragraph; for certain sites design, construct, operate, and maintain unit within 100-year floodplain to prevent washout of hazardous waste	264.1(j)(7)	264.1(j)(7)	X			
† add new paragraph; not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave;	264.1(j)(8)	264.1(j)(8)	X			
† add new paragraph; develop and maintain construction quality assurance program for certain units	264.1(j)(9)	264.1(j)(9)	X			
† add new paragraph; develop and maintain procedures to prevent accidents and contingency and emergency plans to control accidents; required procedures	264.1(j)(10)	264.1(j)(10)	X			

† add new paragraph; designate at least one employee to coordinate all emergency response measures; emergency coordinator requirements	264.1(j)(11)	264.1(j)(11)	X			
† add new paragraph; develop, maintain and implement plan to meet 264.1(j)(2)-(j)(6) & (j)(9)-(j)(10) requirements	264.1(j)(12)	264.1(j)(12)	X			
† add new paragraph; maintain records documenting compliance with 264.1(j)(1)-(j)(12)	264.1(j)(13)	264.1(j)(13)	X			

SUBPART E – MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

OPERATING RECORD

† add new paragraph; any records required under 264.1(j)(13)	264.73(b)(17)	264.73(b)(17)	X			
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SUBPART F – RELEASES FROM SOLID WASTE MANAGEMENT UNITS

CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

†, add new paragraph; does not apply to remediation waste management sites unless part of a facility subject to permit for treating, storing or disposing of hazardous wastes that are not remediation wastes	264.101(d)	264.101(d)	X			
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SUBPART S - CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

CORRECTIVE ACTION MANAGEMENT UNITS (CAMU)

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

TEMPORARY UNITS (TU)

†, completely revise paragraph; Regional Administrator may designate unit as temporary unit, for temporary tanks and container storage areas used to treat or store hazardous remediation wastes under 264.101 or RCRA 3008(h), or at permitted facility not subject to 264.101; temporary unit must be located within contiguous property under owner/operator control where wastes originated; Regional Administrator may replace Part 264/265 design, operating, or closure standard with alternative requirements which protect human health and environment	264.553(a)	264.553(a)				X
†, STAGING PILES						
add new section; section written in special format to make regulatory requirements easier to understand; establishes enforceable legal requirements; "I" and "you" refer to owner/operator	264.554 intro	264.554 intro	X			
definition of staging pile; location requirements; designated by Director in accordance with 265.554	264.554(a)	264.554(a)	X			
use of staging pile	264.554(b)	264.554(b)	X			
staging pile designation, information requirements	264.554(c) intro	264.554(c) intro	X			
sufficient and accurate information to enable Director to impose standards and design criteria according to 264.554(d)-(k);	264.554(c)(1)	264.554(c)(1)	X			

certification by an independent, qualified, registered professional engineer for technical data, unless Director determines that certification is not necessary to ensure protection of human health and environment; and	264.554(c)(2)	264.554(c)(2)	X			
any additional information Director determines necessary to protect human health and environment	264.554(c)(3)	264.554(c)(3)	X			
staging pile performance criteria	264.554(d) intro	264.554(d) intro	X			
standards and design criteria must:	264.554(d)(1) intro	264.554(d)(1) intro	X			
facilitate a reliable, effective and protective remedy;	264.554(d)(1)(i)	264.554(d)(1)(i)	X			
be designed to prevent or minimize releases of hazardous wastes and hazardous constituents, and control cross-media transfer, protect human health and environment; and	264.554(d)(1)(ii)	264.554(d)(1)(ii)	X			
not operate for more than 2 years, except when Director grants extension under 264.554(i); time limit is measured from the first time remediation waste placed into staging pile; records maintenance requirements	264.554(d)(1)(iii)	264.554(d)(1)(iii)	X			
in setting standards and design criteria, Director must consider:	264.554(d)(2)	264.554(d)(2)	X			
length of time pile will be in operation	264.554(d)(2)(i)	264.554(d)(2)(i)	X			
volumes of wastes intended to be stored	264.554(d)(2)(ii)	264.554(d)(2)(ii)	X			
physical and chemical characteristics of wastes	264.554(d)(2)(iii)	264.554(d)(2)(iii)	X			
potential for releases	264.554(d)(2)(iv)	264.554(d)(2)(iv)	X			

	hydrogeological and other environmental conditions that may influence migration of potential releases;	264.554(d)(2)(v)	264.554(d)(2)(v)	X			
ii	potential for human and environmental exposure	264.554(d)(2)(vi)	264.554(d)(2)(vi)	X			
	ignitable or reactive remediation waste must not be placed in staging pile unless:	264.554(e) intro	264.554(e) intro	X			
	remediation waste has been treated, rendered or mixed so that:	264.554(e)(1)	264.554(e)(1)	X			
	remediation waste no longer meets definition of ignitable or reactive under 261.21 or 261.23; and	264.554(e)(1)(i)	264.554(e)(1)(i)	X			
	waste complies with 264.17(b); or	264.554(e)(1)(ii)	264.554(e)(1)(ii)	X			
	remediation waste is protected from exposure to any material or condition that might cause it to ignite or react	264.554(e)(2)	264.554(e)(2)	X			
	“incompatible waste” is defined in 260.10; you must comply with the following:	264.554(f) intro	264.554(f) intro	X			
	incompatible remediation wastes must not be placed in same staging pile unless you have complied with 264.17(b);	264.554(f)(1)	264.554(f)(1)	X			
	if remediation waste in pile is incompatible with waste stored in nearby containers, other piles, open tanks or land disposal units, incompatible materials must be separated or protected from one another by dike, berm, wall or other device; and	264.554(f)(2)	264.554(f)(2)	X			

ii Note that there is a typographical error in this provision; the ending semicolon should be a period.

remediation waste must not be piled on same base where incompatible wastes were previously piled, unless base has been decontaminated to comply with 264.17(b)	264.554(f)(3)	264.554(f)(3)	X			
placement of remediation wastes into staging pile does not constitute land disposal or create a unit subject to RCRA 3004(o)	264.554(g)	264.554(g)	X			
Director may allow staging pile to operate for up to 2 years after waste is first placed into pile; except as provided in 264.554(i), staging pile may not be used after time designated in permit, closure plan, or order	264.554(h)	264.554(h)	X			
operating extension for a staging pile	264.554(i) intro	264.554(i) intro	X			
Director may grant one operating term extension of up to 180 days beyond specified limit; sufficient and accurate information to enable Director to determine that continued operation of staging pile:	264.554(i)(1)	264.554(i)(1)	X			
will not pose threat to human health and environment; and	264.554(i)(1)(i)	264.554(i)(1)(i)	X			
is necessary to ensure timely and efficient implementation of remedial actions at facility	264.554(i)(1)(ii)	264.554(i)(1)(ii)	X			
Director may specify further standards and design criteria to ensure protection of human health and environment	264.554(i)(2)	264.554(i)(2)	X			
closure requirement for staging pile located in previously contaminated area	264.554(j) intro	264.554(j) intro	X			

within 180 days of operating term expiration, staging pile must be closed when located in previously contaminated area by removing or decontaminating all:	264.554(j)(1)	264.554(j)(1)	X			
remediation waste;	264.554(j)(1)(i)	264.554(j)(1)(i)	X			
contaminated containment system components; and	264.554(j)(1)(ii)	264.554(j)(1)(ii)	X			
structures and equipment contaminated with waste and leachate	264.554(j)(1)(iii)	264.554(j)(1)(iii)	X			
contaminated subsoils must also be decontaminated in manner and according to schedule that Director determines will protect human health and environment	264.554(j)(2)	264.554(j)(2)	X			
264.554(j)(1)-(2) requirements must be in permit, closure plan, or order	264.554(j)(3)	264.554(j)(3)	X			
closure requirement for staging pile located in uncontaminated area	264.554(k) intro	264.554(k) intro	X			
within 180 days of operating term expiration, staging pile must be closed when located in uncontaminated area according to 264.258(a) & 264.111; or 265.258(a) & 265.111	264.554(k)(1)	264.554(k)(1)	X			
264.554(k)(1) requirement must be in permit, closure plan, or order in which the pile was designated	264.554(k)(2)	264.554(k)(2)	X			
modification of existing permit, closure plan, or order to allow use of staging pile	264.554(l) intro	264.554(l) intro	X			
to modify permit, other than RAP, to incorporate staging pile or staging pile operating term extension, either:	264.554(l)(1)	264.554(l)(1)	X			
Director must approve modification under procedures in 270.41; or	264.554(l)(1)(i)	264.554(l)(1)(i)	X			

Class 2 modification must be requested under 270.42	264.554(l)(1)(ii)	264.554(l)(1)(ii)	X			
to modify RAP, comply with modification requirements under 270.170 and 270.175	264.554(l)(2)	264.554(l)(2)	X			
to modify closure plan follow applicable requirements under 264.112(c) or 265.112(c)	264.554(l)(3)	264.554(l)(3)	X			
to modify order follow terms of order and applicable provisions of 270.72(a)(5) or (b)(5)	264.554(l)(4)	264.554(l)(4)	X			
Director must document rationale for designating staging pile or staging pile operating term extension and make documentation available to the public	264.554(m)	264.554(m)	X			

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

PURPOSE, SCOPE, AND APPLICABILITY

†, replace "40 CFR 264.552 and 40 CFR 264.553" with "40 CFR 264.552, 264.553, and 264.554"	265.1(b)	265.1(b)	X			
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

†, insert "or staging pile" after "corrective action management unit"	268.2(c)	268.2(c)	X			
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SUBPART E - PROHIBITIONS ON STORAGE

PROHIBITION ON STORAGE OF RESTRICTED WASTES

†, ⁱⁱⁱ	add new paragraph; prohibition and requirements in 268.50 do not apply to hazardous remediation wastes stored in staging pile approved pursuant to 265.554	268.50(g)	268.50(g)	X			
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART A - GENERAL INFORMATION

DEFINITIONS

†	add "Remedial Action Plan (RAP)"	270.2	270.2	X			
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SUBPART B - PERMIT APPLICATION

SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS

†, ^{iv} , ^v	redesignate 270.11(d) as 270.11(d)(1); replace "must make" with "shall make"; in certification statement, replace "in accordance with" with "according to"; remove "be" in "to be the best of my knowledge"	270.11(d)(1)	270.11(d)(1)	X			
†	add new paragraph; for RAPs under 270 subpart H, owner may make the certification at 270.11(d)(2) instead of 270.11(d)(1); certification statement	270.11(d)(2)	270.11(d)(2)	X			

ⁱⁱⁱ There appears to be an omission in 268.50(g). Following "prohibition and requirements in this" should probably be "section" to refer to the 268.50 prohibitions.

^{iv} In redesignating 270.11(d) as 270.11(d)(1), in the November 30, 1998 rule (63 FR 65941), it appears as though the title of paragraph (d), "*Certification*", has been removed. It is assumed that 270.11(d) intro remains in the code but only contains the paragraph's title, "*Certification*".

^v There appears to be an omission in 270.11(d)(1). Following "paragraph (a) or (b) of this" the word "section" should be reinserted to refer to 270.11(a) & (b).

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

†, add entries D.3.g and N.3 as follows:	270.42, Appendix I	270.42, Appendix I	X			
Modifications						
	*	*	*	*	*	Class
D. Closure	*	*	*	*	*	*
3. Addition of the following new units to be used temporarily for closure activities:	*	*	*	*	*	*
g. Staging piles	*	*	*	*	*	2
N. Corrective Action:	*	*	*	*	*	*
3. Approval of a staging pile or staging pile operating term extension pursuant to § 264.554	*	*	*	*	*	2

SUBPART F - SPECIAL FORMS OF PERMITS

† REMEDIAL ACTION PLANS (RAPs)

vi add new section; RAPs are special forms of permits regulated under 270 subpart H	270.68	270.68	X			
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SUBPART G - INTERIM STATUS

TERMINATION OF INTERIM STATUS

†, vii insert “, except an application for a remedial action plan (RAP) under subpart H of this part,” following “application”	270.73(a)	270.73(a)	X			
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The November 30, 1998 (64 FR 65874) rule adds a new section at 270.68. There is no § 270.67; therefore, it is assumed to be reserved.

In revising this provision, EPA has replaced the ending “; or” with a period. This appears to be an error as interim status terminates when either 270.73(a) or 270.73(b) occurs. When adopting this Rule, States are advised to leave the ending “; or” intact at 270.73(a).

SUBPART H - REMEDIAL ACTION PLANS (RAPs)

† WHY IS THIS SUBPART WRITTEN IN A SPECIAL FORMAT?

add new subpart; subpart is written in special format to make regulatory requirements easier to understand; establishes enforceable legal requirements; "I" and "you" refer to owner/operator	270.79	270.79	X			
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† WHAT IS A RAP?

explanation of a RAP; when RAPs may be issued	270.80(a)	270.80(a)	X			
requirements in 270.3-270.66 do not apply to RAPs unless specifically required under 270.80-270.230; 270.2 definitions apply	270.80(b)	270.80(b)	X			
any document meeting 270.80 requirements constitutes a RCRA permit under RCRA 3005(c)	270.80(c)	270.80(c)	X			
a RAP may be:	270.80(d) intro	270.80(d) intro	X			
a stand-alone document; or	270.80(d)(1)	270.80(d)(1)	X			
part of another document	270.80(d)(2)	270.80(d)(2)	X			
RAPs do not affect cleanup obligations under Federal or State authorities	270.80(e)	270.80(e)	X			
RAP received at facility operating under interim status does not terminate the interim status	270.80(f)	270.80(f)	X			

† WHEN DO I NEED A RAP?

treatment, storage, or disposal of hazardous remediation wastes in manner requiring permit under 270.1, either obtain:	270.85(a) intro	270.85(a) intro	X			
permit according to 270.3-270.66; or	270.85(a)(1)	270.85(a)(1)	X			
RAP according to 270 subpart H	270.85(a)(2)	270.85(a)(2)	X			
treatment units that use combustion of hazardous remediation wastes at remediation waste management site are not eligible for RAPs under 270 subpart H	270.85(b)	270.85(b)	X			
RAP can be obtained for managing hazardous remediation waste at permitted facility; the RAP must be approved as permit modification according to 270.41 or 270.42; certain 270.42 requirements do not apply; upon modification, RAP is part of permit; what requirements apply when permit is subsequently modified, revoked and reissued, terminated or when it expires	270.85(c)	270.85(c)	X			

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

the provisions of 270.4 apply to RAPs	270.90	270.90	X			
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† HOW DO I APPLY FOR A RAP?

to apply for RAP, complete & sign application and submit to Director according to 270 subpart H requirements	270.95	270.95	X			
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† WHO MUST OBTAIN A RAP?

when facility or remediation waste management site is owned by one person, but treatment, storage or disposal activities are operated by another, operator must obtain a RAP	270.100	270.100	X			
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† WHO MUST SIGN THE APPLICATION AND ANY REQUIRED REPORTS FOR A RAP?

both owner & operator must sign RAP application according to 270.11(a)-(c); both owner & operator must also make the 270.11(d)(1) certification; owner may choose 270.11(d)(2) certification if operator certifies under 270.11(d)(1)	270.105	270.105	X			
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† WHAT MUST I INCLUDE IN MY APPLICATION FOR A RAP?

the following must be included in application for RAP:	270.110 intro	270.110 intro	X			
name, address, & EPA identification number of site;	270.110(a)	270.110(a)	X			
name, address, & telephone number of owner & operator;	270.110(b)	270.110(b)	X			
latitude & longitude of site;	270.110(c)	270.110(c)	X			
USGS or county map showing location of site;	270.110(d)	270.110(d)	X			
scaled drawing of site showing:	270.110(e) intro	270.110(e) intro	X			
site boundaries;	270.110(e)(1)	270.110(e)(1)	X			
significant physical structures; and	270.110(e)(2)	270.110(e)(2)	X			

boundary where remediation waste is to be treated, stored or disposed;	270.110(e)(3)	270.110(e)(3)	X			
specification of hazardous remediation waste to be treated, stored or disposed of; include information on:	270.110(f) intro	270.110(f) intro	X			
constituent concentrations & other properties that may affect treatment and/or management;	270.110(f)(1)	270.110(f)(1)	X			
waste quantity estimate; and	270.110(f)(2)	270.110(f)(2)	X			
description of processes used to treat, store, or dispose of waste before subjecting to part 268;	270.110(f)(3)	270.110(f)(3)	X			
enough information to demonstrate compliance with applicable requirements of parts 264, 266, & 268;	270.110(g)	270.110(g)	X			
information necessary for Regional Administrator to carry out duties under other laws for traditional permits under 270.14(b)(20);	270.110(h)	270.110(h)	X			
any other information the Director decides is necessary to protect human health & environment	270.110(i)	270.110(i)	X			

† WHAT IF I WANT TO KEEP THIS INFORMATION CONFIDENTIAL?

any or all information submitted to EPA under 270 subpart H can be claimed confidential; to assert claim, stamp "confidential business information" on each page; information claimed as confidential will be subjected to 40 CFR part 2 procedures; without a claim, information may be made available to public without further notice; any requests for name and/or address confidentiality will be denied	270.115	270.115	X			
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† TO WHOM MUST I SUBMIT MY RAP APPLICATION?

applications for RAP must be submitted to Director	270.120	270.120	X			
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† IF I SUBMIT MY RAP APPLICATION AS PART OF ANOTHER DOCUMENT, WHAT MUST I DO?

when submitting applications for RAP as part of another document, clearly identify the components constituting your RAP	270.125	270.125	X			
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† WHAT IS THE PROCESS FOR APPROVING OR DENYING MY APPLICATION FOR A RAP?

Director will make tentative decision on RAP application if all 270.110 information requirements are included & proposed remediation waste management activities meet regulatory standards; Director will prepare draft RAP & provide opportunity for public comment	270.130(a)	270.130(a)	X			
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Director may request additional information or ask that deficiencies be corrected; failure or refusal to provide additional information or to correct deficiencies may be cause for tentative application denial; after tentative denial, Director prepares Notice of Intent (NOI) and provides opportunity for public comment; Director may deny all or part of application	270.130(b)	270.130(b)	X			
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† WHAT MUST THE DIRECTOR INCLUDE IN A DRAFT RAP?

if Director prepares draft RAP, it must include:	270.135 intro	270.135 intro	X			
information required under 270.110(a)-(f);	270.135(a)	270.135(a)	X			
terms & conditions:	270.135(b) intro	270.135(b) intro	X			
terms & conditions to ensure compliance with applicable requirements of parts 264, 266, & 268; Director may incorporate applicable requirements of parts 264, 266, & 268 into RAP or establish site-specific conditions as required by parts 264, 266, & 268;	270.135(b)(1)	270.135(b)(1)	X			
terms & conditions in 270.30;	270.135(b)(2)	270.135(b)(2)	X			
terms & conditions in 270.170; and	270.135(b)(3)	270.135(b)(3)	X			
any additional terms or conditions Director determines necessary to protect human health & environment; and	270.135(b)(4)	270.135(b)(4)	X			
if part of another document, Director must clearly identify components that constitute draft RAP	270.135(c)	270.135(c)	X			

† WHAT ELSE MUST THE DIRECTOR PREPARE IN ADDITION TO THE DRAFT RAP OR NOTICE OF INTENT TO DENY?

once the Director has prepared draft RAP or NOI to deny, he must:	270.140 intro	270.140 intro	X			
prepare statement of basis briefly describing derivation of draft RAP conditions & reasons for them, or rationale for NOI to deny;	270.140(a)	270.140(a)	X			
compile an administrative record, including:	270.140(b) intro	270.140(b) intro	X			
RAP application & supporting data;	270.140(b)(1)	270.140(b)(1)	X			
draft RAP or NOI to deny;	270.140(b)(2)	270.140(b)(2)	X			
statement of basis & all documents cited therein; and	270.140(b)(3)	270.140(b)(3)	X			
any other documents that support decision; and	270.140(b)(4)	270.140(b)(4)	X			
make information in administrative record available to public	270.140(c)	270.140(c)	X			

† WHAT ARE THE PROCEDURES FOR PUBLIC COMMENT ON THE DRAFT RAP OR NOTICE OF INTENT TO DENY?

Director must:	270.145(a) intro	270.145(a) intro	X			
send notice of intention to approve or deny, and copy of statement of basis;	270.145(a)(1)	270.145(a)(1)	X			
publish notice of intention to approve or deny in major local newspaper;	270.145(a)(2)	270.145(a)(2)	X			
broadcast intention to approve or deny over local radio station; and	270.145(a)(3)	270.145(a)(3)	X			
send notice of intention to approve or deny to local government and each State agency having authority over any construction or operations at site	270.145(a)(4)	270.145(a)(4)	X			
notice required in 270.145(a) must provide opportunity for public to submit written comment within 45 days	270.145(b)	270.145(b)	X			
notice required in 270.145(a) must include:	270.145(c) intro	270.145(c) intro	X			
name & address of office processing application;	270.145(c)(1)	270.145(c)(1)	X			

name & address of applicant, & if different, site or activity to be regulated;	270.145(c)(2)	270.145(c)(2)	X			
brief description of activity to be regulated;	270.145(c)(3)	270.145(c)(3)	X			
name, address & telephone number of person with further information;	270.145(c)(4)	270.145(c)(4)	X			
brief description of comment procedures & any other public participatory procedures;	270.145(c)(5)	270.145(c)(5)	X			
date, time, location & purpose of hearing, if one is scheduled	270.145(c)(6)	270.145(c)(6)	X			
statement of procedures to request hearing, if one is not scheduled;	270.145(c)(7)	270.145(c)(7)	X			
location of administrative record & public inspection times; and	270.145(c)(8)	270.145(c)(8)	X			
any additional information considered necessary by Director	270.145(c)(9)	270.145(c)(9)	X			
Director must hold informal public meeting if written notice of opposition is received; Director may also decide an informal hearing is appropriate; hearing must allow for written or oral comments; hearing at convenient location & notice according to 270.145(a) must be given; include 270.145(c) information in notice and:	270.145(d) intro	270.145(d) intro	X			
reference date of any previous public notices;	270.145(d)(1)	270.145(d)(1)	X			
date, time and place of hearing; and	270.145(d)(2)	270.145(d)(2)	X			
brief description of nature & purpose of hearing	270.145(d)(3)	270.145(d)(3)	X			
† HOW WILL THE DIRECTOR MAKE A FINAL DECISION ON MY RAP APPLICATION?						
Director must consider & respond to significant comments and revise draft RAP as appropriate	270.150(a)	270.150(a)	X			

if Director determines RAP includes 270.135 requirements, final approval decision will be issued, & notification provided	270.150(b)	270.150(b)	X			
if Director determines RAP does not include 270.135 requirements, final denial decision will be issued, & notification provided	270.150(c)	270.150(c)	X			
if Director decides tentative decision to deny was incorrect, NOI to deny will be withdrawn & preparation of draft RAP will proceed	270.150(d)	270.150(d)	X			
when Director issues final decision, 270.155 procedures for appeal must be referenced	270.150(e)	270.150(e)	X			
before issuing final decision, Director must compile administrative record; materials not physically needed in record; final RAP record must include draft RAP information and:	270.150(f)	270.150(f)	X			
all comments received;	270.150(f)(1)	270.150(f)(1)	X			
tapes or transcripts of hearings;	270.150(f)(2)	270.150(f)(2)	X			
written materials submitted;	270.150(f)(3)	270.150(f)(3)	X			
responses to comments;	270.150(f)(4)	270.150(f)(4)	X			
new material;	270.150(f)(5)	270.150(f)(5)	X			
other supporting documents; and	270.150(f)(6)	270.150(f)(6)	X			
copy of final RAP	270.150(f)(7)	270.150(f)(7)	X			
Director must make administrative record available for public review	270.150(g)	270.150(g)	X			

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

any commenter or public hearing participant may appeal decision to approve or deny a RAP application under 124.19; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision; notice of RAP application review will be given under 270.145; notice will include: briefing schedule;	270.155(a) intro	270.155(a) intro	X			
statement that an amicus brief may be filed; and information specified in 270.145(c), as appropriate	270.155(a)(1)	270.155(a)(1)				
270.145(c), as appropriate	270.155(a)(2)	270.155(a)(2)	X			
this appeal is prerequisite to judicial review	270.155(a)(3)	270.155(a)(3)	X			
	270.155(b)	270.155(b)	X			

† WHEN DOES MY RAP BECOME EFFECTIVE?

RAP becomes effective 30 days after approval unless: Director specifies later date;	270.160 intro	270.160 intro				
RAP is appealed under 270.155; or	270.160(a)	270.160(a)	X			
no change requested in draft RAP, in which case it becomes effective immediately	270.160(b)	270.160(b)	X			
	270.160(c)	270.160(c)	X			

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

physical construction of newly permitted units must not begin before final RAP is received	270.165	270.165	X			
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AFTER MY RAP IS ISSUED, HOW MAY IT BE MODIFIED, REVOKED AND REISSUED, OR TERMINATED?

RAP must specify procedures for modifications, revocations and reissuance, or termination; procedures must provide for public review & comment; if RAP is part of traditional RCRA permit, will be modified according to 270.40-270.42, revoked & reissued according to 270.41 & 270.43, or terminated according to 270.43	270.170	270.170	X			
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† FOR WHAT REASONS MAY THE DIRECTOR CHOOSE TO MODIFY MY FINAL RAP?

final RAP may be modified on Director's initiative for following reasons only; if reasons don't exist, RAP only modified at your request; reasons for modification:	270.175(a) intro	270.175(a) intro	X			
material & substantial alterations or additions were made;	270.175(a)(1)	270.175(a)(1)	X			
new information found that would have justified different conditions at RAP issuance;	270.175(a)(2)	270.175(a)(2)	X			
standards or regulations on which RAP was based have changed;	270.175(a)(3)	270.175(a)(3)	X			
if RAP includes compliance schedules, Director may find reason to modify	270.175(a)(4)	270.175(a)(4)	X			
not in compliance with RAP;	270.175(a)(5)	270.175(a)(5)	X			
all relevant facts not disclosed or were misrepresented;	270.175(a)(6)	270.175(a)(6)	X			
Director determines authorized activity endangers human health or environment; or	270.175(a)(7)	270.175(a)(7)	X			
Director notified of proposed transfer of RAP	270.175(a)(8)	270.175(a)(8)	X			

notwithstanding provisions in 270.175, Director may modify RAP permit as necessary to assure compliance with parts 124, 260-266 and 270	270.175(b)	270.175(b)	X			
suitability of facility location will not be reevaluated unless new information indicates threat to human health or environment	270.175(c)	270.175(c)	X			

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

final RAP may be revoked & reissued on Director's initiative for following reasons only; if reasons don't exist, RAP only revoked & reissued at your request; reasons for revocation and reissuance are same as those for modification in 270.175(a)(5)-(8)	270.180(a)	270.180(a)	X			
suitability of facility location will not be reevaluated unless new information indicates threat to human health or environment	270.180(b)	270.180(b)	X			

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

final RAP may be terminated or renewal application denied on Director's initiative, for same reasons as in 270.175(a)(5)-(7)	270.185	270.185	X			
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† MAY THE DECISION TO APPROVE OR DENY A MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF MY RAP BE ADMINISTRATIVELY APPEALED?

any commenter or public hearing participant may appeal decision to approve RAP modification, revocation & reissuance or termination according to 270.155; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision	270.190(a)	270.190(a)	X			
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any commenter or public hearing participant may appeal decision to deny RAP modification, revocation & reissuance or termination; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision	270.190(b)	270.190(b)	X			
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informal appeals process:	270.190(c) intro	270.190(c) intro	X			
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letter sent to Environmental Appeals Board; briefly set forth facts in letter	270.190(c)(1)	270.190(c)(1)	X			
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Environmental Appeals Board has 60 days to act	270.190(c)(2)	270.190(c)(2)	X			
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appeal considered denied if no action taken within 60 days	270.190(c)(3)	270.190(c)(3)	X			
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informal appeal is prerequisite to judicial review	270.190(d)	270.190(d)	X			
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† WHEN WILL MY RAP EXPIRE?

RAPs issued for fixed term not to exceed 10 years, although up to 10 year renewals are possible; Director must review RAP for LDR 5 years after issuance or reissuance and assure continued compliance with RCRA 3004 & 3005	270.195	270.195	X			
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† HOW MAY I RENEW MY RAP IF IT IS EXPIRING?

to renew expiring RAP, follow application & issuance process in 270 subpart H	270.200	270.200	X			
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† WHAT HAPPENS IF I HAVE APPLIED CORRECTLY FOR A RAP RENEWAL BUT HAVE NOT RECEIVED APPROVAL BY THE TIME MY OLD RAP EXPIRES?

if RAP renewal application has been submitted, but no new RAP has been issued before expiration date, previous RAP conditions continue	270.205	270.205	X			
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† WHAT RECORDS MUST I MAINTAIN CONCERNING MY RAP?

records are required of:	270.210 intro	270.210 intro	X			
data used to complete applications & supplemental information submitted, for at least 3 years; and	270.210(a)	270.210(a)	X			
any operating and/or other records the Director requires	270.210(b)	270.210(b)	X			

† HOW ARE TIME PERIODS IN THE REQUIREMENTS IN THIS SUBPART AND MY RAP COMPUTED?

any time period scheduled to begin on occurrence of act or event begins on day after act or event	270.215(a)	270.215(a)	X			
any time period scheduled to begin before occurrence of act or event is computed so period ends on day before act or event	270.215(b)	270.215(b)	X			
if final day of time period falls on weekend or holiday, extend time period to next working day	270.215(c)	270.215(c)	X			

whenever party must act within prescribed period & is served notice by mail, add 3 days to prescribed period	270.215(d)	270.215(d)	X			
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† HOW MAY I TRANSFER MY RAP TO A NEW OWNER OR OPERATOR?

when transferring RAP to new owner/operator, follow requirements for RAP modification; not "significant" modifications for purposes of 270.170; revised RAP application submitted by new owner/operator no later than 90 days before change along with transfer of responsibility date	270.220(a)	270.220(a)	X			
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when ownership transfer occurs, old owner/operator must comply with 264 subpart H until new owner/operator demonstrates compliance with 264 subpart H; new owner/operator must demonstrate compliance with 264 subpart H within 6 months; when new owner/operator compliance demonstrated, Director notifies old owner/operator	270.220(b)	270.220(b)	X			
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† WHAT MUST THE STATE OR EPA REGION REPORT ABOUT NONCOMPLIANCE WITH RAPs?

State or EPA Region must report RAP noncompliance according to 270.5	270.225	270.225	X			
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† MAY I PERFORM REMEDIATION WASTE MANAGEMENT ACTIVITIES UNDER A RAP AT A LOCATION REMOVED FROM THE AREA WHERE THE REMEDIATION WASTES ORIGINATED?

remediation waste management RAP may be requested for location removed from area of waste origination if location is more protective	270.230(a)	270.230(a)	X			
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if Director determines location removed from area of waste origination is more protective, RAP for alternative location may be approved	270.230(b)	270.230(b)	X			
RAP must be requested and approved or denied, according to 270 subpart H requirements	270.230(c)	270.230(c)	X			
RAP for alternative location must also meet following:	270.230(d) intro	270.230(d) intro	X			
issued to person responsible for cleanup from which remediation wastes originated;	270.230(d)(1)	270.230(d)(1)	X			
subject to expanded public participation requirements in 124.31-124.33;	270.230(d)(2)	270.230(d)(2)	X			
subject to public notice requirements in 124.10(c);	270.230(d)(3)	270.230(d)(3)	X			
site may not be within 61 meters or 200 feet of a fault;	270.230(d)(4)	270.230(d)(4)	X			
alternative locations are waste remediation sites and retain following benefits:	270.230(e)	270.230(e)	X			
facility-wide corrective action exclusion under 264.101; and	270.230(e)(1)	270.230(e)(1)	X			
application of 264.1(j) in lieu of 264, subparts B, C, & D	270.230(e)(2)	270.230(e)(2)	X			

† Optional.

RCRA REVISION CHECKLIST 176

Universal Waste Rule -- Technical Amendments

63 FR 71225-71230

December 24, 1998

(RCRA Cluster IX, non-HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION APC&EC Reg. No. 23	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 266 – STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
SUBPART G - SPENT LEAD-ACID BATTERIES BEING RECLAIMED						

†, ⁱ APPLICABILITY AND REQUIREMENTS

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

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

ii Interim Status Facilities must comply with specified requirements	266.80(b)(1) intro	266.80(b)(1) intro	X			
	266.80(b)(1)(i)	266.80(b)(1)(i)	X			
	266.80(b)(1)(ii)	266.80(b)(1)(ii)	X			
	266.80(b)(1)(iii)	266.80(b)(1)(iii)	X			
	266.80(b)(1)(iv)	266.80(b)(1)(iv)	X			
	266.80(b)(1)(v)	266.80(b)(1)(v)	X			
	266.80(b)(1)(vi)	266.80(b)(1)(vi)	X			
	266.80(b)(1)(vii)	266.80(b)(1)(vii)	X			
Permitted Facilities must comply with specified requirements	266.80(b)(2) intro	266.80(b)(2) intro	X			
	266.80(b)(2)(i)	266.80(b)(2)(i)	X			
	266.80(b)(2)(ii)	266.80(b)(2)(ii)	X			
	266.80(b)(2)(iii)	266.80(b)(2)(iii)	X			
	266.80(b)(2)(iv)	266.80(b)(2)(iv)	X			
	266.80(b)(2)(v)	266.80(b)(2)(v)	X			
	266.80(b)(2)(vi)	266.80(b)(2)(vi)	X			
	266.80(b)(2)(vii)	266.80(b)(2)(vii)	X			

PART 273 - STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A – GENERAL

†, DEFINITIONS

remove “more than” prior to “5,000”; insert “or more” prior to “total”	273.6 “small quantity handler of universal waste”	273.6 “small quantity handler of universal waste”	X			
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ii EPA is restoring and reorganizing the management rules for storing spent lead-acid batteries before reclamation that were mistakenly deleted in the final Universal Waste Rule (60 FR 25492).

RCRA REVISION CHECKLIST 177

Organic Air Emission Standards: Clarification and Technical Amendments

64 FR 3382

January 21, 1999

(RCRA Cluster IX, HSWA provisions)

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

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART B - THE MANIFEST

ACCUMULATION TIME

insert "the applicable requirements of" after "complies with"; change "subpart" to "subparts"; insert ", AA, BB, and CC" after "subparts I"	262.34(a)(1)(i)	262.34(a)(1)(i)	X			
insert "the applicable requirements of" after "complies with"; change "subpart" to "subparts"; insert ", AA, BB, and CC" after "subparts J"; remove comma after "part 265"	262.34(a)(1)(ii)	262.34(a)(1)(ii)	X			

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

SUBPART AA - AIR EMISSION STANDARDS FOR PROCESS VENTS

DEFINITIONS

revise "Equipment"; insert "or other connector" after "flange"	264.1031	264.1031	X			
revise "Open-ended valve or line"; replace "process fluid" with "hazardous waste"	264.1031	264.1031	X			
add "sampling connection system" definition in alphabetic order	264.1031	264.1031	X			

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

APPLICABILITY

replace "generated" with "placed in the unit"; replace "the result" with "a result"; add comma after "3004(v)"; replace comma with semicolon after "3008(h)" and after "authorities"	264.1080(b)(5)	264.1080(b)(5)	X			
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WASTE DETERMINATION PROCEDURES

add new paragraph; average VO concentration of waste stream shall be determined before first time material in hazardous waste stream is placed in unit exempted under 264.1082(c)(1) from using air emission controls, thereafter concentration shall be determined for each averaging period that hazardous waste is managed in unit; and	264.1083(a)(1)(i)	264.1083(a)(1)(i)	X			
add new paragraph; perform new determination when changes to generating source are likely to cause concentration to increase to level equal to or greater than limit specified in 264.1082	264.1083(a)(1)(ii)	264.1083(a)(1)(ii)	X			
add new paragraph; average VO concentration of waste stream shall be determined before first time material in treated waste stream is placed in exempt unit, thereafter update determination information at least once every 12 months; and	264.1083(b)(1)(i)	264.1083(b)(1)(i)	X			

add new paragraph; perform new determination when process generating or treating waste stream changes are likely to cause concentration to increase such that 264.1082(c)(2) treatment conditions are not achieved	264.1083(b)(1)(ii)	264.1083(b)(1)(ii)	X			
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STANDARDS: TANKS

ⁱ replace “in the event...unsafe condition” with “under either of the following conditions as specified in paragraph (h)(3)(i) or (h)(3)(ii) of this section”	264.1084(h)(3)	264.1084(h)(3)	X			
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add new paragraph; when opening safety device is required to avoid unsafe condition	264.1084(h)(3)(i)	264.1084(h)(3)(i)	X			
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add new paragraph; when purging of inerts from tank is required and purge stream is routed to closed- vent system and control device designed & operated according to 264.1087	264.1084(h)(3)(ii)	264.1084(h)(3)(ii)	X			
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STANDARDS: CONTAINERS

add new paragraph; transfer of hazardous waste in or out of container using Container Level 3 controls shall be conducted to minimize exposure to atmosphere; examples of acceptable container loading procedures	264.1086(e)(6)	264.1086(e)(6)	X			
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ⁱ There is a typographical error in the revised paragraphs: “under either or the following conditions” should be “under either of the following conditions”.

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

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

APPLICABILITY

replace "generated" with "placed in the unit"; replace "the result" with "a result"; removed "RCRA" from after "under the"; insert "RCRA sections" before "3004(u)"; add comma after "3004(v)"; replace comma with semicolon after "3008(h)" and after "authorities"	265.1080(b)(5)	265.1080(b)(5)	X			
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WASTE DETERMINATION PROCEDURES

add new paragraph; average VO concentration of waste stream shall be determined before first time material in hazardous waste stream is placed in unit exempted under 265.1083(c)(1) from using air emission controls, thereafter concentration shall be determined for each averaging period hazardous waste is managed in unit; and	265.1084(a)(1)(i)	265.1084(a)(1)(i)	X			
add new paragraph; perform new determination when changes to generating source are likely to cause concentration to increase to level equal to or greater than limit specified in 265.1083(c)(1)	265.1084(a)(1)(ii)	265.1084(a)(1)(ii)	X			
after first sentence, insert new sentence "All of the samples for a given waste determination shall be collected within a one-hour period."	265.1084(a)(3)(ii)(B)	265.1084(a)(3)(ii)(B)	X			
add new paragraph; sufficient information to document waste quantity and operating conditions represented by samples	265.1084(a)(3)(ii)(D)	265.1084(a)(3)(ii)(D)	X			
revise paragraph; analysis	265.1084(a)(3)(iii)	265.1084(a)(3)(iii)	X			

add new paragraph; average VO concentration of waste stream shall be determined before first time material in treated waste stream is placed in exempt unit, thereafter update determination information at least once every 12 months; and	265.1084(b)(1)(i)	265.1084(b)(1)(i)	X			
add new paragraph; perform new determination when process generating or treating waste stream changes are likely to cause concentration to increase such that treatment conditions are not achieved	265.1084(b)(1)(ii)	265.1084(b)(1)(ii)	X			
after first sentence, insert new sentence "All of the samples for a given waste determination shall be collected within a one-hour period."; remove "source or"; insert "or treating" after "generating"	265.1084(b)(3)(ii)(B)	265.1084(b)(3)(ii)(B)	X			
add new paragraph; sufficient information to document waste quantity and operating conditions represented by the samples	265.1084(b)(3)(ii)(D)	265.1084(b)(3)(ii)(D)	X			
revise paragraph; analysis	265.1084(b)(3)(iii)	265.1084(b)(3)(iii)	X			

STANDARDS: TANKS

replace "in the event...unsafe condition" with "under either of the following conditions as specified in paragraph (h)(3)(i) or (h)(3)(ii) of this section"	265.1085(h)(3)	265.1085(h)(3)	X			
ii add new paragraph; when opening safety device is required to avoid unsafe condition	265.1085(h)(3)(i)	265.1085(h)(3)(i)	X			
add new paragraph; when purging of inerts from tank is required and purge stream is routed to closed-vent system and control device designed & operated according to 265.1088	265.1085(h)(3)(ii)	265.1085(h)(3)(ii)	X			

STANDARDS: CONTAINERS

add new paragraph; transfer of hazardous waste in or out of container using Container Level 3 controls shall be conducted to minimize exposure to atmosphere; examples of acceptable container loading procedures	265.1087(e)(6)	265.1087(e)(6)	X			
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ii States should be sure to add a new paragraph at 265.1085(h)(3)(i), and not replace 265.1085(i), which currently follows 265.1085(h)(3).

RCRA REVISION CHECKLIST 178

Petroleum Refining Process Wastes -- Leachate Exemption

64 FR 6806

February 11, 1999

(RCRA Cluster IX, HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	40 CFR	APC&EC Reg. No. 23				

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

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

† after February 13, 2001, leachate or gas condensate will no longer be exempt if stored or managed in surface impoundment prior to discharge; exception if surface impoundment is used to temporarily store in response to an emergency	261.4(b)(15)(v)	261.4(b)(15)(v)	X			
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RCRA REVISION CHECKLIST 179

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

64 FR 25408-25417

May 11, 1999

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

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

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF SOLID WASTE

replace both references to "40 CFR 261.4(a)(15)" to "40 CFR 261.4(a)(17)"	261.2(c)(3)	261.2(c)(3)	X			
in heading of column 3 of Table 1 replace "261.4(a)(15)" with "261.4(a)(17)"	261.2(c)(4)/Table	261.2(c)(4)/Table	X			
ⁱ reinsert language at beginning of paragraph: "Returned to the original process....no placement on land; in the existing sentence replace reference to "§ 261.4(a)(15)" with "§ 261.4(a)(17)"	261.2(e)(1)(iii)	261.2(e)(1)(iii)	X			

EXCLUSIONS

^{ii, iii} †★ redesignate first paragraph 261.4(a)(16) as 261.4(a)(17)	first paragraph 261.4(a)(16)	first paragraph 261.4(a)(16)	X			
†★ insert "or by beneficiation" after "by mineral processing"	261.4(a)(17) intro	261.4(a)(17) intro	X			
†★ insert "non" before "land-based units"	261.4(a)(17)(v)	261.4(a)(17)(v)	X			

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

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

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

insert "or with normal mineral processing raw materials" after "beneficiation raw materials"	261.4(b)(7)(iii)	261.4(b)(7)(iii)	X			
insert "or normal mineral processing raw materials after "beneficiation raw materials"	261.4(b)(7)(iii)(A)	261.4(b)(7)(iii)(A)	X			

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART C - PRE-TRANSPORT REQUIREMENTS

ACCUMULATION TIME

◆,†★ replace reference "40 CFR 268.7(a)(4)" with "40 CFR 268.7(a)(5)"	262.34(d)(4)	262.34(d)(4)	X			
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

◆,†★ at end of paragraph add "Any deliberate mixing of prohibited hazardous waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in § 268.3."	268.2(h)	268.2(h)	X			
◆,†★ add "Natural Resources" before "Conservation Service"; at end of paragraph add "Any deliberate mixing of prohibited hazardous waste with soil that changes its treatment classification (i.e., from waste to contaminated soil) is not allowed under the dilution prohibition in Sec. 268.3."	268.2(k)	268.2(k)	X			

TESTING, TRACKING , AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES

<p>◆,†★ in the “Generator Paperwork Requirements Table” revise entry 1. by adding a “✓” in columns 1, 2 and 4; revise entry 3. by adding a “✓” in column 2; and revise entry 8. by adding a “✓” in column 2</p>	<p>268.7(a)(4)/Table</p>	<p>268.7(a)(4)/Table</p>	<p>X</p>			
<p>◆ in the “Treatment Facility Paperwork Requirements Table” revise entry 1. by placing a “✓” in the column titled § 268.7(b)</p>	<p>268.7(b)(3)(ii)\Table</p>	<p>268.7(b)(3)(ii)\Table</p>	<p>X</p>			
<p>◆,†★ remove “required” from before “method of treatment”; insert “, or § 268.49, and,” after “method of treatment”; remove “are reasonably expected to” before “contain underlying”; insert “if these wastes” before “are treated on-site”; insert “or 268.49” after “40 CFR 268.40”; remove “universal” from before “treatment standards.”</p>	<p>268.7(b)(4)(iv)</p>	<p>268.7(b)(4)(iv)</p>	<p>X</p>			

SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC

<p>◆,†★ replace reference to “§268.7(b)(5)” with “§268.7(b)(4)”</p>	<p>268.9(d)(2) intro</p>	<p>268.9(d)(2) intro</p>	<p>X</p>			
<p>◆,†★ replace “but does not treat” with “but does not meet standards applicable to”; replace reference to “§ 268.7(b)(5)(iv)” with 268.7(b)(4)(iv)”</p>	<p>268.9(d)(2)(i)</p>	<p>268.9(d)(2)(i)</p>	<p>X</p>			

APPLICABILITY OF TREATMENT STANDARDS

◆, iv	revise first 268.40(i); replace "Zinc-containing fertilizers" with "Zinc micronutrient fertilizers"	first 268.40(i)	first 268.40(i)	X			
◆,	redesignate second 268.40(i) as 268.40(j)	second 268.40(i)	second 268.40(i)	X			
◆,	redesignated from second 268.40(i)	268.40(j)	268.40(j)	X			
◆	revise the entries for K088, K156, K159, P194, U404 and U408, and footnotes 8 and 11 to read as follows:	268.40/Table	268.40/Table	X			

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

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

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

⁷ Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

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

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

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

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

UNIVERSAL TREATMENT STANDARDS

<p>♦, ^v add footnote number 6 in column one, under the heading Regulated Constituents/Common Name, after the following chemical names: "Aldicarb sulfone", "Barban," "Bendiocarb," "Benomyl," "Butylate," "Carbaryl," "Carbenzadim," "Carbofuran," "Carbofuran- phenol," "Carbosulfan," "m-Cumenyl-methylcarbamate," "Dithiocarbamates (total)," "EPTC," "Formetanate hydrochloride," "Methiocarb," "Methomyl," "Metolcarb," "Mexacarbate," "Molinate," "Oxamyl," "Pebulate," "Physostigmine," "Physostigmine salicylate," "Promecarb," "Propham," "Propoxur," "Prosulfocarb," "Thiodicarb," "Thiophanate-methyl," "Triallate," "Triethylamine," and "Vernolate"; add footnote 6 "6. Between August 26, 1998 and March 4, 1999, these constituents are not "underlying hazardous constituents" as defined in Sec. 268.2(i) of this part."</p>	268.48(a)/Table	268.48(a)/Table	X			
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ALTERNATIVE LDR TREATMENT STANDARDS FOR CONTAMINATED SOIL

♦, †, * no revision made	268.49(c)(3) intro	268.49(c)(3) intro	X			
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^v 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171) incorrectly removed footnote 6 from 268.48(a)/table. The footnote has been reinserted by Revision Checklist 179 (May 11, 1999, 64 FR 25408).

<p>◆,†★ replace “also contains analyzable constituents,” with “contains only analyzable and nonanalyzable organic constituents,”; replace “treatment of those analyzable constituents” with “treatment of the analyzable organic constituents”</p>	<p>268.49(c)(3)(A)</p>	<p>268.49(c)(3)(A)</p>	<p>X</p>			
<p>◆,†★ replace “method specified” with “method(s) specified”</p>	<p>268.49(c)(3)(B)</p>	<p>268.49(c)(3)(B)</p>	<p>X</p>			

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

	Pyrene	129-00-0	0.067	8.2	
	Antimony	7440-36-0	1.9	1.15 mg/l TCLP	
	Arsenic	7440-38-2	1.4	26.1 mg/l TCLP	
	Barium	7440-39-3	1.2	21 mg/l TCLP	
	Beryllium	7440-41-7	0.82	1.22 mg/l TCLP	
	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP	
	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP	
	Lead	7439-92-1	0.69	0.75 mg/l TCLP	
	Mercury	7439-97-6	0.15	0.025 mg/l TCLP	
	Nickel	7440-02-0	3.98	11 mg/l TCLP	
	Selenium	7782-49-2	0.82	5.7 mg/l TCLP	
	Silver	7440-22-4	0.43	0.14 mg/l TCLP	
	Cyanide (Total) ⁷	57-12-5	1.2	590	
	Cyanide (Amenable) ⁷	57-12-5	0.86	30	
	Fluoride	16984-48-8	35	NA	
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. ¹⁰	Acetonitrile	75-05-8	5.6	18
		Acetophenone	96-86-2	0.010	9.7
		Aniline	62-53-3	0.81	14
		Benomyl	17804-35-2	0.056	1.4
		Benzene	71-43-2	0.14	10
		Carbaryl	63-25-2	0.006	0.14
		Carbenzadim	10605-21-7	0.056	1.4
		Carbofuran	1563-66-2	0.006	0.14
		Carbosulfan	55285-14-8	0.028	1.4
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0

		Methomyl	16752-77-5	0.028	0.14
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyridine	110-86-1	0.014	16
		Toluene	108-88-3	0.080	10
		Triethylamine	121-44-8	0.081	1.5
*	*	*	*	*	*
K159	Organics from the treatment of thiocarbamate wastes. ¹⁰	Benzene	71-43-2	0.14	10
		Butylate	2008-41-5	0.042	1.4
		EPTC (Eptam)	759-94-4	0.042	1.4
		Molinate	2212-67-1	0.042	1.4
		Pebulate	1114-71-2	0.042	1.4
		Vernolate	1929-77-7	0.042	1.4
*	*	*	*	*	*
P194	Oxamyl	Oxamyl	23135-22-0	0.056	0.28
*	*	*	*	*	*
U404	Triethylamine	Triethylamine	121-44-8	0.081	1.5
*	*	*	*	*	*
U408	2,4,6-Tribomophenol	2,4,6-Tribomophenol	118-79-6	0.035	7.4
*	*	*	*	*	*

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

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

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

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

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

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RCRA REVISION CHECKLIST 180

Test Procedures for the Analysis of Oil and Grease and Non-Polar Material

64 FR 26315-26327

May 14, 1999

(RCRA Cluster IX, Non-HSWA)

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

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

REFERENCES

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

RCRA REVISION CHECKLIST 181

Universal Waste Rule: Specific Provisions for Hazardous Waste Lamps

64 FR 36466-36490

July 6, 1999

(RCRA Cluster X, Non-HSWA)

Note: In order for a state to receive authorization for this checklist, which adds spent hazardous waste lamps to the list of universal wastes, it must first have authorization for Revision Checklist 142 A (universal waste).

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 "Lamp" in alphabetical order	260.10	260.10	X			
i, † in definition of "universal waste", introduction, replace "40 CFR part 273" with "part 273 of this chapter"; subparagraph (1), replace "40 CFR 273.2" with "§ 273.2 of this chapter"; subparagraph (2), replace "40 CFR 273.3; and" with "§ 273.3 of this chapter;"; subparagraph (3), replace "40 CFR 273.4." with "§ 273.4 of this chapter; and"; add subparagraph (4) addressing lamps	260.10	260.10	X			

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

REQUIREMENTS FOR UNIVERSAL WASTE

† replace "40 CFR 273.3; and" with "§ 273.3 of this chapter;"	261.9(b)	261.9(b)	X			
† replace "40 CFR 273.4." with "§ 273.4 of this chapter; and"	261.9(c)	261.9(c)	X			

There is a typographical error in the Federal Register: "part § 273 of this chapter" should be "part 273 of this chapter" (there should not be a section (§) symbol).

† add paragraph addressing lamps	261.9(d)	261.9(d)	X			
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PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

† replace "40 CFR 273.3; and" with "§ 273.3 of this chapter;"	264.1(g)(11)(ii)	264.1(g)(11)(ii)	X			
† replace "40 CFR 273.4." with "§ 273.4 of this chapter; and"	264.1(g)(11)(iii)	264.1(g)(11)(iii)	X			
† add subparagraph addressing lamps	264.1(g)(11)(iv)	264.1(g)(11)(iv)	X			

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

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

† replace "40 CFR 273.3; and" with "§ 273.3 of this chapter;"	265.1(c)(14)(ii)	265.1(c)(14)(ii)	X			
† replace "40 CFR 273.4." with "§ 273.4 of this chapter; and"	265.1(c)(14)(iii)	265.1(c)(14)(iii)	X			
† add subparagraph addressing lamps	265.1(c)(14)(iv)	265.1(c)(14)(iv)	X			

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

† replace "40 CFR 273.3; and" with "§ 273.3 of this chapter;"	268.1(f)(2)	268.1(f)(2)	X			
† replace "40 CFR 273.4." with "§ 273.4 of this chapter; and"	268.1(f)(3)	268.1(f)(3)	X			
† add subparagraph addressing lamps	268.1(f)(4)	268.1(f)(4)	X			

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

SUBPART A - GENERAL INFORMATION

PURPOSE AND SCOPE OF THESE REGULATIONS

† replace "40 CFR 273.3; and" with "§ 273.3 of this chapter;"	270.1(c)(2)(viii)(B)	270.1(c)(2)(viii)(B)	X			
† replace "40 CFR 273.4." with "§ 273.4 of this chapter; and"	270.1(c)(2)(viii)(C)	270.1(c)(2)(viii)(C)	X			
† add subparagraph addressing lamps	270.1(c)(2)(viii)(D)	270.1(c)(2)(viii)(D)	X			

PART 273 - STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A - GENERAL

SCOPE

† replace "40 CFR 273.3; and" with "§ 273.3;"	273.1(a)(2)	273.1(a)(2)	X			
† replace "40 CFR 273.4." with "§ 273.4; and"	273.1(a)(3)	273.1(a)(3)	X			
† add subparagraph addressing lamps	273.1(a)(4)	273.1(a)(4)	X			

APPLICABILITY - BATTERIES

† replace "§ 273.6" with "§ 273.9"	273.2(a)(1)	273.2(a)(1)	X			
† replace "§ 273.6" with "§ 273.9"	273.2(b)(2)	273.2(b)(2)	X			
† replace "§ 273.6" with "§ 273.9"; remove "40 CFR" before "part 261" and insert "of this chapter" after "subpart C"	273.2(b)(3)	273.2(b)(3)	X			

APPLICABILITY - PESTICIDES

† replace "40 CFR" with "this"; replace "§ 273.6" with "§ 273.9"	273.3(a)	273.3(a)	X			
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APPLICABILITY - MERCURY THERMOSTATS

† replace "40 CFR" with "this"; replace "§ 273.6" with "§ 273.9"	273.4(a)	273.4(a)	X			
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APPLICABILITY - LAMPS

† redesignate old 273.5 as 273.8; add new paragraph; lamps covered under part 273	273.5(a)	273.5(a)	X		
† add new paragraph; lamps not covered under part 273	273.5(b)	273.5(b)	X		
	273.5(b)(1)	273.5(b)(1)	X		
	273.5(b)(2)	273.5(b)(2)	X		
† add new paragraphs; generation of waste lamps	273.5(c)	273.5(c)	X		
	273.5(c)(1)	273.5(c)(1)	X		
	273.5(c)(2)	273.5(c)(2)	X		

RESERVED

† redesignate old 273.6 as 273.9 and reserve	273.6	273.6	X		
† add and reserve	273.7	273.7	X		

APPLICABILITY - HOUSEHOLD AND CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR WASTE

† redesignated from 273.5; unchanged	273.8(a)	273.8(a)	X		
† replace "40 CFR 261.4(b)(1)" with "§ 261.4(b)(1) of this chapter"; replace "40 CFR 273.6" with "§ 273.9"	273.8(a)(1)	273.8(a)(1)	X		
† replace "40 CFR 261.5" with "§ 261.5 of this chapter"; replace "40 CFR 273.6" with "§ 273.9"	273.8(a)(2)	273.8(a)(2)	X		
† unchanged	273.8(b)	273.8(b)	X		

DEFINITIONS

† newly designated 273.9 from 273.6, is amended by adding the definition of "Lamp"	273.9	273.9	X		
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†	in definition of "large quantity handler of universal waste" replace "or thermostats," with "thermostats, or lamps,"	273.9	273.9	X			
†	in definition of "small quantity handler of universal waste" replace "more than 5,000 kilograms" with "5,000 kilograms or more"; replace "or thermostats," with "thermostats, or lamps,"	273.9	273.9	X			
ii, iii, †	in definition of "universal waste", introduction, replace "40 CFR" with "this"; subparagraph (1), replace "40 CFR" with "§"; subparagraph (2), replace "40 CFR 273.3; and" with "§ 273.3"; subparagraph (3), replace "40 CFR 273.4." with "§ 273.4; and"; add subparagraph (4) addressing lamps	273.9	273.9	X			

SUBPART B - STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

APPLICABILITY

†	replace "273.6" with "273.9"	273.10	273.10	X			
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WASTE MANAGEMENT

†	add new paragraph; small quantity handlers of universal waste must manage lamps to prevent releases	273.13(d)	273.13(d)	X			
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† There is a typographical error in the Federal Register for the revised definition of "universal waste": "hazardous waste that are" should be "hazardous wastes that are".

† There appears to be an error in the Federal Register in the first two subparagraphs for the revised definition of "universal waste". It appears that the ending colons were inadvertently removed. Thus, subparagraph (1) should end "in § 273.2;" and subparagraph (2) should end "in § 273.3;".

† lamp must be in containers that are structurally sound, adequate to prevent breakage & compatible; containers must remain closed & lack evidence of leakage, spillage or damage that could cause leakage	273.13(d)(1)	273.13(d)(1)	X			
† immediately clean up & place in a container any broken lamp or lamp with evidence of breakage, leakage, or damage that could cause a leak; containers must be closed, structurally sound, compatible, & lack evidence of leakage, spillage or damage that could cause a leak	273.13(d)(2)	273.13(d)(2)	X			

LABELING/MARKING

† add new paragraph; each lamp or container in which lamps are contained must be clearly labeled or marked with "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)"	273.14(e)	273.14(e)	X			
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SUBPART C - STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

APPLICABILITY

† replace "40 CFR 273.6" with "§ 273.9"	273.30	273.30	X			
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NOTIFICATION

† insert ", lamps" after "thermostats"	273.32(b)(4)	273.32(b)(4)	X			
† replace "kilograms" with "kg"; insert ", and lamps" after "thermostats"	273.32(b)(5)	273.32(b)(5)	X			

MANAGEMENT