

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 76

Criteria for Listing Toxic Wastes; Technical Amendment
 55 FR 18726
 May 4, 1990
 (Non-HSWA Cluster VI)

Note: 1) Because the rule addressed by this checklist did not represent a change in EPA testing policy, it was viewed as a technical amendment and promulgated without allowing public notice and comment. EPA learned that some organizations opposed EPA's interpretation and favored the language prior to the May 4, 1990 revision. In the interest of a full public airing of the issue, the Agency obtained a judicial remand of the May 4, 1990 amendment (EDF V. EPA, No. 90-1387 (D.C. Cir.)) on May 20 1991. On January 2, 1992 (57 FR 12), EPA reissued the May 4, 1990 amendment. Because these changes were already addressed by this present checklist, a checklist was not developed for the January 2, 1992 final rule nor was this rule added to this checklist (i.e., this rule was not added to STATS).

2) This checklist has been designated as optional because not all States have analogs to 261.11 and would only need to adopt the amendments addressed by this checklist if the State has an analog.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

† CRITERIA FOR LISTING HAZARDOUS WASTE

replace "unless" after "Appendix VIII" with "and"; delete "any of" after "considering"; delete "not" after "waste is"	261.11(a)(3)	4907.A.3	✓	EQ
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RCRA REVISION CHECKLIST 77

HSWA Codification Rule, Double Liners; Correction
 55 FR 19262-19264
 May 9, 1990
 (HSWA Cluster II)


Note: The final rule addressed by this checklist corrects 264.221(c) and 264.301(c) as promulgated on July 15, 1985 (50 FR 28702; Revision Checklist 17 H). This correction is based on a decision reached in the U.S. Court of Appeals for the District of Columbia on June 23, 1987 concerning a lawsuit filed against EPA. States not yet authorized for Revision Checklist 17 H are encouraged to adopt these corrections at the same time the Revision Checklist 17 H provisions are adopted.

IS:	STATE ANALOG			
	FEDERAL	ANALOGOUS	MORE	
BROAD-FEDERAL REQUIREMENT SCOPE	RCRA ER IN CITATION	STATE CITATION	EQUIV- ALENT	STRIN- GENT

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


SUBPART K - SURFACE IMPOUNDMENTS

DESIGN AND OPERATING REQUIREMENTS

insert "for units where the Part B of the permit application is received by the Regional Administrator after November 8, 1984" after "permit"	264.221(c)	2903.J		X
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SUBPART N - LANDFILLS

DESIGN AND OPERATING REQUIREMENTS

add sentence regarding applicability of 264.301(c) only where Part B of the permit application is received after November 8, 1984	264.301(c)	2503.L		X
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"Issuance" should not be changed to "insurance" in this paragraph; this is a typographical error in the FR for this correction notice (55 FR 19263).