

US EPA ARCHIVE DOCUMENT

**RCRA REVISION CHECKLIST 53 (AMENDED)**

**Identification and Listing of Hazardous Waste;  
and Designation, Reportable Quantities, and Notification  
53 FR 35412-35421  
September 13, 1988  
(Non-HSWA Cluster V)**

Note: 1) The listing of K064, K065, K066, K090 and K091 was remanded by the U.S. Court of Appeals for the D.C. Circuit (American Mining Congress vs. the U.S. Environmental Protection Agency, 907 F. 29 1179 (D.C. Cir. 1990)). As such, States are not required to list these wastes at this time. However, since these wastes have been removed from the 261.4(b)(7) exclusion, they may be brought under regulation as characteristic hazardous wastes, especially under the Toxicity Characteristic.

2) Revision Checklist 53 has generally been superseded by Revision Checklists 65 and 71, except for the K088 listing, spent potliners from primary aluminum reduction.

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

**PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

**SUBPART A - GENERAL**

**EXCLUSIONS**

ore and mineral solid wastes not included in the 261.4(b)(7) exclusion	261.4(b)(7)	105.D.17	EQ	
acid plant blowdown slurry/sludge resulting from thickening of blowdown slurry from primary copper production	261.4(b)(7)(i)	105.D.17.a	EQ	
surface impoundment solids contained in the dredged from surface impoundments at primary lead smelting facilities	261.4(b)(7)(ii)	105.D.17.b	EQ	
sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production	261.4(b)(7)(iii)	105.D.17.c	EQ	
spent potliners from primary aluminum reduction	261.4(b)(7)(iv)	105.D.17.d	EQ	
emission control dust or sludge from ferrochromium silicon production	261.4(b)(7)(v)	105.D.17.e	EQ	
emission control dust or sludge from ferrochromium production	261.4(b)(7)(vi)	105.D.17.f	EQ	

**SUBPART D - LISTS OF HAZARDOUS WASTES**

**HAZARDOUS WASTES FROM SPECIFIC SOURCES**

add, after entries for "Iron and steel" and before entries for "Secondary lead," the following:	261.32	4901.c	EQ	
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Industry and EPA hazardous

Hazard

**RCRA REVISION CHECKLIST 53: Identification and Listing of Hazardous Waste;  
and Designation, Reportable Quantities, and Notification (cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	MORE STRIN-GENT	BROAD-ER IN SCOPE	
	<u>waste No.</u>		<u>Hazardous waste</u>			<u>code</u>
	*	*	*	*	*	*
Primary aluminum:	K088.....		Spent potliners from primary aluminum reduction		(T)	
	*	*	*	*	*	*

**APPENDIX VII TO PART 261**

**BASIS FOR LISTING HAZARDOUS WASTE**

add the following in the appropriate numerical sequence:

	Appendix VII	4901.g.table 6	EQ
<u>EPA hazardous waste No.</u>		<u>Hazardous constituents for which listed</u>	
	*	*	*
K088.....			Cyanide (complexes).
	*	*	*

RCRA REVISION CHECKLIST 54

Permit Modifications for Hazardous Waste Management Facilities  
 53 FR 37912-37942  
 September 28, 1988  
 as amended on October 24, 1988, at 53 FR 41649  
 (Non-HSWA Cluster V)

Note: The standards addressed by this checklist are less stringent than existing Federal requirements; thus, authorized States are not required to adopt them. However, EPA strongly encourages States to adopt this permit modification rule as promulgated. If preferred, States may amend their programs to incorporate only selected portions of the rule. See 53 FR 37933-37934 for a discussion of this option.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
PART 124 - PROCEDURES FOR DECISIONMAKING					
SUBPART A - GENERAL PROGRAM REQUIREMENTS					
† MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF PERMITS					
add reference "or 270.42(c)"	124.5(c)(1)	323.B.2	EQ		
add references to "Classes 1 and 2 modifications as defined in §270.42 (a) and (b)"	124.5(c)(3)	323.B.2.b	EQ		
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES					
SUBPART D - CONTINGENCY PLAN AND EMERGENCY PROCEDURES					
† AMENDMENT OF CONTINGENCY PLAN					
remove the comment	264.54(e)	1513.D.6	EQ		
SUBPART G - CLOSURE AND POST-CLOSURE					
† CLOSURE PLAN; AMENDMENT OF PLAN					
add wording on "notification" and "review" to text	264.112(c)	3511.C	EQ		
insert "notification or" prior to "request"	264.112(c)(1)	3511.C.1	EQ		
insert "notification of or" prior to "request"	264.112(c)(2)	3511.C.2	EQ		
† POST-CLOSURE PLAN; AMENDMENT OF PLAN					
add wording on "notification" and "review" to text	264.118(d)	3523.D	EQ		
insert "notification or" prior to "request"	264.118(d)(1)	3523.D.1	EQ		
insert "notification of or" prior to "request"	264.118(d)(2)	3523.D.2	EQ		
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES					
SUBPART G - CLOSURE AND POST-CLOSURE					

**RCRA REVISION CHECKLIST 54: Permit Modifications  
for Hazardous Waste Management Facilities (cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
† <b>CLOSURE PLAN; AMENDMENT OF PLAN</b>					
revise last sentence of paragraph by deleting "major" and inserting "Class 2 or 3" preceding "modification" and delete reference to "\$270.41."	265.112(c)(3)	4381.C.3	EQ		
revise last sentence of paragraph by deleting "major" and inserting "Class 2 or 3" preceding "modification" and delete reference to "\$270.41."	265.112(c)(4)	4381.C.4	EQ		
replace "major modification" with "Class 2 or 3 modification" and delete reference to "\$270.41"	265.118(d)(3)	4391.D.3	EQ		
replace "major modification" with "Class 2 or 3 modification" and delete reference "\$270.41."	265.118(d)(4)	4391.D.4	EQ		

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

**SUBPART A - GENERAL INFORMATION**

† **DEFINITIONS**

add "Component"	270.2	109. Component	EQ		✓
add "Facility mailing list"	270.2	109. Facility Mailing List	EQ		✓
add "Functionally equivalent component"	270.2	109. Functionally Equivalent Component	EQ		✓

† **EFFECT OF A PERMIT  
modification under  
270.42**

270.4(a)	307.A	EQ		✓
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**SUBPART C - PERMIT CONDITIONS**

† **CONDITIONS APPLICABLE TO ALL PERMITS**

add provision for 270.42	270.30(l)(2)	309.L.2	EQ		✓
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**SUBPART D - CHANGES TO PERMITS**

† **TRANSFER OF PERMITS**

renumber old 270.40 as 270.40(a); change parenthetical clauses	270.40(a)	321.B.1	EQ		✓
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**RCRA REVISION CHECKLIST 54: Permit Modifications  
for Hazardous Waste Management Facilities (cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
ownership change procedures as Class 1 modifications	270.40(b)	321.B.2	EQ		
<b>† MODIFICATION OR REVOCATION AND REISSUANCE OF PERMITS</b>					
remove "Major" from section heading; remove reference to 270.42; request of permittee, approval/denial under 270.42	270.41	323, 323.B.2		MS	
insert "by statute, through" before "promulgation"; insert "new or" before "amended"	270.41(a)(3)	323.B.2.c.iii		MS	
remove 270.41(a)(3)(i)-(iii)	270.41(a)(3)	323.B.2.c.iii		MS	
remove (a)(5) and redesignate existing (a)(6) as (a)(5)	270.41(a)(5)	323.B.2.d	EQ		
<b>† PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE</b>					
revise section heading; remove introductory material	270.42	321.C	EQ		
putting into effect Class 1 modifications as listed in Appendix I	270.42(a)(1)	321.C.1.a	EQ		
notification of Director by permittee to whom notice of modification must be sent and when	270.42(a)(1)(i)	321.C.1.a.i	EQ		
rejection of modification by Director	270.42(a)(1)(ii)	321.C.1.a.ii	EQ		
modifications requiring prior written approval	270.42(a)(1)(iii)	321.C.1.a.iii	EQ		
Class 2 procedures instead of Class 1 procedures	270.42(a)(2)	321.C.1.b	EQ		
heading for "Class 2 modifications"	270.42(a)(3)	321.C.1.c	EQ		
Class 2 modifications as listed in Appendix I	270.42(b)	321.C.2	EQ		
description of exact changes	270.42(b)(1)	321.C.2.a	EQ		
identification of Class 2 modification	270.42(b)(1)(i)	321.C.2.a.i	EQ		
why modification is needed	270.42(b)(1)(ii)	321.C.2.a.ii	EQ		
provision of applicable information	270.42(b)(1)(iii)	321.C.2.a.iii	EQ		
to whom notice must be sent and when	270.42(b)(1)(iv)	321.C.2.a.iv	EQ		
announcement of a 60-day comment period	270.42(b)(2)	321.C.2.b	EQ		
announcement of where and when public meeting will be held	270.42(b)(2)(i)	321.C.2.b.i	EQ		
name and phone number of permittee's	270.42(b)(2)(ii)	321.C.2.b.ii	EQ		

RCRA REVISION CHECKLIST 54: Permit Modifications  
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV-ALENT	MORE STRIN-GENT	BROAD-ER IN SCOPE
contact person name and phone number of Agency contact person	270.42(b)(2)(iii)	321.C.2.b.iii	EQ		
location for viewing modification request	270.42(b)(2)(iv)	321.C.2.b.iv	EQ		
availability of permittee's compliance history	270.42(b)(2)(v)	321.C.2.b.v	EQ		
placement of modification request copy in vicinity of facility for public accessibility	270.42(b)(2)(vi)	321.C.2.b.vi	EQ		
when and where permittee must hold a public meeting	270.42(b)(3)	321.C.2.c	EQ		
public comment period	270.42(b)(4)	321.C.2.d	EQ		
requirements after receipt of modification request	270.42(b)(5)	321.C.2.e	EQ		
approve request, with or without changes	270.42(b)(6)(i)	321.C.2.f	EQ		
deny request	270.42(b)(6)(i)(A)	321.C.2.f.i	EQ		
determine if Class 3 modification procedures are needed:	270.42(b)(6)(i)(B)	321.C.2.f.ii	EQ		
significant public concern	270.42(b)(6)(i)(C)	321.C.2.f.iii	EQ		
complex nature of changes	270.42(b)(6)(i)(C)(1)	321.C.2.f.iii.(a)	EQ		
approve as temporary authorization	270.42(b)(6)(i)(C)(2)	321.C.2.f.iii.(b)	EQ		
notify permittee that decision will be made in 30 days	270.42(b)(6)(i)(D)	321.C.2.f.iv	EQ		
requirements if decision is extended for 30 days:	270.42(b)(6)(i)(E)	321.C.2.f.v	EQ		
approve request, with or without changes	270.42(b)(6)(ii)	321.C.2.g	EQ		
deny request	270.42(b)(6)(ii)(A)	321.C.2.g.i	EQ		
determine if Class 3 modification procedures are needed:	270.42(b)(6)(ii)(B)	321.C.2.g.ii	EQ		
significant public concern	270.42(b)(6)(ii)(C)	321.C.2.g.iii	EQ		
complex nature of changes	270.42(b)(6)(ii)(C)(1)	321.C.2.g.iii.(a)	EQ		
approve as temporary authorization	270.42(b)(6)(ii)(C)(2)	321.C.2.g.iii.(b)	EQ		
temporary or automatic authorization following failure to make decision	270.42(b)(6)(ii)(D)	321.C.2.g.iv	EQ		
requirements of permittee under temporary or automatic authorization	270.42(b)(6)(iii)	321.C.2.h	EQ		
temporary authorization to conduct activities as in	270.42(b)(6)(iv)(A)	321.C.2.i	EQ		

**RCRA REVISION CHECKLIST 54: Permit Modifications  
for Hazardous Waste Management Facilities (cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV-ALENT	MORE STRIN-GENT	BROAD-ER IN SCOPE
modification request	(1)	321.C.2.i	EQ		
unless final approval or denial, authorization for life of permit	270.42(b)(6)(iv)(A)	321.C.2.i.ii	EQ		
deferment of permanent authorization if failure to notify public	270.42(b)(6)(iv)(B)	321.C.2.j	EQ		
if no final approval or denial or reclassification, authority to conduct activities as described in modification request for life of permit unless later modification	270.42(b)(6)(v)	321.C.2.k		MS	
consideration and response to all significant comments	270.42(b)(6)(vi)	321.C.2.l	EQ		
extension of time periods for final approval, denial or reclassification as Class 3	270.42(b)(6)(vii)	321.C.2.m	EQ		
reasons to deny or change Class 2 permit modification terms	270.42(b)(7)	321.C.2.n	EQ		
request is incomplete	270.42(b)(7)(i)	321.C.2.n.i	EQ		
noncompliance with appropriate requirements	270.42(b)(7)(ii)	321.C.2.n.ii	EQ		
failure to protect human health and environment	270.42(b)(7)(iii)	321.C.2.n.iii	EQ		
commencement of construction under Class 2	270.42(b)(8)	321.C.2.o	EQ		
heading for "Class 3 modifications"	270.42(c)	321.C.3	EQ		
requirements for Class 3 modifications listed Appendix I	270.42(c)(1)	321.C.3.a	EQ		
description of exact changes	270.42(c)(1)(i)	321.C.3.a.i	EQ		
identification of Class 3 modification	270.42(c)(1)(ii)	321.C.3.a.ii	EQ		
why modification is needed	270.42(c)(1)(iii)	321.C.3.a.iii	EQ		
provision of applicable information	270.42(c)(1)(iv)	321.C.3.a.iv	EQ		
to whom and when notice must be sent	270.42(c)(2)	321.C.3.b	EQ		
announcement of a 60-day comment period	270.42(c)(2)(i)	321.C.3.b.i	EQ		
announcement of when and where public meeting will be held	270.42(c)(2)(ii)	321.C.3.b.ii	EQ		
name and phone number of permittee's contact person	270.42(c)(2)(iii)	321.C.3.b.iii	EQ		
name and phone					

RCRA REVISION CHECKLIST 54: Permit Modifications  
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV-ALENT	MORE STRIN-GENT	BROAD-ER IN SCOPE
number of Agency contact person	270.42(c)(2)(iv)	321.C.3.b.iv	EQ		
location for viewing modification request	270.42(c)(2)(v)	321.C.3.b.v	EQ		
availability of permittee's compliance history	270.42(c)(2)(vi)	321.C.3.b.vi	EQ		
placement of modification request copy in vicinity of facility for public accessibility	270.42(c)(3)	321.C.3.c	EQ		
when and where permittee must hold a public meeting	270.42(c)(4)	321.C.3.d	EQ		
public comment period	270.42(c)(5)	321.C.3.e	EQ		
grant or deny modification request after public comment period; consider and respond to all significant written comments	270.42(c)(6)	321.C.3.f	EQ		
heading for "Other modifications"	270.42(d)	321.C.4	EQ		
other modifications not explicitly listed in Appendix I	270.42(d)(1)	321.C.4.a	EQ		
determination of appropriate class:	270.42(d)(2)	321.C.4.b	EQ		
changes that necessitate Class 1 modifications	270.42(d)(2)(i)	321.C.4.b.i	EQ		
changes that necessitate Class 2 modifications	270.42(d)(2)(ii)	321.C.4.b.ii	EQ		
variations in types and quantities of wastes managed	270.42(d)(2)(ii)(A)	321.C.4.b.ii(a)	EQ		
technological advancements	270.42(d)(2)(ii)(B)	321.C.4.b.ii(b)	EQ		
changes necessary to comply with new regulations	270.42(d)(2)(ii)(C)	321.C.4.b.ii(c)	EQ		
Class 3 modifications description	270.42(d)(2)(iii)	321.C.4.b.iii	EQ		
heading for "Temporary authorizations"	270.42(e)	321.C.5	EQ		
granting of temporary authorizations	270.42(e)(1)	321.C.5.a	EQ		
request for temporary authorization:	270.42(e)(2)(i)	321.C.5.b	EQ		
Class 2 modification meeting criteria	270.42(e)(2)(i)(A)	321.C.5.b.i	EQ		
Class 3 modification meeting criteria and providing improved management or treatment	270.42(e)(2)(i)(B)	321.C.5.b.ii	EQ		
what temporary authorization request must include	270.42(e)(2)(ii)	321.C.5.c	EQ		
description of activities	270.42(e)(2)(ii)(A)	321.C.5.c.i	EQ		

RCRA REVISION CHECKLIST 54: Permit Modifications  
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
why temporary authorization is necessary	270.42(e)(2)(ii)(B)	321.C.5.c.ii	EQ		
sufficient information to ensure compliance	270.42(e)(2)(ii)(C)	321.C.5.c.iii	EQ		
to whom notice must be sent	270.42(e)(2)(iii)	321.C.5.c.iv	EQ		
approve or deny temporary authorization quickly:	270.42(e)(3)	321.C.5.d	EQ		
authorized activities in compliance with Part 264	270.42(e)(3)(i)	321.C.5.d.i	EQ		
necessity of temporary authorization to achieve an objective:	270.42(e)(3)(ii)	321.C.5.d.ii	EQ		
facilitate closure or corrective action activities	270.42(e)(3)(ii)(A)	321.C.5.d.ii(a)	EQ		
allow treatment or storage in tanks or containers of restricted wastes	270.42(e)(3)(ii)(B)	321.C.5.d.ii(b)	EQ		
prevent disruption of ongoing activities	270.42(e)(3)(ii)(C)	321.C.5.d.ii(c)	EQ		
respond to sudden changes in types or quantities of wastes managed	270.42(e)(3)(ii)(D)	321.C.5.d.ii(d)	EQ		
protection of human health and environment	270.42(e)(3)(ii)(E)	321.C.5.d.ii(e)	EQ		
reissuance of temporary authorization for Class 2 or 3	270.42(e)(4)	321.C.5.e	EQ		
reissuance of Class 2 in accordance with specific paragraphs	270.42(e)(4)(i)	321.C.5.e.i	EQ		
reissuance of Class 3 in accordance with specific paragraph	270.42(e)(4)(ii)	321.C.5.e.ii	EQ		
heading for "Public notice and appeals of permit modification decisions"	270.42(f)	321.C.6	EQ		
when and to whom notification of grant, denial or automatic authorization decisions must be sent	270.42(f)(1)	321.C.6.a	EQ		
appeal of grant or denial decision	270.42(f)(2)	321.C.6.b	EQ		
appeal of automatic authorization	270.42(f)(3)	321.C.6.c	EQ		
heading for "Newly listed or identified wastes"	270.42(g)	321.C.7	EQ		
continued authority to manage wastes listed in Part 261:	270.42(g)(1)	321.C.7.a	EQ		
in existence as a hazardous waste facility on effective date of					

✓

RCRA REVISION CHECKLIST 54: Permit Modifications  
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV-ALENT	MORE STRIN-GENT	BROAD-ER IN SCOPE
final rule listing or identifying waste	270.42(g)(1)(i)	321.C.7.a.i	EQ		
submit Class 1 modification request in compliance with 265 standards	270.42(g)(1)(ii)	321.C.7.a.ii	EQ		
for Class 2 or 3 modifications, submit complete modification request within 180 days	270.42(g)(1)(iii)	321.C.7.a.iii	EQ		
certification that land disposal units are in compliance within 12 months	270.42(g)(1)(iv)	321.C.7.a.iv	EQ		
expansions are not under 25 percent capacity limit for Class 2 modifications	270.42(g)(1)(v)	321.C.7.a.v	EQ		
maintenance and notice of updated list of permit modifications	270.42(g)(2)	321.C.7.b	EQ		
remove 270.42(i) through 270.42(p)	270.42(h)	321.C.8	EQ		
add Appendix I; classification of modifications	270.42(i)-(p)	deleted 321.C.9-16	EQ		
	270.42, Appendix I	322			

SUBPART F - SPECIAL FORMS OF PERMITS

† HAZARDOUS WASTE INCINERATOR PERMITS

revise last sentence by omitting parenthetical phrase	270.62(a)	3115.A	EQ		
revise last sentence by omitting "as a minor modification"	270.62(b)(10)	3115.B.16	EQ		

† PERMITS FOR LAND TREATMENT DEMONSTRATIONS USING FIELD TEST OR LABORATORY ANALYSES

remove "as a minor modification"; add a new sentence on second phase of permit	270.63(d)(1)	2707.D.4.a	EQ		
remove phrase on minor modifications	270.63(d)(2)	2707.D.4.b	EQ		
remove paragraph	270.63(d)(3)	*2707.D.4.c	EQ		

\* Removed Paragraph