

US EPA ARCHIVE DOCUMENT

**RCRA REVISION CHECKLIST 74**  
**Toxicity Characteristic Revisions**  
**55 FR 11798-11877**  
**March 29, 1990**  
**as amended on June 29, 1990, at 55 FR 26986-26998**  
**(RCRA Cluster II)**

Note: 1) A correction to the preamble of the March 29, 1990 rule was published on August 2, 1990 (55 FR 31387). This notice corrected an implementation timetable and extended the period of time within which affected small quantity generators must comply with the new modification requirements. An August 10, 1990 (55 FR 32733) notice corrected the August 2, 1990 notice. On September 27, 1990, a clarification to the March 29 final rule was published in the Federal Register (55 FR 39409) regarding four implementation issues. The clarification did not affect the Federal code addressed by this checklist. An interim final rule promulgated on October 5, 1990 (55 FR 40834) did affect the Federal code relevant to the Toxicity Characteristic. A separate revision checklist (Revision Checklist 80) was developed to address those changes effected by the interim final rule.

2) Two interim final rules (55 FR 40834; October 5, 1990 and 56 FR 3978; February 1, 1991) and a final rule (56 FR 13406; April 2, 1991) extended the compliance date of the Toxicity Characteristic (TC) rule for certain hydrocarbon recovery and remediation operations. This extension is addressed by Revision Checklist 80. Because a less stringent requirement than that imposed by the TC rule is in effect until January 23, 1993, that Revision Checklist is optional.

3) States are strongly encouraged to adopt the Permit Modifications rule (53 FR 37912; September 28, 1988; Revision Checklist 54) and the "Christmas Tree Rule" (54 FR 9596; March 7, 1989; Revision Checklist 61) to ease implementation of the Toxicity Characteristic Rule and future waste listings. While both of these rules are optional, they will greatly reduce the immediate permit burden resulting from the TC rule.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

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

**SUBPART A - GENERAL**

**EXCLUSIONS**

replace "characteristic of EP toxicity" with "Toxicity Characteristic"	261.4(b)(6)(i)	105.D.15	EQ		
replace "characteristic of EP toxicity" with "Toxicity Characteristic solely for arsenic"	261.4(b)(9)	105.D.19	EQ		

**RCRA REVISION CHECKLIST 74: Toxicity Characteristic Revisions (cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
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1 add new paragraph regulating petroleum-contaminated media and debris that fail the 261.24 Toxicity Characteristic test and are subject to Part 280 corrective action	261.4(b)(10)	105.D.39	EQ		

**PCB WASTES REGULATED UNDER TOXIC SUBSTANCE CONTROL ACT**

exemption for PCB-containing wastes, already regulated under Part 761 (TSCA), that fail the 261.24 Toxicity Characteristic test (D018 through D043 only)	261.8	105.D.40	EQ		
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**SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE**

**TOXICITY CHARACTERISTIC**

remove "EP" before "toxicity"; insert "using the methodology outlined in Appendix II" after "after filtering"; change "purposes" to "purpose"	261.24(a)	4903.E.1	EQ		
1 remove "EP" before "toxicity"; add D018 through D043 to Table 1; as per technical correction, change the word "hydroxide" in the contaminant for D031 to "epoxide"; add new column with CAS numbers	261.24(b)	4903.E.2	EQ		

**RCRA REVISION CHECKLIST 74: Toxicity Characteristic Revisions (cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
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**SUBPART D - LISTS OF HAZARDOUS WASTES**

**GENERAL**

replace "EP Toxic Waste" in the hazard codes and in the text following the hazard codes with "Toxicity Characteristic Waste"

261.30(b)

4901.B  
Table 1

EQ

**RCRA REVISION CHECKLIST 74: Toxicity Characteristic Revisions (cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
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**APPENDIX II TO PART 261**

**METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)**

2 EP toxicity test Procedures are replaced by Method 1311 Toxicity Characteristic Leaching Procedures (TCLP)

Appendix II

Chapter 49  
Appendix B

EQ

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

**SUBPART N - LANDFILLS**

**DESIGN AND OPERATING REQUIREMENTS**

replace "EP Toxicity Characteristics" with "Toxicity Characteristics"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"

264.301(e)(1)

2503.N.1

EQ

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

**SUBPART K - SURFACE IMPOUNDMENTS**

**DESIGN REQUIREMENTS**

replace "EP Toxicity Characteristics" with "Toxicity Characteristics"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"

265.221(d)(1)

4462.D.1

EQ

**RCRA REVISION CHECKLIST 74: Toxicity Characteristic Revisions (cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
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**SUBPART M - LAND TREATMENT**

**WASTE ANALYSIS**

replace "exceed" with  
"equal or exceed";  
replace "EP Toxicity  
Characteristic"  
with "Toxicity  
Characteristic"

265.273(a)

4481.A

EQ

**PART 268 - LAND DISPOSAL RESTRICTIONS**

**APPENDIX I TO PART 268**

**TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)**

3 replace Appendix with  
note stating the TCLP  
is located in  
Appendix II of  
Part 261

Appendix I

Chapter 49  
Appendix B

EQ

<sup>1</sup> Also see technical corrections to the rule at 55 FR 26986 (June 29, 1990).

<sup>2</sup> Because the June 29, 1990 (55 FR 26986) notice made extensive corrections to Appendix II, Part 261, the Appendix in that notice should be used instead of the one in the March 29, 1990 (55 FR 11798) notice.

<sup>3</sup> As background, the TCLP was originally promulgated in 268, Appendix I, on November 7, 1986 (51 FR 40572; Revision Checklist 34) for use in the Land Disposal Restrictions (LDR) program to determine whether certain wastes require treatment prior to land disposal and to determine whether certain treated wastes meet the applicable treatment standards. The TC rule and its June 29, 1990 modification promulgated a revised TCLP at 261, Appendix II, with modifications based on the Agency's own research and public comment. This TCLP is to be used in both the TC and the LDR programs. The objective of the above footnoted revision to 268, Appendix I, is to assure that the TCLP entered into the code by the November 7, 1986 notice (51 FR 40572; Revision Checklist 34) is removed and replaced by the TCLP entered into the code and amended by the final rules (55 FR 11798 and 55 FR 26986) addressed by Revision Checklist 74. The actual placement of the TCLP within a State's code is not that important, per se; what is important is that a State's code contains only the Revision Checklist 74 TCLP. States that have not yet adopted Revision Checklist 34 (the first of the LDR restrictions) need not make this particular revision to 268, Appendix I, as they would not yet have entered the original Part 268 TCLP into their code. Also, the change on page 2 of this checklist for 261, Appendix II, assures that they add the Revision Checklist 74 TCLP to their

**RCRA REVISION CHECKLIST 74: Toxicity Characteristic Revisions (cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
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code. However, such States must be careful when adding the LDR restrictions to their code, i.e., the Revision Checklist 34 TCLP should not be added at that time--rather, the Revision Checklist 74 TCLP should remain the only TCLP in their code. States using the Consolidated LDR Checklist should be sure to read Footnote 40 on that checklist regarding this issue.

RCRA REVISION CHECKLIST 75

Listing of 1,1-Dimethylhydrazine Production Wastes  
 55 FR 18496-18506  
 May 2, 1990  
 HSWA Cluster II

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
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PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

1 add K107-K110 to the subgroup "Organic Chemicals"	261.32	4901.C	EQ	
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Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
*	*	*
Organic chemicals:		
*	*	*
K107.....	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108..... (1,T)	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	
K109..... (T)	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	
K110.....	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
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APPENDIX III TO PART 261

CHEMICAL ANALYSIS TEST METHODS

add compound and analysis method to Table 1	Appendix III	Ch.49.App.A.Tbl.8	EQ
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TABLE 1. - ANALYSIS METHODS FOR ORGANIC CHEMICALS CONTAINED IN SW-846

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