

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 144

Removal of Legally Obsolete Rules

60 FR 33912-33915

June 29, 1995

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

Note: This rule removes Part 267. However, this part has never been required for authorization and, therefore, if a State has an analog to Part 267 in its code, it should be removed, as should all references to it. Note the rule addressed by this checklist omitted removing internal references to Part 267. Places where these references occur include: the 270.1(a)(2) table, 270.1(a)(3), and 270.31(c). (Analog to the 270.1(a)(2) table and 270.1(a)(3) are not required for authorization, but some States do include these provisions in their regulations.)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART D - LISTS OF HAZARDOUS WASTES						
HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES						
1 remove footnote 1	261.31(a)	¹ N/A	EQ			
PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES						
INTERIM STATUS STANDARDS FOR BURNERS						
delete the last sentence	266.103(c)(5)	3007.C.5	EQ			
remove old 266.104(f) and redesignate 266.104(g) as 266.104(f)	266.104(f)	3009.G	EQ			
redesignate old 266.104(g)-(i) as 266.104(f)-(h)	266.104(g)	3009.H	EQ			
	266.104(h)	3009.I	EQ			

¹No federal regulation; no state equivalent.

RCRA REVISION CHECKLIST 144: Removal of Legally Obsolete Rules (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM						
SUBPART A - GENERAL INFORMATION						
DEFINITIONS						
"Interim authorization": replace "3006(c)" with "3006(g)(2)"	270.2	² N/A	EQ			
remove definitions of "Phase I" and "Phase II"	270.2	¹ N/A	EQ			
SUBPART B - PERMIT APPLICATION						
GENERAL APPLICATION REQUIREMENTS						
remove "At any time after promulgation of Phase II"; replace "the owner and operator" with "The owner or operator"; replace the three occurrences of "HWM" with "hazardous waste management"; remove "authorization for Phase II"	270.10(e)(4)	⁴ 501.C.2			MS	✓
replace the two occurrences of "HWM" with "hazardous waste management"; replace "Phase II interim" with "interim or final"; remove "or final authorization"	270.10(f)(2)	³ 303.H.2	EQ			✓

² Louisiana does not grant themselves interim authorization; therefore this is not applicable in this state.

³ Louisiana is an authorized State and therefore applicants must file with the State.

⁴ LAC 33:V.501.C.2 is more stringent than 40 CFR 270.10(e)(4) because Louisiana allows applicants to submit a Part II of the application at least 120 days from the date of request while the equivalent federal citation allows for six months.

RCRA REVISION CHECKLIST 144: Removal of Legally Obsolete Rules (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace "HWM" with "hazardous waste management"	270.10(g)(1)	303.K	EQ			✓
remove comma after "Administrator"; remove "for phase II"; remove comma after "storing"	270.10(g)(1)(i)	³ 303.K	EQ			✓
remove "Phase II"; remove comma after "storing"	270.10(g)(1)(ii)	³ 303:K	EQ			✓
remove " for Phase II" in the first sentence; remove "Phase II" in the second sentence	270.10(g)(1)(iii)	³ 303.K	EQ			✓

¹ Note that this footnote was removed by Revision Checklist 120 (December 24, 1992; 57 FR 61492), but this change was not included in the July 1, 1993 CFR as it should have been. This error was carried over into the July 1, 1994 CFR. The rule addressed by Revision Checklist 144 corrects the CFR error.