

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 153

Conditionally Exempt Small Quantity Generator
 Disposal Options under Subtitle D
 61 FR 34252-34278
 July 1, 1996
 (RCRA Cluster VII, HSWA provisions)

States with authorized RCRA programs may have already adopted requirements under State law similar to the provision addressed by this checklist; however, these States are not authorized to implement these requirements in lieu of EPA until the State modification has been approved. (As indicated in the checklist, only the changes to §261.5 will be assessed against the Federal program.) States with such existing standards may continue to administer their standards as a matter of State law, but they need to seek authorization for these provisions. States, whose requirements are more stringent and do not allow the disposal of wastes generated by CESQGs into Subtitle D landfills under their existing authorized Sub D program, would not be required to revise their programs and obtain authorization for the revisions to §261.5. Instead, the State should inform their EPA Regional Office by letter that for this final rule they are not required to submit an application because the State provision currently in effect is more stringent than the requirement authorized in the July 1, 1996 (61 FR 34252) final rule.

For a State not to be required to submit a revision authorization application for this checklist, the following must be true:

- the State must have provisions that are already authorized by EPA,
- these provisions must be more stringent than the Subtitle C provisions in the final rule addressed by this checklist and not allow the disposal of CESQG waste in Subtitle D landfills, and
- the State must not change its authorized regulatory language.

Because the provisions in such States are more stringent than those addressed by this checklist, they would continue to apply in that State, even though the Federal provisions are promulgated pursuant to HSWA authority.

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155-158

RCRA VII

**RCRA REVISION CHECKLIST 153: Conditionally Exempt Small
Quantity Generator Disposal Options under Subtitle D (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 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTES						
SUBPART A - GENERAL						
SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMA						
remains unchanged even though included in this rule	261.5(f)(3) intro	^{1 & 2} 3911 & 3915.B ✓			MS	
remains unchanged even though included in this rule	261.5(f)(3)(i)-(iii)	^{1 & 2} 3915.B.1-3 ✓			MS	
replace "or industrial solid waste" with "solid waste and, if managed in a municipal solid waste landfill is subject to Part 258 of this chapter"	261.5(f)(3)(iv)	^{1 & 2} LAC 33:VII.301.B.1 (LAC 33:VII.315.N, 521.H) ✓			MS	
redesignate 261.5(f)(3)(v), as 261.5(f)(3)(vi); add new paragraph 261.5(f)(3)(v) regarding facilities that are permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste that is subject to 257.5 through 257.30	261.5(f)(3)(v)	^{1 & 2} LAC 33:VII.301.B.1 (LAC 33:VII.315.N, 521.H) ✓			MS	
former 261.5(f)(3)(v) becomes 261.5(f)(3)(vi)	261.5(f)(3)(vi)	^{1 & 2} 3915.B.4 ✓			MS	

¹ The state does not recognize the class of generators generating 0-100 kg/mth referenced in the federal regulations as "conditionally exempt small quantity generators." Generators in Louisiana who generate 0-100 kg/mth must follow the more stringent guidelines for small quantity generators.

²The state regulations are more stringent because generators who generate more than 1 kg acutely hazardous waste are subject to full regulations. The 40 CFR 261.5(f)(3)(iv)-(v) and (g)(3)(iv)-(v) equivalent to Louisiana citation, LAC 33:VII.301.B.1 (LAC 33:VII.315.N and LAC 33:VII.521.H), are more stringent because solid waste landfills are prohibited from accepting hazardous waste, with the exception of household hazardous waste.

RCRA REVISION CHECKLIST 153: Conditionally Exempt Small
Quantity Generator Disposal Options under Subtitle D (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
former 261.5(f)(3)(v)(A)&(B) become 261.5(f)(3)(vi)(A)&(B)	261.5(f)(3)(vi)(A)&(B)	^{1 & 2} 3915.B.4.a-b ✓			MS	
former 261.5(f)(3)(vi) becomes 261.5(f)(3)(vii)	261.5(f)(3)(vii)	^{1 & 2} 3915.B.5 ✓			MS	
remains unchanged even though included in this rule	261.5(g)(3) intro	^{1 & 2} 3911 & 3915.B ✓			MS	
remains unchanged even though included in this rule	261.5(g)(3)(i)-(iii)	^{1 & 2} 3915.B.1-3 ✓			MS	
replace "or industrial solid waste" with "solid waste and, if managed in a municipal solid waste landfill is subject to Part 258 of this chapter"	261.5(g)(3)(iv)	^{1 & 2} LAC 33:VII.301.B.1 (LAC 33:VII.315.N, 521.H) ✓			MS	
redesignate 261.5(g)(3)(v), as 261.5(g)(3)(vi); add new paragraph 261.5(g)(3)(v) regarding facilities that are permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste that is subject to 257.5 through 257.30	261.5(g)(3)(v)	^{1 & 2} LAC 33:VII.301.B.1 (LAC 33:VII.315.N, 521.H) ✓			MS	
former 261.5(g)(3)(v) becomes 261.5(g)(3)(vi)	261.5(g)(3)(vi)	^{1 & 2} 3915.B.4 ✓			MS	
former 261.5(g)(3)(v)(A)&(B) become 261.5(g)(3)(vi)(A)&(B)	261.5(g)(3)(vi)(A)&(B)	^{1 & 2} 3915.B.4.a-b ✓			MS	
former 261.5(g)(3)(vi) becomes 261.5(g)(3)(vii)	261.5(g)(3)(vii)	^{1 & 2} 3915.B.5 ✓			MS	