

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 156

Military Munitions Rule: Hazardous Waste Identification and Management; Explosives Emergencies; Manifest Exemption for Transport of Hazardous Waste on Right-of-Ways on Contiguous Properties

62 FR 6622-6657

February 12, 1997

(RCRA Cluster VII, non-HSWA provisions)

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

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

DEFINITIONS

add "explosives or munitions emergency"	260.10 ✓	109.Explosives or Munitions Emergency	EQ			
add "explosives or munitions emergency response"	260.10 ✓	109.Explosives or Munitions Emergency Response	EQ			
add "explosives or emergency response specialist"	260.10 ✓	109.Explosives or Emergency Response Specialist	EQ			
add "military munitions"	260.10 ✓	109.Military Munitions	EQ			

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF SOLID WASTE

replace "." at end of paragraph with "; or"	261.2(a)(2)(iii) ✓	109.Solid Waste.1.b.iii	EQ			
add paragraph; a military munition identified as a solid waste in § 266.202	261.2(a)(2)(iv) ✓	109.Solid Waste.1.b.iv	EQ			

RCRA REVISION CHECKLIST 156: Military Munitions Rule (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 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

add paragraph; persons responding to an explosives or munitions emergency not required to comply with Part 262	262.10(i)	1101.H ✓	EQ			
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GENERAL REQUIREMENTS

† add paragraph; exemption for transporters of hazardous waste on a right-of-way within or along the border of contiguous property; generator/transporter requirements if discharge	262.20(f)	1107.A.11 ✓	EQ			
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PART 263 - STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A - GENERAL

SCOPE

add paragraph; Part 263 does not apply to transportation during an explosives or munitions emergency response	263.10(e)	1301.G ✓	EQ			
add paragraph; § 266.203 identifies how this part applies to military munitions classified as solid waste	263.10(f)	1301.H ✓	EQ			

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

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

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

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

add paragraph; immediate threat to human health, public safety, property, or the environment, from presence of military munitions or explosives	264.1(g)(8)(i)(D)	1501.C.7.a.iv ✓	EQ			
add paragraph; when an official or specialist may authorize the removal or transport of waste without meeting all RCRA requirements; recordkeeping requirement for military	264.1(g)(8)(iv)	1501.C.7.d ✓	EQ			
add paragraph; requirements of storage of military munitions are in 266.205; treatment and disposal are subject to all standards in 40 CFR 260 through 270	264.1(i)	1501.C.12 ✓	EQ			

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

APPLICABILITY

replace "." after "sources" with "," and clause about military munitions	264.70	901 ✓	EQ			
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SUBPART EE - HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

APPLICABILITY

subpart applies to owners and operators who store munitions and explosive hazardous wastes	264.1200	2401 ✓	EQ			
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RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
DESIGN AND OPERATING STANDARDS						
storage units must meet following requirements	264.1201(a)	2403.A		EQ		
minimize potential for detonation or release	264.1201(a)(1)	2403.A.1		EQ		
provide primary barrier to contain waste	264.1201(a)(2)	2403.A.2		EQ		
if stored outdoors must not be in standing precipitation	264.1201(a)(3)	2403.A.3		EQ		
for liquids, provide secondary containment or vapor detection system	264.1201(a)(4)	2403.A.4		EQ		
provide monitoring and inspection procedures meeting specified requirements	264.1201(a)(5)	2403.A.5		EQ		
hazardous waste military munitions and explosives may be stored in the following	264.1201(b)	2403.B		EQ		
	264.1201(b)(1)	2403.B.1		EQ		
	264.1201(b)(1)(i)	2403.B.1.a		EQ		
	264.1201(b)(1)(ii)	2403.B.1.b		EQ		
earth-covered magazines; requirements for earth-covered magazines	264.1201(b)(1)(ii)(A)-(C)	2403.B.1.b.i-iii		EQ		
	264.1201(b)(1)(iii)	2403.B.1.c		EQ		
above-ground magazines must be designed to minimize propagation of explosion	264.1201(b)(2)	2403.B.2		EQ		
outdoor or open storage areas must be designed to minimize propagation of explosion	264.1201(b)(3)	2403.B.3		EQ		

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
hazardous waste military munitions and explosives must be stored in accordance with Standard Operating Procedure; if procedure serves same purpose as certain Part 264 requirements, they may be used	264.1201(c)	2403.C	EQ			
hazardous waste military munitions and explosives must be packaged to ensure safety	264.1201(d)	2403.D	EQ			
hazardous waste military munitions and explosives must be inventoried annually	264.1201(e)	2403.E	EQ			
hazardous waste military munitions and explosives must be inspected and monitored to ensure safety and no migration	264.1201(f)	2403.F	EQ			

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
CLOSURE AND POST-CLOSURE CARE						
at closure of magazine or unit that stored hazardous waste under Subpart EE, o/o must remove or decontaminate residues, components, subsoils, structures and equipment; closure must meet 264 subparts G and H requirements, but may defer as long as munitions or explosives magazine or storage unit	264.1202(a)	2405.A	✓	EQ		
if all contaminated subsoils cannot be practicably removed, o/o must close facility and perform post-closure as per 264.310	264.1202(b)	2405.B		EQ		

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

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

add paragraph; immediate threat to human health, public safety, property, or the environment, from presence of military munitions or explosives	265.1(c)(11)(i)(D)	4307 (1501.C.7.a.iv)		EQ		
add paragraph; when an official or specialist may authorize the removal or transport of waste without meeting all RCRA requirements; recordkeeping requirement for military	265.1(c)(11)(iv)	4307 (1501.C.7.d)		EQ	✓	
add paragraph; requirements of storage of military munitions are in 266.205; treatment and disposal are subject to all standards in 40 CFR 260 through 270	265.1(f)	4307 (1501.C.12)		EQ		

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

APPLICABILITY

replace "." after "sources" with "," and clause about military munitions	265.70	4351 ✓	EQ			
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SUBPART EE - HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

APPLICABILITY

subpart applies to owners and operators who store munitions and explosive hazardous wastes	265.1200	4707 ✓	EQ			
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DESIGN AND OPERATING STANDARDS

storage units must meet following requirements	265.1201(a)	4709.A	EQ			
minimize potential for detonation or release	265.1201(a)(1)	4709.A.1	EQ			
provide primary barrier to contain waste	265.1201(a)(2)	4709.A.2	EQ			
if stored outdoors, must not be in standing precipitation	265.1201(a)(3)	4709.A.3	EQ			✓
for liquids, provide secondary containment or vapor detection system	265.1201(a)(4)	4709.A.4	EQ			
provide monitoring and inspection procedures	265.1201(a)(5)	4709.A.5	EQ			
hazardous waste military munitions and explosives may be stored in the following	265.1201(b)	4709.B	EQ			
	265.1201(b)(1)	4709.B.1	EQ			
	265.1201(b)(1)(i)	4709.B.1.a	EQ			
	265.1201(b)(1)(ii)	4709.B.1.b	EQ			
add paragraph; earth-covered magazines; requirements for earth-covered magazines	265.1201(b)(1)(ii)(A)-(C)	4709.B.1.b.i-iii	EQ			
	265.1201(b)(1)(iii)	4709.B.1.c	EQ			

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
above-ground magazines must be designed to minimize propagation of explosion	265.1201(b)(2)	4709.B.2	EQ			
outdoor or open storage areas must be designed to minimize propagation of explosion	265.1201(b)(3)	4709.B.3	EQ			
hazardous waste military munitions and explosives must be stored in accordance with Standard Operating Procedure; if procedures serve same purpose as certain Part 265 requirements, they will be used	265.1201(c)	4709.C	EQ			
hazardous waste military munitions and explosives must be packaged to ensure safety	265.1201(d)	4709.D	EQ			
hazardous waste military munitions and explosives must be inventoried annually	265.1201(e)	4709.E	EQ			
hazardous waste military munitions and explosives must be inspected and monitored to ensure safety and no migration	265.1201(f)	4709.F	EQ			
CLOSURE AND POST-CLOSURE CARE						
at closure of magazine or unit storing hazardous waste under Subpart EE, o/o must remove or decontaminate residues, components, subsoils, and equipment and manage as a hazardous waste closure; must meet subparts 265 G and H requirements	265.1202(a)	4711.A	EQ			

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if all contaminated subsoils cannot be practicably removed, o/o must close facility and perform post-closure as per 264.310	265.1202(b)	4711.B	EQ			✓

PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPARTS I - L (Reserved)

SUBPART M - MILITARY MUNITIONS

APPLICABILITY

subpart identifies when military munitions become a solid waste, and if they are hazardous	266.200(a)	5301.A ✓	EQ			
all requirements of 40 CFR 260 through 270 apply unless otherwise specified	266.200(b)	5301.B ✓	EQ			

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
DEFINITIONS						
definitions are in addition to 260.10 defintions	266.201 intro	109	EQ			
"active range"	266.20	109.Active Range	EQ			
"chemical agents and munitions"	266.201	109.Chemical Agents and Munitions	EQ			
"director"	266.201	109.Administrative Authority	EQ			
"explosives or munitions emergency response specialist"	266.201	109.Explosives or Munitions Emergency Response Specialist	EQ			
"explosives or munitions emergency"	266.201	109.Explosives or Munitions Emergency	EQ			
"explosives or munitions emergency response"	266.201	109.Explosives or Munitions Emergency Response	EQ			
"inactive range"	266.201	109.Inactive Range	EQ			
"military"	266.201	109.Military	EQ			
"military munitions"	266.201	109.Military Munitions	EQ			
"military range"	266.201	109.Military Range	EQ			
"unexploded ordnance (UXO)"	266.201	109.Unexploded Ordnance (UXO)	EQ			
DEFINITION OF SOLID WASTE						
military munition is not a solid waste under listed circumstances	266.202(a)	5303.A	EQ			
	266.202(a)(1)	5303.A.1	EQ			
	266.202(a)(1)(i)	5303.A.1.a	EQ			
	266.202(a)(1)(ii)	5303.A.1.b	EQ			
	266.202(a)(1)(iii)	5303.A.1.c	EQ			
	266.202(a)(2)	5303.A.2	EQ			

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
unused military munition is a solid waste under listed circumstances	266.202(b)	5303.B	EQ			
	266.202(b)(1)	5303.B.1	EQ			
	266.202(b)(2)	5303.B.2	EQ			
	266.202(b)(3)	5303.B.3	EQ			
	266.202(b)(4)	5303.B.4	EQ			
used or fired military munition is solid waste under listed circumstances	266.202(c)	5303.C	EQ			
	266.202(c)(1)	5303.C.1	EQ			
	266.202(c)(2)	5303.C.2	EQ			
military munition is solid waste when it lands off-range and is not promptly taken care of; imminent and substantial threats must be addressed; action if remedial action is infeasible	266.202(d)	5303.D	EQ			

† STANDARDS APPLICABLE TO THE TRANSPORTATION OF SOLID WASTE MILITARY MUNITIONS

criteria for regulation of waste non-chemical military munitions in transportation	266.203(a)	5305.A	EQ			
military munitions that are being transported and exhibit hazardous waste characteristic or are listed in Part 261 are hazardous unless all listed conditions are met	266.203(a)(1)	5305.A.1	EQ			
	266.203(a)(1)(i)	5305.A.1.a	EQ			
	266.203(a)(1)(ii)	5305.A.1.b	EQ			
	266.203(a)(1)(iii)	5305.A.1.c	EQ			
receiving facility has 5 days to report to Director shipments not received within 45 days of shipment	266.203(a)(2)	5305.A.2	EQ			
266.203(a)(1) exemption only applies to transportation; does not affect storage, treatment or disposal	266.203(a)(3)	5305.A.3	EQ			

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
266.203(a)(1) exemption applies so long as all listed 266.203(a)(1) conditions are met	266.203(a)(4)	5305.A.4	EQ			
if 266.203(a)(1) exemption lost, can apply to Director for reinstatement as soon as munitions returned to 266.203(a)(1) compliance; if Director finds appropriate, may reinstate; if no action in 60 days, reinstatement deemed granted; termination of conditional exemption; Director may specify additional conditions	266.203(b)	5305.B	EQ			
what DOD shipping controls are applicable; amendments to DOD controls are effective on date published in <u>FR</u>	266.203(c)	5305.C	EQ			
STANDARDS APPLICABLE TO EMERGENCY RESPONSES						
explosives and military munitions emergencies are subject to listed citations	266.204	5307	EQ			
† STANDARDS APPLICABLE TO THE STORAGE OF SOLID WASTE MILITARY MUNITIONS						
criteria for regulation of storage	266.205(a)	5309	EQ			
waste military munitions in storage that exhibit hazardous waste characteristic or listed in Part 261 are hazardous waste unless listed conditions met	266.205(a)(1)	5309.A.1	EQ			
	266.205(a)(1)(i)	5309.A.1.a	EQ			
	266.205(a)(1)(ii)	5309.A.1.b	EQ			
	266.205(a)(1)(iii)	5309.A.1.c	EQ			
	266.205(a)(1)(iv)	5309.A.1.d	EQ			
	266.205(a)(1)(v)	5309.A.1.e	EQ			
	266.205(a)(1)(vi)	5309.A.1.f	EQ			
266.205(a)(1)(vii)	5309.A.1.g	EQ				

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
266.205(a)(1) exemption only applies to storage; does not affect transportation, treatment or disposal	266.205(a)(2)	5309.A.2	EQ			
266.205(a)(1) exemption applies so long as all listed 266.205(a)(1) conditions met	266.205(a)(3)	5309.A.3	EQ			
o/o must notify Director when 266.205(a)(1)(iv) storage is no longer used	266.205(b)	5309.B	EQ			
what DOD shipping controls are applicable; amendments to DOD controls are effective on date published in FR	266.205(c)	5309.C	EQ			
waste chemical munitions	266.205(d)	5309.D	EQ			
chemical agents or chemical military munitions that exhibit hazardous characteristic or listed in Part 261 are hazardous and subject to RCRA Subtitle C	266.205(d)(1)	5309.D.1	EQ			
hazardous waste chemical agents or chemical munitions not subject to 268.50	266.205(d)(2)	5309.D.2	EQ			
DDESB storage standards which are applicable; any amendments are effective on date published in FR	266.205(e)	5309.E	EQ			
STANDARDS APPLICABLE TO THE TREATMENT AND DISPOSAL OF WASTE MILITARY MUNITIONS						
treatment and disposal of hazardous waste military munitions subject to Parts 260 through 270	266.206	5311	EQ			

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

SUBPART A - GENERAL INFORMATION

PURPOSE AND SCOPE OF THESE REGULATIONS

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add paragraph; immediate threat to human health, public safety, property, or environment from military munitions or other explosive material/device	270.1(c)(3)(i)(D)	305.C.13.d ✓	EQ			
emergency response recordkeeping requirement for military unit	270.1(c)(3)(iii)	305.C.13	EQ			

305.C.15 OK on in FR notice

RCRA REVISION CHECKLIST 156: Military Munitions Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

redesignate (h) as (i) and add new paragraph at (h); if listed conditions met, permittee may accept military munitions even when permit conditions bar acceptance of off-site wastes	270.42(h)	321.C.8		EQ			
	270.42(h)(1)	321.C.8.a		EQ			
	270.42(h)(2)	321.C.8.b		EQ			
	270.42(h)(3)	321.C.8.c		EQ			
redesignated text at (h) as (i)	270.42(i)	321.C.9		EQ			

RCRA REVISION CHECKLIST 157

- 9/20/98

Land Disposal Restrictions Phase IV--
 Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining,
 Exemptions From RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste
 Provisions

62 FR 25998-26040

May 12, 1997

(RCRA Cluster VII, HSWA provisions)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 261 -- IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART A -- GENERAL						
† PURPOSE AND SCOPE						
add new paragraph; definition "Excluded scrap metal"	261.1(c)(9)	109.Excluded Scrap Metal	EQ			
add new paragraph; definition "Processed scrap metal"	261.1(c)(10)	109.Processed Scrap Metal	EQ			
add new paragraph; definition "Home scrap metal"	261.1(c)(11)	109.Home Scrap Metal	EQ			
add new paragraph; definition "Prompt scrap metal"	261.1(c)(12)	109.Prompt Scrap Metal	EQ			
† DEFINITION OF SOLID WASTE						
revise table 1; add after entry for scrap metal "other than excluded scrap metal (see 261.1(c)(9))" also add "and 'processed scrap metal'" after "scrap metal" in Note.	261.2(c)/Table 1	109.Table 1	EQ			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER SCOPE
† EXCLUSIONS						
add paragraph; excluded scrap metal being recycled	261.4(a)(13)	105.D.1.m	EQ			
add paragraph; shredded circuit boards being recycled provided that they are:	261.4(a)(14)	105.D.1.n	EQ			
add paragraph; stored in containers sufficient to prevent release, and	261.4(a)(14)(i)	105.D.1.n.i	EQ			
add paragraph; free of mercury switches, mercury relays and nickel cadmium batteries and lithium batteries	261.4(a)(14)(ii)	105.D.1.n.ii	EQ			
† REQUIREMENTS FOR RECYCLABLE MATERIALS						
scrap metal; add "that is not excluded under 261.4(a)(13)"	261.6(a)(3)(ii)	4105.B.4	EQ			
PART 268 -- LAND DISPOSAL RESTRICTIONS						
SUBPART A -- GENERAL						
PURPOSE, SCOPE AND APPLICABILITY						
no change	268.1(e)intro - (e)(3)	2201.I.-I.2 ✓	EQ			
revise paragraph; <i>de minimis</i> losses of characteristic wastes to wastewaters are not considered prohibited wastes and definition of " <i>de minimis</i> losses"	268.1(e)(4)	2201.I.3 ✓	EQ			
TREATMENT SURFACE IMPOUNDMENT EXEMPTION						

¹ The state has no equivalent citation to the federal citation 268.1(e)(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.

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
completely revise subparagraph; sampling and testing and recordkeeping provisions of 264.13 and 265.13 of this chapter apply	268.4(a)(2)(iv)	2237.A.2.d	EQ			
remove "and submits a copy of the waste analysis plan under §268.4(a)(2)"	268.4(a)(4)	² 2237.A.4	EQ			

1 TESTING, TRACKING, AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND D

redesignate old 268.7(a) as 268.7(a)(1); requirements for generators	268.7(a)intro	2245.A	EQ			
old 268.7(a) is new 268.7(a)(1); completely revise paragraph; generator of hazardous waste must determine if it has to be treated before it can be land disposed; this is done by determining if the waste meets treatment standards in 268.40 or 268.45; determination can be made in two ways: test the waste; or use knowledge of the waste; for testing, method 1311 is used and land treatment methods of 268.40 and 268.42 may apply; if characteristic waste, generators must comply with 268.9	268.7(a)(1)	2245.A	EQ			
REMOVED	268.7(a)(1)(i)-(v)	2245.B.1-6	EQ			

²Louisiana specify that the owner or operator *must* submit to the administrative authority a written certification.

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
revise paragraph; if waste does not meet treatment standard, one-time notice with initial shipment of waste to each treatment or storage facility receiving waste; the generator must place a copy in the file; notice must include information in 268.7(a)(2) column of 268.7(a)(4) table; no further notice is necessary unless waste or facility change	268.7(a)(2)	2245.B	EQ			
REMOVED	268.7(a)(2)(i)(A)-(D)	2245.C.1.a-d	EQ			
REMOVED	268.7(a)(2)(ii)	2245.C.2	EQ			
completely revise subparagraph; if waste meets treatment standard at original point of generation	268.7(a)(3)	2245.C	EQ			
completely revise subparagraph; with initial shipment of waste, generator must send one-time written notice to each treatment/storage/ disposal facility receiving waste, and place a copy in the file; notice must include information in the 268.7(a)(3) column of 268.7(a)(4) table; certification statement	268.7(a)(3)(i)	2245.C.1.a	EQ			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
completely revise subparagraph; if waste changes, generator must send new notice and certification to receiving facility and place a copy in their files; generators of hazardous debris excluded from definition of hazardous waste under 261.3(f) are not subject to these requirements	268.7(a)(3)(ii)	2245.C.1.b	EQ			
REMOVED	268.7(a)(3)(iii)-(vii)	2245.D.3-7	EQ			
insert new 268.7(a)(4) and redesignate old 268.7(a)(4) as 268.7(a)(5); completely revise subparagraph; certain exemptions from the requirement that hazardous wastes meet treatment standards before land disposed include but are not limited to case-by-case extensions under 268.5, disposal in a no-migration unit under 268.6 or national capacity variance or case by case capacity variance under subpart C; with initial shipment, generator must send one-time written notice to each land disposal facility for exempted waste; notice must include information in 268.7(a)(4) column of 268.7(a)(4) table; changed waste requires further notice	268.7(a)(4)	2245.D	EQ			
add table	268.7(a)(4)/table	2245.D.Generator Paperwork Requirements Table	EQ			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
old 268.7(a)(4) is new 268.7(a)(5); add "and treating" after "managing"; remove ", and is treating such waste in such tank, containers or containment buildings"; add "LDR" before "treatment standards"; replace "under subpart D of this part" with "found at 268.40"; replace "the generator" with "they" after "describes the procedures"	268.7(a)(5)	2245.E	EQ			
redesignate old 268.7(a)(4)(i) as 268.7(a)(5)(i); replace "Part" with "part"	268.7(a)(5)(i)	2245.E.1	EQ			
redesignate 268.7(a)(4)(ii) as 268.7(a)(5)(ii); completely revise subparagraph; plan must be kept on-site and made available to inspectors	268.7(a)(5)(ii)	2245.E.2	EQ			
redesignate old 268.7(a)(4)(iii) as 268.7(a)(5)(iii); replace "268.7(a)(2)" with "268.7(a)(3)"	268.7(a)(5)(iii)	2245.E.3	EQ			
redesignate old 268.7(a)(5) as 268.7(a)(6); replace "whether the" with "that the"; replace "described in Appendix I of this part" with wording referencing method 1311, SW-846 and 260.11	268.7(a)(6)	2245.F	EQ			
redesignate old 268.7(a)(6) as 268.7(a)(7); insert parenthetic phrase addressing characteristic waste subject to CWA	268.7(a)(7)	2245.G	EQ			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate old 268.7(a)(7) as 268.7(a)(8); replace the two occurrences of "five years" with "three years"	268.7(a)(8)	2245.H	EQ			
†★,2 redesignate old 268.7(a)(8) as 268.7(a)(9); completely revise subparagraph and place certification in new 268.7(a)(9)(i); if generator is managing lab packs containing hazardous waste and wishes to use alternative treatment method in 268.42(c):	268.7(a)(9)	2245.I	EQ			
†★,2 add new subparagraph; with initial shipment of waste, generator must submit notice with information in the 268.7(a)(9) column of the 268.7(a)(4) table; certification must be placed in files; replace old certification with new certification	268.7(a)(9)(i)	2245.I.1	EQ			
†★,2 add new subparagraph; no further notification is necessary until wastes or receiving facility change in which case new notice and certification must be sent and copy placed in files	268.7(a)(9)(ii)	2245.I.2	EQ			
†★,2 add new subparagraph; if lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents need not be determined	268.7(a)(9)(iii)	2245.I.3	EQ			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†*,2 add new subparagraph; generator must also comply with requirements in 268.7(a)(6) and (a)(7)	268.7(a)(9)(iv)	2245.I.3	EQ			
no change	268.7(a)(10)	³ Chapter 39			MS	
insert "40 CFR" before "264.13" and "265.13"; insert "(for permitted TSDs)" after "264.13"; insert "(for interim status facilities)" after "265.13"	268.7(b)	2247.A	EQ			
revise subparagraph; for wastes with treatment standards expressed as concentrations in waste extract, owner or operator must test extract of treatment residues using test method 1311 to assure that treatment residues extract meet applicable treatment standards	268.7(b)(1)	2247.A.1	EQ			
remove old 268.7(b)(2); redesignate old 268.7(b)(3) as 268.7(b)(2); remove "(268.43)"; replace "the treatment residues" with "they" after "to assure"	268.7(b)(2)	2247.A.2	EQ			
redesignate old 268.7(b)(4) as 268.7(b)(3); completely revise paragraph; one- time notice must be sent with initial shipment of waste to land disposal facility; copy of notice must be placed in facility's file	268.7(b)(3)intro	2247.B	EQ			

³There is no equivalent and in this case the state does not offer the relief to SQG and thus the state is more stringent.

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate old 268.7(b)(4)(i) as 268.7(b)(3)(i); completely revise subparagraph; no further notification is necessary until waste or receiving facility change in which case new notice must be sent and copy placed in facility's file	268.7(b)(3)(i)	2247.B.1	EQ			
redesignate old 268.7(b)(4)(ii) as 268.7(b)(3)(ii); completely revise subparagraph; the one-time notice must include these requirements; remove old 268.7(b)(4)(iii) and (iv)	268.7(b)(3)(ii)	2247.B.2	EQ			
add table	268.7(b)(3)(ii)/table	2247.B.2.a-e	EQ			
redesignate old 268.7(b)(5) as 268.7(b)(4); completely revise subparagraph; treatment facility must submit a one-time certification signed by an authorized representative with initial shipment of waste or treatment residue of restricted waste to land disposal facility; certification	268.7(b)(4)	2247.C	EQ			
redesignate old 268.7(b)(5)(i) as 268.7(b)(4)(i); completely revise subparagraph; copy of the certification must be placed in treatment facility's on-site files; if waste or treatment residue changes, new notice must be sent and copy placed in files	268.7(b)(4)(i)	2247.C.1	EQ			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate old 268.7(b)(5)(ii) as 268.7(b)(4)(ii); completely revise subparagraph; debris excluded from definition of hazardous waste in 261.3(e) is subject to notification and certification requirements of 268.7(d)	268.7(b)(4)(ii)	2247.C.2	EQ			
redesignate old 268.7(b)(5)(iii) as 268.7(b)(4)(iii); completely revise subparagraph; for wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with treatment standards is based in whole or in part on analytical detection limit alternative specified in 268.40(d), certification, signed by authorized representative; certification statement	268.7(b)(4)(iii)	2247.C.3	EQ			
redesignate old 268.7(b)(5)(iv)-(v) as 268.7(b)(4)(iv)-(v); no change to wording	268.7(b)(4)(iv)-(v)	Federal citation was not located	EQ			
redesignate old 268.7(b)(6) as 268.7(b)(5); compliance with generator notice and certification requirements if waste sent offsite	268.7(b)(5)	2247.D	EQ			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate old 268.7(b)(7) as 268.7(b)(6); notification for recyclable materials used in a manner constituting disposal and subject to 266.20(b); with each shipment 268.7(b)(5) certification and 268.7(b)(4) notice to Regional Administrator; records of recipients of waste-derived products	268.7(b)(6)	2247.E	EQ			
delete ", and the certification specified in 268.8 if applicable."	268.7(c)(1)	2247.F.1	EQ			
replace "method described in Appendix I of this part or using any method required by generators under 268.32 of this part" with the wording referencing method 1311 SW-846 and 260.11	268.7(c)(2)	2247.F.2	EQ			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC						
revise paragraph; initial generator of solid waste must determine each EPA Hazardous Waste Number in order to determine treatment standards under subpart D; for 268, waste will carry the waste code for any applicable listed waste; where waste exhibits characteristic, it will carry one or more of the characteristic waste codes, except when treatment standard operates in lieu of treatment standard for characteristic waste, as specified 268.9(b); if generator determines that waste displays hazardous characteristic, generator must determine defined hazardous constituent except for certain D001 wastes	268.9(a)	2246.A	EQ			
replace "Hazardous Waste Number(s)" with "hazardous waste code(s)"; replace "in D001 and D002 wastes prohibited under §268.37 or D0012-D0043 wastes under §268.38" with a phrase and sentence renaming listing requirement if all underlying hazardous constituents will be treated and monitored	268.9(d)(1)(ii)	2246.D.1.b	EQ			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
SUBPART C -- PROHIBITIONS ON LAND DISPOSAL						
WASTE SPECIFIC PROHIBITIONS -- WOOD PRESERVING WASTES						
completely revise paragraph; effective August 11, 1997, the following wastes are prohibited from land disposal: F032, F034, F035	268.30(a)	2209.A	EQ			
REMOVED	268.30(a)(1)-(4)	2209.A.1-3	EQ			
completely revise paragraph; effective May 12, 1999, soil and debris contaminated with F032, F034, F035 and radioactive wastes mixed with F032, F034, F035 are prohibited from land disposal	268.30(b)	2209.B	EQ			
completely revise paragraph; between May 12, 1997 and May 12, 1999, soil and debris contaminated with F032, F034, F035 and radioactive waste mixed with F032, F034, F035 may be disposed in a landfill or surface impoundment only if 268.5(h)(2) requirements are met	268.30(c)	2209.C	EQ			
completely revise paragraph; requirements of 268.30 (a) and (b) do not apply if:	268.30(d)	2209.D	EQ			
insert "applicable treatment" before "standards"; replace "of Subpart D" with "specified in Subpart D"; remove "or" at end of paragraph	268.30(d)(1)	2209.D.3	EQ			
remove "or" at end of paragraph	268.30(d)(2)	2209.D.1	EQ			

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
redesignate old 268.30(d)(3) as new 268.30(d)(4); add new 268.30(d)(3); the wastes meet the applicable alternate treatment standards established pursuant to a petition granted under 268.44	268.30(d)(3)	2209.D.2	EQ			
old 268.30(d)(3) is new 268.30(d)(4); persons have been granted an extension to effective date of prohibition pursuant to 268.5 with respect to wastes covered by extension	268.30(d)(4)	2209.D.4	EQ			
add new paragraph; to determine whether a hazardous waste identified in 268.40 exceeds applicable treatment standards, initial generator must test a sample of waste extract or entire waste; if waste contains constituents in excess of applicable treatment levels of 268.48, waste is prohibited from land disposal and all requirements of 268 are applicable unless otherwise specified	268.30(e)	2209.E	EQ			
REMOVED AND RESERVED	268.32 - 268.36	2213-2219	EQ			

SUBPART D-- TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

add entries for F032, F034 and F035; revise entries for D001 and F024 as per 62 FR 26023-26025	268.40/ Table of Treatment Standards for Hazardous Wastes	Chapter 22. Table 2	EQ			
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TREATMENT STANDARDS EXPRESSED AS SPECIFIC TECHNOLOGIES

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add entry for "POLYM" as per 62 FR 26025	268.42/ Table 1	Chapter 22. Table 3	EQ			

VARIANCE FROM A TREATMENT STANDARD

3 revise paragraph; the following facilities are excluded from the treatment standards under 268.40 and are subject to the following constituent concentrations:	268.44(o)	2231.L	EQ			
revise title of table to read "Table--Wastes Excluded from the Treatment Standards Under §268.40"	268.44(o)/ Table 1	Chapter 22. Table 10	EQ			

APPENDIX I, II, III and X TO PART 268

REMOVED AND RESERVED	268 Appendices I, II, III and X	Chapter 22. Table 5, 11	EQ			
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APPENDIX VI TO PART 268

RECOMMENDED TECHNOLOGIES TO ACHIEVE DEACTIVATION OF CHARACTERISTICS IN SECTION 2

revise introduction to appendix; treatment standard for many characteristic wastes is stated in 268.40; characteristic wastes that are not managed in a facility must be treated not only by "deactivating" but also to achieve UTS for underlying constituents; the appendix presents a partial list that may help meet treatment standards; use of these treatment standards is not mandatory	268 Appendix VI	⁴ N/A	EQ			
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⁴There is no state equivalent. These tables are optional and merely suggest additional technology available, while the state chooses to continue using the standard technology. Additionally, Appendix VIII have listed effective dates that do not correspond to the state regulations.

RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

APPENDIX VII TO PART 268

LDR EFFECTIVE DATES OF SURFACE DISPOSED PROHIBITED HAZARDOUS WASTES

revise tables 1 and 2 as shown in 62 FR 26025-26032	268 Appendix VII	⁴ N/A	EQ			
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RCRA REVISION CHECKLIST 157:
Land Disposal Restrictions Phase IV

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

APPENDIX VIII TO PART 268

4 NATIONAL CAPACITY LDR VARIANCES FOR UIC WASTES

revise table as shown in 62 FR 26037-26039	268 Appendix VIII	⁴ N/A	EQ			
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APPENDIX X TO PART 268

RECORDKEEPING, NOTIFICATION, AND/OR CERTIFICATION REQUIREMENTS

removed and reserved	268 Appendix X	⁴ N/A	EQ			
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† Optional.

†★ Conditionally optional. While the provisions indicated were optional when first added to the CFR, States which have chosen to adopt them must also adopt the subsequent revisions. The revisions, therefore, are considered conditionally optional.

1 This section heading has been revised. The former heading read "Waste analysis and recordkeeping".

2 If a State has chosen to adopt the lab pack option (see Revision Checklist 78), then it must make the revisions specified in this checklist for this provision. If the lab pack option has not been adopted, these revisions are not required. As a reminder, the requirements for the lab pack options are 264.316(f), 265.316(f), 268.7(a)(9), 268.42(c), 268.42(c)(1)-(4), Appendix IV and V to Part 268.

3 Note that 268.44(o) was added to the Federal code by a March 25, 1991 rule at 56 FR 12351. The provision c variance from the treatment standards under 268.43(a) that only affects two facilities located in Chicago, Illinois. The March 25, 1991 rule also added and reserved paragraphs 268.44(m) and (n). Due to the limited applicability of this variance, no revision checklist was necessary for this rule. Revision Checklist 157 made changes to 268.44(o) and is included in this checklist for completeness. However, States would likely not want to include 268.44(m)-(o) in their code, unless the variance is extended to a facility in that particular State.

4 Note that there is an error at 62 FR 26037. The title for Appendix VIII should be listed as "National Capacity Variances for UIC Wastes" but is incorrectly listed in the Federal Register as "LDR Effective Dates of Surface Disposed Prohibited Hazardous Wastes".