

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 169

Petroleum Refining Process Wastes  
 63 FR 42110-42189  
 August 6, 1998  
 (RCRA Cluster IX, HSWA/Non-HSWA provisions)

Note: The revisions to 40 CFR 261.32, Part 261 Appendix VII. 268.35 and 268.40 are promulgated pursuant to HSWA. These regulations become effective on the Federal effective date in all States. The revision to 40 CFR 266.100 is promulgated pursuant to HSWA, but it is optional for adoption. The revisions to 40 CFR Part 261.3, 261.4, and 261.6 are promulgated relative to non-HSWA authority. The non-HSWA revisions related to the exclusions from the definition of solid waste of certain oil-bearing hazardous secondary material from petroleum refining and certain recovered oils from associated petrochemicals are optional. The addition of 40 CFR 261.4(a)(19) is a clarifying change and States are not required to make it because they do not need further authorization to interpret their regulations in accordance with this clarification. Those provisions designated as HSWA are identified by a "◆" (diamond symbol) in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A - GENERAL</b>						
<b>DEFINITION OF HAZARDOUS WASTE</b>						
† insert “, provided that the wastes...separation” after “§ 261.32”; insert “crude oil storage tank sediment ... (EPA Hazardous Waste No. K172)” after “(EPA Hazardous Waste No. K050)”	261.3(a)(2)(iv)(C)	109.Hazardous Waste.2.d.iii	X			
†,1 replace “§ 261.6(a)(3)(iv) through (vi) “with “§ 261.6(a)(3)(iii) and (iv)”	261.3(c)(2)(ii)(B)	109.Hazardous Waste.4.b.ii(b)	X			

RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† add new subparagraph; catalyst inert support media separated from wastes listed in § 261.32 – Spent hydrotreating catalyst and spent hydrorefining catalyst	261.3(c)(2)(ii)(E)	109.Hazardous.Waste.4.e	X			

EXCLUSIONS

†.2 completely revise 261.4(a)(12) as 261.4(a)(12)(i)&(ii); oil-bearing hazardous secondary materials generated at petroleum refinery and inserted into the refining process unless the material is placed on land or speculatively accumulated before recycled; non-characteristic materials inserted into thermal cracking units; oil-bearing hazardous secondary materials inserted into same refinery where generated, or sent directly to another refinery; oil-bearing hazardous secondary materials generated elsewhere in petroleum industry are not excluded; residuals generated from materials excluded under 261.4(a)(12)(i) that would have otherwise met listing under 261 subpart D, are designated as F037 listed wastes when disposed of or intended for disposal	261.4(a)(12)(i)	105.D.1.1.i	X			
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## RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
†,2 recovered oil recycled in same manner and conditions as in 261.4(a)(12)(i); recovered oil is oil reclaimed from secondary materials generated from normal petroleum industry practices; recovered oil does not include oil-bearing hazardous wastes listed in 261 subpart D, however, oil recovered from such wastes may be considered recovered oil; recovered oil does not include used oil as defined in 279.1	261.4(a)(12)(ii)	105.D.1.1.ii	X			
† add new paragraph; petrochemical recovered oil from associated organic chemical manufacturing facility, where oil is inserted into refining process with normal process streams provided:	261.4(a)(18)	105.D.1.r	X			
† oil is hazardous only because it exhibits characteristic of ignitability and/or toxicity for benzene; and	261.4(a)(18)(i)	105.D.1.r.i	X			
† oil generated is not placed on land or speculatively accumulated before recycled; definitions of "associated organic chemical manufacturing facility" and "petrochemical recovered oil"	261.4(a)(18)(ii)	105.D.1.r.ii	X			

RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (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 new paragraph: spent caustic solutions from petroleum refining liquid treating processes used as feedstock to produce cresylic or naphthenic acid unless material is placed on land or accumulated speculatively as defined in 261.1(c)	261.4(a)(19)	105.D.1.s	X			

REQUIREMENTS FOR RECYCLABLE MATERIALS

† at end of paragraph, replace “; and” with a period	261.6(a)(3)(iv)(C)	4105.B.11 ✓	X			
†,2 remove	261.6(a)(3)(v)	4105.B.12 ✓	X			

SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

†,3 revise entry for F037; remove colon after “those generated in”; replace period with a comma after “receiving dry weather flow”; use lower case with “Sludge”; add new sentence to end of description regarding the inclusion of excluded residuals generated from processing or recycling oil-bearing hazardous secondary materials if to be disposed	261.31(a)	4901.B.b Table 1 ✓	X			
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RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 268 – LAND DISPOSAL RESTRICTIONS</b>						
<b>SUBPART C – PROHIBITIONS ON LAND DISPOSAL</b>						
<b>WASTE SPECIFIC PROHIBITIONS-PETROLEUM REFINING WASTES</b>						
◆,4 add new paragraph; effective February 8, 1999, wastes K169-K172, soils and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soils and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	268.35(a)	2218.A /	X			
◆ add new paragraph; requirements of 268.35(a) do not apply if:	268.35(b) intro	2218.B /	X			
◆ wastes meet treatment standards specified in 268 subpart D;	268.35(b)(1)	2218.B.1 /	X			
◆ exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	268.35(b)(2)	2218.B.2 /	X			
◆ wastes meet treatment standards established pursuant to petition granted under 268.44;	268.35(b)(3)	2218.B.3 /	X			
◆ hazardous debris meeting treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.35(b)(4)	2218.B.4 /	X			

RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
◆ extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.35(b)(5)	2218.B.5	X			
◆ add new paragraph; to determine if hazardous wastes identified in 268.35 exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains constituents in excess of UTS levels of 268.48, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	268.35(c)	2218.C	X			

SUBPART D – TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

◆,5 add in alphanumeric order new entries for K169, K170, K171, and K172 as shown at 63 FR 42187	268.40/Table	Chapter 22.Table 2	X			
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<sup>1</sup> The internal reference to "§261.6(a)(3)(iv) through (vi)", as affected by Revision Checklist 135, was incorrect in the July 1, 1997, CFR. The reference should have been "§261.6(a)(3)(iii) through (v)" to correctly correspond to the deletion of subparagraphs in 40 CFR 261.6(a)(3) by Revision Checklists 112, 135, and 142B. Not all of these checklists made the corresponding changes to the internal references at 40 CFR 261.3(c)(2)(ii)(B) or 266.100(b)(3); therefore, the internal reference has remained incorrect in the CFR since July 1, 1993. Revision Checklist 169 subsequently corrects the internal references at both provisions to also reflect the removal of 40 CFR 261.6(a)(3)(v).

<sup>2</sup> The optional revision of the exclusion at 40 CFR 261.4(a)(12)(i)&(ii) replaces the provision at 40 CFR 261.6(a)(3)(v) causing this later provision to be removed; therefore, these changes should be adopted together. States should be aware that adoption of the removal of 40 CFR 261.6(a)(3)(v) without the adoption of the revisions to 40 CFR 261.4(a)(12)(i)&(ii) would make the State potentially broader-in-scope than the Federal requirements. The correction of the internal reference to "261.6(a)(3)(iv) through (vi)" at 40 CFR 261.3(c)(2)(ii)(B) is also optional but should be made if

## RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

the revisions to 40 CFR 261.4(a)(12)(i)&(ii) are adopted. Although the revision of the internal reference at 40 CFR 266.100(b)(3) is made pursuant to HSWA authority, it is also optional since the revision should be made only if the revisions to 40 CFR 261.4(a)(12)(i)&(ii) are adopted.

- 3 This change is conditionally optional. If a State chooses to make the optional changes at 40 CFR 261.4(a)(12), it needs to make this change as well.
- 4 The 1997 40 CFR reprints 40 CFR 268.35 (which was removed by the rule addressed by Revision Checklist 157), and includes a note that the section has been removed effective August 11, 1997 (62 FR 26022, 5/12/97). Since it was promulgated after the effective date of the removal, Revision Checklist 169 adds a new 40 CFR 268.35.
- 5 Note that the August 6, 1998 rule (Revision Checklist 169) republished the appropriate footnotes to the Table of Treatment Standards at 40 CFR 268.40 without change.

RCRA REVISION CHECKLIST 170

Land Disposal Restrictions Phase IV -- Zinc Micronutrient Fertilizers, Amendment  
 63 FR 46332-46334  
 August 31, 1998  
 (RCRA Cluster IX, HSWA)

Note: This August 31, 1998 (63 FR 46332) notice stays the land disposal treatment standards for metal-bearing hazardous wastes which exhibit the characteristic of toxicity as it applies to zinc micronutrient fertilizers. Zinc micronutrient fertilizers are now subject to the applicable treatment standards in 268.41 contained in the July 1, 1990 edition of the CFR. The stay remains in effect until further regulatory action is taken by the Agency. If and when further action is taken, EPA will publish a notice in the Federal Register (a notice of Proposed Rulemaking is expected in 1999). A checklist is necessary because the code is affected. Because the amendment raises the level to which certain constituents must be treated and is, therefore, less stringent than previous standards, States are not required to adopt this checklist. As such, this checklist has been designated as optional.

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

† add new subparagraph; zinc-containing fertilizers produced for general public use and produced from or containing recycled characteristic hazardous wastes (D004-D011) are subject to 268.41 treatment standards in the July 1, 1990 edition of the CFR	268.40(i)	2223.I ✓	X			
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RCRA REVISION CHECKLIST 171

Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards  
for Listed Hazardous Wastes from Carbamate Production

63 FR 47410-47418

September 4, 1998

(RCRA Cluster IX, HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART D - TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS						
replace "August 26, 1997 and August 26, 1998" with "August 26, 1996 and March 4, 1999"	268.40(g)	2223.G ✓	X			
1 add new paragraph; effective September 4, 1998, treatment standards for certain "P" and "U" wastes specified in 261.33 may be satisfied by either meeting constituent concentrations in "Treatment Standards for Hazardous Wastes" table, or by treating the waste by technologies specified	268.40(g) <sup>J</sup>	2223.J ✓	X			
2,3 revise "Treatment Standards for Hazardous Wastes" table and footnotes to table as shown at 63 FR 47416-47417	268.40/Table	Chapter 22. Table 2 ✓	X			

RCRA REVISION CHECKLIST 171: Emergency Revision of LDR Treatment Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>UNIVERSAL TREATMENT STANDARDS</b>						
4 remove entries for the following: A2213; Bendiocarb phenol; Diethylene glycol, dicarbamate; Dimetilan; Formparanate; Isolan; o-Phenylenediamine; and Tirpate; remove footnote "6" in column one, after the following: Aldicarb sulfone; Barban; Bendiocarb; Benomyl; Butylate; Carbaryl; Carbenzadim; Carbofuran; Carbofuran phenol; Carbosulfan; m-Cumenyl methylcarbamate; Dithiocarbamates (total); EPTC; Formetanate hydrochloride; Methiocarb; Methomyl; Metolcarb; Mexacarbate; Molinate; Oxamyl; Pebulate; o-Phenylenediamine; Physostigmine; Physostigmine salicylate; Promecarb; Propham; Propoxur; Prosulfocarb; Thiodicarb; Thiophanate-methyl; Triallate; Triethylamine; and Vernolate; and by removing footnote 6 itself	268.48(a)/Table	Chapter 22, Table 7	✓ X			

<sup>1</sup> Paragraph 268.40(i) was added by 63 FR 46332-46334( August 31, 1998, Revision Checklist 170) and a second paragraph 268.40(i) was added 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171). While the instructions for the 64 FR 25408 rule (May 11, 1999, Revision Checklist 179) indicate that the first paragraph should be redesignated as 268.40(j), the revisions made by this rule to 268.40(i) are made to the language introduced by the first paragraph; therefore, it is assumed that the second paragraph 268.40(i) should be redesignated as 268.40(j), and the first paragraph remain 268.40(i).

<sup>2</sup> Note that on pages 47416-47417 of the September 4, 1998 rule, "mg/l" has been erroneously expressed a "mg/L" throughout the table "Treatment Standards for Hazardous Wastes" and throughout the footnotes

## RCRA REVISION CHECKLIST 171: Emergency Revision of LDR Treatment Standards (cont'd)

this table. Milligrams per liter is correctly abbreviated as "mg/l".

- 3 Footnote 11 to the table "Treatment Standards for Hazardous Wastes" was inadvertently revised to "mg/TCLP". The correct version of footnote 11 is found in the May 26, 1998 FR notice (63 FR 28738).
- 4 This rule, 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171), incorrectly removes footnote from the 268.48(a)/Table. The footnote has been reinserted by Revision Checklist 179 (May 11, 1999, 625408).

RCRA REVISION CHECKLIST 172

Land Disposal Restrictions Phase IV -- Extension of Compliance

Date for Characteristic Slags

63 FR 48124-48127

September 9, 1998

(RCRA Cluster IX, HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART D - TREATMENT STANDARDS						
WASTE SPECIFIC PROHIBITIONS--SECOND THIRD WASTES						
† redesignate old 268.34(b)-(e) as 268.34(c)-(f); add new 268.34(b) setting November 26, 1998 as the effective date when slags from secondary lead smelting which exhibit the Toxicity Characteristic due to one or more metals, are prohibited from land disposal	268.34(b)-(f)	2216.B - F ✓	X			

RCRA REVISION CHECKLIST 173

Land Disposal Restrictions; Treatment Standards for  
Spent Potliners from Primary Aluminum  
Reduction (K088); Final Rule  
63 FR 51254-51267  
September 24, 1998  
(RCRA Cluster VIII, HSWA provisions)

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS-SPENT ALUMINUM POTLINERS; REACTIVE; AND CARBAMATE WASTES

replace "October 8, 1997" with "September 21, 1998"; replace "this waste" with "these wastes"	268.39(c)	2221.F.3 ✓	X			
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SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

in the entry for K088, correct "Acenaphthene" to "Acenaphthalene"; correct "Benz(a)anthracene" to "Benz <sub>o</sub> (a)anthracene"; in nonwastewaters column for Arsenic, replace "5.0 mg/l TCLP" with "26.1 mg/kg"; remove "Fluoride" and its corresponding data	268.40/Table	Chapter 22.Table 2 ✓	X			
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RCRA REVISION CHECKLIST 174

Post-Closure Permit Requirement and Closure Process  
 63 FR 56710-56735  
 October 22, 1998  
 (RCRA Cluster IX, HSWA/non-HSWA provisions)

Notes : 1) States choosing to adopt this optional checklist must demonstrate the enforcement authority added by this to 40 CFR 271.16(e) in order to receive authorization for this checklist.

2) The revisions to 40 CFR 264.90(f), 264.110(c), 264.112(b)(8), 264.112(c)(2)(iv), 264.118(b)(4), 264.118(d)(2)(iv), 264.140(d), 265.90(f), 265.110(d), 265.112(b)(8), 265.112(c)(1)(iv), 265.118(c)(5), 265.118(d)(1)(iii), 265.121(a)(2), 265.140(d) and 271.16(e) are promulgated pursuant to HSWA. Because t provisions are not more stringent, they are immediately effective only in those Sates not authorized for the base RCRA program. The revisions to 40 CFR 264.90(e), 265.110(c), 265.118(c)(4), 265.121 (except for 265.121(a)(2)), 270.1, 270.14(a), and 270.28 are promulgated relative to non-HSWA authority. Those provisions designated as HSWA are identified by a "♦" (diamond symbol) in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>PART 264 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES</b>						
<b>SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS</b>						
<b>APPLICABILITY</b>						
add new paragraph; 264 Subpart F regulations apply to all owners/operators subject to 270.1(c)(7) when either post-closure permit or enforceable document is issued; when an enforceable document is issued, references to "in the permit" mean "in the enforceable document"	264.90(e)	3301.F ✓	X			
♦ add new paragraph; Regional Administrator may replace requirements of 264.91-- 264.100 with alternative regulations for groundwater monitoring & corrective action for releases to groundwater contained in permit (or enforceable document) where Regional Administrator determines:	264.90(f) intro	3301.G ✓	X			

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release and	264.90(f)(1)	3301.G.1 ✓	X			
◆ it is not necessary to apply 264.91 - 264.100 requirements because alternative requirements will protect human health and environment	264.90(f)(2)	3301.G.2 ✓	X			

**SUBPART G - CLOSURE AND POST-CLOSURE**

**APPLICABILITY**

◆ add new paragraph; Regional Administrator may replace part 264 Subpart G requirements with alternative requirements contained in permit or enforceable document where Regional Administrator determines that:	264.110(c)	3501.D ✓	X			
◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release and	264.110(c)(1)	3501.D.1 ✓	X			
◆ it is not necessary to apply part 264 Subpart G requirements because alternative requirements will protect human health and environment and satisfy 264.111(a)&(b) requirements	264.110(c)(2)	3501.D.2 ✓	X			

**CLOSURE PLAN; AMENDMENT OF PLAN**

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
◆, 1 add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d), either alternative requirements or reference to enforceable document containing those requirements	264.112(b)(8)	3511.B.8 ✓	X			
◆ add new paragraph; owner/ operator requests Regional Administrator to apply alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d)	264.112(c)(2)(iv)	3511.C.5 ✓	X			

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)**

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

**POST-CLOSURE PLAN; AMENDMENT OF PLAN**

◆ add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d), either alternative requirements or reference to enforceable document containing those requirements	264.118(b)(4)	3523.B.4 ✓	X			
◆ add new paragraph; owner/operator requests Regional Administrator to apply alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d)	264.118(d)(2)(iv)	3523.D.2.d ✓	X			

**SUBPART H - FINANCIAL REQUIREMENTS**

**APPLICABILITY**

◆ add new paragraph; Regional Administrator may replace part 264 Subpart H requirements with alternative requirements for financial assurance in permit or enforceable document, where Regional Administrator :	264.140(d)	3701.D ✓	X			
◆, 1 prescribes alternative requirements under 264.90(f) and/or 264.110(c); and	264.140(d)(1)	3701.D.1 ✓	X			
◆ determines it is not necessary to apply part 264 Subpart H requirements because alternative requirements will protect human health and environment	264.140(d)(2)	3701.D.2 ✓	X			

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						

**SUBPART F - GROUND-WATER MONITORING**

**APPLICABILITY**

◆ add new paragraph; Regional Administrator may replace part 265 Subpart F requirements with alternative requirements developed for groundwater monitoring contained in approved closure or post-closure plan or enforceable document where Regional Administrator determines:	265.90(f)	4367.E	X			
◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release, and	265.90(f)(1)	4367.E.1	X			
◆ it is not necessary to apply part 265 Subpart F requirements because alternative requirements will protect human health and environment; alternative standards must meet 264.101(a) requirements	265.90(f)(2)	4367.E.2	X			

**SUBPART G - CLOSURE AND POST-CLOSURE**

**APPLICABILITY**

add new paragraph; 265.121 applies to owners/operators of units subject to 270.1(c)(7) and are regulated under enforceable document	265.110(c)	4377.C	X			
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**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
◆ add new paragraph; Regional Administrator may replace part 265 Subpart G requirements with alternative requirements for closure contained in approved closure or post-closure plan or in enforceable document where Regional Administrator determines:	265.110(d)	4377.D	X			
◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release, and	265.110(d)(1)	4377.D.1 ✓	X			
◆ it is not necessary to apply part 265 Subpart G requirements because alternative requirements will protect human health and environment, and will satisfy 265.111(a)&(b)	265.110(d)(2)	4377.D.2 ✓	X			

**CLOSURE PLAN; AMENDMENT OF PLAN**

◆ add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d), either alternative requirements or reference to enforceable document containing those requirements	265.112(b)(8)	4381.B.8 ✓	X			
◆ add new paragraph; owner/operator requests Regional Administrator to apply alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d)	265.112(c)(1)(iv)	4381.C.1.d ✓	X			

**POST-CLOSURE PLAN; AMENDMENT OF PLAN**

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (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 new paragraph; for facilities subject to 265.121, provisions that satisfy 265.121(a)(1)&(3)	265.118(c)(4)	4391.C.4	X			
◆ add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d), either alternative requirements or reference to enforceable document containing those requirements	265.118(c)(5)	4391.C.5	X			
◆ add new paragraph; owner/operator requests Regional Administrator to apply alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d)	265.118(d)(1)(iii)	4391.D.1.c	X			

**POST-CLOSURE REQUIREMENTS FOR FACILITIES THAT OBTAIN ENFORCEABLE DOCUMENTS IN LIEU OF PERMITS**

add new paragraph; owners/operators subject to post-closure permit requirements of 270.1(c), but who obtain enforceable documents in lieu of post-closure permits, must comply with following requirements:	265.121(a)	4396.A	X			
270.28 facility information requirements	265.121(a)(1)	4396.A.1	X			
◆ 264.101 facility-wide corrective action requirements	265.121(a)(2)	4396.A.2	X			
264.91 through 264.100 requirements	265.121(a)(3)	4396.A.3	X			

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new paragraph; in issuing enforceable documents in lieu of permits, Regional Administrator will assure opportunity for public involvement including opportunity for public notice and comment;	265.121(b)(1)	4396.B.1	X			
when EPA becomes involved in facility remediation as regulatory or enforcement matter;	265.121(b)(1)(i)	4396.B.1.a	X			
on proposed preferred remedy and assumptions that remedy is based upon; and	265.121(b)(1)(ii)	4396.B.1.b	X			
at time of proposed decision that remedial action is complete at facility; specified requirements must be met before Regional Administrator may consider requirements of 270.1(c)(7) to be fulfilled, unless facility qualifies for modification under 265.121(b)(2) or (3)	265.121(b)(1)(iii)	4396.B.1.c	X			
if Regional Administrator determines that delay in implementation of remedy would adversely affect human health or environment, Regional Administrator may delay compliance with 265.121(b)(1) and implement remedy immediately; however, Regional Administrator must assure involvement of public at earliest opportunity	265.121(b)(2)	4396.B.2	X			

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Regional Administrator may allow remediation initiated prior to October 22, 1998 to substitute for corrective action even if 265.121(b)(1) requirements have not been met as long as notice and comment takes place at earliest opportunity	265.121(b)(3)	4396.B.3 ✓	X			

**SUBPART H - FINANCIAL REQUIREMENTS**

**APPLICABILITY**

◆ add new paragraph; Regional Administrator may replace part 265 Subpart F requirements with alternative requirements for financial assurance contained in permit or enforceable document where Regional Administrator:	265.140(d)	4397.D ✓	X			
◆ prescribes alternative requirements under 265.90(f) and/or 265.110(d), and	265.140(d)(1)	4397.D.1 ✓	X			
◆ determines it is not necessary to apply 265 Subpart H requirements because alternative will protect human health and environment	265.140(d)(2)	4397.D.2 ✓	X			

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

**SUBPART A - GENERAL INFORMATION**

**PURPOSE AND SCOPE OF THESE REGULATIONS**

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and  
Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
insert "of this chapter" after "265.115"; insert "or decontamination" after "closure by removal"; insert " or obtain an enforceable document in lieu of post-closure permit, as provided under paragraph (c)(7) of this section" after "270.1(c)(5) and (6)"; insert "40 CFR" prior to "part 264"; replace initial capitalizations with lower case letters in "groundwater monitoring, ... post-closure care requirements"	270.1(c) intro	305.A ✓	X			
add new paragraph; enforceable documents for post-closure care; at Regional Administrator's discretion, owner/operator may obtain enforceable document imposing 265.121 requirements in lieu of post-closure permit; definition of enforceable document	270.1(c)(7)	305.H ✓	X			

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (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 B - PERMIT APPLICATION**

**CONTENTS OF PART B: GENERAL REQUIREMENTS**

add new sentence to end of existing paragraph; for post-closure permits, only 270.28 information is required in Part B application	270.14(a)	519 ✓	X			
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**PART B INFORMATION REQUIREMENTS FOR POST-CLOSURE PERMITS**

add new section; for post-closure permits, owner/operator required to only submit information specified in 270.14(b)(1), (4)-(6), (11), (13), (14), (16), (18), and (19), (c), and (d) unless Regional Administrator determines that 270.14, 270.16 - 270.18, 270.20, or 270.21 information is necessary; owner/operator required to submit same information when alternative authority is used in lieu of post-closure permit	270.28	528 ✓	X			
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<sup>1</sup> The October 22, 1998 rule (63 FR 56710) contains a typographical error. The internal reference to "264.110(d)" should be "264.110(c)".

## RCRA REVISION CHECKLIST 175

HWIR-Media

63 FR 65874-65947

November 30, 1998

(RCRA Cluster IX, HSWA/non-HSWA provisions)

Notes : 1) While not included in this revision checklist, this rule adds new requirements to Part 271. Specifically, it adds the procedures for a State to receive authorization for rules listed as acceptable for abbreviated application requirements.

2) The revisions to 40 CFR 260.10, 264.1(j) intro, 264.101(d), 264.552(a), 264.553(a), 264.554, 265.1(b), 268.2(c), 268.50(g), 270.2, 270.42 Appendix I, and 270.230(e)(1) were promulgated pursuant to HSWA. Because these provisions are not more stringent, they are immediately effective only in those States not authorized for the base RCRA program. The revisions to 40 CFR 261.4(g), 264.1(j)(1)-(13), 264.73(b)(17), 270.11(d), 270.68, 270.73(a), and Part 270 Subpart H (except 270.230(e)(1)) were promulgated relative to non-HSWA authority. The 264.1(j) introductory paragraph is a non-HSWA provision to the extent that it addresses the requirements that remediation waste management units can meet in lieu of 40 CFR Part 264, Subparts B, C and D. Those provisions designated as HSWA are identified by a "♦" (diamond) in this checklist.

3) Revision Checklist 121 added 40 CFR 264, Subpart S addressing Corrective Action Management Units (CAMUs) and Temporary Units. The rule addressed by that checklist limited the use of CAMUs and Temporary Unit remedies under 40 CFR 264.101 or RCRA §3008(h) (corrective action). The rule addressed by Revision Checklist 175 expands the availability for use of these units to permitted facilities that are not subject to 40 CFR 264.101. States may be authorized for Revision Checklist 175 without being authorized for Revision Checklist 121 if the authorization, relative to the use of CAMUs and Temporary Units, is limited to permitted facilities that are not subject to 40 CFR 264.101. This limitation needs to be addressed in Section XV (EE) of the Attorney General's Statement. At that entry, the State should also cite its analogs to 40 CFR 260.10 ("disposal facility", "landfill", "miscellaneous unit", and "remediation waste"), 264.552(b)-(h), 264.553(b)-(g), 265.1(b), 268.2(b), 270.2 ("disposal facility"), and 270.42, Appendix I. These other provisions need to be cited by the State and reviewed by the Region to assure that all of the design and operating requirements for CAMUs and Temporary Units are included in the State's regulations and authorized. In the "Remarks of the Attorney General", the State's Attorney General must include a statement that, relative to 40 CFR 264, Subpart S, the State is not seeking authorization for the corrective action uses of CAMUs and Temporary Units. If the State is also not authorized for Revision Checklist 17L (Corrective Action), the State should also limit the use, and in turn the authorization, of staging piles in a similar fashion.

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>						
<b>SUBPART B - DEFINITIONS</b>						
<b>DEFINITIONS</b>						
†, ♦ remove "266, 268, and 270 through"	260.10(intro)	109	X			
†, ♦, 1 replace existing definition of "corrective action management unit or CAMU" with new definition of "corrective action management unit (CAMU)"	260.10 "corrective action management unit (CAMU)"	109.Corrective Action Management Unit (CAMU)	X			
†, ♦ add third definition numbered "(3)", a remediation waste management site is not facility subject to 264.101, but is subject to corrective action if site is located within such facility	260.10 "facility"	109.Facility	X			
†, ♦ replace "40 CFR part 146" with "part 146 of this chapter"; remove "or" prior to "unit eligible"; insert "a" prior to "research"; replace "§ 270.65" with "40 CFR 270.65, or stage 2 pile"	260.10 "miscellaneous unit"	109.Miscellaneous Unit	X			
†, ♦ replace ", which" with "that" after "debris"; replace "which" with "that" prior to "themselves"; remove "waste" after "exhibit a hazardous"; replace ", that" with "and" after "characteristic"; remove "the purpose of" prior to "implementing"; replace "implementing corrective" with "implementing cleanup"; delete remainder of text beginning with "action requirements..."	260.10 "remediation waste"	109.Remediation Waste	X			
†, ♦ add "remediation waste management site"	260.10 "remediation waste management site"	109.Remediation Waste Management Site	X			

RCRA REVISION CHECKLIST 175: HWIR-Media (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 "staging pile"	260.10 "staging pile"	109.Staging Pile	X			

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

† add new paragraph; dredged material subject to permit issued under the Federal Water Pollution Control Act or section 103 of Marine Protection, Research, and Sanctuaries Act of 1972 is not hazardous waste; for 261.4(g), following definitions apply:	261.4(g) intro	105.D.9	X			
† <i>dredged material</i> has the same meaning as defined in 40 CFR 232.2;	261.4(g)(1)	105.D.9.a	X			
†    definition of <i>permit</i>	261.4(g)(2) intro	105.D.9.b	X			
	261.4(g)(2)(i)	105.D.9.b.i	X			
	261.4(g)(2)(ii)	105.D.9.b.ii	X			
	261.4(g)(2)(iii)	105.D.9.b.iii	X			

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

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

†, ♦, 2 add new paragraph; subparts B, C, and D of 264 and 264.101 do not apply to cleanup only remediation waste management sites; owners/operators of remediation waste management sites must:	264.1(j) intro	1501.H ✓	X			
† add new paragraph; obtain an EPA identification number;	264.1(j)(1)	1501.H.1 ✓	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER SCOPE
† add new paragraph; obtain a detailed chemical and physical analysis of the hazardous remediation wastes; minimum requirements of analysis	264.1(j)(2)	1501.H.2	X			
† add new paragraph; prevent people who are unaware of danger from entering, and minimize entry of unauthorized people or livestock onto active portion of remediation waste management site; exceptions	264.1(j)(3) intro	1501.H.3	X			
	264.1(j)(3)(i)	1501.H.3.i	X			
	264.1(j)(3)(ii)	1501.H.3.ii	X			
† add new paragraph; inspect remediation waste management site for problems that may cause or lead to release of hazardous waste; owner/operator must inspect often enough to correct problems before they harm or lead to hazards to human health or environment; where hazard is imminent or already occurred, owner/operator must take immediate remedial action	264.1(j)(4)	1501.H.4	X			
† add new paragraph; provide personnel with training	264.1(j)(5)	1501.H.5	X			
† add new paragraph; prevent ignition or reaction of ignitable, reactive or incompatible waste	264.1(j)(6)	1501.H.6	X			
† add new paragraph; for certain sites design, construct, operate, and maintain unit within 100-year floodplain to prevent washout of hazardous waste	264.1(j)(7)	1501.H.7	X			

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† add new paragraph; not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave;	264.1(j)(8)	1501.H.8	X			
† add new paragraph; develop and maintain construction quality assurance program for certain units	264.1(j)(9)	1501.H.9	X			
† add new paragraph; develop and maintain procedures to prevent accidents and contingency and emergency plans to control accidents; required procedures	264.1(j)(10)	1501.H.10	X			
† add new paragraph; designate at least one employee to coordinate all emergency response measures; emergency coordinator requirements	264.1(j)(11)	1501.H.11	X			
† add new paragraph; develop, maintain and implement plan to meet 264.1(j)(2)-(j)(6) & (j)(9)-(j)(10) requirements	264.1(j)(12)	1501.H.12	X			
† add new paragraph; maintain records documenting compliance with 264.1(j)(1)-(j)(12)	264.1(j)(13)	1501.H.13	X			

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

OPERATING RECORD

† add new paragraph; any records required under 264.1(j)(13)	264.73(b)(17)	1529.B.20	X			
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SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS

CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER SCOPE
†, ♦ add new paragraph; does not apply to remediation waste management sites unless part of a facility subject to permit for treating, storing or disposing of hazardous wastes that are not remediation wastes	264.101(d)	3322.E ✓	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER SCOPE
<b>SUBPART S - CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS</b>						
<b>CORRECTIVE ACTION MANAGEMENT UNITS (CAMU)</b>						
†, ♦ completely revise paragraph; Regional Administrator may designate an area at facility as CAMU for purpose of implementing remedies under 264.101 or RCRA 3008(h) or to implement remedies at a facility that is not subject to 264.101; CAMU must be located within contiguous property under owner/operator control where wastes originated; one or more CAMUs may be designated at facility	264.552(a) intro	2601.A ✓	X			
†, ♦ reprinted, no change	264.552(a)(1)	2601.A.1 ✓	X			
†, ♦ reprinted, no change	264.552(a)(2)	2601.A.2 ✓	X			

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>TEMPORARY UNITS (TU)</b>						
†, ♦ completely revise paragraph; Regional Administrator may designate unit as temporary unit, for temporary tanks and container storage areas used to treat or store hazardous remediation wastes under 264.101 or RCRA 3008(h), or at permitted facility not subject to 264.101; temporary unit must be located within contiguous property under owner/operator control where wastes originated; Regional Administrator may replace Part 264/265 design, operating, or closure standard with alternative requirements which protect human health and environment	264.553(a)	2603.A ✓	X			
<b>†, ♦ STAGING PILES</b>						
add new section; section written in special format to make regulatory requirements easier to understand; establishes enforceable legal requirements; "I" and "you" refer to owner/operator	264.554 intro	2605 ✓	X			
definition of staging pile; location requirements; designated by Director in accordance with 265.554	264.554(a)	2605.A	X			
use of staging pile	264.554(b)	2605.B	X			
staging pile designation, information requirements	264.554(c) intro	2605.C	X			
sufficient and accurate information to enable Director to impose standards and design criteria according to 264.554(d)-(k);	264.554(c)(1)	2605.C.1	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
certification by an independent, qualified, registered professional engineer for technical data, unless Director determines that certification is not necessary to ensure protection of human health and environment; and	264.554(c)(2)	2605.C.2	X			
any additional information Director determines necessary to protect human health and environment	264.554(c)(3)	2605.C.3	X			
staging pile performance criteria	264.554(d) intro	2605.D	X			
standards and design criteria must:	264.554(d)(1) intro	2605.D.1	X			
facilitate a reliable, effective and protective remedy;	264.554(d)(1)(i)	2605.D.1.a	X			
be designed to prevent or minimize releases of hazardous wastes and hazardous constituents, and control cross-media transfer, protect human health and environment; and	264.554(d)(1)(ii)	2605.D.1.b	X			
not operate for more than 2 years, except when Director grants extension under 264.554(i); time limit is measured from the first time remediation waste placed into staging pile; records maintenance requirements	264.554(d)(1)(iii)	2605.D.1.c	X			
in setting standards and design criteria, Director must consider:	264.554(d)(2)	2605.D.2	X			
length of time pile will be in operation	264.554(d)(2)(i)	2605.D.2.a	X			

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
volumes of wastes intended to be stored	264.554(d)(2)(ii)	2605.D.2.b	X			
physical and chemical characteristics of wastes	264.554(d)(2)(iii)	2605.D.2.c	X			
potential for releases	264.554(d)(2)(iv)	2605.D.2.d	X			
hydrogeological and other environmental conditions that may influence migration of potential releases;	264.554(d)(2)(v)	2605.D.2.e	X			
3 potential for human and environmental exposure	264.554(d)(2)(vi)	2605.D.2.f	X			
ignitable or reactive remediation waste must not be placed in staging pile unless:	264.554(e) intro	2605.E	X			
remediation waste has been treated, rendered or mixed so that:	264.554(e)(1)	2605.E.1	X			
remediation waste no longer meets definition of ignitable or reactive under 261.21 or 261.23; and	264.554(e)(1)(i)	2605.E.1.a	X			
waste complies with 264.17(b); or	264.554(e)(1)(ii)	2605.E.1.b	X			
remediation waste is protected from exposure to any material or condition that might cause it to ignite or react	264.554(e)(2)	2605.E.2	X			
“incompatible waste” is defined in 260.10; you must comply with the following:	264.554(f) intro	2605.F	X			
incompatible remediation wastes must not be placed in same staging pile unless you have complied with 264.17(b);	264.554(f)(1)	2605.F.1	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (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 remediation waste in pile is incompatible with waste stored in nearby containers, other piles, open tanks or land disposal units, incompatible materials must be separated or protected from one another by dike, berm, wall or other device; and	264.554(f)(2)	2605.F.2	X			
remediation waste must not be piled on same base where incompatible wastes were previously piled, unless base has been decontaminated to comply with 264.17(b)	264.554(f)(3)	2605.F.3	X			
placement of remediation wastes into staging pile does not constitute land disposal or create a unit subject to RCRA 3004(o)	264.554(g)	2605.G	X			
Director may allow staging pile to operate for up to 2 years after waste is first placed into pile; except as provided in 264.554(i), staging pile may not be used after time designated in permit, closure plan, or order	264.554(h)	2605.H	X			
operating extension for a staging pile	264.554(i) intro	2605.I	X			
Director may grant one operating term extension of up to 180 days beyond specified limit; sufficient and accurate information to enable Director to determine that continued operation of staging pile:	264.554(i)(1)	2605.I.1	X			
will not pose threat to human health and environment; and	264.554(i)(1)(i)	2605.I.1.a	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
is necessary to ensure timely and efficient implementation of remedial actions at facility	264.554(i)(1)(ii)	2605.I.1.b	X			
Director may specify further standards and design criteria to ensure protection of human health and environment	264.554(i)(2)	2605.I.2	X			
closure requirement for staging pile located in previously contaminated area	264.554(j) intro	2605.J	X			
within 180 days of operating term expiration, staging pile must be closed when located in previously contaminated area by removing or decontaminating all:	264.554(j)(1)	2605.J.1	X			
remediation waste;	264.554(j)(1)(i)	2605.J.1.a	X			
contaminated containment system components; and	264.554(j)(1)(ii)	2605.J.1.b	X			
structures and equipment contaminated with waste and leachate	264.554(j)(1)(iii)	2605.J.1.c	X			
contaminated subsoils must also be decontaminated in manner and according to schedule that Director determines will protect human health and environment	264.554(j)(2)	2605.J.2	X			
264.554(j)(1)-(2) requirements must be in permit, closure plan, or order	264.554(j)(3)	2605.J.3	X			
closure requirement for staging pile located in uncontaminated area	264.554(k) intro	2605.K	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
within 180 days of operating term expiration, staging pile must be closed when located in uncontaminated area according to 264.258(a) & 264.111; or 265.258(a) & 265.111	264.554(k)(1)	2605.K.1	X			
264.554(k)(1) requirement must be in permit, closure plan, or order in which the pile was designated	264.554(k)(2)	2605.K.2	X			
modification of existing permit, closure plan, or order to allow use of staging pile	264.554(l) intro	2605.L	X			
to modify permit, other than RAP, to incorporate staging pile or staging pile operating term extension, either:	264.554(l)(1)	2605.L.1	X			
Director must approve modification under procedures in 270.41; or	264.554(l)(1)(i)	2605.L.1.a	X			
Class 2 modification must be requested under 270.42	264.554(l)(1)(ii)	2605.L.1.b	X			
to modify RAP, comply with modification requirements under 270.170 and 270.175	264.554(l)(2)	2605.L.2	X			
to modify closure plan follow applicable requirements under 264.112(c) or 265.112(c)	264.554(l)(3)	2605.L.3	X			
to modify order follow terms of order and applicable provisions of 270.72(a)(5) or (b)(5)	264.554(l)(4)	2605.L.4	X			
Director must document rationale for designating staging pile or staging pile operating term extension and make documentation available to the public	264.554(m)	2605.M	X			

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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

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

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

†, ♦ replace "40 CFR 264.552 and 40 CFR 264.553" with "40 CFR 264.552, 264.553, and 264.554"	265.1(b)	4301.B ✓	X			
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

†, ♦ insert "or staging pile" after "corrective action management unit"	268.2(c)	2203.A.Land Disposal ✓	X			
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RCRA REVISION CHECKLIST 175: HWIR-Media (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 - PROHIBITIONS ON STORAGE

PROHIBITION ON STORAGE OF RESTRICTED WASTES

†, ♦, 4 add new paragraph; prohibition and requirements in 268.50 do not apply to hazardous remediation wastes stored in staging pile approved pursuant to 265.554	268.50(g)	2205.H ✓	X			
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART A - GENERAL INFORMATION

DEFINITIONS

† add "Remedial Action Plan (RAP)"	270.2	109	X			
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SUBPART B - PERMIT APPLICATION

SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS

†, 5,6 redesignate 270.11(d) as 270.11(d)(1); replace "must make" with "shall make"; in certification statement, replace "in accordance with" with "according to"; remove "be" in "to be the best of my knowledge"	270.11(d)(1)	513.A.1	X			
† add new paragraph; for RAPs under 270 subpart H, owner may make the certification at 270.11(d)(2) instead of 270.11(d)(1); certification statement	270.11(d)(2)	513.A.2	X			

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

†, ◆ add entries D.3.g and N.3 as follows:	270.42, Appendix I	322.D.3.g, 322.N.3	X			
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Modifications												Class
*	*	*	*	*	*	*	*	*	*	*	*	*
D. Closure												
*	*	*	*	*	*	*	*	*	*	*	*	*
3. Addition of the following new units to be used temporarily for closure activities:												
*	*	*	*	*	*	*	*	*	*	*	*	*
g. Staging piles .....											2	
*	*	*	*	*	*	*	*	*	*	*	*	*
N. Corrective Action:												
*	*	*	*	*	*	*	*	*	*	*	*	*
3. Approval of a staging pile or staging pile operating term extension pursuant to § 264.554 .....											2	

SUBPART F - SPECIAL FORMS OF PERMITS

† REMEDIAL ACTION PLANS (RAPs)

7 add new section; RAPs are special forms of permits regulated under 270 subpart H	270.68	540	X			
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SUBPART G - INTERIM STATUS

TERMINATION OF INTERIM STATUS

†, 8 insert “, except an application for a remedial action plan (RAP) under subpart H of this part,” following “application”	270.73(a)	4305.F.1 ✓	X			
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## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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

## SUBPART H - REMEDIAL ACTION PLANS (RAPs)

## † WHY IS THIS SUBPART WRITTEN IN A SPECIAL FORMAT?

add new subpart; subpart is written in special format to make regulatory requirements easier to understand; establishes enforceable legal requirements; "I" and "you" refer to owner/operator	270.79	545	X			
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## † WHAT IS A RAP?

explanation of a RAP; when RAPs may be issued	270.80(a)	550.A	X			
requirements in 270.3-270.66 do not apply to RAPs unless specifically required under 270.80-270.230; 270.2 definitions apply	270.80(b)	550.B	X			
any document meeting 270.80 requirements constitutes a RCRA permit under RCRA 3005(c)	270.80(c)	550.C	X			
a RAP may be:	270.80(d) intro	550.D	X			
a stand-alone document; or	270.80(d)(1)	550.D.1	X			
part of another document	270.80(d)(2)	550.D.2	X			
RAPs do not affect cleanup obligations under Federal or State authorities	270.80(e)	550.E	X			
RAP received at facility operating under interim status does not terminate the interim status	270.80(f)	550.F	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† WHEN DO I NEED A RAP?						
treatment, storage, or disposal of hazardous remediation wastes in manner requiring permit under 270.1, either obtain:	270.85(a) intro	555.A	X			
permit according to 270.3-270.66; or	270.85(a)(1)	555.A.1	X			
RAP according to 270 subpart H	270.85(a)(2)	555.A.2	X			
treatment units that use combustion of hazardous remediation wastes at remediation waste management site are not eligible for RAPs under 270 subpart H	270.85(b)	555.B	X			
RAP can be obtained for managing hazardous remediation waste at permitted facility; the RAP must be approved as permit modification according to 270.41 or 270.42; certain 270.42 requirements do not apply; upon modification, RAP is part of permit; what requirements apply when permit is subsequently modified, revoked and reissued, terminated or when it expires	270.85(c)	555.C	X			
† DOES MY RAP GRANT ME ANY RIGHTS OR RELIEVE ME OF ANY OBLIGATIONS?						
the provisions of 270.4 apply to RAPs	270.90	560	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER SCOPE
† HOW DO I APPLY FOR A RAP?						
to apply for RAP, complete & sign application and submit to Director according to 270 subpart H requirements	270.95	565	X			
† WHO MUST OBTAIN A RAP?						
when facility or remediation waste management site is owned by one person, but treatment, storage or disposal activities are operated by another, operator must obtain a RAP	270.100	570	X			
† WHO MUST SIGN THE APPLICATION AND ANY REQUIRED REPORTS FOR A RAP?						
both owner & operator must sign RAP application according to 270.11(a)-(c); both owner & operator must also make the 270.11(d)(1) certification; owner may choose 270.11(d)(2) certification if operator certifies under 270.11(d)(1)	270.105	575	X			
† WHAT MUST I INCLUDE IN MY APPLICATION FOR A RAP?						
the following must be included in application for RAP:	270.110 intro	580.A	X			
name, address, & EPA identification number of site;	270.110(a)	580.A.1	X			
name, address, & telephone number of owner & operator;	270.110(b)	580.A.2	X			
latitude & longitude of site;	270.110(c)	580.A.3	X			
USGS or county map showing location of site;	270.110(d)	580.A.4	X			
scaled drawing of site showing	270.110(e) intro	580.A.5	X			
site boundaries;	270.110(e)(1)	580.A.5.a	X			
significant physical structures; and	270.110(e)(2)	580.A.5.b	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
boundary where remediation waste is to be treated, stored or disposed;	270.110(e)(3)	580.A.5.c	X			
specification of hazardous remediation waste to be treated, stored or disposed of; include information on:	270.110(f) intro	580.A.6	X			
constituent concentrations & other properties that may affect treatment and/or management;	270.110(f)(1)	580.A.6.a	X			
waste quantity estimate; and	270.110(f)(2)	580.A.6.b	X			
description of processes used to treat, store, or dispose of waste before subjecting to part 268;	270.110(f)(3)	580.A.6.c	X			
enough information to demonstrate compliance with applicable requirements of parts 264, 266, & 268;	270.110(g)	580.A.7	X			
information necessary for Regional Administrator to carry out duties under other laws for traditional permits under 270.14(b)(20);	270.110(h)	580.A.8	X			
any other information the Director decides is necessary to protect human health & environment	270.110(i)	580.A.9	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† WHAT IF I WANT TO KEEP THIS INFORMATION CONFIDENTIAL?						
any or all information submitted to EPA under 270 subpart H can be claimed confidential; to assert claim, stamp "confidential business information" on each page; information claimed as confidential will be subjected to 40 CFR part 2 procedures; without a claim, information may be made available to public without further notice; any requests for name and/or address confidentiality will be denied	270.115	585	X			
† TO WHOM MUST I SUBMIT MY RAP APPLICATION?						
applications for RAP must be submitted to Director	270.120	590	X			
† IF I SUBMIT MY RAP APPLICATION AS PART OF ANOTHER DOCUMENT, WHAT MUST I DO?						
when submitting applications for RAP as part of another document, clearly identify the components constituting your RAP	270.125	595	X			
† WHAT IS THE PROCESS FOR APPROVING OR DENYING MY APPLICATION FOR A RAP?						
Director will make tentative decision on RAP application if all 270.110 information requirements are included & proposed remediation waste management activities meet regulatory standards; Director will prepare draft RAP & provide opportunity for public comment	270.130(a)	600.A	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Director may request additional information or ask that deficiencies be corrected; failure or refusal to provide additional information or to correct deficiencies may be cause for tentative application denial; after tentative denial, Director prepares Notice of Intent (NOI) and provides opportunity for public comment; Director may deny all or part of application	270.130(b)	600.B	X			

## † WHAT MUST THE DIRECTOR INCLUDE IN A DRAFT RAP?

if Director prepares draft RAP, it must include:	270.135 intro	605.A	X			
information required under 270.110(a)-(f);	270.135(a)	605.A.1	X			
terms & conditions:	270.135(b) intro	605.A.2	X			
terms & conditions to ensure compliance with applicable requirements of parts 264, 266, & 268; Director may incorporate applicable requirements of parts 264, 266, & 268 into RAP or establish site-specific conditions as required by parts 264, 266, & 268;	270.135(b)(1)	605.A.2.a	X			
terms & conditions in 270.30;	270.135(b)(2)	605.A.2.b	X			
terms & conditions in 270.170; and	270.135(b)(3)	605.A.2.c	X			
any additional terms or conditions Director determines necessary to protect human health & environment; and	270.135(b)(4)	605.A.2.d	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER SCOPE
if part of another document, Director must clearly identify components that constitute draft RAP	270.135(c)	605..A.3	X			

## † WHAT ELSE MUST THE DIRECTOR PREPARE IN ADDITION TO THE DRAFT RAP OR NOTICE OF INTEN

once the Director has prepared draft RAP or NOI to deny, he must:	270.140 intro	610.A	X			
prepare statement of basis briefly describing derivation of draft RAP conditions & reasons for them, or rationale for NOI to deny;	270.140(a)	610.A.1	X			
compile an administrative record, including:	270.140(b) intro	610.A.2	X			
RAP application & supporting data;	270.140(b)(1)	610.A.2.a	X			
draft RAP or NOI to deny;	270.140(b)(2)	610.A.2.b	X			
statement of basis & all documents cited therein; and	270.140(b)(3)	610.A.2.c	X			
any other documents that support decision; and	270.140(b)(4)	610.A.2.d	X			
make information in administrative record available to public	270.140(c)	610.A.3	X			

## † WHAT ARE THE PROCEDURES FOR PUBLIC COMMENT ON THE DRAFT RAP OR NOTICE OF INTENT T

Director must:	270.145(a) intro	615.A	X			
send notice of intention to approve or deny, and copy of statement of basis;	270.145(a)(1)	615.A.1	X			
publish notice of intention to approve or deny in major local newspaper;	270.145(a)(2)	615.A.2	X			
broadcast intention to approve or deny over local radio station; and	270.145(a)(3)	615.A.3	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
send notice of intention to approve or deny to local government and each State agency having authority over any construction or operations at site	270.145(a)(4)	615.A.4	X			
notice required in 270.145(a) must provide opportunity for public to submit written comment within 45 days	270.145(b)	615.B	X			
notice required in 270.145(a) must include:	270.145(c) intro	615.C	X			
name & address of office processing application;	270.145(c)(1)	615.C.1	X			
name & address of applicant, & if different, site or activity to be regulated;	270.145(c)(2)	615.C.2	X			
brief description of activity to be regulated;	270.145(c)(3)	615.C.3	X			
name, address & telephone number of person with further information;	270.145(c)(4)	615.C.4	X			
brief description of comment procedures & any other public participatory procedures;	270.145(c)(5)	615.C.5	X			
date, time, location & purpose of hearing, if one is scheduled	270.145(c)(6)	615.C.6	X			
statement of procedures to request hearing, if one is not scheduled;	270.145(c)(7)	615.C.7	X			
location of administrative record & public inspection times; and	270.145(c)(8)	615.C.8	X			
any additional information considered necessary by Director	270.145(c)(9)	615.C.9	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Director must hold informal public meeting if written notice of opposition is received; Director may also decide an informal hearing is appropriate; hearing must allow for written or oral comments; hearing at convenient location & notice according to 270.145(a) must be given; include 270.145(c) information in notice and:	270.145(d) intro	615.D	X			
reference date of any previous public notices;	270.145(d)(1)	615.D.1	X			
date, time and place of hearing; and	270.145(d)(2)	615.D.2	X			
brief description of nature & purpose of hearing	270.145(d)(3)	615.D.3	X			

## † HOW WILL THE DIRECTOR MAKE A FINAL DECISION ON MY RAP APPLICATION?

Director must consider & respond to significant comments and revise draft RAP as appropriate	270.150(a)	620.A	X			
if Director determines RAP includes 270.135 requirements, final approval decision will be issued, & notification provided	270.150(b)	620.B	X			
if Director determines RAP does not include 270.135 requirements, final denial decision will be issued, & notification provided	270.150(c)	620.C	X			
if Director decides tentative decision to deny was incorrect, NOI to deny will be withdrawn & preparation of draft RAP will proceed	270.150(d)	620.D	X			

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
when Director issues final decision, 270.155 procedures for appeal must be referenced	270.150(e)	620.E	X			
before issuing final decision, Director must compile administrative record; materials not physically needed in record; final RAP record must include draft RAP information and:	270.150(f)	620.F	X			
all comments received;	270.150(f)(1)	620.F.1	X			
tapes or transcripts of hearings;	270.150(f)(2)	620.F.2	X			
written materials submitted;	270.150(f)(3)	620.F.3	X			
responses to comments;	270.150(f)(4)	620.F.4	X			
new material;	270.150(f)(5)	620.F.5	X			
other supporting documents; and	270.150(f)(6)	620.F.6	X			
copy of final RAP	270.150(f)(7)	620.F.7	X			
Director must make administrative record available for public review	270.150(g)	620.G	X			

† MAY THE DECISION TO APPROVE OR DENY MY RAP APPLICATION BE ADMINISTRATIVELY APPEAL

any commenter or public hearing participant may appeal decision to approve or deny a RAP application under 124.19; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision; notice of RAP application review will be given under 270.145; notice will include:	270.155(a) intro	625.A - B	X			
briefing schedule;	270.155(a)(1)	625.A.- B	X			

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
statement that an amicus brief may be filed; and	270.155(a)(2)	625.A. - B	X			
information specified in 270.145(c), as appropriate	270.155(a)(3)	625.A. - B	X			
this appeal is prerequisite to judicial review	270.155(b)	625.A	X			

† WHEN DOES MY RAP BECOME EFFECTIVE?

RAP becomes effective 30 days after approval unless:	270.160 intro	630.A	X			
Director specifies later date;	270.160(a)	630.A.1	X			
RAP is appealed under 270.155; or	270.160(b)	630.A.2	X			
no change requested in draft RAP, in which case it becomes effective immediately	270.160(c)	630.A.3	X			

† WHEN MAY I BEGIN PHYSICAL CONSTRUCTION OF NEW UNITS PERMITTED UNDER THE RAP?

physical construction of newly permitted units must not begin before final RAP is received	270.165	635	X			
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† AFTER MY RAP IS ISSUED, HOW MAY IT BE MODIFIED, REVOKED AND REISSUED, OR TERMINATED

RAP must specify procedures for modifications, revocations and reissuance, or termination; procedures must provide for public review & comment; if RAP is part of traditional RCRA permit, will be modified according to 270.40-270.42, revoked & reissued according to 270.41 & 270.43, or terminated according to 270.43	270.170	640	X			
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† FOR WHAT REASONS MAY THE DIRECTOR CHOOSE TO MODIFY MY FINAL RAP?

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
final RAP may be modified on Director's initiative for following reasons only; if reasons don't exist, RAP only modified at your request; reasons for modification:	270.175(a) intro	645.A	X			
material & substantial alterations or additions were made;	270.175(a)(1)	645.A.1	X			
new information found that would have justified different conditions at RAP issuance;	270.175(a)(2)	645.A.2	X			
standards or regulations on which RAP was based have changed;	270.175(a)(3)	645.A.3	X			
if RAP includes compliance schedules, Director may find reason to modify	270.175(a)(4)	645.A.4	X			
not in compliance with RAP;	270.175(a)(5)	645.A.5	X			
all relevant facts not disclosed or were misrepresented;	270.175(a)(6)	645.A.6	X			
Director determines authorized activity endangers human health or environment; or	270.175(a)(7)	645.A.7	X			
Director notified of proposed transfer of RAP	270.175(a)(8)	645.A.8	X			
notwithstanding provisions in 270.175, Director may modify RAP permit as necessary to assure compliance with parts 124, 260-266 and 270	270.175(b)	645.B	X			
suitability of facility location will not be reevaluated unless new information indicates threat to human health or environment	270.175(c)	645.C	X			

† FOR WHAT REASONS MAY THE DIRECTOR CHOOSE TO REVOKE AND REISSUE MY FINAL RAP?

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER SCOPE
final RAP may be revoked & reissued on Director's initiative for following reasons only; if reasons don't exist, RAP only revoked & reissued at your request; reasons for revocation and reissuance are same as those for modification in 270.175(a)(5)-(8)	270.180(a)	650.A	X			
suitability of facility location will not be reevaluated unless new information indicates threat to human health or environment	270.180(b)	650.B	X			

† FOR WHAT REASONS MAY THE DIRECTOR CHOOSE TO TERMINATE MY FINAL RAP, OR DENY MY R

final RAP may be terminated or renewal application denied on Director's initiative, for same reasons as in 270.175(a)(5)-(7)	270.185	655	X			
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† MAY THE DECISION TO APPROVE OR DENY A MODIFICATION, REVOCATION AND REISSUANCE, OR ADMINISTRATIVELY APPEALED?

any commenter or public hearing participant may appeal decision to approve RAP modification, revocation & reissuance or termination according to 270.155; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision	270.190(a)	660.A	X			
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RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
any commenter or public hearing participant may appeal decision to deny RAP modification, revocation & reissuance or termination; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision	270.190(b)	660.B	X			
informal appeals process:	270.190(c) intro	660.B	X			
letter sent to Environmental Appeals Board; briefly set forth facts in letter	270.190(c)(1)	660.B	X			
Environmental Appeals Board has 60 days to act	270.190(c)(2)	660.B	X			
appeal considered denied if no action taken within 60 days	270.190(c)(3)	660.B	X			
informal appeal is prerequisite to judicial review	270.190(d)	660.B	X			

† WHEN WILL MY RAP EXPIRE?

RAPs issued for fixed term not to exceed 10 years, although up to 10 year renewals are possible; Director must review RAP for LDR 5 years after issuance or reissuance and assure continued compliance with RCRA 3004 & 3005	270.195	665	X			
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† HOW MAY I RENEW MY RAP IF IT IS EXPIRING?

to renew expiring RAP, follow application & issuance process in 270 subpart H	270.200	670	X			
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† WHAT HAPPENS IF I HAVE APPLIED CORRECTLY FOR A RAP RENEWAL BUT HAVE NOT RECEIVED

## RCRA REVISION CHECKLIST 175: HWIR-Media (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 RAP renewal application has been submitted, but no new RAP has been issued before expiration date, previous RAP conditions continue	270.205	675	X			

## † WHAT RECORDS MUST I MAINTAIN CONCERNING MY RAP?

records are required of:	270.210 intro	680.A	X			
data used to complete applications & supplemental information submitted, for at least 3 years; and	270.210(a)	680.A.1	X			
any operating and/or other records the Director requires	270.210(b)	680.A.2	X			

## † HOW ARE TIME PERIODS IN THE REQUIREMENTS IN THIS SUBPART AND MY RAP COMPUTED?

any time period scheduled to begin on occurrence of act or event begins on day after act or event	270.215(a)	685.A	X			
any time period scheduled to begin before occurrence of act or event is computed so period ends on day before act or event	270.215(b)	685.B	X			
if final day of time period falls on weekend or holiday, extend time period to next working day	270.215(c)	685.C	X			
whenever party must act within prescribed period & is served notice by mail, add 3 days to prescribed period	270.215(d)	La. R.S. 30:2024 (A)			X	

## † HOW MAY I TRANSFER MY RAP TO A NEW OWNER OR OPERATOR?

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER SCOPE
when transferring RAP to new owner/operator, follow requirements for RAP modification; not "significant" modifications for purposes of 270.170; revised RAP application submitted by new owner/operator no later than 90 days before change along with transfer of responsibility date	270.220(a)	690.A	X			
when ownership transfer occurs, old owner/operator must comply with 264 subpart H until new owner/operator demonstrates compliance with 264 subpart H; new owner/operator must demonstrate compliance with 264 subpart H within 6 months; when new owner/operator compliance demonstrated, Director notifies old owner/operator	270.220(b)	690.B	X			
† WHAT MUST THE STATE OR EPA REGION REPORT ABOUT NONCOMPLIANCE WITH RAPs?						
State or EPA Region must report RAP noncompliance according to 270.5	270.225	695	X			
† MAY I PERFORM REMEDIATION WASTE MANAGEMENT ACTIVITIES UNDER A RAP AT A LOCATION REMEDIATION WASTES ORIGINATED?						
remediation waste management RAP may be requested for location removed from area of waste origination if location is more protective	270.230(a)	699.A	X			
if Director determines location removed from area of waste origination is more protective, RAP for alternative location may be approved	270.230(b)	699.B	X			

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER SCOPE
RAP must be requested and approved or denied, according to 270 subpart H requirements	270.230(c)	699.C	X			
RAP for alternative location must also meet following:	270.230(d) intro	699.D	X			
issued to person responsible for cleanup from which remediation wastes originated;	270.230(d)(1)	699.D.1	X			
subject to expanded public participation requirements in 124.31-124.33;	270.230(d)(2)	699.D.2	X			
subject to public notice requirements in 124.10(c);	270.230(d)(3)	699.D.3	X			
site may not be within 61 meters or 200 feet of a fault;	270.230(d)(4)	699.D.4	X			
alternative locations are waste remediation sites and retain following benefits:	270.230(e)	699.E	X			
◆ facility-wide corrective action exclusion under 264.101; and	270.230(e)(1)	699.E.1	X			
application of 264.1(j) in lieu of 264, subparts B, C, & D	270.230(e)(2)	699.E.2	X			

† Optional.

- <sup>1</sup> The "corrective action management unit" definition at §270.2 should have also been revised by the HWI media rule in the same fashion as this definition was revised in §260.10. Thus, the two definitions are inconsistent. A State adopting this rule, should revise its analogs to both definitions.
- <sup>2</sup> Section 264.1(j) intro is a HSWA provision as it applies to facility-wide corrective action at remediation waste management site and a non-HSWA provision to the extent that it addresses the requirements relating to 40 CFR Part 264, Subparts B, C, and D.
- <sup>3</sup> Note that there is a typographical error in this provision; the ending semicolon should be a period.
- <sup>4</sup> There appears to be an omission in 268.50(g). Following "prohibition and requirements in this" should probably be "section" to refer to the 268.50 prohibitions.

## RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

- 5 In redesignating 270.11(d) as 270.11(d)(1), in the November 30, 1998 rule (63 FR 65941), it appears as though the title of paragraph (d), "*Certification*", has been removed. It is assumed that 270.11(d) intro remains in the code but only contains the paragraph's title, "*Certification*".
- 6 There appears to be an omission in 270.11(d)(1). Following "paragraph (a) or (b) of this" the word "section" should be reinserted to refer to 270.11(a) & (b).
- 7 The November 30, 1998 (64 FR 65874) rule adds a new section at 270.68. There is no § 270.67; therefore is assumed to be reserved.
- 8 In revising this provision, EPA has replaced the ending "; or" with a period. This appears to be an error interim status terminates when either 270.73(a) or 270.73(b) occurs. When adopting this
- 8 Rule, States are advised to leave the ending "; or" intact at 270.73(a).

RCRA REVISION CHECKLIST 176

Universal Waste Rule -- Technical Amendments  
 63 FR 71225-71230  
 December 24, 1998  
 (RCRA Cluster IX, non-HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 266 STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						

SUBPART G - SPENT LEAD-ACID BATTERIES BEING RECLAIMED

†,1 APPLICABILITY AND REQUIREMENTS

completely revise; if spent lead-acid batteries are generated, collected, transported, stored, or regenerated for reclamation, they may be exempt from certain requirements; use table shown at 63 FR 71230 to determine applicable requirements; alternatively, the part 273 Universal Waste rule may be used to manage spent lead-acid batteries	266.80(a)	4145.A	X			
add new table; spent lead-acid batteries exemptions	266.80(a)/Table	4145.A.Table	X			

RCRA REVISION CHECKLIST 176: Universal Waste Rule -- Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
completely revise; spent lead-acid batteries that are stored prior to being reclaimed through any means except regeneration, are subject to 266.80(b) requirements; requirements differ slightly depending upon RCRA permit status	266.80(b)	4145.B	X			

RCRA REVISION CHECKLIST 176: Universal Waste Rule -- Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
2  Interim Status Facilities must comply with specified requirements	266.80(b)(1) intro	4145.B.1	X			
	266.80(b)(1)(i)	4145.B.1.a	X			
	266.80(b)(1)(ii)	4145.B.1.b	X			
	266.80(b)(1)(iii)	4145.B.1.c	X			
	266.80(b)(1)(iv)	4145.B.1.d	X			
	266.80(b)(1)(v)	4145.B.1.e	X			
	266.80(b)(1)(vi)	4145.B.1.f	X			
	266.80(b)(1)(vii)	4145.B.1.g	X			
2  Permitted Facilities must comply with specified requirements	266.80(b)(2)	4145.B.2	X			
	266.80(b)(2)(i)	4145.B.2.a	X			
	266.80(b)(2)(ii)	4145.B.2.b	X			
	266.80(b)(2)(iii)	4145.B.2.c	X			
	266.80(b)(2)(iv)	4145.B.2.d	X			
	266.80(b)(2)(v)	4145.B.2.e	X			
	266.80(b)(2)(vi)	4145.B.2.f	X			
	266.80(b)(2)(vii)	4145.B.2.g	X			

PART 273 - STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A - GENERAL

†,1 DEFINITIONS

remove "more than" prior to "5,000"; insert "or more" prior to "total"	273.6 "small quantity handler of universal waste"	3813.Small Quantity Handler of Universal Waste	X			
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## RCRA REVISION CHECKLIST 176: Universal Waste Rule -- Technical Amendments (cont'd)

- 1 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.
- 2 EPA is restoring and reorganizing the management rules for storing spent lead-acid batteries before reclamation that were mistakenly deleted in the final Universal Waste Rule (60 FR 25492).

RCRA REVISION CHECKLIST 177

Organic Air Emission Standards: Clarification and Technical Amendments  
 64 FR 3382  
 January 21, 1999  
 (RCRA Cluster IX, HSWA provisions)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE</b>						
<b>SUBPART B - THE MANIFEST</b>						
<b>ACCUMULATION TIME</b>						
insert "the applicable requirements of" after "complies with"; change "subpart" to "subparts"; insert ", AA, BB, and CC" after "subparts I"	262.34(a)(1)(i)	1109.E.1.a.i ✓	X			
insert "the applicable requirements of" after "complies with"; change "subpart" to "subparts"; insert ", AA, BB, and CC" after "subparts J"; remove comma after "part 265"	262.34(a)(1)(ii)	1109.E.1.a.ii ✓	X			
<b>PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>						
<b>SUBPART AA - AIR EMISSION STANDARDS FOR PROCESS VENTS</b>						
<b>DEFINITIONS</b>						
revise "Equipment"; insert "or other connector" after "flange"	264.1031	1703.Equipment ✓	X			
revise "Open-ended valve or line"; replace "process fluid" with "hazardous waste"	264.1031	1703.Open-ended valve or line ✓	X			
add "sampling connection system" definition in alphabetic order	264.1031	1703.Sampling Connection System	X			

RCRA REVISION CHECKLIST 177: Organic Air Emission Standards:  
Clarification and Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>SUBPART CC - AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS</b>						
<b>APPLICABILITY</b>						
replace "generated" with "placed in the unit"; replace "the result" with "a result"; add comma after "3004(v)"; replace comma with semicolon after "3008(h)" and after "authorities"	264.1080(b)(5)	1747.B.5 ✓	X			
<b>WASTE DETERMINATION PROCEDURES</b>						
add new paragraph; average VO concentration of waste stream shall be determined before first time material in hazardous waste stream is placed in unit exempted under 264.1082(c)(1) from using air emission controls, thereafter concentration shall be determined for each averaging period that hazardous waste is managed in unit; and	264.1083(a)(1)(i)	1753.A.1.a ✓	X			
add new paragraph; perform new determination when changes to generating source are likely to cause concentration to increase to level equal to or greater than limit specified in 264.1082	264.1083(a)(1)(ii)	1753.A.1.b ✓	X			

RCRA REVISION CHECKLIST 177: Organic Air Emission Standards:  
Clarification and Technical Amendments (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 new paragraph; average VO concentration of waste stream shall be determined before first time material in treated waste stream is placed in exempt unit, thereafter update determination information at least once every 12 months; and	264.1083(b)(1)(i)	1753.B.1.a ✓	X			
add new paragraph; perform new determination when process generating or treating waste stream changes are likely to cause concentration to increase such that 264.1082(c)(2) treatment conditions are not achieved	264.1083(b)(1)(ii)	1753.B.1.b ✓	X			

STANDARDS: TANKS

1 replace "in the event...unsafe condition" with "under either of the following conditions as specified in paragraph (h)(3)(i) or (h)(3)(ii) of this section"	264.1084(h)(3)	1755.H.3 ✓	X			
add new paragraph; when opening safety device is required to avoid unsafe condition	264.1084(h)(3)(i)	1755.H.3.a ✓	X			
add new paragraph; when purging of inerts from tank is required and purge stream is routed to closed-vent system and control device designed & operated according to 264.1087	264.1084(h)(3)(ii)	1755.H.3.b ✓	X			

STANDARDS: CONTAINERS

RCRA REVISION CHECKLIST 177: Organic Air Emission Standards:  
Clarification and Technical Amendments (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 new paragraph; transfer of hazardous waste in or out of container using Container Level 3 controls shall be conducted to minimize exposure to atmosphere; examples of acceptable container loading procedures	264.1086(e)(6)	1759.E.6 ✓	X			

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

SUBPART CC - AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS,  
AND CONTAINERS

APPLICABILITY

replace "generated" with "placed in the unit"; replace "the result" with "a result"; removed "RCRA" from after "under the"; insert "RCRA sections" before "3004(u)"; add comma after "3004(v)"; replace comma with semicolon after "3008(h)" and after "authorities"	265.1080(b)(5)	4719(1747.B.5) ✓	X			
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RCRA REVISION CHECKLIST 177: Organic Air Emission Standards:  
Clarification and Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>WASTE DETERMINATION PROCEDURES</b>						
add new paragraph; average VO concentration of waste stream shall be determined before first time material in hazardous waste stream is placed in unit exempted under 265.1083(c)(1) from using air emission controls, thereafter concentration shall be determined for each averaging period hazardous waste is managed in unit; and	265.1084(a)(1)(i)	4727.A.1.a	X			
add new paragraph; perform new determination when changes to generating source are likely to cause concentration to increase to level equal to or greater than limit specified in 265.1083(c)(1)	265.1084(a)(1)(ii)	4727.A.1.b	X			
after first sentence, insert new sentence "All of the samples for a given waste determination shall be collected within a one-hour period."	265.1084(a)(3)(ii)(B)	4727.A.3.b.ii	X			
add new paragraph; sufficient information to document waste quantity and operating conditions represented by samples	265.1084(a)(3)(ii)(D)	4727.A.3.b.iv	X			
revise paragraph; analysis	265.1084(a)(3)(iii)	4727.A.3.c	X			

RCRA REVISION CHECKLIST 177: Organic Air Emission Standards:  
Clarification and Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new paragraph; average VO concentration of waste stream shall be determined before first time material in treated waste stream is placed in exempt unit, thereafter update determination information at least once every 12 months; and	265.1084(b)(1)(i)	4727.B.1.a	X			
add new paragraph; perform new determination when process generating or treating waste stream changes are likely to cause concentration to increase such that treatment conditions are not achieved	265.1084(b)(1)(ii)	4727.B.1.b	X			
after first sentence, insert new sentence "All of the samples for a given waste determination shall be collected within a one-hour period."; remove "source or"; insert "or treating" after "generating"	265.1084(b)(3)(ii)(B)	4727.B.3.b.ii	X			
add new paragraph; sufficient information to document waste quantity and operating conditions represented by the samples	265.1084(b)(3)(ii)(D)	4727.B.3.b.iv	X			
revise paragraph; analysis	265.1084(b)(3)(iii)	4727.B.3.c	X			

RCRA REVISION CHECKLIST 177: Organic Air Emission Standards:  
Clarification and Technical Amendments (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>STANDARDS: TANKS</b>						
1 replace "in the event...unsafe condition" with "under either of the following conditions as specified in paragraph (h)(3)(i) or (h)(3)(ii) of this section"	265.1085(h)(3)	4729 (1755.H.3)	X			
2 add new paragraph; when opening safety device is required to avoid unsafe condition	265.1085(h)(3)(i)	4729 (1755.H.3.a)	X			
add new paragraph; when purging of inerts from tank is required and purge stream is routed to closed-vent system and control device designed & operated according to 265.1088	265.1085(h)(3)(ii)	4729 (1755.H.3.b)	X			
<b>STANDARDS: CONTAINERS</b>						
add new paragraph; transfer of hazardous waste in or out of container using Container Level 3 controls shall be conducted to minimize exposure to atmosphere; examples of acceptable container loading procedures	265.1087(e)(6)	4733 (1759.E.6)	X			

- 1 There is a typographical error in the revised paragraphs: "under either or the following conditions" should be "under either of the following conditions".
- 2 States should be sure to add a new paragraph at 265.1085(h)(3)(i), and not replace 265.1085(i), which currently follows 265.1085(h)(3).

RCRA REVISION CHECKLIST 178

Petroleum Refining Process Wastes -- Leachate Exemption  
 64 FR 6806  
 February 11, 1999  
 (RCRA Cluster IX, HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER SCOPE
<b>PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A - GENERAL</b>						
<b>EXCLUSIONS</b>						
† add new paragraph; leachate or gas condensate from landfills where certain solid wastes previously disposed, provided:	261.4(b)(15) intro	105.D.2.p	X			
† solid wastes disposed meet one or more listing descriptions for K169-K172 if wastes generated after effective date of listing (February 8, 1999);	261.4(b)(15)(i)	105.D.2.p.i	X			
† solid wastes in 261.4(b)(15)(i) were disposed prior to effective date of listing;	261.4(b)(15)(ii)	105.D.2.p.ii	X			
† leachate or gas condensate do not exhibit characteristic of hazardous waste nor are derived from any other listed hazardous waste;	261.4(b)(15)(iii)	105.D.2.p.iii	X			
† discharge of leachate or gas condensate subject to 307(b) or 402 of CWA	261.4(b)(15)(iv)	105.D.2.p.iv	X			

RCRA REVISION CHECKLIST 178: Petroleum Refining Process Wastes  
 -- Leachate Exemption (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† after February 13, 2001, leachate or gas condensate no longer exempt if stored or managed in surface impoundment prior to discharge; exemption if storage is temporary or in response to an emergency	261.4(b)(15)(v)	105.D.2.p.v	X			

## RCRA REVISION CHECKLIST 179

Land Disposal Restrictions Phase IV -- Technical Corrections  
and Clarifications to Treatment Standards

64 FR 25408-25417

May 11, 1999

(RCRA Cluster IX, HSWA/non-HSWA provisions)

Note that the revisions to 262.34(d)(4), 268.2(h), 268.2(k), 268.7(a)(4)/table, 268.7(b)(3)(ii)/Table, 268.7(b)(4)(iv), 268.9(d)(2) intro, 268.9(d)(2)(i), 268.40(i), 268.40(j), 268.40/Table, 268.48(a)/Table, 268.49(c)(3) intro, 268.49(c)(3)(A)&(B) were made pursuant to HSWA. The revisions to 261.2(c)(3), 261.2(c)(4)/Table, 261.2(e)(1)(iii), first paragraph 261.4(a)(16), 261.4(a)(17) introductory paragraph, 261.4(a)(17)(v), and 261.4(b)(7)(iii)&(iii)(A) were made relative to non-HSWA authority. Those provisions designated as HSWA are identified by a "♦" (diamond symbol) in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A - GENERAL</b>						
<b>DEFINITION OF SOLID WASTE</b>						
replace both references to "40 CFR 261.4(a)(15)" to "40 CFR 261.4(a)(17)"	261.2(c)(3)	109.Solid Waste.3.c	X			
in heading of column 3 of Table 1 replace "261.4(a)(15)" with "261.4(a)(17)"	261.2(c)(4)/Table	109.Solid Waste.Table 1	X			
1 reinsert language at beginning of paragraph: "Returned to the original process....no placement on land; in the existing sentence replace reference to "§ 261.4(a)(15)" with "§ 261.4(a)(17)"	261.2(e)(1)(iii)	109.Solid Waste.5.a.iii	X			
<b>EXCLUSIONS</b>						
2,3, redesignate first paragraph †★ 261.4(a)(16) as 261.4(a)(17)	first paragraph 261.4(a)(16)	105.D.1.p	X			
2,†★ insert "or by beneficiation" after "by mineral processing"	261.4(a)(17) intro	105.D.1.p	X			

RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections and Clarifications to Treatment Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
†★ insert "non" before "land-based units"	261.4(a)(17)(v)	105.D.1.p.v	X			
insert "or with normal mineral processing raw materials" after "beneficiation raw materials"	261.4(b)(7)(iii)	105.D.2.h.iii	X			
insert "or normal mineral processing raw materials after "beneficiation raw materials"	261.4(b)(7)(iii)(A)	105.D.2.h.iii.(a)	X			

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART C - PRE-TRANSPORT REQUIREMENTS

ACCUMULATION TIME

◆,†★ replace reference "40 CFR 268.7(a)(4)" with "40 CFR 268.7(a)(5)"	262.34(d)(4)	1109.E.1.e ✓	X			
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

◆,†★ at end of paragraph add "Any deliberate mixing of prohibited hazardous waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in § 268.3."	268.2(h)	2203.A.Hazardous Debris ✓	X			
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RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections  
and Clarifications to Treatment Standards (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 "Natural Resources" before "Conservation Service"; at end of paragraph add "Any deliberate mixing of prohibited hazardous waste with soil that changes its treatment classification (i.e., from waste to contaminated soil) is not allowed under the dilution prohibition in Sec. 268.3."	268.2(k)	2203.A.Soil ✓	X			

TESTING, TRACKING , AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS,  
AND DISPOSAL FACILITIES

◆,†★ in the "Generator Paperwork Requirements Table" revise entry 1. by adding a "✓" in columns 1, 2 and 4; revise entry 3. by adding a "✓" in column 2; and revise entry 8. by adding a "✓" in column 2	268.7(a)(4)/Table	2245.Table ✓	X			
◆ in the "Treatment Facility Paperwork Requirements Table" revise entry 1. by placing a "✓" in the column titled § 268.7(b)	268.7(b)(3)(ii)\Table	2247.B.2.a ✓				

RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections  
and Clarifications to Treatment Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
◆,†★ remove "required" from before "method of treatment"; insert ", or § 268.49, and," after "method of treatment"; remove "are reasonably expected to" before "contain underlying"; insert "if these wastes" before "are treated on-site"; insert "or 268.49" after "40 CFR 268.40"; remove "universal" from before "treatment standards."	268.7(b)(4)(iv)	2247.C.4 ✓	X			
<b>SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC</b>						
◆,†★ replace reference to "§268.7(b)(5)" with "§268.7(b)(4)"	268.9(d)(2) intro	2246.D.2 ✓	X			
◆,†★ replace "but does not treat" with "but does not meet standards applicable to"; replace reference to "§ 268.7(b)(5)(iv)" with "268.7(b)(4)(iv)"	268.9(d)(2)(i)	2246.D.3 ✓	X			
<b>APPLICABILITY OF TREATMENT STANDARDS</b>						
◆,3 revise first 268.40(i); replace "Zinc-containing fertilizers" with "Zinc micronutrient fertilizers"	first 268.40(i)	2223.I ✓	X			
◆,4 redesignate second 268.40(i) as 268.40(j)	second 268.40(i)	2223.J ✓	X			
◆,4 redesignated from second 268.40(i)	268.40(j)	2223.J ✓	X			
◆ revise the entries for K088, K156, K159, P194, U404 and U408, and footnotes 8 and 11 to read as follows:	268.40/Table	Chapter 22.Table 2 ✓	X			

RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections  
and Clarifications to Treatment Standards (cont'd)

## TREATMENT STANDARDS FOR HAZARDOUS WASTES

[Note: NA means not applicable]

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS <sup>2</sup> No.	Concentration in mg/l <sup>3</sup> ; or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/l TCLP"; or Technology Code
K088	Spent potliners from primary aluminum reduction.	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene	205-99-2	0.11	6.8
		Benzo(k)fluoranthene	207-08-9	0.11	6.8
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Fluoranthene	206-44-0	0.068	3.4
		Indeno(1,2,3,-c,d)pyrene	193-39-5	0.0055	3.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Antimony	7440-36-0	1.9	1.15 mg/l TCLP
		Arsenic	7440-38-2	1.4	26.1 mg/l TCLP
		Barium	7440-39-3	1.2	21 mg/l TCLP
		Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Mercury	7439-97-6	0.15	0.025 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Selenium	7782-49-2	0.82	5.7 mg/l TCLP
		Silver	7440-22-4	0.43	0.14 mg/l TCLP
		Cyanide (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanide (Amenable) <sup>7</sup>	57-12-5	0.86	30
		Fluoride	16984-48-8	35	NA
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. <sup>10</sup>	Acetonitrile	75-05-8	5.6	18
		Acetophenone	96-86-2	0.010	9.7
		Aniline	62-53-3	0.81	14
		Benomyl	17804-35-2	0.056	1.4
		Benzene	71-43-2	0.14	10
		Carbaryl	63-25-2	0.006	0.14
		Carbenzadim	10605-21-7	0.056	1.4
		Carbofuran	1563-66-2	0.006	0.14
		Carbosulfan	55285-14-8	0.028	1.4
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0

RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections and Clarifications to Treatment Standards (cont'd)

TREATMENT STANDARDS FOR HAZARDOUS WASTES  
 [Note: NA means not applicable]

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS <sup>2</sup> No.	Concentration in mg/l <sup>3</sup> ; or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/l TCLP"; or Technology Code
		Methomyl	16752-77-5	0.028	0.14
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyridine	110-86-1	0.014	16
		Toluene	108-88-3	0.080	10
		Triethylamine	121-44-8	0.081	1.5
*	*	*	*	*	*
K159	Organics from the treatment of thiocarbamate wastes. <sup>10</sup>	Benzene	71-43-2	0.14	10
		Butylate	2008-41-5	0.042	1.4
		EPTC (Eptam)	759-94-4	0.042	1.4
		Molinate	2212-67-1	0.042	1.4
		Pebulate	1114-71-2	0.042	1.4
		Vernolate	1929-77-7	0.042	1.4
*	*	*	*	*	*
P194	Oxamyl	Oxamyl	23135-22-0	0.056	0.28
*	*	*	*	*	*
U404	Triethylamine	Triethylamine	121-44-8	0.081	1.5
*	*	*	*	*	*
U408	2,4,6-Tribomophenol	2,4,6-Tribomophenol	118-79-6	0.035	7.4
*	*	*	*	*	*

<sup>1</sup> The waste descriptions provided in this table do not replace waste descriptions in 40 CFR 261. Descriptions of Treatment/Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

<sup>2</sup> CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical salts and/or esters, the CAS number is given for the parent compound only.

<sup>3</sup> Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

<sup>4</sup> All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in § 268.42 Table 1--Technology Codes and Descriptions of Technology-Based Standards.

<sup>5</sup> Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration established, in part, based upon incineration in units operated in accordance with the technical requirements of 40 CFR Part 264, Subpart Part 265, Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. facility may comply with these treatment standards according to provisions in § 268.40(d). All concentration standards for nonwastewaters based on analysis of grab samples.

<sup>7</sup> Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

\* These wastes, when rendered nonhazardous and then subsequently managed in CWA, or CWA-equivalent systems are not subject to treatment standards. (See § 268.1(c) (3) and (4)).

RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections  
and Clarifications to Treatment Standards (cont'd)

\* \* \* \* \*

The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in this table or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at §268.42 Table 1 of this Part, for nonwastewaters; biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at § 268.42 Table 1 of this part, for waste

<sup>11</sup> For these wastes, the definition of CMBST is limited to: (1) combustion units operating under 40 CFR 266, (2) combustion units permitted under 40 CFR Part 264, Subpart O, or (3) combustion units operating under 40 CFR 265, Subpart O, which have obtained a determination of equivalent treatment under 268.42(b).

RCRA REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections and Clarifications to Treatment Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>UNIVERSAL TREATMENT STANDARDS</b>						
◆,4 add footnote number 6 in column one, under the heading Regulated Constituents/Common Name, after the following chemical names: "Aldicarb sulfone", "Barban," "Bendiocarb," "Benomyl," "Butylate," "Carbaryl," "Carbenzadim," "Carbofuran," "Carbofuran- phenol," "Carbosulfan," "m-Cumenyl-methylcarbamate," "Dithiocarbamates (total)," "EPTC," "Formetanate hydrochloride," "Methiocarb," "Methomyl," "Metolcarb," "Mexacarbate," "Molinatate," "Oxamyl," "Pebulate," "Physostigmine," "Physostigmine salicylate," "Promecarb," "Propham," "Propoxur," "Prosulfocarb," "Thiodicarb," "Thiophanate-methyl," "Triallate," "Triethylamine," and "Vernolate"; add footnote 6 "6. Between August 26, 1998 and March 4, 1999, these constituents are not "underlying hazardous constituents" as defined in Sec. 268.2(i) of this part."	268.48(a)/Table	Chapter 22. Table 7	✓ X			
<b>ALTERNATIVE LDR TREATMENT STANDARDS FOR CONTAMINATED SOIL</b>						
◆,†★ no revision made	268.49(c)(3) intro	2236.C.3	X			

A REVISION CHECKLIST 179: Land Disposal Restrictions Phase IV -- Technical Corrections and Clarifications to Treatment Standards (cont'd)

GENERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
"also contains ible constituents," ontains only ible and lyzable constituents"; "treatment of those ible constituents" eatment of the ible organic ents"	268.49(c)(3)(A)	2236.C.3.a ✓	X			
"method specified" ethod(s) specified"	268.49(c)(3)(B)	2236.C.3.b ✓	X			

OG IS:	
RE IN- NT	BROADER IN SCOPE

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.

May 26, 1998 (CL 167D) rule inadvertently removed the provision language at § 261.2(e)(1)(iii) and added with the additional language which was intended to be added at the end of the paragraph. The language has been reinserted by Revision Checklist 179 at the beginning of the paragraph, and the 26, 1998 (CL 167D) addition (now the last sentence of the provision) has been revised to indicate the correct internal reference.

Paragraph 261.4(a)(16) was added by 63 FR 28556 (May 26, 1998, Revision Checklist 167). A second paragraph 261.4(a)(16) was added in error by the 63 FR 33782 (June 19, 1998, Revision Checklist 168) rule. The first paragraph 261.4(a)(16) was redesignated by the May 11, 1999 (64 FR 25408, Revision Checklist 179) rule as 261.4(a)(17).

A typographical error exists at the redesignated § 261.4(a)(17)(iii). The internal reference "paragraph 261.4(a)(15)(iv)" should be "paragraph (a)(17)(iv)".

Paragraph 268.40(i) was added by 63 FR 46332-46334 (August 31, 1998, Revision Checklist 170) and a second paragraph 268.40(i) was added 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171). While the instructions for the 64 FR 25408 rule (May 11, 1999, Revision Checklist 179) indicate that the first paragraph should be redesignated as 268.40(j), the revisions made by this rule to 268.40(i) are made to the language introduced by the first paragraph; therefore, it is assumed that the second paragraph 268.40(i) should be redesignated as 268.40(j), and the first paragraph 268.40(i) revised as indicated in the rule.

FR 47410-47418 (September 4, 1998, Revision Checklist 171) incorrectly removed footnote 6 from 268.48(a)/table. The footnote has been reinserted by Revision Checklist 179 (May 11, 1999, 64 FR 25408).

RCRA REVISION CHECKLIST 180: Test Procedures for the Analysis of  
Oil and Grease and Non-Polar Material (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 to the list of publications incorporated by reference, new Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry	260.11(a)(16)	110.A.17	X			