

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 90

Mining Waste Exclusion III
 56 FR 27300-27330
 June 13, 1991
 RCRA Cluster I

Notes: 1) This is the third revision to the mining waste exclusion, with the two previous revisions addressed by Revision Checklist 65 (54 FR 36592; September 1, 1989) and Revision Checklist 71 (55 FR 2322; January 23, 1990). As such, states which have not yet been authorized for these checklists are encouraged to apply for Revision Checklist 90 at the same time the provisions in Revision Checklists 65 and 71 are applied for. States already authorized for Revision Checklists 65 and 71 requirements are encouraged to adopt the corrections addressed by Revision Checklist 90 as quickly as possible.

2) In the FR notice addressed by this checklist, a series of appendices follows the change made to 40 CFR 261.4(b)(7). These appendices were not included in this checklist because they will not appear in the Code of Federal Regulations and because the subjects of these appendices are the Public Comments on EPA's Report to Congress and the Notice of Data Availability.

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

SUBPART A - GENERAL

EXCLUSIONS

remove "until EPA completes a report to Congress and a regulatory determination on their ultimate regulatory status"	261.4(b)(7)	HWMR-7 PART II § 201	X		
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RCRA REVISION CHECKLIST 91

Wood Preserving Listings
56 FR 27332-27336
June 13, 1991
(RCRA Cluster I, HSWA/Non-HSWA Rule)

Notes: 1) This Revision Checklist addresses an administrative stay of three wood preserving waste listings (F032, F034, and F035) made at 55 FR 50450 (December 6, 1990; Revision Checklist 82). Certain drip pad management standards, the inclusion of past users of chlorophenolic formulation in the listing description for certain F032 wastes, and the scope of waste water with respect to wastes that do not come into contact with preservative are also being stayed. EPA considers that both the F032 listing and the new Subpart W drip pad standards (when applied to the management of F032 wastes) are based on HSWA authority. This administrative stay defers EPA's implementation and enforcement of the HSWA-based requirements. On the other hand, the listings of F034 and F035, and the Subpart W drip pad standards that govern the management of these wastes, are considered to be based on pre-HSWA authority. For unauthorized States, the effect of this stay will also be to defer the EPA's implementation and enforcement of the F034 and F035 provisions. In authorized States, however, the non-HSWA requirements will not be applicable until the State modifies its program and obtains approval for the revisions from EPA.

2) States may elect to adopt wood preserving waste regulations with more stringent effective dates than those announced in this administrative stay. For this reason, Revision Checklist 91 is optional.

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

PART 261 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART D - LISTS OF HAZARDOUS WASTES

† HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

revise waste codes "F032", "F034", and "F035" to include a parenthetical note concerning the administrative stay	261.31	HWMR-7 PART II § 201	X		
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

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

SUBPART W - DRIP PADS

† DESIGN AND OPERATING REQUIREMENTS

add a note stating
that the 264.572(a)(4)
requirements are
administratively stayed
until further admini-
strative action is taken

264.572(a)(4)

HWMR-7
PART V
§ 601

X

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

SUBPART W - DRIP PADS

† DESIGN AND OPERATING REQUIREMENTS

add a note stating
that the 265.443(a)(4)
requirements are
administratively stayed
until further admini-
strative action is taken

265.443(a)(4)

HWMR-7
PART V
§ 601

X