

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 108

Toxicity Characteristics Revisions: Technical Corrections

57 FR 30657-30658

July 10, 1992

(RCRA Cluster III, HSWA provisions)

Note: This Revision Checklist corrects errors made at the time of the promulgation of the final Toxicity Characteristic (TC) rule on March 29, 1990 (55 FR 11798; Revision Checklist 74). States that have not adopted Revision Checklist 74 provisions are strongly encouraged to adopt these corrections at the same time that the Revision Checklist 74 provisions are adopted.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LES S STR IN-GEN T	MOR E STR IN-GEN T	BROAD ER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

1 replace "characteristic of EP toxicity, and do not fail the test for" with "toxicity characteristic for any other constituent, and do not exhibit"	261.4(b)(6)(ii)	20 NMAC 4.1 Part II §201	X			
insert "arsenical-treated" after "discarded"; replace "solely for arsenic" with "for Hazardous Waste Codes D004 through D017"; delete "or reasons," after "reason"	261.4(b)(9)	20 NMAC 4.1 Part II §201	X			

RCRA REVISION CHECKLIST 108: Toxicity Characteristics Revisions:
 Technical Corrections (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORESTRINGENT	BROADER IN SCOPE
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART N - LANDFILLS						
DESIGN REQUIREMENTS						
2 replace "EP toxicity characteristics" with "Toxicity Characteristic"; insert ", with EPA Hazardous Waste Number D004 through D017" after "chapter"	265.301(d) (1)	20NMAC 4.1 Part VI §601	x			

¹ There is an error in the Federal Register at 57 FR 30658. "Specific waste" should read "Specific wastes" as found in the 1991 CFR. Note that there is also an error in the July 1, 1991 CFR for this citation; "characteristic of EP" should be "characteristic of EP."

² There are several errors in the Federal Register for this citation. First, "such waste does not" should read "such wastes do not" and "261.4 of this chapter" should read "261.24 of this chapter" as they are found in the March 29, 1990 Federal Register and in the 1991 CFR. Second, "Waste Number" should be "Waste Numbers."

RCRA REVISION CHECKLIST 109

Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris

57 FR 37194-37282

August 18, 1992

(RCRA Cluster III, HSWA provisions)

Note: This checklist may be subject to change in the future. EPA's State and Regional Programs Branch is currently discussing the relationship of hazardous waste injection issues to the State authorization program. In question are the changes made to 40 CFR Part 148 by the final rule addressed by this checklist and whether they should be included in the checklist. This present checklist does not include these changes.

2) The following Part 268 sections are not delegable to States because of the national concerns that must be examined when decisions are made relative to them: 268.5 (case-by-case effective date extensions); 268.42(b) (application for alternate treatment method); and 268.44 (variance from a treatment standard). "No migration" petitions under 268.6 will be handled by EPA, even though States may be authorized to grant such petitions in the future. States have the authority to grant such petitions under RCRA Section 3006 because such decisions do not require a national perspective, as do decisions under 268.5, 268.42(b) or 268.44. However, EPA has had few opportunities to implement the land disposal restrictions and expects to gain valuable experience and information from reviewing "no-migration" petitions. In the past, the nondelegable sections/paragraphs of the LDR regulations have been omitted from the LDR checklists because States could not assume the authority for them. However, this procedure has led to confusion among the States on how to handle the sections/paragraphs in their code. For this reason, the Agency has decided to include these nondelegable sections on the LDR checklists. To differentiate these sections from the delegable portions of the LDR restrictions, asterisks precede (a single row) and follow (a double row) each non-delegable section.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LES STR-IN-GEN T	MOR E STR-IN-GEN T	BROAD ER IN SCOPE

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A - GENERAL

DEFINITIONS

add "containment building"	260.10	20 NMAC 4.1 Part I, § 101,102	X			
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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
revise "miscellaneous unit"	260.10	20 NMAC 4.1 Part I §101,102(A)(B)(C)	X			
revise "pile"	260.10	(D)				

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF HAZARDOUS WASTE

insert "of this part" after the first "subpart C"; insert "," before "or unless"; add a sentence addressing the relationship of nonwastewater mixtures and the Part 268 requirements	261.3(a)(2)(iii)	20 NMAC 4.1 Part II § 201				
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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
split paragraph into two subparagraphs, (C) (1)&(2), with the second subparagraph addressing the notification for HMR residues; in first subparagraph, insert ", K062 or F006" after "K061"; replace "(as defined in 40 CFR 260.10(6), (7), and (12))" with "(as defined in paragraphs (6), (7), and (13) of the definition for 'Industrial Furnace' in 40 CFR 260.10)"; replace "identified below" with "identified in the tables in this paragraph"; replace "The generic exclusion levels are:" with a sentence addressing burden of proof for persons claiming this exclusion in an enforcement action; replace single table with the two tables indicated at 57 FR	261.3(c) (2) (ii) (C) (1)	20 NMAC 4.1 Part II §201	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
completely revise requirements addressing notification and certification; one-time notification and certification for K061, K062 or F006 HMMR residues, which meet generic exclusion levels and exhibit no characteristics, that are sent to Subtitle D units; update of notification and certification; annual EPA/State notification; deadline for submission to EPA/State; what the notification must include; certification signed by authorized representative and what it must state	261.3(c)(2)(ii)(C)(2)	20 NMAC 4.1 Part II §201	X			
add new paragraph and subparagraphs addressing debris that is excluded from regulation provided it meets specified criteria:	261.3(f)	20 NMAC 4.1 Part II § 201	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
Part 268-defined hazardous debris treated using a specified 268.45, Table 1, extraction or destruction technology; burden of proof on claimant in an enforcement action	261.3(f) (1)	20 NMAC 4.1 Part II §201	X			
Part 268-defined debris determined by Regional Administrator to no longer be contaminated with hazardous waste	261.3(f) (2)	20 NMAC 4.1 Part II §201	X			

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART C - PRE-TRANSPORT REQUIREMENTS

ACCUMULATION TIME

replace ";" at the end of text with a ":"	262.34(a) (1) (iii)	20 NMAC 4.1 Part III § 301	X			
replace "." with "; and/or"	262.34(a) (1) (iii) (B)	20 NMAC 4.1 Part III § 301	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS IN-GEN T	MORE STR IN-GEN T	BROADER IN SCOPE
add new subparagraphs addressing waste placed in containment buildings; compliance with 265, Subpart DD; professional engineer certification of compliance with 265.1101 design standards placed in operating record no later than 60 days after the date of initial unit operation; requirements after February 18, 1993; records which must be maintained	262.34(a)(1)(iv)	20 NMAC 4.1 Part III § 301	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
written description of procedures to ensure each waste volume remains in unit for no more than 90 days; written description of waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit; documentation that procedures are complied with	262.34(a)(1)(iv)(A)	20 NMAC 4.1 Part III §301	X			
documentation that unit is emptied at least once every 90 days	262.34(a)(1)(iv)(B)	20 NMAC 4.1 Part III §301	X			
1 remove first paragraph numbered (a)(2) (including (a)(2)(i)&(ii)); remove unnumbered paragraph following (a)(2)(ii)	262.34(a)(2)	20 NMAC 4.1 Part III §301	X			

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

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remove "and" from the end of paragraph	264.110(b) (1)	20 NMAC 4.1 Part V §501	X			
replace "." with ";	264.110(b) (2)	20 NMAC 4.1 Part V §501	X			
replace "." with ";	264.110(b) (3)	20 NMAC 4.1 Part V §501	X			
add new paragraph addressing containment buildings that are required under 264.1102 to meet the requirements for landfills	264.110(b) (4)	20 NMAC 4.1 Part V §501	X			
CLOSURE PERFORMANCE STANDARD						
change ", and 264.601 through 264.603" to ", 264.601 through 264.603, and 264.1102"	264.111(c)	20 NMAC 4.1 Part V §501	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGEN	MORESTRINGEN	BROADER IN SCOPE

CLOSURE PLAN; AMENDMENT OF PLAN

replace "264.90 et seq." with "subpart F of this part"; change "and 264.601" to ", 264.601 and 264.1102"	264.112(a)(2)	20 NMAC 4.1 Part V § 501	X			
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SUBPART H - FINANCIAL REQUIREMENTS

APPLICABILITY

replace ", and" with ";	264.140(b)(1)	20 NMAC 4.1 Part V § 501	X			
replace "." with ";	264.140(b)(2)	20 NMAC 4.1 Part V § 501	X			
replace "." with " and"	264.140(b)(3)					
add new paragraph regarding containment buildings that are required under 264.1102 to meet the requirements for landfills	264.140(b)(4)	20 NMAC 4.1 Part V § 501	X			

COST ESTIMATE FOR CLOSURE

change ", and 264.601 through 264.603" to ", 264.601 through 264.603, and 264.1102"	264.142(a)	20 NMAC 4.1 Part V § 501	X			
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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GEN T	MORE STRIN-GEN T	BROAD ER IN SCOPE
SUBPART DD - CONTAINMENT BUILDINGS						
APPLICABILITY						
applies to owners/operators storing or treating hazardous waste in units designed and operated under 264.1101; effective February 18, 1993, but may notify Regional Administrator of earlier time; not subject to definition of land disposal in RCRA 3004(k) provided unit:	264.1100	20 NMAC 4.1 Part V §501, 502,	X			
is a completely enclosed, self-supporting structure designed and constructed as specified	264.1100(a)	20 NMAC 4.1 Part V §501, 502	X			
has a primary barrier designed to withstand movement of personnel, wastes and handling equipment within unit	264.1100(b)	20 NMAC 4.1 Part V §501, 502,	X			
if used to manage liquids:	264.1100(c)	20 NMAC 4.1 Part V §501, 502	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	264.1100(c) (1)	20 NMAC 4.1 Part V §501, 502	X			
liquid collection system to minimize accumulation of liquid on primary barrier	264.1100(c) (2)	20 NMAC 4.1 Part V §501, 502	X			
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 264.1101(b) (4)	264.1100(c) (3)	20 NMAC 4.1 Part V §501, 502	X			
controls to prevent fugitive dust emissions to meet 264.1101(c) (1) (iv) standards	264.1100(d)	20 NMAC 4.1 Part V §501, 502	X			
designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	264.1100(e)	20 NMAC 4.1 Part V §501, 502	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGEN	MORESTRINGEN	BROADER IN SCOPE
DESIGN AND OPERATING STANDARDS						
all containment buildings must comply with following design standards:	264.1101(a)	20 NMAC 4.1 Part V §501, 502	X			
completely enclosed as specified	264.1101(a) (1)	20 NMAC 4.1 Part V §501, 502	X			
design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	264.1101(a) (2)	20 NMAC 4.1 Part V §501, 502	X			
provide effective barrier against fugitive dust emissions under 264.1101(c) (1) (iv)	264.1101(a) (2) (i)	20 NMAC 4.1 Part V §501, 501	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORESTRINGENT	BROADER IN SCOPE
unit designed and operated so that wastes do not contact openings	264.1101(a) (2) (ii)	20 NMAC 4.1 Part V §501, 502	X			
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	264.1101(a) (3)	20 NMAC 4.1 Part V §501, 502	X			
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	264.1101(a) (4)	20 NMAC 4.1 PartV §501, 502	X			
requirements for hazardous waste containing free liquids or treated with free liquids:	264.1101(b)	20 NMAC 4.1 Part V §501, 502	X			
primary barrier to prevent migration of hazardous constituents into the barrier	264.1101(b) (1)	20 NMAC 4.1 Part V §501, 502	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GEN-T	MORE STRIN-GEN-T	BROAD-ER IN SCOPE
liquid collection and removal system to minimize accumulation of liquid on primary barrier:	264.1101(b) (2)	20 NMAC 4.1 Part V §501, 502	X			
primary barrier sloped to drain liquids to collection system	264.1101(b) (2) (i)	20 NMAC 4.1 Part V §501, 502	X			
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time	264.1101(b) (2) (ii)	20 NMAC 4.1 Part V §501, 502	X			
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	264.1101(b) (3)	20 NMAC 4.1 Part V §501, 502	X			
what must be installed at a minimum to satisfy leak detection component of secondary containment system	264.1101(b) (3) (i)	20 NMAC 4.1 Part V §501, 502	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
constructed with 1% or greater bottom slope	264.1101(b) (3) (i) (A)	20 NMAC 4.1 Part V §501, 502	X			
granular, synthetic, or geonet drainage materials as specified	264.1101(b) (3) (i) (B)	20 NMAC 4.1 Part V §501,502	X			
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	264.1101(b) (3) (ii)	20 NMAC 4.1 Part V §501, 502	X			
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	264.1101(b) (3) (iii)	20 NMAC 4.1 Part V §501, 502	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STR-INGENT	MORE STR-INGENT	BROADER IN SCOPE
for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	264.1101(b) (4)	20 NMAC 4.1 Part V §501, 502	X			
2 provide written notice by February 18, 1993; what notice must contain	264.1101(b) (4) (i)	20 NMAC 4.1 Part V §501,502	X			
respond to Regional Administrator comments within 30 days	264.1101(b) (4) (ii)	20 NMAC 4.1 Part V §501, 502	X			
if approved, fulfill terms of revised plans	264.1101(b) (4) (iii)	20 NMAC 4.1 Part V §501, 502	X			
owners and operators of all containment buildings must:	264.1101(c)	20 NMAC 4.1 Part V §501, 502	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	264.1101(c) (1)	20 NMAC 4.1 Part V §501, 502	X			
maintain primary barrier as specified	264.1101(c) (1) (i)	20 NMAC 4.1 Part V §501,502	X			
maintain level of stored/treated hazardous waste as specified	264.1101(c) (1) (ii)	20 NMAC 4.1 Part V §501,502	X			
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	264.1101(c) (1) (iii)	20 NMAC 4.1 Part V §501,502	X			
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	264.1101(c) (1) (iv)	20 NMAC 4.1 Part V §501,502	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GEN-T	MORE STRIN-GEN-T	BROAD ER IN SCOPE
certification by qualified registered professional engineer; for units in operation prior to February 18, 1993, certification placed in operating record or on-site files no later than 60 days after date of initial operation; after February 18, 1993, PE certification required prior to operation of unit	264.1101(c) (2)	20 NMAC 4.1 Part V §501,502	X			
prompt repairs of unit throughout active life as specified, according to the following procedures:	264.1101(c) (3)	20 NMAC 4.1 Part V §501,502	X			
3 detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	264.1101(c) (3) (i)	20 NMAC 4.1 Part V §501,502	X			
enter record of discovery in facility operating record	264.1101(c) (3) (i) (A)	20 NMAC 4.1 Part V §501,502	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
immediately remove portion of containment building affected by the condition from service	264.1101(c) (3) (i) (B)	20 NMAC 4.1 Part V §501, 502	X			
determine steps to be taken for repair, remove leakage from secondary collection system and establish schedule for cleanup and repairs	264.1101(c) (3) (i) (C)	20 NMAC 4.1 Part V §501, 502	X			
within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	264.1101(c) (3) (i) (D)	20 NMAC 4.1 Part V §501, 502	X			
Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	264.1101(c) (3) (ii)	20 NMAC 4.1 Part V §501, 502	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS IN-GEN T	MORE STR IN-GEN T	BROADER IN SCOPE
written notification to Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 264.1101(c) (3) (i) (D) plan	264.1101(c) (3) (iii)	20 NMAC 4.1 Part V §501, 502	X			
what must be inspected and recorded in facility's operating records, at least once every seven days	264.1101(c) (4)	20 NMAC 4.1 Part V §501, 502	X			
for containment buildings that contain areas both with and without secondary containment, the owner/operator must:	264.1101(d)	20 NMAC 4.1 Part V §501, 502	X			
design and operate each area in accordance with 264.1101(a)-(c) requirements	264.1101(d) (1)	20 NMAC 4.1 Part V §501, 502	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
take measures to prevent release of liquids or wet materials into areas without secondary containment	264.1101(d) (2)	20 NMAC 4.1 Part V §501,502	X			
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	264.1101(d) (3)	20 NMAC 4.1 Part V §501,502	X			
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	264.1101(e)	20 NMAC 4.1 Part V §501,502	X			
CLOSURE AND POST-CLOSURE CARE						
what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 264 Subpart G & H requirements	264.1102(a)	20 NMAC 4.1 Part V §501,502	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
if 264.1102(a) requirements met and not all contaminated subsoils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 264.310; owner/operator must meet 264 Subpart G & H requirements for landfills	264.1102(b)	20 NMAC 4.1 Part V §501,502	X			
reserved	264.1103-264.1110	"				

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

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

remove "and" from the end of paragraph	265.110(b) (1)	20 NMAC 4.1 Part VI §601	X			
remove "and" from end of paragraph	265.110(b) (2)	20 NMAC 4.1 Part VI §601	X			
replace "." with "; and"	265.110(b) (3)	20 NMAC 4.1 Part VI §601	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new paragraph addressing containment buildings that are required under 265.1102 to meet the requirements for landfills	265.110(b) (4)	20 NMAC 4.1 Part VI §601	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTR-GENERAL	MORESTR-GENERAL	BROADER IN SCOPE
CLOSURE PERFORMANCE STANDARD						
change "and 265.404" to ", 265.404, and 264.1102"	265.111(c)	20 NMAC 4.1 Part VI §601	X			
CLOSURE PLAN; AMENDMENT OF PLAN						
4 replace "§§ 265.90 et seq." with "subpart F of this part, §§"; change ", and 265.404" to ", 265.404, and 264.1102"	265.112(d) (4)	20 NMAC 4.1 Part VI §601	X			
SUBPART H - FINANCIAL REQUIREMENTS						
APPLICABILITY						
in 265.140(b) insert ":" after "of"; reorganize rest of paragraph after "apply to" into 265.140(b) (1) [disposal facilities] and 265.140(b) (2) [tank systems]; add 265.140(b) (3) addressing containment buildings	265.140(b)	20 NMAC 4.1 Part VI §601	X			
	265.140(b) (1)	20 NMAC 4.1 Part VI §601	X			
	265.140(b) (2)	20 NMAC 4.1 Part VI §601	X			
	265.140(b) (3)	20 NMAC 4.1 Part VI §601	X			
COST ESTIMATE FOR CLOSURE						

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace "of §§ 265.178" with "in §§ 265.178"; change "and 265.404" to ", 265.404 and 265.1102"	265.142(a)	20 NMAC 4.1 Part VI §601	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGEN	MORESTRINGEN	BROADER IN SCOPE
DESIGN AND OPERATING REQUIREMENTS						
add new paragraph regarding surface impoundments newly subject to RCRA §3005(j)(1) must be in compliance with 265.221(a), (c) & (d) no later than 48 months after additional characteristic or listing promulgation; Part 268 land disposal prohibitions or an extension to an effective date, within the 48-month period, shall not cut short compliance period	265.221(h)	20 NMAC 4.1 Part VI §601,602	X			

SUBPART DD - CONTAINMENT BUILDINGS

APPLICABILITY

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGEN	MORESTRINGEN	BROADER IN SCOPE
applies to owners/operators storing or treating hazardous waste in units designed and operated under 265.1101; effective February 18, 1993, but may notify Regional Administrator of earlier time; not subject to definition of land disposal in RCRA 3004(k) provided unit:	265.1100	20 NMAC 4.1 Part VI §601,602	X			
is a completely enclosed, self supporting structure designed and constructed as specified	265.1100(a)	20 NMAC 4.1 Part VI §601,602.	X			
has a primary barrier designed to withstand movement of personnel, wastes and handling equipment within unit	265.1100(b)	20 NMAC 4.1 Part VI §601,602	X			
if used to manage liquids:	265.1100(c)	20 NMAC 4.1 Part VI §601,602	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	265.1100(c) (1)	20 NMAC 4.1 Part VI §601,602	X			
liquid collection system to minimize accumulation of liquid on primary barrier	265.1100(c) (2)	20 NMAC 4.1 Part VI §601,602	X			
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 265.1101(b) (4)	265.1100(c) (3)	20 NMAC 4.1 Part VI §601,602	X			
5 controls to prevent fugitive dust emissions	265.1100(d)	20 NMAC 4.1 Part VI §601,602	X			
designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	265.1100(e)	20 NMAC 4.1 Part VI §601,602	X			
DESIGN AND OPERATING STANDARDS						

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
all containment buildings must comply with following design standards:	265.1101(a)	20 NMAC 4.1 Part VI §601,602	X			
completely enclosed as specified	265.1101(a) (1)	20 NMAC 4.1 Part VI §601,602	X			
design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	265.1101(a) (2)	20 NMAC 4.1 Part VI §601,602	X			
provide effective barrier against fugitive dust emissions under 265.1101(c) (1) (iv)	265.1101(a) (2) (i)	20 NMAC 4.1 Part VI §601,602	X			
unit designed and operated so that wastes do not contact openings	265.1101(a) (2) (ii)	20 NMAC 4.1 Part VI §601,602	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORESTRINGENT	BROADER IN SCOPE
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	265.1101(a) (3)	20 NMAC 4.1 Part VI §601,602	X			
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	265.1101(a) (4)	20 NMAC 4.1 Part VI §601,602	X			
requirements for hazardous waste containing free liquids or treated with free liquids:	265.1101(b)	20 NMAC 4.1 Part VI §601,602	X			
primary barrier to prevent migration of hazardous constituents into the barrier	265.1101(b) (1)	20 NMAC 4.1 Part VI §601,602	X			
liquid collection and removal system to prevent accumulation of liquid on primary barrier:	265.1101(b) (2)	20 NMAC 4.1 Part VI §601,602	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
primary barrier sloped to drain liquids to collection system	265.1101(b) (2) (i)	20 NMAC 4.1 Part VI §601,602	X			
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time to protect human health and environment	265.1101(b) (2) (ii)	20 NMAC 4.1 Part VI §601,602	X			
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	265.1101(b) (3)	20 NMAC 4.1 Part VI §601,602	X			
what must be installed at a minimum to satisfy leak detection component of secondary containment system	265.1101(b) (3) (i)	20 NMAC 4.1 Part VI §601,602	X			
construct with 1% or greater bottom slope	265.1101(b) (3) (i) (A)	20 NMAC 4.1 Part VI §601,602	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GEN T	MORE STRIN-GEN T	BROAD ER IN SCOPE
granular, synthetic, or geonet drainage materials as specified	265.1101(b) (3) (i) (B)	20 NMAC 4.1 Part VI §601,602	X			
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	265.1101(b) (3) (ii)	20 NMAC 4.1 Part VI §601,602	X			
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	265.1101(b) (3) (iii)	20 NMAC 4.1 Part VI §601,602	X			
for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	265.1101(b) (4)	20 NMAC 4.1 Part VI §601,602	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STR-INGENT	MORE STR-INGENT	BROAD-ER IN SCOPE
provide written notice by February 18, 1993; what notice must contain	265.1101(b) (4) (i)	20 NMAC 4.1 Part VI §601,602	X			
respond to Regional Administrator comments within 30 days	265.1101(b) (4) (ii)	20 NMAC 4.1 Part VI §601,602	X			
if approved, fulfill terms of revised plans	265.1101(b) (4) (iii)	20 NMAC 4.1 Part VI §601,602	X			
owners and operators of all containment buildings must:	265.1101(c)	20 NMAC 4.1 Part VI §601,602	X			
use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	265.1101(c) (1)	20 NMAC 4.1 Part VI §601,602	X			
maintain primary barrier as specified	265.1101(c) (1) (i)	20 NMAC 4.1 Part VI §601,602	X			
maintain level of stored/treated hazardous waste as specified	265.1101(c) (1) (ii)	20 NMAC 4.1 Part VI §601,602	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	265.1101(c) (1) (iii)	20 NMAC 4.1 Part VI §601,602	X			
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	265.1101(c) (1) (iv)	20 NMAC 4.1 Part VI §601,602	X			
certification by qualified registered professional engineer; for units in operation prior to February 18, 1993, certification placed in operating record or on-site files no later than 60 days after date of initial operation; after February 18, 1993, PE certification required prior to operation of unit	265.1101(c) (2)	20 NMAC 4.1 Part VI §601,602	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
prompt repairs of unit throughout active life, according to the following procedures:	265.1101(c) (3)	20 NMAC 4.1 Part VI §601,602	X			
detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	265.1101(c) (3) (i)	20 NMAC 4.1 Part VI §601,602	X			
enter record of discovery in facility operating record	265.1101(c) (3) (i) (A)	20 NMAC 4.1 Part VI §601,602	X			
immediately remove portion of containment building affected by the condition from service	265.1101(c) (3) (i) (B)	20 NMAC 4.1 Part VI §601,602	X			
determine steps to be taken for repair; remove leakage from secondary collection system and establish schedule for cleanup and repairs	265.1101(c) (3) (i) (C)	20 NMAC 4.1 Part VI §601,602	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	265.1101(c) (3) (i) (D)	20 NMAC 4.1 Part VI §601,602	X			
Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	265.1101(c) (3) (ii)	20 NMAC 4.1 Part VI §601,602	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGEN	MORESTRINGEN	BROADER IN SCOPE
written notification of Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 265.1101(c) (3) (i) (D) plan	265.1101(c) (3) (iii)	20 NMAC 4.1 Part VI §601,602	X			
what must be inspected and recorded in facility's operating records, at least once every seven days	265.1101(c) (4)	20 NMAC 4.1 Part VI §601,602	X			
for containment building that contains both areas with and without secondary containment, the owner/operator must:	265.1101(d)	20 NMAC 4.1 Part VI §601,602	X			
design and operate each area in accordance with 265.1101(a)-(c) requirements	265.1101(d) (1)	20 NMAC 4.1 Part VI §601,602	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
take measures to prevent release of liquids or wet materials into areas without secondary containment	265.1101(d) (2)	20 NMAC 4.1 Part VI §601,602	X			
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	265.1101(d) (3)	20 NMAC 4.1 Part VI §601,602	X			
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	265.1101(e)	20 NMAC 4.1 Part VI §601,602	X			
CLOSURE AND POST-CLOSURE CARE						
what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 265 Subparts G & H requirements	265.1102(a)	20 NMAC 4.1 Part VI §601,602	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORESTRINGENT	BROADER IN SCOPE
if 265.1102(a) requirements met and not all contaminated soils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 265.310; owner/operator must meet 265 Subparts G & H requirements for landfills	265.1102(b)	20 NMAC 4.1 Part VI §601,602	X			
reserved	265.1103-265.1110	"	X			

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

remove definition of "inorganic solid debris"; add new paragraph defining "debris"	268.2(g)	20 NMAC 4.1 Part VI §801,802	X			
add new paragraph defining "hazardous debris"	268.2(h)	20 NMAC 4.1 Part VI §801,802	X			

 Guidance note: 268.5 is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this section into their code.

PROCEDURES FOR CASE-BY-CASE EXTENSIONS TO AN EFFECTIVE DATE

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORESTRINGENT	BROADER IN SCOPE
replace";" with " or" at the end of the paragraph	268.5(h) (2) (ii)	20 NMAC 4.1 Part VIII §801	X			
replace "." with " or" at the end of the paragraph	268.5(h) (2) (iv)	20 NMAC 4.1 Part VIII §801	X			
redesignate old 268.5(h) (2) (v) as 268.5(h) (2) (vi); add new paragraph addressing surface impoundments newly subject to RCRA 3006(j); compliance with 265 Subpart F within 12 months and with 265.221(a), (c), and (d) within 48 months; effect of a national capacity variance	268.5(h) (2) (v)	20 NMAC 4.1 Part VIII §801	X			
old 268.5(h) (2) (v) becomes new 268.5(h) (2) (vi)	268.5(h) (2) (vi)	20 NMAC 4.1 Part VIII §801	X			

WASTE ANALYSIS AND RECORDKEEPING

remove "and" from the end of the subparagraph	268.7(a) (1) (iii)	20 NMAC 4.1 Part VIII §801	X			
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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LES S STR IN-GEN T	MOR E STR IN-GEN T	BROAD ER IN SCOPE
6 redesignate old 268.7(a) (1) (iv) as 268.7(a) (1) (v); add new subparagraph addressing, for hazardous debris, the contaminants subject to treatment as provided by 268.45(b); statement that must be used	268.7(a) (1) (iv)	20 NMAC 4.1 Part VIII §801	X			
old 268.7(a) (1) (iv) becomes 268.7(a) (1) (v)	268.7(a) (1) (v)	20 NMAC 4.1 Part VIII §801	X			
add sentence to end addressing generators of hazardous debris that is excluded from the definition of hazardous waste under 261.3(e) (2)	268.7(a) (2)	20 NMAC 4.1 Part VIII §801	X			
remove "and" from end of subparagraph	268.7(a) (3) (iv)	20 NMAC 4.1 Part VIII §801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
7 redesignate old 268.7(a) (3) (v) as 268.7(a) (3) (vi); add new subparagraph addressing, for hazardous debris, the contaminants subject to treatment as provided by 268.45(b); statement which must be used	268.7(a) (3) (v)	20 NMAC 4.1 Part VIII § 801	X			
7 old 268.7(a) (3) (v) becomes 268.7(a) (3) (vi)	268.7(a) (3) (vi)	20 NMAC 4.1 Part VIII § 801	X			
8 in two places, replace "tanks or containers" with "tanks, containers, or containment buildings"; before the last sentence, insert a parenthetical sentence addressing generators treating hazardous debris under alternative treatment standards of Table 1, 268.45	268.7(a) (4)	20 NMAC 4.1 Part VIII §801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
add clause addressing debris excluded from the hazardous waste definition at 261.3(e), which is subject to notification and certification under 268.7(d)	268.7(b) (4)	20 NMAC 4.1 Part VIII § 801	X			
add sentence addressing debris excluded from the definition of hazardous waste under 261.3(e), which is subject to notification and certification under 268.7(d)	268.7(b) (5)	20 NMAC 4.1 Part VIII § 801	X			
notification and certification requirements for generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under 261.3(e)	268.7(d)	20 NMAC 4.1 Part VIII § 801	X			
one-time notification including specified information	268.7(d) (1)	"	X			
	268.7(d) (1) (i)	"	X			
	268.7(d) (1) (ii)	"	X			
	268.7(d) (1) (iii)	"	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
when notification must be updated	268.7(d) (2)	20 NMAC 4.1 Part VIII § 801	X			
how the owner or operator must document and certify compliance with Table 1, 268.45 treatment standards	268.7(d) (3)	"	X			
	268.7(d) (3) (i)	"	X			
	268.7(d) (3) (ii)	"	X			
	268.7(d) (3) (iii)	"	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS IN-GEN T	MORE STR IN-GEN T	BROADER IN SCOPE
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC						
revise paragraph after "no longer hazardous"; place one-time notification and certification in generator's/treater's files and send to EPA region or authorized State; when notification and certification must be updated; annual EPA/State notification if such changes occur, by December 31	268.9(d)	20 NMAC 4.1 Part VIII § 801	X			
remove "The" at the beginning of the subparagraph	268.9(d) (1) (i)	20 NMAC 4.1 Part VIII § 801	X			
remove text after "Hazardous Waste Number(s)"; add "and treatability group(s);"	268.9(d) (1) (ii)	20 NMAC 4.1 Part VIII § 801	X			
remove "initial"	268.9(d) (1) (iii)	"	X			
replace "268.7(b) (5) (1)" with "268.7(b) (5) "	268.9(d) (2)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LES-STR-GEN-T	MOR-E-STR-GEN-T	BROAD-ER IN SCOPE

9 SUBPART B - SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

SURFACE IMPOUNDMENT EXEMPTIONS

defines additional circumstances in which prohibited waste may continue to be placed in a surface impoundment	268.14(a)	20 NMAC 4.1 Part VIII § 801	X			
continued storage of "newly identified waste" in newly regulated impoundment for 48 months after the promulgation of the additional listing or characteristic provided waste is not otherwise prohibited and impoundment is in compliance with 265, Subpart F within 12 months after new listing/characteristic promulgation	268.14(b)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
continue treatment of "newly identified waste" in newly regulated impoundment, provided waste is not otherwise prohibited, and surface impoundment is in compliance with 265, Subpart F within 12 months after new listing/characteristic promulgation	268.14(c)	20 NMAC 4.1 Part VIII § 801	X			

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS - NEWLY LISTED WASTES

effective November 9, 1992, K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, K136, U328, U353 and U359 prohibited from land disposal	268.36(a)	20 NMAC 4.1 Part VIII § 801	X			
effective June 30, 1993, F037 and F038 not generated from surface impoundment cleanouts or closures are prohibited from land disposal	268.36(b)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
effective June 30, 1994, F037 and F038 generated from surface impoundment cleanout or closures are prohibited from land disposal	268.36(c)	20 NMAC 4.1 Part VIII § 801	X			
effective June 30, 1994, radioactive wastes mixed with specified wastes are prohibited from land disposal	268.36(d)	20 NMAC 4.1 Part VIII § 801	X			
effective June 30, 1994, debris contaminated with specified wastes and not contaminated with other prohibited waste are prohibited from land disposal	268.36(e)	20 NMAC 4.1 Part VIII § 801	X			
under what circumstances 268.36(b) wastes may be disposed in a landfill or generated and disposed in a surface impoundment	268.36(f)	20 NMAC 4.1 Part VIII § 801	X			

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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
under what circumstances 268.36(d) and (e) wastes may be disposed in a landfill or generated and disposed in a surface impoundment	268.36(g)	20 NMAC 4.1 Part VIII § 801	X			
under what circumstances 268.36 (a)-(e) do not apply	268.36(h)	"	X			
	268.36(h) (1)	"	X			
	268.36(h) (2)	"	X			
	268.36(h) (3)	"	X			
	268.36(h) (4)	"	X			
how to determine whether a 268.36 waste exceeds a 268.41 or 268.43 treatment standard; waste prohibited and all Part 268 requirements apply if constituents in excess of applicable levels	268.36(i)	20 NMAC 4.1 Part VIII § 801	X			

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

add clause addressing hazardous debris after "268.42(a)"	268.40(b)	20 NMAC 4.1 Part VIII § 801	X			
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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GEN T	MORE STRIN-GEN T	BROAD ER IN SCOPE
if 268.41 through 268.48 treatment standard established and waste is a hazardous debris, then waste subject to those standards rather than the 268.45 hazardous debris standards	268.40(d)	20 NMAC 4.1 Part VIII § 801	X			

DRAFT

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT						
after "exceeded", replace "by" with "in"; after "treatment residual" replace "developed" with "extracted"; replace "Appendix I" with "appendix I"; after "of this part", replace "of" with "for"; remove clause addressing D004, D008, D031, K084, K101, K102, P010, P011, P012, P036 and U136; remove parenthetical sentence; in last sentence, remove "unless otherwise noted in the following Table CCW"	268.41(a)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GEN-T	MORE STRIN-GEN-T	BROADER IN SCOPE
amend Table CCWE by revising the "F001-F005 spent solvents" entry; removing entries for "K061 (Low Zinc Subcategory - less than 15% Total Zinc)" and for "K061 (High Zinc Subcategory - greater than 15% Total Zinc) - Effective until August 7, 1991"; and by adding entries for "F037", "F038" and "K061" as shown at 57 FR 37272	268.41(a)/Table CCWE	20 NMAC 4.1 Part VIII § 801	X			
add paragraph addressing treatment standards for constituents in F001-F005 listed in Table CCWE	268.41(c)	20 NMAC 4.1 Part VIII § 801	X			
TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES						
add entries for K107, K108, K109, K110, K112, K123, K124, K125, K126, U328, U353 and U359 as shown at 57 FR 37273	268.42/Table 2	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGEN	MORESTRINGEN	BROADER IN SCOPE

 Guidance note: 268.42(b) is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this paragraph into their code.

replace "achievable" with "achieved"; after the first occurrence of "(a), (c) and (d) of this section" add "for wastes or specified in Table 1 of § 268.45 for hazardous debris"; after the second occurrence of "(a), (c) and (d) of this section" add "for wastes or in Table 1 of § 268.45 for hazardous debris"	268.42(b)	20 NMAC 4.1 Part VIII § 801	X			
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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORESTRINGENT	BROADER IN SCOPE

change the first occurrence of "\$268.41, §268.43" to "§§268.41 or 268.43"; change the second occurrence of "\$268.41, §268.43" to "§§268.41, 268.43"; add sentence addressing hazardous debris containing radioactive waste	268.42(d)	20 NMAC 4.1 Part VIII § 801	X			
TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS						
10 revise entries for F001-F005 spent solvents, K015, K016, K018, K019, K020, K023, K024, K028, K030, K043, K048, K049, K050, K051, K052, K087, K093, K094, U028, U069, U088, U102, U107 and U190; remove U042 entry; add entries for F037, F038, K111, K117, K118, K131, K132 and K136 as shown at 57 FR 37274-37277	268.43/Table CCW	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGEN	MORESTRINGEN	BROADER IN SCOPE
TREATMENT STANDARDS FOR HAZARDOUS DEBRIS						
treatment of hazardous debris prior to land disposal as specified unless EPA determines under 261.3(e) (2) that debris is no longer contaminated with hazardous waste	268.45(a)	20 NMAC 4.1 Part VIII § 801	X			
general; treatment for each 268.45(b) contaminant subject to treatment in accordance with 268.45, Table 1	268.45(a) (1)	20 NMAC 4.1 Part VIII § 801	X			
characteristic debris; deactivation as specified in 268.45, Table 1	268.45(a) (2)	20 NMAC 4.1 Part VIII § 801	X			
mixtures of debris types; standards for each debris type must be achieved; if applicable, immobilization must be used last	268.45(a) (3)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
mixtures of 268.45(b) contaminant types; 268.45, Table 1 treatment for each contaminant must be used; if applicable, immobilization must be used last	268.45(a) (4)	20 NMAC 4.1 Part VIII § 801	X			
waste PCBs; hazardous debris subject to both 40 CFR 761 and 268.45 must meet more stringent requirements	268.45(a) (5)	20 NMAC 4.1 Part VIII § 801	X			
hazardous debris treated for each "contaminant subject to treatment," determined as follows:	268.45(b)	20 NMAC 4.1 Part VIII § 801	X			
toxicity characteristic debris; those EP constituents for which debris exhibits a toxicity characteristic	268.45(b) (1)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
debris contaminated with listed waste; constituents for which BDAT standards are established for wastes under 268.41 and 268.43	268.45(b) (2)	20 NMAC 4.1 Part VIII §801	X			
cyanide reactive debris; reactive because of cyanide must be treated for cyanide	268.45(b) (3)	20 NMAC 4.1 Part VIII §801	X			
when hazardous debris that has been treated is not considered a hazardous waste; hazardous debris contaminated with a listed waste that is treated by a Table 1 immobilization technology must be managed in a Subtitle C facility	268.45(c)	20 NMAC 4.1 Part VIII §801	X			
general requirements for treatment residues:	268.45(d) (1)	20 NMAC 4.1 Part VIII §801	X			
separate residue from debris by simple physical or mechanical means;	268.45(d) (1) (i)	20 NMAC 4.1 Part VIII §801	X			

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
residue is subject to 268 Subpart D waste-specific treatment standards	268.45(d) (1) (ii)	20 NMAC 4.1 Part VIII §801	X			
residue from nontoxic debris, as specified, must be deactivated; not subject to 268 Subpart D waste-specific treatment standards	268.45(d) (2)	20 NMAC 4.1 Part VIII §801	X			
residue from cyanide-reactive debris must meet 268.43, D003 standards	268.45(d) (3)	20 NMAC 4.1 Part VIII §801	X			
ignitable nonwastewater residue, as specified, must meet technology-based "D001 Ignitable Liquids" standard	268.45(d) (4)	20 NMAC 4.1 Part VIII §801	X			
layers of debris removed by spalling remain subject to 268.45 treatment standards	268.45(d) (5)	20 NMAC 4.1 Part VIII §801	X			
alternative treatment standards for hazardous debris	268.45/Table 1	20 NMAC 4.1 Part VIII §801	X			

ALTERNATIVE TREATMENT STANDARDS BASED ON HIMR

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
Table 1 identifies alternative treatment standards for F006 and K062 nonwastewaters	268.46	20 NMAC 4.1 Part VIII §801	X			
alternative treatment standards as shown at 57 FR 37281	268.46/Table 1	20 NMAC 4.1 Part VIII §801	X			

SUBPART E - PROHIBITIONS ON STORAGE

PROHIBITIONS ON STORAGE OF RESTRICTED WASTES

remove "or" from between "tanks" and "containers"; after containers add "or containment buildings"; insert "and parts 264 and 265" after "262.34"; remove parenthesized sentence	268.50(a) (1)	20 NMAC 4.1 Part VIII §801	X			
remove "or" between "tanks" and "containers" and add "or containment buildings" after "containers"	268.50(a) (2)	20 NMAC 4.1 Part VIII §801	X			

APPENDIX II to PART 268

TREATMENT STANDARDS (AS CONCENTRATIONS IN THE TREATMENT RESIDUAL EXTRACT)

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORESTRINGENT	BROADER IN SCOPE
remove table; replace with note indicating that F001-F005 spent solvent waste treatment standards appear in 268.41, 268.42 and 268.43	Appendix II	20 NMAC 4.1 Part VIII §801	X			

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

SUBPART B - PERMIT APPLICATION

CONTENTS OF PART A OF THE PERMIT APPLICATION

for hazardous debris, description of debris category(s) and contaminant category(s) to be treated, stored or disposed of at facility	270.13(n)	20 NMAC 4.1 Part IX § 901, 902	X			
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CONTENTS OF PART B: GENERAL REQUIREMENTS

insert "and hazardous debris" after "hazardous waste"; insert "of this chapter" after "part 264"	270.14(b)(2)	20 NMAC 4.1 Part IX § 901, 902	X			
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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUI V- ALEN T	LES S STR IN- GEN T	MOR E STR IN- GEN T	BROAD ER IN SCOPE

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATIONS AT THE REQUEST OF THE PERMITTEE

replace "of restricted wastes" with ", or in containment buildings"	270.42(e) (3) (ii) (B)	20 NMAC 4.1 Part IX §901,902	X			
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APPENDIX I TO SECTION 270.42

CLASSIFICATION OF PERMIT MODIFICATION

add entry 6 to section I	270.42 Appendix I, I(6)	20 NMAC 4.1 Part IX §901,902	X			
add new section M	270.42 Appendix I, M	20 NMAC 4.1 Part IX §901,902	X			

SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

remove "or" before "containers" and insert "or containment buildings" after "containers"; in two places, insert "of this chapter" after "Part 268"	270.72(b) (6)	20 NMAC 4.1 Part IX §901,902	X			
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RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

- ¹ This revision fixes an error in the July 1, 1991 CFR which makes it appear that there are two paragraphs designated as 262.34(a)(2) (see the editorial note in the CFR). Revision Checklist 82 originally inserted the first 262.34(a)(2), 262.34(a)(2)(i), 262.34(a)(2)(ii) and redesignated the old 262.34(a)(2)-(4) as 262.34(a)(3)-(5). However, Revision Checklist 92 redesignated 262.34(a)(3) as 262.34(a)(2), effectively removing the first 262.34(a)(2) and incorporating these requirements into 262.34(a)(1) at 262.34(a)(1)(iii) and (iii)(A)&(B). It was not the Agency's intent to include these requirements both at 262.34(a)(1)(iii)(A)&(B) and at 262.34(a)(2) as is indicated in the July 1, 1991 CFR. The first 262.34(a)(2) in that CFR should not be in the code. Revision Checklist 92 also redesignated 262.34(a)(3)-(5) as 262.34(a)(2)-(4), i.e., returned these subparagraphs to their original numbering prior to the redesignation by Revision Checklist 82. The revision, which is part of Revision Checklist 109, removes the first 262.34(a)(2), returning the code to what was intended by Revision Checklist 92.
- ² Note that there is an error in the Federal Register; the deadline for the written notice should be February 18, 1993, rather than November 16, 1992 as it appears in the Federal Register, in keeping with the effective date of these provisions, with the preamble to the rule at 57 FR 37215 (second full paragraph in the right-hand column), and with the similar provision under 265.1101(b)(4)(i).
- ³ Note that there is a typographical error in the Federal Register; "lead" should be "led".
- ⁴ Note that the Federal Register for this rule introduces an error into the second-to-last sentence of this subparagraph by inserting an extraneous "with" between "§§" and "265.111."
- ⁵ Note there is an error in the Federal Register article for this rule. The phrase "as needed to permit" should read "as needed to prevent."
- ⁶ Note there is a typographical error in the Federal Register article for this checklist. The instructions preceding 268.7 (on page 57 FR 37270) incorrectly say that 268.7(a)(1)(v) is added. It is a new 268.7(a)(1)(iv) which is added and the old 268.7(a)(1)(iv) is redesignated as 268.7(a)(1)(v).
- ⁷ Note that there is a typographical error in the Federal Register article for this checklist. The instructions preceding 268.7 (on page 57 FR 37270) incorrectly say 268.7(a)(3)(vi) is added. It is a new 268.7(a)(3)(v) which is added and the old 268.7(a)(3)(v) is redesignated as 268.7(a)(3)(vi).
- ⁸ Note that there is a typographical error in the Federal Register article for this checklist; there should be a comma, not a semicolon, after the second occurrence of "containers" in 268.7(a)(4).

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris (cont'd)

- ⁹ The addition of 268.14 to Federal code means that Subpart B of Part 268 is relevant to the States for the first time. The other sections of code in Subpart B, 268.10 through 268.13, contain the schedule by which EPA must evaluate wastes for land disposal restrictions. As such, States do not need requirements equivalent to 268.10 through 268.13. The surface impoundment exemptions of 268.14, however, address the length of time interim status impoundments can be used to receive or generate newly identified or listed hazardous wastes and resolve the potential conflicts between RCRA §§3004(h)(4), 3004(j)(6) and 3004(j)(11) [see the discussion in the Federal Register for this rule, pp. 37218-37221]. Therefore, States must adopt requirements analogous to 268.14(a)-(c).
- ¹⁰ Note there are two different entries in Table CCW for K030. Because there isn't an entry for K043, likely the second "K030" should read "K043." Also, the Federal Register adds an entry for K111, but this is not noted in the revision instructions for the table.

RCRA REVISION CHECKLIST 110

Coke By-Products Listings
 57 FR 37284-37306
 August 18, 1992
 (RCRA Cluster III, HWSA provisions)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTR-GENERAL	MORE-GENERAL	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

† EXCLUSIONS

replace "No. K087" with "Nos. K060, K087, K141, K142, K143, K144, K145, K147 and K148"; replace "Section" with "section"; insert comma after "of this part"; replace "tar or are" with "tar, or"; replace "refining process" with "recovery or refining processes, or mixed with coal tar"	261.4(a)(10)	20 NMAC 4.1 Part II §201	X			
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SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

add K141-K145, K147 and K148 in alphanumeric order to the subgroup "Coking" as specified at 57 FR 37305	261.32	20 NMAC 4.1 Part II §201	X			
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RCRA REVISION CHECKLIST 110: Coke-By-Products Listings (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSE-IN-GEN-T	MORE-STR-GEN-T	BROADER IN SCOPE

APPENDIX TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add K141-K145, K147 and K148 in alphanumeric order as specified at 57 FR 37305	261, Appendix VII	20 NMAC 4.1 Part II §201	X			
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RCRA REVISION CHECKLIST 111

Burning of Hazardous Waste in Boilers and Industrial Furnaces;
 Technical Amendment III
 57 FR 38558-38566
 August 25, 1992
 (RCRA Cluster III, Both HSWA and Non-HSWA provisions)

Notes: 1) The notice addressed by this checklist makes several technical amendments to the final rule addressed by Revision Checklist 85 (56 FR 7134, February 21, 1991), Revision Checklist 94 (56 FR 32688, July 17, 1991), and Revision Checklist 96 (56 FR 42504, August 27, 1991). These revisions provide clarification and correct unintended consequences of the Boilers and Industrial Furnaces (BIF) rule and its previous corrections.

2) Note that on September 5, 1991 (56 FR 43874; Revision Checklist 98), an administrative stay of the permitting standards as they apply to coke ovens burning certain hazardous wastes was published, affecting the February 21, 1991 (56 FR 7134; Revision Checklist 85) final rule. The changes addressed by that administrative stay are optional. However, the final rule addressed by Revision Checklist 105 (June 22, 1992; 57 FR 27880) removed the September 5, 1991 administrative stay. Thus, States that have adopted the Coke Oven Administrative Stay introduced by Revision Checklist 98 should either remove their analog to the note that follows 266.100(a) or state in their regulations that this stay ends on June 22, 1992.

3) States that are not authorized for Revision Checklists 85, 94 and 96 are strongly encouraged to adopt these present technical corrections and the ones addressed by Revision Checklist 114 (57 FR 44999; September 20, 1992) at the same time the requirements addressed by Revision Checklists 85, 94 and 96 are adopted. States already authorized for the provisions addressed by Revision Checklists 85, 94 and 96 should adopt these present technical corrections, and Revision Checklist 114, as soon as possible. A checklist is available which consolidates all of these checklists into one consolidated Boilers and Industrial Furnaces checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LES STR-GEN T	MOR SE IN-GEN T	BROAD ER IN SCOPE

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

DEFINITIONS

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTR-INGEN-T	MORESTR-INGEN-T	BROAD-ER IN SCOPE
insert "followed by an afterburner using controlled flame combustion" after "heat"	260.10 "infrared incinerator"	20 NMAC 4.1 Part I §101,102	X			
insert "followed by an afterburner using controlled flame combustion" after "heat"	260.10 "plasma arc incinerator"	20 NMAC 4.1 Part I §101, 102	X			
SUBPART C - RULEMAKING PETITIONS						
GENERAL						
replace "265" with "266" in the first sentence	260.20(a)	20 NMAC 4.1 Part I §101, 102	X			
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART A - GENERAL						
DEFINITION OF SOLID WASTE						
change "paragraph" to "paragraphs"; insert "and (d) (2)" after "(d) (1)"	261.2(e) (2) (iv)	20 NMAC 4.1 Part II §201	X			
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A - GENERAL						
PURPOSE, SCOPE, AND APPLICABILITY						
change "subparts C, D, F, or G" to "subparts C, F, G, or H"	264.1(g) (2)	20 NMAC 4.1 Part II §201	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:				BROAD ER IN SCOPE
			EQUI V-ALEN T	LES S STR IN-GEN T	MOR E STR IN-GEN T		
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES							
SUBPART A - GENERAL							
PURPOSE, SCOPE, AND APPLICABILITY							
change "subparts C, D, F, or G" to "subparts C, F, G, or H"	265.1(c)(6)	20 NMAC 4.1 Part VI §601	X				
PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES							
SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES							
APPLICABILITY							
1 change "(b), (c), and (d)" to "(b), (c), (d), and (f)"	266.100(a)	20 NMAC 4.1 Part VII §701	X				
replace "261.111" with "266.111"	266.100(f)	20 NMAC 4.1 Part VII §701	X				
MANAGEMENT PRIOR TO BURNING							
replace "subparts A through L of part 264, subparts A through L of part 265, and part 270" with "parts 264, 265, and 270"	266.101(c)(1)	20 NMAC 4.1 Part VII §701	X				

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
delete "-" from "on-site"; replace "regulation under subparts A through L of part 264, subparts A through L of part 265, and part 270" with "the regulations of parts 264, 265, and 270"; replace "with respect to the storage of" with "applicable to storage units for those storage units that store"	266.101(c) (2)	20 NMAC 4.1 Part VII §701	X			
INTERIM STATUS STANDARDS FOR BURNERS						
insert "or Adjusted Tier I" after "Tier I"; insert ", " after the second "(e)"	266.103(b) (2) (ii)	20 NMAC 4.1 Part VII §701	X			
insert "or Adjusted Tier I" after "Tier I"; replace "feedstream" with "feed stream"	266.103(b) (2) (iii)	20 NMAC 4.1 Part VII §701	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
insert ", unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under §266.106(b) or (e)" after "feed"	266.103(b) (3) (ii) (B)	20 NMAC 4.1 Part VII §701	X			
insert ", unless complying with the Tier I or Adjusted Tier I feed rate screening limits for chlorine under § 266.107 (b) (1) or (e) and for all metals under § 266.106 (b) or (e), and the uncontrolled particulate emissions do not exceed the standard under § 266.105" after "product"	266.103(b) (3) (v)	20 NMAC 4.1 Part VII §701	X			
2 insert "or as otherwise specified" after "section)"; insert "of §§ 266.104(b) through (e), 266.105, 266.106, 266.107 and 266.103(a) (5) (i) (D) " after "emission standards"	266.103(c) (1)	20 NMAC 4.1 Part VII §701				

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace text after "except that" with ":",	266.103(c) (1) (ii) (A)	20 NMAC 4.1 Part VII §701	X			
add new subparagraph addressing operating limits for facilities that comply with Tier I or Adjusted Tier I metals feed rate screening limits	266.103(c) (1) (ii) (A) (1)	20 NMAC 4.1 Part VII §701	X			
add new subparagraph addressing metal concentration limits for industrial furnaces that must comply with alternative metals implementation approach under 266.103(c) (3) (ii)	266.103(c) (1) (ii) (A) (2)	20 NMAC 4.1 Part VII §701	X			
3 delete ":", add "(unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106 (b) or (e));"	266.103(c) (1) (ii) (C)	20 NMAC 4.1 Part VII §701	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORESTRINGENT	BROADER IN SCOPE
4 replace ";" with ",," and add phrase addressing the operating limits for facilities that comply with Tier I or Adjusted Tier I feed rate screening limits	266.103(c) (1) (iii)	20 NMAC 4.1 Part VII §701	X			
4 replace ";" with ",," and add phrase addressing compliance with Tier I or Adjusted Tier I feed rate screening limits	266.103(c) (1) (vi)	20 NMAC 4.1 Part VII §701	X			
before "266.104(c)," replace "§§" with "§"; add sentence addressing owners and operators of facilities electing to comply with 266.104(f) alternative hydrocarbon provision and requesting a 266.103(c) (7) (ii) (B) time extension;	266.103(c) (5)	20 NMAC 4.1 Part VII §701	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace "owner and operator request" with "owner or operator requests"; replace "them to" with "the facility to comply with the alternative hydrocarbon provisions of § 266.104(f) and"	266.103(c) (7) (ii) (B)	20 NMAC 4.1 Part VII §701	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSE-STRONG	MORE-STRONG	BROADER IN SCOPE
<u>STANDARDS TO CONTROL ORGANIC EMISSIONS</u>						

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LES STR IN-GEN T	MOR E STR IN-GEN T	BROAD ER IN SCOPE
replace initial "The" with "When the baseline HC (and CO) level is determined, the"; replace "when the baseline HC (and CO) level is determined" at end of sentence with a phrase regarding normal products, operating conditions, feedstocks and fuels; remove "(and CO)" after the second occurrence of "HC"; insert "HC" after "rolling average"; after "hazardous waste," replace phrase regarding normal operating conditions, feedstocks and fuels with phrase regarding adjustment for hydrocarbon level variability under good operating conditions; before last sentence, add sentence addressing baseline CO level determination; in	266.104(f) (1)	20 NMAC 4.1 Part VII §701	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTR-GENERAL	MORESTR-GENERAL	BROAD-ER IN SCOPE
STANDARDS TO CONTROL METALS EMISSIONS						
remove parentheses around "and Tier II"; add "either" after "comply with"; at end of subparagraph, add phrase addressing adjusted Tier I limits	266.106(b) (7)	20 NMAC 4.1 Part VII §701	X			
in title, insert "and Adjusted Tier I"; add sentence addressing applicability of this paragraph	266.106(d)	20 NMAC 4.1 Part VII §701	X			
5 remove "," after "each metal" and insert ". In addition, conformance with either the Tier III or Adjusted Tier I metals controls must be demonstrated by"	266.106(d) (1)	20 NMAC 4.1 Part VII §701	X			
replace the equation as shown at 57 FR 38566	266.106(d) (3)	20 NMAC 4.1 Part VII §701	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GEN-T	MORE STRIN-GEN-T	BROAD-ER IN SCOPE
after "testing", add parenthetical phrase regarding facilities complying with Adjusted Tier I controls	266.106(d) (5)	20 NMAC 4.1 Part VII §701	X			
STANDARDS TO CONTROL HYDROGEN CHLORIDE (HCl) AND CHLORINE GAS (Cl ₂) EMISSIONS						
replace "(b) or (c)" with "(b), (c), or (e)"	266.107(a)	20 NMAC 4.1 Part VII §701	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTR-GEN	MORESTR-GEN	BROADER IN SCOPE

SMALL QUANTITY ON-SITE BURNER EXEMPTION

replace equation as shown at 57 FR 38566	266.108(c)	20 NMAC 4.1 Part VII §701	X			
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REGULATION OF RESIDUES

replace "concentrations" with "concentration"; insert "each" before "nonmetal toxic"; replace "constituents" with "constituent"; replace "levels" with "level"; at the end of the first sentence add phrase regarding level of detection	266.112(b) (2) (i)	20 NMAC 4.1 Part VII §701	X			
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APPENDIX IX TO PART 266

METHODS MANUAL FOR COMPLIANCE WITH THE BIF REGULATIONS

in footnote 1, replace "EPA-450/2-78-027" with "EPA-450/2-78-027R"	Appendix IX/Section 5.0/Table 5.0-3.	20 NMAC 4.1 Part VII §701	X			
6 in the title, replace "ISCT PREDICATED" with "ISCST PREDICTED" and replace " $\mu\text{G}/\text{M}^3$ " with " $\mu\text{g}/\text{m}^3$ "	Appendix IX/Section 5.0/Table 5.0-4.	20 NMAC 4.1 Part VII §701	X			

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
6 in the title, replace "ISCT PREDICATED" with "ISCST PREDICTED" and replace " $\mu\text{G}/\text{M}^3$ " with " $\mu\text{g}/\text{m}^3$ "	Appendix IX/Section 5.0/Table 5.0-5.	20 NMAC 4.1 Part VII §701	X			
in first paragraph, add reference to footnote " ¹ " after "(EPA 1986)"; in footnote 1, replace "EPA-450/2-78-027" with "EPA-450/2-78-027R"; in third paragraph, replace "Auer 3978" with "Auer 1978"	Appendix IX/Section 6.1	20 NMAC 4.1 Part VII §701	X			

- ¹ This rule corrects an error in the September 5, 1991 rule (56 FR 43874, Revision Checklist 98) by replacing the reference to "(f)" that was erroneously removed.
- ² Note that this rule erroneously changes "266.103(a)(5)(i)(D)" to "266.103(a)(5)(I)(D)." We have used the correct citation in this checklist.
- ³ Note that there is an error in the Federal Register article for this rule. There should be an additional closing parenthesis after "(e)" to complete the parenthetical phrase.
- ⁴ Note that the Federal Register incorrectly ends these revised paragraphs with periods, rather than leaving the original semicolons. This is inconsistent with the structure of the surrounding subparagraphs.
- ⁵ Note that there is an error in the Federal Register article for this rule. The phrase "dispersion modeling to predict the maximum annual average off-site ground level contamination for each" appears twice but should only occur once.

RCRA REVISION CHECKLIST 111: Burning of Hazardous Waste in
Boilers and Industrial Furnaces (cont'd)

- ⁶ Note that there are errors in the Federal Register article for this rule. The original titles for these tables in the July 17, 1991 rule (56 FR 32688, Revision Checklist 94) read " $\mu\text{G}/\text{M}^3$ ", not " $8\text{G}/\text{M}^3$ " as indicated in the corrections numbered 11 and 12 on page 38566 of the current rule. The " $8\text{G}/\text{M}^3$ ", however, appears in the 1991 and 1992 CFRs and is incorrect. Note also that the " $\mu\text{G}/\text{M}^3$ " in the July 17, 1991, Federal Register and the " $8\text{G}/\text{M}^3$ " in the 1991 and 1992 CFRs should be " $\mu\text{g}/\text{m}^3$ " rather than " g/m^3 " as shown at 57 FR 38566 (August 25, 1992). The error was corrected by Revision Checklist 114 (57 FR 44999; September 30, 1992).