

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 120

Wood Preserving; Revisions to Listings and Technical Requirements

57 FR 61492-61505

December 24, 1992

(RCRA Cluster III, Both HSWA and Non-HSWA provisions)

Note: 1) This revision checklist terminates the June 13, 1991 (56 FR 27332, Revision Checklist 91) administrative stay by amending the F032, F034, and F035 listings and by revising technical requirements for new drip pads. This checklist amends the impermeability requirement for existing drip pads, replacing it with a specific hydraulic conductivity standard. The stay promulgated February 18, 1992 (57 FR 5859, Revision Checklist 101) no longer applies. (Note, the preamble to this rule refers to this stay as the February 6, 1992 administrative stay.) Facilities with existing drip pads must meet this new hydraulic standard before the compliance date set in this rule rather than the October 20, 1992 deadline set in that administrative stay. States that have adopted Revision Checklists 91 and 101 are encouraged to adopt Revision Checklist 120 as soon as possible. States that have not yet adopted previous Wood Preserving checklists are strongly encouraged to use the Consolidated Wood Preserving Checklist updated through December 31, 1992.

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|----------------------|-----------------------|--------------------------|------------------|--------------|-------------|------------------|
| | | | EQUIV-ALENT | LESSE-STRONG | MORE-STRONG | BROADER IN SCOPE |

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART D--LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

| | | | | | | |
|--|-----------------|---------------------------|---|--|--|--|
| †,1 revise F032, F034, and F035 listings to read as follows: | 261.31(a)/table | 20 NMAC 4.1 Part II § 201 | X | | | |
|--|-----------------|---------------------------|---|--|--|--|

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

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

| Industry and EPA hazardous waste No. | Hazardous waste | Hazard code |
|--------------------------------------|---|-------------|
| * | * | * |
| F032 | Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with § 261.35 of this chapter or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. | (T) |
| F034 | Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. | (T) |
| F035 | Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. | (T) |
| * | * | * |

| | | | | | | |
|--|-----------------|---------------------------|---|--|--|--|
| 2 remove the administrative stay addressed in Footnote 1 of the 261.31 table | 261.31(a)/table | 20 NMAC 4.1 Part II § 201 | X | | | |
|--|-----------------|---------------------------|---|--|--|--|

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

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

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

SUBPART W—DRIP PADS

APPLICABILITY

| | | | | | | |
|--|----------------------|-------------------------------|---|--|--|--|
| change "run-on" to "run-off"; at end of paragraph, add sentence regarding applicability of 264.573(b) (3) leak collection system requirement | 264.570(a) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| add new paragraph; Subpart W requirements not applicable to management of infrequent, incidental drippage in storage yards provided: | 264.570(c) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| owner or operator maintains and complies with a written contingency plan describing how owner or operator will respond immediately to discharge of infrequent and incidental drippage; at a minimum, what the contingency plan must describe | 264.570(c) (1) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| | 264.570(c) (1) (i) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| | 264.570(c) (1) (ii) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| | 264.570(c) (1) (iii) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| | 264.570(c) (1) (iv) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|--|-----------------------|-------------------------------------|------------------|--------------|----------------|------------------|
| | | | EQUIV-ALENT | LESSTRINGENT | MORE STRINGENT | BROADER IN SCOPE |
| ASSESSMENT OF EXISTING DRIP PAD INTEGRITY | | | | | | |
| delete ", and must document the age of the drip pad to the extent possible, to document compliance with paragraph (b) of this section" | 264.571(a) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| 3 change "modifications will be" to "modifications are"; change "insufficient" to "in sufficient"; change "263.573" to "264.573"; delete "and must document the age of the drip pad to the extent possible"; delete "All upgrades, repairs, and modifications must be completed in accordance with the following:" | 264.571(b) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| 3 remove subparagraphs | 264.571(b) (1) | " | X | | | |
| | 264.571(b) (2) | " | X | | | |
| | 264.571(b) (3) | " | X | | | |

DESIGN AND INSTALLATION OF NEW DRIP PADS

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|---|-----------------------|-------------------------------------|------------------|-------------|--------------|------------------|
| | | | EQUIV-ALENT | LESSTRINGEN | MORESTRINGEN | BROADER IN SCOPE |
| insert "new" before "drip pads"; replace "all of the applicable requirements of §§ 264.573, 264.574 and 264.575 of this subpart." with "one of the following:" | 264.572 | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| add new subparagraph; all of the requirements of 264.573 (except 264.573(a)(4)), 264.574 and 264.575 | 264.572(a) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| add new subparagraph; all of the requirements of 264.573 (except 264.573(b)), 264.574 and 264.575 | 264.572(b) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |

DESIGN AND OPERATING REQUIREMENTS

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|---|-----------------------|-------------------------------------|------------------|-------------|--------------|------------------|
| | | | EQUIV-ALENT | LESSTRINGEN | MORESTRINGEN | BROADER IN SCOPE |
| <p>4, remove existing 5, text designated as 6 (a)(4) and note regarding administrative stay for existing drip pads; replace with subparagraph addressing hydraulic conductivity requirements; maintain surface free of cracks and gaps; sealing material must be chemically compatible with preservatives that contact pad; requirements apply to existing drip pads and drip pads of owners/operators electing to comply with 264.572(a)</p> | 264.573(a)(4)(i) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (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 |
| add new subparagraph; owner or operator must obtain and keep at the facility written assessment of drip pad certified by independent qualified registered engineer; assessment must attest to results of evaluation; assessment must be reviewed, updated and recertified annually; evaluation must document extent to which drip pad meets 264.573 (except 264.573(b)) design and operating standards | 264.573(a)(4)(ii) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |
| 7 replace existing introductory sentence with: "If owner/operator elects to comply with § 264.572(b) instead of § 264.572(a), the drip pad must have:" | 264.573(b) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|---|-----------------------|-------------------------------------|------------------|-------------|--------------|------------------|
| | | | EQUIV-ALENT | LESSTRINGEN | MORESTRINGEN | BROADER IN SCOPE |
| add new subparagraph; leakage collection system immediately above the liner designed, constructed, maintained and operated to collect leakage from below the drip pad; date, time and quantity of leakage collected must be documented in operating log | 264.573 (b) (3) | 20 NMAC 4.1 Part V § 501, 502 | X | | | |

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RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|---|-----------------------|------------------------------------|------------------|--------------|----------------|------------------|
| | | | EQUIV-ALENT | LESSTRINGENT | MORE STRINGENT | BROADER IN SCOPE |
| replace "at least once every seven days" with "in a manner and frequency"; replace phrase addressing the types of cleaning techniques with phrase addressing proper management of residues and weekly inspections of entire drip pad surface; at end add new sentence requiring owner/operator to determine whether residues are hazardous under 262.11 and, if so, manage according to Parts 261-268, 270 and RCRA §3010 | 264.573(i) | 20 NMAC 4.1 Part V § 501,502 | X | | | |

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|--|-----------------------|--------------------------------------|------------------|-------------|--------------|------------------|
| | | | EQUIV-ALENT | LESSTRINGEN | MORESTRINGEN | BROADER IN SCOPE |
| PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES | | | | | | |
| SUBPART W—DRIP PADS | | | | | | |
| APPLICABILITY | | | | | | |
| change "run-on" to "run-off"; delete comma after first occurrence of "1990"; delete "generated" after first occurrence of "operator has"; at end of paragraph, add sentence regarding applicability of 265.443(b) (3) leak collection system requirement | 265.440(a) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| add new paragraph; Subpart W requirements not applicable to management of infrequent, incidental drippage in storage yards provided: | 265.440(c) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|--|-----------------------|--------------------------------------|------------------|--------------|----------------|------------------|
| | | | EQUIV-ALENT | LESSTRINGENT | MORE STRINGENT | BROADER IN SCOPE |
| owner or operator maintains and complies with a written contingency plan describing how owner or operator will respond to discharge of infrequent and incidental drippage; at a minimum, what the contingency plan must describe | 265.440(c) (1) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| | 265.440(c) (1) (i) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| | 265.440(c) (1) (ii) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| | 265.440(c) (1) (iii) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| | 265.440(c) (1) (iv) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|--|-----------------------|--------------------------------------|------------------|---------------|----------------|------------------|
| | | | EQUIV-ALENT | LESSTRINGEN-T | MORESTRINGEN-T | BROADER IN SCOPE |
| ASSESSMENT OF EXISTING DRIP PAD INTEGRITY | | | | | | |
| delete "justify and" after "The evaluation must"; delete ", and must document the age of the drip pad to the extent possible, to document compliance with paragraph (b) of this section" | 265.441(a) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| 3 add comma after first occurrence of "this subpart"; change "modifications will be" to "modifications are"; delete "and must document the age of the drip pad to the extent possible"; delete ", " after "265.443 of this subpart"; delete comma after "qualified"; delete "All upgrades, repairs, and modifications must be completed in accordance with the following:" | 265.441(b) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| 3 | 265.441(b) (1) | " | X | | | |
| | 265.441(b) (2) | " | X | | | |
| remove subparagraphs | 265.441(b) (3) | " | X | | | |

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|---|-----------------------|--------------------------------------|------------------|-----------------|-------------------|-------------------|
| | | | EQUIV-ALENT | LES-STR-INGEN-T | MOR-E-STR-INGEN-T | BROAD-ER IN SCOPE |
| DESIGN AND INSTALLATION OF NEW DRIP PADS | | | | | | |
| replace "all of the applicable requirements of §§ 265.443, 265.444 and 265.445 of this subpart." with "one of the following:" | 265.442 | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| all of the applicable requirements of 265.443 (except 265.443(a)(4)), 265.444 and 265.445 | 265.442(a) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| all of the applicable requirements of 265.443 (except 265.443(b)), 265.444 and 265.445 | 265.442(b) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|---|-----------------------|--------------------------------------|------------------|-----------------|-------------------|-------------------|
| | | | EQUIV-ALENT | LES-STR-INGEN-T | MOR-E-STR-INGEN-T | BROAD-ER IN SCOPE |
| DESIGN AND OPERATING REQUIREMENTS | | | | | | |
| 4, remove existing 8 text designated as 265.443(a) (4) and remove two notes regarding administrative stays for new and existing drip pads; replace with new subparagraph regarding hydraulic conductivity requirements; maintain surface free of cracks and gaps; surface material must be chemically compatible with preservatives that contact pad; requirements apply to existing drip pads and drip pads of owners/operators electing to comply with 265.442(a) | 265.443(a) (4) (i) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|--|-----------------------|--------------------------------------|------------------|--------------|----------------|------------------|
| | | | EQUIV-ALENT | LESSTRINGENT | MORE STRINGENT | BROADER IN SCOPE |
| add new subparagraph; owner or operator must obtain and keep at the facility a written assessment of drip pad certified by independent qualified registered engineer; assessment must attest to results of evaluation; assessment must be reviewed, updated and recertified annually; evaluation must document extent to which drip pad meets 265.443 (except 265.443(b)) design and operating standards | 265.443(a)(4)(ii) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| 9 replace existing introductory sentence with "If an owner/operator elects to comply with § 265.442(b) instead of § 265.442(a), the drip pad must have:" | 265.443(b) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

| FEDERAL REQUIREMENTS | FEDERAL RCRA CITATION | ANALOGOUS STATE CITATION | STATE ANALOG IS: | | | |
|---|-----------------------|--------------------------------------|------------------|---------------|----------------|------------------|
| | | | EQUIV-ALENT | LESSTRINGEN-T | MORESTRINGEN-T | BROADER IN SCOPE |
| add new subparagraph; leakage collection system immediately above the liner designed, constructed, maintained and operated to collect leakage from below the drip pad for removal; date, time and quantity of leakage collected must be documented in operating log | 265.443(b) (3) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |
| replace "at least once every seven days" with "in a manner and frequency"; replace phrase addressing the types of cleaning techniques with phrase addressing proper management of residues and weekly inspections of entire drip pad surface | 265.443(i) | 20 NMAC 4.1 Part VI § 601, 602 | X | | | |

¹ For those States that did not adopt the June 13, 1991 administrative stay, the changes to these listings represent a narrowing of the F032, F034 and F035 listings. Thus, these changes are optional for States not adopting that administrative stay. Those States which adopted that administrative stay should remove the wording added by the stay and replace the wording with that shown in the December 24, 1992 rule and presented in this checklist.

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to
Listings and Technical Requirements (cont'd)

- 2 Only those States that added the stay to their code need to make this change.
- 3 The Federal Register instructions for revising this paragraph are unclear. According to EPA, the last sentence of (b), which introduces the subparagraphs, is to be removed, as well as subparagraphs (b)(1), (2), and (3). A technical correction will be published in the Federal Register in the near future.
- 4 The Federal Register does not clearly indicate that these notes regarding administrative stays are removed by this rule; according to EPA, they should be removed. A technical correction will be published in the Federal Register in the near future.
- 5 There are two typographical errors in this paragraph in the Federal Register; in both occurrences, "1x10⁻⁷" should be "1x10⁻⁷."
- 6 Note that the Federal Register is in error. According to EPA, the last line of 264.573(a)(4)(i) should read "§ 264.572(b) instead of §264.572(a)" rather than "§264.572(a) instead of 264.572(b)." As written, the code contradicts what is said in the 264.572(a)&(b) requirements.
- 7 There is an error in the Federal Register at 264.573(b). According to EPA, the phrase "§ 264.572(b) instead of § 264.572(a)" should be "§ 264.572(a) instead of § 264.572(b)." As currently written, the code contradicts the 264.572(a)&(b) requirements.
- 8 Note that the Federal Register is in error. According to the last line of 265.443(a)(4)(i) should read "§ 265.442(b) instead of § 265.442(a)" rather than "§ 265.442(a) instead of § 265.442(b)". As written, the code contradicts what is said in the 265.442(a)&(b) requirements.
- 9 There is an error in the Federal Register at 265.443(b). According to EPA, the phrase "§ 265.442(b) instead of § 265.442(a)" should be "§ 265.442(a) instead of § 265.442(b)." As currently written, the code contradicts the 265.442(a)&(b) requirements.