

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 123

Land Disposal Restrictions;
 Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance
 58 FR 28506-28511
 May 14, 1993
 (RCRA Cluster III, HSWA provisions)

Notes: 1) This is the fifth rule addressing hazardous debris and soil contaminants with Third Third wastes. Revision Checklist 78 (55 FR 22520; June 1, 1990) established a national capacity variance for certain hazardous waste soil and debris at 268.35. Revision Checklist 83 (56 FR 3864; January 31, 1991) amended 268.35(d) to also address mixed radioactive hazardous waste and amended 268.35(e) to address additional wastes. Revision Checklist 103 (57 FR 20766; May 15, 1992) established a case-by-case extension, until May 8, 1993, for contaminated debris only. Revision Checklist 116 (57 FR 47772; October 20, 1992) clarified that the case-by-case extension applied to mixed radioactive hazardous waste. This current rule extends, until May 8, 1994, the case-by-case extension for hazardous debris promulgated by the October 20, 1992 final rule. It also clarifies the extension by addressing mixed radioactive hazardous waste debris separately from other debris. The case-by-case extension for hazardous soil retains the May 8, 1993 deadline as specified in the October 20, 1992 rule, but is also clarified. States that have already adopted any of the previous rules addressing hazardous debris and soil should adopt this rule as soon as possible. States that have not adopted Third Third regulations should adopt this rule when adopting the other Third Third rules.

2) Although reprinted in the final rule addressed by this checklist, the 268.35(e) introduction did not change and was not included on this checklist.

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

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS—THIRD THIRD WASTES

RCRA REVISION CHECKLIST 123: Land Disposal Restrictions;
 Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (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
change "1993" to "1994"; delete "268.10, 268.11, and"; in two places, delete parenthetical phrase regarding mixed radioactive hazardous wastes; add "are" after "treatment standards"	268.35(e) (1)	20 NMAC 4.1 Part VIII § 801				
redesignate old 268.35(e) (2) text as 268.35(e) (4); add new paragraph; effective May 8, 1994, mixed radioactive hazardous debris contaminated with 268.12 wastes and mixed radioactive hazardous debris contaminated with any characteristic waste for which Subpart D treatment standards are established are prohibited from land disposal	268.35(e) (2)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 123: Land Disposal Restrictions;
 Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (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 paragraph; 268.35(e) (1)&(2) do not apply where generator has failed to make good-faith effort to locate suitable treatment capacity, has not utilized such capacity as it has found to be available, or has failed to file a report under 268.5(g), by August 12, 1993 or within 90 days after hazardous waste is generated, describing generator's efforts to locate treatment capacity; where 268.35(e) (1)&(2) do not apply, all wastes described in 268.35(e) (1)&(2) are prohibited from land disposal effective May 8, 1993	268.35(e) (3)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 123: Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
old 268.35(e) (2) text redesignated as 268.35(e) (4); after "hazardous soil" insert "contaminated with wastes specified in this section"	268.35(e) (4)	20 NMAC 4.1 Part VIII § 801	X			
add new paragraph; when used in 268.35(e) (1) & (2), debris defined as:	268.35(e) (5)	20 NMAC 4.1 Part VIII § 801	X			
as defined in 268.2(g)	268.35(e) (5) (i)	20 NMAC 4.1 Part VIII § 801	X			
nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve that require cutting, or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the inorganic or metal materials specified in 268.35(e) (5) (ii) (A) - (H)	268.35(e) (5) (ii)	20 NMAC 4.1 Part VIII § 801	X			
	268.35(e) (5) (ii) (A)	20 NMAC 4.1 Part VIII § 801	X			
	268.35(e) (5) (ii) (B)	20 NMAC 4.1 Part VIII; § 801	X			
	268.35(e) (5) (ii) (C)	20 NMAC 4.1 Part VIII § 801	X			
	268.35(e) (5) (ii) (D)	20 NMAC 4.1 Part VIII § 801	X			
	268.35(e) (5) (ii) (E)	20 NMAC 4.1 Part VIII § 801	X			
	268.35(e) (5) (ii) (F)	20 NMAC 4.1 Part VIII § 801	X			
	268.35(e) (5) (ii) (G)	20 NMAC 4.1 Part VIII; § 801	X			
268.35(e) (5) (ii) (H)	268.35(e) (5) (ii) (H)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 124

Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes
Whose Treatment Standards Were Vacated

58 FR 29860-29887

May 24, 1993

(RCRA Cluster III, HSWA provisions)

Note: This Revision Checklist amends the treatment standards under the land disposal restrictions program for certain wastes displaying the characteristics of ignitability (EPA Hazard Code D001) and corrosivity (EPA Hazard Code D002). The treatment standards for these wastes were vacated by the September 25, 1992, decision of the U.S. Court of Appeals [Chemical Waste Management vs. EPA, 976 F.2d 2 (D.C. Cir. 1992)]. Without this replacement of these standards, land disposal of these wastes would be prohibited.

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

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

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

change "." to ","; add phrase regarding compliance with 264.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove the characteristic before land disposal	264.1(g) (6)	20 NMAC 4.1 Part V § 501	X			
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RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

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

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

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

change "." to ","; add phrase regarding compliance with 265.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove characteristic before land disposal	265.1(c)(10)	20 NMAC 4.1 Part VI § 601	X			
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

1. PURPOSE, SCOPE AND APPLICABILITY

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (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; <u>de minimis</u> losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable or corrosive, and that contain underlying hazardous constituents as defined in 268.2, are not considered to be prohibited wastes; <u>de minimis</u> defined	268.1(e) (4)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORESTRINGENT	BROADER IN SCOPE
add new paragraph; land disposal prohibitions do not apply to laboratory wastes displaying the characteristic of ignitability or corrosivity that are commingled with other plant wastewaters under designated circumstances: such wastes at facilities whose ultimate discharge is subject to regulation under the CWA, provided the annualized flow of laboratory wastewater into facility's headwork does not exceed 1%, or provided that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headwork	268.1(e) (5)	20 NMAC 4.1 Part VIII § 801	X			

DEFINITIONS APPLICABLE IN THIS PART

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new paragraph; definition of "underlying hazardous constituent"	268.2(i)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (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
WASTE ANALYSIS AND RECORDKEEPING						
in two places, delete "of this part," after "268.32"; add "of this chapter" after "appendix II" and after "subpart C"; add sentence at end regarding what the generator must do if he determines that his waste displays characteristic of ignitability or corrosivity and is prohibited under 268.37	268.7(a)	20 NMAC 4.1 Part VIII § 801	X			
2 change "F039 and" to "F039,"; after "3004(d)" add ", and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under §268.37 of this part"	268.7(a) (1) (ii)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS IN-GENUITY	MORE STRICT IN-GENUITY	BROADER IN SCOPE
2 change "F039 and" to "F039,"; after "3004(d)" add ", and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under §268.37 of this part"	268.7(b)(4)(ii)	20 NMAC 4.1 Part VIII § 801	X			

SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new sentence at end; if generator determines that his waste displays characteristic of ignitability (and is not in the High TOC Ignitable Liquid Subcategory or is not treated by INCIN, FSUBS or RORGS of § 268.42, Table 1) or corrosivity and is prohibited under 268.37, generator must determine what underlying hazardous characteristics are reasonably expected to be present in the waste	268.9(a)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

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

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS--IGNITABLE AND CORROSIVE CHARACTERISTIC WASTES WHOSE TREATMENT STANDARDS WERE VACATED

effective August 9, 1993, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems other than those whose discharge is regulated under the CWA or that inject in Class I deep wells regulated under the SDWA or are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal; CWA-equivalent treatment defined	268.37(a)	20 NMAC 4.1 Part VIII § 801	X			
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RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS IN-T	MORE IN-T	BROADER IN SCOPE
effective February 10, 1994, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems defined in 40 CFR 144.6(e) and 146.6(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection are prohibited from land disposal	268.37(b)	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

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

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

add commas before and after "or hazardous debris for which a treatment technology is specified under § 268.45"; add sentence at end—for waste displaying characteristic of ignitability and reactivity that are diluted to meet deactivation treatment standard in 268.42(a) Tables 1 & 2, the treater must comply with precautionary measures specified in 264.17(b) and 265.17(b)	268.40(b)	20 NMAC 4.1 Part VIII § 801	X			
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TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
revise Table CCWE entry for F039; add "(and D001 and D002 wastes prohibited under § 268.37)" after "F039" in first column; in third column, add "Table 2 in 268.42, and" before "Table CCW"	268.41(a), Table CCWE	20 NMAC 4.1 Part VIII § 801	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESSTRINGENT	MORESTRINGENT	BROADER IN SCOPE
TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES						
Revise Table 2 as shown at 58 <u>FR</u> 29886	268.42(a), Table 2	20 NMAC 4.1 Part VIII § 801	X			
TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS						
revise Table CCW entry for F039; add "(and D001 and D002 wastes prohibited under § 268.37)" after "F039" in first column; in third column, add "Table 2 in 268.42, and" before "Table CCWE"	268.43(a), Table CCW	20 NMAC 4.1 Part VIII § 801	X			
PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM						
SUBPART D - CHANGES TO PERMIT						
PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE						
remove second item designated as B(1)(b); redesignate item B(1)(c) as B(1)(d); add new B(1)(c) as shown at 58 <u>FR</u> 29887	270.42 Appendix I	20 NMAC 4.1 Part VIII § 801	X			

- ¹ There is a typographical error in title of this section as printed in the Federal Register; "scope/and" should be "scope and". States should retain the correct title as it appears in the CFR.
- ² There is a typographical error in the Federal Register; "reactive cyanides" should appear in italic type as it does in the CFR.