

US EPA ARCHIVE DOCUMENT

**ATTACHMENT L**

**Revision Checklists, RCRA Statutory Checklist and AG Statement**

RCRA REVISION CHECKLIST 200  
Zinc Fertilizer Rule  
67 FR 48393 – 48415  
July 24, 2002  
(RCRA Cluster XIII, HSWA/ Non-HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A -- GENERAL</b>						
<b>EXCLUSIONS</b>						
add new paragraphs (a)(20) and (21) to read as follows:	261.4	20.4.1.200 NMAC	X			
Hazardous secondary materials used to make zinc fertilizers, provided these conditions are satisfied:	261.4(a)(20)	20.4.1.200 NMAC	X			
Materials must not be accumulated speculatively, as defined in §261.1 (c)(8).	261.4(a)(20)(i)	20.4.1.200 NMAC	X			
Generators and intermediate handlers must:	261.4(a)(20)(ii)	20.4.1.200 NMAC	X			
Submit a one-time notice to Regional Administrator or State Director, containing facility name, address and EPA ID number; providing a description of material; and identifying when the manufacturer will manage these wastes under paragraph (a)(20).	261.4(a)(20)(ii)(A)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Store material in tanks, containers, or buildings that prevent releases into environment. Buildings must be made of non-earthen materials and have a floor, walls and a roof. Tanks must be structurally sound and, if outdoors, must have roofs or covers. Containers must be kept closed except when adding or removing material, and must be in sound condition. Containers stored outdoors must be managed within storage areas that:	261.4(a)(20)(ii)(B)	20.4.1.200 NMAC	X			
have containment structures or systems to contain leaks, spills and accumulated precipitation; and	261.4(a)(20)(ii)(B)(1)	20.4.1.200 NMAC	X			
provide for drainage and removal of leaks, spills and accumulated precipitation; and	261.4(a)(20)(ii)(B)(2)	20.4.1.200 NMAC	X			
prevent run-on into the containment system.	261.4(a)(20)(ii)(B)(3)	20.4.1.200 NMAC	X			
With each off-site shipment, provide written notice to the receiving facility that the material is subject to paragraph (a)(20).	261.4(a)(20)(ii)(C)	20.4.1.200 NMAC	X			
Maintain at generator's or intermediate handler's facility for no less than three years records of all shipments. These records must contain:	261.4(a)(20)(ii)(D)	20.4.1.200 NMAC	X			

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RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Name of transporter and date of shipment;	261.4(a)(20)(ii)(D)(1)	20.4.1.200 NMAC	X			
Name and address of receiving facility, and documentation confirming shipment receipt; and	261.4(a)(20)(ii)(D)(2)	20.4.1.200 NMAC	X			
Type and quantity of material in each shipment.	261.4(a)(20)(ii)(D)(3)	20.4.1.200 NMAC	X			
Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:	261.4(a)(20)(iii)	20.4.1.200 NMAC	X			
Store materials in accordance with requirements for generators and intermediate handlers, as in paragraph (a)(20)(ii)(B).	261.4(a)(20)(iii)(A)	20.4.1.200 NMAC	X			
Submit a one-time notification to the Regional Administrator or State Director that, specifies the name, address and EPA ID number of the manufacturer, and identifies when the manufacturer will manage these materials under paragraph (a)(20).	261.4(a)(20)(iii)(B)	20.4.1.200 NMAC	X			
Maintain records for a minimum of three years of all shipments received; must identify name and address of generating facility, name of transporter and date materials were received, quantity received, and a describe the process that generated the material.	261.4(a)(20)(iii)(C)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Submit to the Regional Administrator or State Director an annual report identifying the total quantities of all materials used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the process(s) which generated them.	261.4(a)(20)(iii)(D)	20.4.1.200 NMAC	X			
Nothing in this section preempts, overrides or otherwise negates the provision in §262.11.	261.4(a)(20)(iv)	20.4.1.200 NMAC	X			
Interim status and permitted storage units that have only stored zinc-bearing hazardous wastes prior to the submission of the one-time notice described in (a)(20)(ii)(A), and that afterward will be used only to store these excluded materials, are not subject to the closure requirements of 40 CFR Parts 264 and 265.	261.4(a)(20)(v)	20.4.1.200 NMAC	X			
Zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under paragraph (a)(20) of this section, provided that:	261.4(a)(21)	20.4.1.200 NMAC	X			
The fertilizers meet the following contaminant limits:	261.4(a)(21)(i)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
For metal contaminants: The Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm): Arsenic - .3 Cadmium - 1.4 Chromium - .6 Lead - 2.8 Mercury - .3	261.4(a)(21)(i)(A)	20.4.1.200 NMAC	X			
For dioxin contaminants the fertilizer must contain no more than eight (8) parts per trillion of dioxin, measured as toxic equivalent (TEQ).	261.4(a)(21)(i)(B)	20.4.1.200 NMAC	X			
The manufacturer analyzes fertilizer to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. Testing must be performed whenever there are changes to manufacturing processes or ingredients that could significantly affect amounts of contaminants in product. The manufacturer may use any reliable analytical method. It is manufacturer's responsibility to ensure that sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.	261.4(a)(21)(ii)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
The manufacturer maintains for no less than three years records of all sampling and analyses performed to determine compliance with the requirements of (a)(21)(ii). Such records must at a minimum include:	261.4(a)(21)(iii)	20.4.1.200 NMAC	X			
Dates and times product samples were taken, and dates samples were analyzed;	261.4(a)(21)(iii)(A)	20.4.1.200 NMAC	X			
Names and qualifications of person(s) taking samples;	261.4(a)(21)(iii)(B)	20.4.1.200 NMAC	X			
Description of methods and equipment used to take the samples;	261.4(a)(21)(iii)(C)	20.4.1.200 NMAC	X			
Name and address of the laboratory where analyses were performed;	261.4(a)(21)(iii)(D)	20.4.1.200 NMAC	X			
Description of analytical methods used, and	261.4(a)(21)(iii)(E)	20.4.1.200 NMAC	X			
All laboratory analytical results used to determine compliance with the contaminant limits specified in paragraph (a)(21).	261.4(a)(21)(iii)(F)	20.4.1.200 NMAC	X			
<b>PART 266 – STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES</b>						
<b>SUBPART C -- RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL</b>						
<b>APPLICABILITY</b>						
remove the last two sentences of paragraph (b), and add a new paragraph (d) to read as follows:	266.20	20.4.1.700 NMAC	X			
Fertilizers that contain recyclable materials are not subject to regulation provided that:	266.20(d)	20.4.1.700 NMAC	X			

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RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
They are zinc fertilizers excluded from the definition of solid waste according to §261.4(a)(21); or	266.20(d)(1)	20.4.1.700 NMAC	X			
They meet applicable treatment standards in subpart D of Part 268 of this chapter for each hazardous waste that they contain.	266.20(d)(2)	20.4.1.700 NMAC	X			
PART 268 – LAND DISPOSAL RESTRICTIONS						
SUBPART D – TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS						
Section 268.40 is amended by removing and reserving paragraph (i)	268.40	20.4.1.800 NMAC	X			

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RCRA REVISION CHECKLIST 201  
 Treatment Variance for Radioactively  
 Contaminated Batteries  
 67 FR 62618 – 62624  
 October 7, 2002  
 (RCRA Cluster XIII, HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

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

**PART 268 – LAND DISPOSAL RESTRICTIONS**

**SUBPART D – TREATMENT STANDARDS**

**APPLICABILITY OF TREATMENT STANDARDS**

amend the Table by adding the following entries to the end of entries D006, D009, and D011:	268.40/Table	20.4.1.800 NMAC	X			
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**TREATMENT STANDARDS FOR HAZARDOUS WASTES**

[NOTE: NA means not applicable]

Waste code	Waste description and treatment/ Regulatory subcategory	Regulated hazardous constituent		Wastewaters: Concentration in mg/L, <sup>3</sup> or technology code <sup>4</sup>	Nonwastewaters: Concentration in mg/kg <sup>5</sup> unless noted as “mg/L TCLP”, or technology code <sup>4</sup>
		Common name	CAS <sup>2</sup> No.		
* * * * *					
D006 <sup>9</sup> .....	* * * * * Radioactively contaminated cadmium containing batteries. (Note: This subcategory consists of nonwastewaters only)	Cadmium.....	7740-43-9	NA	Macroencapsulation in accordance with 40 CFR 268.45.
* * * * *					
D009 <sup>9</sup> .....	* * * * * Radioactively contaminated mercury containing batteries. (Note: This subcategory consists of nonwastewaters only)	Mercury.....	7439-97-6	NA	Macroencapsulation in accordance with 40 CFR 268.45.
* * * * *					

RCRA REVISION CHECKLIST 201: Treatment Variance for Radioactively Contaminated Batteries  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
D011 <sup>9</sup> ..... * * * Radioactively contaminated silver containing batteries. ( <b>Note:</b> This subcategory consists of nonwastewaters only) * * *	* * Silver.....	7440-22-4 NA				Macroencapsulation in accordance with 40 CFR 268.45. * * *

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 202  
 Hazardous Air Pollutant Standards for Combustors- Corrections 2  
 67 FR 77687 - 77692  
 December 19, 2002  
 (RCRA Cluster XIII, HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 270 – EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM</b>						
<b>SUBPART B – PERMIT APPLICATION</b>						
<b>SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS</b>						
Amend by revising paragraph (e) to read as follows: When an owner or operator demonstrates compliance with the air emission standards in part 63, subpart EEE, the requirements of this section do not apply, except those the Director determines necessary to comply with §§ 264.345(a) and 264.345(c) if you elect to comply with § 270.235(a)(1)(i). The Director may apply the provisions on a case-by-case basis for information collection in accordance with §§ 270.10(k) and 270.32(b)(2).	270.19(e)	20.4.1.900 NMAC	X			

RCRA REVISION CHECKLIST 202: Hazardous Air Pollutant Standards for Combustors– Corrections 2  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
<b>SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE</b>						
Amend by revising the introductory text to read as follows: When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations in part 63, subpart EEE, the requirements of this section do not apply, except those the Director determines necessary to comply with §§ 266.102(e)(1) and 266.102(e)(2)(iii) if you elect to comply with § 270.235(a)(1)(i). The Director may apply the provisions on a case-by-case basis for information collection in accordance with §§ 270.10(k) and 270.32(b)(2).	270.22 intro	20.4.1.900 NMAC	X			

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RCRA REVISION CHECKLIST 202: Hazardous Air Pollutant Standards for Combustors– Corrections 2  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
<b>SUBPART F – SPECIAL FORMS OF PERMITS</b>						
<b>HAZARDOUS WASTE INCINERATOR PERMITS</b>						
Section 270.62 is amended by revising the introductory text to read as follows: When an owner or operator demonstrates compliance with the air emission standards and limitations in part 63, subpart EEE, the requirements of this section do not apply, except those provisions the Director determines necessary to comply with §§ 264.345(a) and 264.345(c) of this chapter if you elect to comply with § 270.235(a)(1)(i). The Director may apply the provisions on a case-by-case basis, for information collection in accordance with §§ 270.10(k) and 270.32(b)(2).	270.62 intro	20.4.1.900 NMAC	X			

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RCRA REVISION CHECKLIST 202: Hazardous Air Pollutant Standards for Combustors– Corrections 2  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
<b>PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE.</b>						
Amend by revising the introductory text to read as Follows: When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations in part 63, subpart EEE, the requirements of this section do not apply, except those provisions the Director determines necessary to comply with §§ 266.102(e)(1) and 266.102(e)(2)(iii) of this chapter if you elect to comply with § 270.235(a)(1)(i). The Director may apply the provisions on a case-by-case basis for information collection in accordance with §§ 270.10(k) and 270.32(b)(2).	270.66 intro	20.4.1.900 NMAC	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 203  
 Recycled Used Oil Management Standards; Clarification  
 68 FR 44659 – 44665  
 July 30, 2003  
 (RCRA Cluster XIV, Non-HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A -- GENERAL</b>						
<b>SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS</b>						
amend paragraph 261.5(j) by removing both phrases, “if it is destined to be burned for energy recovery”	261.5(j)	20.4.1.200 NMAC	X			
<b>PART 279 – STANDARDS FOR THE MANAGEMENT OF USED OIL</b>						
<b>SUBPART B -- APPLICABILITY</b>						
<b>APPLICABILITY</b>						
Revise paragraph (i) to read as follows:	279.10	20.4.1.1002 NMAC	X			

RCRA REVISION CHECKLIST 203: Recycled Used Oil Management Standards; Clarification  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Used oil containing PCBs at any concentration less than 50 ppm is subject to requirements of this Part unless it is regulated under 40 CFR 761 as a used oil containing PCBs at 50 ppm or greater. PCB-containing used oil subject to the requirements of this Part may also be subject to prohibitions and requirements at 40 CFR 761, including 20(d) and (e). Used oil containing PCBs at concentrations of 50 ppm or greater is not subject to requirements of this Part, but is subject to regulation under Part 761. No person may avoid these provisions by diluting used oil containing PCBs, unless otherwise specifically provided for in this Part or Part 761 of this chapter.	279.10(i)	20.4.1.1002 NMAC	X			
<b>SUBPART H -- STANDARDS FOR USED OIL FUEL MARKETERS</b>						
<b>TRACKING</b>						
279.74 is revised so paragraph (b) reads as follows:	279.74	20.4.1.1002 NMAC	X			

RCRA REVISION CHECKLIST 203: Recycled Used Oil Management Standards; Clarification  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
A generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under 279.11 must keep a record of each shipment to the facility to which it delivers the used oil. Records for each shipment must include the following information	279.74(b)	20.4.1.1002 NMAC	X			
Name and address of facility receiving the shipment;	279.74(b)(1)	20.4.1.1002 NMAC	X			
Quantity of used oil fuel delivered;	279.74(b)(2)	20.4.1.1002 NMAC	X			
Date of shipment or delivery; and	279.74(b)(3)	20.4.1.1002 NMAC	X			
A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under 279.72(a).	279.74(b)(4)	20.4.1.1002 NMAC	X			

RCRA REVISION CHECKLIST 205  
 NESHAP: Surface Coating of Automobiles and Light-Duty Trucks  
 69 FR 22601 – 22661  
 April 26, 2004  
 (RCRA Cluster XIV, Non-HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>PART 264 – STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>						
<b>SUBPART BB – AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS</b>						
<b>APPLICABILITY</b>						
Section 264.1050 is amended by adding paragraph (h) after paragraph (g) and before the note to read as follows:	264.1050	20.4.1.500 NMAC	X			
Purged coatings and solvents from surface coating operations subject to the national emission standards for hazardous air pollutants (NESHAP) for the surface coating of automobiles and light-duty trucks at 40 CFR part 63, subpart III, are not subject to the requirements of this subpart.	264.1050(h)	20.4.1.500 NMAC	X			
<b>PART 265 – INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>						
<b>SUBPART BB -- AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS</b>						
<b>APPLICABILITY</b>						

RCRA REVISION CHECKLIST 205: NESHAP: Surface Coating of Automobiles and Light-Duty Trucks  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Section 265.1050 is amended by adding paragraph (g) after paragraph (f) and before the note to read as follows:	265.1050	20.4.1.600 NMAC	X			
Purged coatings and solvents from surface coating operations subject to the national emission standards for hazardous air pollutants (NESHAP) for the surface coating of automobiles and light-duty trucks at 40 CFR part 63, subpart III, are not subject to the requirements of this subpart.	265.1050(g)	20.4.1.600 NMAC	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 206  
 Nonwastewaters from Dyes and Pigments  
 70 FR 9138 – 9180  
 February 24, 2005  
 (RCRA Cluster XV, HSWA)

As amended on June 16, 2005 at 70 FR 35032

- 1) A correction was made to this rule at 70 FR 35032 (June 16, 2005). The sections affected are: 40 CFR 261.32(d)(2) and 261.32(d)(3)(iv)(B). States are encouraged to adopt the correction at the same time that the February 24, 2005 provisions are adopted. Those states that will incorporate the July 1, 2005 Code of Federal Regulations by reference, should include language that references or otherwise includes the correction published in the Federal Register on June 16, 2005 to ensure accuracy of regulations.
- 2) States are encouraged to adopt these provisions and begin implementing them while seeking authorization.

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
<b>PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A -- GENERAL</b>						
<b>EXCLUSIONS</b>						
revise paragraph (b)(15) to read as follows:	261.4	20.4.1.200 NMAC	X			
Leachate or gas condensate from landfills where certain solid wastes are disposed provided that:	261.4(b)(15)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Solid wastes would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, K172, K174, K175, K176, K177, K178, and K181 if these wastes had been generated after the effective date of the listing;	261.4(b)(15)(i)	20.4.1.200 NMAC	X			
Solid wastes in (b)(15)(i) were disposed prior to the effective date of listing;	261.4(b)(15)(ii)	20.4.1.200 NMAC	X			
The leachate or gas condensate do not exhibit any characteristic of hazardous waste nor are derived from any listed hazardous waste;	261.4(b)(15)(iii)	20.4.1.200 NMAC	X			
Discharge of the leachate or gas condensate, including that transferred from the landfill to a POTW, is subject to regulation under section 307(b) or 402 of the Clean Water Act.	261.4(b)(15)(iv)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
As of February 13, 2001, leachate or gas condensate derived from K169 – K172 is no longer exempt if managed in surface impoundment prior to discharge. As of November 21, 2003, leachate or gas condensate from K176, K177, and K178 is no longer exempt if managed in surface impoundment prior to discharge. After February 26, 2007, leachate or gas condensate from K181 will no longer be exempt if managed in surface impoundment prior to discharge. One exception: if surface impoundment is used temporarily in an emergency, provided impoundment has a double liner, and the leachate or gas condensate is managed in compliance w/ b(15)(v) after emergency ends.	261.4(b)(15)(v)	20.4.1.200 NMAC	X			

SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

amended by designating the existing text and table as (a); adding a new entry under the heading “Organic Chemicals” in the table; and adding paragraphs (b), (c), and (d) to read as follows:	261.32	20.4.1.200 NMAC	X			
261.32(a) reads as follows:	261.32(a)	20.4.1.200 NMAC	X			
Industry and EPA hazardous waste No.	Hazardous waste					Hazard code

\* \* \* \* \*

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>Organic Chemicals</b>						
*	*	*	*	*	*	*
K181.....	Nonwastewaters from the production of dyes and/or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in paragraph (c) of this section that are equal to or greater than the corresponding paragraph (c) levels, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are: (i) disposed in a Subtitle D landfill unit subject to the design criteria in 258.40, (ii) disposed in a Subtitle C landfill unit subject to either 264.301 or 265.301, (iii) disposed in other Subtitle D landfill units that meet the design criteria in 258.40, 264.301, or 265.301, or (iv) treated in a combustion unit that is permitted under Subtitle C, or an onsite combustion unit that is permitted under the Clean Air Act. For the purposes of this listing, dyes and/or pigments production is defined in paragraph (b)(1) of this section. Paragraph (d) of this section describes the process for demonstrating that a facility's nonwastewaters are not K181. This listing does not apply to wastes that are otherwise identified as hazardous under 216.21-261.24 and 261.31-261.33. at the point of generation. Also, the listing does not apply to wastes generated before any annual mass loading limit is met.					(T)
*	*	*	*	*	*	*
Listing of Specific Definitions: (1) For the purposes of the K181 listing, dyes and/or pigments production is defined to include manufacture of the following classes: dyes, pigments, FDA certified colors classified as azo, triarylmethane, perylene or anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azoic, bensidine and pyrazolone. Triarylmethane products include triphenylmethane products too. Wastes not generated at dyes and/or pigments manufacturing site are not included in the listing.	261.32(b)	20.4.1.200 NMAC	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
K181 Listing Levels. Nonwastewaters containing constituents in amounts equal to or exceeding the following levels in a calendar year are subject to K181 listing, unless certain conditions are met.	261.32(c)	20.4.1.200 NMAC	X			
Constituent	Chemical abstracts No.		Mass levels (kg/yr)			
Aniline.....	62-53-3		9,300			
o-Anisidine.....	90-04-0		110			
4-Chloroaniline.....	106-47-8		4,800			
p-Cresidine.....	120-71-8		660			
2,4-Dimethylaniline.....	95-68-1		100			
1,2-Phenylenediamine	95-54-5		710			
1,3-Phenylenediamine	108-45-2		1,200			
Procedures for demonstrating that dyes and/or pigment nonwastewaters are not K181. The procedures described in (d)(1)-(d)(3) and (d)(5) establish when nonwastewaters are not hazardous. If the nonwastewaters are disposed in landfill units or treated in combustion units, then they are not hazardous. Generator must maintain documentation described in (d)(4).	261.32(d)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Determination based on no K181 constituents. Generators that have knowledge that their wastes contain no K181 constituents can use this to make determination. Generator must document annually and keep these for three years.	261.32(d)(1)	20.4.1.200 NMAC	X			
Determination for generated quantities of 1,000 MT/yr or less of wastes that contain K181 constituents. If the total annual quantity of dyes/pigments is 1,000 MT or less, the generator can use knowledge of the wastes to conclude that annual mass loadings are below the listing levels of paragraph (c). The generator must:	261.32(d)(2)	20.4.1.200 NMAC	X			
Each year document the basis for determining the annual quantity will be less than 1,000 MT	261.32(d)(2)(i)	20.4.1.200 NMAC	X			
Track the actual quantity of nonwastewaters from Jan. 1 – Dec. 31 of each year. If the actual quantity exceeds 1,000 MT, the generator must comply w/ paragraph (d)(3) for remainder of year.	261.32(d)(2)(ii)	20.4.1.200 NMAC	X			
Keep a running total of K181 constituent mass loadings over the calendar year.	261.32(d)(2)(iii)	20.4.1.200 NMAC	X			
Keep the following records on site for the three most recent years:	261.32(d)(2)(iv)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Quantity of dyes/pigment nonwastewaters generated.	261.32(d)(2)(iv)(A)	20.4.1.200 NMAC	X			
Process information used	261.32(d)(2)(iv)(B)	20.4.1.200 NMAC	X			
Calculations used to determine annual total mass loadings for each K181 constituent.	261.32(d)(2)(iv)(C)	20.4.1.200 NMAC	X			
Determination for generated quantities greater than 1,000 MT/yr for wastes that contain K181 constituents. If the total annual quantity of dyes/pigments nonwastewaters is greater than 1,000 MT the generator must comply w/ (d)(3)(i) – (d)(3)(xi) in order to make determination that waste is not K181.	261.32(d)(3)	20.4.1.200 NMAC	X			
Determine which K181 constituents are expected to be present.	261.32(d)(3)(i)	20.4.1.200 NMAC	X			
If 1,2-phenylenediamine is present, generator can use knowledge or sampling to determine level of constituent in wastes. For determinations based on knowledge, generator must comply w/ (d)(2) and keep records described in (d)(2)(iv). For sampling based determinations, generator must comply w/ requirements described below.	261.32(d)(3)(ii)	20.4.1.200 NMAC	X			
Develop a sampling plan. At a minimum, the plan must include:	261.32(d)(3)(iii)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Discussion of number of samples needed;	261.32(d)(3)(iii)(A)	20.4.1.200 NMAC	X			
Sample collection method;	261.32(d)(3)(iii)(B)	20.4.1.200 NMAC	X			
Discussion of how sampling accounts for temporal and spatial variability.	261.32(d)(3)(iii)(C)	20.4.1.200 NMAC	X			
Description of the test methods.	261.32(d)(3)(iii)(D)	20.4.1.200 NMAC	X			
Collect and analyze samples.	261.32(d)(3)(iv)	20.4.1.200 NMAC	X			
Sampling and analysis must be precise, unbiased and representative of wastes.	261.32(d)(3)(iv)(A)	20.4.1.200 NMAC	X			
Measurements must be sensitive, accurate, and precise.	261.32(d)(3)(iv)(B)	20.4.1.200 NMAC	X			
Record analytical results.	261.32(d)(3)(v)	20.4.1.200 NMAC	X			
Record the waste quantity.	261.32(d)(3)(vi)	20.4.1.200 NMAC	X			
Calculate constituent-specific mass loadings.	261.32(d)(3)(vii)	20.4.1.200 NMAC	X			
Keep total of K181 mass loadings over calendar year.	261.32(d)(3)(viii)	20.4.1.200 NMAC	X			
Determine whether the mass of any K181 constituent generated over the year is below the listing levels.	261.32(d)(3)(ix)	20.4.1.200 NMAC	X			
Keep the following records on site for the three most recent years:	261.32(d)(3)(x)	20.4.1.200 NMAC	X			
Sampling and analysis plan.	261.32(d)(3)(x)(A)	20.4.1.200 NMAC	X			
Sampling and analysis results.	261.32(d)(3)(x)(B)	20.4.1.200 NMAC	X			
Quantity of dyes/pigment nonwastewaters generated.	261.32(d)(3)(x)(C)	20.4.1.200 NMAC	X			
Calculations performed to determine annual mass loadings.	261.32(d)(3)(x)(D)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Nonhazardous waste determinations must be conducted annually to verify they remain nonhazardous.	261.32(d)(3)(xi)	20.4.1.200 NMAC	X			
Annual testing is suspended after three consecutive annual demonstrations wastes are nonhazardous.	261.32(d)(3)(xi)(A)	20.4.1.200 NMAC	X			
Annual testing requirements are reinstated if the manufacturing or waste treatment processes are altered.	261.32(d)(3)(xi)(B)	20.4.1.200 NMAC	X			
If testing requirements are suspended, the generator must keep records of the process knowledge used to support nonhazardous determination. If testing is reinstated, a description of process change must be reinstated.	261.32(d)(3)(xi)(C)	20.4.1.200 NMAC	X			
Recordkeeping for the landfill disposal and combustion exemptions. The generator must maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or meets design standards in the listing description, or was treated in combustion units in listing description.	261.32(d)(4)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Waste holding and handling. The generator is responsible for storing wastes appropriately. If wastes are hazardous and generator has not complied w/ Subtitle C requirements, the generator could be subject to an enforcement action.	261.32(d)(5)	20.4.1.200 NMAC	X			
add the following entries in alphanumeric order to read as follows:	261 Appendix VII	20.4.1.200 NMAC	X			
EPA hazardous waste No.	Hazardous constituents for which listed					
* K181.....	* Aniline, o-anisidine, 4-chloroaniline, p-cresidine, 2,4-dimethylaniline, 1,2-phenylenediamine, 1,3-phenylenediamine.	* * * * *				
add the following entries in alphabetical order to read as follows:	261 Appendix VIII	20.4.1.200 NMAC	X			
Common name	Chemical abstracts name	Chemical abstracts No.	Hazardous waste No.			
* o-Anisidine (2-methoxyaniline).....	* Benzenamine, 2-Methoxy-.....	* 90-04-0	* .....			
* p-Cresidine.....	* 2-Methoxy-5-methylbenzenamine.....	* 120-71-8	* .....			
* 2,4-Dimethylaniline (2,4-xylylidine).....	* Benzenamine, 2,4-dimethyl-.....	* 95-68-1	* .....			
* 1,2-Phenylenediamine.....	* 1,2-Benzenediamine.....	* 95-54-5	* .....			
* 1,3-Phenylenediamine.....	* 1,3-Benzenediamine.....	* 108-45-2	* .....			
PART 268 – LAND DISPOSAL RESTRICTIONS						
SUBPART C – PROHIBITIONS ON LAND DISPOSAL						
WASTE SPECIFIC PROHIBITIONS- DYES AND/OR PIGMENTS PRODUCTION WASTES						

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
amended by adding 268.20 and adding and reserving 268.21 through 268.29 to read as follows:	268.20	20.4.1.800 NMAC	X			
Effective August 23, 2005, K181 waste and soil, debris, or radioactive waste mixed with this waste are prohibited from land disposal.	268.20(a)	20.4.1.800 NMAC	X			
The requirements of paragraph (a) of this section do not apply if:	268.20(b)	20.4.1.800 NMAC	X			
The wastes meet the applicable treatment standards specified in subpart D.;	268.20(b)(1)	20.4.1.800 NMAC	X			
Persons have been granted an exemption pursuant to a petition under 268.6;	268.20(b)(2)	20.4.1.800 NMAC	X			
Wastes meet treatment standards pursuant to a petition under 268.44;	268.20(b)(3)	20.4.1.800 NMAC	X			
Hazardous debris has met the treatment standards in 268.40 or in 268.45; or	268.20(b)(4)	20.4.1.800 NMAC	X			
Persons have been granted an extension to the effective date of a prohibition pursuant to 268.5.	268.20(b)(5)	20.4.1.800 NMAC	X			

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
To determine whether a hazardous exceeds the treatment standards in 268.40, the initial generator must test a sample of the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of subpart D levels, it is prohibited from land disposal and all requirement of part 268 apply.	268.20(c)	20.4.1.800 NMAC	X			
<b>SUBPART D – TREATMENT STANDARDS</b>						
<b>APPLICABILITY OF TREATMENT STANDARDS</b>						
the Table of Treatment Standards is amended by revising the entry for F039 to add constituents in alphabetical sequence and by adding in alphanumeric order the entry for K181 to read as follows:	268.40/ Treatment Standard Table	20.4.1.800 NMAC	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>TREATMENT STANDARDS FOR HAZARDOUS WASTES</b>						
<b>[Note: NA means not applicable]</b>						
Waste code	Waste description and treatment/regulatory subcategory <sup>1</sup>	Regulated hazardous constituent		Wastewaters Concentration in mg/L <sup>3</sup> or technology code <sup>4</sup>	Nonwastewater Concentration in mg/kg <sup>5</sup> unless noted as "mg/L TCLP", or technology code	
		Common name	CAS <sup>2</sup>			
*	*	*	*	*	*	*
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this part. (Leachate resulting from the disposal of one or more of the following EPA hazardous Wastes and no other Hazardous Waste retains its EPA Hazardous Waste Number(s); F020, F021, F022, F026, F027, and/or F028).	***** o-Anisidine (2-methoxyaniline) *****	90-04-0	0.010	0.66	
		p-Cresidine.....	120-71-8	0.010	0.66	
		2,4-Dimethylaniline (2,4-xylylidine) *****	95-68-1	0.010	0.66	
		1,3-Phenylenediamine..... *****	108-45-2	0.010	0.66	
*	*	*	*	*	*	*
K181	Nonwastewaters from the production of dyes and/or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in paragraph (c) of section 261.32 that are equal to or greater than the corresponding paragraph (c) levels, as determined on a calendar year basis.	Aniline.....	62-53-3	0.81	14	
		o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66	
		4-Chloroaniline.....	106-47-8	0.46	16	
		p-Cresidine.....	120-71-8	0.010	0.66	
		2,4-Dimethylaniline (2,4-xylylidine)	95-68-1	0.010	0.66	
		1,2-Phenylenediamine.....	95-54-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	1,3-Phenylenediamine.....	108-45-2	0.010		0.66	
*	*	*	*		*	*

Footnotes to Treatment Standard Table 268.40

- 1 The waste descriptions provided in this table do not replace waste descriptions in 40 CFR Part 261. Descriptions of Treatment/ Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards
- 2 CAS means Chemical Abstract Services. When the waste code and/ or regulated constituents are described as a combination of a chemical with its salts and/ or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/ L and are based on analysis of composite samples.
- 4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 40 CFR 268.42 Table 1- Technology Codes and Descriptions of Technology-Based Standards.
- 5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration units operated in accordance with the technical requirements of 40 CFR part 264, Subpart O or 40 CFR part 265, Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

UNIVERSAL TREATMENT STANDARDS

amended by adding in alphabetical sequence the following entries under organic constituents:	268.48/ Universal Treatment Standards Table	20.4.1.800 NMAC	X			
--	---	-----------------	---	--	--	--

Universal Treatment Standards  
[Note: NA means not applicable]

Regulated constituent common name	CAS <sup>1</sup> number	Wastewater standard Concentration in mg/L <sup>2</sup>	Nonwastewater standard Concentration in mg/kg <sup>3</sup> unless noted as "mg/L TCLP"
* * * * *	*	*	*
o-Anisidine (2-methoxyaniline).....	90-04-0	0.010	0.66
* * * * *	*	*	*
p-Cresidine.....	120-71-8	0.010	0.66
* * * * *	*	*	*
2,4-Dimethylaniline (2,4-xylydine).....	95-68-1	0.010	0.66
* * * * *	*	*	*
1,3-Phenylenediamine.....			
* * * * *	*	*	*

Footnotes to Table UTS

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 206: Nonwastewaters from Dyes and Pigments  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
1	CAS means Chemical Abstract Services. When the waste code and/ or regulated constituents are described as a combination of a chemical with its salts and/ or esters, the CAS number is given for the parent compound only.					
2	Concentration standards for wastewaters are expressed in mg/L and are based on analysis of composite samples.					
3	Except for Metals (EP or TCLP) and Cyanides ( Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 40 CFR Part 264, Subpart O, or Part 265, Subpart O, or substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.					

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 207  
 Uniform Hazardous Waste Manifest Rule  
 70 FR 10776 – 10825  
 March 4, 2005  
 (RCRA Cluster XV, HSWA/Non-HSWA)

As amended on June 16, 2005 at 70 FR 35034

- 1) A correction was made to this rule at 70 FR 35034 (June 16, 2005). The sections affected are: 40 CFR 262.20(a)(2), 262.33, the Manifest form and continuation sheet, 264.72(e)(4) and 265.72(e)(4). States are encouraged to adopt the correction at the same time that the March 4, 2005 provisions are adopted. Those states that will incorporate the July 1, 2005 Code of Federal Regulations by reference, should include language that references or otherwise includes the correction published in the Federal Register on June 16, 2005 to ensure accuracy of regulations.
- 2) As noted in a May 14, 2007 memorandum from Matt Hale, Director of the Office of Solid Waste, in 40 CFR 264.72(f)(2) and 265.72(f)(2), the March 4, 2005 final rule in advertently requires the designated facility to enter the generator's name and mailing address in Item 5 of the manifest. Designated facilities should enter their own information in Item 5 of the manifest in cases of rejected shipments. This checklist reflects the correction of this error.
- 3) States are encouraged to adopt these provisions and begin implementing them while seeking authorization.

Note that revisions to 262.27 were promulgated pursuant to HSWA.

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
<b>PART 260 – HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>						
<b>SUBPART B -- DEFINITIONS</b>						
<b>DEFINITIONS</b>						
amended by removing "Manifest document number," revising "Designated facility" and	260.10	20.4.1.100 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
“Manifest,” and adding “Manifest tracking number” to read as follows:						
<p><i>Designated facility</i> means:</p> <p>(1) A hazardous waste TSDF which: (i) Has received a permit (or interim status) in accordance with parts 270 and 124; (ii) Has received a permit (or interim status) from an authorized state; (iii) Is regulated under 261.6(c)(2) or 266 subpart F; and (iv) That has been designated on the manifest by the generator pursuant to 262.20.</p> <p>(2) A generator site designated on the manifest to receive its waste as a return shipment</p> <p>(3) If a waste is destined to a facility in an authorized State which has not obtained authorization to regulate that waste, then designated facility must be a facility allowed to accept the waste by the receiving State.</p>	260.10	20.4.1.100 NMAC	X			
<p><i>Manifest</i> means: Shipping document EPA Form 8700-22 (including 8700-22A), originated and signed by generator or offeror</p>	260.10	20.4.1.100 NMAC	X			
<p><i>Manifest tracking number</i> means: The alphanumeric identification number which is pre-printed in Item 4 of the Manifest.</p>	260.10	20.4.1.100 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A -- GENERAL</b>						
<b>RESIDUES OF HAZARDOUS WASTE IN EMPTY CONTAINERS</b>						
amended by revising (b)(1)(iii) to read as follows:	261.7	20.4.1.200 NMAC	X			
No more than 3% by weight of the total capacity remains in the container or inner liner if the container is less than or equal to 119 gallons; or	261.7(b)(1)(iii)(A)	20.4.1.200 NMAC	X			
No more than 0.3% by weight of the total capacity remains in the container or inner liner if the container is greater than 119 gallons.	261.7(b)(1)(iii)(B)	20.4.1.200 NMAC	X			
<b>PART 262 – STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE</b>						
<b>SUBPART B – THE MANIFEST</b>						
<b>GENERAL REQUIREMENTS</b>						
(a) is revised to read as follows:	262.20	20.4.1.300 NMAC	X			
A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a TSDF who offers for transport a rejected hazardous waste load, must prepare a Manifest on EPA Form 8700-22, and if necessary, EPA Form 8700-22A	262.20(a)(1)	20.4.1.300 NMAC	X			
The revised Manifest form and procedures, and the appendix to part 262 shall not apply until September 5, 2006. The Manifest form and procedures, and the appendix to part 262 contained in 40 CFR 260 –	262.20(a)(2)	20.4.1.300 NMAC	X			

**RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
265 edition revised as of July 1, 2004, shall be applicable until September 5, 2006.						
<b>MANIFEST TRACKING NUMBERS, MANIFEST PRINTING, AND OBTAINING MANIFESTS</b>						
revised to read as follows (including Section heading):	262.21	20.4.1.300 NMAC	X			
Manifest tracking numbers, manifest printing, and obtaining manifests.	262.21/ Section heading	20.4.1.300 NMAC	X			
A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the EPA Director of the Office of Solid Waste to do so under paragraphs (c) and (e) of this section.	262.21(a)(1)	20.4.1.300 NMAC	X			
The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of this section. The registrant is responsible for assigning manifest tracking numbers to its manifests.	262.21(a)(2)	20.4.1.300 NMAC	X			
A registrant must submit an initial application to the EPA Director of the Office of Solid Waste that contains the following information:	262.21(b)	20.4.1.300 NMAC	X			
Name and mailing address of registrant;	262.21(b)(1)	20.4.1.300 NMAC	X			
Name, telephone number and email address of contact	262.21(b)(2)	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
person;						
Brief description of registrant's government or business activity;	262.21(b)(3)	20.4.1.300 NMAC	X			
EPA identification number of the registrant if applicable;	262.21(b)(4)	20.4.1.300 NMAC	X			
Description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests including:	262.21(b)(5)	20.4.1.300 NMAC	X			
A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house or through a separate printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries, the role of each must be discussed. The application must provide the name and mailing address of each company, and the name and telephone number of the contact person	262.21(b)(5)(i)	20.4.1.300 NMAC	X			
A description of how the registrant will ensure that its organization and	262.21(b)(5)(ii)	20.4.1.300 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
unaffiliated companies comply with the requirements. The application must discuss how the registrant will ensure a unique manifest tracking number will be pre-printed on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies. It must describe how the registrant will passing manifest tracking numbers to manifests. If computer or other infrastructure will be used to maintain numbers, these should be indicated. The application must indicate how the printer will pre-print a unique number on each form. The application also must explain the other quality procedures to be followed.						
An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or the general public.	262.21(b)(5)(iii)	20.4.1.300 NMAC	X			
A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information.	262.21(b)(6)	20.4.1.300 NMAC	X			
Proposed unique three-letter	262.21(b)(7)	20.4.1.300 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest.						
A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of this section and that it will notify the EPA Director of OSW of any duplicated manifest tracking numbers as soon as it becomes known.	262.21(b)(8)	20.4.1.300 NMAC	X			
EPA will review the application submitted under paragraph (b) of this section.	262.21(c)	20.4.1.300 NMAC	X			
Upon EPA approval of application, EPA will provide registrant an electronic file of manifest, continuation sheet, and manifest instructions and ask registrant to submit three manifests and continuation sheet samples, except as noted in paragraph (d)(3) of this section. The registrant's samples must meet all of the specifications in paragraph (f) of this section and be printed by the company that will print the manifest as identified in the	262.21(d)(1)	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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application approved under paragraph (c).						
Registrant must submit a description of the manifest samples as follows:	262.21(d)(2)	20.4.1.300 NMAC	X			
Paper type;	262.21(d)(2)(i)	20.4.1.300 NMAC	X			
Paper weight of each copy;	262.21(d)(2)(ii)	20.4.1.300 NMAC	X			
Ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and	262.21(d)(2)(iii)	20.4.1.300 NMAC	X			
Method of binding copies.	262.21(d)(2)(iv)	20.4.1.300 NMAC	X			
The registrant need not submit samples of the continuation sheet if it is printed on same paper and uses same ink and binding as manifest samples.	262.21(d)(3)	20.4.1.300 NMAC	X			
EPA will evaluate the forms and either approve the registrant to print as proposed or request information or modification. EPA will notify the registrant of decision by mail. The registrant cannot use or distribute forms until EPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved under paragraph (c) and the manifest specifications in paragraph (f). It also must print using the approved paper type, ink color, and binding method.	262.21(e)	20.4.1.300 NMAC	X			
Paper manifests and	262.21(f)	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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continuation sheets must be printed according to the following specifications:						
The manifest and continuation sheet must be printed with the exact format and appearance as EPA Forms format. However, information required to complete manifest may be pre-printed.	262.21(f)(1)	20.4.1.300 NMAC	X			
A unique tracking number assigned w/ EPA approved numbering system must be pre-printed in Item 4. It must have a unique three-letter suffix following nine digits.	262.21(f)(2)	20.4.1.300 NMAC	X			
The manifest and continuation sheet must be printed on durable 8.5x11 in. white paper.	262.21(f)(3)	20.4.1.300 NMAC	X			
The manifest and continuation sheet must be printed in black ink except marginal words indicating copy distribution in red ink.	262.21(f)(4)	20.4.1.300 NMAC	X			
The manifest and continuation sheet must be printed as six copy forms. Copy-to-copy registration must be w/in 1/32 <sup>nd</sup> of an in. Handwritten and typed impressions must be legible on all copies. Copies must be bound together by one or more common stubs.	262.21(f)(5)	20.4.1.300 NMAC	X			
Each copy of the manifest and continuation sheet must	262.21(f)(6)	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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indicate how the copy must be distributed as follows:						
Page 1: "Designated facility to destination State (if required)".	262.21(f)(6)(i)	20.4.1.300 NMAC	X			
Page 2: "Designated facility to generator state (if required)".	262.21(f)(6)(ii)	20.4.1.300 NMAC	X			
Page 3: "Designated facility to generator".	262.21(f)(6)(iii)	20.4.1.300 NMAC	X			
Page 4: "Designated facility's copy".	262.21(f)(6)(iv)	20.4.1.300 NMAC	X			
Page 5: "Transporter's copy".	262.21(f)(6)(v)	20.4.1.300 NMAC	X			
Page 6: "Generator's initial copy"	262.21(f)(6)(vi)	20.4.1.300 NMAC	X			
The instructions in the appendix to part 262 must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.	262.21(f)(7)	20.4.1.300 NMAC	X			
Manifest Form 8700-22	262.21(f)(7)(i)	20.4.1.300 NMAC	X			
The "Instructions for Generators" on Copy 6;	262.21(f)(7)(i)(A)	20.4.1.300 NMAC	X			
The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and	262.21(f)(7)(i)(B)	20.4.1.300 NMAC	X			
The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.	262.21(f)(7)(i)(C)	20.4.1.300 NMAC	X			
Manifest Form 8700-22A	262.21(f)(7)(ii)	20.4.1.300 NMAC	X			
The "Instructions for	262.21(f)(7)(ii)(A)	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Generators” on Copy 6;						
The “Instructions for Transporters” on Copy 5; and	262.21(f)(7)(ii)(B)	20.4.1.300 NMAC	X			
The “Instructions for Treatment, Storage, and Disposal Facilities” on Copy 4.	262.21(f)(7)(ii)(C)	20.4.1.300 NMAC	X			
A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest. A registered source may be a:	262.21(g)(1)	20.4.1.300 NMAC	X			
State agency;	262.21(g)(1)(i)	20.4.1.300 NMAC	X			
Commercial printer;	262.21(g)(1)(ii)	20.4.1.300 NMAC	X			
Hazardous waste generator, transporter or TSDF; or	262.21(g)(1)(iii)	20.4.1.300 NMAC	X			
Hazardous waste broker or other preparer.	262.21(g)(1)(iv)	20.4.1.300 NMAC	X			
A generator must determine whether the generator state or consignment state regulates any additional wastes. They must also determine whether the consignment or generator state requires the generator to submit any copies of the manifest to these states. In these cases the generator is responsible for supplying photocopies.	262.21(g)(2)	20.4.1.300 NMAC	X			
If an approved registrant would like to update information provided in application, the registrant must revise the application and submit to the EPA	262.21(h)(1)	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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Director of OSW along with an indication or explanation of update ASAP. If the Agency denies revision, it will explain the reasons and contact registrant for modification.						
If registrant would like a new tracking number suffix, he must submit a proposed suffix to the EPA Director of OSW and a reason for requesting it. The Agency will approve or deny and provide an explanation.	262.21(h)(2)	20.4.1.300 NMAC	X			
If a registrant would like to change paper type or weight, or ink color, or binding method of manifest or continuation sheet, then he must submit three samples of the revised form for EPA review. If the approved registrant would like to use a new printer, he must submit three manifest samples printed by the new printer and a brief description of the printer's qualifications. EPA will either approve or request additional information or modification. EPA will notify the registrant of decisions by mail. The registrant can not distribute revised forms until EPA approves.	262.21(h)(3)	20.4.1.300 NMAC	X			
If, subsequent to approval, a registrant typesets its manifest or continuation	262.21(i)	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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sheet instead of using the electronic file of the forms provided by EPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. EPA will either approve or request additional information or modification. EPA will notify the registrant of its decision by mail. The registrant can not distribute forms until EPA approves them.						
EPA may exempt a registrant from the requirement to submit form samples if the Agency is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision. A registrant may request an exemption from EPA by indicating why it is warranted.	262.21(j)	20.4.1.300 NMAC	X			
An approved registrant must notify EPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed.	262.21(k)	20.4.1.300 NMAC	X			
If, subsequent to approval of a registrant, EPA becomes aware that the approved paper type, weight, ink color or binding method of registrant's forms is	262.21(l)	20.4.1.300 NMAC	X			

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RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
unsatisfactory, EPA will contact the registrant and require modifications.						
EPA may suspend and revoke printing privileges if we find that the registrant:	262.21(m)(1)	20.4.1.300 NMAC	X			
Has used or distributed forms that deviate from approved form samples; or	262.21(m)(1)(i)	20.4.1.300 NMAC	X			
Exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate tracking numbers.	262.21(m)(1)(ii)	20.4.1.300 NMAC	X			
EPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come into compliance by the specified date, EPA will send a second letter notifying the registrant that EPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to EPA if requested.	262.21(m)(2)	20.4.1.300 NMAC	X			
<b>◆ WASTE MINIMIZATION CERTIFICATION</b>						
add a new 262.27 to read as follows:	262.27	20.4.1.300 NMAC	X			
Waste minimization certification.	262.27/ Section heading	20.4.1.300 NMAC	X			
A generator who initiates a shipment of hazardous waste must certify to one of	262.27	20.4.1.300 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
the following statements in Item 15 of the uniform hazardous waste manifest:						
“I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;” or	262.27(a)	20.4.1.300 NMAC	X			
“I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.”	262.27(b)	20.4.1.300 NMAC	X			
<b>SUBPART C – PRE-TRANSPORT REQUIREMENTS</b>						
<b>MARKING</b>						
revise paragraph (b) to read as follows:	262.32	20.4.1.300 NMAC	X			
Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 119 gallons or less used in such transportation with the following words and information in accordance	262.32(b)	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
with the requirements of 49 CFR 172.304.: HAZARDOUS WASTE – Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the US EPA. Generator’s Name and Address. Generator’s EPA ID Number. Manifest Tracking Number.						
<b>PLACARDING</b>						
revised to read as follows:	262.33	20.4.1.300 NMAC	X			
Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to the DOT regulations for hazardous materials under 49 CFR 172, subpart F. <del>If placards are not required, a generator must mark each motor vehicle according to 49 CFR 171.3(b)(1).</del>	262.33	20.4.1.300 NMAC	X			
<b>ACCUMULATION TIME</b>						
add new paragraph (m) to read as follows:	262.34	20.4.1.300 NMAC	X			
A generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that	262.34(m)	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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shipment back as a rejected load or residue may accumulate the returned waste on-site depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must:						
Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or	262.34(m)(1)	20.4.1.300 NMAC	X			
Sign Item 20 of the manifest if the transporter returned the shipment using a new manifest.	262.34(m)(2)	20.4.1.300 NMAC	X			
<b>SUBPART E – EXPORTS OF HAZARDOUS WASTE</b>						
<b>SPECIAL MANIFEST REQUIREMENTS</b>						
revise paragraphs (c) and (e) to read as follows:	262.54	20.4.1.300 NMAC	X			
In the International Shipments block, the primary exporter must check the export box and enter the point of exit (city and State) from the U.S.	262.54(c)	20.4.1.300 NMAC	X			
The primary exporter may obtain the manifest from any source that is registered with the US EPA as a supplier of manifests.	262.54(e)	20.4.1.300 NMAC	X			
<b>SUBPART F – IMPORTS OF HAZARDOUS WASTE</b>						
<b>IMPORTS OF HAZARDOUS WASTE</b>						
revise paragraph (c) and add paragraphs (d) and (e) to read as follows:	262.60	20.4.1.300 NMAC	X			
A person who imports hazardous waste may obtain	262.60(c)	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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the manifest form from any source that is registered with the US EPA as a supplier of manifests.						
In the International Shipments block, the importer must check the import box and enter the point of entry into the U.S.	262.60(d)	20.4.1.300 NMAC	X			
The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to US EPA.	262.60(e)	20.4.1.300 NMAC	X			
revised to read as follows:	262/ Appendix					
<b>Appendix to Part 262 – Uniform Hazardous Waste Manifest and Instructions (EPA Form 8700-22 and 8700-22A and Their Instructions)</b>						
Read all instructions before completing this form.	262/ Appendix	20.4.1.300 NMAC	X			
1. This form has been designed for use on a 12-pitch typewriter which is also compatible with standard computer printers; a firm point pen may also be used – press down hard.	262/ Appendix	20.4.1.300 NMAC	X			
2. Federal regulations require generators and transporters of hazardous waste and owners and operators of hazardous waste TSDFs to complete this form and, if necessary, the continuation sheet for both inter- and intrastate transportation of hazardous waste.	262/ Appendix	20.4.1.300 NMAC	X			
<b>Manifest 8700-22</b>	262/ Appendix/ 8700-22	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions, or accompanying the form:	262/ Appendix/ 8700-22	20.4.1.300 NMAC	X			
Public reporting burden for this collection of information is estimated to average: 30 minutes for generators, 10 minutes for transporters, and 25 minutes for owners or operators of TSDFs. This includes time for reviewing instructions, gathering data, completing, reviewing and transmitting the form. Send comments regarding burden estimate to: Director, Collection Strategies Division, at the US EPA, main address, mailcode (2822T)	262/ Appendix/ 8700-22	20.4.1.300 NMAC	X			
<b>I. Instructions for Generators</b>	262/ Appendix/ 8700-22/ I. Instructions for Generators	20.4.1.300 NMAC	X			
Enter the generator's U.S. EPA twelve digit identification number or the State generator identification number if the generator site does not have an EPA ID.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 1. Generator's U.S. EPA Identification Number</i>	20.4.1.300 NMAC	X			
Enter the total number of pages used to complete this Manifest plus the number of Continuation Sheets.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 2. Page 1 of ____</i>	20.4.1.300 NMAC	X			
Enter a phone number for which emergency response information can be obtained	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 3.</i>	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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in the event of an incident. The emergency phone number must:	<i>Emergency Response Phone Number</i>					
1. Be the number of the generator or number of an agency or organization who is capable of and accepts responsibility providing detailed information about shipment;	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 3. Emergency Response Phone Number</i>	20.4.1.300 NMAC	X			
2. Reach a phone that is monitored 24 hours a day at all times waste is in transportation; and	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 3. Emergency Response Phone Number</i>	20.4.1.300 NMAC	X			
3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has emergency response and spill cleanup/ incident mitigation information or has immediate access to a person who has that knowledge.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 3. Emergency Response Phone Number</i>	20.4.1.300 NMAC	X			
<b>Note:</b> Emergency Response phone number information should only be entered in Item 3 when there is one phone number that applies to all the waste materials in Item 9b. If more than one Emergency Response phone number applies, the phone numbers associated with each material should be entered after the description in 9b.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 3. Emergency Response Phone Number</i>	20.4.1.300 NMAC	X			
This unique tracking	262/ Appendix/ 8700-	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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number must be pre-printed on the manifest by forms printer.	22/ I. Instructions for Generators/ <i>Item 4. Manifest Tracking Number</i>					
Enter the name of the generator, the mailing address and the phone number. Note, the phone number should be the normal business number where the generator or his authorized agent may be reached to provide instructions in event the designated facility rejects some of the shipment. Also enter the physical site address from which the shipment originates if different from mailing address.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 5. Generator's Mailing Address, Phone Number and Site Address</i>	20.4.1.300 NMAC	X			
Enter the company name and EPA ID number of the first transporter who will transport waste. Vehicle or driver information may not be entered here.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 6. Transporter 1 Company Name, and U.S. EPA ID Number</i>	20.4.1.300 NMAC	X			
If applicable, enter the company name and EPA ID number of the second transporter who will transport the waste. Vehicle or driver information may not be entered here. If more than two transporters are needed, use a Continuation Sheet.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 7. Transporter 2 Company Name, and U.S. EPA ID Number</i>	20.4.1.300 NMAC	X			
Enter company name and site address of facility that will receive the waste.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 8.</i>	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Enter the facility's phone number and EPA ID.	<i>Designated Facility Name, Site Address, and U.S. EPA ID Number</i>					
<i>Item 9a.</i> If the waste identified in 9b consists of hazardous and nonhazardous materials, then identify the hazardous materials by entering an "x" in this Item.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 9. U.S.DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)</i>	20.4.1.300 NMAC	X			
<i>Item 9b.</i> Enter the DOT Proper Shipping Name, Hazard Class or Division, Identification Number and Packing Group for each waste as identified in 49 CFR 172. Include reportable quantity references if applicable.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 9. U.S.DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)</i>	20.4.1.300 NMAC	X			
<b>Note:</b> If additional space is needed, enter descriptions on Item 27 on Continuation Sheet. If more than one Emergency Response phone number applies, enter them immediately following shipping descriptions.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 9. U.S.DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)</i>	20.4.1.300 NMAC	X			
Enter number of containers for each waste and abbreviation for container	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 10.</i>	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
type from Table I.	<i>Containers (Number and Type)</i>					

Table I. – Types of Containers

- BA = Burlap, cloth, paper, or plastic bags.
- CF = Fiber or plastic boxes, cartons, cases.
- CM = Metal boxes, cartons, cases (including roll-offs).
- CW = Wooden boxes, cartons, cases.
- CY = Cylinders.
- DF = Fiberboard or plastic drums, barrels, kegs.
- DM = Metal drums, barrels, kegs.
- DT = Dump truck.
- DW = Wooden drums, barrels, kegs.
- HG = Hopper or gondola cars.
- TC = Tank cars.
- TP = Portable tanks.
- TT = Cargo tanks (tank trucks).

Enter total quantity of waste. Round to nearest whole unit. Report quantities using appropriate units of measure. Quantities should be based on actual measurements or reasonable estimates. Container capacities are not acceptable estimates.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 11. Total Quantity</i>	20.4.1.300 NMAC	X			
Enter abbreviation from Table II for unit of measure.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 12. Units of Measure (Weight/ Volume)</i>	20.4.1.300 NMAC	X			

Table II. – Units of Measure

- G = Gallons (liquids only).
- K = Kilograms.
- L = Liters (liquids only).
- M = Metric Tons (1000 kilograms).
- N = Cubic Meters.
- P = Pounds.
- T = Tons (2000 pounds).
- Y = Cubic Yards.

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>Note:</b> Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.						
Enter up to six federal and state waste codes to describe each waste stream. State waste codes that are not redundant must be entered here in addition to the federal codes.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 13. Waste Codes</i>	20.4.1.300 NMAC	X			
1. Generators may enter any special handling information necessary. Generators may also enter descriptive information about shipped materials.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 14. Special Handling Instructions and Additional Information.</i>	20.4.1.300 NMAC	X			
2. This space may be used to record federally required information for which there is no specific space. Generators cannot be required to enter information in this space to meet state requirements.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 14. Special Handling Instructions and Additional Information.</i>	20.4.1.300 NMAC	X			
1. The generator must read, sign, and date the waste minimization certification statement. Also contains the shipper's certification.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 15. Generator's/ Offeror's Certifications</i>	20.4.1.300 NMAC	X			
2. Generator or Offeror personnel may preprint the words, "On behalf of" in the signature block to indicate that the individual signs as the employee or agent of the named principal.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 15. Generator's/ Offeror's Certifications</i>	20.4.1.300 NMAC	X			
<b>Note:</b> All of the above information except the handwritten signature may	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 15.</i>	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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be pre-printed.	<i>Generator's/ Offeror's Certifications</i>					
<b>Instructions for International Shipment Block</b>	262/ Appendix/ 8700-22/ II. Instructions for International Shipment Block	20.4.1.300 NMAC	X			
For export shipments, the primary exporter must check the export box, and enter the point of exit from US. For import shipments, the importer must check the import box and enter point of entry into US. For exports, transporter must sign and date manifest to indicate the day the shipment left the US. Transporters of hazardous waste shipments must deliver a copy of manifest to US Customs when exporting waste across US border.	262/ Appendix/ 8700-22/ II. Instructions for International Shipment Block/ <i>Item 16. International Shipments</i>	20.4.1.300 NMAC	X			
<b>Instructions for Transporters</b>	262/ Appendix/ 8700-22/ III. Instructions for Transporters	20.4.1.300 NMAC	X			
Enter the name of the person accepting waste on behalf of first transporter. Acknowledge acceptance of waste by signing manifest and entering date of receipt. Only one signature required. Signatures are not required to track waste in and out of transfer facilities unless there is a change of custody. If applicable, enter name of person accepting waste on	262/ Appendix/ 8700-22/ III. Instructions for Transporters/ <i>Item 17. Transporters' Acknowledgements of Receipt</i>	20.4.1.300 NMAC	X			

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behalf of the second transporter. Acknowledge acceptance of waste by signing manifest and entering date of receipt.						
<b>Note:</b> Transporters carrying imports, who are acting as importers, may have responsibilities to enter information in the International Shipments Block. Transporters carrying exports may have these responsibilities.	262/ Appendix/ 8700-22/ III. Instructions for Transporters/ <i>Item 17. Transporters' Acknowledgements of Receipt</i>	20.4.1.300 NMAC	X			
<b>IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities</b>	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities	20.4.1.300 NMAC	X			
1. The authorized representative of the facility's owner or operator must note any discrepancy between the waste described and the waste received. Manifest discrepancies are: significant differences between the quantity or type of hazardous waste designated on manifest and that actually received.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18. Discrepancy/ Item 18a. Discrepancy Indication Space</i>	20.4.1.300 NMAC	X			
2. For rejected loads and residues, check appropriate box if shipment is a rejected load or a regulated residue that cannot be removed from container. Enter reason for rejection or	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18.</i>	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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inability to remove residue and description of waste. Reference the manifest tracking number for any additional manifests being used to track the rejected waste or residue shipment on original manifest. Indicate original manifest number in Item 14 of the additional manifests.	<i>Discrepancy/ Item 18a. Discrepancy Indication Space</i>					
3. Owners or operators of facilities located in unauthorized States who cannot resolve significant differences in quantity or type within 15 days of receiving waste must submit to the Regional Administrator a letter w/ a copy of the Manifest describing the discrepancy and attempts to reconcile it.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18. Discrepancy/ Item 18a. Discrepancy Indication Space</i>	20.4.1.300 NMAC	X			
4. Owners and operators of facilities in authorized States should contact their state agency for information on where to report discrepancies to state officials.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18. Discrepancy/ Item 18a. Discrepancy Indication Space</i>	20.4.1.300 NMAC	X			
Enter name, address, phone number and EPA ID of Alternate Facility which the rejecting TSDf has designated to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18. Discrepancy/ Item</i>	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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returned to the generator, the rejecting TSDF may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue shipments.	18b. Alternate Facility (or Generator) for Receipt of Full Load Rejections					
The authorized representative of the alternate facility must sign and date this field to acknowledge receipt of the fully rejected waste or residue.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18. Discrepancy/ Item 18c. Alternate Facility (or Generator) Signature</i>	20.4.1.300 NMAC	X			
Enter appropriate Hazardous Waste Report Management Method code for each waste listed in Item 9. The code is to be entered by first TSDF that receives waste and is the code that describes way in which waste is to be managed when received by TSDF.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 19. Hazardous Waste Report Management Method Codes</i>	20.4.1.300 NMAC	X			
Enter name of the person receiving waste on behalf of owner or operator. That person must acknowledge receipt or rejection by signing and entering the date of receipt or rejection. The rejection should be noted and described in 18a. Fully rejected wastes may be forwarded or returned using Item 18b. Enter the name of the person	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 20. Designated Facility Owner or Operator Certification of Receipt (Except As Noted in Item 18a)</i>	20.4.1.300 NMAC	X			

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accepting the waste on behalf of the owner/operator of alternate facility or original generator. That person must acknowledge receipt or rejection by signing and entering date in Item 18c. Partially rejected wastes and residues must be re-shipped under a new manifest, to be initiated and signed by the rejecting TSDF.						
<b>Manifest Continuation Sheet</b>	262/ Appendix/ 8700-22A	20.4.1.300 NMAC	X			
<b>Instructions – Continuation Sheet, U.S. EPA Form 8700-22A</b>	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet	20.4.1.300 NMAC	X			
Read all instructions before completing this form. This form has been designed for use on a 12-pitch typewriter; a firm point pen may also be used.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet	20.4.1.300 NMAC	X			
This form must be used as a continuation sheet to form 8700-22 if: More than two transporters are to be used; or More space is required for the U.S. DOT descriptions and related information in Item 9. Federal regulations require generators and transporters and owner/operators of TSDFs to use the uniform hazardous waste manifest and this continuation sheet for inter-	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet	20.4.1.300 NMAC	X			

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			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
and intrastate transportation.						
Enter the generator's EPA ID or State generator ID if the generator does not have an EPA ID.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 21. Generator's ID Number</i>	20.4.1.300 NMAC	X			
Enter the page number of this Continuation Sheet.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 22. Page __</i>	20.4.1.300 NMAC	X			
Enter the Manifest Tracking number from Item 4 of the Manifest to which this continuation sheet is attached.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 23. Manifest Tracking Number</i>	20.4.1.300 NMAC	X			
Enter the generator's name as it appears in Item 5 in the Manifest	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 24. Generator's Name</i>	20.4.1.300 NMAC	X			
If additional transporters are used, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. Also enter in the EPA ID of the transporter named in Item 25.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 25. Transporter-Company Name</i>	20.4.1.300 NMAC	X			
If additional transporters are used, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. Each Continuation Sheet can	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 26. Transporter-Company Name</i>	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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record the names of two additional transporters. Also enter the EPA ID number of the transporter named in Item 26.						
For each row enter a sequential number under Item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect total number of wastes being shipped. Refer to instructions for Item 9 of the manifest for information to be entered.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 27. U.S. DOT Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA)</i>	20.4.1.300 NMAC	X			
Refer to instructions for Item 10	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 28. Containers (No. And Type)</i>	20.4.1.300 NMAC	X			
Refer to instructions for Item 11.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 29. Total Quantity</i>	20.4.1.300 NMAC	X			
Refer to the instructions for Item 12.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 30. Units of Measure (Weight/ Volume)</i>	20.4.1.300 NMAC	X			
Refer to the instructions for Item 13.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 31. Waste Codes</i>	20.4.1.300 NMAC	X			
Refer to the instructions for Item 14.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 32. Special</i>	20.4.1.300 NMAC	X			

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			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	<i>Handling Instructions and Additional Information</i>					
<b>Transporters</b>	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Transporter	20.4.1.300 NMAC	X			
Enter the same number of the Transporter as identified in Item 25. Enter also the name of the person accepting the waste on behalf of the Transporter identified in Item 25. That person must acknowledge acceptance of the waste by signing and entering date of receipt.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Transporter/ <i>Item 33. Transporter – Acknowledgement of Receipt of Materials</i>	20.4.1.300 NMAC	X			
Enter the same number of the Transporter as identified in Item 26. Enter also the name of the person accepting the waste on behalf of the Transporter identified in Item 26. That person must acknowledge receipt of the waste by signing and entering date of receipt.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/Transporter/ <i>Item 34. Transporter – Acknowledgement of Receipt of Materials</i>	20.4.1.300 NMAC	X			
<b>Owner and Operators of Treatment, Storage, or Disposal Facilities</b>	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Owner and Operators of Treatment, Storage, or Disposal Facilities	20.4.1.300 NMAC	X			
Refer to Item 18. This space may be used to more fully describe information on discrepancies identified	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Owner and Operators	20.4.1.300 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
in Item 18a.	of Treatment, Storage, or Disposal Facilities/ <i>Item 35. Discrepancy Indication Space</i>					
For each field, enter the sequential number that corresponds to the waste materials described under Item 27, and enter the appropriate process code. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the wastes identified.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Owner and Operators of Treatment, Storage, or Disposal Facilities/ <i>Item 36. Hazardous Waste Report Management Method Codes</i>	20.4.1.300 NMAC	X			
<b>PART 263 – STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE</b>						
<b>SUBPART B -- COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING</b>						
<b>THE MANIFEST SYSTEM</b>						
amended by revising paragraphs (a) and (g) to read as follows:	263.20	20.4.1.400 NMAC	X			
<i>Manifest requirement.</i> A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with requirements of 262.23.	263.20(a)(1)	20.4.1.400 NMAC	X			
<i>Exports.</i> In the case of exports other than those subject to subpart H of part 262, a transporter may not accept such waste from a primary exporter or other person if he knows the	263.20(a)(2)	20.4.1.400 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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shipment does not conform to EPA Acknowledgement of Consent; and unless, in addition to a manifest signed by the generator, the transporter shall also be provided with an EPA Acknowledgement of Consent which, is attached to the manifest. For exports of hazardous waste subject to the requirements of subpart H of part 262, a transporter may not accept hazardous waste w/o a tracking document that includes information required in 262.84.						
<i>Compliance Date for Form Revisions.</i> The revised Manifest form and procedures in 260.10, 261.7, 263.20, and 263.21 shall not apply until September 5, 2006. The Manifest form and procedures contained in the 40 CFR edition revised as of July 1, 2004 shall be applicable until September 5, 2006.	263.20(a)(3)	20.4.1.400 NMAC	X			
Transporters who transport hazardous waste out of the United States must:	263.20(g)	20.4.1.400 NMAC	X			
Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States;	263.20(g)(1)	20.4.1.400 NMAC	X			
Retain one copy;	263.20(g)(2)	20.4.1.400 NMAC	X			
Return a signed copy of the	263.20(g)(3)	20.4.1.400 NMAC	X			

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manifest to generator; and Give a copy of manifest to a US Customs official at the point of departure from US.	263.20(g)(4)	20.4.1.400 NMAC	X			
<b>COMPLIANCE WITH THE MANIFEST</b>						
revise paragraph (b) to read as follows:	263.21	20.4.1.400 NMAC	X			
If the hazardous waste cannot be delivered in accordance w/ paragraph (a) because of an emergency condition, then the transporter must contact the generator for further directions and revise the manifest according to generator instructions.	263.21(b)(1)	20.4.1.400 NMAC	X			
If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:	263.21(b)(2)	20.4.1.400 NMAC	X			
For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new manifest that will accompany shipment and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest and give remaining copies of original to the	263.21(b)(2)(i)	20.4.1.400 NMAC	X			

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rejecting facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the required information.						
For a full load rejection that will be taken back by transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to rejection, the description of rejection in the discrepancy block, and the name, address, phone number, and ID number for alternate facility to whom the shipment must be delivered. The transporter must retain a copy of the manifest and give a copy to the rejecting facility. If original manifest is not used, then transporter must obtain a new manifest for shipment.	263.21(b)(2)(ii)	20.4.1.400 NMAC	X			
PART 264 – STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART E – MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING						
APPLICABILITY						
section revised to read as follows:	264.70	20.4.1.500 NMAC	X			
The regulations in this	264.70(a)	20.4.1.500 NMAC	X			

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subpart apply to owners/operators of both on-site and off-site facilities except as 264.1 provides. Sections 264.71, 264.72, and 264.76, do not apply to owners/operators that do not receive hazardous waste from off-site, or to off-site facilities w/ respect to military munitions exempt from requirements. 264.73(b) only applies to permittees who treat, store, or dispose of hazardous waste on-site where wastes are generated.						
The revised Manifest form and procedures in 40 CFR 260.10, 261.7, 264.70, 264.71, 264.72, and 264.76 shall not apply until September 5, 2006. The Manifest form and procedures in 40 CFR revised as of July 1, 2004 shall be applicable until September 5, 2006.	264.70(b)	20.4.1.500 NMAC	X			
<b>USE OF MANIFEST SYSTEM</b>						
revise paragraphs (a) and (b)(4) and add paragraph (e) to read as follows:	264.71	20.4.1.500 NMAC	X			
If a facility receives hazardous waste w/ a manifest, the owner/operator must sign and date manifest to certify waste was received, waste was received except as noted in discrepancy, or waste was rejected.	264.71(a)(1)	20.4.1.500 NMAC	X			

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If a facility receives a hazardous waste shipment w/ a manifest, the owner/operator must:	264.71(a)(2)	20.4.1.500 NMAC	X			
Sign and date each copy	264.71(a)(2)(i)	20.4.1.500 NMAC	X			
Note any discrepancies	264.71(a)(2)(ii)	20.4.1.500 NMAC	X			
Give transporter one copy	264.71(a)(2)(iii)	20.4.1.500 NMAC	X			
W/ in 30 days send copy to generator; and	264.71(a)(2)(iv)	20.4.1.500 NMAC	X			
Retain at facility a copy for at least three years.	264.71(a)(2)(v)	20.4.1.500 NMAC	X			
If a facility receives hazardous waste from a foreign source, the facility must mail a copy of the manifest to the following address w/in 30 days of delivery: International Compliance Assurance Division [insert EPA address]	264.71(a)(3)	20.4.1.500 NMAC	X			
W/in 30 days send a copy of signed and dated manifest or shipping paper to generator; and	264.71(b)(4)	20.4.1.500 NMAC	X			
Facility must determine whether consignment state regulates any additional wastes. Facilities must determine whether consignment state or generator state requires submission of any copies of manifest to these states.	264.71(e)	20.4.1.500 NMAC	X			
<b>MANIFEST DISCREPANCIES</b>						
amended as follows:	264.72	20.4.1.500 NMAC	X			
Manifest discrepancies are:	264.72(a)	20.4.1.500 NMAC	X			
Significant differences between quantity or type of waste on manifest and waste	264.72(a)(1)	20.4.1.500 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
a facility receives;						
Rejected wastes, full or partial shipment, the TSDF cannot accept; or	264.72(a)(2)	20.4.1.500 NMAC	X			
Container residues exceeding quantity for "empty containers"	264.72(a)(3)	20.4.1.500 NMAC	X			
Significant differences in quantity are: For bulk waste, >10% weight; for batch waste, variation in piece count. Differences in type are those discovered through inspection/ waste analysis, or toxic constituents not reported on manifest.	264.72(b)	20.4.1.500 NMAC	X			
Upon discovering a significant difference, the owner/ operator must attempt to reconcile discrepancy w/ generator or transporter. If discrepancy is not resolved w/in 15 days, the owner/operator must submit to Regional Administrator letter describing discrepancy and attempts to reconcile it, and copy of manifest.	264.72(c)	20.4.1.500 NMAC	X			
Upon rejecting waste or identifying container residue exceeding "empty" limits, the facility must consult w/ generator prior to forwarding waste to a facility that can manage it. If it is impossible to locate alternate facility, the facility may return rejected waste to generator. Waste must be	264.72(d)(1)	20.4.1.500 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
sent to alternate facility or generator w/in 60 days of rejection.						
While facility is making arrangements for forwarding rejected wastes or residues, it must ensure that either the delivering transporter retains custody of waste, or, the facility must provide custody of waste, pending delivery of waste to first transporter designated on manifest prepared under paragraph (e) or (f).	264.72(d)(2)	20.4.1.500 NMAC	X			
Except as provided in paragraph (e)(7), for rejections/ residues to be sent to an alternate facility, the facility is required to prepare a new manifest in accordance w/ 262.20(a) and the following instructions:	264.72(e)	20.4.1.500 NMAC	X			
Write generator's EPA ID number in Item 1 of new manifest. Write generator's name and mailing address in Item 5. If generator's site address is different, write site address in Item 5.	264.72(e)(1)	20.4.1.500 NMAC	X			
Write name of alternate facility and EPA ID number in Item 8 of new manifest.	264.72(e)(2)	20.4.1.500 NMAC	X			
Copy manifest tracking number in Item 4 of old manifest to Special Handling and Additional Information block, and indicate shipment is residue/ rejection from previous	264.72(e)(3)	20.4.1.500 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
shipment.						
Copy manifest tracking number in Item 4 of new manifest to manifest reference number line in Discrepancy Block of old manifest (Item 18a).	264.72(e)(4)	20.4.1.500 NMAC	X			
Write the DOT description for rejected load or residue in Item 9 of new manifest and write container types, quantity, and waste volume.	264.72(e)(5)	20.4.1.500 NMAC	X			
Sign the Generator's/ Offeror's Certification to certify that waste has been properly packaged, marked and labeled and is in condition for transportation.	264.72(e)(6)	20.4.1.500 NMAC	X			
For full load rejections made while transporter remains at facility, the facility may forward rejected shipment to alternate facility by completing Item 18b of the original manifest and supplying information in the Alternate Facility space. The facility must retain copy of this manifest for records, and give remaining copies to transporter. If original manifest is not used, then the facility must use a new manifest and comply w/ (e)(1) – (6).	264.72(e)(7)	20.4.1.500 NMAC	X			
Except as provided in paragraph (f)(7), for rejected/ residue wastes that must be sent back to	264.72(f)	20.4.1.500 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
generator, the facility is required to prepare a new manifest in accordance w/ 262.20(a) and the following instructions:						
Write facility's EPA ID number in Item 1 of new manifest. Write designated facility's name and mailing address in Item 5. If designated facility's site address is different, then write site address in space in Item 5.	264.72(f)(1)	20.4.1.500 NMAC	X			
Write name of initial generator and EPA ID in block 8 of new manifest.	264.72(f)(2)	20.4.1.500 NMAC	X			
Copy manifest tracking number from Item 4 in old manifest to Special Handling and Additional Information block of new manifest, and indicate shipment is residue/rejection from previous shipment.	264.72(f)(3)	20.4.1.500 NMAC	X			
Copy manifest tracking number in Item 4 of new manifest to manifest reference number line in Discrepancy Block of old manifest.	264.72(f)(4)	20.4.1.500 NMAC	X			
Write DOT description for rejection/ residue in Item 9 of new manifest and write container types, quantity, and volumes of waste.	264.72(f)(5)	20.4.1.500 NMAC	X			
Sign the Generator's/ Offeror's Certification to certify that waste has been	264.72(f)(6)	20.4.1.500 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
properly packaged, marked and labeled and is in condition for transportation.						
For full load rejection made while transporter remains at facility, the facility may return shipment to generator w/ the original manifest by completing Item 18a and 18b of manifest and supplying generator's information in Alternate Facility space. The facility must retain copy for its records and give remaining copies of manifest to transporter. If original manifest is not used, then facility must use a new manifest and comply w/ paragraphs f(1) - (6).	264.72(f)(7)	20.4.1.500 NMAC	X			
If a facility rejects a waste or identifies residue that exceeds limits for "empty" containers after it has signed, dated, and returned a copy of manifest to the delivering transporter or generator, the facility must amend its copy of the manifest to indicate the rejected waste/ residue in the discrepancy space of amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to Discrepancy space of amended manifest, and must re-sign and date manifest to certify to the	264.72(g)	20.4.1.500 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
information as amended. The facility must retain the amended manifest for at least three years and must w/in 30 days send a copy of amended manifest to the transporter and generator that received copies prior to amendment.						
<b>UNMANIFESTED WASTE REPORT</b>						
revised to read as follows:	264.76	20.4.1.500 NMAC	X			
If a facility accepts hazardous waste from an off-site source w/o a manifest or shipping papers, and the waste is not excluded by a requirement of this chapter, then the owner/ operator must submit a letter to Regional Administrator w/in 15 days after receiving waste. The unmanifested waste report must contain the following:	264.76(a)	20.4.1.500 NMAC	X			
EPA ID number, name and address of facility;	264.76(a)(1)	20.4.1.500 NMAC	X			
Date facility received waste;	264.76(a)(2)	20.4.1.500 NMAC	X			
EPA ID number, name, and address of generator and transporter;	264.76(a)(3)	20.4.1.500 NMAC	X			
Description of quantity of each unmanifested hazardous waste facility received;	264.76(a)(4)	20.4.1.500 NMAC	X			
Method of treatment, storage or disposal for each hazardous waste;	264.76(a)(5)	20.4.1.500 NMAC	X			
The certification signed by the owner/ operator of facility or his authorized	264.76(a)(6)	20.4.1.500 NMAC	X			

**RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
representative; and						
A brief explanation of why the waste was unmanifested, if known.	264.76(a)(7)	20.4.1.500 NMAC	X			
[Reserved]	264.76(b)	20.4.1.500 NMAC	X			
<b>PART 265 – INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE, TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>						
<b>SUBPART E – MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING</b>						
<b>APPLICABILITY</b>						
revised to read as follows:	265.70	20.4.1.600 NMAC	X			
The regulations in this subpart apply to owners/operators of both on- and off-site facilities except as 265.1 provides. Sections 265.71, 265.72, and 265.76 do not apply to owners/operators of on-site facilities that do not receive hazardous waste from off-site sources, nor to owners/operators of off-site facilities w/ respect to military munitions waste.	265.70(a)	20.4.1.600 NMAC	X			
The revised Manifest form and procedures in 40 CFR 260.10, 261.7, 265.70, 265.71, 265.72, and 265.76 shall not apply until September 5, 2006. The Manifest form and procedures in the July 1, 2004 CFR shall be applicable until September 5, 2006.	265.70(b)	20.4.1.600 NMAC	X			
<b>USE OF MANIFEST SYSTEM</b>						
amended by revising paragraph (a) and (b)(4) and adding paragraph (e) to read as follows:	265.71	20.4.1.600 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
If a facility receives hazardous waste and a manifest, the owner/operator must sign and date manifest to certify that the hazardous waste covered by manifest was received, received w/ discrepancies, or rejected.	265.71(a)(1)	20.4.1.600 NMAC	X			
If a facility receives a hazardous waste shipment w/ a manifest, the owner/operator must:	265.71(a)(2)	20.4.1.600 NMAC	X			
Sign and date each copy;	265.71(a)(2)(i)	20.4.1.600 NMAC	X			
Note any discrepancies;	265.71(a)(2)(ii)	20.4.1.600 NMAC	X			
Give transporter at least one copy;	265.71(a)(2)(iii)	20.4.1.600 NMAC	X			
W/in 30 days of delivery, send copy of manifest to generator;	265.71(a)(2)(iv)	20.4.1.600 NMAC	X			
Retain at facility a copy of each manifest for at least three years.	265.71(a)(2)(v)	20.4.1.600 NMAC	X			
If a facility receives hazardous waste imported from a foreign source, the facility must mail a copy of the manifest to the following address w/in 30 days: International Compliance Assurance Division [insert EPA Address].	265.71(a)(3)	20.4.1.600 NMAC	X			
W/in 30 days, send a copy of signed and dated manifest to generator; and	265.71(b)(4)	20.4.1.600 NMAC	X			
A facility must determine whether the consignment state for a shipment regulates any additional	265.71(e)	20.4.1.600 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
wastes under its state hazardous waste program. Facilities must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.						
<b>MANIFEST DISCREPANCIES</b>						
revised as follows:	265.72	20.4.1.600 NMAC	X			
Manifest discrepancies are:	265.72(a)	20.4.1.600 NMAC	X			
Significant differences b/t the quantity or type of hazardous waste on the manifest, and hazardous waste actually received.	265.72(a)(1)	20.4.1.600 NMAC	X			
Rejected wastes, which may be a full or partial shipment of hazardous waste the TSDF cannot accept; or	265.72(a)(2)	20.4.1.600 NMAC	X			
Container residues, which are residues that exceed the quantity limits for "empty" in 261.7(b).	265.72(a)(3)	20.4.1.600 NMAC	X			
Significant differences in quantity are: For bulk waste, >10% weight; for batch waste, variation in piece count. Differences in type are those discovered through inspection/ waste analysis, or toxic constituents not reported on manifest.	265.72(b)	20.4.1.600 NMAC	X			
Upon discovering a significant difference, the owner/ operator must attempt to reconcile discrepancy w/ generator or transporter. If discrepancy is	265.72(c)	20.4.1.600 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
not resolved w/in 15 days, the owner/operator must submit to Regional Administrator a letter describing discrepancy and attempts to reconcile it, and copy of manifest.						
Upon rejecting waste or identifying container residue exceeding "empty" limits, the facility must consult w/ generator prior to forwarding waste to a facility that can manage it. If it is impossible to locate alternate facility, the facility may return rejected waste to generator. Waste must be sent to alternate facility or generator w/in 60 days of rejection.	265.72(d)(1)	20.4.1.600 NMAC	X			
While facility is making arrangements for forwarding rejected wastes or residues, it must ensure that either the delivering transporter retains custody of waste, or, the facility must provide custody of waste, pending delivery of waste to first transporter designated on manifest prepared under paragraph (e) or (f).	265.72(d)(2)	20.4.1.600 NMAC	X			
Except as provided in paragraph (e)(7), for rejections/ residues to be sent to an alternate facility, the facility is required to prepare a new manifest in accordance w/ 262.20(a) and the following instructions:	265.72(e)	20.4.1.600 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Write generator's EPA ID number in Item 1 of new manifest. Write generator's name and mailing address in Item 5. If generator's site address is different, write site address in Item 5.	265.72(e)(1)	20.4.1.600 NMAC	X			
Write name of alternate facility and EPA ID number in Item 8 of new manifest.	265.72(e)(2)	20.4.1.600 NMAC	X			
Copy manifest tracking number in Item 4 of old manifest to Special Handling and Additional Information block of new manifest, and indicate shipment is residue/rejection from previous shipment.	265.72(e)(3)	20.4.1.600 NMAC	X			
Copy manifest tracking number in Item 4 of new manifest to manifest reference number line in Discrepancy Block of old manifest (Item 18a).	265.72(e)(4)	20.4.1.600 NMAC	X			
Write the DOT description for rejected load or residue in Item 9 of new manifest and write container types, quantity, and waste volume.	265.72(e)(5)	20.4.1.600 NMAC	X			
Sign the Generator's/ Offeror's Certification to certify that waste has been properly packaged, marked and labeled and is in condition for transportation.	265.72(e)(6)	20.4.1.600 NMAC	X			
For full load rejections made while transporter remains at facility, the facility may forward	265.72(e)(7)	20.4.1.600 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
rejected shipment to alternate facility by completing Item 18b of the original manifest and supplying information in the Alternate Facility space. The facility must retain copy of this manifest for records, and give remaining copies to transporter. If original manifest is not used, then the facility must use a new manifest and comply w/ (e)(1) – (6).						
Except as provided in paragraph (f)(7), for rejections/ residues that must be sent back to generator, the facility must prepare a new manifest in accordance w/ 262.20(a) and the following instructions:	265.72(f)	20.4.1.600 NMAC	X			
Write facility's EPA ID number in Item 1 of new manifest. Write generator's name and mailing address in Item 5. If generator's site address is different, write site address in Item 5.	265.72(f)(1)	20.4.1.600 NMAC	X			
Write name of initial generator and generator's EPA ID number in Item 8.	265.72(f)(2)	20.4.1.600 NMAC	X			
Copy manifest tracking number found in Item 4 of old manifest to Special Handling and Additional Information block of new manifest, and indicate that shipment is residue/ rejection from previous	265.72(f)(3)	20.4.1.600 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
shipment,						
Copy manifest tracking number found in Item 4 of new manifest to manifest reference number line in Item 18a of old manifest.	265.72(f)(4)	20.4.1.600 NMAC	X			
Write DOT description for rejected load or residue in Item 9 of new manifest and write container types, quantity, and waste volumes.	265.72(f)(5)	20.4.1.600 NMAC	X			
Sign the Generator's/ Offeror's Certification to certify, that waste has been properly packaged, marked and labeled and is in condition for transportation	265.72(f)(6)	20.4.1.600 NMAC	X			
For full load rejections that are made while transporter remains at facility, the facility may return shipment to generator w/ original manifest by completing Item 18b of manifest and supplying generator's information in Alternate Facility space. The facility must retain a copy for its records and then give the remaining copies to transporter. If original manifest is not used, then facility must use a new manifest and comply w/ f(1) – (6).	265.72(f)(7)	20.4.1.600 NMAC	X			
If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty"	265.72(g)	20.4.1.600 NMAC	X			

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
containers after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of manifest to indicate the rejection/ residue in discrepancy space of amended manifest. The facility must also copy the manifest tracking number from Item 4 of new manifest to discrepancy space of amended manifest, and must re-sign and date the manifest to certify to the information amended. The facility must retain amended manifest for at least three years, and must w/in 30 days send a copy of amended manifest to transporter and generator that received copies prior to being amended.						
<b>UNMANIFESTED WASTE REPORT</b>						
revised to read as follows:	265.76	20.4.1.600 NMAC	X			
If a facility accepts any hazardous waste from an off-site source w/o a manifest, and if the waste is not excluded from the manifest requirement, then owner/ operator must submit a letter to the Regional Administrator w/in 15 days. The unmanifested waste report must contain the following information:	265.76(a)	20.4.1.600 NMAC	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule  
(Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
EPA ID number, name and address of facility;	265.76(a)(1)	20.4.1.600 NMAC	X			
Date facility received waste;	265.76(a)(2)	20.4.1.600 NMAC	X			
EPA ID number, name and address of generator and transporter;	265.76(a)(3)	20.4.1.600 NMAC	X			
Description and quantity of each unmanifested hazardous waste received;	265.76(a)(4)	20.4.1.600 NMAC	X			
Method of treatment, storage, or disposal for each hazardous waste;	265.76(a)(5)	20.4.1.600 NMAC	X			
Certification signed by owner/ operator of facility or his authorized representative; and	265.76(a)(6)	20.4.1.600 NMAC	X			
Brief explanation of why waste was unmanifested, if known.	265.76(a)(7)	20.4.1.600 NMAC	X			
[Reserved]	265.76(b)	20.4.1.600 NMAC	X			

## RCRA REVISION CHECKLIST 208

Methods Innovation Rule and SW-846 Final Update IIIB  
 70 FR 34538-34592  
 June 14, 2005  
 As amended August 1, 2005; 70 FR 44150-44151  
 (RCRA Cluster XV, HSWA/Non-HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 260 — HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>						
<b>SUBPART B — DEFINITIONS</b>						

† REFERENCES

1 completely revise section	260.11	20.4.1.100 NMAC	X			
Incorporation by reference of publications.	260.11(a)	20.4.1.100 NMAC	X			
Materials available from American Society for Testing and Materials.	260.11(b) introductory paragraph	20.4.1.100 NMAC	X			
ASTM D-93-79 or D-93-80, "Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester," IBR approved for § 261.21.	260.11(b)(1)	20.4.1.100 NMAC	X			
ASTM D-1946-82, "Standard Method for Analysis of Reformed Gas by Gas Chromatography," IBR approved for §§ 264.1033, 265.1033.	260.11(b)(2)	20.4.1.100 NMAC	X			
ASTM D 2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," IBR approved for § 264.1063.	260.11(b)(3)	20.4.1.100 NMAC	X			

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
ASTM D 2382-83, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method)," IBR approved for §§ 264.1033, 265.1033.	260.11(b)(4)	20.4.1.100 NMAC	X			
ASTM D 2879-92, "Standard Test Method for Vapor Pressure—Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," IBR approved for § 265.1084.	260.11(b)(5)	20.4.1.100 NMAC	X			
ASTM D-3278-78, "Standard Test Methods for Flash Point for Liquids by Setaflash Closed Tester," IBR approved for § 261.21(a).	260.11(b)(6)	20.4.1.100 NMAC	X			
ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis," IBR approved for § 264.1063.	260.11(b)(7)	20.4.1.100 NMAC	X			
ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," IBR approved for § 264.1063.	260.11(b)(8)	20.4.1.100 NMAC	X			
ASTM E 260-85, "Standard Practice for Packed Column Gas Chromatography," IBR approved for § 264.1063.	260.11(b)(9)	20.4.1.100 NMAC	X			
ASTM E 926-88, "Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals," Test Method C—Bomb, Acid Digestion Method.	260.11(b)(10)	20.4.1.100 NMAC	X			
Materials available from National Technical Information Service.	260.11(c) introductory paragraph	20.4.1.100 NMAC	X			
"APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981, IBR approved for §§ 264.1035, 265.1035, 270.24, 270.25.	260.11(c)(1)	20.4.1.100 NMAC	X			

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RCRA REVISION CHECKLIST 208: Methods Innovation Rule and SW-846  
Final Update IIIB (cont'd)

SPA 27

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry, PB99-121949, IBR approved for part 261, appendix IX.	260.11(c)(2)	20.4.1.100 NMAC	X			
Test Methods for Evaluating Solid Waste, Physical/Chemical Methods; description of suffixes.	260.11(c)(3)	20.4.1.100 NMAC	X			
Method 0010, dated September 1986 and in the Basic Manual, IBR approved for part 261, appendix IX.	260.11(c)(3)(i)	20.4.1.100 NMAC	X			
Method 0020, dated September 1986 and in the Basic Manual, IBR approved for part 261, appendix IX.	260.11(c)(3)(ii)	20.4.1.100 NMAC	X			
Method 0030, dated September 1986 and in the Basic Manual, IBR approved for part 261, appendix IX.	260.11(c)(3)(iii)	20.4.1.100 NMAC	X			
Method 1320, dated September 1986 and in the Basic Manual, IBR approved for part 261, appendix IX.	260.11(c)(3)(iv)	20.4.1.100 NMAC	X			
Method 1311, dated September 1992 and in Update I, IBR approved for part 261, appendix IX, and §§ 261.24, 268.7, 268.40.	260.11(c)(3)(v)	20.4.1.100 NMAC	X			
Method 1330A, dated September 1992 and in Update I, IBR approved for part 261, appendix IX.	260.11(c)(3)(vi)	20.4.1.100 NMAC	X			
Method 1312 dated September 1994 and in Update II, IBR approved for part 261, appendix IX.	260.11(c)(3)(vii)	20.4.1.100 NMAC	X			
Method 0011, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, and part 266, appendix IX.	260.11(c)(3)(viii)	20.4.1.100 NMAC	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 208: Methods Innovation Rule and SW-846  
Final Update IIIB (cont'd)

SPA 27

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Method 0023A, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, part 266, appendix IX, and § 266.104.	260.11(c)(3)(ix)	20.4.1.100 NMAC	X			
Method 0031, dated December 1996 and in Update III, IBR approved for part 261, appendix IX.	260.11(c)(3)(x)	20.4.1.100 NMAC	X			
Method 0040, dated December 1996 and in Update III, IBR approved for part 261, appendix IX.	260.11(c)(3)(xi)	20.4.1.100 NMAC	X			
Method 0050, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, part 266, appendix IX, and § 266.107.	260.11(c)(3)(xii)	20.4.1.100 NMAC	X			
Method 0051, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, part 266, appendix IX, and § 266.107.	260.11(c)(3)(xiii)	20.4.1.100 NMAC	X			
Method 0060, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, § 266.106, and part 266, appendix IX.	260.11(c)(3)(xiv)	20.4.1.100 NMAC	X			
Method 0061, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, § 266.106, and part 266, appendix IX.	260.11(c)(3)(xv)	20.4.1.100 NMAC	X			
Method 9071B, dated April 1998 and in Update IIIA, IBR approved for part 261, appendix IX.	260.11(c)(3)(xvi)	20.4.1.100 NMAC	X			
Method 1010A, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX.	260.11(c)(3)(xvii)	20.4.1.100 NMAC	X			
Method 1020B, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX.	260.11(c)(3)(xviii)	20.4.1.100 NMAC	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 208: Methods Innovation Rule and SW-846  
Final Update IIIB (cont'd)

SPA 27

US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Method 1110A, dated November 2004 and in Update IIIB, IBR approved for § 261.22 and part 261, appendix IX.	260.11(c)(3)(xix)	20.4.1.100 NMAC	X			
1310B, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX.	260.11(c)(3)(xx)	20.4.1.100 NMAC	X			
Method 9010C, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX and §§ 268.40, 268.44, 268.48.	260.11(c)(3)(xxi)	20.4.1.100 NMAC	X			
Method 9012B, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX and §§ 268.40, 268.44, 268.48.	260.11(c)(3)(xxii)	20.4.1.100 NMAC	X			
Method 9040C, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX and § 261.22.	260.11(c)(3)(xxiii)	20.4.1.100 NMAC	X			
Method 9045D, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX.	260.11(c)(3)(xiv)	20.4.1.100 NMAC	X			
Method 9060A, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX, and §§ 264.1034, 264.1063, 265.1034, 265.1063.	260.11(c)(3)(xxv)	20.4.1.100 NMAC	X			
Method 9070A, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX.	260.11(c)(3)(xxvi)	20.4.1.100 NMAC	X			
Method 9095B, dated November 2004 and in Update IIIB, IBR approved, part 261, appendix IX, and §§ 264.190, 264.314, 265.190, 265.314, 265.1081, 268.32.	260.11(c)(3)(xxvii)	20.4.1.100 NMAC	X			
Materials available from the National Fire Protection Association.	260.11(d) introductory paragraph	20.4.1.100 NMAC	X			
“Flammable and Combustible Liquids Code” (1977 or 1981), IBR approved for §§ 264.198, 265.198.	260.11(d)(1)	20.4.1.100 NMAC	X			
[Reserved]	260.11(d)(2)	20.4.1.100 NMAC	X			

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Materials available from American Petroleum Institute.	260.11(e)	20.4.1.100 NMAC	X			
API Publication 2517, Third Edition, February 1989, "Evaporative Loss from External Floating-Roof Tanks," IBR approved for § 265.1084.	260.11(e)(1)	20.4.1.100 NMAC	X			
[Reserved]	260.11(e)(2)	20.4.1.100 NMAC	X			
Materials available from Environmental Protection Agency.	260.11(f)	20.4.1.100 NMAC	X			
"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October 1992, EPA Publication No. EPA-450/R-92-019, IBR approved for part 266, appendix IX.	260.11(f)(1)	20.4.1.100 NMAC	X			
[Reserved]	260.11(f)(2)	20.4.1.100 NMAC	X			
Materials available from Organisation for Economic Co-operation and Development, Environment Directorate.	260.11(g)	20.4.1.100 NMAC	X			
OECD Green List of Wastes (revised May 1994), Amber List of Wastes and Red List of Wastes (both revised May 1993) as set forth in Appendix 3, Appendix 4 and Appendix 5, respectively, to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations), IBR approved for 262.89 of this chapter.	260.11(g)(1)	20.4.1.100 NMAC	X			
[Reserved]	260.11(g)(2)	20.4.1.100 NMAC	X			

SUBPART C — RULEMAKING PETITIONS

† PETITIONS FOR EQUIVALENT TESTING OR ANALYTICAL METHODS.

after "the method will be incorporated" insert "by reference in §260.11 and added to"; revise test method title in quotes to read "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"; insert "EPA Publication" before "SW-846"	260.21(d)	20.4.1.100 NMAC	X			
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY.						
remove from the end of the provision the phrase “, using the appropriate test method...incorporated by reference in §206.11”	260.22(d)(1)(i)	20.4.1.100 NMAC	X			

PART 261 — IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A—GENERAL

† DEFINITION OF HAZARDOUS WASTE.

revise “ <i>Rebuttable presumption for used oil</i> ”; remove from the parenthetical in the second sentence “, by using an analytical method from SW-846, Third Edition,”; remove third sentence	261.3(a)(2)(v) introductory paragraph	20.4.1.200 NMAC	X			
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SUBPART C—CHARACTERISTICS OF HAZARDOUS WASTE

† CHARACTERISTIC OF IGNITABILITY

remove dashes (-) after each occurrence of “Standard D”; remove from end of provision “, or as determined...set forth in §§260.20 and 260.21”	261.21(a)(1)	20.4.1.200 NMAC	X			
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† CHARACTERISTIC OF CORROSIVITY

replace “Method 9040” with “Method 9040C”	261.22(a)(1)	20.4.1.200 NMAC	X			
replace “the test method specified in NACE...as standardized” with “Method 1110A”; insert “and” before “as incorporated by reference”	261.22(a)(2)	20.4.1.200 NMAC	X			

SUBPART D—LISTS OF HAZARDOUS WASTES

† DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING AND REPLACEMENT.

replace “in accordance with SW-846, Method 8290” with “by using an appropriate method”	261.35(b)(2)(iii)(A)	20.4.1.200 NMAC	X			
completely revise definition of “Not detected”.	261.35(b)(2)(iii)(B)	20.4.1.200 NMAC	X			

† COMPARABLE/SYNGAS FUEL EXCLUSION.

remove second sentence starting with “The waste analysis plan shall be...”	261.38(c)(7) introductory paragraph	20.4.1.200 NMAC	X			
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APPENDIX I TO PART 261

US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† REPRESENTATIVE SAMPLING METHODS						
in paragraph 4 remove all text after "COLIWASA" and insert a period (.) after "COLIWASA"; in paragraph 5 remove all text after "Pond Sampler" and insert a period (.) after "Pond Sampler"	Appendix I	20.4.1.200 NMAC	X			
APPENDIX II TO PART 261						
† METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)						
remove and reserve	Appendix II	20.4.1.200 NMAC	X			
APPENDIX III TO PART 261						
† CHEMICAL ANALYSIS TEST METHODS						
remove and reserve	Appendix III	20.4.1.200 NMAC	X			
PART 264 – STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART J—TANK SYSTEMS						
† APPLICABILITY						
in the second sentence replace "Method 9095" with "Method 9095B"	264.190(a)	20.4.1.500 NMAC	X			
SUBPART N —LANDFILLS						
† SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS.						
in the first sentence replace "Method 9095" with "Method 9095B"	264.314(c)	20.4.1.500 NMAC	X			
SUBPART AA—AIR EMISSION STANDARDS FOR PROCESS VENTS						
† TEST METHODS AND PROCEDURES.						
in the first sentence insert "or Method 25A" after "Method 18" and insert ", appendix A," after "40 CFR part 60"; add new second and third sentences addressing Method 25A.	264.1034(c)(1)(ii)	20.4.1.500 NMAC	X			
designate the existing first sentence as 40 CFR 264.1034(c)(1)(iv) introductory paragraph	264.1034(c)(1)(iv) introductory paragraph	20.4.1.500 NMAC	X			
designate the existing equation as 40 CFR 264.1034(c)(1)(iv)(A) and insert "(A) For sources utilizing Method 18." before the equation; in the legend below the equation replace "Q <sub>sd</sub> " with "Q <sub>2sd</sub> " and remove "ppm <sup>-1</sup> " from the end of "10 <sup>-6</sup> = Conversion from ppm"	264.1034(c)(1)(iv)(A)	20.4.1.500 NMAC	X			

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new subparagraph addressing total organic mass flow rate equation for sources using Method 25A	264.1034(c)(1)(iv)(B)	20.4.1.500 NMAC	X			
replace "Method 9060" with "Method 9060A"; remove "or 8260 of SW-846"; after "(incorporated by reference under 40 CFR §260.11)" insert "of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, or analyzed for its individual organic constituents."	264.1034(d)(1)(iii)	20.4.1.500 NMAC	X			
replace "the procedures in Method 8260...to resolve the dispute." with "the dispute may be resolved by using direct measurement as specified at paragraph (d)(1) of this section."	264.1034(f)	20.4.1.500 NMAC	X			

**SUBPART BB—AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS**

† **TEST METHODS AND PROCEDURES.**

replace "Method 9060" with "Method 9060A"; remove "or 8260 of SW-846"; insert "of "Test Methods for Evaluating Solid Waste," EPA Publication SW-846, for computing total organic concentration of the sample, or analyzed for it individual organic constituents"; before "; or" at the end of the provision	264.1063(d)(2)	20.4.1.500 NMAC	X			
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**SUBPART EE—HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE**

**APPENDIX IX TO PART 264**

† **GROUND-WATER MONITORING LIST**

see revised appendix as shown at 70 FR 34582-34585. Changes include removal of the fourth column "Suggested methods <sup>5</sup> " and the fifth column "PQL (µg/L) <sup>6</sup> " and removal of footnotes 1, 5, 6.	Appendix IX	20.4.1.500 NMAC	X			
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**PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

**SUBPART J—TANK SYSTEMS**

† **APPLICABILITY**

US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
in the second sentence replace “Method 9095” with “Method 9095B”	265.190(a)	20.4.1.600 NMAC	X			

SUBPART N—LANDFILLS

† SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS.

in the first sentence replace “Method 9095” with “Method 9095B”	265.314(d)	20.4.1.600 NMAC	X			
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SUBPART AA—AIR EMISSION STANDARDS FOR PROCESS VENTS

† TEST METHODS AND PROCEDURES.

in the first sentence insert “or Method 25A” after “Method 18” and insert “, appendix A,” after “40 CFR part 60”; add new second and third sentences addressing Method 25A.	265.1034(c)(1)(ii)	20.4.1.600 NMAC	X			
designate the existing first sentence as 40 CFR 265.1034(c)(1)(iv) introductory paragraph	265.1034(c)(1)(iv) introductory paragraph	20.4.1.600 NMAC	X			
designate the existing equation as 40 CFR 265.1034(c)(1)(iv)(A) and insert “(A) For sources utilizing Method 18.” before the equation; in the legend below the equation replace “Q <sub>sd</sub> ” with “Q <sub>2sd</sub> ” and remove “ppm <sup>-1</sup> ” from the end of “10 <sup>-6</sup> = Conversion from ppm”	265.1034(c)(1)(iv)(A)	20.4.1.600 NMAC	X			
add new subparagraph addressing the total organic mass flow rate equation for sources using Method 25A	265.1034(c)(1)(iv)(B)	20.4.1.600 NMAC	X			
replace “Method 9060” with “Method 9060A”; remove “or 8260 of SW-846”; after “(incorporated by reference under §260.11 of this chapter)” insert “of ‘Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,’ EPA Publication SW-846, or analyzed for its individual organic constituents.”	265.1034(d)(1)(iii)	20.4.1.600 NMAC	X			

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace “the procedures in Method 8260...to resolve the dispute.” with “the dispute may be resolved by using direct measurement as specified at paragraph (d)(1) of this section.”	265.1034(f)	20.4.1.600 NMAC	X			

SUBPART BB—AIR EMISSION STANDARDS  
FOR EQUIPMENT LEAKS

† TEST METHODS AND PROCEDURES.

replace “Method 9060” with “Method 9060A”; remove “or 8260 of SW-846”; insert “of this chapter” after “§260.11”; insert “Test Methods for Evaluating Solid Waste,” EPA Publication SW-846, for computing total organic concentration of the sample, or analyzed for it individual organic constituents” before “; or” at the end of the provision	265.1063(d)(2)	20.4.1.600 NMAC	X			
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SUBPART CC—AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

† DEFINITIONS

in the first sentence replace “Method 9095” with “Method 9095B” and replace “EPA publication No. SW-846... of this chapter” with “EPA Publication SW-846, as incorporated by reference in § 260.11.”	265.1081 “Waste stabilization process”	20.4.1.600 NMAC	X			
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† WASTE DETERMINATION PROCEDURES.

in the last sentence replace “ an acceptable sampling plan...of this chapter), or” with “acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found”	265.1084(a)(3)(ii)(C)	20.4.1.600 NMAC	X			
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US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
completely revise introductory paragraph; Each collected sample shall be prepared and analyzed in accordance with Method 25D in 40 CFR part 60, appendix A or using one or more methods. The owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25 degrees Celsius. Other test methods may be used if they meet the requirements in paragraph (a)(3)(iii)(A) or (B) of this section.	265.1084(a)(3)(iii) introductory paragraph	20.4.1.600 NMAC	X			
remove existing subparagraphs	265.1084(a)(3)(iii)(A) – (G)	20.4.1.600 NMAC	X			
redesignate 40 CFR 265.1084(a)(3)(iii)(H) as (a)(3)(iii)(A); remove last sentence	265.1084(a)(3)(iii)(A)	20.4.1.600 NMAC	X			
redesignate 40 CFR 265.1084(a)(3)(iii)(I) as (a)(3)(iii)(B)	265.1084(a)(3)(iii)(B)	20.4.1.600 NMAC	X			
in the last sentence replace “ an acceptable sampling plan...of this chapter), or” with “acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found”	265.1084(b)(3)(ii)(C)	20.4.1.600 NMAC	X			

US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
completely revise: Each collected sample shall be prepared and analyzed in accordance with Method 25D in 40 CFR part 60, appendix A for the total concentration of volatile organic constituents, or using one or more methods. The owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value less than 0.1 Y/X at 25 degrees Celsius. Other test methods may be used if they meet the requirements in paragraph (a)(3)(iii)(A) or (B) of this section.	265.1084(b)(3)(iii) introductory paragraph	20.4.1.600 NMAC	X			
remove existing subparagraphs	265.1084(b)(3)(iii)(A) – (G)	20.4.1.600 NMAC	X			
redesignate 40 CFR 265.1084(a)(3)(iii)(H) as (a)(3)(iii)(A); remove last sentence	265.1084(b)(3)(iii)(A)	20.4.1.600 NMAC	X			
redesignate 40 CFR 265.1084(a)(3)(iii)(I) as (a)(3)(iii)(B)	265.1084(b)(3)(iii)(B)	20.4.1.600 NMAC	X			
in the last sentence replace “ an acceptable sampling plan...of this chapter), or” with “acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found”	265.1084(c)(3)(i)	20.4.1.600 NMAC	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

replace the end of the first sentence starting with “under procedures...” and the last sentence with “by using appropriate Methods”; retain “; and” at the end of the provision	266.100(d)(1)(ii)	20.4.1.700 NMAC	X			
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US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
starting with "is burned for recovery..." replace all text to the end of the paragraph with "contains economically significant amounts of the metals and that the treatment recovers economically significant amounts of precious metal"; retain "; and" at the end of the provision.	266.100(g)(2)	20.4.1.700 NMAC	X			
† PERMIT STANDARDS FOR BURNERS.						
in the second sentence, replace "by analytical procedures...of this chapter)" with "by using appropriate analytical procedures"; remove the third and fourth sentences addressing SW-846	266.102(b)(1)	20.4.1.700 NMAC	X			
† STANDARDS TO CONTROL METALS EMISSIONS.						
replace "using analytical procedures...of this chapter." with "by using appropriate analytical procedures."	266.106(a)	20.4.1.700 NMAC	X			
† REGULATION OF RESIDUES						
remove the third sentence addressing the incorporation by reference of test methods at §260.11(a).	266.112(b)(1) introductory paragraph	20.4.1.700 NMAC	X			
2 in the first sentence, remove "(using analytical procedures prescribed in SW-846)" after "or the level of detection"; in the second sentence replace "(using analytical procedures contained in SW-846, or other appropriate methods)" with "(which must be determined by using appropriate analytical procedures)"; in the third sentence replace "paragraph" with "part" after the second occurrence of "appendix VII of this"	266.112(b)(2)(i)	20.4.1.700 NMAC	X			
insert "(b)(2)(i)" after "paragraph" in the heading to the Note.	266.112(b)(2)(i), Note	20.4.1.700 NMAC	X			

APPENDIX IX TO PART 266

METHODS MANUAL FOR COMPLIANCE WITH THE BIF REGULATIONS

† SECTION 1.0 INTRODUCTION

US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace the “u” in “uith” with a “w” before “U.S. Environmental”; in the second sentence replace “Included” with “The methods” included”	Appendix IX, Section 1.0, Introductory paragraph	20.4.1.700 NMAC	X			
redesignate Item 2 as part of Item 8.a.; redesignate Item 3 to Item 8 as Item 2 to Item 7	Appendix IX, Section 1.0, Item 2 to Item 7	20.4.1.700 NMAC	X			
redesignate Item 2 as first part of Item 8a., change capitalization from title case to sentence case and remove “(S&A)” after “Sampling and analytical”; designate first paragraph of Item 9 as second part of Item 8a and revise as shown at 70 FR 34589.	Appendix IX, Section 1.0, Item 8a	20.4.1.700 NMAC	X			
designate the second paragraph of Item 9 as Item 8b; in the first sentence replace “the S&A methods of section 3.0” with “the relevant sampling Methods 0011, 0023A, 0050, 0051, 0060, and 0061 of SW-846, incorporated by reference in § 260.11”; insert new second and third sentences addressing chloride and carbonyl compound determination; in the penultimate sentence remove “and the S&A methods” after “specifications”; in the last sentence remove “and methods” after “specifications” and “SW-846 or” before “40 CFR”	Appendix IX, Section 1.0, Item 8b	20.4.1.700 NMAC	X			
† SECTION 3.0 SAMPLING AND ANALYTICAL METHODS						
remove “as incorporated by reference in 260.11 of this chapter” from the end of the sentence	Appendix IX, Section 3.0	20.4.1.700 NMAC	X			
† SECTION 4.0 PROCEDURE FOR ESTIMATING THE TOXICITY EQUIVALENCY OF CHLORINATED DIBENZO-P-DIOXIN AND DIBENZOFURAN CONGENERS						
replace “Equivalence” with “Equivalency” and “Dibenco-p-Dioxin” with “Dibenzo-p-Dioxin”	Appendix IX, Section 4.0, Heading	20.4.1.700 NMAC	X			

US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace “the method given in section 3.4 of this document” with “whichever is the most recent version between of SW-846 Method 023A (incorporated by reference, in §260.11) as identified, or OAQPS Method 23 of appendix A to part 60.”	Appendix IX, Section 4.0, first paragraph	20.4.1.700 NMAC	X			
no change although included in the Final Rule	Appendix IX, Section 4.0, footnote 1	20.4.1.700 NMAC	X			
† SECTION 10.0 ALTERNATIVE METHODOLOGY FOR IMPLEMENTING METALS CONTROLS						
remove all text after “representatively measured”	Appendix IX, Section 10.3(2)	20.4.1.700 NMAC	X			
replace “the” after “follow” with “appropriate”; remove “described in SW-846” after “guidelines”	Appendix IX, Section 10.5(1), fifth bulleted paragraph	20.4.1.700 NMAC	X			
insert “such as those” after “procedures”; remove “SW-846 and” after “described in”	Appendix IX, Section 10.5(2), second bulleted paragraph, fourth paragraph	20.4.1.700 NMAC	X			
replace “SW-846” with “other appropriate methods” after “described in this method and in”	Appendix IX, Section 10.5(5), third bulleted paragraph	20.4.1.700 NMAC	X			
replace “SW-846” with “appropriate” after “prepared according to”	Appendix IX, Section 10.5(5), fifth bulleted paragraph	20.4.1.700 NMAC	X			
replace “the procedures described in SW-846” with “appropriate procedures”	Appendix IX, Section 10.6(1), fifth bulleted paragraph	20.4.1.700 NMAC	X			
replace “SW-846” with “other appropriate procedures” after “described in this method and in”	Appendix IX, Section 10.6(5), third bulleted paragraph	20.4.1.700 NMAC	X			
replace “SW-846” with “appropriate” after “prepared according to”	Appendix IX, Section 10.6(5), fourth bulleted paragraph	20.4.1.700 NMAC	X			
PART 268—LAND DISPOSAL RESTRICTIONS						
SUBPART D—TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS.						
in the third sentence replace “Method 1310” with “Method 1310B”	268.40(b)	20.4.1.800 NMAC	X			
3 replace “Method 9010 or 9012” with “Method 9010C or 9012B”; remove the quotation (“) after the “s” in “Test Methods” and replace with (‘)	268.40/Table, Footnote 7	20.4.1.800 NMAC	X			

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>UNIVERSAL TREATMENT STANDARDS.</b>						
replace "Method 9010 or 9012" with "Method 9010C or 9012B"	268.48/UTS table, Footnote 4	20.4.1.800 NMAC	X			
<b>APPENDIX IX TO PART 268</b>						
<b>EXTRACTION PROCEDURE (EP) TOXICITY TEST METHOD AND STRUCTURAL INTEGRITY TEST (METHOD 1310B)</b>						
replace "Method 1310" with "Method 1310B"	Appendix IX	20.4.1.800 NMAC	X			
<b>PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT</b>						
<b>SUBPART B—PERMIT APPLICATION</b>						
<b>SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS.</b>						
replace the last sentence with "The waste analysis must rely on appropriate analytical techniques."	270.19(c)(1)(iii)	20.4.1.900 NMAC	X			
after "within the precision produced by", replace "the analytical methods...and §270.6" with "appropriate analytical methods"	270.19(c)(1)(iv)	20.4.1.900 NMAC	X			
<b>SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE.</b>						
replace the last sentence with "The analysis must rely on appropriate analytical techniques."	270.22(a)(2)(ii)(B)	20.4.1.900 NMAC	X			
<b>SUBPART F—SPECIAL FORMS OF PERMITS</b>						
<b>HAZARDOUS WASTE INCINERATOR PERMITS</b>						
replace the last sentence with "The waste analysis must rely on appropriate analytical techniques."	270.62(b)(2)(i)(C)	20.4.1.900 NMAC	X			
replace "the analytical methods...or their equivalent." with "appropriate analytical methods."	270.62(b)(2)(i)(D)	20.4.1.900 NMAC	X			
<b>PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE</b>						
Replace the last sentence with "The waste analysis must be conducted in accordance with appropriate analytical techniques."	270.66(c)(2)(i)	20.4.1.900 NMAC	X			
replace "the analytical methods...or other equivalent." with "appropriate analytical methods."	270.66(c)(2)(ii)	20.4.1.900 NMAC	X			
<b>PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL</b>						
<b>SUBPART B—APPLICABILITY</b>						

† APPLICABILITY

US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
in the second sentence, remove “using an analytical method from SW-846, Edition III,” and replace “to show” with “showing”; remove the last sentence addressing the availability of SW-846.	279.10(b)(1)(ii) introductory paragraph	20.4.1.1002 NMAC	X			
<b>SUBPART E—STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES</b>						
† <b>REBUTTABLE PRESUMPTION FOR USED OIL</b>						
in the second sentence, remove “using an analytical method from SW-846, Edition III,” and replace “to show” with “showing”; remove the last sentence addressing the availability of SW-846.	279.44(c) introductory paragraph	20.4.1.1002 NMAC	X			
<b>SUBPART F—STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS</b>						
† <b>REBUTTABLE PRESUMPTION FOR USED OIL</b>						
in the second sentence, remove “using an analytical method from SW-846, Edition III,” and replace “to show” with “showing”; remove the last sentence addressing the availability of SW-846.	279.53(c) introductory paragraph	20.4.1.1002 NMAC	X			
<b>SUBPART G—STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY</b>						
† <b>REBUTTABLE PRESUMPTION FOR USED OIL</b>						
in the second sentence, remove “using an analytical method from SW-846, Edition III,” and replace “to show” with “showing”; remove the last sentence addressing the availability of SW-846.	279.63(c) introductory paragraph	20.4.1.1002 NMAC	X			

† Optional provisions.

- 1 The June 14, 2005 final rule for Revision Checklist 208 completely revised the incorporation by reference of test methods at 40 CFR 260.11. While the same methods are being incorporated they are now organized according to the source of the materials under subparagraphs (b) through (g) (e.g., materials from ASTM are listed under 260.11(b) and its subparagraphs). 40 CFR 260.11(a) is dedicated to the incorporation by reference in 40 CFR and the availability of copies through the U.S. EPA and NARA.
- 2 There is a typographical in the June 14, 2005 Federal Register notice. In the third sentence of 40 CFR 266.112(b)(2)(i) (see 70 FR 34588), the phrase “appendix VII of this chapter” should be “appendix VII of this part” in order to correctly reference Appendix VII of part 266.
- 3 There appears to a typographical error in the June 14 Federal Register notice. In Footnote 7, of the table at 40 CFR 268.40 (see 70 FR 34589); there is an apostrophe after the “s” in “Test Methods” that should be removed.

## RCRA REVISION CHECKLIST 209

Universal Waste Rule: Specific Provisions for Mercury Containing Equipment  
70 FR 45508 - 45522  
August 5, 2005  
(RCRA Cluster XVI, Non-HSWA)

Note: In order for a state to receive authorization for this checklist, which adds mercury containing equipment to the list of universal wastes, it must first have authorization for Revision Checklist 142 A (universal waste).

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 260 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>						
<b>SUBPART B DEFINITIONS</b>						
† DEFINITIONS						
add "Mercury-containing equipment" in alphabetical order	260.10 "Mercury-containing equipment"	20.4.1.100 NMAC	X			
1 In definition of "universal waste", the introductory paragraph is republished without change	260.10 "universal waste"	20.4.1.100 NMAC	X			
In definition of "universal waste", revise subparagraph (3) by replacing "Thermostats" with "Mercury-containing equipment"	260.10 "universal waste"	20.4.1.100 NMAC	X			
<b>PART 261 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A GENERAL</b>						
† REQUIREMENTS FOR UNIVERSAL WASTE						
replace "Thermostats" with "Mercury-containing equipment"	261.9(c)	20.4.1.200 NMAC	X			
<b>PART 264 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT STORAGE AND DISPOSAL FACILITIES</b>						
<b>SUBPART A GENERAL</b>						
† PURPOSE, SCOPE, AND APPLICABILITY						
replace "Thermostats" with "Mercury-containing equipment"	264.1(g)(11)(iii)	20.4.1.500 NMAC	X			

RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)

SPA 27

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>PART 265 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARODUS WASTE TREATMENT, STORAGE AND DISOSAL FACILITIES</b>						
<b>SUBPART A GENERAL</b>						
† PURPOSE, SCOPE, AND APPLICABILITY.						
replace "Thermostats" with "Mercury-containing equipment"	265.1(c)(14)(iii)	20.4.1.600 NMAC	X			
<b>PART 268 – LAND DISPOSAL RESTRICTIONS</b>						
<b>SUBPART A GENERAL</b>						
† PURPOSE, SCOPE, AND APPLICABILITY						
replace "Thermostats" with "Mercury-containing equipment"	268.1(f)(3)	20.4.1.800 NMAC	X			
<b>PART 270 EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM</b>						
<b>SUBPART A GENERAL INFORMATION</b>						
† PURPOSE AND SCOPE OF THESE REGULATIONS						
replace "Thermostats" with "Mercury-containing equipment"	270.1(c)(2)(viii)(C)	20.4.1.900 NMAC	X			
<b>PART 273 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT</b>						
<b>SUBPART A GENERAL</b>						
† SCOPE						
replace "Thermostats" with "Mercury-containing equipment"	273.1(a)(3)	20.4.1.1000 NMAC	X			
2† APPLICABILITY—MERCURY-CONTAINING EQUIPMENT						
replace first occurrence of "Thermostats" with "Mercury-containing equipment"; replace second occurrence of "thermostats" with "mercury-containing equipment"	273.4(a)	20.4.1.1000 NMAC	X			
replace first occurrence of "Thermostats" with "Mercury-containing equipment"; replace second occurrence of "thermostats" with "mercury-containing equipment"	273.4(b) introductory paragraph	20.4.1.1000 NMAC	X			
replace existing subparagraph: Mercury-containing equipment that is not yet a waste under part 261 of this chapter. Paragraph (c) of this section describes when mercury-containing equipment becomes a waste;	273.4(b)(1)	20.4.1.1000 NMAC	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)

SPA 27

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace existing subparagraph;. mercury-containing equipment that is not a hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in part 261, subpart C of this chapter or is listed in part 261, subpart D of this chapter; and	273.4(b)(2)	20.4.1.1000 NMAC	X			
add subparagraph; equipment and devices from which the mercury-containing components have been removed.	273.4(b)(3)	20.4.1.1000 NMAC	X			
In heading replace “thermostats” with “mercury-containing equipment”; replace “A used thermostat” with “Used mercury-containing equipment”; remove “(e.g., sent for reclamation)” after “discarded”	273.4(c)(1)	20.4.1.1000 NMAC	X			
replace “An unused thermostat” with “Unused mercury-containing equipment”	273.4(c)(2)	20.4.1.1000 NMAC	X			
† DEFINITIONS						
add “Ampule” in alphabetical order	273.9 “Ampule”	20.4.1.1000 NMAC	X			
replace “thermostats” with “mercury-containing equipment”; in the last sentence replace “kilograms or more total of universal waste is accumulated” with “kilogram limit is met or exceeded”	273.9 “Large Quantity Handler of Universal Waste”	20.4.1.1000 NMAC	X			
add “Mercury-containing equipment” in alphabetical order	273.9 “Mercury-containing equipment”	20.4.1.1000 NMAC	X			
replace “thermostats” with “mercury-containing equipment”;	273.9 “Small Quantity Handler of Universal Waste”	20.4.1.1000 NMAC	X			
in definition of “universal waste”, the introductory paragraph is republished without change	273.9 “Universal Waste”	20.4.1.1000 NMAC	X			
in definition of “universal waste”, subparagraph (3) replace “Thermostats” with “Mercury-containing equipment”;	273.9 “Universal Waste”	20.4.1.1000 NMAC	X			

Checklist 209  
[Printed: 3/10/09]

RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)

SPA 27

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

SUBPART B STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

† WASTE MANAGEMENT

replace the heading "Universal waste thermostats" with "Mercury-containing equipment"; replace "thermostats" with "mercury-containing equipment"	273.13(c) introductory paragraph	20.4.1.1000 NMAC	X			
in the first sentence replace: "must contain" with "must place in a container"; replace "thermostat" with "mercury-containing equipment with non-contained elemental mercury or", and "in a container" with "under reasonably foreseeable conditions"; in the second sentence: replace "thermostat and" with "device", add to the end "and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means."	273.13(c)(1)	20.4.1.1000 NMAC	X			
replace "thermostats" with "mercury-containing equipment"	273.13(c)(2) introductory paragraph	20.4.1.1000 NMAC	X			
insert "and manages" after "removes"	273.13(c)(2)(i)	20.4.1.1000 NMAC	X			
not changed although published in the final rule	273.13(c)(2)(ii)	20.4.1.1000 NMAC	X			
replace "the" with "that" before "containment device"	273.13(c)(2)(iii)	20.4.1.1000 NMAC	X			
not changed although published in the final rule	273.13(c)(2)(iv)-(vii)	20.4.1.1000 NMAC	X			
remove "and" from the end of the provision	273.13(c)(2)(viii)	20.4.1.1000 NMAC	X			
3 redesignate previous 273.13(c)(3) as 273.13(c)(4) and add new subparagraph (c)(3); a small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:	273.13(c)(3) introductory paragraph	20.4.1.1000 NMAC	X			

RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)

SPA 27

US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and	273.13(c)(3)(i)	20.4.1.1000 NMAC	X			
follows all requirements for removing ampules and managing removed ampules under paragraph (c)(2) of this section; and	273.13(c)(3)(ii)	20.4.1.1000 NMAC	X			
3 replace “thermostats” with “mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing”	273.13(c)(4)(i) introductory paragraph	20.4.1.1000 NMAC	X			
remove the semi-colon (;) after “leaks”	273.13(c)(4)(i)(A)	20.4.1.1000 NMAC	X			
insert “or housings” after “ampules”; in the parenthetical replace “remaining thermostat units” with “the remaining mercury-containing device”	273.13(c)(4)(i)(B)	20.4.1.1000 NMAC	X			
text unchanged in final rule	273.13(c)(4)(ii)	20.4.1.1000 NMAC	X			
text unchanged in final rule	273.13(c)(4)(iii)	20.4.1.1000 NMAC	X			
† LABELING/MARKING						
4 redesignate existing 273.14(d) as 273.14(d)(2) and add new subparagraph designated as 273.14(d)(1); Universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: “Universal Waste—Mercury Containing Equipment,” “Waste Mercury-Containing Equipment,” or “Used Mercury-Containing Equipment.”	273.14(d)(1)	20.4.1.1000 NMAC	X			

RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)

SPA 27

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
4 redesignate existing 273.14(d)(1) as 273.14(d)(2); replace text before the colon (:) with "A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases"	273.14(d)(2)	20.4.1.1000 NMAC	X			
<b>SUBPART C STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE</b>						
† NOTIFICATION						
replace "thermostats" with "mercury-containing equipment"	273.32(b)(4)	20.4.1.1000 NMAC	X			
remove text from end starting with "and the types of universal waste..."	273.32(b)(5)	20.4.1.1000 NMAC	X			
† WASTE MANAGEMENT						
replace "Universal waste thermostats" with "Mercury-containing equipment"; replace "thermostats" with "mercury-containing equipment";	273.33(c) introductory paragraph	20.4.1.1000 NMAC	X			
in the first sentence replace: "must contain" with "must place in a container", "thermostat" with "mercury-containing equipment with non-contained elemental mercury or", and "in a container" with "under reasonably foreseeable conditions"; in the second sentence: replace "thermostat and" with "device", add to the end " , and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means."	273.33(c)(1)	20.4.1.1000 NMAC	X			
replace "thermostats" with "mercury-containing equipment"	273.33(c)(2) introductory paragraph	20.4.1.1000 NMAC	X			
insert "and manages" after "removes"	273.33(c)(2)(i)	20.4.1.1000 NMAC	X			
not changed although published in the final rule	273.33(c)(2)(ii)	20.4.1.1000 NMAC	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)

SPA 27

US EPA ARCHIVE DOCUMENT

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace "from" with "of" before "broken ampules", and "the" with "that" before "containment device"	273.33(c)(2)(iii)	20.4.1.1000 NMAC	X			
not changed although published in the final rule	273.33(c)(2)(iv)-(vii)	20.4.1.1000 NMAC	X			
remove "and" from the end of the provision	273.33(c)(2)(viii)	20.4.1.1000 NMAC	X			
5 redesignate previous 273.33(c)(3) as 273.33(c)(4) and add new subparagraph (c)(3); a large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:	273.33(c)(3) introductory paragraph	20.4.1.1000 NMAC	X			
immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and	273.33(c)(3)(i)	20.4.1.1000 NMAC	X			
follows all requirements for removing ampules and managing removed ampules under paragraph (c)(2) of this section; and	273.33(c)(3)(ii)	20.4.1.1000 NMAC	X			
5 redesignate previous 273.33(c)(3) as 273.33(c)(4); replace "thermostats" with "mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing"	273.33(c)(4)(i) introductory paragraph	20.4.1.1000 NMAC	X			
remove the semi-colon (;) after "leaks"	273.33(c)(4)(i)(A)	20.4.1.1000 NMAC	X			
insert "or housings" after "ampules"; in the parenthetical replace "remaining thermostat units" with "the remaining mercury-containing device"	273.33(c)(4)(i)(B)	20.4.1.1000 NMAC	X			
text unchanged in final rule	273.33(c)(4)(ii)	20.4.1.1000 NMAC	X			
text unchanged in final rule	273.33(c)(4)(iii)	20.4.1.1000 NMAC	X			

† LABELING/MARKING

RCRA REVISION CHECKLIST 209: Universal Waste Rule:  
Specific Provisions for Mercury-Containing Equipment (cont'd)

SPA 27

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
6 redesignate existing 273.34(d) as 273.34(d)(2) and add new subparagraph designated as 273.34(d)(1), universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste—Mercury Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."	273.34(d)(1)	20.4.1.1000 NMAC	X			
redesignate existing 273.34(d) as 273.34(d)(2); replace text before the colon (:) with "A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases"	273.34(d)(2)	20.4.1.1000 NMAC	X			

† Optional provisions.

1 Note that there appears to be a typographical error in the Federal Register for the final rule. In the text of the introductory paragraph of the 40 CFR 260.10 definition of "Universal Waste" the section symbol (§) does not appear between "part" and "273"; however, the Final Rule indicates that the introductory text is being republished not revised, and the symbol is present in the 2006 CFR.

2 The final rule addressed by Revision Checklist 209 revised the title of section 273.4 from "Applicability – mercury thermostats" to "Applicability – Mercury-containing equipment"

3 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.13(c)(3) and redesignated the previous provision as 40 CFR 273.13(c)(4).

4 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.14(d)(1) and redesignated the previous provision from 40 CFR 273.14(d) as 273.14(d)(2).

5 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.33(c)(3) and redesignated the previous provision as 40 CFR 273.33(c)(4).

6 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.34(d)(1) and redesignated the previous provision from 40 CFR 273.14(d) as 273.34(d)(2).

## RCRA REVISION CHECKLIST 211

Revision of Wastewater Treatment Exemptions  
for Hazardous Waste Mixtures (“Headworks exemptions”)

70 FR 57769-57785

October 4, 2005

(RCRA Cluster XVI, Non-HSWA)

Name of State: **New Mexico**State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**Effective Date: **March 1, 2009**Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A GENERAL</b>						
<b>DEFINITION OF HAZARDOUS WASTE</b>						
<sup>†</sup> insert “benzene,” before “carbon tetrachloride”; insert “or the scrubber waters derived-from the combustion of these spent solvents” before “— <i>Provided</i> , That”; add new text addressing the direct monitoring option at the end of existing provision	261.3(a)(2)(iv)(A)	20.4.1.200 NMAC	X			
<sup>†</sup> insert “2-ethoxyethanol, or the scrubber waters derived-from the combustion of these spent solvents” before “— <i>Provided</i> , That”; add new text addressing the direct monitoring option at the end of existing provision	261.3(a)(2)(iv)(B)	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 211: Revision of Wastewater Treatment Exemptions  
for Hazardous Waste Mixtures (“Headworks exemptions”) (cont’d)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† in the first sentence insert “hazardous waste,” before “commercial chemical product”, replace “§261.31” with “§§ 261.31 through 261.33”, and remove “from manufacturing...process” after “of these materials”; in the second sentence remove the parentheses (“...”) around “ <i>de minimis</i> ”, insert “are inadvertent releases to a wastewater treatment system,” after “ <i>de minimis</i> losses”, replace “include” with “including” and insert a period (.) after “rendered empty by that rinsing”; After second sentence add new text addressing conditions for claiming the <i>de minimis</i> exemption	261.3(a)(2)(iv)(D)	20.4.1.200 NMAC	X			
† remove “s” from the end of “dilution”; add new text at the end of existing provision: concentration of chemicals entering headworks does not exceed 5 parts per million weekly; file sampling and analysis plan with the Regional Administrator, or State Director; contents of sampling plan; eligibility for the direct monitoring option	261.3(a)(2)(iv)(F)	20.4.1.200 NMAC	X			
† add new text at the end of existing provision: concentration of chemicals entering headworks does not exceed 5 parts per million weekly; file sampling and analysis plan with the Regional Administrator, or State Director; contents of sampling plan; eligibility for the direct monitoring option	261.3(a)(2)(iv)(G)	20.4.1.200 NMAC	X			

† Optional provisions.

<sup>1</sup> Note that in the 10/4/2005 Final Rule and in the July 1, 2006 CFR, the capitalization and punctuation of the phrase “-*Provided, That...*” is inconsistent in the existing text at 40 CFR 261.3(a)(2)(A) – (G) . In order to set apart the condition limiting weekly solvent usage, States may want to adopt the phrase consistently as “-*Provided, That...*”.

## RCRA REVISION CHECKLIST 212

NESHAP: Final Standards for Hazardous Waste Combustors  
(Phase I Final Replacement Standards and Phase II)  
70 FR 59402-59579  
October 12, 2005  
(RCRA Cluster XVI, HSWA/Non-HSWA)

NOTE: EPA does not consider these provisions to be either more or less stringent than the pre-existing federal program, since they simply make explicit an authority that has been and remains available under the omnibus authority and its implementing regulations. Thus, states with authorized equivalents to the federal omnibus authority will not be required to adopt these provisions, so long as they interpret their omnibus authority broadly enough to require risk assessments where necessary.

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>						
<b>SUBPART B DEFINITIONS</b>						
<b>REFERENCES</b>						
replace “270” with “268”	260.11(a)	20.4.1.100 NMAC	X			
remove “270.24, 270.25” from the end of the provision	260.11(c)(1)	20.4.1.100 NMAC	X			
<b>PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>						
<b>SUBPART O INCINERATORS</b>						
<b>APPLICABILITY</b>						
in the first sentence: replace “, (b)(3), and (b)(4)” with “through (b)(5)”; insert “do not apply to a new hazardous waste incineration unit that becomes subject to RCRA permit requirements after October 12, 2005; or” before “ no longer apply”; insert “of an existing hazardous waste incineration unit” before “demonstrates compliance”; replace “63.1210(b)” with “63.1210(d)”	264.340(b)(1)	20.4.1.500 NMAC	X			

Checklist 212  
[Printed: 3/10/09]

**RCRA REVISION CHECKLIST 212: NESHP Final Standards for  
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new subparagraph (b)(5): The particulate matter standard of § 264.343(c) remains in effect for incinerators that elect to comply with the alternative to the articulate matter standard of §§ 63.1206(b)(14) and 63.1219(e) of this chapter.	264.340(b)(5)	20.4.1.500 NMAC	X			
<b>PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>						
<b>SUBPART O INCINERATORS</b>						
<b>APPLICABILITY</b>						
replace “63.1210(b)” with “63.1210(d)”	265.340(b)(1)	20.4.1.600 NMAC	X			
<b>PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES</b>						
<b>SUBPART H HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES</b>						
<b>APPLICABILITY</b>						
in the first sentence: after “(b)(2)” insert “, (b)(3), and (b)(4)”; after “the standards of this part” insert “do not apply to a new hazardous waste boiler or industrial furnace unit that becomes subject to RCRA permit requirements after October 12, 2005; or”; replace “affected source” with “an owner or operator of an existing hazardous waste boiler or industrial furnace unit”; replace “63.1210(b)” with “63.1210(d)”	266.100(b)(1)	20.4.1.700 NMAC	X			

RCRA REVISION CHECKLIST 212: NESHAP Final Standards for  
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new introductory subparagraph 266.100(b)(3): if you own or operate a boiler or hydrochloric acid production furnace that is an area source under § 63.2 of this chapter and you elect not to comply with the emission standards under §§ 63.1216, 63.1217, and 63.1218 of this chapter for particulate matter, semivolatile and low volatile metals, and total chlorine, you also remain subject to:	266.100(b)(3) introductory paragraph	20.4.1.700 NMAC	X			
section 266.105—Standards to control particulate matter;	266.100(b)(3)(i)	20.4.1.700 NMAC	X			
section 266.106—Standards to control metals emissions, except for mercury; and	266.100(b)(3)(ii)	20.4.1.700 NMAC	X			
1 section 266.107—Standards to control hydrogen chloride and chlorine gas.	266.100(b)(3)(ii), second provision	20.4.1.700 NMAC	X			
add new subparagraph 266.100(b)(4); the particulate matter standard of § 266.105 remains in effect for boilers that elect to comply with the alternative to the particulate matter standard under §§ 63.1216(e) and 63.1217(e) of this chapter.	266.100(b)(4)	20.4.1.700 NMAC	X			
PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM						
SUBPART A GENERAL INFORMATION						
REFERENCES						
2 completely revise: incorporation by reference of publications used in part 270 approved by Director of the Federal Register; availability of materials	270.6(a)	20.4.1.900 NMAC	X			

RCRA REVISION CHECKLIST 212: NESHAP Final Standards for  
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add new introductory subparagraph 270.6(b); the following materials are available for purchase from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000 or (800) 553-6847; or for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800:	270.6(b) introductory paragraph	20.4.1.900 NMAC	X			
add new subparagraph 270.6(b)(1); "APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981, IBR approved for §§ 270.24 and 270.25.	270.6(b)(1)	20.4.1.900 NMAC	X			
add reserved subparagraph 270.6(b)(2)	270.6(b)(2) [Reserved]	20.4.1.900 NMAC	X			
SUBPART B PERMIT APPLICATION						
GENERAL APPLICATION REQUIREMENTS						
add new paragraph (1); based on one or more of the factors listed in paragraph (1)(1) that compliance with 40 CFR part 63, EEE alone may not be protective of human health or the environment, the Director shall require the additional information or assessment(s) to determine whether additional controls are necessary to ensure protection of human health and the environment. This includes information necessary to evaluate the potential risk resulting from both direct and indirect exposure pathways.	270.10(1) introductory paragraph	20.4.1.900 NMAC	X			
the Director shall base the evaluation on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:	270.10(1)(1)	20.4.1.900 NMAC	X			

RCRA REVISION CHECKLIST 212: NESHA Final Standards for  
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
site-specific considerations such as proximity to receptors (such as schools, hospitals, or other potentially sensitive receptors), unique dispersion patterns, etc.;	270.10(l)(1)(i)	20.4.1.900 NMAC	X			
identities and quantities of emissions of persistent, bioaccumulative or toxic pollutants considering enforceable controls in place to limit those pollutants;	270.10(l)(1)(ii)	20.4.1.900 NMAC	X			
identities and quantities of nondioxin products of incomplete combustion most likely to be emitted and to pose significant risk;	270.10(l)(1)(iii)	20.4.1.900 NMAC	X			
identities and quantities of other off-site sources of pollutants that significantly influence interpretation of a facility-specific risk assessment;	270.10(l)(1)(iv)	20.4.1.900 NMAC	X			
ecological considerations, such as the proximity of a particularly sensitive ecological area;	270.10(l)(1)(v)	20.4.1.900 NMAC	X			
volume and types of wastes, for example wastes containing highly toxic constituents;	270.10(l)(1)(vi)	20.4.1.900 NMAC	X			
other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by operation of the source;	270.10(l)(1)(vii)	20.4.1.900 NMAC	X			
adequacy of previously conducted risk assessment, given subsequent changes in conditions likely to affect risk; and	270.10(l)(1)(viii)	20.4.1.900 NMAC	X			
other factors as appropriate.	270.10(l)(1)(ix)	20.4.1.900 NMAC	X			
add reserved subparagraph 270.10(l)(2)	270.10(l)(2) [reserved]	20.4.1.900 NMAC	X			

SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS.

**RCRA REVISION CHECKLIST 212: NESHAP Final Standards for  
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
after the first occurrence of the phrase "When an owner or operator", insert "of a hazardous waste incineration unit becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration unit"; replace "63.1210(b)" with "63.1210(d)"; replace "and 270.32(b)(2)" with "270.10(l), 270.32(b)(2), and 270.32(b)(3)"	270.19(e)	20.4.1.900 NMAC	X			
<b>SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE.</b>						
in the first sentence, after "cement" replace "or" with "kiln,", insert "solid fuel boiler...production furnace" before "demonstrates"; replace "63.1210(b)" with "63.1210(d)", insert a period (.) after "do not apply"; replace ", except those provisions ... determines" with "The requirements ... certain provisions" before "are necessary"; After "malfunction events" remove the period (.) and replace "Nevertheless, the Director ... section," with ": or if you are...certain provisions apply,"; at the end of the provision after "§§270.10(k)" replace "and 270.32(b)(2)" with "270.10(l), 270.32(b)(2), and 270.32(b)(3)"	270.22 introductory paragraph	20.4.1.900 NMAC	X			
<b>SPECIFIC PART B INFORMATION REQUIREMENTS FOR PROCESS VENTS.</b>						
replace "260.11" with "270.6"; remove "design" after "basic control device"	270.24(d)(3)	20.4.1.900 NMAC	X			
<b>SPECIFIC PART B INFORMATION REQUIREMENTS FOR EQUIPMENT.</b>						
replace "260.11" with "270.6"; remove "design" after "basic control device"	270.25(e)(3)	20.4.1.900 NMAC	X			

**SUBPART C PERMIT CONDITIONS**

RCRA REVISION CHECKLIST 212: NESHAP Final Standards for  
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>ESTABLISHING PERMIT CONDITIONS.</b>						
add new subparagraph (b)(3); if the administrator or Director determines that conditions in addition to those required under 40 CFR parts 63, subpart EEE, 264 or 266 are necessary, he shall include those terms and conditions in a RCRA permit for a hazardous waste combustion unit.	270.32(b)(3)	20.4.1.900 NMAC	X			
<b>SUBPART D CHANGES TO PERMITS</b>						
<b>PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE.</b>						
replace "Part 63 Revised" with "part 63 §§63.1200-63.1499 revised" after "See 40 CFR"; insert at the end of provision "for the purpose...40 CFR 63.1203, 63.1204, and 63.1205."	270.42(j)(1)	20.4.1.900 NMAC	X			
redesignate existing subparagraph (j)(2) as (j)(3); add new subparagraph (j)(2); owners or operators must comply with the Notification of Intent to Comply requirements before requesting permit modification under this section for technology changes to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards promulgated on October 12, 2005.	270.42(j)(2)	20.4.1.900 NMAC	X			
redesignate existing subparagraph (j)(2) as (j)(3)	270.42(j)(3)	20.4.1.900 NMAC	X			
add new subparagraph (k); you may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix I of this section, section L(10). You must:	270.42(k)(1) introductory paragraph	20.4.1.900 NMAC	X			
identify the specific RCRA permit operating and emissions limits which you are requesting to waive;	270.42(k)(1)(i)	20.4.1.900 NMAC	X			

RCRA REVISION CHECKLIST 212: NESHAP Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
explain why changes are necessary to minimize or eliminate conflicts between the RCRA permit and MACT compliance; and	270.42(k)(1)(ii)	20.4.1.900 NMAC	X			
discuss how the revised provisions will be sufficiently protective.	270.42(k)(1)(iii)	20.4.1.900 NMAC	X			
director shall approve or deny request within 30 days of receipt. Director may extend this 30 day deadline one time for up to 30 days by notifying the owner or operator.	270.42(k)(1)(iv)	20.4.1.900 NMAC	X			
to request modification in conjunction with MACT performance testing where permit limits may only be waived during actual test events and pretesting for an aggregate time not to exceed 720 hours of operation you must:	270.42(k)(2) introductory paragraph	20.4.1.900 NMAC	X			
submit modification request to the Director when you submit your test plans to the Administrator; and	270.42(k)(2)(i)	20.4.1.900 NMAC	X			
the Director may elect to approve or deny the request contingent upon approval of the test plans.	270.42(k)(2)(ii)	20.4.1.900 NMAC	X			
3 add entry 10 in the table under section L as shown below:	270.42, Appendix I	20.4.1.900 NMAC	X			

**Appendix I to § 270.42—Classification of Permit Modification**

Modifications	Class
<p style="text-align: center;">* * * * *</p> <p style="text-align: center;">L. *** .....</p> <p>10. Changes to RCRA permit provisions needed to support transition to 40 CFR part 63 (Subpart EEE—National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of § 270.42(k) are followed..</p> <p style="text-align: center;">* * * * *</p>	

<sup>1</sup> Class 1 modifications requiring prior Agency approval.

**SUBPART F SPECIAL FORMS OF PERMITS  
HAZARDOUS WASTE INCINERATOR PERMITS.**

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 212: NESHAP Final Standards for  
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
after the first occurrence of the phrase "When an owner or operator" insert "of a hazardous waste incineration unit becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration unit"; replace "63.1210(b)" with "63.1210(d)"; at the end of the provision after "§§270.10(k)" replace "and 270.32(b)(2)" with "270.10(l), 270.32(b)(2), and 270.32(b)(3)"	270.62 introductory paragraph	20.4.1.900 NMAC	X			

PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE.

in the first sentence, after "cement" replace "or" with "kiln," insert "solid fuel boiler...production furnace" before "demonstrates"; replace "63.1210(b)" with "63.1210(d)", insert a period (.) after "do not apply"; replace "except those provisions ... determines" with "The requirements ... certain provisions" before "are necessary"; After "malfunction events" remove the period (.) and replace "Nevertheless, the Director ... section," with "or if you are...certain provisions apply,"; at the end of the provision after "§§270.10(k)" replace "and 270.32(b)(2)" with "270.10(l), 270.32(b)(2), and 270.32(b)(3)"	270.66 introductory paragraph	20.4.1.900 NMAC	X			
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SUBPART I INTEGRATION WITH MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) STANDARDS

- 4 OPTIONS FOR INCINERATORS, CEMENT KILNS, LIGHTWEIGHT AGGREGATE KILNS, SOLID FUEL BOILERS, LIQUID FUEL BOILERS AND HYDROCHLORIC ACID PRODUCTION FURNACES TO MINIMIZE EMISSIONS FROM STARTUP, SHUTDOWN, AND MALFUNCTION EVENTS.

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 212: NESHAP Final Standards for  
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remove "or" before "lightweight aggregate kiln"; prior to the phrase "may request" insert ", solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace"	270.235(a)(1) introductory paragraph	20.4.1.900 NMAC	X			
remove "or" before "lightweight aggregate kiln"; prior to the phrase "that has conducted", insert ", solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace"	270.235(a)(2) introductory paragraph	20.4.1.900 NMAC	X			
remove "or" before "lightweight aggregate kiln"; prior to the phrase "that is operating", insert ", solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace"	270.235(b)(1) introductory paragraph	20.4.1.900 NMAC	X			
remove "or" before "lightweight aggregate kiln"; prior to the phrase "that is operating", insert ", solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace"	270.235(b)(2) introductory paragraph	20.4.1.900 NMAC	X			
add new introductory paragraph (c); new units that become subject to RCRA permit requirements after October 12, 2005 must control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options:	270.235(c) introductory paragraph	20.4.1.900 NMAC	X			
comply with the requirements specified in § 63.1206(c)(2) of this chapter; or	270.235(c)(1)	20.4.1.900 NMAC	X			
request to include in the RCRA Permit, conditions that ensure emissions are minimized from startup, shutdown, and malfunction events based on review of information	270.235(c)(2)	20.4.1.900 NMAC	X			

1 There is a typographical error in the final rule addressed by Revision Checklist 212. The rule introduces a new 40 CFR Checklist 212 [Printed: 3/10/09]

RCRA REVISION CHECKLIST 212: NESHAP Final Standards for  
Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) (cont'd)

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266.100(b)(3) with three subparagraphs; however, the second and third subparagraphs are both designated as 266.100(b)(3)(ii).. The third subparagraph addressing Section 266.107 should be designated 266.100(b)(3)(iii). This error is also found in the July 1, 2006 CFR.

- 2 The final rule addressed by Revision Checklist 212 revised 40 CFR 270.6(a) by incorporating some of the text previously found at 270.6(b) and adding new subparagraphs at 270.6(b).
- 3 There is a typographical error in the Federal Register for Revision Checklist 212 (70 FR 59402; October 12, 2005). In the new entry for section L.10 of § 270.42, Appendix I, there should not be two periods (.) at the end of the entry.
- 4 The final rule addressed by Revision Checklist 212 revises the section heading from “Options for incinerators and cement and lightweight aggregate kilns to minimize emissions from startup, shutdown, and malfunction events” to “Options for incinerators, cement kilns, lightweight aggregate kilns, solid fuel boilers, liquid fuel boilers and hydrochloric acid production furnaces to minimize emissions from startup, shutdown, and malfunction events”.

## RCRA REVISION CHECKLIST 213

Burden Reduction Initiative  
 71 FR 16862-16915  
 April 4, 2006  
 (RCRA Cluster XVI, HSWA/Non-HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 260 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>						
<b>SUBPART B DEFINITIONS</b>						
<b>DEFINITIONS</b>						
† add "Performance Track member facility"	260.10 "Performance Track member facility"	20.4.1.100 NMAC	X			
<b>SUBPART C RULEMAKING PETITIONS</b>						
<b>† STANDARDS AND CRITERIA FOR VARIANCES FROM CLASSIFICATION AS A SOLID WASTE</b>						
remove paragraph (b)(2)	260.31(b)(2)	20.4.1.100 NMAC	X			
redesignate paragraphs (b)(3) through (b)(8) as (b)(2) through (b)(7)	260.31(b)(2) - (b)(7)	20.4.1.100 NMAC	X			
<b>PART 261 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A GENERAL</b>						
<b>† EXCLUSIONS</b>						
replace "submits to the Regional Administrator or State Director" with "prepares" in the first sentence; replace "for a period of no less than 3 years from the date specified in the notice" with "until closure of the facility" in the second sentence	261.4(a)(9)(iii)(E)	20.4.1.200 NMAC	X			
insert a comma after "March 15 of each year"; remove "estimates the number of studies ... during the current year, and"	261.4(f)(9)	20.4.1.200 NMAC	X			

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

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

**SUBPART B GENERAL FACILITY STANDARDS**

† **GENERAL INSPECTION REQUIREMENTS**

remove "any" before "operator error" in the second sentence; add ", except for Performance Track member facilities ... as described in paragraph (b)(5) of this section" to the end of the third sentence	264.15(b)(4)	20.4.1.500 NMAC	X			
add new paragraph (b)(5): Performance Track member facilities that choose to reduce their inspection frequency must:	264.15(b)(5) introductory paragraph	20.4.1.500 NMAC	X			
submit a Class I permit modification request	264.15(b)(5)(i)	20.4.1.500 NMAC	X			
director will notify of decision within 60 days; notice and copy of application in operating record	264.15(b)(5)(ii)	20.4.1.501 NMAC			X	
discontinuation of Performance Track membership must immediately notify Director of change in status; dated notice in operating record	264.15(b)(5)(iii)	20.4.1.500 NMAC	X			

**PERSONNEL TRAINING**

† add new subparagraph (a)(4): For facility employees receiving emergency response training pursuant to OSHA regulations facility not required to provide separate emergency response training	264.16(a)(4)	20.4.1.500 NMAC	X			
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**SUBPART D CONTINGENCY PLAN AND EMERGENCY PROCEDURES**

**CONTENT OF CONTINGENCY PLAN**

**US EPA ARCHIVE DOCUMENT**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add the following to the end of the paragraph: “The owner or operator may develop one contingency plan which meets all regulatory requirements. EPA recommends that the plan be based on the National Response Team’s Integrated Contingency Plan Guidance (“One Plan”). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.”	264.52(b)	20.4.1.500 NMAC	X			
† EMERGENCY PROCEDURES						
remove old paragraph (i) and redesignate old paragraph (j) as (i)	264.56(i)	20.4.1.500 NMAC	X			
SUBPART E MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING						
† OPERATING RECORD						
replace “until closure of the facility” with “for three years unless noted as follows”	264.73(b)	20.4.1.501 NMAC			X	
add “of this part. This information ... until closure of the facility” after “appendix I”	264.73(b)(1)	20.4.1.501 NMAC			X	
replace “of” with “that shows” after “diagram” in the second sentence; remove “specific” after “cross-references to” in the second sentence; remove the comma after “document numbers” and replace the semicolon after “a manifest” with a period; add to end of paragraph: “This information ... until closure of the facility.”	264.73(b)(2)	20.4.1.501 NMAC			X	
remove “264.347” from the list of citations; add to end of paragraph: “Maintain in the operating record ... until closure of the facility.”	264.73(b)(6)	20.4.1.501 NMAC			X	
replace “§ 264.144.” with “§ 264.144 of this part. This information must be maintained... until closure of the facility;”	264.73(b)(8)	20.4.1.501 NMAC			X	

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove parentheses around phrase “and date of placement”; insert “of this chapter” after each of the following citations: “§ 268.5”, “§ 268.6”, “§ 268.8”, and “§ 268.7”; add to end of paragraph: “This information must be maintained ... until closure of the facility;”	264.73(b)(10)	20.4.1.501 NMAC			X	
add new paragraph (b)(18): monitoring, testing or analytical data where required by § 264.347 must be maintained in the operating record for five years.	264.73(b)(18)	20.4.1.501 NMAC			X	
add new paragraph (b)(19): certifications as required by § 264.196(f) must be maintained in the operating record until closure of the facility.	264.73(b)(19)	20.4.1.501 NMAC			X	

## SUBPART F RELEASES FROM SOLID WASTE MANAGEMENT UNITS

## DETECTION MONITORING PROGRAM

† remove the second sentence beginning with “A sequence of at least four samples . . .”	264.98(d)	20.4.1.500 NMAC	X			
† replace “part 264” with “this part” in the first sentence; add to end of paragraph: “However, the Regional Administrator, ... waste constituents.”	264.98(g)(2)	20.4.1.500 NMAC	X			
† insert “or at an alternative site-specific schedule approved by the Administrator” after “within one month” in the first sentence; replace “found pursuant to” with “in” before the second occurrence of “paragraph (g)(2)”	264.98(g)(3)	20.4.1.500 NMAC	X			

## † COMPLIANCE MONITORING PROGRAM

remove the second sentence beginning with “A sequence of at least four samples . . .”	264.99(f)	20.4.1.500 NMAC	X			
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
completely revise; Annually determine whether additional hazardous constituents from Appendix IX are present in the uppermost aquifer; consult with the Regional Administrator to determine enhanced sampling event; report concentration of additional constituents within seven days and add them to the monitoring list	264.99(g)	20.4.1.500 NMAC	X			
<b>CORRECTIVE ACTION PROGRAM</b>						
† replace “semi-annually” with “annually” in the second sentence	264.100(g)	20.4.1.501 NMAC			X	
<b>SUBPART G CLOSURE AND POST-CLOSURE</b>						
<b>CLOSURE; TIME ALLOWED FOR CLOSURE</b>						
† replace “semi-annually” with “annually” and “that describe” with “describing”	264.113(e)(5)	20.4.1.500 NMAC	X			
<b>CERTIFICATION OF CLOSURE</b>						
1† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the second sentence; and “independent registered professional engineer’s” with “Professional Engineer’s” in the third sentence	264.115	20.4.1.501 NMAC			X	
<b>CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE</b>						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the second sentence; and “independent registered professional engineer’s” with “Professional Engineer’s” in the third sentence	264.120	20.4.1.501 NMAC			X	
<b>SUBPART H FINANCIAL REQUIREMENTS</b>						
<b>FINANCIAL ASSURANCE FOR CLOSURE</b>						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the first sentence	264.143(i)	20.4.1.501 NMAC			X	
<b>FINANCIAL ASSURANCE FOR POST-CLOSURE CARE</b>						

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the first sentence	264.145(i)	20.4.1.501 NMAC			X	
<b>LIABILITY REQUIREMENTS</b>						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the first sentence	264.147(e)	20.4.1.501 NMAC			X	
<b>SUBPART I USE AND MANAGEMENT OF CONTAINERS</b>						
<b>INSPECTIONS</b>						
† insert “except for Performance Track member facilities, ...of this part” after “where containers are stored.”; replace “looking for” with “The owner or operator must look for”	264.174	20.4.1.500 NMAC	X			
<b>SUBPART J TANKS SYSTEMS</b>						
<b>† ASSESSMENT OF EXISTING TANK SYSTEM’S INTEGRITY</b>						
replace “an independent registered professional engineer” with “a qualified Professional Engineer”	264.191(a)	20.4.1.501 NMAC			X	
replace “an independent registered professional engineer” with “a qualified Professional Engineer”	264.191(b)(5)(ii)	20.4.1.501 NMAC			X	
<b>† DESIGN AND INSTALLATION OF NEW TANK SYSTEMS OR COMPONENTS</b>						
replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the first sentence	264.192(a) introductory paragraph	20.4.1.501 NMAC			X	
replace “an independent registered professional engineer” with “a qualified Professional Engineer” in the second sentence.	264.192(b) introductory paragraph	20.4.1.501 NMAC			X	
<b>† CONTAINMENT AND DETECTION OF RELEASES</b>						
insert “and existing” after “For all new”	264.193(a)(1)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove paragraphs (a)(2) through (a)(4); redesignate paragraph (a)(5) as (a)(2) and completely revise; For tank systems that store or treat materials that become hazardous wastes, within two years of the hazardous waste listing, or when the tank system has reached 15 years of age, whichever comes later	264.193(a)(2)	20.4.1.501 NMAC	X			
replace "an independent registered professional engineer" with "a qualified Professional Engineer" in the first sentence	264.193(i)(2)	20.4.1.501 NMAC			X	
† INSPECTIONS						
2 remove subparagraphs (b)(1) through (b)(3); completely revise; inspect data gathered from monitoring and leak detection equipment	264.195(b)	20.4.1.500 NMAC	X			
redesignate existing paragraphs (c) and (d) as (g) and (h) without revision; add new paragraphs (c) through (f); Owner or operator must inspect at least once each operating day:	264.195(c) introductory paragraph	20.4.1.500 NMAC	X			
above ground portions of tank system; construction materials and externally accessible portion of the tank system	264.195(c)(1)	20.4.1.500 NMAC	X			
construction materials and the area surrounding externally accessible portion of the tank system	264.195(c)(2)	20.4.1.500 NMAC	X			
at least weekly inspections when using leak detection systems or established workplace practices; alternate inspection schedule documentation	264.195(d)	20.4.1.500 NMAC	X			
performance Track member facilities may inspect less frequently upon approval of Director; application procedures	264.195(e)	20.4.1.500 NMAC	X			
ancillary equipment inspected at least once each operating day	264.195(f)	20.4.1.500 NMAC	X			
redesignate existing paragraphs (c) and (d) as (g) and (h) without revision	264.195(g) and (h)	20.4.1.500 NMAC	X			

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>RESPONSE TO LEAKS OR SPILLS AND DISPOSITION OF LEAKING OR UNFIT-FOR-USE TANK SYSTEMS</b>						
† replace “an independent, qualified, registered, professional engineer” with “a qualified Professional Engineer” in the first sentence; replace the second sentence with “This certification must be ... until closure of the facility.”	264.196(f)	20.4.1.501 NMAC			X	
<b>SUBPART L WASTE PILES</b>						
<b>DESIGN AND OPERATING REQUIREMENTS</b>						
† remove the following three phrases: “on which construction ... January 29, 1992”, “on which construction ... July 29, 1992” and “that is to commence ... July 29, 1992”; remove definition of “Construction commences”	264.251(c) introductory paragraph	20.4.1.500 NMAC	X			
<b>SUBPART M LAND TREATMENT</b>						
<b>CLOSURE AND POST-CLOSURE CARE</b>						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer”.	264.280(b)	20.4.1.501 NMAC			X	
<b>SUBPART N LANDFILLS</b>						
<b>† SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS</b>						
3 remove paragraph (a); redesignate paragraph (b) as (a); remove “Effective May 8, 1985,” and capitalize “The” at the beginning of the paragraph	264.314(a)	20.4.1.500 NMAC	X			
redesignate paragraphs (c) through (e) as (b) through (d).	264.314(b) - (d)	20.4.1.500 NMAC	X			
redesignate 264.314(f) as 264.314(e); in the introductory paragraph replace “Effective November 8, 1985, the” with “The”; remove the comma after “determines”	264.314(e) introductory paragraph	20.4.1.500 NMAC	X			
old 264.314(f)(1) and (f)(2) redesignated as (e)(1) and (e)(2)	264.314(e)(1) and (e)(2)	20.4.1.500 NMAC	X			
<b>SUBPART O INCINERATORS</b>						
<b>PERFORMANCE STANDARDS</b>						
† remove italics from “-p-dioxins” in the second sentence and remove last sentence	264.343(a)(2)	20.4.1.500 NMAC	X			
<b>MONITORING AND INSPECTIONS</b>						

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† replace “log” with “record”; add “of this part and maintained in the operating record for five years.” after “§ 264.73”	264.347(d)	20.4.1.501 NMAC			X	
<b>SUBPART S SPECIAL PROVISIONS FOR CLEANUP</b>						
<b>STAGING PILES</b>						
† replace “an independent, qualified, registered professional engineer” with “a qualified Professional Engineer”	264.554(c)(2)	20.4.1.501 NMAC			X	
<b>SUBPART W DRIP PADS</b>						
<b>ASSESSMENT OF EXISTING DRIP PAD INTEGRITY</b>						
replace “an independent, qualified registered professional engineer” with “a qualified Professional Engineer”; remove “of this subpart” after both instances of “§ 264.573” and after “§ 264.573(b)” in the last sentence	264.571(a)	20.4.1.501 NMAC			X	
remove “of this subpart” after “§ 264.573(b)” and “§ 264.573”; replace “an independent qualified registered professional engineer” with “a qualified Professional Engineer”	264.571(b)	20.4.1.501 NMAC			X	
replace “an independent qualified registered professional engineer” with “a qualified Professional Engineer”	264.571(c)	20.4.1.501 NMAC			X	
<b>DESIGN AND OPERATING REQUIREMENTS</b>						
replace “an independent, qualified registered professional engineer” with “a qualified Professional Engineer”	264.573(a)(4)(ii)	20.4.1.501 NMAC			X	
replace “an independent, qualified registered professional engineer” with “a qualified Professional Engineer”	264.573(g)	20.4.1.501 NMAC			X	
<b>INSPECTIONS</b>						
replace “an independent qualified registered professional engineer” with “a qualified Professional Engineer”	264.574(a)	20.4.1.501 NMAC			X	
<b>SUBPART BB AIR EMISSIONS STANDARDS FOR EQUIPMENT LEAKS</b>						
<b>ALTERNATIVE STANDARDS FOR VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE: PERCENTAGE OF VALVES ALLOWED TO LEAK</b>						

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove paragraph (b)(1); redesignate paragraphs (b)(2) and (b)(3) as (b)(1) and (b)(2) without revision	264.1061(b)(1) and (b)(2)	20.4.1.500 NMAC	X			
remove paragraph (d).	264.1061(d)					
<b>ALTERNATIVE STANDARDS FOR VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE: SKIP PERIOD LEAK DETECTION AND REPAIR</b>						
† redesignate paragraph (a)(1) as (a) without revision; remove paragraph (a)(2)	264.1062(a)	20.4.1.500 NMAC	X			
<b>SUBPART DD CONTAINMENT BUILDINGS</b>						
<b>APPLICABILITY</b>						
† remove the second sentence.	264.1100 introductory paragraph	20.4.1.500 NMAC	X			
<b>† DESIGN AND OPERATING STANDARDS</b>						
completely revise; certification by qualified PE that containment building design meets requirements of paragraphs (a), (b), and (c)	264.1101(c)(2)	20.4.1.501 NMAC			X	
† insert "except for Performance Track member facilities that must inspect at least once each month, upon approval by the Director," after "every seven days"; add "To apply for reduced inspection frequency... follow the procedures described in § 264.15(b)(5)." to end of paragraph	264.1101(c)(4)	20.4.1.500 NMAC	X			
<b>PART 265 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>						
<b>SUBPART B GENERAL FACILITY STANDARDS</b>						
<b>† GENERAL INSPECTION REQUIRMENTS</b>						
remove "any" before "operator error" in second sentence; add ", except for Performance Track member facilities ... as described in paragraph (b)(5) of this section" to end of third sentence; remove "of this part" after "265.1090" in last sentence	265.15(b)(4)	20.4.1.600 NMAC	X			
add new paragraph (b)(5): Performance Track member facilities choosing to reduce their inspection frequency must:	265.15(b)(5) introductory paragraph	20.4.1.600 NMAC	X			

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
submit application; identify units and proposed inspection frequency; at least monthly inspections	265.15(b)(5)(i)	20.4.1.600 NMAC	X			
director will notify of decision within 60 days; notice and copy of application in operating record	265.15(b)(5)(ii)	20.4.1.600 NMAC	X			
discontinuation of Performance Track membership must immediately notify Director of change in status; dated notice in operating record	265.15(b)(5)(iii)	20.4.1.600 NMAC	X			
<b>PERSONNEL TRAINING</b>						
† add new paragraph (a)(4): For facility employees receiving emergency response training pursuant to OSHA regulations facility not required to provide separate emergency response training.	265.16(a)(4)	20.4.1.600 NMAC	X			
<b>SUBPART D CONTINGENCY PLAN AND EMERGENCY PROCEDURES</b>						
<b>CONTENT OF CONTINGENCY PLAN</b>						
† add to end of paragraph: "The owner or operator may develop one contingency plan ... for a RCRA permit modification."	265.52(b)	20.4.1.600 NMAC	X			
<b>EMERGENCY PROCEDURES</b>						
† Remove old paragraph (i); redesignate old paragraph (j) as (i)	265.56(i)	20.4.1.600 NMAC	X			
<b>SUBPART E MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING</b>						
<b>† OPERATING RECORD</b>						
replace "until closure of the facility" with "for three years unless noted below".	265.73(b) introductory paragraph	20.4.1.601 NMAC			X	
replace "appendix I;" with "Appendix I to part 265.;" add to end of paragraph: "This information must be ... closure of the facility;"	265.73(b)(1)	20.4.1.601 NMAC			X	
remove "specific" after "cross-references to"; remove the comma after "document numbers" and replace semicolon after "a manifest" with a period; add to end of paragraph: "This information must be... until closure of the facility;"	265.73(b)(2)	20.4.1.601 NMAC			X	

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
4 in first sentence remove the references 265.90, 265.222, 265.223, and 265.259, insert a comma after "265.302", remove "through" prior to "265.304", add reference to 265.224 in numerical order; and remove "of this part" after "265.1090"; add to end of paragraph: "Maintain in the operating record for three years ... until closure of the facility."	265.73(b)(6)	20.4.1.601 NMAC			X	
add to end of paragraph: "must be maintained ...until closure of the facility;"	265.73(b)(7)	20.4.1.601 NMAC			X	
insert "of this chapter" after "§ 268.5", "§ 268.6", "§ 268.8", and "§ 268.7(a)"; add to end of paragraph: "All of this information ... until closure of the facility."	265.73(b)(8)	20.4.1.601 NMAC			X	
add new paragraph (b)(15): maintain in operating record until closure; monitoring, testing or analytical data, and corrective action where required by §§ 265.90, 265.93(d)(2), and 265.93(d)(5), and §265.196(f) certification	265.73(b)(15)	20.4.1.601 NMAC			X	
<b>SUBPART F GROUND-WATER MONITORING</b>						
<b>† APPLICABILITY</b>						
replace "submit to the Regional Administrator" with "develop"; add "This plan ...until closure of the facility." to end of paragraph.	265.90(d)(1)	20.4.1.600 NMAC	X			
replace "and submit a written report" with " a report"; add "and place...until closure of the facility." to end of paragraph	265.90(d)(3)	20.4.1.600 NMAC	X			
<b>† PREPARATION, EVALUATION, AND RESPONSE</b>						
remove "and submit" and "program"; add to end of paragraph: "This plan must ...until closure of the facility."	265.93(d)(2)	20.4.1.600 NMAC	X			

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace “, within 15 days after that determination, submit to the Regional Administrator a written” with “prepare a”; add to end of paragraph: “This report must... until closure of the facility.”	265.93(d)(5)	20.4.1.600 NMAC	X			
<b>SUBPART G CLOSURE AND POST-CLOSURE CARE</b>						
<b>CLOSURE; TIME ALLOWED FOR CLOSURE</b>						
† replace “semi-annual” with annual”; replace “that describe” with “describing”	265.113(e)(5)	20.4.1.600 NMAC	X			
<b>CERTIFICATION OF CLOSURE</b>						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in second sentence; replace “independent registered professional engineer’s” with “a qualified Professional Engineer’s” in third sentence	265.115	20.4.1.601 NMAC			X	
<b>CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE</b>						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer” in second sentence; replace “independent registered professional engineer’s” with “a qualified Professional Engineer’s” in third sentence.	265.120	20.4.1.601 NMAC			X	
<b>SUBPART H FINANCIAL REQUIREMENTS</b>						
<b>FINANCIAL ASSURANCE FOR CLOSURE</b>						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer”	265.143(h)	20.4.1.601 NMAC			X	
<b>FINANCIAL ASSURANCE FOR POST-CLOSURE CARE</b>						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer”	265.145(h)	20.4.1.601 NMAC			X	
<b>LIABILITY REQUIREMENTS</b>						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer”	265.147(e)	20.4.1.601 NMAC			X	
<b>SUBPART I USE AND MANAGEMENT OF CONTAINERS</b>						
<b>INSPECTIONS</b>						

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† completely revise; weekly inspections of container storage areas; Performance Track facilities inspect once a month; application for reduced inspection frequency; Comment regarding remedial action	265.174	20.4.1.600 NMAC	X			
<b>SUBPART J TANK SYSTEMS</b>						
† <b>ASSESSMENT OF EXISTING TANK SYSTEM'S INTEGRITY</b>						
replace "an independent, qualified, registered, professional engineer" with "a qualified Professional Engineer" in the second sentence	265.191(a)	20.4.1.601 NMAC			X	
replace "an independent, qualified, registered, professional engineer" with "a qualified Professional Engineer"	265.191(b)(5)(ii)	20.4.1.601 NMAC			X	
† <b>DESIGN AND INSTALLATION OF NEW TANK SYSTEMS OR COMPONENTS</b>						
replace "an independent, qualified, registered, professional engineer" with "a qualified Professional Engineer" in the second sentence	265.192(a) introductory paragraph	20.4.1.601 NMAC			X	
replace "an independent, qualified, registered, professional engineer" with "a qualified Professional Engineer" in the second sentence.	265.192(b) introductory paragraph	20.4.1.601 NMAC			X	
† <b>CONTAINMENT AND DETECTION OF RELEASES</b>						
insert "and existing" after "all new"	265.193(a)(1)	20.4.1.600 NMAC	X			
remove paragraphs (a)(2) through (a)(4); redesignate paragraph (a)(5) as (a)(2) and completely revise; For tank systems that store or treat materials that become hazardous wastes, within two years of the hazardous waste listing, or when the tank system has reached 15 years of age, whichever comes later	265.193(a)(2)	20.4.1.600 NMAC	X			
replace "an independent, qualified, registered, professional engineer" with "a qualified Professional Engineer" in the second sentence.	265.193(i)(2)	20.4.1.601 NMAC			X	
† <b>INSPECTIONS</b>						

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
5 remove subparagraphs (a)(1) through (a)(5); completely revise; inspect data gathered from monitoring and leak detection equipment	265.195(a)	20.4.1.600 NMAC	X			
redesignate existing paragraphs (b) and (c) as (f) and (g) without revision; add new paragraphs (b) through (e); owner or operator must inspect at least once each operating day:	265.195(b) introductory paragraph	20.4.1.600 NMAC	X			
overfill/spill control equipment;	265.195(b)(1)	20.4.1.600 NMAC	X			
above ground portions of tank system;	265.195(b)(2)	20.4.1.600 NMAC	X			
construction materials and the area surrounding externally accessible portion of the tank system	265.195(b)(3)	20.4.1.600 NMAC	X			
at least weekly inspections when using leak detection systems or established workplace practices; alternate inspection schedule documentation	265.195(c)	20.4.1.600 NMAC	X			
Performance Track member facilities may inspect less frequently upon approval of Director; application procedures.	265.195(d)	20.4.1.600 NMAC	X			
Ancillary equipment inspected at least once each operating day	265.195(e)	20.4.1.600 NMAC	X			
redesignate paragraphs (b) and (c) as (f) and (g) without revision	265.195(f) and (g)	20.4.1.600 NMAC	X			
<b>RESPONSE TO LEAKS OR SPILLS AND THE DISPOSITION OF LEAKING OR UNFIT-FOR-USE TANK SYSTEMS</b>						
† replace “an independent, qualified, registered, professional engineer” with “a qualified Professional Engineer”; replace the last sentence with: “This certification is ...until closure of the facility.”	265.196(f)	20.4.1.601 NMAC			X	
<b>† SPECIAL REQUIREMENTS FOR GENERATORS OF BETWEEN 100 ANS 1,000 KG/MO THAT ACCUMULATE HAZARDOUS WASTE IN TANKS</b>						
replace “Generators” with “Except as noted in paragraph (d) of this section, generators”	265.201(c) introductory paragraph	20.4.1.600 NMAC	X			

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
redesignate paragraphs (d) - (f) as (f) - (h) without revision; add new paragraphs (d) and (e): weekly inspections by generators accumulating 100 to 1,000 kg/mo in tanks or tank systems with secondary containment; documentation of alternate inspection schedule	265.201(d)	20.4.1.600 NMAC	X			
Performance Track facilities inspect less frequently upon approval of Director; application procedures	265.201(e)	20.4.1.600 NMAC	X			
redesignate paragraphs (d) - (f) as (f) - (h) without revision	265.201(f) - (h)	20.4.1.600 NMAC	X			
<b>SUBPART K SURFACE IMPOUNDMENTS</b>						
<b>DESIGN AND OPERATING REQUIREMENTS</b>						
† remove the following three phrases: “on which construction ... January 29, 1992”, “on which construction ... July 29, 1992” and “that is to commence ... July 29, 1992”; remove definition of “Construction commences”	265.221(a)	20.4.1.600 NMAC	X			
<b>† RESPONSE ACTIONS</b>						
6 redesignate old section 265.223 titled “Response Actions” as 265.224.	265.224	20.4.1.600 NMAC	X			
6 in the first sentence, replace the text after “§265.221(a) must” with “develop and keep on-site until closure of the facility a response action plan”	265.224(a)	20.4.1.600 NMAC	X			
<b>SUBPART L WASTE PILES</b>						
<b>RESPONSE ACTIONS</b>						
† in the first sentence, replace the text after “§265.254 must” with “develop and keep on-site until closure of the facility a response action plan”	265.259(a)	20.4.1.600 NMAC	X			
<b>SUBPART M LAND TREATMENT</b>						
<b>CLOSURE AND POST-CLOSURE</b>						
† replace “an independent registered professional engineer” with “a qualified Professional Engineer”	265.280(e)	20.4.1.601 NMAC			X	
<b>SUBPART N LANDFILLS</b>						

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>DESIGN AND OPERATING REQUIREMENTS</b>						
† remove the following three phrases: “on which construction ... January 29, 1992”, “on which construction ... July 29, 1992” and “that is to commence ... July 29, 1992”; remove definition of “Construction commences”	265.301(a)	20.4.1.600 NMAC	X			
<b>RESPONSE ACTIONS</b>						
† in the first sentence, replace the text after “§265.301(a) must” with “develop and keep on-site until closure of the facility a response action plan”	265.303(a)	20.4.1.600 NMAC	X			
<b>SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS</b>						
7 remove paragraph (a); redesignate paragraph (b) as (a); remove “Effective May 8, 1985,” and capitalize “The” at the beginning of the paragraph	265.314(a)	20.4.1.600 NMAC	X			
redesignate paragraphs (c) through (g) as (b) through (f).	265.314(b) through (f)	20.4.1.600 NMAC	X			
redesignate 265.314(g) as 265.314(f); in the introductory paragraph replace “Effective November 8, 1985, the” with “The”; remove the comma after “determines”	265.314(f) introductory paragraph	20.4.1.600 NMAC	X			
Old 265.314(g)(1) and (g)(2) redesignated as (f)(1) and (f)(2)	265.314(f)(1) and (f)(2)	20.4.1.600 NMAC	X			
<b>SUBPART W DRIP PADS</b>						
<b>† ASSESSMENT OF EXISTING DRIP PAD INTEGRITY</b>						
replace “an independent, qualified registered professional engineer” with “a qualified Professional Engineer”; remove “of this subpart” after each instance of “§ 265.440” and “§ 265.443”, and after § 265.443(b) in last sentence	265.441(a)	20.4.1.601 NMAC			X	
remove “of this subpart” after each instance of “§ 265.443(b)” and “§ 265.443”; replace “an independent qualified registered professional engineer” with “a qualified Professional Engineer”	265.441(b)	20.4.1.601 NMAC			X	

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace "an independent, qualified registered professional engineer" with "a qualified Professional Engineer"	265.441(c)	20.4.1.601 NMAC			X	
<b>† DESIGN AND OPERATING REQUIREMENTS</b>						
replace "an independent, qualified registered professional engineer" with "a qualified Professional Engineer"; replace "subsection (b)" with "paragraph (b) of this section"	265.443(a)(4)(ii)	20.4.1.601 NMAC			X	
replace "an independent, qualified registered professional engineer" with "a qualified Professional Engineer"	265.443(g)	20.4.1.601 NMAC			X	
<b>INSPECTIONS</b>						
† remove "of this subpart" after "§ 265.443"; replace "an independent qualified, registered professional engineer" with "a qualified Professional Engineer"	265.444(a)	20.4.1.601 NMAC			X	
<b>SUBPART BB AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS</b>						
<b>† ALTERNATIVE STANDARDS FOR VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE: PERCENTAGE OF VALVES ALLOWED TO LEAK</b>						
remove paragraph (b)(1); redesignate paragraphs (b)(2) and (b)(3) as (b)(1) and (b)(2) without revision	265.1061(b)(1) and (2)	20.4.1.600 NMAC	X			
remove paragraph (d).	265.1061(d)	20.4.1.600 NMAC	X			
<b>ALTERNATIVE STANDARDS FOR VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE: SKIP PERIOD LEAK DETECTION AND REPAIR</b>						
† redesignate paragraph (a)(1) as (a) without revision and remove paragraph (a)(2)	265.1062(a)	20.4.1.600 NMAC	X			
<b>SUBPART DD CONTAINMENT BUILDINGS</b>						
<b>APPLICABILITY</b>						
† remove the second sentence	265.1100 introductory paragraph	20.4.1.600 NMAC	X			
<b>† DESIGN AND OPERATING STANDARDS</b>						
completely revise; certification by qualified PE that containment building design meets requirements of paragraphs (a), (b), and (c)	265.1101(c)(2)	20.4.1.601 NMAC			X	

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
insert "except for Performance Track member facilities that must inspect at least once each month, upon approval by the Director," after "every seven days"; add "To apply for reduced inspection frequency... follow the procedures described in § 264.15(b)(5)." to end of paragraph	265.1101(c)(4)	20.4.1.600 NMAC	X			
<b>PART 266 STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES</b>						
<b>SUBPART H HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES</b>						
<b>PERMIT STANDARDS FOR BURNERS</b>						
† replace "until closure of the facility" with "for five years"	266.102(e)(10)	20.4.1.701 NMAC			X	
<b>† INTERIM STATUS STANDARDS FOR BURNERS</b>						
replace "three years" with "five years"	266.103(d)	20.4.1.700 NMAC	X			
replace "until closure of the boiler or industrial furnace unit" with "for five years"	266.103(k)	20.4.1.700 NMAC	X			
<b>PART 268 LAND DISPOSAL RESTRICTIONS</b>						
<b>SUBPART A GENERAL</b>						
<b>† TESTING, TRACKING, AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES</b>						
8 insert "concurrently with the hazardous waste determination required in § 262.11 of this chapter" after "can be made" in second sentence; replace "as referenced in § 260.11 of this chapter" with "(incorporated by reference, see § 260.11 of this chapter)" in third sentence; insert after third sentence: "(Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility...and paragraph (b) of this section.)"	268.7(a)(1)	20.4.1.800 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
insert "or if the generator chooses not to make the determination of whether his waste must be treated," after "treatment standards" in the first sentence; insert "of this section" after "paragraph (a)(4)" in second sentence; insert after second sentence: "(Alternatively, if the generator chooses not to make the determination ... treatment facility must make the determination.)"	268.7(a)(2)	20.4.1.800 NMAC	X			
completely revise: one time 268.7(b)(3) notice and (b)(4) certification for initial shipment of recyclable material used in a manner constituting disposal subject to 266.20(b); records of recipients of waste-derived products	268.7(b)(6)	20.4.1.800 NMAC	X			
<b>SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC</b>						
† insert as the second sentence "This determination ... required in § 262.11 of this chapter." insert "40 CFR" before "Part 261" in the parentheticals in the second and third sentences	268.9(a)	20.4.1.800 NMAC	X			
† replace "generators and treaters" with "generator's and treater's" in first sentence; remove "that is placed in the generators and treaters files" from second sentence; remove third and fourth sentences	268.9(d)	20.4.1.800 NMAC	X			
<b>PART 270 EPA-ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM</b>						
<b>SUBPART B PERMIT APPLICATION</b>						
<b>CONTENTS OF PART B: GENERAL REQUIREMENTS</b>						
9† replace "a registered professional engineer" with "a qualified Professional Engineer"	270.14(a)	20.4.1.902 NMAC			X	
<b>SPECIFIC PART B INFORMATION REQUIREMENTS FOR TANK SYSTEMS</b>						
† replace "an independent, qualified, registered professional engineer" with "a qualified Professional Engineer"	270.16(a)	20.4.1.902 NMAC			X	

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>SPECIAL PART B INFORMATION REQUIREMENTS FOR DRIP PADS</b>						
† replace “an independent qualified, registered professional engineer” with “a qualified Professional Engineer”	270.26(c)(15)	20.4.1.902 NMAC			X	
<b>SUBPART D CHANGES TO PERMITS</b>						
<b>PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE</b>						
† add new paragraph (I): Performance Track facilities; procedures; compliance with requirements under § 264.15(b)(5); application approved if Director does not deny or issue an extension to the deadline in writing within 60 days; adherence to revised inspection schedule.	270.42(l)	20.4.1.900 NMAC See also 20.4.1.501 NMAC			X	
† add new entry O to the table in Appendix I to § 270.42; see provision as shown at 71 <u>FR</u> 16914.	270.42, Appendix I, Item O	20.4.1.900 NMAC	X			

- 1 There is a typographical error in the Federal Register for Revision Checklist 213 (71 FR 16862; April 4, 2006): in the amended language for § 264.115 in the third column of page 16904 “in the approved closure plan..” should be “in the approved closure plan.”, there should not be two periods at the end of the first sentence.
- 2 The final rule addressed by Revision Checklist 213 completely revised §264.195(b) by removing subparagraphs (b)(1) – (3) and incorporating the text from (b)(2) into the revised paragraph (b).
- 3 The final rule addressed by Revision Checklist 213 removes 264.314(a) introductory paragraph through (a)(2); redesignates 264.314 (b) – (f) as 264.314(a) – (e) and revises newly redesignated 264.314(a) and 264.314(e) introductory paragraph.
- 4 There is a typographical error in the Federal Register for Revision Checklist 213 (71 FR 16862; April 4, 2006): in the amended language for § 265.73(b)(6) in the third column of page 16908 “265.1063(d) through 265. 265.1063(i)” should be “265.1063(d) through 265.1063(i)”, there is a duplication of the “265. ”.
- 5 The final rule addressed by Revision Checklist 213 completely revised §265.195(a) by removing subparagraphs (a)(1) – (3) and incorporating the text from (a)(3) into the newly designated (a).
- 6 The final rule addressed by Revision Checklist 213 redesignates 265.223 “Response Actions” as 265.224 and revises the text. Note that this redesignation addresses an error that has existed since Revision Checklist 100 (57 FR 3462; January 29, 1992) added 265.223 “Response Actions” when 265.223 “Containment system” already existed. §265.223 “Containment system” remains in the CFR
- 7 The final rule addressed by Revision Checklist 213 removes 265.314(a) introductory paragraph through (a)(2); redesignates 264.314 (b) – (g) as 264.314(a) – (f) and revises newly redesignated 264.314(a) and 264.314(f) introductory paragraph.
- 8 There is a typographical error in the Federal Register for Revision Checklist 213 (71 FR 16862; April 4, 2006): in the fourth sentence of the amended language for § 268.7(a) in the second column of page 16913 “paragraph (b) of this section.” should be “paragraph (b) of this section.”, there is a missing close parenthesis at the end of the sentence.
- 9 There is a typographical error in the Federal Register for Revision Checklist 213 (71 FR 16862; April 4, 2006): in the amended language for § 270.14(a) in the second column of page 16914 “§§ 0.14 through 270.29” should be “§§ 270.14 through 270.29”.

## RCRA REVISION CHECKLIST 214

Corrections to Errors in the Code of  
Federal Regulations  
71 FR 40254 - 40280  
July 14, 2006  
(RCRA Cluster XVII, HSWA/Non-HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

Note: This rule does not create new regulatory requirements; rather, the rule corrects errors made in numerous final rules published in the Federal Register, and corrects printing omissions and other printing errors in the Federal Register and Code of Federal Regulations. EPA believes that the errors cause confusion and that the corrections will facilitate understanding of the hazardous waste and used oil regulations. The application, implementation, and enforcement of the regulations addressed in this rule are not changed in any way.

All of the changes documented on Revision Checklist 214 are explained in the preamble to the July 14, 2006 Final Rule. This revision checklist details the changes being made to correct the errors. In some cases, where the nature of a change demands an explanation, the explanation of the error from the preamble to the Final Rule is provided as an endnote.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>						
<b>SUBPART B – DEFINITIONS</b>						
in the definition of “ <i>Incompatible waste</i> ” replace “part 265” with “parts 264 and 265” in the parenthetical phrase at the end of the definition.	260.10	20.4.1.100 NMAC	X			
in the definition of “ <i>Personnel or facility personnel</i> ” remove the comma after the word “work”	260.10	20.4.1.100 NMAC	X			
in the definition of “ <i>Universal waste</i> ” remove the section symbol §” in front of “273”	260.10	20.4.1.100 NMAC	X			
in the definition of “ <i>Used oil</i> ” revise “in contaminated” to read “is contaminated”	260.10	20.4.1.100 NMAC	X			
<b>SUBPART C RULEMAKING PETITIONS</b>						

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**SPA 28**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace “actutely” with “acutely”	260.22(a)(1)	Did not adopt - Not seeking Authorization				
replace “hazrdous” with “hazardous”	260.22(d)(1)(ii)	Did not adopt - Not seeking Authorization				
replace the citation “§261.6(a)(2)(iv)” with “§261.6(a)(2)(iii)”	260.40(a)	20.4.1.100 NMAC	X			
replace the citation “§261.6(a)(2)(iv)” with “§261.6(a)(2)(iii)”	260.41 introductory paragraph	20.4.1.100 NMAC	X			

**PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

**SUBPART A - GENERAL**

replace the reference to “Table I” with “Table 1” (i.e., replace the letter “I” to be the number “1”)	261.2 (c)(1)(i)	20.4.1.200 NMAC	X			
replace the reference to “table I” with “Table 1” (i.e., replace the letter “I” to be the number “1”)	261.3(a)(2)(i)	20.4.1.200 NMAC	X			
replace “inparagraph” by inserting a space to read “in paragraph”	261.4(a)(20)(v)	20.4.1.200 NMAC	X			
replace “exclusively” with “exclusively”	261.4 (b)(6)(i)(B),	20.4.1.200 NMAC	X			
replace “Specific waste” with “Specific wastes”	261.4(b)(6)(ii) introductory paragraph	20.4.1.200 NMAC	X			
replace “crome” with “chrome”	261.4(b)(6)(ii)(D)	20.4.1.200 NMAC	X			
replace “sludes” with “sludges”, and replace the word “chrometan” with “chrome tan”	261.4(b)(6)(ii)(F)	20.4.1.200 NMAC	X			
replace “and wood product” with “and wood products”	261.4(b)(9)	20.4.1.200 NMAC	X			
replace the citation “(e)(v)(C)” with “(e)(2)(v)(C)”	261.4(e)(2)(vi),	20.4.1.200 NMAC	X			
in the first sentence, replace “treatabilty” with “treatability”	261.4(e)(3)(i)	20.4.1.200 NMAC	X			
remove the parenthetical phrase “(subpart C)” and add “(40 CFR part 266, subpart C)” in its place	261.6(a)(2)(i)	20.4.1.200 NMAC	X			
remove the parenthetical phrase “(subpart H)” and add “(40 CFR part 266, subpart H)” in its place	261.6(a)(2)(ii)	20.4.1.200 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remove the parenthetical phrase “(subpart F)” and add “(40 CFR part 266, subpart F)” in its place	261.6 (a)(2)(iii)	20.4.1.200 NMAC	X			
remove the parenthetical phrase “(subpart G)” and add “(40 CFR part 266, subpart G)” in its place	261.6(a)(2)(iv)	20.4.1.200 NMAC	X			
remove the parenthetical phrase “(subpart O)” and add “(40 CFR part 266, subpart O)” in its place	261.6(a)(2)(v)	20.4.1.200 NMAC	X			
replace the word “rcycled” with “recycled”	261.6(c)(2)	20.4.1.200 NMAC	X			
<b>SUBPART C – CHARACTERISTICS OF HAZARDOUS WASTE</b>						
1 remove existing paragraph (a)(3) and add new subparagraph (a)(3): It is an ignitable compressed gas	261.21(a)(3) introductory paragraph	20.4.1.200 NMAC	X			
“compressed gas” is a material or mixture exceeding 40 p.s.i. at 70 °F in the container or, having an absolute pressure exceeding 104 p.s.i. at 130 °F; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100 °F as determined by ASTM Test D-323.	261.21(a)(3)(i)	20.4.1.200 NMAC	X			
A compressed gas shall be characterized as ignitable if any one of the following occurs	261.21(a)(3)(ii) introductory paragraph	20.4.1.200 NMAC	X			
Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent	261.21(a)(3)(ii)(A)	20.4.1.200 NMAC	X			
The flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening	261.21(a)(3)(ii)(B)	20.4.1.200 NMAC	X			
There is any significant propagation of flame away from the ignition source.	261.21(a)(3)(ii)(C)	20.4.1.200 NMAC	X			
There is any explosion of the vapor-air mixture in the drum.	261.21(a)(3)(ii)(D)	20.4.1.200 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
1 remove existing paragraph (a)(4) and add new subparagraph (a)(4): An oxidizer is a substance that yields oxygen readily to stimulate the combustion of organic matter	261.21(a)(4) introductory paragraph	20.4.1.200 NMAC	X			
An organic compound containing the bivalent -O-O- structure and may be considered a derivative of hydrogen peroxide must be classed as an organic peroxide unless	261.21(a)(4)(i) introductory paragraph	20.4.1.200 NMAC	X			
Material meets the definition of a Class A explosive or a Class B explosive, as defined in §261.23(a)(8), and must be classed as an explosive	261.21(a)(4)(i)(A)	20.4.1.200 NMAC	X			
Material forbidden to be offered for transportation according to 49 CFR 172.101 and 49 CFR 173.21	261.21(a)(4)(i)(B)	20.4.1.200 NMAC	X			
Predominant hazard is other than that of an organic peroxide, or	261.21(a)(4)(i)(C)	20.4.1.200 NMAC	X			
It has been determined that the material does not present a hazard in transportation.	261.21(a)(4)(i)(D)	20.4.1.200 NMAC	X			
1 add notes 1 through 4 to the end of 261.21: Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus description, and test methods may be procured from the Bureau of Explosives.	261.21 Note 1	20.4.1.200 NMAC	X			
The Office of Hazardous Materials Technology (OHMT), which was the office listed for approving sampling and test procedures for a flammable gas, ceased operations on February 20, 2005. OHMT programs moved to the Pipeline and Hazardous Materials Safety Administration (PHMSA).	261.21 Note 2	20.4.1.200 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
The Research and Special Programs Administration (RSPA), which was the office for determining that a material does not present a hazard in transport, ceased operations on February 20, 2005. RSPA programs have moved to the Pipeline and Hazardous Materials Safety Administration (PHMSA).	261.21 Note 3	20.4.1.200 NMAC	X			
The DOT regulatory definition of an oxidizer was contained in 49 CFR 173.151, and the organic peroxide definition was in paragraph 173.151a. Organic peroxide is a type of oxidizer.	261.21 Note 4	20.4.1.200 NMAC	X			
replace the reference to "Table I" with "Table 1" (i.e., replace the letter "I" with the number "1")	261.24(b)	20.4.1.200 NMAC	X			
<b>SUBPART D – LISTS OF HAZARDOUS WASTES</b>						
add a footnote at the bottom to read as follows: "**(I,T) should be used to specify mixtures that are ignitable and contain toxic constituents."	261.31(a)/Table	20.4.1.200 NMAC	X			
in the second column of the row beginning "K107", amend "1,1-dimethyl-hydrazine" by deleting the hyphen to read "1,1-dimethylhydrazine"	261.32/Table "K107" entry	20.4.1.200 NMAC	X			
in the second column of the row beginning "K069", add a closing parenthesis after the word "Register"	261.32/Table "K069" entry	20.4.1.200 NMAC	X			
replace the phrase "are subject to be the" with "are subject to the"	261.33(e)	20.4.1.200 NMAC	X			
amend the bracketed Comment, by adding the following sentence to the end of the comment: "Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number."	261.33(e)/Comment	20.4.1.200 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
in the third column of the row beginning "P045", in the substance "2-Butanone, 3,3-dimethyl-1-(methylthio)-,O-[methylamino]carbonyl]oxime", replace "[methylamino]" with "[methylamino]" (e.g., add an opening parenthesis) ; in the third column of the row beginning "P194", in the substance "Ethanimidothioc acid, 2-(dimethylamino)-N-[[methylamino] carbonyl]oxy]-2-oxo-, methyl ester," replace "Ethanimidothioc" with "Ethanimidothioic"; in the third column of the second row beginning "P074", replace "Nickel cynaide" with "Nickel cyanide"; add numerical order list of substances to the end of the Table in paragraph (e) to read as shown at 70 FR 40260-40263	261.33(e)/Table	20.4.1.200 NMAC	X			
replace "manufacturing" with "manufacturing"	261.33(f)	20.4.1.200 NMAC	X			
amend the bracketed Comment by adding the following sentence to the end of the comment: "Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number."	261.33(f)/Comment	20.4.1.200 NMAC	X			
2 in the entry with "Paraldehyde" in the third column, replace "2" in the first column with "U182"; in the third column of the second row beginning "U216", replace "Thallium chloride Tlcl" with "thallium chloride TICl"; add numerical order list of substances to the end of the Table in paragraph (f) to read as shown at 70 FR 40263-40270	261.33(f)/Table	20.4.1.200 NMAC	X			

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			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace the column one subheading “Halogenated Organic:” with “Halogenated Organics:”; and under “Halogenated Organics:”, insert a closing bracket “]” after the chemical name “Dichloromethoxy ethane [Bis(2-chloroethoxy)methane”	261.38/Table 1	20.4.1.200 NMAC	X			
amend the certification statement by replacing the citation “40 CFR 261.28(c)(10)” with “40 CFR 261.38(c)(10)”	261.38(c)(1)(i)(C)(4)	20.4.1.200 NMAC	X			
in the second column of the “F002” row, replace “trichloroethane” with “trifluoroethane”; in the second column of the “F038” row, add a comma between “benzo(a)pyrene” and “chrysene” with “benzo(a)pyrene, chrysene”; in the second column of the “F039” row, replace the citation “40 CFR 268.43(a)” with “40 CFR 268.43”; in the second column of the “K001” row, replace “cresosote” with “creosote”; in the second column of the “K073” row, replace “hexachloroethane” with “hexachloroethane”	261, Appendix VII	20.4.1.200 NMAC	X			
in the third column of the “Allyl chloride” row, replace “107-18-6” with “107-05-1”; in the second column of the “Benzidine” row, amend “-4,41-” by changing the superscript “1” to the symbol “” to read, “-4,4’-”; in the second column of the “1,2-Dichloroethylene” row, replace “-dichlrol-” with “-dichloro-”; in the third and fourth columns of the “Lasiocarpine” row, replace “303-34-1” with “303-34-4”; and replace “4143” with “U143”; in the third column of the “Nitrosamines, N.O.S.” row, replace “35576-91-1D” with “35576-91-1”	261, Appendix VIII	20.4.1.200 NMAC	X			

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

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			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>SUBPART C – PRE-TRANSPORT REQUIREMENTS</b>						
replace the beginning phrase “The waste is placed in containment buildings” with “In containment buildings”	262.34(a)(1)(iv)	20.4.1.300 NMAC	X			
<b>SUBPART E – EXPORTS OF HAZARDOUS WASTE</b>						
in the first address replace “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)” with “Office of Federal Activities, International Compliance Assurance Division (2254A)”; in the second address replace “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)” with “Office of Federal Activities, International Compliance Assurance Division”, after “Ariel Rios Bldg.,” insert “Room 6144” and after “Washington, DC” insert “20004”	262.53(b)	20.4.1.300 NMAC	X			
in the first address replace “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)” with “Office of Federal Activities, International Compliance Assurance Division (2254A)”; in the second address replace “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)” with “Office of Federal Activities, International Compliance Assurance Division”, after “Ariel Rios Bldg.,” insert “Room 6144” and after “Washington, DC” insert “20004”	262.56(b)	20.4.1.300 NMAC	X			
update the list of designated OECD Member countries by adding in alphabetical order: the Czech Republic, Hungary, Poland, the Slovak Republic, and South Korea; insert “the” before “Netherlands” and “United Kingdom”	262.58(a)(1)	20.4.1.300 NMAC	X			

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**RCRA REVISION CHECKLIST 214:**  
**Corrections to Errors in the Code of**  
**Federal Regulations**

**SPA 28**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>SUBPART G - FARMERS</b>						
replace "consisent" with "consistent"	262.70	20.4.1.300 NMAC	X			
<b>SUBPART H – TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD</b>						
replace "RCRA information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203" with "RCRA Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC 20460"	262.81(k)	20.4.1.300 NMAC	X			
replace "Greenlist waste" with "Green-list wastes"	262.82(a)(1)(ii)	20.4.1.300 NMAC	X			
replace "Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)" with "Office of Federal Activities, International Compliance Assurance Division (2254A)"	262.83(b)(1)(i)	20.4.1.300 NMAC	X			
replace "Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)" with "Office of Federal Activities, International Compliance Assurance Division (2254A)"	262.83(b)(2)(i)	20.4.1.300 NMAC	X			
replace "3 working days" with "three working days " and "Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)" with "Office of Federal Activities, International Compliance Assurance Division (2254A)"	262.84(e)	20.4.1.300 NMAC	X			
replace "Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)", with, "Office of Federal Activities, International Compliance Assurance Division (2254A)"	262.87(a)	20.4.1.300 NMAC	X			
insert a space in "100kg" and "1000kg" to read "100 kg" and "1000 kg"	262.87(a)(5) introductory paragraph	20.4.1.300 NMAC	X			

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<b>PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>						
<b>SUBPART A - GENERAL</b>						
replace “subparts C, D, F, or G” with “subparts C, F, G, or H”	264.1(g)(2)	20.4.1.500 NMAC	X			
replace “purusant” with “pursuant”	264.4	20.4.1.500 NMAC	X			
<b>SUBPART B – GENERAL FACILITY STANDARDS</b>						
replace the semicolon (;) at the end of the subsection with a colon (:)	264.13(b)(7)(iii)(B)	20.4.1.500 NMAC	X			
replace “reactons” with “reactions”	264.17(b) introductory paragraph	20.4.1.500 NMAC	X			
replace “Quarternary” to read “Quaternary”	264.18(a)(2)(iii)	20.4.1.500 NMAC	X			
replace “exeeded” with “exceeded”	264.18(b)(2)(iii)	20.4.1.500 NMAC	X			
<b>SUBPART F- RELEASES FROM SOLID WASTE MANAGEMENT UNITS</b>						
replace “background water” with “background ground water”	264.97 (a)(1) introductory paragraph	20.4.1.500 NMAC	X			
replace “background quality” with “background ground-water quality”	264.97(a)(1)(i)	20.4.1.500 NMAC	X			
replace “tha can be” with “that can be”	264.97(i)(5)	20.4.1.500 NMAC	X			
replace “persistance” with “persistence”	264.98(a)(2)	20.4.1.500 NMAC	X			
replace “concentration or any” with “concentration of any”	264.98(g)(4)(i)	20.4.1.500 NMAC	X			
replace the citation “§264.98(h)(5)” with “§264.98(g)(5)”	264.99(h)(2) introductory text	20.4.1.500 NMAC	X			
replace the phrase “This does not apply” with “This section does not apply”	264.101(d)	20.4.1.500 NMAC	X			
<b>SUBPART G – CLOSURE AND POST-CLOSURE</b>						
replace “subpart” with “part”	264.111(c)	20.4.1.500 NMAC	X			
replace the citation “264.110(d)” with “264.110(c)”	264.112(b)(8)	20.4.1.500 NMAC	X			
remove the second period at the end of the first sentence	264.115	20.4.1.500 NMAC	X			
replace “landfills cells” with “landfill cells”	264.116	20.4.1.500 NMAC	X			
replace the citation “§264.188(b)(3)” with “§264.118(b)(3)”	264.118(c)	20.4.1.500 NMAC	X			

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replace the citation “40 CFR subpart G” with “40 CFR part 264, subpart G”	264.119(b)(1)(ii)	20.4.1.500 NMAC	X			
<b>SUBPART H – FINANCIAL REQUIREMENTS</b>						
replace the citation “§ 264.110(d)” with “§ 264.110(c)”	264.140(d)(1)	20.4.1.500 NMAC	X			
replace “mutliplying” with “multiplying”	264.142(b)(2)	20.4.1.500 NMAC	X			
replace “then the penal sum” with “than the penal sum”	264.143(b)(7)	20.4.1.500 NMAC	X			
replace “as evidence by” with “as evidenced by”	264.143 (b)(8)	20.4.1.500 NMAC	X			
replace “significantly” with “significantly”	264.143(e)(5)	20.4.1.500 NMAC	X			
replace “anniversay” with “anniversary”	264.145(a)(3)(i)	20.4.1.500 NMAC	X			
replace “issued in a amount” with “issued in an amount”	264.145(d)(6)	20.4.1.500 NMAC	X			
replace “for this section” with “of this section”; and replace “the direct of higher-tier” with “the direct or higher-tier”	264.145(f)(11) introductory paragraph	20.4.1.500 NMAC	X			
replace “letter or credit” with “letter of credit”	264.147(h)(1)	20.4.1.500 NMAC	X			
in the section “Corporate Surety(ies)”, remove the bracket (J) after “State of incorporation”	264.151(b)	20.4.1.500 NMAC	X			
replace the second occurrence of the citation “265.143(e)” with “265.145(e)”	264.151(f) introductory paragraph	20.4.1.500 NMAC	X			
replace ““nonsudden” of” with ““nonsudden” or”	264.151(g), Letter From Chief Financial Officer, fifth paragraph	20.4.1.500 NMAC	X			
replace “subpart H or 40 CFR” with “subpart H of 40 CFR”	264.151(g), Letter From Chief Financial Officer, Item 3.	20.4.1.500 NMAC	X			
replace “Current \$” with “Current liabilities \$”	264.151(g), Letter From Chief Financial Officer, Part A, Alternative I, item *3	20.4.1.500 NMAC	X			

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insert an asterisk (*) before "10."	264.151(g), Letter From Chief Financial Officer, Part B, Alternative I, item 10.	20.4.1.500 NMAC	X			
remove the comma after the word "If"	264.151(g), Letter From Chief Financial Officer, Part B, Alternative I, item 15.	20.4.1.500 NMAC	X			
remove the underline before the "\$"	264.151(g), Letter From Chief Financial Officer, Part B, Alternative II, item *7	20.4.1.500 NMAC	X			
in the second sentence, replace "or which guarantor" with "of which guarantor"; and replace the phrase "[either 264.141(h)]" with "[either 264.141(h) or 265.141(h)]"	264.151(h)(2), Guarantee For Liability Coverage	20.4.1.500 NMAC	X			
insert a closing bracket (]) after "[Principal's"	264.151(h)(2), Certification Of Valid Claim, Recitals, item 13.(a)	20.4.1.500 NMAC	X			
in the last line, replace "Signature of witness of notary" with "Signature of witness or notary"	264.151, (h)(2), Recitals, item 14,	20.4.1.500 NMAC	X			
following item 2.(e), after "[Title]" replace "Authorized Representative" with "Authorized Representative"	264.151(i), item 2.(e),	20.4.1.500 NMAC	X			
replace "corporation" with "corporation"	264.151 (j), item 2.(d),	20.4.1.500 NMAC	X			
delete the opening quotation mark before "(1)" before the subsection CERTIFICATE OF VALID CLAIM, and insert a closing bracket (]) at the end of the phrase after (2) with "Grantor's facility or group of facilities.]"	264.151(k), Irrevocable Standby Letter Of Credit	20.4.1.500 NMAC	X			
in the paragraph following (2), replace "[date] at least one year later]" with "[date at least one year later]"	264.151(k) CERTIFICATE OF VALID CLAIM,	20.4.1.500 NMAC	X			
replace the citations "§264.147(h) or §265.147(h)" with "§264.147(i) or §265.147(i)"	264.151(l)	20.4.1.500 NMAC	X			

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in the introductory paragraph, replace “accidental” with “accidental”	264.151(l), CERTIFICATION OF VALID CLAIM,	20.4.1.500 NMAC	X			
replace both instances of “depository” with “depository”	264.151(m)(1), CERTIFICATION OF VALID CLAIM, Section 8.(c)	20.4.1.500 NMAC	X			
replace “employee or” to read “employee of”	264.151(n)(1), under STANDBY TRUST AGREEMENT, Section 3.(c)(1)	20.4.1.500 NMAC	X			
insert the word “by” after “Property loaned” to read “Property loaned by”	264.151 (n)(1), Section 3.(e)(3)	20.4.1.500 NMAC	X			
in the third sentence, replace the semicolon after “the appointment” with a comma	264.151(n)(1), Section 12.	20.4.1.500 NMAC	X			
in the second sentence, replace “reasonable” with “reasonably”	264.151(n)(1), Section 16.	20.4.1.500 NMAC	X			
<b>SUBPART I – USE AND MANAGEMENT OF CONTAINERS</b>						
replace “underly” with “underlie”	264.175(b)(1)	20.4.1.500 NMAC	X			
<b>SUBPART J – TANK SYSTEMS</b>						
in the third sentence of the Note following paragraph (c)(4), replace “subject” with “subject”	264.193(c)(4), Note	20.4.1.500 NMAC	X			
insert a period at the end of the sentence	264.193(d)(4),	20.4.1.500 NMAC	X			
replace the colon with a semicolon	264.193 (e)(2)(ii)	20.4.1.500 NMAC	X			
replace the colon with a semicolon	264.193(e)(2)(iii)	20.4.1.500 NMAC	X			
replace the citation “§ 262.21” with “§ 261.21”	264.193(e)(2)(v)(A)	20.4.1.500 NMAC	X			
replace the citation “§ 262.21” with “§ 261.23”, and replace the period after the word “vapor” with a semicolon and add the word “and”	264.193(e)(2)(v)(B)	20.4.1.500 NMAC	X			
replace the period at the end with a semicolon	264.193(e)(3)(i),	20.4.1.500 NMAC	X			
replace the colon with a semicolon	264.193(e)(3)(ii)	20.4.1.500 NMAC	X			
replace the comma after the word “water” with a semi-colon	264.193(g)(1)(iii)	20.4.1.500 NMAC	X			
insert a period at the end of the paragraph	264.193(g)(1)(iv)	20.4.1.500 NMAC	X			
replace the period with a comma	264.193(g)(2)(i)(A)	20.4.1.500 NMAC	X			

**SUBPART K – SURFACE IMPOUNDMENTS**

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			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace "1x10 <sup>-7</sup> / cm/sec" with "1x10 <sup>-7</sup> cm/ sec"	264.221(c)(1)(i)(B)	20.4.1.500 NMAC	X			
replace "1x10 <sup>-1</sup> / cm/sec" with "1x10 <sup>-1</sup> cm/ sec" and replace "3x10 <sup>-4</sup> / m2sec" with "3x10 <sup>-4</sup> m2/sec"	264.221(c)(2)(ii)	20.4.1.500 NMAC	X			
replace "EP toxicity characteristics in" with "toxicity characteristic in"	264.221(e)(1)	20.4.1.500 NMAC	X			
replace the citation "§ 144.3 of this chapter" with "40 CFR 270.2"; and add quotation marks around "underground source of drinking water"	264.221(e)(2)(i)(B)	20.4.1.500 NMAC	X			
replace "requirements" with "requirements"	264.221(e)(2)(i)(C)	20.4.1.500 NMAC	X			
replace "exceedence" with "exceedance"	264.223(b)(1)	20.4.1.500 NMAC	X			
replace "imperfections" with "imperfections"	264.226(a)(2)	20.4.1.500 NMAC	X			
<b>SUBPART L –WASTE PILES</b>						
replace "resistent" to read "resistant"	264.251(a)(2)(i)(A)	20.4.1.500 NMAC	X			
replace "surface impoundment units" with "waste pile units"	264.252(a)	20.4.1.500 NMAC	X			
remove the comma after the citation "§ 264.254(c)"	264.252(b)	20.4.1.500 NMAC	X			
remove the comma between the word "and" and "F027"	264.259(b)	20.4.1.500 NMAC	X			
<b>SUBPART M – LAND TREATMENT</b>						
replace "expect that" with "except that"	264.280(c)(7)	20.4.1.500 NMAC	X			
replace "closure of post-closure" with "closure or post-closure"	264.280(d), introductory paragraph	20.4.1.500 NMAC	X			
remove the comma between the word "and" and "F027"	264.283(a)	20.4.1.500 NMAC	X			
<b>SUBPART N - LANDFILLS</b>						
replace "paragraphs (3)(c)(iii) and (iv)" with "paragraphs (c)(3)(iii) and (iv)"	264.301(c)(2)	20.4.1.500 NMAC	X			
replace the citation "§ 144.3 of this chapter" with "40 CFR 270.2"; and add quotation marks around "underground source of drinking water"	264.301(e)(2)(i)(B)	20.4.1.500 NMAC	X			

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replace "surface impoundment units" with "landfill units"	264.302(a)	20.4.1.500 NMAC	X			
remove the comma after the citation "§ 264.303(c)"	264.302(b)	20.4.1.500 NMAC	X			
replace "exceedence" with "exceedance"	264.304(b)(1)	20.4.1.500 NMAC	X			
replace the citation "§ 144.3 of this chapter" with "40 CFR 270.2"; and add quotation marks around "underground source of drinking water"	264.314(e)(2)	20.4.1.500 NMAC	X			
replace "in a landfills" with "in a landfill"	264.317(a) introductory paragraph	20.4.1.500 NMAC	X			
<b>SUBPART O - INCINERATORS</b>						
replace "new wastes may be based" with "new wastes may be based"	264.344(b)	20.4.1.500 NMAC	X			
<b>SUBPART S – SPECIAL PROVISIONS FOR CLEANUP</b>						
replace the colon at the end of the paragraph with a period	264.552(e)(4)(iii)	20.4.1.500 NMAC	X			
replace the citation "40 CFR 260.11(11)" with "40 CFR 260.11(a)(11)"	264.552(e)(4)(iv)(F)	20.4.1.500 NMAC	X			
replace "Hydrological" with "Hydrogeological"	264.552(e)(6)(iii)(E)	20.4.1.500 NMAC	X			
replace "the Administrator" with "the Regional Administrator"	264.553(e) introductory paragraph	20.4.1.500 NMAC	X			
replace "Director in according" with "Director according"	264.554(a) introductory paragraph	20.4.1.500 NMAC	X			
<b>SUBPART W – DRIP PADS</b>						
replace "miminal" to read "minimal"	264.555(e)(6)	20.4.1.500 NMAC	X			
replace "nonearthen" with "non-earthen"; and replace the colon at the end of the paragraph with a semicolon	264.573(a)(1)	20.4.1.500 NMAC	X			
replace both occurrences of "1x10 <sup>7</sup> " with "1x10 <sup>-7</sup> "; and replace the citations "§ 264.572(a) instead of § 264.572(b)" with "§264.572(b) instead of §264.572(a)"	264.573(a)(4)(i),	20.4.1.500 NMAC	X			

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replace “perations” with “operations”	264.573(a)(5)	20.4.1.500 NMAC	X			
replace the citations “§264.572(b) instead of §264.572(a)” with “§264.572(a) instead of §264.572(b)”	264.573(b) introductory paragraph	20.4.1.500 NMAC	X			
replace “clean up” with “cleanup”.	264.573(m)(2)	20.4.1.500 NMAC	X			
replace both occurrences of “clean up” with “cleanup”	264.573(m)(3)	20.4.1.500 NMAC	X			
<b>SUBPART X – MISCELLANEOUS UNITS</b>						
replace “miscellanenous” with “miscellaneous” and “provide” with “provides”	264.600	20.4.1.500 NMAC	X			
replace “heath” with “health”	264.601(a) introductory paragraph	20.4.1.500 NMAC	X			
replace “constitutents” with “constituents”	264.601(b)(11)	20.4.1.500 NMAC	X			
replace “metorologic” with “meteorologic”	264.601(c)(4)	20.4.1.500 NMAC	X			
<b>SUBPART AA – AIR EMISSION STANDARDS FOR PROCESS VENTS</b>						
replace “owner and operator receives” with “owner and operator receive”; and replace “owner and operator is subject” with “owner and operator are subject”	264.1030(c)	20.4.1.500 NMAC	X			
replace the period after the word “regular” with a comma	264.1033(f)(2)(vii)(B)	20.4.1.500 NMAC	X			
remove the “(6)” in front of the phrase “The detection”	264.1034(b)(2)	20.4.1.500 NMAC	X			
replace the period after the first instance of “760°C” with a comma	264.1035(c)(4)(i)	20.4.1.500 NMAC	X			
insert a comma after the word “greater”	264.1035(c)(4)(ii)	20.4.1.500 NMAC	X			
<b>SUBPART BB – AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS</b>						
replace “§ 264,1064(g)(6)” with “§ 264.1064(g)(6)”	264.1050(f)	20.4.1.500 NMAC	X			
replace the period after the second occurrence of the word “detected” with a comma	264.1058(c)(1)	20.4.1.500 NMAC	X			
remove the second section symbol (§) in the citation “§§264.1057(c)”	264.1064(c)(3)	20.4.1.500 NMAC	X			

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

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3 replace “subparts I, J, or K” with “subpart I, J, or K”	264.1080(a)	20.4.1.500 NMAC	X			
in the last sentence, replace “owner and operator is subject” with “owner and operator are subject”	264.1080(c)	20.4.1.500 NMAC	X			
remove the third sentence	264.1090(c)	20.4.1.500 NMAC	X			
<b>SUBPART DD – CONTAINMENT BUILDINGS</b>						
replace the citation “§ 264.193(d)(1)” with “§ 264.193(e)(1)”	264.1101(b)(3)(iii)	20.4.1.500 NMAC	X			
replace “hazardous waste, must repair” with “hazardous waste, the owner or operator must repair”	264.1101 (c)(3) introductory paragraph	20.4.1.500 NMAC	X			
replace “lead” with “led”	264.1101(c)(3)(i)	20.4.1.500 NMAC	X			
replace “For containment buildings that contain areas both” with “For a containment building that contains both areas”	264.1101(d) introductory paragraph	20.4.1.500 NMAC	X			
remove the comma after “etc.”	264.1102(a)	20.4.1.500 NMAC	X			
add unit of measure codes for “Pounds”, “Short tons”, “Kilograms”, and “Tons” at the end of the table as shown at 70 FR 40274	264, Appendix I/ Table 1	20.4.1.500 NMAC	X			
replace the line “T75 Tricking filter” with “T75 Tricking filter”	264, Appendix I/ Table 2, Section 2.(d)	20.4.1.500 NMAC	X			
<b>PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>						
<b>SUBPART A – GENERAL</b>						
remove the phrase, “As stated in paragraph (c)(2) of this section,”	265.1(c)(4)(i)	20.4.1.600 NMAC	X			
replace “subparts C, D, F, or G” with “subparts C, F, G, or H”	265.1(c)(6)	20.4.1.600 NMAC	X			
<b>SUBPART B – GENERAL FACILITY STANDARDS</b>						
replace “of the date of the waste” with “of the date the waste”	265.12(a)(1)	20.4.1.600 NMAC	X			
replace “guards of facility personnel” with “guards or facility personnel”	265.14(b)(1)	20.4.1.600 NMAC	X			
replace “successfully” with “successfully”	265.16(b)	20.4.1.600 NMAC	X			
in the last sentence, replace “264.254(c)(1)” with “264.251(c)(1)”	265.19, amend paragraph (c)(2)	20.4.1.600 NMAC	X			

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<b>SUBPART D – CONTINGENCY PLAN AND EMERGENCY PROCEDURES</b>						
replace “a real” with “areal” (one word)	265.56(b)	20.4.1.600 NMAC	X			
<b>SUBPART F – GROUND WATER MONITORING</b>						
remove the comma after the phrase “he may”.	265.90(d) introductory paragraph	20.4.1.600 NMAC	X			
<b>SUBPART G – CLOSURE AND POST-CLOSURE</b>						
replace “building” with “buildings”	265.110(b)(4)	20.4.1.600 NMAC	X			
replace “264.1102” with “265.1102”	265.111(c)	20.4.1.600 NMAC	X			
replace “partial and final closure period” with “partial and final closure periods”	265.112(b)(5)	20.4.1.600 NMAC	X			
in the next to last sentence, replace the citation “§§ with 265.111” with “§§ 265.111”; replace “part, §§ 265.197” with “part, and §§ 265.197”; and replace the citation “264.1102” with “265.1102”	265.112(d)(4)	20.4.1.600 NMAC	X			
replace “extenstion” with “extension”	265.113(b) introductory paragraph	20.4.1.600 NMAC	X			
replace “oonstituents” with “constituents”	265.113(e)(4)	20.4.1.600 NMAC	X			
replace “Administator” with “Administrator”	265.117(b) introductory paragraph	20.4.1.600 NMAC	X			
replace the citation “40 CFR subpart G” with “40 CFR part 265, subpart G”	265.119(b)(1)(ii)	20.4.1.600 NMAC	X			
<b>SUBPART H – FINANCIAL REQUIREMENTS</b>						
replace the citation “265.146” with “265.145”	265.140(b) introductory paragraph	20.4.1.600 NMAC	X			
replace the citation “§ 264.197” with “§ 265.197”	265.140(b)(2)	20.4.1.600 NMAC	X			
remove “265.178” from the list of sections	265.142(a)	20.4.1.600 NMAC	X			

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			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
in the, first sentence, replace “for this section” with “of this section”; in the second sentence, replace “direct of higher-tier” with “direct or higher-tier”; in the third sentence, replace the citation “(f)(1) through (9)” with “(e)(1) through (9)”; in the fifth sentence, replace the citation “(f)(3)” with “(e)(3)”	265.145(e)(11)	20.4.1.600 NMAC	X			
in the next to last sentence by replace “or Regional Administrator if facilities” with “or Regional Administrators if the facilities”	265.147(a)(1)(i)	20.4.1.600 NMAC	X			
4 add paragraph (b)(1)(i): Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability insurance; wording of the endorsement must be identical ot § 264.151(i); wording of the certificate of insurance must be identical to § 264.151(j); submit a signed duplicate original of the endorsement or certificate of insurance; if requested, provide a signed duplicate original of the insurance policy	265.147 (b)(1)(i)	20.4.1.600 NMAC	X			
3 add paragraph (b)(1)(ii): Each insurance policy must be issued by an insurer licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States	265.147 (b)(1)(ii)	20.4.1.600 NMAC	X			
<b>SUBPART I – USE AND MANAGEMENT OF CONTAINERS</b>						
delete the phrase “and the containment system”	265.174	20.4.1.600 NMAC	X			
<b>SUBPART J – TANK SYSTEMS</b>						
replace the citation “§ 262.21” with “§ 261.21”	265.193(e)(2)(v)(A)	20.4.1.600 NMAC	X			
replace the citation “§ 262.21” with “§ 261.23”	265.193(e)(2)(v)(B)	20.4.1.600 NMAC	X			

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in the last sentence, replace “tanks surfaces” with “tank surfaces”	265.193(i)(2)	20.4.1.600 NMAC	X			
insert a period after “e.g.” and replace “discount” with “disconnect”	265.194(b)(1)	20.4.1.600 NMAC	X			
insert a period after “e.g.”	265.194(b)(2)	20.4.1.600 NMAC	X			
insert a period after the closing parenthesis of the citation “(265.310)”	265.197(b)	20.4.1.600 NMAC	X			
replace “hazardous in tanks” with “hazardous waste in tanks”	265.201(c) introductory paragraph	20.4.1.600 NMAC	X			
<b>SUBPART K – SURFACE IMPOUNDMENTS</b>						
replace “leachate collection and removal system above and between the liners” with “leachate collection and removal system between the liners”	265.221(a)	20.4.1.600 NMAC	X			
replace “in leaking?” with “is leaking”; replace “soil it is not” with “soil is not”; and replace “the owner of operator” with “the owner or operator”	265.221(d)(2)(i)(A)	20.4.1.600 NMAC	X			
replace the citation “§ 144.3 of this chapter” with “40 CFR 270.2”; and add quotation marks around “underground source of drinking water”	265.221(d)(2)(i)(B)	20.4.1.600 NMAC	X			
replace “exceedence” with “exceedance”	265.224(b)(1)	20.4.1.600 NMAC	X			
replace “Accomodate” with “Accommodate”	265.228(a)(2)(iii)(D)	20.4.1.600 NMAC	X			
replace the citation “§§ 265.221(c)(2)(iv)” with “§§ 264.221(c)(2)(iv)”	265.228(b)(2)	20.4.1.600 NMAC	X			
remove paragraph (b)(2) and redesignate paragraphs (b)(3) and (b)(4) as paragraphs (b)(2) and (b)(3), respectively	265.229(b)(2) and (b)(3)	20.4.1.600 NMAC	X			
<b>SUBPART L – WASTE PILES</b>						
replace “surface impoundment units” with “waste pile units”.	265.255(b)	20.4.1.600 NMAC	X			
replace “exceedence” with “exceedance”	265.259(b)(1)	20.4.1.600 NMAC	X			
<b>SUBPART M – LAND TREATMENT</b>						

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			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace "gowth" with "growth"	265.280(a)(4)	20.4.1.600 NMAC	X			
replace "§ 265.21" with "§ 261.21"	265.281(a)(1)	20.4.1.600 NMAC	X			
<b>SUBPART N – LANDFILLS</b>						
replace "in accordance with § 264.301(d), (e), or (f) of this chapter" with "in accordance with § 264.301(c), unless exempted under § 264.301(d), (e), or (f) of this chapter"	265.301(a)	20.4.1.600 NMAC	X			
replace "such waste does not" with "such wastes do not"; replace the citation "§ 261.4" to read "§ 261.24"; and replace "Hazardous Waste Number" with "Hazardous Waste Numbers"	265.301(d)(1)	20.4.1.600 NMAC	X			
replace the citation "§ 144.3 of this chapter" with "40 CFR 270.2"; and add quotation marks around "underground source of drinking water"	265.301(d)(2)(i)(B)	20.4.1.600 NMAC	X			
replace "surface impoundment units" with "landfill units"	265.302(b)	20.4.1.600 NMAC	X			
replace "exceedence" with "exceedance"	265.303(b)(1)	20.4.1.600 NMAC	X			
replace "dissolution or material" with "dissolution of material"	265.312(a)(1)	20.4.1.600 NMAC	X			
replace "polysobutylene" with "polyisobutylene"	265.314(e)(1)(ii)	20.4.1.600 NMAC	X			
replace the citation "§ 144.3 of this chapter" with "40 CFR 270.2"; and add quotation marks around "underground source of drinking water"	265.314(f)(2)	20.4.1.600 NMAC	X			
replace "landfull" with "landfill"	265.316 introductory paragraph	20.4.1.600 NMAC	X			
replace "container's" with "containers"	265.316(c)	20.4.1.600 NMAC	X			
replace "§ 260.10(a)" with "§ 260.10"	265.316(d)	20.4.1.600 NMAC	X			
<b>SUBPART Q – CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT</b>						
replace "§ 261.21 or 261.23 or this chapter" with "§§ 261.21 or 261.23 of this chapter"	265.405(a)(1)	20.4.1.600 NMAC	X			

SUBPART W – DRIP PADS

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			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace "state Director" with "State Director"	265.441(c)	20.4.1.600 NMAC	X			
replace the citation "§ 265.442(a) instead of § 265.442(b)" with "§ 265.442(b) instead of § 265.442(a)"	265.443(a)(4)(i)	20.4.1.600 NMAC	X			
replace "§ 265.442(b) instead of § 265.442(a)" with "§ 265.442(a) instead of § 265.442(b)"	265.443(b) introductory paragraph	20.4.1.600 NMAC	X			
replace "post/closure care" to read "post-closure care"	265.445(b)	20.4.1.600 NMAC	X			
<b>SUBPART AA – AIR EMISSION STANDARDS FOR PROCESS VENTS</b>						
replace the period with a comma after "±0.5 °C"	265.1033(f)(2)(ii)	20.4.1.600 NMAC	X			
replace the period with a comma after the citation "§ 265.1032"	265.1035(b)(2) introductory paragraph	20.4.1.600 NMAC	X			
replace "annual throughput end operating hours" with "annual throughput and operating hours"	265.1035(b)(2)(i)	20.4.1.600 NMAC	X			
replace the period with a comma after the first occurrence of "760 °C"	265.1035(c)(4)(i)	20.4.1.600 NMAC	X			
replace the period in "10.000" with a comma	265.1063(b)(4)(ii)	20.4.1.600 NMAC	X			
<b>SUBPART CC – AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS</b>						
replace the citation "subparts I, J, or K" with "subpart I, J, or K"	265.1080(a)	20.4.1.600 NMAC	X			
replace "under either or the following" with "under either of the following"	265.1085(h)(3) introductory paragraph	20.4.1.600 NMAC	X			
designate the text following the paragraph heading "General requirements" as paragraph (b)(1)	265.1087(b)	20.4.1.600 NMAC	X			
replace "§ 265.1084(c)(2)(i)" with "§ 265.1083(c)(2)(i)"	265.1090(f)(1)	20.4.1.600 NMAC	X			
<b>SUBPART DD – CONTAINMENT BUILDINGS</b>						
replace "permit" with "prevent"	265.1100(d)	20.4.1.600 NMAC	X			
replace "trasmisivity" with "transmissivity"	265.1101(b)(3)(i)(B)	20.4.1.600 NMAC	X			
replace the citation "§ 265.193(d)(1)" with "§ 265.193(e)(1)"	265.1101(b)(3)(iii)	20.4.1.600 NMAC	X			

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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace "hazardous waste, must repair" with "hazardous waste, the owner or operator must repair"	265.1101(c)(3) introductory paragraph	20.4.1.600 NMAC	X			
replace "For containment" with "For a containment"	265.1101(d) introductory paragraph	20.4.1.600 NMAC	X			
add unit of measure codes for "Pounds," "Short tons," "Kilograms," and "Tons" at the end of the table with as shown at 70 FR 40276	265 Appendix I/ Table 1	20.4.1.600 NMAC	X			
in Section 2.(d), replace "T75 Tricking filter" with "T75 Tricking filter"; in Section 4., replace the heading "Miscellaneous (Subpart X)" with "Miscellaneous" and replace "X99 Other Subpart X (specify)" with "X99 Other (specify)"	265, Appendix I/ Table 2	20.4.1.600 NMAC	X			
Under the Group 1–A column, replace the phrase "Akaline caustic liquids" with "Alkaline caustic liquids"; and replace "Lime sludge and other corrosive alkalines" with "Lime sludge and other corrosive alkalis"	265, Appendix V/ Table	20.4.1.600 NMAC	X			
in the entry "Dichlorvos (DDVP)", replace the CAS No. "62737" with "62-73-7"; in the entry "Ethylene thiourea (2- imidazolidinethione)" replace the CAS No. "9-64-" with "96-45-7"; in the entry "Neopentyl glycol (dimethylolpropane)" replace "dimethylolpropane" with "dimethylpropane"; in the entry "1,3-Propane sulfone", replace "sulfone" with "sultone"	265, Appendix VI	20.4.1.600 NMAC	X			
<b>PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES</b>						
<b>SUBPART F – RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY</b>						
replace "paladium, irridium" to read "palladium, iridium"	266.70(a)	20.4.1.700 NMAC	X			

**SUBPART G – SPENT LEAD-ACID BATTERIES BEING RECLAIMED**

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			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
in the third column, insert a comma after “(except for § 262.11)” in all four instances	266.80(a)/Table	20.4.1.700 NMAC	X			
<b>SUBPART H – HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES</b>						
replace “§ 266.212” with § 266.112”	266.100(b)(2)(iv)	20.4.1.700 NMAC	X			
replace “appendix IX” with “appendix XI”	266.100(d)(3)(i)(A)	20.4.1.700 NMAC	X			
replace “paladium, irridium” with “palladium, iridium”	266.100(g) introductory paragraph	20.4.1.700 NMAC	X			
replace “(Corrective Action)” with “(Releases from Solid Waste Management Units)”	266.102(a)(2)(vi)	20.4.1.700 NMAC	X			
replace the citation “§ 266.111(b)” with “§ 266. 105(a)”	266.102(e)(3)(i)(E),	20.4.1.700 NMAC	X			
replace “chorline” with “chlorine”; and replace “feestocks” with “feedstocks”	266.102(e)(5)(i)(C),	20.4.1.700 NMAC	X			
replace “of preceding” with “of the preceding”	266.102(e)(6)(ii)(B) (2)	20.4.1.700 NMAC	X			
replace “values” with “valves”	266.102(e)(8)(iii)	20.4.1.700 NMAC	X			
replace “265.147–265.151” with “265.147–265.150”	266.103(a)(4)(vii)	20.4.1.700 NMAC	X			
replace “meterological” with “meteorological”	266.103(b)(2)(v)(B) (2)	20.4.1.700 NMAC	X			
replace “on a hourly” with “on an hourly”	266.103(b)(5)(ii)(A)	20.4.1.700 NMAC	X			
replace “Ageny” with “Agency”	266.103(b)(6)(viii)(A)	20.4.1.700 NMAC	X			
5 replace paragraph (c)(1)(i) to read as follows: Feed rate of total hazardous waste and (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under § 266.106(b) or (e)), pumpable hazardous waste	266.103(c)(1)(i)	20.4.1.700 NMAC	X			
replace “feedsteams” with “feedstreams”	266.103(c)(1)(ii)(A) (2)	20.4.1.700 NMAC	X			

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4 replace (c)(1)(ix) introductory text to read as follows: For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106(b) or (e) and the total chlorine and chloride feed rate screening limits under § 266.107(b)(1) or (e))	266.103(c)(1)(ix) introductory paragraph	20.4.1.700 NMAC	X			
replace “ration” with “ratio”	266.103(c)(1)(ix)(A)	20.4.1.700 NMAC	X			
replace “on a hourly” with “on an hourly”	266.103(c)(4)(iv)(C)(1)	20.4.1.700 NMAC	X			
replace “on a hourly” with “on an hourly”	266.103(g)(1)(i)	20.4.1.700 NMAC	X			
delete the second appearance of the phrase “dispersion modeling to predict the maximum annual average off-site ground level concentration for each”	266.106(d)(1)	20.4.1.700 NMAC	X			
replace “constituent” with “constituent” in both instances	266.109(a)(2)(ii)	20.4.1.700 NMAC	X			
in the paragraph heading, replace “particular” with “particulate”	266.109(b) introductory paragraph	20.4.1.700 NMAC	X			
<b>SUBPART N – CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL</b>						
replace “Subpart N—Conditional Exemption for Low-Level Mixed Waste Storage and Disposal” with “Subpart N—Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal”	Part 266, subpart N heading	20.4.1.700 NMAC	X			
in the column headings replace each of the three occurrences of “C12” with “C12”, and “HC1” with “HCl” (i.e., replace the “1” (one) to be a lower-case letter L in all six cases)	Part 266, Appendix III	20.4.1.700 NMAC	X			

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replace the entry "Maleic Anyhdride" with "Maleic Anhydride"; replace the entry "2.4.5- Trichlorophenol" with "2,4,5- Trichlorophenol" (i.e., replace periods with commas)	Part 266, Appendix IV	20.4.1.700 NMAC	X			
replace the third column heading "Unit risk (m3/μg)" with "Unit risk (m <sup>3</sup> /μg)"; replace the fourth column heading "RsD (μg/m3)" with "RsD (μg/m <sup>3</sup> )"; replace the entry "Benzene" with "Benzene"; replace the entry "Hexachlorodibenxo-p-dioxin (1,2 Mixture)" with "Hexachlorodibenzop- dioxin (1,2 Mixture)"	Part 266, Appendix V	20.4.1.700 NMAC	X			
in the first column heading "Flow rate (m3/s)" with "Flow rate (m <sup>3</sup> /s)"	Part 266, Appendix VI	20.4.1.700 NMAC	X			
in the "Semivolatiles" column, replace "Plychlorinated" with "Polychlorinated"	Part 266, Appendix VIII	20.4.1.700 NMAC	X			

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<p>in the Table of Contents at 4.0, replace “Estimating Toxicity Equipment or” with “Estimating the Toxicity Equivalence of”; in the Table of Contents at 9.2, replace “Cl,” with “Cl2”; in the Table of Contents at 10.4, replace “Overview” with “Overview”; in Section 2.1.2.9, replace “The PA test” with “The RA test”; in Section 2.1.2.10, replace “determination of O2” with “determination of O2)”; in Table 2.1–1 footnote 1, replace “of twice the permit limit” with “or twice the permit limit”; in Section 2.1.4.6, replace “the PA test” with “the RA test”; in Section 2.2.10, first sentence, replace “used in conjunction” with “used in conjunction”; in the Section 4.0 title, replace “DIBENCO-” with “DIBENZO-”; in Section 5.0 at Step 6, footnote 5 first sentence, remove the comma after the phrase “urban and rural areas”; in Section 5.0 at Table 5.0–5, for distance 10.00, replace the Generic source #1 value “9.4” in the second column with “29.4”; in Section 5.0 at Step 7(B), second sentence, insert a closing parenthesis after “(identified in Step 7(A))” with “(identified in Step 7(A))”; _ m. in Section 5.0 at the Table in Step 10(D)1., replace the comma in column heading “&gt;0,5–2.5” with a period to read “&gt;0.5–2.5”; in Section 5.0 at the Table below Table 5.0–6, replace the column heading “C<sup>a</sup>(µg/m<sup>3</sup>)” with “C<sub>a</sub>(µg/m<sup>3</sup>)”; and replace “C<sub>(A&gt;G/M3)</sub>” with “C<sub>a</sub>(µg/m<sup>3</sup>)”</p>	<p>Part 266, Appendix IX</p>	<p>20.4.1.700 NMAC</p>	<p>X</p>			

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Appendix IX to Part 266— (continued) in Section 6.2, first paragraph second sentence, replace “Within These” with “Within these”; in Section 7.1, second paragraph second sentence, replace “Mulitple” to read “Multiple”; in Section 7.2, at the last paragraph, replace “This, if” with “Thus, if”; in Section 8.0, second paragraph, replace “chorine” with “chlorine”; in Section 9.2, in the first sentence, replace the formula “Cl2” with “Cl <sub>2</sub> ”; in Section 10.3, last sentence of next to last paragraph, replace the period in the phrase “To avoid this expense.” with a comma; in Section 10.5(2), fourth bullet, in the sentence starting “Three of the first five tests”, replace the period in “hazardous wastes. and in” with a comma.	Part 266, Appendix IX, (continued)	20.4.1.700 NMAC	X			
at item number 14 replace “levels or mercury” with “levels of mercury”	Part 266, Appendix XIII	20.4.1.700 NMAC	X			
<b>PART 267—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT</b>						
<b>SUBPART H—FINANCIAL REQUIREMENTS</b>						
replace “test for facilities regulated under § 267 and also § 264 or § 265” with “test for facilities regulated under part 267 and also part 264 or part 265”	267.147(f)(2)(i)(A)	Did not adopt - not seeking Authorization				
<b>PART 268—LAND DISPOSAL RESTRICTIONS</b>						
<b>SUBPART A—GENERAL</b>						
replace “A manufactured” with “a manufactured”; “Any material” with “any material”; “Process residuals” with “process residuals”; and “and Intact” with “and intact”	268.2(g)	20.4.1.800 NMAC	X			
replace “of part 264 or part 264” with “of part 264 or part 265”	268.4(a)(3) introductory paragraph	20.4.1.800 NMAC	X			
replace “section meet” with “section meets”	268.6(c)(5) introductory paragraph	Did not adopt - not seeking Authorization				

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insert a closing parenthesis at the end of the sentence that starts “(Alternatively, the generator” and in the second to last sentence, replace “solids contaminated” with “soils contaminated”	268.7(a)(1)	20.4.1.800 NMAC	X			
insert the word “column” after the phrase “information in”, and insert a closing quotation mark after the citation “268.7(a)(3)”	268.7(a)(3)(ii)	20.4.1.800 NMAC	X			
insert a closing bracket (“]”) at the end of the phrase: “[is subject to/complies with”	268.7(a)(4)/Table, entry 8	20.4.1.800 NMAC	X			
insert a closing quotation mark after the citation “268.49(c)”	268.7(b)(3)(ii)/Table, entry 5	20.4.1.800 NMAC	X			
replace “§ 261.3(e)” with “§ 261.3(f)”	268.7(b)(4)(ii)	20.4.1.800 NMAC	X			
remove the closing parenthesis from “Leaching Procedure”	268.7(c)(2)	20.4.1.800 NMAC	X			
replace the citation “§ 261.3(e)” with “§ 261.3(f)”	268.7(d) introductory paragraph	20.4.1.800 NMAC	X			
remove the duplicate phrase “or State authorized to implement part 268 requirements”	268.7(d)(1) introductory paragraph	20.4.1.800 NMAC	X			
6 add subparagraphs (d)(1)(i) through (iii): The name and address of the Subtitle D facility receiving the treated debris; (ii) A description of the hazardous debris as initially generated, including the applicable EPA Hazardous Waste Number(s); and (iii) For debris excluded under § 261.3(f)(1) of this chapter, the technology from Table 1, § 268.45, used to treat the debris	268.7(d)(1)(i) – (iii)	20.4.1.800 NMAC	X			
replace the citation “§261.2(e)(1)” with “§261.3 (f)(1)”	268.7(d)(2)	20.4.1.800 NMAC	X			
replace “§ 261.3(e)(1)” with “§ 261.3 (f)(1)”	268.7(d)(3)	20.4.1.800 NMAC	X			
<b>SUBPART B — SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS</b>						
replace “not withstanding” with “notwithstanding” in both instances	268.14(b)	20.4.1.800 NMAC	X			

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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace “not withstanding” with “notwithstanding” in both instances.	268.14(c)	20.4.1.800 NMAC	X			
<b>SUBPART D — TREATMENT STANDARDS</b>						
replace “as definded” with “as defined”	268.40(g)	20.4.1.800 NMAC	X			

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Corrections to Errors in the Code of Federal Regulations

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
<p>at the column heading “Wastewaters”, replace “Concentration in mg/L<sup>3</sup>” with “Concentration<sup>3</sup> in mg/L”; at the column heading “Nonwastewaters”, replace “Concentration in mg/kg<sup>5</sup>” with “Concentration<sup>5</sup> in mg/kg”; at the entry “K047”, in the waste description column, replace “water form TNT” with “water from TNT”; at the entries “K049” and “K051”, replace the CAS number for “Chrysene” from “2218-01-9” to “218-01-9”; at the entry “K088”, replace the common name “Benz(a)anthracene” to read “Benz(a)anthracene”; and replace the common name “indeno(1,2,3,-c,d)pyrene” with “indeno(1,2,3-cd)pyrene”; at the entry “K111”, replace the CAS number for “2,4-Dinitrotoluene” from “121-1-2” to “121-14-2”; at the entry “K114”, in the waste description column, replace the common name “dinitrotolune” with “dinitrotoluene”; at the entry “K156”, replace the CAS number for “Acetophenone” from “96- 86-2” to “98-86-2”; and replace the CAS number for “Triethylamine” from “101-44-8” with “121-44-8”; at the entry “U202” “Acetone” following “U001”, replace “U202” to read “U002”; at the entry “U134”, replace the CAS number “16984-48-8” with “7664-39-3”; at the entry “U137”, replace in the waste description and in the common name columns “indeno(1,2,3- c,d)pyrene” with “indeno(1,2,3- cd)pyrene” in both instances</p>	<p>268.40/Table “TREATMENT STANDARDS FOR HAZARDOUS WASTES”</p>	<p>20.4.1.800 NMAC</p>	<p>X</p>			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
amend the entry for Technology code "SSTRP" in the second column as follows: in the first sentence, replace "as well as, temperature and pressure ranges have" with "as well as temperature and pressure ranges, have" (i.e., remove commas); in the second sentence, insert a comma after the phrase "parameters of the unit"; remove the comma in the phrase "such as, the number"; and replace the period at the end of "the internal column design." with a comma; in the third sentence, replace "Thus, resulting" with "thus resulting"	268.42/Table 1	20.4.1.800 NMAC	X			
in last sentence of the certification statement, replace "I am aware that these are" with "I am aware that there are"	268.44(c)	20.4.1.800 NMAC	X			
at item B.1., first column, replace "biodegration" with "biodegradation"; at item B.2.a., first column, replace "electolytic" with "electrolytic"; and under number (8), replace "permanganates" with "permanganates"	268.45/Table 1	20.4.1.800 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
at the column heading "Wastewater standard", replace "Concentration in mg/l <sup>2</sup> " with "Concentration <sup>2</sup> in mg/l"; at the column heading "Nonwastewater standard", replace "Concentration in mg/kg <sup>3</sup> " with "Concentration <sup>3</sup> in mg/kg"; at entry "1,2,3,4,6,7,8-Heptachlorodibenzofluran (1,2,3,4,6,7,8- HpCDF)" replace CAS number "67562-39-5" with "67562-39-4"; replace the next entry "1,2,3,4,6,7,8-Heptachlorodibenzofluran (1,2,3,4,7,8,9- HpCDF)" (CAS number 55673-89-7) with "1,2,3,4,7,8,9-Heptachlorodibenzofluran (1,2,3,4,7,8,9-HpCDF)"	268.48/Table "UNIVERSAL TREATMENT STANDARDS"	20.4.1.800 NMAC	X			
replace "flouride" with "fluoride"	268.49(d)	20.4.1.800 NMAC	X			
<b>SUBPART D — PROHIBITIONS ON STORAGE</b>						
replace "A owner/operator" with "An owner/operator"	268.50(c)	20.4.1.800 NMAC	X			
replace "requirements in this do not" with "requirements in this section do not"	268.50(g)	20.4.1.800 NMAC	X			
remove the second instances of the entries for "K011" "Nonwastewater" and for "K011" "Wastewater"	Part 268, Appendix VIII,	20.4.1.800 NMAC	X			
<b>PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM</b>						
<b>SUBPART A — GENERAL INFORMATION</b>						
after 3001 replace "Indentification" with "Identification"	270.1(a)(2)/Table	20.4.1.900 NMAC	X			
replace "analagous" with "analogous"	270.1(b) introductory paragraph	Did not adopt - not seeking Authorization				
replace "it they" with "if they?"	270.1(c)(1)(iii)	20.4.1.900 NMAC	X			
replace "obtain an RCRA" with "obtain a RCRA"	270.1(c)(3)(i) introductory paragraph	20.4.1.900 NMAC	X			
in the definition of "On-site", replace "continguous" with "contiguous"	270.2	20.4.1.900 NMAC	X			

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Federal Regulations

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
in the definition of “Publicly owned treatment works (POTW)”, replace “unused” with “used”	270.2	20.4.1.900 NMAC	X			
<b>SUBPART B — PERMIT APPLICATION</b>						
replace “stores, treats, or dispose of” with “stores, treats, or disposes”	270.10(j)	20.4.1.900 NMAC	X			
replace “paragraph (a) or (b) of this must” to read “paragraph (a) or (b) of this section must”	270.11(d)(1)	20.4.1.900 NMAC	X			
in certification statement, replace “upon information and belief” with “to the best of my knowledge and belief”	270.11(d)(2)	20.4.1.900 NMAC	X			
replace “Sancturaries” with “Sanctuaries”	270.13(k)(7)	20.4.1.900 NMAC	X			
in next to the last sentence, replace “design drawings and specification” with “design drawings and specifications”	270.14(a)	20.4.1.900 NMAC	X			
replace “with 200 feet” with “within 200 feet”	270.14(b)(11)(ii)(B)	20.4.1.900 NMAC	X			
replace “intermittant” with “intermittent”	270.14(b)(19)(iii)	20.4.1.900 NMAC	X			
replace “uner” with “under”	270.14(b)(21)	20.4.1.900 NMAC	X			
replace “detailed-plans” with “detailed plans”	270.17(f)	20.4.1.900 NMAC	X			
replace “§ 264.90(2)” to read “§ 264.90(b)(2)”	270.18(b)	20.4.1.900 NMAC	X			
replace “place” with “placed”	270.18(g)	20.4.1.900 NMAC	X			
replace “attenuative” with “attenuative”	270.20(i)(2)	20.4.1.900 NMAC	X			
replace “through(f) § 264.573” with “through (f) of § 264.573”	270.26(c)(15)	20.4.1.900 NMAC	X			
<b>SUBPART C — PERMIT CONDITIONS</b>						
replace “An RCRA permit” with “A RCRA permit”	270.33(b) introductory paragraph	20.4.1.900 NMAC	X			
<b>SUBPART D — CHANGES TO PERMITS</b>						
replace “environmental” with “environment”	270.41(c)	20.4.1.900 NMAC	X			
replace “do no” with “do not”	270.42(d)(2)(i)	20.4.1.900 NMAC	X			

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**Federal Regulations**

**SPA 28**

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
at item C.4, replace the modification class code (second column) "12" with "2"; at item C.6, replace the citation "264.98(j)" with "264.98(h)"; at item C.7.a, replace the citation "264.98(h)(4)" with "264.98(g)(4)"; at item C.7.b, replace the citation "264.99(k)" with "264.99(j)"; at item C.8.a, replace the citation "264.99(i)(2)" with "264.99(h)(2)"; at item F.2, replace the colon after "2" with a period; at item F.4, replace "Storage of treatment" with "Storage or treatment"; at item F.4.a., replace the modification class code "1" with "11"; at item G.1, replace the colon after "1" with a period; at item H.6, replace the modification class code "*1" with "11"; at item J.7, replace the modification class code "*1" with "11"; at item L.9, replace "Changes Needed to meet Standards" with "changes needed to meet standards"	270.42 Appendix I	20.4.1.900 NMAC	X			
<b>SUBPART G — INTERIM STATUS</b>						
replace "have an RCRA permit" with "have a RCRA permit"	270.70(a) introductory paragraph	20.4.1.900 NMAC	X			
replace "inpoundments" to read "impoundments"	270.72(b)(2)	20.4.1.900 NMAC	X			
<b>PART 273—STANDARDS FOR UNIVERSAL WASTE MANAGEMENT</b>						
<b>SUBPART A — GENERAL</b>						
in the definition of "Universal Waste" replace "hazardous waste" with "hazardous wastes"; in paragraph (1), insert a semicolon after the citation "§ 273.2"; in paragraph (2), insert a semicolon after the citation "§ 273.3"	273.9	20.4.1.1000 NMAC	X			
<b>SUBPART B — STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE</b>						
replace "prevent releases" with "prevents releases"	273.13(b) introductory paragraph	20.4.1.1000 NMAC	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add closing quotation marks after the phrase “Universal Waste— Battery(ies).”	273.14(a)	20.4.1.1000 NMAC	X			
<b>SUBPART B — STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE</b>						
replace “clearly with the any one” with “clearly with any one”	273.34(a)	20.4.1.1000 NMAC	X			
<b>PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL</b>						
<b>SUBPART A — DEFINITIONS</b>						
in the definition of “ <i>Petroleum refining facility</i> ” replace “kerosine” with “kerosene”	279.1	20.4.1.1002 NMAC	X			
<b>SUBPART B — APPLICABILITY</b>						
replace “solely exhibits” with “solely exhibit”; and replace “hazardous waste characteristic” with “hazardous waste characteristics”	279.10(b)(2) introductory paragraph	20.4.1.1002 NMAC	X			
in the first sentence, delete “in the specification”; and in the second sentence, replace “not to exceed any specification” with “not to exceed any allowable level”	279.11	20.4.1.1002 NMAC	X			
replace the title of the table with “TABLE 1—USED OIL NOT EXCEEDING ANY ALLOWABLE LEVEL SHOWN BELOW IS NOT SUBJECT TO THIS PART WHEN BURNED FOR ENERGY RECOVERY <sup>1</sup> ”, and in the first footnote, replace “The specification does not” with “The allowable levels do not”	279.11/Table 1	20.4.1.1002 NMAC	X			
<b>SUBPART E — STANDARDS FOR USED OIL TRASPORTER AND TRANSFER FACILITIES</b>						
insert a comma after the citation “49 CFR 171.15”	279.43(c)(3)(i)	20.4.1.1002 NMAC	X			
replace “used oil discharged” with “used oil discharge”	279.43(c)(5)	20.4.1.1002 NMAC	X			
replace “being transporter” with “being transported”	279.44(a)	20.4.1.1002 NMAC	X			
replace “if the CFC are” with “if the CFCs are”	279.44(c)(2)	20.4.1.1002 NMAC	X			
replace “subpart F of this chapter” with “subpart F of this part”	279.45(a)	20.4.1.1002 NMAC	X			
<b>SUBPART F — STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS</b>						

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
replace “processors and re-refiners” with “processing and re-refining” in both instances	279.52(a)	20.4.1.1002 NMAC	X			
replace “processors and re-refiners” with “processing and re-refining” in both instances	279.52(b)	20.4.1.1002 NMAC	X			
replace “release or used oil” with “release of used oil”	279.52(b)(1)(ii)	20.4.1.1002 NMAC	X			
replace “a real extent” with “areal extent”; replace “facility records of manifests” with “facility records or manifests”; and replace “analysts” with “analyses”	279.52(b)(6)(ii)	20.4.1.1002 NMAC	X			
replace “from water of chemical” with “from water or chemical”	279.52(b)(6)(iii)	20.4.1.1002 NMAC	X			
replace “At at minimum” with “At a minimum”	279.55(a) introductory paragraph	20.4.1.1002 NMAC	X			
replace “§ 260.20 and 260.21” with “§§ 260.20 and 260.21”	279.55(b)(2)(i)(B)	20.4.1.1002 NMAC	X			
replace “processor/rerefining” with “processor/re-refiner”	279.56(a)(2)	20.4.1.1002 NMAC	X			
replace “an specified” to read “as specified”	279.57(a)(2)(ii)	20.4.1.1002 NMAC	X			
replace “or re-fining of” with “or re-refining of”	279.59	20.4.1.1002 NMAC	X			
<b>SUBPART G — STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY</b>						
replace “processor/refiner” to read “processor/re-refiner”	279.63(b)(3)	20.4.1.1002 NMAC	X			
replace the word “existing” with “new”	279.64(e)	20.4.1.1002 NMAC	X			
<b>SUBPART G — STANDARDS FOR USED OIL FUEL MARKETERS</b>						
replace the word “incidentally” with “incidentally”	279.70(b)(1)	20.4.1.1002 NMAC	X			

- The final rule addressed by Revision Checklist 214 removes the existing provisions at 40 CFR 261.21(a)(3) and (a)(4) and adds new provisions 40 CFR 261.21(a)(3)(i)-(a)(3)(ii)(D) and 261.21(a)(4) introductory paragraph - (a)(4)(i)(D). By doing so EPA is correcting an error by replacing the obsolete references to the DOT regulations with the actual language from the referenced sections of the DOT regulations that were published in Title 49 of the CFR at the time of the finalization of the RCRA regulations (1980). Clarifying notes 1-4 addressing the corrected text were also added to the end of section 261.21. The implementation and enforcement of the ignitability characteristic will not change in any way.
- The July 14, 2006 FR contains an unnecessary instruction for a change to 40 CFR 261.33. Item 15.k. adds a second entry for waste U227 to the numerical list of U-list wastes in the table at 40 CFR 261.33(f) (second column, page 40260). This is unnecessary because the numerical list of U-list wastes, including two rows for U227, is newly added to the table at

RCRA REVISION CHECKLIST 214:  
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261.33(f) by the instruction at item 15.1.

- 3 There is a typographical error in the July 14, 2006 FR notice for the final rule addressed by Revision Checklist 214. On page 40274, third column, within the changes for §264.1080, there is an extra quotation mark (“) in front of “I, J or K” in the amended phrase.
- 4 Because of a printing error, 40 CFR 265.147(a)(1)(i) and (ii), and 265.147(b)(1)(i) and (ii) were omitted from the July 1, 1989, 1990 and 1991 CFRs, although they were included in earlier editions of the Federal Register and CFRs. A September 23, 1991 (56 FR 47912) correction to the CFR published in the Federal Register corrected the omission of § 265.147(a)(1)(i) and (ii) from those CFRs, but did not mention the omission of § 265.147(b)(1)(i) and (ii) from the CFR. This correction is being made to be sure the subparagraphs in 265.147(b)(1) are in the next edition of the CFR.
- 5 The final rule addressed by Revision Checklist 214 is correcting the error by reinstating the language at § 266.103(c)(1)(i), as introduced by the February 21, 1991 (56 FR 7134) final rule, and the language at § 266.103(c)(1)(ix), as introduced by the February 21, 1991 final rule (56 FR 7134) and amended by the July 17, 1991 final rule (56 FR 32688).
- 6 The August 18, 1992 final rule (57 FR 37194) added 40 CFR 268.7(d)(1)(i) through (iii) to the Federal code. As part of the amendments made to the section on January 3, 1995 (60 FR 244–245), the Office of the Federal Register, by mistake, removed paragraphs (d)(1)(i) through (iii). The July 14, 2006 notice corrects this error by reinstating paragraphs (d)(1)(i) through (iii) of 40 CFR 268.7.

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## RCRA REVISION CHECKLIST 215

Cathode Ray Tubes Rule  
71 FR 42928 - 42949  
July 28, 2006  
(RCRA Cluster XVII, HSWA)

Name of State: **New Mexico**State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**Effective Date: **March 1, 2009**Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>						
<b>SUBPART B DEFINITIONS</b>						
† DEFINITIONS						
add "Cathode ray tube"	260.10	20.4.1.100 NMAC	X			
add "CRT collector"	260.10	20.4.1.100 NMAC	X			
add "CRT glass manufacturer"	260.10	20.4.1.100 NMAC	X			
add "CRT processing"	260.10	20.4.1.100 NMAC	X			
<b>PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A GENERAL</b>						
† EXCLUSIONS						
add paragraph: Used, intact CRTs as defined in §260.10 of this chapter are not solid wastes within the United States unless they are disposed, or unless they are speculatively accumulated as defined in §261.1(c)(8) by CRT collectors or glass processors.	261.4(a)(22)(i)	20.4.1.200 NMAC	X			
Used, intact CRTs as defined in §260.10 of this chapter are not solid wastes when exported for recycling provided that they meet the requirements of § 261.40.	261.4(a)(22)(ii)	20.4.1.200 NMAC	X			
Used, broken CRTs as defined in §260.10 of this chapter are not solid wastes provided that they meet the requirements of § 261.39.	261.4(a)(22)(iii)	20.4.1.200 NMAC	X			

Checklist 215]  
[Printed: 3/10/09]

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Glass removed from CRTs is not a solid waste provided that it meets the requirements of § 261.39(c).	261.4(a)(22)(iv)	20.4.1.200 NMAC	X			
† SUBPART E EXCLUSIONS/EXEMPTIONS						
Section 261.38 is moved from Subpart D to Subpart E	261.38	20.4.1.200 NMAC	X			
Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.	261.39	20.4.1.200 NMAC	X			
Conditional Exclusion for Used, Intact Cathode Ray Tubes (CRTs) Exported for Recycling.	261.40	20.4.1.200 NMAC	X			
Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse.	261.41	20.4.1.200 NMAC	X			

† Optional Provisions

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## RCRA REVISION CHECKLIST 216

Exclusion of Oil-Bearing Secondary Materials Processed in a Gasification System to Produce Synthesis Gas

73 FR 57-72

January 2, 2008

(RCRA Cluster XVIII, Non-HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>						
<b>SUBPART B -- DEFINITIONS</b>						
<b>H DEFINITIONS</b>						
add in alphabetical order the definition of "Gasification" to read as follows:	260.10	20.4.1.100 NMAC	X			
<i>Gasification.</i> For the purpose of complying with 40 CFR 261.4(a)(12)(i), gasification is a process, conducted in an enclosed device or system, designed and operated to process petroleum feedstock, including oil-bearing hazardous secondary materials through a series of highly controlled steps utilizing thermal decomposition, limited oxidation, and gas cleaning to yield a synthesis gas composed primarily of hydrogen and carbon monoxide gas.	260.10	20.4.1.100 NMAC	X			
<b>PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART A -- GENERAL</b>						
<b>H EXCLUSIONS</b>						
Revise 261.4(a)(12)(i) to read as follows:	261.4	20.4.1.200 NMAC	X			

RCRA REVISION CHECKLIST 216: Exclusion of Oil-Bearing Secondary Materials Processed in a Gasification System to Produce Synthesis Gas (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Oil-bearing hazardous secondary materials (i.e., sludges, byproducts, or spent materials) that are generated at a petroleum refinery (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911 – including, but not limited to, distillation, catalytic cracking, fractionation, gasification (as defined in 40 CFR 260.10) or thermal cracking units (i.e., cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this paragraph, provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery and still be excluded under this provision. Except, as provided in paragraph (a)(12)(ii) of this section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this section. Residuals generated from processing or recycling materials excluded under this paragraph (a)(12)(i), where such materials as generated would have otherwise met a listing under subpart D of this part, are designated as F037 listed wastes when disposed of or intended for disposal.	261.4(a)(12)(i)	20.4.1.200 NMAC	X			

† Optional Provisions

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## RCRA REVISION CHECKLIST 217

NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) Amendments  
 73 FR 18970-18984  
 April 8, 2008  
 (RCRA Cluster XVIII, HSWA/Non-HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART O -- Incinerators						
<b>APPLICABILITY</b>						
Amended paragraphs (b)(1) and (b)(3); Remove paragraph (b)(5)	264.340	20.4.1.500 NMAC	X			

RCRA REVISION CHECKLIST 217: NESHAP: Final Standards for Hazardous Waste Combustors  
(Phase I Final Replacement Standards and Phase II) Amendments  
(cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Except as provided by paragraphs (b)(2) through (b)(4) of this section, the standards of this part do not apply to a new hazardous waste incineration unit that becomes subject to RCRA permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of part 63, subpart EEE, of this chapter by conducting a comprehensive performance test and submitting to the Administrator a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(d) of this chapter documenting compliance with the requirements of part 63, subpart EEE of this chapter.	264.340(b)(1)	20.4.1.500 NMAC	X			
The particulate matter standard of 40 CFR 264.343(c) remain s in effect for incinerators that elect to comply with the alternative to the particulate matter standard under 40 CFR 63.1206(b)(14) and 63.1219(e) of this chapter.	264.340(b)(3)	20.4.1.500 NMAC	X			
Remove paragraph (b)(5)	264.340(b)(5)	20.4.1.500 NMAC	X			
<b>PART 266—STANDARDS FOR THE SPECIFIC MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANGEMENT FACILITIES</b>						
<b>SUBPART H -- HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES</b>						
<b>APPLICABILITY</b>						
Redesignate the second paragraph (b)(3)(ii) as (b)(3)(iii)	266.100(b)(3)(ii)	20.4.1.700 NMAC	X			

RCRA REVISION CHECKLIST 218

F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating Processes  
 73 FR 31756-31769  
 June 4, 2008  
 (RCRA Cluster XVIII, Non-HSWA)

Name of State: **New Mexico**

State Statutory Authority: **74-4-1 NMSA 1978, Hazardous Waste Act**

Title of Regulations: **20.4.1 NMAC, Hazardous Waste Management Regulations**

Effective Date: **March 1, 2009**

Date Checklist Completed: **March 2, 2009**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>						
<b>SUBPART D -- Lists of Hazardous Wastes</b>						
<b>HAZARDOUS WASTE FROM NON-SPECIFIC SOURCES</b>						
Amend paragraph (a) by revising table entry for F019 as follows:	261.31(a)/Table	20.4.1.200 NMAC	X			
Industry and EPA hazardous waste No.	Hazardous waste					Hazard code
*	*	*	*	*	*	*
F019.....	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. Wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process will not be subject to this listing at the point of generation if the wastes are not placed outside on the land prior to shipment to a landfill for disposal and are either: disposed in a Subtitle D municipal or industrial landfill unit that is equipped with a single clay liner and is permitted, licensed or otherwise authorized by the state; or disposed in a landfill unit subject to, or otherwise meeting, the landfill requirements in 258.40, 264.301 or 265.301. For the purposes of this listing, motor vehicle manufacturing is defined in paragraph (b)(4)(i) of this section and (b)(4)(ii) of this section describes the recordkeeping requirements for motor vehicle manufacturing facilities.					(T)
Add paragraph (b)(4) to read as follows:	261.31	20.4.1.200 NMAC	X			
For the purposes of F019 listing, the following apply to wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process.	261.31(b)(4)	20.4.1.200 NMAC	X			

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 218: F019 Exemption for Wastewater Treatment Sludges from Auto  
Manufacturing Zinc Phosphating Processes  
(cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Motor vehicle manufacturing is defined to include the manufacture of automobiles and light trucks/utility vehicles. Facilities must be engaged in manufacturing complete vehicles or chassis only.	261.31(b)(4)(i)	20.4.1.200 NMAC	X			
Generators must maintain records, to prove that the exempted sludges meet the conditions of the listing. Records must include: volume of waste generated and disposed off site; when the wastes were generated and sent off site; name and address of receiving facility; documentation confirming receipt. Generators must maintain these documents no less than three years. Retention period for documentation is automatically extended during an enforcement action or as requested by the Regional Administrator or state regulatory authority	261.31(b)(4)(ii)	20.4.1.200 NMAC	X			