

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 64

Delay of Closure Period for Hazardous Waste
Management Facilities
54 FR 33376-33398
August 14, 1989
(Non-HSWA Cluster VI)

The June 26, 1990 (55 FR 25975) notice corrected the May 2, 1986 (51 FR 16422; Revision Checklist 24) final rule which erroneously designated the amendments to 40 CFR 264.113 and 265.113 as less stringent. The June 26, 1990 notice also explains that States must adopt the May 2, 1986 amendments to 40 CFR 264.113 and 265.113 prior to or simultaneous with receiving authorization for the Delay of Closure provisions addressed by Revision Checklist 64. While this checklist's provisions are optional, States choosing not to adopt them must still adopt the May 2, 1986 amendments to 40 CFR 264.113 and 265.113 because they are required changes. See the amended version of Revision Checklist 24 for further information.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE

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

SUBPART B - GENERAL FACILITY STANDARDS

† GENERAL WASTE ANALYSIS

insert ", or non-hazardous wastes if applicable under 264.113(d)" after "hazardous wastes"	264.13(a)(1)	310:270-3-2	X
insert ", or non-hazardous wastes if applicable under 264.113(d)" after "hazardous wastes"	264.13(a)(3)(i)	310:270-3-2	X
add ", or non-hazardous waste if applicable under 264.113(d)" after "hazardous waste"	264.13(b)(1)	310:270-3-2	X

SUBPART G - CLOSURE AND POST-CLOSURE

† CLOSURE PLAN; AMENDMENT OF PLAN

place "(i)" after "either:" and re-designate as below:	264.112(d)(2)	310:270-3-2	X
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redesignate the remainder of the old 264.112(d)(2) as 264.112(d)(2)(i); remove ", and will continue to take,"

after "he has taken" 264.112(d)(2)(i) 310:270-3-2 X

add new subparagraph on the receipt of final volume of non-hazardous wastes by units meeting

264.113(d) requirements; extension by Regional Administrator 264.112(d)(2)(ii) 310:270-3-2 X

† CLOSURE; TIME ALLOWED FOR CLOSURE

after "hazardous wastes" add language regarding the final volume of non-hazardous wastes and owner/operator compliance with 264.113(d)&(e)

264.113(a) 310:270-3-2 X

after "hazardous wastes" add language regarding capacity to receive non-hazardous waste and owner/operator compliance with 264.113(d)&(e)

264.113(a)(1)(ii)(A) 310:270-3-2 X

after "hazardous wastes" add language regarding the final volume of non-hazardous wastes and owner/operator in compliance with 264.113(d)&(e)

264.113(b) 310:270-3-2 X

after "hazardous wastes" add language regarding capacity to receive non-hazardous wastes and owner/operator compliance with 264.113(d)&(e)

264.113(b)(1)(ii)(A) 310:270-3-2 X

replace reference to "(a) and (b)" with "(a)(1) and (b)(1)"

264.113(c) 310:270-3-2 X

replace first reference to "(a)" with "(a)(1)"

264.113(c)(1) 310:270-3-2 X

RCRA REVISION CHECKLIST 64: Delay of Closure Period for
Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
replace first reference to "(b)" with "(b)(1)"; exception if owner/ operator subject to 264.113(d) deadlines	264.113(c)(2)	310:270-3-2	X		
add new paragraph regarding receipt of non-hazardous waste; conditions which must be met:	264.113(d)	310:270-3-2	X		
permit modification request meeting 270 and 124 requirements demonstrating:	264.113(d)(1)	310:270-3-2	X		
has existing design capacity to receive non-hazardous wastes	264.113(d)(1)(i)	310:270-3-2	X		
likely to receive non- hazardous wastes within one year after final receipt of hazardous wastes	264.113(d)(1)(ii)	310:270-3-2	X		
not incompatible with remaining wastes or with design and operating requirements	264.113(d)(1)(iii)	310:270-3-2	X		
closure of hazardous waste unit incom- patible with continued operation	264.113(d)(1)(iv)	310:270-3-2	X		
operate in compliance with all applicable permit requirements	264.113(d)(1)(v)	310:270-3-2	X		
what the request to modify the permit should include	264.113(d)(2)	310:270-3-2	X		
permit modification request includes re- visions to account for non-hazardous waste receipt after final volume of hazardous wastes	264.113(d)(3)	310:270-3-2	X		

RCRA REVISION CHECKLIST 64: Delay of Closure Period for
Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
submission to Regional Administrator special requirements for surface impound- ments not in com- pliance with liner and leachate collection system requirements	264.113(d)(4)	310:270-3-2	X		
permit modification request:	264.113(e)	310:270-3-2	X		
contingent corrective measures plan	264.113(e)(1)	310:270-3-2	X		
hazardous waste removal plan	264.113(e)(1)(i)	310:270-3-2	X		
removal of all hazard- ous wastes including liquids and sludges to extent practicable	264.113(e)(1)(ii)	310:270-3-2	X		
when removal takes longer than 90 days; extension by Regional Administrator	264.113(e)(2)	310:270-3-2	X		
actions if detect a statistically significant release:	264.113(e)(3)	310:270-3-2	X		
corrective measures in accordance with plan required by 264.113(e)(1)	264.113(e)(4)	310:270-3-2	X		
conditions under which wastes may continue to be received	264.113(e)(4)(i)	310:270-3-2	X		
corrective measures in less than one year if necessary to protect human health and environment	264.113(e)(4)(ii)	310:270-3-2	X		
semi-annual reports	264.113(e)(4)(iii)	310:270-3-2	X		
conditions under which Regional Administrator may require closure	264.113(e)(5)	310:270-3-2	X		
	264.113(e)(6)	310:270-3-2	X		

RCRA REVISION CHECKLIST 64: Delay of Closure Period for
Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
if fail to implement corrective measures or no substantial progress, the Regional Administrator shall: notify in writing that closure required according to 264.113(a) and (b) deadlines	264.113(e)(7)	310:270-3-2	X		
newspaper notice; opportunity for public comment	264.113(e)(7)(i)	310:270-3-2	X		
Regional Administrator actions when no written comments are received	264.113(e)(7)(ii)	310:270-3-2	X		
Regional Administrator actions when written comments are received	264.113(e)(7)(iii)	310:270-3-2	X		
no administrative appeal	264.113(e)(7)(iv)	310:270-3-2	X		
	264.113(e)(7)(v)	310:270-3-2	X		

SUBPART H - FINANCIAL REQUIREMENTS

† COST ESTIMATE FOR CLOSURE after "hazardous wastes" insert ", or non-hazardous wastes if applicable under 264.113(d)."	264.142(a)(3)	310:270-3-2	X		
after "hazardous wastes" insert ", or non-hazardous wastes if applicable under 264.113(d)."	264.142(a)(4)	310:270-3-2	X		

RCRA REVISION CHECKLIST 64: Delay of Closure Period for
Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE

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

SUBPART B - GENERAL FACILITY STANDARDS

† GENERAL WASTE ANALYSIS

after "hazardous wastes" add ", or non-hazardous wastes if applicable under 265.113(d)."	265.13(a)(1)	310:270-3-2	X
after "hazardous wastes" add ", or non-hazardous wastes if applicable under 265.113(d)."	265.13(a)(3)(i)	310:270-3-2	X
after "hazardous waste" add ", or non-hazardous waste if applicable under 265.113(d)."	265.13(b)(1)	310:270-3-2	X

SUBPART G - CLOSURE AND POST-CLOSURE

† CLOSURE PLAN; AMENDMENT OF PLAN

add "(i)" after "either:" and redesignate remainder of paragraph as below	265.112(d)(2)	310:270-3-2	X
redesignate remainder of old 265.112(d)(2) as 265.112(d)(2)(i)	265.112(d)(2)(i)	310:270-3-2	X
add new subparagraph on receipt of final volume of non-hazardous wastes by units meeting 265.113(d) requirements; extension by Regional Administrator	265.112(d)(2)(ii)	310:270-3-2	X

RCRA REVISION CHECKLIST 64: Delay of Closure Period for
Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
† CLOSURE; TIME ALLOWED FOR CLOSURE					
after "hazardous wastes" add language regarding the final volume non-hazardous wastes and owner/operator compliance with 265.113(d)&(e)	265.113(a)	310:270-3-2	X		
after "hazardous wastes" add language regarding the capacity to receive non-hazardous wastes and owner/operator compliance with 265.113(d)&(e)	265.113(a)(1)(ii)(A)	310:270-3-2	X		
after "hazardous wastes" add language regarding the final volume of non-hazardous wastes and owner/operator compliance with 265.113(d)&(e)	265.113(b)	310:270-3-2	X		
after "hazardous wastes" add language regarding the capacity to receive non-hazardous wastes and owner/operator compliance with 265.113(d)&(e)	265.113(b)(1)(ii)(A)	310:270-3-2	X		
replace references to "(a) and (b)" with "(a)(1) and (b)(1)"	265.113(c)	310:270-3-2	X		
replace first reference to "(a)" with "(a)(1)"	265.113(c)(1)	310:270-3-2	X		
replace first reference to "(b)" with "(b)(1)"; add exception if owner/operator subject to 265.113(d) deadlines	265.113(c)(2)	310:270-3-2	X		

RCRA REVISION CHECKLIST 64: Delay of Closure Period for
Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
add new paragraph regarding receipt of non-hazardous wastes; conditions which must be met:	265.113(d)	310:270-3-2	X		
submits an amended Part B application or a Part B application if not previously required demonstrating:	265.113(d)(1)	310:270-3-2	X		
has existing design capacity to receive non-hazardous wastes	265.113(d)(1)(i)	310:270-3-2	X		
likely to receive non-hazardous wastes within one year after final receipt of hazardous wastes	265.113(d)(1)(ii)	310:270-3-2	X		
not incompatible with remaining wastes or with design and operating requirements	265.113(d)(1)(iii)	310:270-3-2	X		
closure of hazardous waste unit incompat-ible with continued operation	265.113(d)(1)(iv)	310:270-3-2	X		
operate in compliance with all applicable interim states requirements	265.113(d)(1)(v)	310:270-3-2	X		
what the Part B application should include	265.113(d)(2)	310:270-3-2	X		
Part B modification is amended to account for non-hazardous waste receipt after final volume of hazardous waste	265.113(d)(3)	310:270-3-2	X		
submission to Regional Administrator	265.113(d)(4)	310:270-3-2	X		
special requirements for surface impound-ments not in com-					

RCRA REVISION CHECKLIST 64: Delay of Closure Period for
Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
pliance with liner and leachate collection system requirements	265.113(e)	310:270-3-2	X		
submit with the Part B application:	265.113(e)(1)	310:270-3-2	X		
contingent corrective measures plan	265.113(e)(1)(i)	310:270-3-2	X		
hazardous waste removal plan	265.113(e)(1)(ii)	310:270-3-2	X		
removal of all hazardous wastes including liquids and sludges to extent practicable	265.113(e)(2)	310:270-3-2	X		
when removal must take place; extension by Regional Administrator	265.113(e)(3)	310:270-3-2	X		
actions if detect a statistically significant release:	265.113(e)(4)	310:270-3-2	X		
corrective measures in accordance with plan required by 265.113(e)(1)	265.113(e)(4)(i)	310:270-3-2	X		
conditions under which wastes may continue to be received	265.113(e)(4)(ii)	310:270-3-2	X		
corrective measures in less than one year or cease receipt of wastes until imple- mented if necessary to protect human health and environment	265.113(e)(4)(iii)	310:270-3-2	X		
semi-annual reports	265.113(e)(5)	310:270-3-2	X		
conditions under which Regional Administrator may require closure	265.113(e)(6)	310:270-3-2	X		

RCRA REVISION CHECKLIST 64: Delay of Closure Period for
Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
if fail to implement corrective measures or no substantial progress, the Regional Administrator shall: notify in writing that closure required according to	265.113(e)(7)	310:270-3-2	X		
265.113(a) and (b) newspaper notice: opportunity for public comment	265.113(e)(7)(i)	310:270-3-2	X		
Regional Administrator actions when no written comments are received	265.113(e)(7)(ii)	310:270-3-2	X		
Regional Administrator actions when written comments are received	265.113(e)(7)(iii)	310:270-3-2	X		
no administrative appeal	265.113(e)(7)(iv)	310:270-3-2	X		
	265.113(e)(7)(v)	310:270-3-2	X		

SUBPART H - FINANCIAL REQUIREMENTS

† COST ESTIMATE FOR CLOSURE

after "hazardous wastes" add ", or non- hazardous wastes if applicable under 265.113(d)"	265.142(a)(3)	310:270-3-2	X		
after "hazardous wastes" add ", or non- hazardous wastes if applicable under 265.113(d)"	265.142(a)(4)	310:270-3-2	X		

RCRA REVISION CHECKLIST 64: Delay of Closure Period for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV-ALENT	MORE STRIN-GENT	BROAD-ER IN SCOPE

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

SUBPART D - CHANGES TO PERMIT

† PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

add D.1.f. to Appendix I	270.42, Appendix I	310:270-3-2	X
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Modifications	Class
* * * * *	
D. * * *	
1. * * *	
f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under § 264.113(d) and (e).....	2
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RCRA REVISION CHECKLIST 65

Mining Waste Exclusion I
 54 FR 36592-36642
 September 1, 1989
 (Non-HSWA Cluster VI)

This present checklist is titled "Mining Waste Exclusion I" indicating that it is the first of two amendments to this exclusion. The second amendment occurred at 55 FR 2322 on January 23, 1990 and is addressed by Revision Checklist 71 - Mining Waste Exclusion II. This latter checklist will be made available through SPA 9.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF
HAZARDOUS WASTES

SUBPART A - GENERAL

add exception for
mixture of a
261.4(b)(7) waste and
a solid waste
exhibiting a Subpart C
characteristic unless
resultant mixture
meets certain charac-
teristic conditions;
mixture is hazardous
relative to the EP
toxicity characteristic

261.3(a)(2)(i)

310:270-3-2

X

add "of this part" after
"Subpart D"; add
language excepting
mixtures of hazardous
waste and solid waste
excluded under
261.4(b)(7) and the
mixture no longer
exhibits hazardous
characteristics for
which the hazardous
waste was listed in
Subpart D

261.3(a)(2)(iii)

310:270-3-2

X

1	define beneficiation; replace the last three words of the para- graph, "does not include", with "includes only"	261.4(b)(7)	310:270-3-2	X
	solid wastes, from ore and mineral processing, that are re- tained within exclusion	261.4(b)(7)(i)(A)-(E)	310:270-3-2	X
	solid wastes from ore and mineral process- ing that are condi- tionally retained within the exclusion	261.4(b)(7)(ii)(A)-(T)	310:270-3-2	X

1 See subsequent technical correction to the definition of "beneficiation" as addressed by Revision Checklist 71 (55 FR 2322, January 23, 1990).