

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 74

Toxicity Characteristics Revisions

55 FR 11798-11877

March 29, 1990

as amended on June 29, 1990, at 55 FR 26986-26998

and on August 2, 1990, at 55 FR 31387-31390

(HSA Cluster II)

Note: The August 2, 1990 (55 FR 31387) rule did not affect any of the Federal code listed in this checklist. Instead this rule corrected a typographical error in the preamble. This error in an implementation timetable created confusion among small quantity generators regarding their notification responsibilities for TC wastes. This rule also extended the period of time within which affected small quantity generators must comply with the new modification requirements.

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

replace "characteristic of EP toxicity" with "Toxicity Characteristic"	261.4(b)(6)(i)	31 TAC §335.1 TEX. HEALTH & SAFETY CODE §361.003(11)	x		
replace "characteristic of EP toxicity" with "Toxicity Characteristic solely for arsenic"	261.4(b)(9)	31 TAC §335.1 TEX. HEALTH & SAFETY CODE §361.003(11)	x		
1 add new paragraph regulating petroleum-contaminated media and debris that fail the 261.24 Toxicity Characteristic test (D018 through D043 only) are subject to Part 280 corrective action	261.4(b)(10)	31 TAC §335.1 TEX. HEALTH AND SAFETY CODE §361.003(11)	x		

PCB WASTES REGULATED UNDER TOXIC SUBSTANCE CONTROL ACT

exemption for PCB-containing wastes, already regulated under Part 761 (TSCA), that fail the 261.24 Toxicity Characteristic test (D018 through D043 only)	261.8	31 TAC §335.1 TEX. HEALTH AND SAFETY CODE §361.003	x		
--	-------	--	---	--	--

RCRA REVISION CHECKLIST 74: Toxicity Characteristics
Revisions (cont'd)

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

SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

TOXICITY CHARACTERISTIC

1	remove "EP" before "toxicity"; insert "using the methodology outlined in Appendix II" after "after filtering"; change "purposes" to "purpose"	261.24(a)	31 TAC §335.1 TEX. HEALTH AND SAFETY CODE §361.003(11)	X		
	remove "EP" before "toxicity"; add D018 through D043 to Table 1; add new column with CAS numbers	261.24(b)	31 TAC §335.1 TEX. HEALTH AND SAFETY CODE §361.003(11)	X		

TABLE 1.—MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

EPA HW No. ¹	Contaminant	CAS No. ²	Regula- tory Level (mg/L)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-8	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-8	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-68-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	* 200.0
D024	m-Cresol	108-39-4	* 200.0
D025	p-Cresol	108-44-5	* 200.0
D026	Cresol		* 200.0
D016	2,4-D	94-75-7	10.0
D027	1,4- Dichloroben- zene	106-48-7	7.5
D028	1,2- Dichloroeth- ene	107-06-2	0.5
D029	1,1- Dichloroethy- lene	75-35-4	0.7
D030	2,4- Dinitrotoluene	121-14-2	* 0.13
D012	Endrin	72-20-8	0.02
D031	Heptachlor (and its epoxide)	76-44-8	0.008

D032	Hexachloroben- zene	118-74-1	* 0.13
D033	Hexachlorobuta- diene	87-68-3	0.5
D034	Hexachloroeth- ene	67-72-1	3.0
D008	Lead	7439-92-1	5.0
D013	Lindane	56-89-8	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	100.0
D035	Methyl ethyl ketone	78-93-3	200.0
D036	Nitrobenzene	98-95-3	2.0
D037	Pentachloro- phenol	87-86-5	100.0
D038	Pyridine	110-86-1	* 5.0
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloroethy- lene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethy- lene	79-01-6	0.5
D041	2,4,5- Trichloro- phenol	95-95-4	400.0
D042	2,4,6- Trichloro- phenol	88-06-2	2.0
D017	2,4,5-TP (Silver)...	83-72-1	1.0
D043	Vinyl chloride	75-01-4	0.2

¹ Hazardous waste number.

² Chemical abstracts service number.

* Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

* If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/l.

**RCRA REVISION CHECKLIST 74: Toxicity Characteristics
Revisions (cont'd)**

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

SUBPART D - LISTS OF HAZARDOUS WASTES

GENERAL

replace "EP Toxic Waste" with "Toxicity Characteristic Waste"	261.30(b)	31 TAC §335.1 TEX. HEALTH AND SAFETY CODE §361.003(11)	X		
---	-----------	---	---	--	--

**APPENDIX II - METHOD 1311 TOXICITY CHARACTERISTIC LEACHING
PROCEDURE (TCLP)**

EP toxicity test procedures are replaced by Method 1311 Toxicity Characteristic Leaching Procedures (TCLP)	Appendix II	31 TAC §335.29(2)	X		
--	-------------	-------------------	---	--	--

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

SUBPART K - SURFACE IMPOUNDMENTS

DESIGN REQUIREMENTS

replace "EP Toxicity Characteristics" with "Toxicity Characteristics"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	264.221(e)(1)	31 TAC §335.168(e)	X		
--	---------------	--------------------	---	--	--

SUBPART N - LANDFILLS

DESIGN AND OPERATING REQUIREMENTS

replace "EP Toxicity Characteristics" with "Toxicity Characteristics"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	264.301(e)(1)	31 TAC §335.173(e)	X		
--	---------------	--------------------	---	--	--

RCRA REVISION CHECKLIST 74: Toxicity Characteristics
Revisions (cont'd)

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

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

SUBPART K - SURFACE IMPOUNDMENTS

DESIGN REQUIREMENTS

replace "EP Toxic Characteristics" with "Toxicity Characteris-tics"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	265.221(d)(1)	31 TAC §335.112(a)(10)	X		
--	---------------	---------------------------	---	--	--

SUBPART M - LAND TREATMENT

WASTE ANALYSIS

replace "exceed" with "equal or exceed"; replace "EP Toxicity Characteristic" with "Toxicity Characteristic"	265.273(a)	31 TAC §335.112(a)(12)	X		
--	------------	---------------------------	---	--	--

SUBPART N - LANDFILLS

DESIGN AND OPERATING REQUIREMENTS

replace "EP Toxic Characteristics" with "Toxicity Characteris-tics"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	265.301(d)(1)	31 TAC §335.112(a)(13)	X		
--	---------------	---------------------------	---	--	--

PART 268 - LAND DISPOSAL RESTRICTIONS

APPENDIX I - TOXICITY CHARACTERISTIC LEACHING PROCEDURE

replace Appendix with note stating the TCLP is located in Part 261	Appendix I	31 TAC §335.431(c)	X		
--	------------	--------------------	---	--	--

¹Also see technical corrections to rule at 55 FR 26986 (June 24, 1990).

²Because the June 29, 1990 (55 FR 26986) notice made extensive corrections to Appendix II, Part 261, the Appendix in that notice should be used instead of the one in the March 29, 1990 (55 FR 11798) notice.

Incorporation by Reference Form 1

RCRA Revision Checklist 74HSWA cluster II

TCLP AUTHORIZATION

FEDERAL RCRA CITATION	STATE CITATION INCORPORATING BY REFERENCE	EQUIVALENT	STATE ANALOG IS:	
			MORE STRINGENT	BROADER IN SCOPE
40 CFR Part 261	31 TAC §335.1 and	x		
§§261.4, 261.8,	TEX. HEALTH AND SAFETY			
§§261.24, 261.30	CODE §361.003(11)			
40 CFR Part 261	31 TAC §335.29(2)	x		
Appendix II				
40 CFR Part 265				
§§ 265 .22(d) (1)	31 TAC §335.112(a) (10)	x		
§§265.273(a)	31 TAC §335.112(a) (12)	x		
§§265.301(d) (1)	31 TAC §335.112(a) (13)	x		
40 CFR Part 268	31 TAC §335.431(c)	x		
Appendix I				