

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 39

California List Waste Restrictions

52 FR 25760-25792

July 8, 1987

as amended on October 27, 1987, at 52 FR 41295-41296

(HWSA Cluster II)

Notes: 1) The EPA Administrator is solely responsible for granting a national capacity variance to the prohibition effective date. The procedures for granting case-by-case extensions are found in 40 CFR 268.5. Since the granting of such variances is based on national concerns, States cannot be authorized for this aspect of the program. Similarly, variances under 40 CFR 268.42(b) and §268.44 for waste-specific variances from a treatment standard are not delegable to the States. (Note: 40 CFR 268.44 is not addressed by this checklist, but rather by Revision Checklist 34. The Federal Register (51 FR 40572, November 4, 1986) for Revision Checklist 34 implied that this section was delegable. However, the preamble to this present checklist changed the delegability of this section, so that it is not delegable.)

Under 40 CFR 268.6, EPA may grant petitions of specific duration to allow land disposal of certain hazardous wastes provided certain criteria are met. States that have the authority to impose land disposal prohibitions may ultimately be authorized under RCRA Section 3006 to grant petitions for such exemptions. However, because the Agency expects few such petitions, EPA is currently requiring that these petitions be handled at EPA headquarters. (Note: This is a change from 51 FR 40572 (November 7, 1986) addressed by Revision Checklist 34.)

States should either not adopt 40 CFR 268.5, 268.8, 268.42(b) and 268.44 or include these sections, making it clear that the EPA Administrator is responsible for carrying out these portions of the land disposal restrictions. States incorporating by reference must exclude these sections of code from their blanket substitution of "Administrator" with the title of the chief administrator of the State environmental agency. For a more detailed discussion of these issues, see the guidance for the land disposal checklists found in Appendix J of the State Authorization Manual (SAM).

2) Revision Checklist 50 (53 FR 31138, August 17, 1988) amends certain sections of code addressed by Revision Checklist 39, but does not affect the delegability outlined in the previous note. Other related Checklists include current Revision Checklists 62 (54 FR 18836, May 2, 1989) and 63 (54 FR 26594, June 23, 1989) and future Checklists 66 (54 FR 36967, September 6, 1989) and 78 (55 FR 22520, June 1, 1990).

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

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

SUBPART B - DEFINITIONS

RCRA REVISION CHECKLIST 39: California
List Waste Restrictions (cont'd)

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

REFERENCES

1	Parts 260 through 270	260.11(a)	§335.2 (j) ✓	x	
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PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART G - FARMERS

FARMERS

2	pesticide disposal by farmers	262.70	§335.77 ✓	x	
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PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART B - GENERAL FACILITY STANDARDS

GENERAL WASTE ANALYSIS

	annual removal of	264.13(b)			
	specific residues	(7)(iii)	§335.152 (a) (1) ✓	x	

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

	annual removal of	265.13(b)			
	specific residues	(7)(iii)	§335.112 (a) (1) ✓	x	

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

†	pesticide disposal				
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RCRA REVISION CHECKLIST 39: California
List Waste Restrictions (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
pesticide disposal 2 by farmers	268.1(c)(5)	§335.431 (c) ✓	x		
DEFINITIONS APPLICABLE TO THIS PART					
add "halogenated organic compounds"	268.2(a)	§335.431 (c) ✓	x		
revise "land disposal"	268.2(a)	§335.431 (c) ✓	x		
add "polychlorinated biphenyls"	268.2(a)	§335.431 (c) ✓	x		
DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT					
add restriction regarding circum- vention of effective dates and avoidance of prohibition of Subpart C or RCRA 3004	268.3	§335.431 (c) ✓	x		
TREATMENT SURFACE IMPOUNDMENT EXEMPTION					
provide clarifica- tion and add new section and statutory prohibi- tion references	268.4(a)(2)	§335.431 (c) ✓	x		
add section con- cerning hazardous constituent evaporation	268.4(b)	§335.431 (c) ✓	x		
WASTE ANALYSIS AND RECORDKEEPING					
268.32 exception: add 268.32 and RCRA 3004(d) prohibition to notification restrictions:	268.7(a)	§335.431 (c) ✓	x		
add 268.32 and RCRA 3004(d) treat- ment standards to notification	268.7(a)(1)	§335.431 (c) ✓	x		
	268.7(a)(1)(ii)	§335.431 (c) ✓	x		

RCRA REVISION CHECKLIST 39: California
List Waste Restrictions (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
add reference to Subpart D and prohibitions in 268.32 and 3004(d) to notice and certification:	268.7(a)(2)	§335.431 (c) ✓	x		
add prohibitions in 268.32 and RCRA 3004(d) to notice:	268.7(a)(2) (i)(B)	§335.431 (c) ✓	x		
add prohibitions in 268.32 and RCRA 3004(d) to certification	268.7(a)(2)(ii)	§335.431 (c) ✓	x		
add testing require- ments of 268.32 for wastes prohibited under 268.32 or RCRA 3004(d):	268.7(b)	§335.431 (c) ✓	x		
add prohibitions in 268.32 and RCRA 3004(d) to notice:	268.7(b)(1)(ii)	§335.431 (c) ✓	x		
add prohibitions in 268.32 and RCRA 3004(d) to certifi- cation requirements:	268.7(b)(2)	§335.431 (c) ✓	x		
add 268.32 and RCRA 3004(d) prohibi- tions to certifica- tion requirements and to certification:	268.7(b)(2)(i)	§335.431 (c) ✓	x		
add testing require- ments of 268.32 for wastes prohibited under 268.32 or RCRA 3004(d)	268.7(c)	§335.431 (c) ✓	x		

RCRA REVISION CHECKLIST 39: California
List Waste Restrictions (cont'd)

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

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS - SOLVENT WASTES

†add residues of

268.30 a(1), a(2),
and a(3) to wastes
not subject to
November 8, 1986,
land disposal pro-
hibition

268.30(a)(4)

§335.431 (c) ✓

x

WASTE SPECIFIC PROHIBITIONS - CALIFORNIA LIST WASTE

prohibitions effec-
tive July 8, 1987:

268.32(a)

§335.431 (c) ✓

x

liquids/ph less than
or equal to 2.0;

268.32(a)(1)

§335.431 (c) ✓

x

liquids/PCBs greater
than or equal to

50 ppm;

268.32(a)(2)

§335.431 (c) ✓

x

liquids/HOCs greater
than or equal to

1,000 mg/l and less

than 10,000 mg/l

268.32(a)(3)

§335.431 (c) ✓

x

†November 8, 1988

date for contaminated
soil or debris from
response under
CERCLA 104 or 106
or RCRA corrective
action

268.32(d)

§335.431 (c) ✓

x

prohibitions effec-
tive July 8, 1989:

268.32(e)

§335.431 (c) ✓

x

liquid/HOCs greater
than or equal to

1,000 mg/l;

268.32(e)(1)

§335.431 (c) ✓

x

nonliquid/HOCs

greater than or

equal to 1,000 mg/kg

268.32(e)(2)

§335.431 (c) ✓

x

†July 8, 1987 and July

8, 1989 dates for dis-
posal and landfills and
surface impoundments
meeting 268.5(h)(2)

requirements

268.32(f)

§335.431 (c) ✓

x

RCRA REVISION CHECKLIST 39: California
List Waste Restrictions (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
†requirements don't <u>apply when:</u>	268.32(g)	§335.431 (c) ✓	x		
†granted a <u>268.6 exemption;</u>	268.32(g)(1)	§335.431 (c) ✓	x		
†granted a <u>268.5 extension</u>	268.32(g)(2)	§335.431 (c) ✓	x		
†in compliance with Subpart D standards or RCRA 3004(d) or <u>section prohibitions</u>	268.32(g)(3)	§335.431 (c) ✓	x		
†requirements do not apply when subject to Part 268, Subpart <u>C prohibition</u>	268.32(h)	§335.431 (c) ✓	x		
1 method <u>9095 required</u>	268.32(i)	§335.431 (c) ✓	x		
applicability of waste analysis/ recordkeeping requirements <u>of 268.7:</u>	268.32(j)	§335.431 (c) ✓	x		
initial generator must use 261.22(a)(1) procedures or knowledge of pH; pH less than 2.0 <u>restriction;</u>	268.32(j)(1)	§335.431 (c) ✓	x		
initial generator must test for or have knowledge of HOC or PCB concentration levels; restriction <u>above levels</u>	268.32(j)(2)	§335.431 (c) ✓	x		

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

†land disposal if extract or residue meets 268.41 Table <u>CCWE values</u>	268.40(a)	§335.431 (c) ✓	x		
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RCRA REVISION CHECKLIST 39: California
List Waste Restrictions (cont'd)

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

† land disposal
after treatment
is acceptable

268.40(b)

§335.431 (c) ✓

x

TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

standard for
incineration
of liquid
hazardous wastes
containing PCBs

268.42(a)(1)

§335.431 (c) ✓

x

standard for
incineration of
non-liquid
hazardous waste
containing HOCs

268.42(a)(2)

§335.431 (c) ✓

x

SUBPART E - PROHIBITIONS ON STORAGE

PROHIBITIONS ON STORAGE OF RESTRICTED WASTES

storage prohibition

268.50(a)

§335.431 (c) ✓

x

†no prohibition
where treatment
standards are not
specified or are
met, or compliance
with 268.32 or
RCRA 3004 exists
liquid hazardous
waste containing
PCBs

268.50(e)

§335.431 (c) ✓

x

268.50(f)

§335.431 (c) ✓

x

APPENDIX III TO PART 268

add new appendix:
HOC definition and
list of HOCs regu-
lated under 268.32

Appendix III

§335.431 (c) ✓

x

In determining the concentration of HOCs in a hazardous waste for purposes of the §268.32 land disposal prohibition, EPA has defined the HOCs that must be included in the calculation as any compounds having a carbon-halogen bond which are listed in this Appendix (see §268.2). Appendix III to Part 268 consists of the following compounds:

Volatiles

RCRA REVISION CHECKLIST 39: California
List Waste Restrictions (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
Bromodichloromethane	1,2-Dichloroethane				
Bromomethane	1,1-Dichloroethylene				
Carbon Tetrachloride	Trans-1,2-Dichloroethene				
Chlorobenzene	1,2-Dichloropropane				
2-Chloro-1,3-butadiene	Trans-1,3-Dichloropropene				
Chlorodibromomethane	cis-1,3-Dichloropropene				
Chloroethane	Iodomethane				
2-Chloroethyl vinyl ether	Methylene chloride				
Chloroform	1,1,1,2-Tetrachloroethane				
Chloromethane	1,1,2,2-Tetrachloroethane				
3-Chloropropene	Tetrachloroethene				
1,2-Dibromo-3-chloropropane	Tribromomethane				
1,2-Dibromomethane	1,1,1-Trichloroethane				
Dibromomethane	1,1,2-Trichloroethane				
Trans-1,4-Dichloro-2-butene	Trichloroethene				
Dichlorodifluoromethane	Trichloromonofluoromethane				
1,1-Dichloroethane	1,2,3-Trichloropropane				
Vinyl chloride					

Semivolatiles

Bis(2-chloroethoxy)ethane	Hexachlorocyclopentadiene
Bis(2-chloroethyl)ether	Hexachloroethane
Bis(2-chloroisopropyl) ether	Hexachloropropene
p-Chloroaniline	Hexachloropropene
Chlorobenzilate	4,4'-Methylenebis(2-chloroaniline)
p-Chloro-m-cresol	Pentachlorobenzene
2-Chloronaphthalene	Pentachlorophenol
2-Chlorophenol	Pronamide
3-Chloropropionitrile	1,2,4,5-Tetrachlorobenzene
m-Dichlorobenzene	2,3,4,6-Tetrachlorophenol
o-Dichlorobenzene	1,2,4-Trichlorobenzene
p-Dichlorobenzene	2,4,5-Trichlorophenol
3,3'-Dichlorobenzidine	2,4,6-Trichlorophenol
2,4-Dichlorophenol	Tris(2,3-dibromopropyl) phosphate
Hexachlorobenzene	
Hexachlorobutadiene	

Organochlorine Pesticides

Aldrin	Endrin
alpha-BHC	Endrin aldehyde
beta-BHC	Heptachlor
delta-BHC	Isodrin
gamma-BHC	Kepone

RCRA REVISION CHECKLIST 39: California
List Waste Restrictions (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
Chlorodane		Methoxychlor			
DDD		Toxaphene			
DDE		Silvex			
DDT		2,4,5-T			
Dieldrin					
Endosulfan I					
Endosulfan II					
PCBs					
Aroclor 1016					
Aroclor 1221					
Aroclor 1232					
Aroclor 1242					
Aroclor 1248					
Aroclor 1254					
Aroclor 1260					
PCBs not otherwise specified					
Dioxins and Furans					
Hexachlorodibenzo-p-dioxins					
Hexachlorodibenzofuran					
Pentachlorodibenzo-p-dioxins					
Pentachlorodibenzofuran					
Tetrachlorodibenzo-p-dioxins					
Terachlorodibenzofuran					
2,3,7,8-Terachlorodibenzo-p-dioxin					

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

SUBPART D - CHANGES TO PERMITS

† MINOR MODIFICATIONS OF PERMITS

add permitted when
waste prohibited
under RCRA

Section 3004 270.42(o)(1)

add permitted when
treatment according
to 268.4 and 268.3

and: 270.42(o)(2)

treatment standards

RCRA REVISION CHECKLIST 39: California
List Waste Restrictions (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
under 268.41, 268.42 or 268.44 are met; or	270.42 (o)(2)(i)				
no standards exist and treatment removes prohibitions of 268.32 and RCRA 3004	270.42(o)(2)(ii)				
allow facilities to change operation to treat or store if:	270.42(p)				
major permit modification is requested;	270.42(p)(1)				
demonstrates neces- sity to comply with 268 or RCRA 3004;					
and	270.42(p)(2)				
ensures compliance pending administra- tive determination	270.42(p)(3)				

SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

no reconstructing; changes do not include tank/ container changes to comply with land disposal restrictions	270.72(e)	§305.51 (c) ✓	x
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1 See amendment to rule at 52 FR 41295 (October 27, 1987).

2 Note that the FR gives Subpart E, 262.51 as the citation for Farmers. This is not correct as the August 8, 1986 (51 FR 28664) final rule regarding exports changed this section and moved it to Subpart G, 262.70. This error was corrected at 53 FR 27164 (July 19, 1988).

Incorporation by Reference Form 1

RCRA Revision Checklist 39Cluster II

FEDERAL RCRA CITATION	STATE CITATION INCORPORATING BY REFERENCE	STATE ANALOG IS:		
		EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
264.13(b)	\$335.152(a)(1) ✓	X		
265.13(b)	\$335.112(a)(1) ✓	X		
268.1 - 268.7	\$335.431(c) ✓	X		
268.30	\$335.431(c) ✓	X		
268.32	\$335.431(c) ✓	X		
268.40	\$335.431(c) ✓	X		
268.42	\$335.431(c) ✓	X		
268.50	\$335.431(c) ✓	X		
Appendix III to Part 268	\$335.431(c) ✓	X		