

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 81

Petroleum Refinery Primary and Secondary
Oil/Water/Solids Separation Sludge Listings (F037 and F038)

55 FR 46354-46397

November 2, 1990

as amended on December 17, 1990, at 55 FR 51707

(RCRA Cluster I, HSWA)

Following the promulgation of the two rules addressed by this checklist, an interim final rule (56 FR 21955; May 13, 1991; Revision Checklist 89) revised the definition of wastes subject to the F037 and F038 listings. That rule also clarified that, with regard to F038, floats generated in aggressive biological treatment units are not included in the listing description of that waste stream. Because these changes narrow the scope of the F037 and F038 listings, they are considered optional. States wishing to adopt the optional changes addressed by Revision Checklist 89 are strongly encouraged to adopt them at the same time the Revision Checklist 81 provisions are adopted.

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 WASTE

SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

- 1,2 add the waste codes
"F037" and "F038" to
list in alphanumeric
order as shown
below; redesignate the
introductory paragraph
and the table as
paragraph (a)

261.31(a)

31 TAC §335.1

X

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
---	-----------------	----------------

* * * * *

F037 . . . Petroleum refinery primary oil/water/solids separation sludge--Any sludge (T)
generated from the gravitational separation of oil/water/solids during the storage or
treatment of process wastewaters and oily cooling wastewaters from petroleum refineries.
Such sludges include, but are not limited to, those generated in: oil/water/solids
separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater
units receiving dry weather flow. Sludges generated in stormwater units that do not
receive dry weather flow, sludges generated in aggressive biological treatment units as
defined in §261.31(b)(2) (including sludges generated in one or more additional units

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RCRA REVISION CHECKLIST 81: Petroleum Refinery
Primary and Secondary Oil/Water/Solids
Separation Sludge Listings (F037 and F038) (Cont'd)

DRAFT

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

after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

F038 . . Petroleum refinery secondary (emulsified) oil/water/solids separation sludge-- (T)

Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in §261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing.

* * * * *

add new paragraph

entitled "Listing

Specific Definitions:"

261.31(b)

31 TAC §335.1

X

definition of oil/water/

solids for the

purposes of F037

and F038 listings

261.31(b)(1)

31 TAC §335.1

X

for the purposes of

F037 and F038,

aggressive biological

treatment units

are defined as units

which employ

one of four specified

treatment methods;

specific requirements

for high-rate aeration:

261.31(b)(2)(i)

31 TAC §335.1

X

units employ a

minimum of 6 hp per

million gallons of

treatment volume and

either:

261.31(b)(2)(i)(A)

31 TAC §335.1

X

the hydraulic retention

time of the unit is no

longer than 5 days

261.31(b)(2)(i)(B)

31 TAC §335.1

X

the hydraulic retention

time is no longer than

30 days and the unit

does not generate a

sludge that is

hazardous waste by

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RCRA REVISION CHECKLIST 81: Petroleum Refinery
 Primary and Secondary Oil/Water/Solids
 Separation Sludge Listings (F037 and F038) (Cont'd)

DRAFT

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
the Toxicity Characteristic	261.31(b)(2)(i)(C)	31 TAC §335.1	X		
generators and treatment, storage and disposal facilities must prove their sludges are exempt from listing as F037 and F038 wastes; maintenance of documents and data sufficient to prove that:	261.31(b)(2)(ii)	31 TAC §335.1	X		
unit is an aggressive biological treatment unit as defined in 261.31(b)(2)	261.31(b)(2)(ii)(A)	31 TAC §335.1	X		
2 sludges were actually generated in the aggressive biological treatment unit	261.31(b)(2)(ii)(B)	31 TAC §335.1	X		
sludges are considered to be generated at the moment of deposition in the unit for the purposes of the F037 listing; deposition defined	261.31(b)(3)(i)	31 TAC §335.1	X		
for the purposes of the F038 listing	261.31(b)(3)(ii)	31 TAC §335.1	X		
sludges are considered to be generated at the moment of deposition in the unit; deposition defined	261.31(b)(3)(ii)(A)	31 TAC §335.1	X		
floats are considered to be generated at the moment they are formed in the top of the unit	261.31(b)(3)(ii)(B)	31 TAC §335.1	X		

APPENDIX VII TO PART 261

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RCRA REVISION CHECKLIST 81: Petroleum Refinery
Primary and Secondary Oil/Water/Solids
Separation Sludge Listings (F037 and F038) (Cont'd)

DRAFT

			STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
<u>BASIS FOR LISTING HAZARDOUS WASTE</u>					
add the waste codes					
"F037" and "F038"					
in alphanumeric					
order to list as					
shown below:					
	Appendix VII	31 TAC §335.29	X		

APPENDIX VII.--BASIS FOR LISTING
HAZARDOUS WASTE

EPA hazardous waste No.	Hazardous constituents for which listed
* * * * *	
F037	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F038	Benzene, benzo(a)pyrene chry- sene, lead, chromium.
* * * * *	

¹ The introductory paragraph and table were originally introduced into the code as 261.31. The final rule for this checklist has redesignated the old 261.31 as 261.31(a) and added a new paragraph, 261.31(b).

² See the technical correction to the rule at 55 FR 51707 (December 17, 1990).

Incorporation by Reference Form 1

RCRA Revision Checklist 81

Cluster RCRA I

FEDERAL RCRA CITATION	STATE CITATION INCORPORATING BY REFERENCE	STATE ANALOG IS:		
		EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
261.31(a)-261.31(b)(3)(ii)(B)	31 TAC §335.1	X		
Part 261 Appendix VII	31 TAC §335.29	X		
261.31(a)	31 TAC §335.1	X		
261.35(a)-(c)(12)	31 TAC §335.1	X		
Part 261 Appendix III	31 TAC §335.29	X		
Part 261 Appendix VII	31 TAC §335.29	X		
Part 261 Appendix VIII	31 TAC §335.29	X		
264.190	31 TAC §335.152(a)(8)	X		
264.190(c)	31 TAC §335.152(a)(8)	X		
264.570(a)	31 TAC §335.152(a)(14)	X		
264.570(b)	31 TAC §335.152(a)(14)	X		
264.571(a)-(d)	31 TAC §335.152(a)(14)	X		
264.572(a)-(o)	31 TAC §335.152(a)(14)	X		
264.573(a)-(b)(3)	31 TAC §335.152(a)(14)	X		
264.574(a)-(c)(2)	31 TAC §335.152(a)(14)	X		
264.575	31 TAC §335.152(a)(14)	X		
265.190	31 TAC §335.112(a)(9)	X		
265.190(c)	31 TAC §335.112(a)(9)	X		
265.440(a)	31 TAC §335.112(a)(18)	X		
265.440(b)	31 TAC §335.112(a)(18)	X		
265.441(a)-(d)	31 TAC §335.112(a)(18)	X		

FEDERAL RCRA CITATION	STATE CITATION INCORPORATING BY REFERENCE	STATE ANALOG IS:		
		EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
265.442	31 TAC §335.112(a)(18)	X		
265.442	31 TAC §335.112(a)(18)	X		
265.443(a)-(n)	31 TAC §335.112(a)(18)	X		
265.444(a)-(b)(3)	31 TAC §335.112(a)(18)	X		
265.445(a)-(c)(2)	31 TAC §335.112(a)(18)	X		
270.26	31 TAC §305.50(4)(A)	X		
270.26(a)-(c)(16)	31 TAC §305.50(4)(A)	X		

Comments:

RCRA REVISION CHECKLIST 82

Wood Preserving Listings

55 FR 50450-50490

December 6, 1990

(RCRA Cluster I, HSWA and Non-HSWA Provisions)

1) This Revision Checklist adds three broad categories of wastes from wood preserving processes that use chlorophenolic, creosote, and/or inorganic (arsenical and chromium) preservatives to the list of wastes from non-specific sources. These wastes, F032, F034 and F035, include wastewaters, process residuals, preservative drippage and spent formulations. The listing of F032 and the permitting and interim status standards applicable to drip pads handling this waste are promulgated pursuant to HSWA. The listings of F034 and F035, the permitting and interim standards for drip pads that handle F034 and F035 wastes, and the addition of a test method to Appendix III of Part 261 are non-HSWA provisions. EPA will implement the addition of F032 to the list of hazardous wastes from non-specific sources in authorized States until the States modify their programs and such modifications are approved by EPA. The non-HSWA requirements are applicable only in those States that do not have interim or final authorization. In authorized States, the non-HSWA requirements will not be applicable until the States revise their programs to adopt equivalent requirements under State law, unless the wastes are designated as hazardous due to the Toxicity Characteristic, which would allow an owner or operator to comply with the drip pad standards administered under Federal law.

2) Note that on June 13, 1991 (56 FR 27332), an administrative stay was published affecting this final rule. Because the Federal code was changed, a checklist was developed, Revision Checklist 91. The changes addressed by that checklist are all optional.

3) Technical corrections were made to this rule on July 1, 1991 (56 FR 30192; Revision Checklist 92). States are strongly encouraged to adopt those technical corrections at the same time that Revision Checklist 82 provisions are adopted.

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

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

DEFINITIONS

add "drip pad" in
alphabetical order

260.10

31 TAC §335.1

x

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
† add new paragraph which excludes as a solid waste spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose	261.4(a)(9)				

SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

add the waste codes

"F032", "F034" and

"F035" in alpha-

numeric order to list

as shown below

261.31(a)

31 TAC §335.1

X

Industry and EPA hazardous
waste No.

Hazardous waste

Hazard

code

* * *	* * *	* * *	* * *	* * *	* * *	* * *
F032 . . . Wastewaters, process residuals, preservative drippage, and spent formula-	tions from wood preserving processes generated at plants that currently use or					(T)
	have previously used chlorophenolic formulations (except potentially cross-					
	contaminated wastes that have had the F032 waste code deleted in accordance					
	with §261.35 of this chapter and where the generator does not resume or					
	initiate use of chlorophenolic formulations). This listing does not include					
	K001 bottom sediment sludge from the treatment of wastewater from wood					
	preserving processes that use creosote and/or pentachlorophenol.					
F034 . . . Wastewaters, process residuals, preservative drippage, and spent formula-	tions from wood preserving processes generated at plants that use creosote					(T)
	formulations. This listing does not include K001 bottom sediment sludge from					
	the treatment of wastewater from wood preserving processes that use creosote					
	and/or pentachlorophenol.					
F035 . . . Wastewaters, process residuals, preservative drippage, and spent formula-	tions from wood preserving processes generated at plants that use inorganic					(T)
	preservatives containing arsenic or chromium. This listing does not include					
	K001 bottom sediment sludge from the treatment of wastewater from wood					
	preserving processes that use creosote and/or pentachlorophenol.					
* * *	* * *	* * *	* * *	* * *	* * *	* * *

DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING AND REPLACEMENT

wastes from wood
preserving processes

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the 261.35(b) and (c) requirements are met; wastes may continue to meet another hazardous waste listing descrip- tion or exhibit one or more characteristics	261.35(a)	31 TAC §335.1	X		
generators must either clean or replace all specified process equipment that may have come into contact with chlorophenolic formulations or constituents; generators must either:	261.35(b)	31 TAC §335.1	X		
prepare and sign a written equipment cleaning or replace- ment plan and con- duct cleaning and/or replacement of equip- ment in accordance with plan; manage discarded equipment as F032 waste	261.35(b)(1)	31 TAC §335.1	X		
removal of all visible residues from process equipment and rinsing process equipment with appropriate solvent to meet specified criteria when tested in accordance with SW-846 Method 8290; management of all residues as F032 waste	261.35(b)(2)	31 TAC §335.1	X		

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
document that previous equipment cleaning or replace- ment was performed in accordance with 261.35 requirements and occurred after a change in preservative	261.35(b)(3)	31 TAC §335.1	X		
documentation that must be maintained as part of the facility's operating record	261.35(c)	31 TAC §335.1	X		
name and address of the facility	261.35(c)(1)	31 TAC §335.1	X		
formulations previously used and the date on which their use ceased in each process at the plant	261.35(c)(2)	31 TAC §335.1	X		
formulations currently used in each process at the plant	261.35(c)(3)	31 TAC §335.1	X		
equipment cleaning or replacement plan	261.35(c)(4)	31 TAC §335.1	X		
name and address of any persons who conducted the cleaning and replacement	261.35(c)(5)	31 TAC §335.1	X		
dates on which cleaning and replacement were accomplished	261.35(c)(6)	31 TAC §335.1	X		
dates of sampling and testing	261.35(c)(7)	31 TAC §335.1	X		
description of sample handling and prep- aration techniques	261.35(c)(8)	31 TAC §335.1	X		
description of the tests performed, the date, and the results of the tests	261.35(c)(9)	31 TAC §335.1	X		
name and model numbers of the					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
instrument(s) used in performing the tests	261.35(c)(10)	31 TAC §335.1	X		
QA/QC documentation	261.35(c)(11)	31 TAC §335.1	X		
signed certification statement	261.35(c)(12)	31 TAC §335.1	X		

APPENDIX III TO PART 261

CHEMICAL ANALYSIS TEST METHODS

add the compound,
"Benzo(k)
fluoranthene", in
alphabetical order,
to Table 1

Table 1, Appendix III 31 TAC §335.29 X

TABLE 1. --ANALYSIS METHODS FOR
ORGANIC CHEMICALS CONTAINED IN SW-846

Compound	Method Nos.
* * * * *	
Benzo(k) fluoranthene	8100,8250, 8270,8310
* * * * *	

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add "F032", "F034",
and "F035" to list
in alphanumeric order
as shown below:

Appendix VII

31 TAC §335.29

X

EPA hazardous
waste No.

Hazardous constituents for
which listed

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
	*	*	*	*	*
F032.....		Benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)-anthracene, indeno(1,2,3-cd)pyrene, pentachloro- phenol, arsenic, chromium, tetra-, penta-, hexa-, heptachlorodibenzo- p-dioxins, tetra-, penta-, hexa-, hep- tachlorodibenzofurans.			
F034.....		Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphtha- lene, arsenic, chromium.			
F035.....		Arsenic, chromium, lead.			
	*	*	*	*	*

APPENDIX VIII TO PART 261

HAZARDOUS CONSTITUENTS

add the specified
hazardous
constituents in
alphabetical order
as shown below:

Appendix VIII

31 TAC §335.29

X

Common name	Chemical abstracts name	Chemical abstracts No.	Hazardous waste No.
	*	*	*
Benzo(k)fluoranthene	207-08-9		
	*	*	*
Heptachlorodibenzofurans			
Heptachlorodibenzo-p-dioxins			
	*	*	*

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

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART C - PRE-TRANSPORT REQUIREMENTS

ACCUMULATION TIME

† redesignate paragraph (a)(2) as (a)(3); add new paragraph requiring placement of waste on drip pads, generator compliance with Subpart W of Part 265 and maintenance of the following records at the facility:	262.34(a)(2)	31 TAC §335.69(a)(1)(iii)		X	
† description of procedures to ensure wastes are removed from drip pad and associated collection system at least once every 90 days	262.34(a)(2)(i)	31 TAC §335.69(a)(1)(iii)(A)		X	
† documentation of each waste removal, including quantity, date and time of removal; generator exemption from Subparts G and H of Part 265 requirements, except for 265.111 and 265.114	262.34(a)(2)(ii)	31 TAC §335.69(a)(1)(iii)(B)		X	
redesignate "262.34(a)(2)" as "262.34(a)(3)"	262.34(a)(3)	31 TAC §335.69(a)(2)		X	
redesignate "262.34(a)(3)" as "262.34(a)(4)"	262.34(a)(4)	31 TAC §335.69(a)(3)		X	
redesignate "262.34(a)(4)" as "262.34(a)(5)"	262.34(a)(5)	31 TAC §335.69(a)(4)		X	

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

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

SUBPART J - TANK SYSTEMS

APPLICABILITY

add reference to paragraph (c)	264.190	§335.152(a)(8)	X		
add new paragraph subjecting tanks, sumps and other collection devices used in conjunction with Subpart W- regulated drip pads to Part 264, Subpart J requirements	264.190(c)	§335.152(a)(8)	X		

SUBPART W - DRIP PADS

APPLICABILITY

Subpart W applies to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage to an associated collection system; existing drip pads defined	264.570(a)	31 TAC §335.152(a)(14)	X		
owner or operator of certain drip pads inside or under a structure not subject to 264.572(e) or 264.572(f) regulations, as appropriate	264.570(b)	31 TAC §335.152(a)(14)	X		

ASSESSMENT OF EXISTING DRIP PAD INTEGRITY

evaluation of existing
drip pads; by June 6,
1991, written
assessment obtained

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
and kept on file; annual review, update and recertification required until 264.572 standards are met, except 264.572(b) standards for liners and leak detection systems; documen- tation of drip pad age	264.571(a)	31 TAC §335.152(a)(14)		X	
development of written plan for up- grading, repairing and modifying drip pad to meet 264.572(b) requirements; submittal of plan to Regional Adminis- trator no later than 2 years before completion of modi- fications; written plan documentation, re- view and certification requirements; conditions for completion of upgrades, repairs and modifications	264.571(b)	31 TAC §335.152(a)(14)		X	
for existing drip pads of known and documentable age, upgrades, repairs and modifications completed within two years of June 6, 1991, or when the drip pad has reached 15 years of age, whichever comes later	264.571(b)(1)	31 TAC §335.152(a)(14)		X	
for existing drip pads with no documentable age, upgrades, repairs and modifications must be completed					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
within 8 years of June 6, 1991; if facility is over 7 years old, completion by the time facility reaches 15 years or by two years after June 6, 1991, which- ever comes later	264.571(b)(2)	31 TAC §335.152(a)(14)		X	
conditions under which owner or operator may petition Regional Adminis- trator for extension of deadline; petition granted if drip pad meets all 264.572 requirements, except those for liners and leak detection systems specified in 264.572(b)	264.571(b)(3)	31 TAC §335.152(a)(14)		X	
submittal of required drawings and certification to Regional Adminis- trator or State Director upon completion of all repairs and modifications	264.571(c)	31 TAC §335.152(a)(14)		X	
if drip pad found to be leaking or unfit for use, compliance with 264.572(m) provi- sions or close drip pad in accordance with 264.574	264.571(d)	31 TAC §335.152(a)(14)		X	
DESIGN AND OPERATING REQUIREMENTS				X	
drip pads must: be constructed of non-earthen materials, excluding wood and non- structurally supported asphalt	264.572(a)	31 TAC §335.152(a)(14)		X	
	264.572(a)(1)	31 TAC §335.152(a)(14)		X	

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
be sloped for free- drainage to the associated collection system	264.572(a)(2)	31 TAC §335.152(a)(14)		X	
have a curb or berm around the perimeter	264.572(a)(3)	31 TAC §335.152(a)(14)		X	
be impermeable as specified	264.572(a)(4)	31 TAC §335.152(a)(14)		X	
be of sufficient structural strength and thickness to meet specified conditions; note regarding structural integrity standards	264.572(a)(5)	31 TAC §335.152(a)(14)		X	
a drip pad must have:	264.572(b)	31 TAC §335.152(a)(14)		X	
a synthetic liner that meets certain design, construction and instal- lation specifications	264.572(b)(1)	31 TAC §335.152(a)(14)		X	
specific requirements for liner construction materials	264.572(b)(1)(i)	31 TAC §335.152(a)(14)		X	
foundation or base requirements	264.572(b)(1)(ii)	31 TAC §335.152(a)(14)		X	
liner must cover all surrounding earth that could come into contact with the waste or leakage	264.572(b)(1)(iii)	31 TAC §335.152(a)(14)		X	
leakage detection system immediately above the liner; detection system must be:	264.572(b)(2)	31 TAC §335.152(a)(14)		X	
constructed of materials that are:	264.572(b)(2)(i)	31 TAC §335.152(a)(14)		X	
chemically resistant to relevant waste and leakage	264.572(b)(2)(i)(A)	31 TAC §335.152(a)(14)		X	
of sufficient strength and thickness to prevent collapse	264.572(b)(2)(i)(B)	31 TAC §335.152(a)(14)		X	
designed and operated to function without clogging through the					

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RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

DRAFT

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
scheduled closure of the drip pad	264.572(b)(2)(ii)	31 TAC §335.152(a)(14)		X	
designed to detect drip pad failure or the release of hazardous waste or accumulated liquid at the earliest practicable time	264.572(b)(2)(iii)	31 TAC §335.152(a)(14)		X	
maintenance of drip pads; note regarding remedial action	264.572(c)	31 TAC §335.152(a)(14)		X	
convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off	264.572(d)	31 TAC §335.152(a)(14)		X	
run-on control system requirements, unless control system is protected by a structure, as described in 264.570(b)	264.572(e)	31 TAC §335.152(a)(14)		X	
run-off management system requirements, unless system is protected by a structure, as described in 264.570(b)	264.572(f)	31 TAC §335.152(a)(14)		X	
evaluation of drip pad for compliance with 264.572(a) - (f) requirements; design certification required	264.572(g)	31 TAC §335.152(a)(14)		X	
removal of drippage and accumulated precipitation from associated collection system as necessary to prevent overflow onto the drip pad	264.572(h)	31 TAC §335.152(a)(14)		X	
thorough cleaning of drip pad surface at least once every seven days to meet specified conditions;					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
documentation of date, time and cleaning procedure in facility's operating log	264.572(i)	31 TAC §335.152(a)(14)		X	
minimize tracking of hazardous waste or constituents off the drip pad	264.572(j)	31 TAC §335.152(a)(14)		X	
after removal from treatment vessel, treated wood from pressure and non- pressure processes must be held on pad until drippage has ceased; documen- tation required	264.572(k)	31 TAC §335.152(a)(14)		X	
collection and holding units for run-on and run-off control systems emptied or otherwise managed as soon as possible after storms to maintain design capacity	264.572(l)	31 TAC §335.152(a)(14)		X	
throughout the active life of the drip pad and as specified in the permit, repair of detected condition that could lead to or has caused a release of hazardous waste within a reasonable period of time, in accordance with the following procedures:	264.572(m)	31 TAC §335.152(a)(14)		X	
upon detection of a condition that has led or could lead to a release of hazardous waste, the owner must:	264.572(m)(1)	31 TAC §335.152(a)(14)		X	
enter discovery in the facility operating log	264.572(m)(1)(i)	31 TAC §335.152(a)(14)		X	

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
immediately remove from service affected portion of drip pad	264.572(m)(1)(ii)	31 TAC §335.152(a)(14)		X	
determine steps to repair drip pad and clean up any leakage; establish schedule for repairs	264.572(m)(1)(iii)	31 TAC §335.152(a)(14)		X	
notify Regional Administrator within 24 hours after discovery; provide written notice as specified within 10 working days	264.572(m)(1)(iv)	31 TAC §335.152(a)(14)		X	
review, determination and notification by Regional Administrator	264.572(m)(2)	31 TAC §335.152(a)(14)		X	
1 written notification to Regional Administrator and certification of compliance with 264.572(m)(1)(iv) after repairs and clean up	264.572(m)(3)	31 TAC §335.152(a)(14)		X	
should a permit be necessary, Regional Administrator will specify in the permit all design and operating practices necessary to ensure that 264.572 require- ments are met	264.572(n)	31 TAC §335.152(a)(14)		X	
documentation in operating log, as specified, of past operating and waste handling practices	264.572(o)	31 TAC §335.152(a)(14)		X	
INSPECTIONS					
inspection of liners and cover systems for uniformity, damage and imperfections during construction or					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
installation; inspection and certification of liners to meet 264.572 requirements; maintenance of certification as part of the facility operating record; inspection of liners and covers after installation	264.573(a)	31 TAC §335.152(a)(14)		X	
drip pad must be inspected weekly and after storms to detect evidence of any of the following:	264.573(b)	31 TAC §335.152(a)(14)		X	
deterioration, malfunctions or improper operation of run-on and run-off control systems	264.573(b)(1)	31 TAC §335.152(a)(14)		X	
presence of leakage in and proper functioning of leak detection system	264.573(b)(2)	31 TAC §335.152(a)(14)		X	
deterioration or cracking of drip pad surface; note regarding remedial action	264.573(b)(3)	31 TAC §335.152(a)(14)		X	
<u>CLOSURE</u>					
at closure, removal and decontamination requirements; manage- ment as hazardous waste	264.574(a)	31 TAC §335.152(a)(14)		X	
conditions under which owner or operator must close facility and perform post-closure care in accordance with 264.310 requirements; for permitted units, permit requirement continues throughout					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
post-closure period; drip pad is con- sidered a landfill and must meet Subparts G and H require- ments of Part 264	264.574(b)	31 TAC §335.152(a)(14)		X	
owner or operator of an existing drip pad that does not comply with the 264.572(b)(1) liner requirements must:	264.574(c)(1)	31 TAC §335.152(a)(14)		X	
include in closure plans for drip pad under 264.112, a plan for 264.574(a) com- pliance and a contingent plan for 264.574(b) compliance	264.574(c)(1)(i)	31 TAC §335.152(a)(14)		X	
prepare a contingent post-closure plan under 264.118 for complying with 264.574(b) in case not all contaminated subsoils can be practicably removed at closure	264.574(c)(1)(ii)	31 TAC §335.152(a)(14)		X	
cost estimates calculated under 264.112 and 264.144 for closure and post- closure care of drip pad subject to 264.574 must include the cost of complying with the contingent closure plan and the contingent post- closure plan; cost of expected closure under 264.574(a) need not be included	264.574(c)(2)	31 TAC §335.152(a)(14)		X	
<u>DESIGN AND INSTALLATION OF NEW DRIP PADS</u>					
owners and operators of drip pads					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
must ensure that the pads are designed, installed and operated in accordance with all applicable 264.572, 264.573 and 264.574 requirements	264.575	31 TAC §335.152(a)(14)		X	

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

SUBPART J - TANK SYSTEMS

APPLICABILITY

add reference to paragraph (c)	265.190	31 TAC §335.112(a)(9)		X	
add new paragraph subjecting tanks, sumps and other collection devices used in conjunction with Subpart W- regulated drip pads to Part 265, Subpart J requirements	265.190(c)	31 TAC §335.112(a)(9)		X	

SUBPART W - DRIP PADS

APPLICABILITY

Subpart W applies to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage to an associated collection system; existing drip pads defined	265.440(a)	31 TAC §335.112(a)(20)		X	
owner or operator of certain drip pads inside or under a structure					

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

must ensure that the
pads are designed,
installed and
operated in
accordance with all
applicable 264.572,
264.573 and
264.574 requirements

264.575

31 TAC §335.152(a)(14)

X

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

SUBPART J - TANK SYSTEMS

APPLICABILITY

add reference to
paragraph (c)
add new paragraph
subjecting tanks,
sumps and other
collection devices
used in conjunction
with Subpart W-
regulated drip pads
to Part 265, Subpart J
requirements

265.190

31 TAC §335.112(a)(9)

X

265.190(c)

31 TAC §335.112(a)(9)

X

SUBPART W - DRIP PADS

APPLICABILITY

Subpart W applies
to owners and
operators of facilities
that use new or
existing drip pads
to convey treated
wood drippage to an
associated collection
system; existing drip
pads defined
owner or operator
of certain drip pads
inside or under
a structure

265.440(a)

31 TAC §335.112(a)(20)

X

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
not subject to 265.443(e) or 265.443(f) regulations, as appropriate	265.440(b)	31 TAC §335.112(a)(20)		X	
<u>ASSESSMENT OF EXISTING DRIP PAD INTEGRITY</u>					
evaluation of existing drip pads; by June 6, 1991, written assessment obtained and kept on file; annual review, update and recertification required until 265.443 standards are met, except for 265.443(b) standards for liners and leak detection systems; documentation of drip pad age	265.441(a)	31 TAC §335.112(a)(20)		X	
development of written plan for up- grading, repairing and modifying drip pad to meet 265.443(b) requirements; submittal of plan to Regional Adminis- trator no later than 2 years before completion of modi- fications; written plan docu- mentation, review and certification require- ments; conditions for completion of upgrades, repairs and modifications	265.441(b)	31 TAC §335.112(a)(20)		X	
for existing drip pads of known and documentable age, upgrades, repairs and modifications completed within					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
two years of June 6, 1991; or when the drip pad has reached 15 years of age, whichever comes later	265.441(b)(1)	31 TAC §335.112(a)(20)		X	
for existing drip pads with no documentable age, upgrades, repairs and modifications must be completed within 8 years of June June 6, 1991; if facility is over 7 years old, completion by the time facility reaches 15 years or by two years after June 6, 1991, whichever comes later	265.441(b)(2)	31 TAC §335.112(a)(20)		X	
conditions under which owner or operator may petition Regional Adminis- trator for extension of deadline; petition granted if drip pad meets all 265.443 requirements, except those for liners and leak detection systems specified in 265.443(b)	265.441(b)(3)	31 TAC §335.112(a)(20)		X	
submittal of required drawings and certification to Regional Administrator or State Director upon completion of all repairs and modifications	265.441(c)	31 TAC §335.112(a)(20)		X	
if drip pad found to be leaking or unfit for use, comply with 265.443(m) provi-					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
sions or close drip pad in accordance with 265.445	265.441(d)	31 TAC §335.112(a)(20)		X	
<u>DESIGN AND INSTALLATION OF NEW DRIP PADS</u>					
owners and operators of new drip pads must ensure that the pads are designed, installed and operated in accordance with all applicable 265.443, 265.444 and 265.445 requirements	265.442	31 TAC §335.112(a)(20)		X	
<u>DESIGN AND OPERATING REQUIREMENTS</u>					
drip pads must: be constructed of non-earthen materials, excluding wood and non- structurally supported asphalt	265.443(a)	31 TAC §335.112(a)(20)		X	
be sloped to free- drain wastes to the associated collection system	265.443(a)(1)	31 TAC §335.112(a)(20)		X	
have a curb or berm around the perimeter	265.443(a)(2)	31 TAC §335.112(a)(20)		X	
be impermeable	265.443(a)(3)	31 TAC §335.112(a)(20)		X	
as specified	265.443(a)(4)	31 TAC §335.112(a)(20)		X	
be of sufficient structural strength and thickness to meet specified condi- tions; note regarding structural integrity standards	265.443(a)(5)	31 TAC §335.112(a)(20)		X	
a new drip pad or an existing drip pad, after the 265.441(b) deadline, must have:	265.443(b)	31 TAC §335.112(a)(20)		X	
a synthetic liner that meets certain specifications	265.443(b)(1)	31 TAC §335.112(a)(20)		X	

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
specific requirements for liner construction					
materials	265.443(b)(1)(i)	31 TAC §335.112(a)(20)		X	
foundation or base requirements	265.443(b)(1)(ii)	31 TAC §335.112(a)(20)		X	
liner must cover all surrounding earth that could come into contact with the waste or leakage	265.443(b)(1)(iii)	31 TAC §335.112(a)(20)		X	
leakage detection system immediately above the liner; detection system must be:	265.443(b)(2)	31 TAC §335.112(a)(20)		X	
constructed of materials that are:	265.443(b)(2)(i)	31 TAC §335.112(a)(20)		X	
chemically resistant to relevant waste and leakage	265.443(b)(2)(i)(A)	31 TAC §335.112(a)(20)		X	
of sufficient strength and thickness to prevent collapse	265.443(b)(2)(i)(B)	31 TAC §335.112(a)(20)		X	
designed to detect the failure of the drip pad or the presence of hazardous waste release or accumulated liquid at the earliest practicable time	265.443(b)(2)(ii)	31 TAC §335.112(a)(20)		X	
maintenance of drip pads; note regarding remedial action	265.443(c)	31 TAC §335.112(a)(20)		X	
convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off	265.443(d)	31 TAC §335.112(a)(20)		X	
run-on control system requirements, unless drip pad is protected by a structure, as described in 265.440(b)	265.443(e)	31 TAC §335.112(a)(20)		X	

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
run-off management system requirements, unless drip pad is protected by a structure, as described in 265.440(b)	265.443(f)	31 TAC §335.112(a)(20)		X	
evaluation of drip pad for compliance with 265.443(a) - (f) requirements; design certification required	265.443(g)	31 TAC §335.112(a)(20)		X	
removal of drippage and accumulated precipitation from associated collection system as necessary to prevent overflow onto the drip pad	265.443(h)	31 TAC §335.112(a)(20)		X	
thorough cleaning of drip pad surface at least once every seven days to meet specified conditions; documentation of date, time and cleaning procedure in facility's operating log	265.443(i)	31 TAC §335.112(a)(20)		X	
minimize tracking of hazardous waste or constituents off the drip pad	265.443(j)	31 TAC §335.112(a)(20)		X	
after removal from treatment vessel, treated wood from pressure and non- pressure processes must be held on pad until drippage has ceased; documen- tation required	265.443(k)	31 TAC §335.112(a)(20)		X	
collection and holding units for run-on and run-off control systems					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
emptied or otherwise managed as soon as possible after storms to maintain design capacity	265.443(l)	31 TAC §335.112(a)(20)		X	
throughout the active life of the drip pad and as specified in the permit, repair of detected condition that could lead to or has caused a release of hazardous waste within a reasonable period of time, in accordance with the following procedures:	265.443(m)	31 TAC §335.112(a)(20)		X	
upon detection of a condition that has led or could lead to a release of hazardous waste, the owner must:	265.443(m)(1)	31 TAC §335.112(a)(20)		X	
entry of discovery in the facility operating log	265.443(m)(1)(i)	31 TAC §335.112(a)(20)		X	
immediate removal from service of affected portion of drip pad	265.443(m)(1)(ii)	31 TAC §335.112(a)(20)		X	
determination of steps to repair drip pad, remove any leakage, and establish schedule for clean up and repairs	265.443(m)(1)(iii)	31 TAC §335.112(a)(20)		X	
notify Regional Administrator within 24 hours after discovery; provide written notice as specified within 10 working days	265.443(m)(1)(iv)	31 TAC §335.112(a)(20)		X	
review, determination and notification by Regional Administrator	265.443(m)(2)	31 TAC §335.112(a)(20)		X	

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
2 written notification to Regional Adminis- trator and certification of compliance with 265.443(m)(1)(iv) after repairs and clean up	265.443(m)(3)	31 TAC §335.112(a)(20)		X	
documentation in operating log, as specified, of past operating and waste handling practices	265.443(n)	31 TAC §335.112(a)(20)		X	
<u>INSPECTIONS</u>					
inspection of liners and cover systems for uniformity, damage and imperfections, during construction or installation; inspection and certification of liners to meet 265.443 requirements; maintenance of certification as part of the facility operating record; inspection of liners and covers after installation	265.444(a)	31 TAC §335.112(a)(20)		X	
drip pad must be inspected weekly and after storms to detect evidence of any of the following:	265.444(b)	31 TAC §335.112(a)(20)		X	
deterioration, malfunctions or improper operation of run-on and run-off control systems	265.444(b)(1)	31 TAC §335.112(a)(20)		X	
presence of leakage in and proper functioning of leak detection system	265.444(b)(2)	31 TAC §335.112(a)(20)		X	
deterioration or					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
cracking of drip pad surface; note regar- ding remedial action	265.444(b)(3)	31 TAC §335.112(a)(20)		X	
CLOSURE					
at closure, removal and decontamination requirements; manage- ment as hazardous waste	265.445(a)	31 TAC §335.112(a)(20)		X	
closure and post- closure care of drip pad as a landfill under 265.310, if some contaminated subsoils cannot be removed or decontaminated; for permitted units, permit require- ment continues throughout post- closure period	265.445(b)	31 TAC §335.112(a)(20)		X	
owner or operator of an existing drip pad not in compliance with the 265.443(b)(1) liner requirements must:	265.445(c)(1)	31 TAC §335.112(a)(20)		X	
include in the closure plan for the drip pad under 265.112, a plan for 265.445(a) com- pliance and a contin- gent plan for 265.445(b) compliance	265.445(c)(1)(i)	31 TAC §335.112(a)(20)		X	
prepare contingent post-closure plan under 265.118 for complying with 265.445(b) in case not all contaminated subsoils can be practicably removed at closure	265.445(c)(1)(ii)	31 TAC §335.112(a)(20)		X	
cost estimates calculated under 265.112 and 265.144					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
for closure and post- closure care of drip pad subject to 265.445 must include cost of complying with contingent closure plan and contingent post-closure plan; cost of expected closure under 265.445(a) need not be included	265.445(c)(2)	31 TAC §335.112(a)(20)		X	

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

SUBPART B - PERMIT APPLICATION

3 SPECIAL PART B INFORMATION REQUIREMENTS FOR DRIP PADS

additional information to be provided by owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads, except as otherwise provided by 264.1	270.26	31 TAC §305.50(4)(A)	X		
list of hazardous wastes placed or to be placed on each drip pad	270.26(a)	31 TAC §305.50(4)(A)	X		
detailed plans and an engineering report describing how 264.90(b)(2) will be met, if an exemption is sought to Subpart F of Part 264	270.26(b)	31 TAC §305.50(4)(A)	X		
detailed plans and an engineering report describing the design, construction, opera- tion and maintenance					

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
of drip pad to meet 264.572 require- ments; submission must address 264.571 items	270.26(c)	31 TAC §305.50(4)(A)		X	
design characteristics of the drip pad	270.26(c)(1)	31 TAC §305.50(4)(A)		X	
liner system	270.26(c)(2)	31 TAC §305.50(4)(A)		X	
leakage detection system	270.26(c)(3)	31 TAC §305.50(4)(A)		X	
practices designed to maintain drip pads	270.26(c)(4)	31 TAC §305.50(4)(A)		X	
associated collection system	270.26(c)(5)	31 TAC §305.50(4)(A)		X	
control of run-on to the drip pad	270.26(c)(6)	31 TAC §305.50(4)(A)		X	
control of run-off from the drip pad	270.26(c)(7)	31 TAC §305.50(4)(A)		X	
removal intervals and demonstration of sufficiency to prevent overflow	270.26(c)(8)	31 TAC §305.50(4)(A)		X	
procedures for cleaning drip pad at least once every seven days; provisions for documentation of date, time and cleaning procedure	270.26(c)(9)	31 TAC §305.50(4)(A)		X	
operating practices and procedures to minimize tracking of hazardous waste or waste constituents off the drip pad	270.26(c)(10)	31 TAC §305.50(4)(A)		X	
procedures for ensuring that treated wood from pressure and non- pressure processes is held on the drip pad until drippage has ceased; recordkeeping practices	270.26(c)(11)	31 TAC §305.50(4)(A)		X	

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
provisions for ensuring that collection and holding units for run-on and run-off control systems are emptied or managed as soon as possible after storms to maintain design capacity	270.26(c)(12)	31 TAC §305.50(4)(A)		X	
if treatment is carried out on the drip pad, details of process equipment used, and the nature and quality of residuals	270.26(c)(13)	31 TAC §305.50(4)(A)		X	
description of drip pad inspections to meet 264.572 require- ments; include in 270.14(b)(5) inspection plan	270.26(c)(14)	31 TAC §305.50(4)(A)		X	
certification that drip pad design meets 264.571(a) - (f) requirements	270.26(c)(15)	31 TAC §305.50(4)(A)		X	
description of removal procedures at closure under 264.573(a); for waste not removed at closure, submittal of detailed plan and engineering report to describe compliance with 264.310(a) and (b); information should be included in closure plan and, where applicable, 270.14(b)(13) post-closure plan	270.26(c)(16)	31 TAC §305.50(4)(A)		X	

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

- ¹ Note that paragraph 264.572(m)(3) in the Federal Register (55 FR 50486, December 6, 1990), has an incorrect reference. The reference to "paragraph (m)(3) of this section" should be to "paragraph (m)(1)(iv) of this section." This error is addressed by the July 1, 1991 technical corrections to the rule (56 FR 30192).
- ² Note that paragraph 265.443(m)(3) in the Federal Register (55 FR 50488, December 6, 1990), has an incorrect reference. The reference to "paragraph (m)(3) of this section" should be to "paragraph (m)(1)(iv) of this section." This error is addressed by the July 1, 1991 technical corrections to the rule (56 FR 30192).
- ³ Note that the Boilers and Industrial Furnaces Rule (56 FR 7134; February 21, 1991; Revision Checklist 85) inadvertently removed these requirements from the code. The July 1, 1991 (56 FR 30192; Revision Checklist 92) Wood Preserving technical corrections notice rectified this problem by redesignating this section as 270.26.

5/4/92

DRAFT

RCRA REVISION CHECKLIST 83

Land Disposal Restrictions for Third Third
Scheduled Wastes; Technical Amendments

56 FR 3864-3928

January 31, 1991

RCRA Cluster I

Note: On June 1, 1990, EPA published regulations promulgating prohibitions on land disposal of the Third Third scheduled hazardous wastes (see Revision Checklist 78; 55 FR 22520). The final rule addressed by this present checklist corrects errors and clarifies the language in the preamble and regulations of the June 1, 1990 final rule. States adopting the Revision Checklist 78 provisions are strongly encouraged to adopt these technical amendments simultaneously, particularly due to the many revisions to 268.41, 268.42, 268.43 and the Part 268 appendices.

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 WASTE

SUBPART A - GENERAL

DEFINITION OF HAZARDOUS WASTE

add parenthetical
phrase regarding
characteristic wastes,
no longer exhibiting
a characteristic, that
still may be subject
to 268 requirements

261.3(d)(1)

31 TAC §335.1

X

SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

GENERAL

insert "used"
after "This
number must be"

261.20(b)

31 TAC §335.1

X

SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

2 revise description
of F039

261.31(a)

31 TAC §335.1

X

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A - GENERAL

HAZARDOUS WASTE DETERMINATION

replace "subpart D of
this part" with
"subpart D of 40 CFR
Part 261"

262.11(c)

31 TAC §335.504(2)

X

SUBPART C - PRE-TRANSPORT REQUIREMENTS

ACCUMULATION TIME

replace "and" between
"section" and "the
requirements" with "and";
add "the requirements"

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RCRA REVISION CHECKLIST 83: Land Disposal Restrictions for Third Third
Scheduled Wastes; Technical Amendments (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
of 40 CFR 268.7(a)(4)"	262.34(d)(4)	31 TAC §335.69(f)(4)	X		

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

replace "paragraph (g)(6)" with "paragraph (f)"	268.2(d)	31 TAC §335.431(c)	X
insert "wastewaters are" after "F005" at beginning of paragraph	268.2(f)(1)	31 TAC §335.431(c)	X
remove "(as generated) that" after "wastewaters"; add ", as generated." at end of paragraph	268.2(f)(2)	31 TAC §335.431(c)	X
replace "Inorganic Solid Debris are" with "Inorganic Solid Debris means"; insert "contaminated with D004-D011 hazardous wastes" after "solids"; insert "; and" after "sieve"; remove the comma and insert "; and, are" after stabilization	268.2(g)	31 TAC §335.431(c)	X
3 replace periods at the end of each sub- paragraph with semicolons	268.2(g)(1)-(7)	31 TAC §335.431(c)	X

WASTE ANALYSIS AND RECORDKEEPING

replace "or section 268.43 of the part" with "of this part, if a generator's waste is listed in 40 CFR Part 261, Subpart D"; delete "developed"; replace "Appendix I of this part" with "Part 261, Appendix II"; add sentence regarding 268 Appendix IX test- ing or knowledge of waste to determine if waste exhibiting one or more characteristics is restricted from land disposal	268.7(a)	31 TAC §335.431(c)	X
replace "may" with "must either be			

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RCRA REVISION CHECKLIST 83: Land Disposal Restrictions for Third Third
Scheduled Wastes; Technical Amendments (cont'd)

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
included, or"; revise the information that must be included on the notification to include the applicable wastewater or non- wastewater category and waste code sub- division; change "treatment standards appear" to "applicable treatment standard appears"	268.7(a)(1)(ii)	31 TAC §335.431(c)	X		
replace "may" with "must either be included, or"; revise the information that must be included on the notification to include the applicable wastewater or non- wastewater category and waste code sub- division; change "treatment standards appear" to "applicable treatment standard appears"	268.7(a)(2)(i)(B)	31 TAC §335.431(c)	X		
replace "may" with "must either be included, or"; revise the information that must be included on the notification to include the applicable wastewater or non- wastewater category and waste code sub- division; change "treatment standards appear" to "applicable treatment standard appears"	268.7(a)(3)(ii)	31 TAC §335.431(c)	X		
redesignate 268.7(a)(6) as (a)(7); add new paragraph (a)(6) re- garding conditions under which a generator, managing a restricted waste ex- cluded from the definition of hazardous or solid waste, must place a one-time notice containing specified information in the facility's file redesignate old 268.7(a)(6) as	268.7(a)(6)	31 TAC §335.431(c)	X		

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RCRA REVISION CHECKLIST 83: Land Disposal Restrictions for Third Third
Scheduled Wastes; Technical Amendments (cont'd)

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
268.7(a)(7); add a sentence stating that the paragraph applies even when characteristic is removed prior to disposal or waste is excluded or exempted	268.7(a)(7)	31 TAC §335.431(c)	X		
redesignate old 268.7(a)(7) as 268.8(a)(8)	268.7(a)(8)	31 TAC §335.431(c)	X		
redesignate old 268.7(a)(8) as 268.7(a)(9)	268.7(a)(9)	31 TAC §335.431(c)	X		
redesignate old 268.7(a)(9) as 268.7(a)(10)	268.7(a)(10)	31 TAC §335.431(c)	X		
replace "may" with "must either be included, or"; revise the information that must be included on the notification to include the applicable wastewater or non-wastewater category and waste code subdivision; change "treatment standards appear" to "applicable treatment standard appears"	268.7(b)(4)(ii)	31 TAC §335.431(c)	X		
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC					
replace "each waste code" with "each EPA Hazardous Waste Number (waste code)"; replace "carry a waste code designation" with "carry the waste code"; replace ", and also" with ". In addition, the waste will carry"; replace "waste code designations" with "of the waste codes"; replace "the relevant characteristic." with "a characteristic,"; add exception clause regarding the case when the treatment standard for the waste code in 261, Subpart D is used in lieu of that for 261, Subpart C	268.9(a)	31 TAC §335.431(c)	X		
delete from the notifi-					

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RCRA REVISION CHECKLIST 83: Land Disposal Restrictions for Third Third
Scheduled Wastes; Technical Amendments (cont'd)

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
cation requirements the "treatability group(s)" and add requirements for the applicable wastewater or non-wastewater category and waste code sub-divisions	268.9(d)(1)(ii)	31 TAC §335.431(c)	X		
SUBPART C - PROHIBITIONS ON LAND DISPOSAL					
WASTE SPECIFIC PROHIBITIONS - FIRST THIRD WASTES					
remove Hazardous Waste Nos. K048, K049, K050, K051, K052, and K061 (containing 15% zinc or greater); retain only K071 and revise grammar of paragraph to reflect a single waste	268.33(b)	31 TAC §335.431(c)	X		
WASTE SPECIFIC PROHIBITIONS - THIRD THIRD WASTES					
add in alphanumeric order: "F002 (1,1,2-trichloroethane), F005 (benzene), F005 (2-ethoxy ethanol), F005 (2-nitro- propane)"; "F025"; "K015 (nonwaste- waters)"; ", reactive nonwastewaters" after "K046 (wastewaters"; "and (high zinc sub- category > 15% zinc)" after "K061 (waste- waters)"; ", calcium sulfate nonwaste- waters" after "K069 (wastewaters"; and "P026"; delete: "(wastewaters)" after "K083"; "(waste- waters)" after "P018"; "P109"; and "(waste- waters)" after "U120"	268.35(a)	31 TAC §335.431(c)	X		
delete "(nonwaste- waters)" after "P087"; delete "and" after "U151 (nonwastewaters)"; change "inorganic solids debris" to "inorganic solid debris"; change "268.2(a)(7)" to "268.2(g)"	268.35(c)	31 TAC §335.431(c)	X		

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RCRA REVISION CHECKLIST 83: Land Disposal Restrictions for Third Third
Scheduled Wastes; Technical Amendments (cont'd)

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
add "268.10, 268.11, and" before "268.12"; add language pertain- ing to soil or debris contaminated with mixed radioactive/ hazardous wastes	268.35(d)	31 TAC §335.431(c)	X		
delete "or" before "vitrification"; insert "acid leaching followed by chemical precipitation, or thermal recovery of metals," after "vitrification"	268.35(e)	31 TAC §335.431(c)	X		

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

"Appendix I of this part" is replaced by "Appendix II of Part 261" in the first sentence; "These wastes" replaces the repetition of the waste code numbers; "Appendix I of this part or the test method in appendix II of part 261" is replaced by "40 CFR Part 261, Appendix II, or the test method in Appendix IX of this part" in the second sentence; "value shown in Table CCW" is replaced with "con- centrations shown in Table CCWE"	268.40(a)	31 TAC §335.431(c)	X		
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TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

1 Table CCWE is re- vised to read as shown at 56 FR 3880-3884, January 31, 1991; also see explanation of revisions at 56 FR 3868-3869	268.41(a)/ Table CCWE	31 TAC §335.431(c)	X		
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TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

add "," after "264,
subpart O";
change "part 268,
subpart C" to
"part 268,
subpart D,";

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RCRA REVISION CHECKLIST 83: Land Disposal Restrictions for Third Third
Scheduled Wastes; Technical Amendments (cont'd)

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
insert "a" before "specific HOC." add new paragraph (a)(3); mixture of wastewater (discharge of which is subject to Clean Water Act) and de minimis losses of materials that meet the criteria of D001 ignitable liquids with greater than 10% TOC is subject to Table 1 DEACT treatment standard; de minimis defined	268.42(a)(2)	31 TAC §335.431(c)	X		
1 revise Table 1 as shown at 56 FR 3884-3885; also see explanation of changes at 56 FR 3869	268.42(a)(3)	31 TAC §335.431(c)	X		
1 revise Table 2 as shown at 56 FR 3885-3891; also see explanation of changes at 56 FR 3869	268.42(a)/Table 1	31 TAC §335.431(c)	X		
1 revise Table 3 as shown at 56 FR 3891-3892; also see explanation of changes at 56 FR 3869	268.42(a)/Table 2	31 TAC §335.431(c)	X		
1 revise Table 3 as shown at 56 FR 3891-3892; also see explanation of changes at 56 FR 3869	268.42(a)/Table 3	31 TAC §335.431(c)	X		
TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS					
1 revise Table CCW as shown at 56 FR 3892-3911; also see explanation of changes at 56 FR 3869-3870	268.43(a)/Table CCW	31 TAC §335.431(c)	X		
insert "by a footnote in Table CCW" before "in this section"	268.43(c)	31 TAC §335.431(c)	X		
insert "standards" after "treatment"; insert comma after "Part 264, subpart O"; delete "40 CFR" before "part 265"	268.43(c)(1)	31 TAC §335.431(c)	X		
revise paragraph to refer to the treatment or disposal facility	268.43(c)(2)	31 TAC §335.431(c)	X		
revise last sentence so that "detection limits" for the "regulated" organic constituents are achieved	268.43(c)(3)	31 TAC §335.431(c)	X		

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RCRA REVISION CHECKLIST 83: Land Disposal Restrictions for Third Third
Scheduled Wastes; Technical Amendments (cont'd)

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
APPENDIX IV TO PART 268					
ORGANOMETALLIC LAB PACKS					
1 revise Appendix IV as shown at 56 FR 3912; also see explanation of changes at 56 FR 3870	Appendix IV	31 TAC §335.431(c)	X		
APPENDIX V TO PART 268					
ORGANIC LAB PACKS					
1 revise Appendix V as shown at 56 FR 3912; also see explanation of changes at 56 FR 3870	Appendix V	31 TAC §335.431(c)	X		
APPENDIX VII TO PART 268					
TABLE 1. - EFFECTIVE DATES OF SURFACE DISPOSED WASTES (NON-SOIL AND DEBRIS) REGULATED IN THE LDRs - COMPREHENSIVE					
1 revise Appendix VII to reflect two tables rather than one table; Table 1 is shown at 56 FR 3912-3919; also see explanation of changes at 56 FR 3870	Appendix VII/Table 1	31 TAC §335.431(c)	X		
TABLE 2. - SUMMARY OF EFFECTIVE DATES OF LAND DISPOSAL RESTRICTIONS FOR CONTAMINATED SOIL AND DEBRIS (CSD)					
1 revise Appendix VII to reflect two tables rather than one table; Table 2 is shown at 56 FR 3919-3920; also see explanation of changes at 56 FR 3870	Appendix VII/Table 2	31 TAC §335.431(c)	X		
APPENDIX VIII TO PART 268					
NATIONAL CAPACITY LDR VARIANCES FOR UIC WASTES					
1 revise Appendix VIII as shown at 56 FR 3920; also see explanation of changes at 56 FR 3870	Appendix VIII	31 TAC §335.431(c)	X		
APPENDIX IX TO PART 268					

EXTRACTION PROCEDURE (EP) TOXICITY TEST METHOD AND STRUCTURAL INTEGRITY

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RCRA REVISION CHECKLIST 83: Land Disposal Restrictions for Third Third
Scheduled Wastes; Technical Amendments (cont'd)

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

TEST (SW-846, METHOD 1310A)

1	add new appendix which describes an interim method to determine whether a waste exhibits the characteristic of EP Toxicity as shown at 56 FR 3920-3927; also see discussion at 56 FR 3870-3871	Appendix IX	31 TAC §335.431(c)	X	
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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 a footnote symbol to the Class 1 designation at B.1.b.	270.42/Appendix I	31 TAC §305.69(h)	X	
1	Note that the volume number on this <u>Federal Register</u> notice is incorrect. It should be 56 rather than 55; 55 was the volume corresponding to 1990.				
2	The <u>Federal Register</u> (56 FR 3877) contains a typographical error in the revised description of F039. The reference to "F023" in the parenthetical phrase was inadvertently left out. States should not remove "F023" when revising their F039 description.				
3	The <u>Federal Register</u> (56 FR 3877) incorrectly changes the period at the end of 268.2(g)(8) to a semicolon. States are advised to retain the period because 268.2(g)(8) is the last subparagraph in a series of eight pertaining to various inorganic or metal materials.				

Incorporation by Reference Form 1

RCRA Revision Checklist 83

Cluster RCRA I

FEDERAL RCRA CITATION	STATE CITATION INCORPORATING BY REFERENCE	STATE ANALOG IS:		
		EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
261.3(d)(1)	31 TAC §335.1	X		
261.20(b)	31 TAC §335.1	X		
261.31(a)	31 TAC §335.1	X		
268.2(d)	31 TAC §335.431(c)	X		
268.2(f)(1)	31 TAC §335.431(c)	X		
268.2(f)(2)	31 TAC §335.431(c)	X		
268.2(g)	31 TAC §335.431(c)	X		
268.2(g)(1)-(7)	31 TAC §335.431(c)	X		
268.7(a)	31 TAC §335.431(c)	X		
268.7(a)(1)(ii)	31 TAC §335.431(c)	X		
268.7(a)(2)(i)(B)	31 TAC §335.431(c)	X		
268.7(a)(3)(ii)	31 TAC §335.431(c)	X		
268.7(a)(6)-(10)	31 TAC §335.431(c)	X		
268.7(b)(4)(ii)	31 TAC §335.431(c)	X		
268.9(a)	31 TAC §335.431(c)	X		
268.9(d)(1)(ii)	31 TAC §335.431(c)	X		
268.33(b)	31 TAC §335.431(c)	X		
268.35(a)	31 TAC §335.431(c)	X		
268.35(c)-(e)	31 TAC §335.431(c)	X		
268.40(a)	31 TAC §335.431(c)	X		
268.41(a)/Table CCWE	31 TAC §335.431(c)	X		

FEDERAL RCRA CITATION	STATE CITATION INCORPORATING BY REFERENCE	STATE ANALOG IS:		
		EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
268.42(a)(2)	31 TAC §335.431(c)	X		
268.42(a)(3)	31 TAC §335.431(c)	X		
268.42(a)/Table 1	31 TAC §335.431(c)	X		
268.42(a)Table 2	31 TAC §335.431(c)	X		
268.42(a)/Table 3	31 TAC §335.431(c)	X		
268.43(a)/Table CCW	31 TAC §335.431(c)	X		
268.43(c)	31 TAC §335.431(c)	X		
268.43(c)(1)-(c)(3)	31 TAC §335.431(c)	X		
Part 268 Appendix IV	31 TAC §335.431(c)	X		
Part 268 Appendix V	31 TAC §335.431(c)	X		
Part 268 App. VII/Table 1	31 TAC §335.431(c)	X		
Part 268 App. VII/Table 2	31 TAC §335.431(c)	X		
Part 268 Appendix VIII	31 TAC §335.431(c)	X		
Part 268 Appendix IX	31 TAC §335.431(c)	X		

Comments: