

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 102

Second Correction to the Third Third
Land Disposal Restrictions

57 FR 8086-8089

March 6, 1992

(RCRA Cluster II, HSWA provisions)

Note: 1) The rule addressed by this checklist corrects errors and clarifies the language in the preamble and regulations of the June 1, 1990 (55 FR 22520; Revision Checklist 78) Third Third Land Disposal Restrictions rule. This rule was also modified by a January 31, 1991 (56 FR 3864; Revision Checklist 83) final rule. States that have already adopted Revision Checklists 78 and 83 are strongly encouraged to apply for the changes addressed by this checklist as soon as possible. Those that have not yet adopted the Third Third Land Disposal Restrictions are strongly encouraged to apply for the provisions in Revision Checklists 78, 83 and 102 at the same time.

2) This checklist may be subject to change in the future. EPA's State and Regional Programs Branch is currently discussing the relationship of hazardous waste injection issues to the State authorization program. In question are the changes made to 40 CFR Part 148 by the final rule addressed by this checklist and whether they should be included in the checklist. This present checklist does not include these changes.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES								
SUBPART B - GENERAL FACILITY STANDARDS								
GENERAL WASTE ANALYSIS								
add sentence regarding what information, at a minimum, the waste analysis must contain	264.13(a)(1)	335.152(a)(1)	X					

**RCRA REVISION CHECKLIST 102: Second Correction to the Third Third
Land Disposal Restrictions (cont'd)**

SPA 13

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

add sentence regarding what information, at a minimum, the waste analysis must contain	265.13(a)(1)	335.112(a)(1)	X			
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT

after reference to 268.42, add the following clause: ", or unless the waste is a D003 reactive cyanide wastewater or nonwastewater"	268.3(b)	335.431(c)(1)	X			
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**RCRA REVISION CHECKLIST 102: Second Correction to the Third Third
Land Disposal Restrictions (cont'd)**

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

SUBPART D - TREATMENT STANDARDS

TREATMENT STANDARDS EXPRESSED AS CONCENTRATION IN WASTE EXTRACT

1 change "K031" to "D031" and remove "P038"; remove ". Table CCWE identifies the restricted wastes D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038, and U136, also change "method" to "methods" before "in Appendix I"; remove "Appendix I of this part or" before "Appendix II of 40 <u>CFR</u> part 261"; add to the last sentence: ", unless otherwise noted in the following Table CCW"	268.41(a)	335.431(c)(1)	X			
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TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

revise the entry for "Reactive Sulfides based on 261.23(a)(5)" under D003	268.42/Table 2	335.431(c)(1)	X			
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¹ Note that there is a typographical error in the Federal Register addressed by this checklist. The change from K031 to D031 appears to be incorrect; "D031" should be "K031." There will be a technical correction in the future.

RCRA REVISION CHECKLIST 103

Hazardous Debris Case-by-Case Capacity Variance

57 FR 20766-20770

May 15, 1992

(RCRA Cluster II, HSWA provisions)

Note: This rule provides an extension of the Land Disposal Restrictions effective date until May 8, 1993 for hazardous waste debris. The extension adopted by the rule includes more types of debris than granted a national capacity extension in the Third Third Land Disposal Restriction rule promulgated on June 1, 1990 (55 FR 22520, Revision Checklist 78). In that rule only inorganic solid debris and other debris contaminated with a waste whose treatment standard was based on incineration, mercury retorting or vitrification received a variance. Debris not covered by this variance includes debris contaminated with listed solvent or dioxin waste covered by the RCRA §3004(e) prohibition and debris contaminated with non-liquid "California List Wastes" pursuant to RCRA §3004(d) because the limit for granting national and case-by-case capacity extensions for these wastes has expired.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS-THIRD THIRD WASTES

effective May 8, 1993, prohibition from land disposal of debris contaminated with 268.10, 268.11 and 268.12 wastes and debris contaminated with any characteristic waste having Subpart D, Part 268 treatment standards	268.35(e)	335.431(c)(1)	X			
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RCRA REVISION CHECKLIST 104

Used Oil Filter Exclusion

57 FR 21524-21534

May 20, 1992

(RCRA Cluster II, HSWA provisions)

Note: The final rule addressed by this Revision Checklist preserves the status quo for used oil destined for disposal and exempts, from the definition of hazardous waste, certain types of used oil filters. The Agency is not taking final action, at this time, on a listing determination and/or management standards for used oils that are recycled as proposed in 1985 and 1991. It will, in the near future, make a final decision on such a listing under the authority of RCRA section 3014. The Agency may also propose standards controlling the burning of used oil in boilers and furnaces at a later date.

The standards addressed by this checklist narrow the scope of the Toxicity Characteristic (TC) rule promulgated pursuant to HSWA authority, as well as the characteristics of EP toxicity regulations promulgated under non-HSWA authority; thus, authorized States are not required to adopt them.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQU IV- ALE NT	MO RE STRI N- GEN T	LESS STRI N- GENT	BROA DER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

† EXCLUSIONS

non-terne plated used oil filters not mixed with waste listed in Part 261, subpart C if oil filters have been gravity hot-drained using one of the following methods:	261.4(b)(15)	335.1	X			
puncturing the filter anti-drain back valve of the filter dome end and hot-draining	261.4(b)(15)(i)	335.1	X			

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RCRA REVISION CHECKLIST 104: Used Oil Filter Exclusion (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQU IV- ALE NT	MO RE STRI N- GEN T	LESS STRI N- GENT	BROA DER IN SCOPE
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
hot-draining and crushing	261.4(b)(15)(ii)	335.1	X			
dismantling and hot-draining	261.4(b)(15)(iii)	335.1	X			
any other equivalent hot-draining method which will remove used oil	261.4(b)(15)(iv)	335.1	X			

RCRA REVISION CHECKLIST 105

Recycled Coke By-Product Exclusion

57 FR 27880-27888

June 22, 1992

(RCRA Cluster II, HSWA provisions)

Note: This Revision Checklist excludes from the definition of solid waste certain coke by-product plant residues that exhibit the Toxicity Characteristic (TC). The final rule reduces the scope of the Federal program; therefore, authorized States are not required to modify their programs to adopt this checklist. Although States are not required to adopt this checklist, EPA strongly encourages States to do so as quickly as possible in order to minimize disruption to legitimate recycling practices currently taking place in the coking industry.

Special Note: While this checklist is considered an optional checklist, States that adopt the Coke Oven Administrative Stay introduced by Revision Checklist 98 (56 FR 43874) should either remove their analog to the note that follows 266.100(a) or state in their regulations that this stay ends on June 22, 1992.

RCRA REVISION CHECKLIST 105: Recycled Coke By-Product Exclusion (cont'd)

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

replace existing paragraph with new paragraph excluding from definition of solid waste K087 and other wastes from coke by-products that are hazardous only because they exhibit the Toxicity Characteristic when recycled as specified; exclusion is conditioned on there being no land disposal of the wastes from point of generation to recycling point	261.4(a)(10)	335.1	x			
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PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES

SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

APPLICABILITY

remove note addressing the Administrative Stay for coke ovens processing coke by-product wastes exhibiting the toxicity characteristic identified in 266.100(a)	266.100(a),note	335.221(a)(1)	x			
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RCRA REVISION CHECKLIST 105: Recycled Coke By-Product Exclusion (cont'd)

- ¹ This change is conditionally optional. States that adopted the Coke Oven Administrative Stay introduced by Revision Checklist 98 (September 5, 1991; 56 FR 43874) should make this change to assure that their code remains at least as stringent as the Federal code.

RCRA REVISION CHECKLIST 106

Lead-bearing Hazardous Materials
Case-by-Case Capacity Variance

57 FR 28628-28632

June 26, 1992

(RCRA Cluster II, HSWA provisions)

Note: This Revision Checklist is the third checklist affecting the prohibitions on land disposal of lead-bearing hazardous wastes. The two previous checklists include Revision Checklists 78 and 83. The final rule addressed by this checklist provides a one-year extension (until May 8, 1993) to the LDR effective date for owners and operators of secondary lead smelters who are engaged in the reclamation of lead-bearing hazardous materials. States adopting Revision Checklists 78 and 83 are encouraged to adopt the provisions of this checklist simultaneously. States which have already adopted the Revision Checklists 78 and 83 provisions are encouraged to adopt Revision Checklist 106 as soon as possible.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART C - PROHIBITIONS ON LAND DISPOSAL						
WASTE SPECIFIC PROHIBITIONS - THIRD THIRD WASTES						
remove "D008 (lead materials stored before secondary smelting);" before "and D009"	268.35(c)	335.431(c)(1)	X			

**RCRA REVISION CHECKLIST 106: Lead-bearing Hazardous Materials
Case-by-case Capacity Variance (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
effective May 8, 1993, prohibition from land disposal of D008 lead materials stored before secondary smelting; submission of binding contractual commitment, documentation and detailed schedule for specified construction, and providing specified capacity, by March 1, 1993; D008 prohibited from land disposal by failure to submit documentation; placed in facility record by July 27, 1992, documentation demonstrating that such management capacity will be adequate and complies with all application Subtitle C requirements	268.35(k)	335.431(c)(1)	X			