

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 123

Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance
58 FR 28506-28511
May 14, 1993
(RCRA Cluster III, HSWA provisions)

Notes: 1) This is the fifth rule addressing hazardous debris and soil contaminants with Third Third wastes. Revision Checklist 78 (55 FR 22520; June 1, 1990) established a national capacity variance for certain hazardous waste soil and debris at 268.35. Revision Checklist 83 (56 FR 3864; January 31, 1991) amended 268.35(d) to also address mixed radioactive hazardous waste and amended 268.35(e) to address additional wastes. Revision Checklist 103 (57 FR 20766; May 15, 1992) established a case-by-case extension, until May 8, 1993, for contaminated debris only. Revision Checklist 116 (57 FR 47772; October 20, 1992) clarified that the case-by-case extension applied to mixed radioactive hazardous waste. This current rule extends, until May 8, 1994, the case-by-case extension for hazardous debris promulgated by the October 20, 1992 final rule. It also clarifies the extension by addressing mixed radioactive hazardous waste debris separately from other debris. The case-by-case extension for hazardous soil retains the May 8, 1993 deadline as specified in the October 20, 1992 rule, but is also clarified. States that have already adopted any of the previous rules addressing hazardous debris and soil should adopt this rule as soon as possible. States that have not adopted Third Third regulations should adopt this rule when adopting the other Third Third rules.

2) Although reprinted in the final rule addressed by this checklist, the 268.35(e) introduction did not change and was not included on this checklist.

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						

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
change "1993" to "1994"; delete "268.10, 268.11, and"; in two places, delete parenthetical phrase regarding mixed radioactive hazardous wastes; add "are" after "treatment standards"	268.35(e)(1)	30 TAC §335.431(c)(1)	X			
redesignate old 268.35(e)(2) text as 268.35(e)(4); add new paragraph; effective May 8, 1994, mixed radioactive hazardous debris contaminated with 268.12 wastes and mixed radioactive hazardous debris contaminated with any characteristic waste for which Subpart D treatment standards are established are prohibited from land disposal	268.35(e)(2)	30 TAC §335.431(c)(1)	X			

**RCRA REVISION CHECKLIST 123: Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris 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
add new paragraph; 268.35(e)(1)&(2) do not apply where generator has failed to make good-faith effort to locate suitable treatment capacity, has not utilized such capacity as it has found to be available, or has failed to file a report under 268.5(g), by August 12, 1993 or within 90 days after hazardous waste is generated, describing generator's efforts to locate treatment capacity; where 268.35(e)(1)&(2) do not apply, all wastes described in 268.35(e)(1)&(2) are prohibited from land disposal effective May 8, 1993	268.35(e)(3)	30 TAC §335.431(c)(1)	X			
old 268.35(e)(2) text redesignated as 268.35(e)(4); after "hazardous soil" insert "contaminated with wastes specified in this section"	268.35(e)(4)	30 TAC §335.431(c)(1)	X			
add new paragraph; when used in 268.35(e)(1)&(2), debris defined as:	268.35(e)(5)	30 TAC §335.431(c)(1)	X			

**RCRA REVISION CHECKLIST 123: Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris 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
as defined in 268.2(g)	268.35(e)(5)(i)	30 TAC §335.431(c)(1)	X			
nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve that require cutting, or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the inorganic or metal materials specified in 268.35(e)(5)(ii)(A)-(H)	268.35(e)(5)(ii)	30 TAC §335.431(c)(1)	X			
	268.35(e)(5)(ii)(A)	30 TAC §335.431(c)(1)	X			
	268.35(e)(5)(ii)(B)	30 TAC §335.431(c)(1)	X			
	268.35(e)(5)(ii)(C)	30 TAC §335.431(c)(1)	X			
	268.35(e)(5)(ii)(D)	30 TAC §335.431(c)(1)	X			
	268.35(e)(5)(ii)(E)	30 TAC §335.431(c)(1)	X			
	268.35(e)(5)(ii)(F)	30 TAC §335.431(c)(1)	X			
	268.35(e)(5)(ii)(G)	30 TAC §335.431(c)(1)	X			
	268.35(e)(5)(ii)(H)	30 TAC §335.431(c)(1)	X			

RCRA REVISION CHECKLIST 124

Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated

58 FR 29860-29887

May 24, 1993

(RCRA Cluster III, HSWA provisions)

Note: This Revision Checklist amends the treatment standards under the land disposal restrictions program for certain wastes displaying the characteristics of ignitability (EPA Hazard Code D001) and corrosivity (EPA Hazard Code D002). The treatment standards for these wastes were vacated by the September 25, 1992, decision of the U.S. Court of Appeals [Chemical Waste Management vs. EPA, 976 F.2d 2 (D.C. Cir. 1992)]. Without this replacement of these standards, land disposal of these wastes would be prohibited.

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 A - GENERAL						
PURPOSE, SCOPE AND APPLICABILITY						
change "." to ","; add phrase regarding compliance with 264.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove the characteristic before land disposal	264.1(g)(6)	30 TAC §335.41(d)(1)	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (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 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

change "." to ","; add phrase regarding compliance with 265.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove characteristic before land disposal	265.1(c)(10)	30 TAC §335.41(d)(1)	X			
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

1 PURPOSE, SCOPE AND APPLICABILITY

add new paragraph; <i>de minimis</i> losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable or corrosive, and that contain underlying hazardous constituents as defined in 268.2, are not considered to be prohibited wastes; <i>de minimis</i> defined	268.1(e)(4)	30 TAC §335.431(c)(1)	X			
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RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph; land disposal prohibitions do not apply to laboratory wastes displaying the characteristic of ignitability or corrosivity that are commingled with other plant wastewaters under designated circumstances: such wastes at facilities whose ultimate discharge is subject to regulation under the CWA, provided the annualized flow of laboratory wastewater into facility's headwork does not exceed 1%, or provided that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headwork	268.1(e)(5)	30 TAC §335.431(c)(1)	X			
DEFINITIONS APPLICABLE IN THIS PART						
add new paragraph; definition of "underlying hazardous constituent"	268.2(i)	30 TAC §335.431(c)(1)	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

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

WASTE ANALYSIS AND RECORDKEEPING

in two places, delete "of this part," after "268.32"; add "of this chapter" after "appendix II" and after "subpart C"; add sentence at end regarding what the generator must do if he determines that his waste displays characteristic of ignitability or corrosivity and is prohibited under 268.37	268.7(a)	30 TAC §335.431(c)(1)	X			
2 change "F039 and" to "F039,"; after "3004(d)" add ", and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under §268.37 of this part"	268.7(a)(1)(ii)	30 TAC §335.431(c)(1)	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
2 change "F039 and" to "F039,"; after "3004(d)" add ", and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under §268.37 of this part"	268.7(b)(4)(ii)	30 TAC §335.431(c)(1)	X			
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC						
add new sentence at end; if generator determines that his waste displays characteristic of ignitability (and is not in the High TOC Ignitable Liquid Subcategory or is not treated by INCIN, FSUBS or RORGS of § 268.42, Table 1) or corrosivity and is prohibited under 268.37, generator must determine what underlying hazardous characteristics are reasonably expected to be present in the waste	268.9(a)	30 TAC §335.431(c)(1)	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (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 C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS--IGNITABLE AND CORROSIVE CHARACTERISTIC WASTES WHOSE TREATMENT STANDARDS WERE VACATED

effective August 9, 1993, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems other than those whose discharge is regulated under the CWA or that inject in Class I deep wells regulated under the SDWA or are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal; CWA-equivalent treatment defined	268.37(a)	30 TAC §335.431(c)(1)	X			
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RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (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 February 10, 1994, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems defined in 40 CFR 144.6(e) and 146.6(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection are prohibited from land disposal	268.37(b)	30 TAC §335.431(c)(1)	X			

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (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

APPLICABILITY OF TREATMENT STANDARDS

add commas before and after "or hazardous debris for which a treatment technology is specified under § 268.45"; add sentence at end--for waste displaying characteristic of ignitability and reactivity that are diluted to meet deactivation treatment standard in 268.42(a) Tables 1 & 2, the treater must comply with precautionary measures specified in 264.17(b) and 265.17(b)	268.40(b)	30 TAC §335.431(c)(1)	X			
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TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

revise Table CCWE entry for F039; add "(and D001 and D002 wastes prohibited under § 268.37)" after "F039" in first column; in third column, add "Table 2 in 268.42, and" before "Table CCW"	268.41(a), Table CCWE	30 TAC §335.431(c)(1)	X			
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RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

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

TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

Revise Table 2 as shown at 58 <u>FR</u> 29886	268.42(a), Table 2	30 TAC §335.431(c)(1)	X			
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TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS

revise Table CCW entry for F039; add "(and D001 and D002 wastes prohibited under § 268.37)" after "F039" in first column; in third column, add "Table 2 in 268.42, and" before "Table CCWE"	268.43(a), Table CCW	30 TAC §335.431(c)(1)	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

remove second item designated as B(1)(b); redesignate item B(1)(c) as B(1)(d); add new B(1)(c) as shown at 58 <u>FR</u> 29887	270.42 Appendix I	30 TAC §305.69 (i), B	X			
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- ¹ There is a typographical error in title of this section as printed in the Federal Register; "scope/and" should be "scope and". States should retain the correct title as it appears in the CFR.
- ² There is a typographical error in the Federal Register; "reactive cyanides" should appear in italic type as it does in the CFR.

RCRA REVISION CHECKLIST 125

Boilers and Industrial Furnaces;
Changes for Consistency with New Air Regulations
58 FR 38816-38884
July 20, 1993
(RCRA Cluster IV, HSWA/non-HSWA provisions)

Notes: 1) The final rule addressed by this checklist was promulgated pursuant to the Clean Air Act, rather than the Resource Conservation and Recovery Act, and primarily amends regulations in 40 CFR Parts 51 and 52. However, this rule also makes conforming changes to 40 CFR Parts 260 and 266 to ensure that the guidelines for air quality modeling and screening for boilers and industrial furnaces burning hazardous waste are consistent with the guidelines in 40 CFR Part 51. Only the changes to 40 CFR Parts 260 and 266 are included in this checklist. These revisions are necessary. Therefore, this checklist has been developed to help States maintain consistency with the Federal regulations. Note that States do not have to adopt the changes to 40 CFR Parts 51 and 52 to make the Part 260 and 266 changes. Rather, States should reference Appendix W, Part 51 at 266.104(e)(3) and 266.106(h).

2) Note that EPA's Office of Solid Waste is treating the changes made by the Air rule to 40 CFR Parts 260 and 266 as HSWA provisions because they amend the BIF regulations promulgated under HSWA.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B - DEFINITIONS						
REFERENCES						
revise reference to "U.S. EPA, Screening Procedures for Estimating the Air Quality Impact of Stationary Sources" to refer to the October 1992 version	260.11(a)	335.31	x			

RCRA REVISION CHECKLIST 125: Boilers and Industrial Furnaces;
Changes for Consistency with New Air Regulations (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 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND
SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

STANDARDS TO CONTROL ORGANIC EMISSIONS

change wording to refer to Appendix W, Part 51, methods rather than Appendix X, Part 266, methods; change wording to reflect updated 260.11(a) reference; remove "on-site" after "average" in last sentence	266.104(e)(3)	335.221(a)(15)	x			
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STANDARDS TO CONTROL METALS EMISSIONS

change wording to refer to Appendix W, Part 51, methods rather than Appendix X, Part 266, methods; change wording to reflect updated 260.11(a) reference	266.106(h)	335.221(a)(17)	x			
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APPENDIX X TO PART 266

GUIDELINE ON AIR QUALITY MODELS (REVISED)

remove text; change title to "Appendix X--Removed"	266, Appendix X	335.221(a)	x			
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RCRA REVISION CHECKLIST 126

Testing and Monitoring Activities

58 FR 46040-46051

August 31, 1993

as amended September 19, 1994, at 59 FR 47980-47982

(RCRA Cluster IV, HSWA/Non-HSWA provisions)

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

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

REFERENCES

revise reference to "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods" to refer to third edition; add ASTM Method E926-88 to the end of the list of publications incorporated by reference; remove unnumbered paragraph and list of analytical testing methods; remove footnote 1 following the list of publications incorporated by reference	260.11(a)	335.31	X			
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RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

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

SUBPART C - RULEMAKING PETITIONS

PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY

add "of this chapter" after "part 261"; replace "appendix III" with reference to "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods"	260.22(d)(1)(i)	Not applicable - No "delisting" authority on the state level. State law incorporates federal hazardous waste definition by reference.	x			
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PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

CHARACTERISTIC OF CORROSIVITY

remove text after "using" and replace with reference to Method 9040 in "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods"	261.22(a)(1)	335.1	X			
after "Test Methods for", replace "the Evaluation of" with "Evaluating"; change "(incorporated by reference, see § 260.11)" to ", as incorporated by reference in 260.11 of this chapter."; remove the rest of the paragraph	261.22(a)(2)	335.1	x			

RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

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

TOXICITY CHARACTERISTIC

replace "test methods described in appendix II or equivalent methods approved by the Administrator under the procedures set forth in §§ 260.20 and 260.21" with reference to the TCLP in "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods" as incorporated by reference at 260.11; replace "Appendix II" with "Method 1311"

261.24(a)

335.1

x

APPENDIX II TO PART 261

METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)

replace TCLP with note referencing the TCLP in "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods"

Appendix II

335.29(2)

x

APPENDIX III TO PART 261

CHEMICAL ANALYSIS TEST METHODS

replace introductory paragraphs and tables 1, 2, and 3 with note referencing Chapter 2 of "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods"

Appendix III

335.29(3)

x

APPENDIX X TO PART 261

METHOD OF ANALYSIS FOR CHLORINATED DIBENZO-P-DIOXINS AND -DIBENZOFURANS

remove

Appendix X

335.29

x

RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

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 J - TANK SYSTEMS

APPLICABILITY

replace "EPA" with "the following test must be used:"; change "Wastes" to "Waste"; add comma after "Physical/ Chemical Methods"; remove parentheses from "(EPA Publication No. SW-846)"; remove "No."; replace "must be used" with ", as incorporated by reference in § 260.11 of this chapter"	264.190(a)	335.152(a)(8)	x			
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RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

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

SUBPART N - LANDFILLS

SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS

change "Wastes" to "Waste"; change the period after "Physical/Chemical Methods" to a comma; remove brackets from "[EPA Publication No. SW-846]"; remove "No."; add ", as incorporated by reference in § 260.11 of this chapter" at end of sentence	264.314(c)	335.175(c)	x			
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PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART J - TANK SYSTEMS

APPLICABILITY

replace first occurrence of "EPA" with "the following test must be used:"; change "Wastes" to "Waste"; add comma after "Physical/Chemical Methods"; remove parentheses from "(EPA Publication No. SW-846)"; remove "No."; replace "must be used" with ", as incorporated by reference in § 260.11 of this chapter"	265.190(a)	335.112(a)(9)	x			
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RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART N - LANDFILLS						
SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS						
change "Wastes" to Waste"; after "Physical/Chemical Methods", change the period to a comma; remove brackets from "[EPA Publication No. SW-846]"; remove "No."; add ", as incorporated by reference in § 260.11 of this chapter" at end of sentence	265.314(d)	335.125(d)	x			

RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

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 A - GENERAL

WASTE ANALYSIS AND RECORDKEEPING

- 1 add comma after first "§ 268.32"; replace "test method described in part 261, appendix II" with reference to the TCLP in "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods"; remove "of this chapter" after "subpart C"; replace "test method described in appendix IX of this part" with reference to the EP toxicity test in "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods"; change "his" to "this" before "waste displays"; remove "of this part" after "§ 268.2"

268.7(a)

335.431(c)(1)

x

RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

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

APPLICABILITY OF TREATMENT STANDARDS

replace "the test method in appendix II of part 261" with "Method 1311, the Toxicity Characteristic Leaching Procedure"; replace "the test method in 40 CFR part 261, appendix II, or the test method in appendix IX of this part" with reference to Methods 1310 and 1311; add sentence, at end of paragraph, regarding Methods 1310 and 1311 in "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods"	268.40(a)	335.431(c)(1)	x			
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TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

replace "the test method in appendix I of this part" with "Method 1311, the Toxicity Characteristic Leaching Procedure,"; add sentence regarding Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods" at end of paragraph	268.41(a)	335.431(c)(1)	x			
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RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

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

APPENDIX I TO PART 268

TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)

replace note regarding TCLP in Appendix II of part 261 with note regarding TCLP in "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods"	268 Appendix I	335.431(c)(3)	x			
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APPENDIX IX TO PART 268

EXTRACTION PROCEDURE (EP) TOXICITY TEST METHOD AND STRUCTURAL INTEGRITY TEST (METHOD 1310)

replace EP Toxicity Test method with note regarding EP in "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods"	268 Appendix IX	335.431(c)(3)	x			
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART A - GENERAL INFORMATION

REFERENCES

replace information on "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods" with reference to 260.11	270.6(a)	305.150	x			
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RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

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

SUBPART B - PERMIT APPLICATION

SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS

in the last sentence, change "methods for the evaluation of" to "Methods for Evaluating"; add a comma after "Physical/Chemical Methods"; replace "(incorporated by reference, see § 270.6 and referenced in 40 CFR part 261, appendix III)" with "EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter and § 270.6"	270.19(c)(1)(iii)	305.50(4)(A)	x			
change "the Evaluation of" to "Evaluating"; add a comma after "Physical/Chemical Methods"; replace "(incorporated by reference, see § 270.6)" with "EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter and § 270.6"	270.19(c)(1)(iv)	305.50(4)(A)	x			

RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART F - SPECIAL FORMS OF PERMITS						
HAZARDOUS WASTE INCINERATOR PERMITS						
in the last sentence, change "the Evaluation of" to "Evaluating"; add a comma after "Physical/Chemical Methods"; replace "(incorporated by reference, see § 270.6)" with "EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter and § 270.6"	270.62(b)(2)(i)(C)	305.172(2)(A)(iii)	x			
change "the Evaluation of" to "Evaluating"; replace "(incorporated by reference, see § 270.6)" with "EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter and § 270.6"	270.62(b)(2)(i)(D)	305.172(2)(A)(iv)	x			

RCRA REVISION CHECKLIST 126: Testing and Monitoring Activities (cont'd)

SPA 15

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE						
in the last sentence, insert "waste" before "analysis"; add opening quotation mark before "Test"; add comma and closing quotation mark after "Physical/ Chemical Methods"; replace "(incorporated by reference, see § 270.6)" with "EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter and § 270.6"	270.66(c)(2)(i)	305.572(2)	x			
add opening quotation mark before "Test Methods"; add comma and closing quotation mark after "Physical/ Chemical Methods"; replace "(incorporated by reference, see § 270.6)" with "EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter and § 270.6"	270.66(c)(2)(ii)	305.572(2)	x			

- ¹ The September 19, 1994 (59 FR 47980) rule indicates that it was not EPA's intention to remove the subparagraphs of 268.7(a) as the August 31, 1993 rule (58 FR 46040) implied. The provisions have remained in effect continuously in the form published in the CFR revised as of July 1, 1993.

RCRA REVISION CHECKLIST 127

Boilers and Industrial Furnaces;
Administrative Stay and Interim Standards for Bevill Residues
58 FR 59598-59603
November 9, 1993
(RCRA Cluster IV, HSWA provisions)

Notes: 1) Although this Revision Checklist is designated as optional, EPA strongly recommends that States adopt the less stringent requirements of this administrative stay because the nonmetal limits affected by the stay are extremely conservative and were based on unintended mistaken assumptions. This rule replaces the current nonmetal limits needed to qualify for the Bevill exemption, as specified in the February 21, 1991 rule (Revision Checklist 85), with the land disposal restriction (LDR) limits for underlying constituents in nonwastewaters pending further administrative action to establish appropriate health-based levels.

2) Note that the administrative stay is conditioned on compliance with the interim LDR exemption values. Noncompliance with those values would mean that the owner or operator of the Bevill device is no longer meeting the conditions of the administrative stay and, therefore, must comply with the comparison test in § 266.112(b)(1), in order to qualify for the exclusion in § 266.112. If the owner or operator meets neither the conditions of the stay nor the comparison test, then the residue would be subject to regulation as hazardous waste. Additionally, the stay does not affect the application of the procedural requirements in 266.112(b)(2) except as outlined in 58 FR 59600, column 3, sections V. A-D.

RCRA REVISION CHECKLIST 127: Boilers and Industrial Furnaces;
Administrative Stay and Interim Standards for Bevill Residues (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 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND
SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

REGULATION OF RESIDUES

2 at the end of the paragraph, before "; and", add new text addressing administrative stay for levels specified in appendix VII and default level of 0.002 micrograms/kg or level of detection as identified in Note 1; owner or operator must comply with alternative levels defined as land disposal restriction limits specified in § 268.43 for F039 nonwastewaters; compliance based on good-faith effort to detect constituents; demonstration of good-faith efforts; stay in effect until further administrative action is taken	266.112(b)(2)(i)	335.221(a)(23)	x			
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RCRA REVISION CHECKLIST 127: Boilers and Industrial Furnaces;
Administrative Stay and Interim Standards for Bevill Residues (cont'd)

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

APPENDIX VII TO PART 266

HEALTH-BASED LIMITS FOR EXCLUSION OF WASTE-DERIVED RESIDUES

†,1 redesignate "Note" as "Note 1" after tables; add new "Note 2" regarding administrative stay of specified and default levels for constituents specified in § 266.112(b)(1) provided owner or operator complies with alternative levels defined in 266.112(b)(2)(i)	266, Appendix VII, notes	335.221(a)	x			
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- ² Note the typographical error in the Federal Register: "FO39" should be "F039" (i.e., should be a zero not an upper case "O").

RCRA REVISION CHECKLIST 128

Wastes From the Use of Chlorophenolic Formulations
in Wood Surface Protection
59 FR 458-469
January 4, 1994
(RCRA Cluster IV, Non-HSWA provisions)

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

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

REFERENCES

revise the reference to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" by replacing "[Third Edition (September, 1986), as amended by Update I (July 1992)]" with "(Third Edition (November, 1986), as amended by Updates I, II and IIA)"; in the second sentence, replace "Update I" with "Updates I, II and IIA"; remove the last sentence regarding where copies may be inspected	260.11(a)	335.31	X			
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RCRA REVISION CHECKLIST 128: Wastes From the Use of Chlorophenolic
Formulations in Wood Surface Protection (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

APPENDIX VIII TO PART 261

HAZARDOUS CONSTITUENTS

add the specified hazardous constituents in alphabetical order as shown below:	Appendix VIII	335.29(5)	x			
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Common Name	Chemical Abstracts name	No.	Chemical abstracts No.	Hazardous waste
* * *	* * *	*	*	*
Potassium pentachlorophenate	Pentachlorophenol, potassium salt		7778736	None
* * *	* * *	*	*	*
Sodium pentachlorophenate	Pentachlorophenol, sodium salt		131522	None
* * *	* * *	*	*	*
2,3,4,6-tetrachlorophenol, potassium salt	same		53535276	None
2,3,4,6-tetrachlorophenol, sodium salt	same		25567559	None
* * *	* * *	*	*	*