

US EPA ARCHIVE DOCUMENT

**TEXAS ATTORNEY GENERAL'S STATEMENT FOR
FINAL AUTHORIZATION FOR RCRA CLUSTERS VII - X**

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**ATTORNEY GENERAL'S STATEMENT FOR
FINAL AUTHORIZATION FOR RCRA CLUSTER VII-X**

A. GENERAL INFORMATION

1. Certification

I hereby certify, pursuant to my authority as the Attorney General of the State of Texas and in accordance with Section 3006(b) of the federal Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. §§ 6901 *et seq.*, and 40 C.F.R. part 271, that in my opinion the laws of the State of Texas provide adequate authority to carry out the program set forth in the revised Program Description submitted by the Texas Natural Resource Conservation Commission (TNRCC). The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this statement is signed and which are now in effect. These authorities and this certification supplement previous Attorney General Statements.

2. Authorization History

Since the beginning of the federal hazardous waste management program, the State of Texas has continuously exercised its prerogative to participate in the Environmental Protection Agency's authorization program. Texas received authorization of its hazardous waste "base program" under RCRA on December 26, 1984. It received authorization for revisions to its base program on February 17, 1987 (non-HSWA Clusters I & II). It submitted further revisions to its hazardous waste program, and final authorization of those revisions became effective on March 15, 1990 (non-HSWA Cluster III and parts of non-HSWA Cluster VI); July 23, 1990 (HSWA Cluster I); October 21, 1991 (Toxicity Characteristic Leaching Procedure); December 4, 1992 (non-HSWA Cluster IV); June 27, 1994 (non-HSWA Clusters V and VI, HSWA Cluster II, and RCRA Cluster I); November 26, 1997 (RCRA Clusters II, III, and IV) and October 18, 1999 (RCRA Cluster V). Most recently Texas received authorization for RCRA Cluster VI, which became effective on September 11, 2000.

3. Scope and Coverage

The TNRCC has rules in place necessary to implement EPA's revisions to the federal hazardous waste program made from July 1, 1996 to June 30, 2000. Completed RCRA Revision Checklists 154, 156, 157, 163, 167, 169, 170, 172, 175, 177 - 179, 182 - 185, and 187 indicate analogous state citations for RCRA Clusters VII - X. In many instances, TNRCC rules already reflected the relevant federal provisions, making additional rule changes unnecessary. Revision checklists 153, 155, 158, 159 - 161, 164, 166, 168, 171, 173, 176, 180, and 181 contain rules that are considered minor or routine rules by the EPA and according to 40 C.F.R. § 271.21 do not require an attorney general's review or remarks. These are provided under separate cover by TNRCC to EPA. Checklist 162 is not included as it addresses an aspect of the land disposal restrictions regulations which the State cannot assume and therefore not adopted by TNRCC's rules. Checklist 174 is

also not included, as it addresses an optional, less stringent regulatory approach not yet adopted by TNRCC's rules.

4. Authorities

TNRCC has authority to incorporate federal rules by reference, *see, e.g.*, TEX. GOV'T CODE ANN. § 311.027 (Vernon 1998), and to adopt hazardous waste rules in general pursuant to the following statutory provisions: (1) TEX. WATER CODE ANN. § 5.103 (Vernon 2000), effective September 1995, as amended (TNRCC's authority to adopt any rules necessary to carry out its powers and duties); (2) TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), effective September 1, 1995, as amended (authority to adopt rules necessary to "establish minimum standards of operation for the management and control of solid waste"); and (3) TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), effective September 1, 1989 (specifically recognizing TNRCC's authority to adopt hazardous waste rules and to issue and enforce permits to the extent necessary to receive and maintain RCRA authorization).

B. IDENTIFICATION AND LISTING - CLUSTER VII

The RCRA VII Cluster includes the following regulations:

1. Consolidated Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers

Checklist 154. HSWA Provision.

State statutes and regulations provide for organic air emission standards for tanks, surface impoundments and containers and provide that air emission control requirements be added to the permit terms and provisions specified for miscellaneous units as specified in Revision Checklist 154.

Federal Authority:

RCRA § 3004(n); 40 C.F.R. §§ 60 Appendix A, 260, 261, 262, 264, 265, and 270, as amended December 6, 1994 (59 Fed. Reg. 62896); May 19, 1995 (60 Fed. Reg. 26828); September 29, 1995 (60 Fed. Reg. 50426); November 13, 1995 (60 Fed. Reg. 56952); February 9, 1996 (61 Fed. Reg. 4903); June 5, 1996 (61 Fed. Reg. 28508); and November 25, 1996 (61 Fed. Reg. 59932).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.061 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.31, eff. November 15, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.24(e), eff. April 4, 1999, as amended. ✓

30 TEX ADMIN. CODE § 335.69(a)(1)(A), eff. November 15, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.69(a)(1)(B), eff. November 15, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.69(f)(2), eff. November 15, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(1), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(4), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(7), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(8), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(9), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(16), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(17), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(18), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(19), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.111(a), eff. November 15, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.112(a)(1), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(4), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(8), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(9), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(10), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(19), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(20), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(21), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(24), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 305.122(a), eff. November 15, 2001, as amended.

30 TEX ADMIN. CODE § 305.50(4)(A), eff. November 18, 2001, as amended.

Remarks of the Attorney General

State law is equivalent to federal law.

2. **Military Munitions Rule**

Checklist 156. Non-HSWA Provision.

State statutes and regulations identify when conventional and chemical military munitions become a hazardous waste under RCRA and provide for the safe storage and transport of such waste. They also clarify that emergency responses involving both military and non-military munitions and explosives are considered an immediate response to a discharge or imminent and substantial threat of a discharge of a hazardous waste as indicated in Revision Checklist 156.

Federal Authority: RCRA §§ 2002, 3001-3007, 3010, and 7003; 40 C.F.R. §§ 260.10, 261.2(a)(2)(iii)-(iv), 262.10(i), 263.10(e)&(f), 264.1(g)(8)(i)(D), (g)(8)(iv), and (i), 264.70, 264.1200 through 264.1202, 265.1(c)(11)(i)(D),

(c)(11)(iv), and (f), 265.70, 265.1200 through 265.1202, 266.200(a)-(b), 266.201, 266.202, 266.204, 266.206, 270.1(c)(3)(i)(D), and 270.1(c)(3)(iii), as amended February 12, 1997 (62 Fed. Reg. 6622).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.061 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1, eff. April 12, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.61, eff. April 12, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.10(h), eff. May 20, 1999, as amended. ✓

30 TEX ADMIN. CODE § 335.91(f), eff. April 12, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.91(g), eff. April 12, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.41(d)(2), eff. April 12, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.271, eff. April 12, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.272, eff. April 12, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(4), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.152(a)(20), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.112(a)(4), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 335.112(a)(22), eff. November 18, 2001, as amended. ✓

30 TEX ADMIN. CODE § 305.69(j), eff. April 12, 2001, as amended. ✓

Remarks of the Attorney General

State law is equivalent to federal law.

3. Land Disposal Restrictions -- Phase IV
Exemptions From RCRA for Certain Processed Materials
Checklist 157. HSWA Provision.

- (a) State statutes and rules regarding land disposal restrictions prohibit the land disposal of the wood preserving waste F032, F034 and F035 by August 11, 1997, and also prohibit any soil and debris and radioactive waste mixed with above chemicals from land disposal effective May 12, 1999. In between these effective dates, mixtures may only be land disposed if the facilities follow certain procedures included in State statutes and regulations; include revisions of record keeping and paperwork requirements and revisions to update the land disposal restrictions to better reflect the current program; include revisions introducing polymerization as an alternative treatment method; and include revisions which indicate that the *de minimis* provision applies to minor losses of characteristic wastes as indicated in Revision Checklist 157.

Federal Authority:

RCRA §§ 3004(d)-(k) and (m); 40 C.F.R. §§ 268.1(e)(4), 268.4(a)(2)(iv), 268.4(a)(4), 268.7(a)-(c)(2), 268.9(a), 268.9(d)(1)(ii), 40 C.F.R. §§ 268.30(a)-(e), 268.32, 268.34-268.37, 268.40, 268.42 table 1, and 268.44(o), and part 268 Appendices I-III, VI, VIII, and X, as amended May 12, 1997 (62 Fed. Reg. 25998).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431, eff. April 30, 2000, as amended.

Remarks of the Attorney General

State law is more stringent than federal law. State law has no provision equivalent to 40 C.F.R. § 268.7(a)(10) regarding tolling agreements. State law has no provision equivalent to 40 C.F.R. § 268.44(a), under which EPA may assure a variance from an applicable treatment standard.

- (b) State statutes and rules include revisions of the exclusion of scrap metal and circuit boards from RCRA regulation as indicated in Checklist 157.

Federal Authority: RCRA § 3001; 40 C.F.R. §§ 261.1(c)(9)-(12), 261.2(c) table 1, 261.4(a)(13), 261.4(a)(14), 261.6(a)(3)(ii), as amended May 12, 1997 (62 Fed. Reg. 25998).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1(definition of solid waste), eff. May 30, 2001, as amended.

30 TEX ADMIN. CODE § 335.17(a)(9)-(12), eff. April 4, 1999, as amended.

30 TEX ADMIN. CODE § 335.24(c)(2), eff. April 4, 1999, as amended.

Remarks of the Attorney General

State law is equivalent to federal law.

C. IDENTIFICATION AND LISTING - RCRA CLUSTER VIII

The RCRA VIII Cluster includes the following regulations:

1. Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment

Checklist 163, HSWA provision.

State statutes and regulations provide for organic air emission standards for tanks, surface impoundments and containers and provide that air emission control requirements be added to the permit terms and provisions specified for miscellaneous units as specified in Revision Checklists 154 and 163.

Federal Authority: RCRA § 3004(n); 40 C.F.R. § 60, Appendix A, 260, 261, 262, 264, 265, and 270, as amended December 6, 1994 (59 Fed. Reg. 62896); May 19, 1995 (60 Fed. Reg. 26828); September 29, 1995 (60 Fed. Reg. 50426); November 13, 1995 (60 Fed. Reg. 56952); February 9, 1996 (61 Fed. Reg. 4903); June 5, 1996 (61 Fed. Reg. 28508); November 25, 1996 (61 Fed. Reg. 59932); and December 8, 1997 (62 Fed. Reg. 64636).

Texas Laws and Regulations; Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.061 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.152(a)(1), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.152(a)(4), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.152(a)(17), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.152(a)(18), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.152(a)(19), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(1), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(4), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(19), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(20), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(21), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 335.112(a)(24), eff. November 18, 2001, as amended.

30 TEX ADMIN. CODE § 305.50(4)(A), eff. March 21, 2000.

Remarks of the Attorney General

State law is equivalent to federal law.

2. **Mineral Processing Secondary Materials Exclusion; Bevill Exclusion Revisions and Clarification; Exclusion of Recycled Wood Preserving Wastewaters**
Checklist 167 E and F. Non HSWA Provisions.

Land Disposal Restrictions Phase IV – Treatment Standards for Metal Wastes and Mineral Processing Wastes; Treatment Standards for Hazardous Soils
Checklist 167 A, B and C. HSWA provisions.

- (a) State statutes and rules regarding the definitions of hazardous wastes and solid wastes provide for secondary materials from mineral processing to be co-processed with normal raw materials in beneficiation operations which generate Bevill exempt wastes, without changing the exempt status of the resulting Bevill waste, provided certain conditions are met as indicated in Revision Checklist 167 E; contain clarifying amendments to requirements regarding exclusion of mixtures under 261.4(b)(7) involving Bevill waste, as indicated in Revision Checklist 167 E; and provide for an exclusion from the definition of solid waste for certain mineral processing secondary materials and certain materials generated and recycled by the wood preserving industry as indicated in Revision Checklist 167 F.

Federal Authority: RCRA § 3001, 40 C.F.R. §§ 261.2(c)(3), 261.2(c)(4) Table 1, 261.2(e)(1)(iii) and 40 C.F.R. §§ 261.4(a)(17), 261.4(a)(9)(iii), 261.4(b)(7), 261.3(a)(2)(i)&(iii), as amended May 26, 1998 (63 Fed. Reg. 28556).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1(definition of a hazardous waste), eff. January 26, 1994, as amended.

30 TEX ADMIN. CODE § 335.1(A)(iv)(definition of solid waste), eff. May 30, 2001, as amended.

Remarks of the Attorney General

State law is equivalent to federal law.

- (b) State statutes and rules regarding land disposal restrictions include prohibitions and treatment standards for metal hazardous constituents in all hazardous wastes including the toxic characteristic wastes as indicated in Revision Checklist 167 A; include treatment standards for mineral processing wastes as indicated in Revision Checklist 167 A; include treatment standards for contaminated soils as indicated in Revision Checklist 167 B; and include corrections and clarifications to the land disposal restrictions as indicated in Revision Checklist 167 C.

Federal Authority: RCRA §§ 3004(d)-(k), (g)(4) and (m); 40 C.F.R. §§ 268.2(i) and (k), 268.3(d), 268.4(a)(2)(ii)&(iii), 268.7(a)(1)-(7), 268.7(b)(1)-(3), 268.7(b)(4)(iv)&(v), 268.7(b)(5)&(6), 268.7(e), 268.34, 268.40, 268.42(a), 268.44(h)(3)-(5), 268.45(d)(3)&(4), 268.48, 268.49 and 268 Appendices VII & VIII, as amended May 26, 1998 (63 Fed. Reg. 28556) and June 8, 1998 (63 Fed. Reg. 31266).

Texas Laws and Regulations; Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE §§ 335.431, eff. April 30, 2000, as amended.

Remarks of the Attorney General

State law is more stringent than federal law. State law has no provision equivalent to 40 C.F.R. § 268.44, under which EPA may assure a variance from an applicable treatment standard.

D. IDENTIFICATION AND LISTING - RCRA CLUSTER IX

The RCRA IX Cluster includes the following regulations:

1. Petroleum Refining Process Wastes

Checklist 169. HSWA/Non-HSWA.

- (a) State statutes and rules include revisions that expand the headworks exemption to include waste generated during the petroleum refining process (K169-K172); include an exemption for catalyst support media; and include revisions to the exclusion for certain oil-bearing hazardous secondary materials, as well as new exclusions for petrochemical recovered oil and spent caustic solutions from petroleum refining processes and the related revisions to the references to these exclusions as indicated in Revision Checklist 169.

Federal Authority: RCRA §§ 2002(a) and 3001; 40 C.F.R. §§ 261.3(a)(2)(iv)(C), 261.3(c)(2)(ii)(B) and (E), 261.4(a)(12), 261.4(a)(18) & (19), 261.6(a)(3)(iv)(C), 261.6(a)(3)(v), 261.31(a), and 266.100(b)(3), as amended August 6, 1998 (63 Fed. Reg. 42110).

Texas Laws and Regulations; Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1 (definition of a hazardous waste), eff. January 26, 1994, as amended.

30 TEX ADMIN. CODE § 335.1(129)(A)(iv) (definition of solid waste), eff. May 30, 2001, as amended.

Remarks of the Attorney General

State law is equivalent to federal law.

- (b) State statutes and regulations include a waste-specific prohibition and treatment standards for K169-K172 wastes under the land disposal restriction program, as indicated in Revision Checklist 169.

Federal Authority: RCRA §§ 3004(g) and (m); 40 C.F.R. § 268.35 and 268.40, as amended August 6, 1998 (63 Fed. Reg. 42110).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431, eff. April 30, 2000, as amended.

Remarks of the Attorney General

State law is equivalent to federal law.

2. **Land Disposal Restrictions Phase IV -- Zinc Micronutrient Fertilizers,**
Administrative Stay
Checklist 170. HSWA provision

State statutes and regulations stay the May 26, 1998 Phase IV Land Disposal Restriction treatment standards for metal-bearing hazardous wastes which exhibit the characteristic of toxicity, until EPA develops more consistent and comprehensive regulations for hazardous waste-derived fertilizers. In the interim, affected fertilizers are subject to the treatment standards that previously existed for toxic metals as specified on Revision Checklist 170.

Federal Authority: RCRA §§ 3001 and 3004(d), 40 C.F.R. § 268.40(i), as amended August 31, 1998 (63 Fed. Reg. 46332).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431, eff. April 30, 2000, as amended.

Remarks of the Attorney General.

State law is equivalent to federal law.

3. Land Disposal Restrictions Phase IV-- Extension of Compliance Date for Characteristic Slags
Checklist 172. HSWA Provision.

State statutes and regulations provide for an extension of the compliance date until November 26, 1998, for treatment standards for secondary lead slags that exhibit the toxicity characteristic for metals as indicated in Revision Checklist 172.

Federal Authority: RCRA §§ 3004(d)-(k) & (m); 40 C.F.R. § 268.34(b), as amended September 9, 1998 (63 Fed. Reg. 48124).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431, eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

4. Hazardous Remediation Waste Management Requirements (HWIR-Media)
Checklist 175. HSWA/Non-HSWA.

- (a) State statutes and regulations exclude dredged material from regulation as a hazardous waste provided the material is subject to the requirements of a permit

issued under § 404 of the Federal Water Pollution Control Act or § 103 of the Marine Protection, Research, and Sanctuaries Act as indicated in Revision Checklist 175.

Federal Authority: RCRA §§ 1006(b), 2002(a) and 3001; 40 C.F.R. § 261.4(g), as amended November 30, 1998 (63 Fed. Reg. 65874).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1 (definition of a hazardous waste), eff. January 26, 1994, as amended.

Remarks of the Attorney General

State law is equivalent to federal law.

- (b) State statutes and regulations contain design criteria as well as management and operating standards for the use of staging piles in storing remediation wastes as indicated in Revision Checklist 175.

Federal Authority: RCRA §§ 2002(a), 3004, 3005, and 7004; 40 C.F.R. §§ 260.10, 264.554, 265.1(b), 268.2(c), and 268.50(g), as amended November 30, 1998 (63 Fed. Reg. 65874).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1 (definition of staging pile), eff. November 15, 2001.

30 TEX ADMIN. CODE § 335.111(a), eff. November 15, 2001.

30 TEX ADMIN. CODE § 335.152(a)(14), eff. November 18, 2001.

30 TEX ADMIN. CODE § 335.431, eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

5. **Organic Air Emission Standards: Clarification and Technical Amendments**
Checklist 177. HSWA Provision.

State statutes and regulations provide for organic air emission standards for tanks, surface impoundments and containers and provide that air emission control requirements be added to the permit terms and provisions specified for miscellaneous units as specified in Revision Checklists 154, 163 and 177.

Federal Authority: RCRA § 3004(n); 40 C.F.R. §§ 60 Appendix A, 260, 261, 262, 264, 265, and 270, as amended December 6, 1994 (59 Fed. Reg. 62896); May 19, 1995 (60 Fed. Reg. 26828); September 29, 1995 (60 Fed. Reg. 50426); November 13, 1995 (60 Fed. Reg. 56952); February 9, 1996 (61 Fed. Reg. 4903); June 5, 1996 (61 Fed. Reg. 28508); November 25, 1996 (61 Fed. Reg. 59932); December 8, 1997 (62 Fed. Reg. 64636); and January 21, 1999 (64 Fed. Reg. 3382).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.69(a)(1)(A), eff. March 18, 2001.

30 TEX ADMIN. CODE § 335.69(a)(1)(B), eff. March 18, 2001.

30 TEX ADMIN. CODE § 335.152(a)(17), eff. November 18, 2001.

30 TEX ADMIN. CODE § 335.152(a)(19), eff. November 18, 2001.

30 TEX ADMIN. CODE § 335.112(a)(21), eff. November 18, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

6. **Petroleum Refining Process Wastes -- Leachate Exemption**
Checklist 178. HSWA provision.

State statutes and regulations exempt, from regulation as a hazardous waste, landfill leachate and gas condensate derived from previously disposed petroleum refinery wastes (K169-K172), as indicated in Revision Checklist 178.

Federal Authority: RCRA §§ 2002(a) and 3001(a), (b), and (e)(2), 3004(g) and (m); 40 C.F.R. § 261.4(b)(15), as amended February 11, 1999 (64 Fed. Reg. 6806).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1 (definition of a hazardous waste), eff. January 26, 1994, as amended.

Remarks of the Attorney General

State law is equivalent to federal law.

7. Land Disposal Restrictions Phase IV -- Technical Corrections and Clarifications to Treatment Standards

Checklist 179. HSWA and non-HSWA provisions.

- (a) State statutes and regulations provide for secondary materials from mineral processing to be co-processed with normal raw materials in beneficiation operations which generate Bevill exempt wastes, without changing the exempt status of the resulting Bevill waste, provided certain conditions are met as indicated in Revision Checklists 167 E and 179.

Federal Authority: RCRA § 3001; 40 C.F.R. § 261.4(b)(7), as amended May 26, 1998 (63 Fed. Reg. 28556) and May 11, 1999 (64 Fed. Reg. 25408).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1 (definition of a hazardous waste), eff. January 26, 1994, as amended.

Remarks of the Attorney General

State law is equivalent to federal law.

- (b) State statutes and regulations provide for a conditional exclusion from the definition of solid wastes for mineral processing secondary materials as indicated in Revision Checklists 167 D and 179.

Federal Authority: RCRA § 3001; 40 C.F.R. §§ 261.2(c)(3), 261.2(c)(4) Table 1, 261.2(e)(1)(iii), 261.4(a)(16), and 261.4(a)(17), as amended May 26, 1998 (63 Fed. Reg. 28556) and May 11, 1999 (64 Fed. Reg. 25408).

Texas Laws and Regulations; Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1 (definition of solid waste), eff. May 30, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (c) State statutes and regulations include prohibitions and treatment standards for metal constituents in all hazardous wastes including the toxic characteristic wastes as indicated in Revision Checklists 167 A and 179.

Federal Authority: RCRA §§ 3004(g)(4) and (m); 40 C.F.R. §§ 268.2(i), 268.3(d), 268.34, 268.40(e)&(h), 268.40 table, and 268.48, as amended May 26, 1998 (63 Fed. Reg. 28556) and May 11, 1999 (64 Fed. Reg. 25408).

Texas Laws and Regulations; Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (d) State statutes and regulations include treatment standards for contaminated soils as indicated in Revision Checklists 167 B and 179.

Federal Authority: RCRA §§ 3004(d)-(k) and (m); 40 C.F.R. §§ 262.34(d)(4), 268.2(h), 268.2(k), 268.7(a)(1)-(6), 268.7(b)(1)-(3), 268.7(b)(4) intro & (b)(iv), 268.9(d)(2) intro, 268.9(d)(2)(i), 268.7(e), 268.44(h)(3)-(5), 268.49, as amended May 26, 1998 (63 Fed. Reg. 28556) and May 11, 1999 (64 Fed. Reg. 25408).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.69(f)(4)(C), eff. March 18, 2001.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (e) State statutes and regulations include corrections and clarifications to the land disposal restrictions as indicated in Revision Checklists 167 C and 179.

Federal Authority: RCRA §§ 3004(d)-(k) and (m); 40 C.F.R. §§ 268.4(a)(2)(ii)&(iii), 268.7(a)(7), 268.7(b)(3)(ii) and Table, 268.7(b)(4)(iv)&(v), 268.7(b)(5)&(6), 268.40 and Table, 268.40(e), 268.42(a), 268.45(a), 268.45(d)(3)&(4), 268.48, Part 268 Appendices VII & VIII, as amended May 26, 1998 (63 Fed. Reg. 28556), June 8, 1998 (63 Fed. Reg. 31266), and May 11, 1999 (64 Fed. Reg. 25408).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (f) State statutes and regulations stay the May 26, 1998, Phase IV Land Disposal Restriction treatment standards for metal-bearing hazardous wastes which exhibit the characteristic of toxicity, until EPA develops more consistent and comprehensive regulations for hazardous waste-derived fertilizers. In the interim, affected fertilizers are subject to the treatment standards that previously existed for toxic metals as specified on Revision Checklists 170 and 179.

Federal Authority: RCRA §§ 3001 and 3004(d); 40 C.F.R. § 268.40(i), as amended August 31, 1998 (63 Fed. Reg. 46332) and May 11, 1999 (64 Fed. Reg. 25408).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (g) State statutes and regulations provide revised treatment standards for seven carbamate wastes and extend indefinitely the temporary treatment standards; remove the treatment standard for one carbamate waste; delete certain carbamate wastes as underlying hazardous constituents; and extend for six months the temporary alternative treatment standards for the other 32 carbamate wastes as indicated in Revision Checklists 171 and 179.

Federal Authority: RCRA § 3004(d)-(k) and (m); 40 C.F.R. §§ 268.40(g)-(j) and Table, and 268.48(a) and Table, as amended September 4, 1998 (63 Fed. Reg. 47410) and May 11, 1999 (64 Fed. Reg. 25408).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (h) State statutes and regulations provide for interim replacement standards for spent potliners from primary aluminum reduction (EPA hazardous waste K088) as indicated in Revision Checklists 173 and 179.

Federal Authority: RCRA § 3004(d)-(k), and (m); 40 C.F.R. § 268.40, as amended September 24, 1998 (63 Fed. Reg. 51254) and May 11, 1999 (64 Fed. Reg. 25408).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

E. IDENTIFICATION AND LISTING - RCRA CLUSTER X

The RCRA X Cluster includes the following regulations:

1. **NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors, Miscellaneous Units, and Secondary Lead Smelters; Clarification of BIF Requirements; Technical Correction to Fast-track Rule**
Checklist 182. HSWA/Non-HSWA.

- (a) State statutes and regulations exclude from the definition of solid waste fuels which are produced from a hazardous waste, but which are comparable to some currently used fossil fuels, as indicated in Revision Checklists 168 (included in minor rule package) and 182.

Federal Authority: RCRA §§ 1004, 1006, and 3001; 40 C.F.R. §§ 261.4(a)(17), 261.38, and Table 1 to 261.38, as amended June 19, 1998 (63 Fed. Reg. 33782), September 30, 1999 (64 Fed. Reg. 52828), and November 19, 1999 (64 Fed. Reg. 63209).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2000), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1 (129)(A)(iv) (definition of solid waste), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (b) State statutes and regulations include an exemption for hazardous waste burning incinerators from the RCRA national stack emission standards when owners or operators demonstrate compliance with the MACT requirements of 40 C.F.R. part 63, subpart EEE by conducting a comprehensive performance test and submitting a Notification of Compliance as indicated in Revision Checklist 182. However, after this demonstration, RCRA permit conditions will remain in effect until the permit is modified, terminated, or revoked, unless the permit expressly provides otherwise.

Federal Authority: RCRA §§ 1006(b), 3004(a), and 3005(c)(3); 40 C.F.R. §§ 264.340(b)-(e), 265.340(b)-(c), 270.19 intro, 270.19(e), and 270.62 intro, as amended September 30, 1999 (64 Fed. Reg. 52828).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.152(a)(13), eff. November 18, 2001.

30 TEX ADMIN. CODE § 335.112(a)(14), eff. November 18, 2001.

30 TEX ADMIN. CODE § 305.50(4)(A), eff. March 21, 2000.

30 TEX ADMIN. CODE § 305.175, eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (c) State statutes and regulations require that permits for miscellaneous units include appropriate terms and conditions from the part 63, subpart EEE standards as indicated in Revision Checklist 182.

Federal Authority: RCRA §§ 1006(b), 3004(a), and 3005(c)(3); 40 C.F.R. § 264.601 intro, as amended September 30, 1999 (64 Fed. Reg. 52828).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.152(a)(14), eff. November 18, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (d) State statutes and regulations include requirements for hazardous waste combustion facility permit modifications to meet 40 C.F.R. part 63 MACT standards as indicated in Revision Checklists 168 (included in minor rules package) and 182. State statutes and regulations also address such changes during interim status.

Federal Authority: RCRA §§ 1006, 3004, 3005, and 7004; 40 C.F.R. §§ 270.42(j), 270.42 Appendix I (L(9)), and 270.72(b)(8), as amended June 19, 1998 (63 Fed. Reg. 33782) and September 30, 1999 (64 Fed. Reg. 52828).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 305.69(i), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (e) State statutes and regulations include requirements for permit modifications to remove permit conditions that are no longer applicable as indicated in Revision Checklist 182.

Federal Authority: RCRA §§ 1006(b), 3004(a), and 3005(c)(3); 40 C.F.R. § 270.42 Appendix I (A(8)), as amended September 30, 1999 (64 Fed. Reg. 52828).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 305.69(k), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to state law.

- (f) State statutes and rules include requirements related to the MACT standards limiting emissions of chlorinated dioxins, furans, other toxic organic compounds, toxic metals, hydrochloric acid, chlorine gas, and particulate matter as indicated in Revision Checklist 182.

Federal Authority: RCRA §§ 1006(b), 3004(a) and 3005(c)(3); 40 C.F.R. §§ 260.10, 266.105(c), 266.112(b) and 266, Appendix VIII, as amended September 30, 1999 (64 Fed. Reg. 52828) and November 19, 1999 (64 Fed. Reg. 63209).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1(definitions), eff. November 15, 2001.

30 TEX ADMIN. CODE § 335.221(a), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (g) State statutes and regulations include an exemption for hazardous waste burning cement kilns or aggregate kilns from the RCRA national stack emission standards when owners or operators demonstrate compliance with the MACT requirements of 40 C.F.R. part 63, subpart EEE by conducting a comprehensive performance test and submitting a Notification of Compliance as indicated in Revision Checklist 182. However, after this demonstration, RCRA permit conditions will remain in effect until the permit is modified, terminated, or revoked, unless the permit expressly provides otherwise.

Federal Authority: RCRA §§ 1006(b), 3004(a), and 3005(c)(3); 40 C.F.R. §§ 266.100(b), 270.22 intro, and 270.66 intro, as amended September 30, 1999 (64 Fed. Reg. 52828).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.221(a)(1), eff. November 15, 2001.

30 TEX ADMIN. CODE § 305.50(4)(A), eff. November 18, 2001.

30 TEX ADMIN. CODE § 305.571(b), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (h) State statutes and regulations include an exemption for secondary lead smelters from all provisions of the boilers and industrial furnaces (BIFs) requirements except for 266.101, as indicated in Revision Checklist 182. The smelter must provide a one-time notice to the State identifying each hazardous waste burned and stating that the facility claims an exemption from other BIF requirements. Those secondary lead smelters who have already provided notice pursuant to 266.100(c) do not have to re-notify.

Federal Authority: RCRA §§ 1006, 3004, and 3005; 40 C.F.R. §§ 266.100(d)(1) intro, 266.100(d)(3) intro, and 266.100(h), as amended September 30, 1999 (64 Fed. Reg. 52828).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.221(a)(1), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (i) State statutes and regulations clarify that fuel blending activities that are conducted in units other than 90-day tanks or containers are also subject to regulation as indicated in Revision Checklist 182.

Federal Authority: RCRA §§ 3004 and 3005; 40 C.F.R. §§ 266.101(c) intro and 266.101(c)(1), as amended September 30, 1999 (64 Fed. Reg. 52828).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.222(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

2. **Land Disposal Restrictions Phase IV -- Technical Corrections**
Checklist 183. HSWA/Non-HSWA.

- (a) State statutes and regulations incorporate removal of five vacated K-code wastes (K064, K065, K066, K090, and K091) from table at 40 C.F.R. § 261.32 as indicated in Revision Checklist 183. State statutes and regulations include revisions of record keeping and paperwork requirements indicated in Revision Checklists 157, 167 C, 179, and 183.

Federal Authority: RCRA §§ 3004(d)-(k) and (m); 40 C.F.R. §§ 261.32, 262.34(a)(4), 262.34(d)(4), 268.4(a)(4), 268.7(a)-(b)(6), 268.7(c)(1), 268.9(d)(2) intro, and 268.9(d)(2)(i), as amended May 12, 1997 (62 Fed. Reg. 25998), May 26, 1998 (63 Fed. Reg. 28556), May 11, 1999 (64 Fed. Reg. 25408), and October 20, 1999 (64 Fed. Reg. 56469).

Texas Laws and Regulations; Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1(definition of a hazardous waste), eff. January 26, 1994, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (b) State statutes and regulations include treatment standards for contaminated soils as indicated in Revision Checklists 167 B, 179, and 183.

Federal Authority: RCRA §§ 3004(d)-(k) and (m); 40 C.F.R. §§ 268.2(k), 268.7(a)(1)-(6), 268.7(b)(1)-(3), 268.7(b)(4) intro, 268.7(b)(4)(iv), 268.7(e), 268.44(h)(3)-(5), and 268.49, as amended May 26, 1998 (63 Fed. Reg. 28556), May 11, 1999 (64 Fed. Reg. 25408), and October 20, 1999 (64 Fed. Reg. 56469).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (c) State statutes and regulations provide revised treatment standards for seven carbamate wastes and extend indefinitely the temporary treatment standards; remove the treatment standard for one carbamate waste; delete certain carbamate wastes as underlying hazardous constituents; and extend for six months the temporary alternative treatment standards for the other 32 carbamate wastes as indicated in Revision Checklists 171, 179, and 183.

Federal Authority: RCRA §§ 3004(d)-(k) and (m); 40 C.F.R. §§ 268.40(g)-(j), 268.40 and Table, and 268.48(a) and Table, as amended September 4, 1998 (63 Fed. Reg. 47410), May 11, 1999 (64 Fed. Reg. 25408), and October 20, 1999 (64 Fed. Reg. 56469).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

- (d) State statutes and regulations provide for interim replacement standards for spent potliners from primary aluminum reduction (EPA hazardous waste K088) as indicated in Revision Checklists 173, 179, and 183.

Federal Authority: RCRA §§ 3004(d)-(k), and (m); 40 C.F.R. § 268.40 and Table, as amended September 24, 1998 (63 Fed. Reg. 51254), May 11, 1999 (64 Fed. Reg. 25408), and October 20, 1999 (64 Fed. Reg. 56469).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

3. Accumulation Time for Waste Water Treatment Sludges
Checklist 184. Non-HSWA provision.

State statutes and regulations allow generators who generate 1,000 kilograms or more of hazardous waste per calendar month who also generate wastewater treatment sludges from electroplating operations that meet the F006 listing description, to accumulate F006 waste on-site for up to 180 days (or 270 days in certain circumstances) without a permit or interim status as indicated in Revision Checklist 184.

Federal Authority: RCRA §§ 2002 and 3002; 40 C.F.R. §§ 262.34(g) - (i), as amended March 8, 2000 (65 Fed. Reg. 12378).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.69(j)-(l), eff. March 18, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

4. Vacatur of Organobromine Production Waste Listings
Checklist 185. HSWA provision.

State statutes and regulations include the removal of two vacated wastes (K140 and U408) from tables at 40 C.F.R. §§ 261.32, 261.33(f), and part 261, Appendices VII and VIII as indicated in Revision Checklist 185.

State statutes and regulations include the removal of a waste-specific prohibition and treatment standards for K140 and U408 wastes under the land disposal restrictions program as indicated in Revision Checklist 185.

Federal Authority: RCRA §§ 3004(d)-(k) and (m); 40 C.F.R. §§ 268.33, 268.40, and 268.48(a) and Table, as amended March 17, 2000 (65 Fed. Reg. 14472).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1 (definition of a hazardous waste), eff. January 26, 1994, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.

5. Petroleum Refining Process Wastes -- Clarification
Checklist 187. HSWA provision.

State statutes and regulations include revisions to the exclusion for certain oil-bearing hazardous secondary materials, as well as new exclusions for petrochemical recovered oil, and spent caustic solutions from petroleum refining processes, and the related revisions to the references to these exclusions as indicated in Revision Checklists 169 and 187.

Federal Authority: RCRA § 3001; 40 C.F.R. §§ 261.3(c)(2)(ii)(B), 261.4(a)(12), 261.4(a)(18) & (19), 261.6(a)(3)(iv)(C), 261.6(a)(3)(v), 261.31(a), and 266.100(b)(3), as amended August 6, 1998 (63 Fed. Reg. 42110), October 9, 1998 (63 Fed. Reg. 54356), and June 8, 2000 (64 Fed. Reg. 36365).

Texas Laws and Regulations: Date Effective

TEX. WATER CODE ANN. § 5.103 (Vernon 2000), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.003 (Vernon 2001), eff. Sept. 1, 1991, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.017 (Vernon 2001), eff. Sept. 1, 1995, as amended.

TEX. HEALTH & SAFETY CODE ANN. § 361.024 (Vernon 2001), eff. Sept. 1, 1995, as amended.

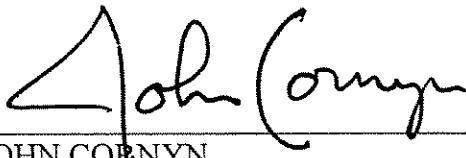
TEX. HEALTH & SAFETY CODE ANN. § 361.078 (Vernon 2001), eff. Sept. 1, 1989, as amended.

30 TEX ADMIN. CODE § 335.1 (definition of a hazardous waste), eff. January 26, 1994, as amended.

30 TEX ADMIN. CODE § 335.431(c), eff. November 15, 2001.

Remarks of the Attorney General

State law is equivalent to federal law.



JOHN CORNYN
Attorney General of Texas

3-1-02

Date