

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 166

Recycled Used Oil Management Standards; Technical Correction and Clarification

63 FR 24963-24969

May 6, 1998

as amended July 14, 1998, at 63 FR 37780-37782

(RCRA Cluster VIII, non-HSWA provisions)

Note: States should be aware that Revision Checklist 166 includes two final rules—one published on May 6, 1988 (63 FR 24963; StATS Rule Code 166) and the other on July 14, 1998 (63 FR 37780; StATS Rule Code 166.1). The 1998 CFR contains changes addressed by the May 6, 1998 final rule, but does not include changes addressed by the July 14, 1998 final rule. The July 14, 1998 technical correction removes three amendments made by the May 6, 1998 rule. Therefore, States that adopt the July 1, 1998 CFR by reference and are also adopting Revision Checklist 166 as part of RCRA Cluster VIII should include the July 14, 1998 final rule as published in the Federal Register in their adoption by reference. Otherwise, States that adopt only the July 1, 1998 CFR will have a partial adoption of Revision Checklist 166. Section XIII (Adoption of Specific CFR Parts), shows the specific citations which were amended by the July 14, 1998 final rule.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE								
SUBPART A - GENERAL								
† REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS								
1 no change	261.5(j)	335.78(j)	x	✓				
† REQUIREMENTS FOR RECYCLABLE MATERIALS								
replace "266.40(e)" with "279.11"	261.6(a)(3)(iv)(A)	335.24(c)(4)(A)	x	✓				
replace "266.40(e)" with "279.11"	261.6(a)(3)(iv)(B)	335.24(c)(4)(B)	x	✓				
replace "266.40(e)" with "279.11"	261.6(a)(3)(iv)(C)	335.24(c)(4)(C)	x	✓				
PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL								
SUBPART B - APPLICABILITY								
† APPLICABILITY								
1 replace "40 CFR part 279" with "this part"	279.10(i)	324.1,324.3	x	✓	proposed	rep		

RCRA REVISION CHECKLIST 166: Recycled Used Oil
Management Standards; Technical Correction and Clarification (cont'd)

SPA 19

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† USED OIL STORAGE						
insert "that is" between "environment" and "not"; insert "and" between "chapter" and "which"; replace "authorized used oil program for" with "recycled used oil management program in effect in"	279.22(d)	324.6	x			
no change	279.22(d)(1)	324.6	x			
no change	279.22(d)(2)	324.6	x			
no change	279.22(d)(3)	324.6	x			
remove "to prevent further releases"	279.22(d)(4)	324.6	x			

SUBPART E - STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

† USED OIL STORAGE AT TRANSFER FACILITIES						
insert "that is" between "environment" and "not"; insert a comma after "part 280"; insert "of this chapter and" after "subpart F"; replace "authorized used oil program for" with "recycled used oil management program in effect in"	279.45(h)	324.11	x			
no change	279.45(h)(1)	324.11	x			
replace "release" with "released"	279.45(h)(2)	324.11	x			
no change	279.45(h)(3)	324.11	x			
no change	279.45(h)(4)	324.11	x			

RCRA REVISION CHECKLIST 166: Recycled Used Oil
Management Standards; Technical Correction and Clarification (cont'd)

SPA 19

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

SUBPART F - STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS

† USED OIL MANAGEMENT

insert "that is" between "environment" and "not"; insert "and" between "chapter" and "which"; replace "authorized used oil program for" with "recycled used oil management program in effect in"	279.54(g)	324.12	<i>provided</i> <i>yes</i> x			
no change	279.54(g)(1)	324.12	x			
no change	279.54(g)(2)	324.12	x			
replace "mange" with "manage"	279.54(g)(3)	324.12	x			
no change	279.54(g)(4)	324.12	x			

SUBPART G - STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

† USED OIL STORAGE

insert "that is" between "environment" and "not"; insert a comma after "part 280"; insert "of this chapter and" after "subpart F"; replace "authorized used oil program for" with "recycled used oil management program in effect in"	279.64(g)	324.13	<i>yes</i> x			
no change	279.64(g)(1)	324.13	x			
no change	279.64(g)(2)	324.13	x			
no change	279.64(g)(3)	324.13	x			
no change	279.64(g)(4)	324.13	x			

SUBPART H - STANDARDS FOR USED OIL FUEL MARKETERS

† TRACKING

RCRA REVISION CHECKLIST 166: Recycled Used Oil
Management Standards; Technical Correction and Clarification (cont'd)

SPA 19

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
1 no change	279.74(b)	324.14	x			
no change	279.74(b)(1)	324.14	x			
no change	279.74(b)(2)	324.14	x			
no change	279.74(b)(3)	324.14	x			
no change	279.74(b)(4)	324.14	x			

- ¹ The July 14, 1998 rule withdrew the revisions made by the May 6, 1998 rule at 40 CFR 261.5(j), 279.10(i), and 279.74(b) and made a correction at 40 CFR 279.10(i).

RCRA REVISION CHECKLIST 167 A

Land Disposal Restrictions Phase IV –
Treatment Standards for Metal Wastes
and Mineral Processing Wastes63 FR 28556-28753

May 26, 1998

(RCRA Cluster VIII, HSWA provisions)

Notes: 1) This rule makes changes to 40 CFR Part 148, addressing Land Disposal Restrictions for Underground Injection Programs relative to mineral processing wastes. These changes are outside the Subtitle C program and are not addressed by this Revision Checklist.

2) On August 10, 1998 (63 FR 42580), a rule was promulgated to clarify the correct adoption sequence of the May 4, 1998 rule (63 FR 24596, CL 165), the May 26, 1998 rule (63 FR 28556, CL 167), and the June 29, 1998 (63 FR 35147) technical amendment to the May 4, 1998 rule, as they relate to the organobromine production waste entries at 40 CFR 268.40 and 268.48. Subsequently, on April 9, 1999, the U.S. Court of Appeals vacated the listing of these organobromine production wastes and in turn, the May 4, 1998; June 29, 1998; and August 10, 1998 rules have been withdrawn. If a State chooses to follow this vacatur, it should remove the vacated wastes in the tables at 40 CFR 268.40 and 268.48, as indicated in footnotes 3 and 4. If the vacatur is not followed by a State, then the vacated wastes should remain as shown in the May 26, 1998 rule in tables 40 CFR 268.40 and 268.48.

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						
DEFINITIONS APPLICABLE IN THIS PART						
insert "selenium, sulfides," after "except fluoride,"; delete comma after "hazardous waste"	268.2(i)	335.431(c)	x			
DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT						
add new paragraph; adding iron filings or other metallic forms of iron to lead-containing hazardous wastes to achieve land disposal restriction treatment standard for lead is a form of impermissible dilution and is prohibited; list of lead-containing wastes	268.3(d)	335.431(c)	x			

RCRA REVISION CHECKLIST 167 A: Land Disposal Restrictions
Phase IV--Treatment Standards for Metal Wastes and Mineral Processing Wastes (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

1 WASTE SPECIFIC PROHIBITIONS - TOXICITY CHARACTERISTIC METAL WASTES

effective August 24, 1998, the specified wastes are prohibited from land disposal	268.34(a)	335.431(c)	x			
effective May 26, 2000, the specified wastes are prohibited from land disposal	268.34(b)	335.431(c)	x			
between May 26, 1998 and May 26, 2000, newly identified characteristic wastes mixed with D004-D011 wastes, or mixed with newly identified characteristic mineral processing wastes, soil, or debris may be disposed in a landfill or surface impoundment if unit is in compliance with 268.5(h)(2)	268.34(c)	335.431(c)	x			
requirements of 268.34(a) & (b) do not apply if:	268.34(d) intro	335.431(c)	x			
wastes meet applicable treatment standards specified in part 268, subpart D	268.34(d)(1)	335.431(c)	x			
persons have been granted an exemption from prohibition pursuant to a petition under 268.6, with respect to wastes & units covered	268.34(d)(2)	335.431(c)	x			
wastes meet applicable alternate treatment standards pursuant to a petition under 268.44; or	268.34(d)(3)	335.431(c)	x			
persons have been granted an exemption to the effective date of a prohibition pursuant to 268.5, with respect to wastes covered by extension	268.34(d)(4)	335.431(c)	x			

RCRA REVISION CHECKLIST 167 A: Land Disposal Restrictions
Phase IV--Treatment Standards for Metal Wastes and Mineral Processing Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
to determine whether a hazardous waste exceeds treatment standards in 268.40, test the waste extract or entire waste, or use knowledge of the waste; if waste contains constituents in excess of applicable UTS levels of 268.48, waste is prohibited from land disposal and all requirements of 268 apply, except as specified	268.34(e)	335.431(c)	x			

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

replace "(D001-D003, and D012-D043)" with "(D001-D043)"; insert "and are not managed in a wastewater treatment system...injection well," after "Hazardous Wastes,"; replace "Table UTS," with "Table Universal Treatment Standards,"	268.40(e)	335.431(c)	x			
add new paragraph; prohibited D004-D011 mixed radioactive wastes & mixed radioactive listed wastes containing metals, previously treated & put into storage, do not have to be retreated prior to land disposal	268.40(h)	335.431(c)	x			
2 replace existing table with the table 3 , found at 63 FR 28643-28738 (May 26, 1998)	268.40/Table "Treatment Standards for Hazardous Wastes"	335.431(c)	x			

UNIVERSAL TREATMENT STANDARDS

Note: The revised numerical Universal Treatment Standards (UTS) for metal constituents Barium, Lead, Selenium, Beryllium, Nickel, Thallium, and Vanadium are less stringent (†) than existing standards and are optional for State adoption. The revised UTS for Cadmium, Chromium, Silver, Antimony and Zinc are more stringent. The UTS for Mercury is printed in the rule because of the ongoing discussion regarding changing the standards; however, at this time the UTS for Mercury remains unchanged.

4 replace existing table with the table found at 63 FR 28739-28750 (May 26, 1998)	268.48(a)/Table UTS	335.431(c)	x			
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RCRA REVISION CHECKLIST 167 A: Land Disposal Restrictions
Phase IV--Treatment Standards for Metal Wastes and Mineral Processing Wastes (cont'd)

- ¹ CL 157 (62 FR 26022, May 12, 1997) removed and reserved § 268.34. The July 1, 1997 CFR contains the section, with a note indicating the removal effective August 11, 1997. The May 26, 1998 rule (63 FR 28556) instructions indicate that §268.34 is being revised, but the entire section is new since the section was reserved at the time the rule was promulgated.
- ² The CAS # for U408 which is listed on 63 FR 2838 should be "118-79-6" instead of "111-79-6" as printed.
- ³ If a State has chosen to follow the April 9, 1999 vacature, it should not include entries for K140 and U408 when it revises/replaces its analog to the 40 CFR 268.40 "Treatment Standards for Hazardous Wastes" table. Wastes K140 and U408 were added by Revision Checklist 165 (63 FR 24596, May 4, 1998; 63 FR 35147, June 29, 1998). Revision Checklist 165 was withdrawn by EPA because the listing of K140 and U408 wastes was vacated on April 9, 1999 by the U.S. Court of Appeals for the District of Columbia in Great Lakes Chemical Corporation vs. EPA.
- ⁴ If a State has chosen to follow the April 9, 1999 vacature, it should not include the entry for "2,4,6-Tribromophenol" when it revises/replaces its analog to the 40 CFR 268.48(a) "Universal Treatment Standards" table. This waste was added by Revision Checklist 165 (63 FR 24596, May 4, 1998; 63 FR 35147, June 29, 1998). Revision Checklist 165 was withdrawn by EPA because the listing of "2,4,6-Tribromophenol" was vacated on April 9, 1999 by the U.S. Court of Appeals for the District of Columbia in Great Lakes Chemical Corporation vs. EPA.

RCRA REVISION CHECKLIST 167 B

Land Disposal Restrictions Phase IV –
Hazardous Soils Treatment Standards and Exclusions
63 FR 28556-28753
May 26, 1998
(RCRA Cluster VIII, 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 268 - LAND DISPOSAL RESTRICTIONS								
SUBPART A - GENERAL								
DEFINITIONS APPLICABLE IN THIS PART								
† add new paragraph; definition of soil	268.2(k)	335.431(c)	x					
TESTING, TRACKING, AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES								
delete "Determine if the waste ...as follows:"; delete "a" after "generator of"; replace "§268.40 or §268.45" with "§268.40, §268.45, or §268.49";after "before they can be land disposed" insert "and some soils are contaminated by such hazardous wastes";after "These wastes" insert ", and soils contaminated with such wastes,";after "they are managing a waste" insert "or soil contaminated with a waste,"	268.7(a)(1)	335.431(c)	x					
† insert "or contaminated soil" after "If the waste"	268.7(a)(2)	335.431(c)	x					
† add new paragraph; for contaminated soil certification statement should be included, signed by an authorized representative; certification statement	268.7(a)(2)(i)	335.431(c)	x					
† add and reserve new paragraph	268.7(a)(2)(ii)	335.431(c)	x					

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† insert "or contaminated soil" after "If the waste" in the first sentence	268.7(a)(3) intro	335.431(c)	x			
1 completely revise; for contaminated soil, with initial shipment of wastes † generator must send notice & place copy in file; notice to include information in 268.7(a)(4) table	268.7(a)(3)(ii)	335.431(c)	x			
† insert "or contaminated soil" after "certain wastes" and after "hazardous wastes"	268.7(a)(4)	335.431(c)	x			
† for entry 1, insert "Numbers" after "Waste", replace "Manifest numbers" with "Manifest Number of first shipment"; for entry 3, replace parenthetical phrase with "in characteristic wastes" and delete "✓" under 268.7(a)(3) column ; redesignate entry 8 as 9; add new 8 as indicated at 63 FR 28640	268.7(a)(4)/table	335.431(c)	x			
† insert "or contaminated soil" after "prohibited waste"	268.7(a)(5)	335.431(c)	x			
† insert "or contaminated soil" after "that the waste"	268.7(a)(6)	335.431(c)	x			
† insert "or contaminated soil" after "For wastes"; delete "as concentrations"; delete the comma after "chapter"	268.7(b)(1)	335.431(c)	x			
† insert "or contaminated soil" after "For wastes"	268.7(b)(2)	335.431(c)	x			
† insert "or contaminated soil" after "shipment of waste"	268.7(b)(3)	335.431(c)	x			
† add new sentence & new certification statement after certification statement; a certification is also necessary for contaminated soil; certification statement	268.7(b)(4) intro	335.431(c)	x			

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (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; generators & treaters who receive a determination that contaminated soil subject to 268.49(a) no longer contains a listed hazardous waste and determine that contaminated soil no longer exhibits a characteristic of hazardous waste must:	268.7(e) intro	335.431(c)	x			
† add new subparagraph; prepare a one-time only documentation of determinations including supporting information and,	268.7(e)(1)	335.431(c)	x			
† add new subparagraph; maintain that information in the facility files & other records for a minimum 3 years	268.7(e)(2)	335.431(c)	x			

SUBPART D - TREATMENT STANDARDS

VARIANCE FROM A TREATMENT STANDARD

† redesignate 268.44(h)(3) as 268.44(h)(5); add new 268.44(h)(3); for contaminated soil only, treatment would result in hazardous constituent concentrations below that necessary to minimize threats to human health and environment; treatment variances must:	268.44(h)(3) intro	not adopted			x	
† at a minimum, impose alternative land disposal restriction treatment standards that, using a reasonable maximum exposure scenario, meet the listed specifications	268.44(h)(3)(i)	not adopted			x	
	268.44(h)(3)(i)(A)	not adopted			x	
	268.44(h)(3)(i)(B)	not adopted			x	
† not consider post-land-disposal controls	268.44(h)(3)(ii)	not adopted			x	
† add new paragraph; for contaminated soil only, treatment would result in hazardous constituent concentrations below natural background concentrations at the site of land disposal	268.44(h)(4)	not adopted			x	

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† redesignate former 268.44(h)(3) as 268.44(h)(5)	268.44(h)(5)	not adopted		see Ark	x	

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ALTERNATIVE LDR TREATMENT STANDARDS FOR CONTAMINATED SOIL

† applicability; LDRs must be complied with prior to placing contaminated soil into a land disposal unit; chart describes whether compliance with LDRs is necessary prior to placing contaminated soil into a land disposal unit; add table as shown at 63 FR 28751(May 26, 1998)	268.49(a)	335.431(c)	x			
† prior to land disposal, contaminated soil identified by 268.49(a) must be treated according to 268.49(c) or 268.48 UTS applicable to contaminating waste and/or applicable characteristic; 268.49(c) treatment standards and the UTS may be modified through a variance approved under 268.44	268.49(b)	335.431(c)	x			
† treatment standards for contaminated soils; prior to land disposal, contaminated soil identified by 268.49(a) as needing to comply with LDRs must be treated according to 268.49(c)(1)-(3) or 268.48 UTS	268.49(c) intro	335.431(c)	x			

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† all soils; prior to land disposal, all constituents subject to treatment must be treated according to standards specified	268.49(c)(1) intro	335.431(c)	x			
	268.49(c)(1)(A)	335.431(c)	x			
	268.49(c)(1)(B)	335.431(c)	x			
	268.49(c)(1)(C)	335.431(c)	x			
† soils that exhibit characteristic of ignitability, corrosivity or reactivity; in addition to treatment required by 268.49(c)(1), prior to land disposal soils that exhibit a characteristic must be treated to eliminate characteristic	268.49(c)(2)	335.431(c)	x			
soils that contain nonanalyzable constituents; in addition to requirements of 268.49(c)(1)&(2), prior to land disposal specified treatment is required	268.49(c)(3) intro	335.431(c)	x			
	268.49(c)(3)(A)	335.431(c)	x			
	268.49(c)(3)(B)	335.431(c)	x			
† constituents subject to treatment; when applying soil treatment standards in 268.49(c), constituents subject to treatment are any listed in 268.48, Table UTS that are reasonably expected to be present, with exceptions, and are present at greater than 10 times the UTS	268.49(d)	335.431(c)	x			
† management of treatment residuals; treatment residuals from treating contaminated soil identified by 268.49(a) must be managed as follows:	268.49(e) intro	335.431(c)	x			

RCRA REVISION CHECKLIST 167 B: Land Disposal Restrictions
Phase IV--Hazardous Soils Treatment Standards and Exclusions (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† soil residuals are subject to treatment standards of 268.49	268.49(e)(1)	335.431(c)	x			
†	268.49(e)(2) intro	335.431(c)	x			
non-soil residuals are subject to the standards specified	268.49(e)(2)(A)	335.431(c)	x			
	268.49(e)(2)(B)	335.431(c)	x			

¹ Note there is a typographical error at §268.7(a)(3)(ii) in the rule. The reference to "information in "268.7(a)(3) of the Generator" should be "information in column "268.7(a)(3)" of the Generator".

² There is a typographical error in the Table at 268.7(a)(4). At the #8 entry "complies with' " should be "complies with]"

³ The entire section 268.49 was added by 63 FR 28556, May 26, 1998.

RCRA REVISION CHECKLIST 167 C

Land Disposal Restrictions Phase IV – Corrections

63 FR 28556-28753

May 26, 1998

as amended at 63 FR 31266, June 8, 1998

(RCRA Cluster VIII, HSWA provisions)

Note: On August 10, 1998 (63 FR 42580), a rule was promulgated to clarify the correct adoption sequence of the May 4, 1998 rule (63 FR 24596, CL 165), the May 26, 1998 rule (63 FR 28556, CL 167), and the June 29, 1998 (63 FR 35147) technical amendment to the May 4, 1998 rule, as they relate to the organobromine production waste entries at 40 CFR 268.40 and 268.48. Subsequently, on April 9, 1999, the U.S. Court of Appeals vacated the listing of these organobromine production wastes and in turn, the May 4, 1998; June 29, 1998; and August 10, 1998 rules have been withdrawn. If a State chooses to follow this vacatur, it should remove the vacated wastes in the tables at 40 CFR 268.40 and 268.48, as indicated in footnotes 3 and 4. If the vacatur is not followed by a State, then the vacated wastes should remain as shown in the May 26, 1998 rule in tables 40 CFR 268.40 and 268.48.

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						
TREATMENT SURFACE IMPOUNDMENT EXEMPTION						
replace colon after “at least annually” with a semicolon; delete second sentence beginning with “However, residues which are”	268.4(a)(2)(ii)	335.431(c)	X			
insert period after “for subsequent management” and delete remainder of sentence	268.4(a)(2)(iii)	335.431(c)	X			

RCRA REVISION CHECKLIST 167 C: Land Disposal Restrictions
Phase IV--Corrections (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
TESTING, TRACKING, AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES						
replace “restricted” with “prohibited”; after first occurrence of “or solid waste or” replace “exempt” with “is exempted”; delete comma after first occurrence of “Subtitle C regulation” and after “261.4(a)(2)”; insert “that” after “261.4(a)(2) or”; insert “, or are managed in an underground injection well regulated by the SDWA” after “CWA-equivalent,”; replace “stating” with “describing”; insert “on-site” after “facility’s”; change “file” to “files”	268.7(a)(7)	335.431(c)	x			
for entry 1, insert “Numbers” after “Waste”, replace “Manifest numbers” with “Manifest Number of first shipment” remove “✓” from §268.7(b) column; for entry 2, replace parenthetical phrase with “in characteristic wastes”; redesignate entry 5 as 6; add new 5 as indicated at 63 FR 28640	268.7(b)(3)(ii)/Table	335.431(c)	x			
add new paragraph; for characteristic wastes subject to 268.40 that are reasonably expected to contain 268.2(i) hazardous constituents which are treated on-site and then sent off-site, the certification must state; certification statement	268.7(b)(4)(iv)	335.431(c)	x			

RCRA REVISION CHECKLIST 167 C: Land Disposal Restrictions
Phase IV--Corrections (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; for characteristic wastes containing underlying hazardous constituents as defined in 268.2(i) that are treated on-site to hazardous constituent levels in 268.48, the certification must state; certification statement	268.7(b)(4)(v)	335.431(c)	☒	☒		
replace "treatment or storage" with "treatment, storage, or disposal"; insert comma after second occurrence of "storage"	268.7(b)(5)	335.431(c)	☒	☒		
¹ replace both references to "(b)(4)" with "(b)(3)"; replace reference to "(b)(5)" with "(b)(4)"	268.7(b)(6)	335.431(c)	☒	☒		

RCRA REVISION CHECKLIST 167 C: Land Disposal Restrictions
Phase IV--Corrections (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

2 replace "(D001-D003, and D012-D043)" with "(D001-D043)"; insert "and are not managed in a wastewater treatment system...injection well," after "Hazardous Wastes,"; replace "Table UTS," with "Table Universal Treatment Standards,"	268.40(e)	335.431(c)	x			
2, 3 replace existing table with the table found at 63 FR 28643-28738 (May 26, 1998)	268.40/table "Treatment Standards for Hazardous Wastes"	335.431(c)	x			

TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

remove "paragraphs (a)(1) and (a)(2) of this section and in"; replace "in paragraphs (a)(1) and (a)(2) and Table 1 of this section" with "in the table entitled "Technology... Standards" in this section"	268.42(a)	335.431(c)	x			
4 remove	268.42(a)(1) - (a)(3)	335.431(c)	x			

TREATMENT STANDARDS FOR HAZARDOUS DEBRIS

replace reference to "261.3(e)(2)" with "261.3(f)(2)"	268.45(a) intro	335.431(c)	x			
insert "treatment" after "meet the"; replace "under §268.43" with "in 'Treatment Standards for Hazardous Wastes' at §268.40"	268.45(d)(3)	335.431(c)	x			
replace "technology-based standards for ... under §268.42" with "technology specified in the treatment standard for D001: Ignitable Liquids"	268.45(d)(4)	335.431(c)	x			

RCRA REVISION CHECKLIST 167 C: Land Disposal Restrictions
Phase IV--Corrections (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
UNIVERSAL TREATMENT STANDARDS						
replace existing table with the table found at 63 FR 28739-28750 (May 26, 1998)	268.48(a)/table UTS	335.431(c)	x			
APPENDIX VII TO PART 268						
remove entries for waste code F033; revise second entry for F032, second entry for F034, first entry for K088, entries for D003–D011; add two entries for F035	Appendix VII, Table 1	335.431(c)(3)	x			
revise entry number 9 and add entries 12 and 13	Appendix VII, Table 2	335.431(c)(3)	x			
APPENDIX VIII TO PART 268						
revise title; add in alphanumeric order the entry for “NA”	Appendix VIII	335.431(c)(3)	x			

- 1 The internal reference at 268.7(b)(6) has incorrectly been changed from "266.20(b)" to "268.20(b)". There is no 40 CFR 268.20; therefore, the original reference appears to have been correct and should be retained.
- 2 Revisions made at 268.40(e), and the replacement of the 268.40 and 268.48 tables, are included on both Revision Checklists 167A and 167C as revisions were made to these tables both because of changes due to the new LDR Phase IV restrictions and because of corrections needed to the existing tables.
- 3 If a State has chosen to follow the April 9, 1999 vacatur, it should not include entries for K140 and U408 when it revises/replaces its analog to the 40 CFR 268.40 "Treatment Standards for Hazardous Wastes" table. Wastes K140 and U408 were added by Revision Checklist 165 (63 FR 24596, May 4, 1998; 63 FR 35147, June 29, 1998). Revision Checklist 165 was withdrawn by EPA because the listing of K140 and U408 wastes was vacated on April 9, 1999 by the U.S. Court of Appeals for the District of Columbia in Great Lakes Chemical Corporation vs. EPA.
- 4 Revision Checklist 167C removed subparagraphs at 40 CFR 268.42(a)(1)-(a)(3). Beginning with the 1998 version, the CFR contains an error in that these paragraphs were not removed.
- 5 If a State has chosen to follow the April 9, 1999 vacatur, it should not include the entry for "2,4,6-Tribromophenol" when it revises/replaces its analog to the 40 CFR 268.48(a) "Universal Treatment Standards" table. This waste was added by Revision Checklist 165 (63 FR 24596, May 4, 1998; 63 FR 35147, June 29, 1998). Revision Checklist 165 was withdrawn by EPA because the listing of

RCRA REVISION CHECKLIST 167 C: Land Disposal Restrictions
Phase IV--Corrections (cont'd)

"2,4,6-Tribromophenol" was vacated on April 9, 1999 by the U.S. Court of Appeals for the District of Columbia in Great Lakes Chemical Corporation vs. EPA.