

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 167 E

Bevill Exclusion Revisions and Clarifications

63 FR 28556-28753

May 26, 1998

(RCRA Cluster VIII, non-HSWA provisions)

Note that on page 63 FR 28600, Column 1 of the May 26, 1998 final rule (63 FR 28556; Revision Checklist 167), it is stated that EPA "is revoking five remanded waste listings (K064, K065, K066, K090 and K091) because there is a lack of information demonstrating threats to human health or the environment that would justify a listing at this time". However, the Agency did not amend 40 CFR 261.32 (listings of hazardous wastes from specific sources) to remove the remanded wastes. EPA intends to issue a technical correction in the future, that will include an amendment to remove K064, K065, K066, K090 and K091 from 40 CFR 261.32. Note that these five K wastes will still be regulated under RCRA Subtitle C if they exhibit a hazardous waste characteristic.

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						
DEFINITION OF HAZARDOUS WASTE						
Following "identified in subpart C", replace "except that" with "of this part. However,"; following "under subpart C", replace "of this part" with "is a hazardous waste"; in second sentence, insert a comma following "had not occurred"	261.3(a)(2)(i)	335.1(def of hazardous waste)	x			
remains unchanged even though included in this rule	261.3(a)(2)(iii)	335.1(def of hazardous waste)	x			
EXCLUSIONS						
revise 261.4(b)(7) as 261.4(b)(7), (b)(7)(i), & (b)(7)(ii); new 261.4(b)(7) is now unchanged first sentence of old 261.4(b)(7)	261.4(b)(7) intro	335.1(def of hazardous waste)	x			
new 261.4(b)(7)(i) is second sentence of old 261.4(b)(7) with the following revisions: delete comma following "§261.4(b)(7)"; replace colon following "activities" with a semicolon; use lower case with "crushing"	261.4(b)(7)(i)	335.1(def of hazardous waste)	x			

RCRA REVISION CHECKLIST 167 E: Bevill Exclusion Revisions and Clarifications (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† new 261.4(b)(7)(ii) is third sentence of old 261.4(b)(7) with the following revisions: replace "For the purpose" with "For the purposes"; insert "as generated" after "the following wastes"	261.4(b)(7)(ii)	335.1(def of hazardous waste)	x	<i>more stringent</i>		
† redesignate old 261.4(b)(7)(i) - (xx) as 261.4(b)(7)(ii)(A) - (T)	261.4(b)(7)(ii)(A) - (T)	335.1(def of hazardous waste)	x			
† add new paragraph; a residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials remains excluded under 261.4(b) if owner/operator meets specified conditions	261.4(b)(7)(iii)	335.1(def of hazardous waste)	x	<i>more stringent</i>		
	261.4(b)(7)(iii)(A)	335.1(def of hazardous waste)	x			
	261.4(b)(7)(iii)(B)	335.1(def of hazardous waste)	x			

RCRA REVISION CHECKLIST 167 F

Exclusion of Recycled Wood Preserving Wastewaters
 63 FR 28556-28753
 May 26, 1998
 (RCRA Cluster VIII, 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 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE								
SUBPART A - GENERAL								
EXCLUSIONS								
† add new paragraph; prior to reuse, wood preserving wastewaters and spent wood preserving solutions described in 261.4(a)(9)(i)&(ii), so long as they meet all specified conditions	261.4(a)(9)(iii)	335.1(def of solid waste)(A)(iv)	x					
	261.4(a)(9)(iii)(A)	335.1(def of solid waste)(A)(iv)	x					
	261.4(a)(9)(iii)(B)	335.1(def of solid waste)(A)(iv)	x					
	261.4(a)(9)(iii)(C)	335.1(def of solid waste)(A)(iv)	x					
	261.4(a)(9)(iii)(D)	335.1(def of solid waste)(A)(iv)	x					
	261.4(a)(9)(iii)(E)	335.1(def of solid waste)(A)(iv)	x					

Handwritten notes in table:
 - Above row 1: *add*
 - Above row 2: *is it*
 - Above row 3: *adoption*
 - Above row 4: *change*

RCRA REVISION CHECKLIST 168

Hazardous Waste Combustors; Revised Standards

63 FR 33782 - 33829

June 19, 1998

(RCRA Cluster VIII, non-HSWA provisions)

Note that the June 19, 1998 rule addressed by this checklist makes amendments addressing the Clean Air Regulations. These changes are not necessary for RCRA authorization for this rule; however, of concern are those places within the RCRA regulations which reference changes made to the Clean Air Regulations. In these situations, a State must reference regulations analogous to the referenced provisions. A State may, if it has chosen to adopt these optional Clean Air Regulation changes, reference its own corresponding analog. If choosing not to adopt them, a State should retain the reference to the Federal regulations. Those provisions where this issue of concern have been indicated with a "✓" in the far left margin.

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

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

1 † add paragraph; comparable fuels or syngas fuels that meet requirements of 261.38	261.4(a)(16)	335.1(def of solid waste)(A)(iv)	x	✓		
---	--------------	-------------------------------------	---	---	--	--

SUBPART D - LISTS OF HAZARDOUS WASTES

2

† COMPARABLE/SYNGAS FUEL EXCLUSION

wastes meeting following comparable/syngas fuel requirements are not solid wastes:	261.38 intro	335.1(def of solid waste)(A)(iv)	x	✓		
comparable fuels; physical and constituent specifications	261.38(a) intro	335.1(def of solid waste)(A)(iv)	x	✓		
	261.38(a)(1) intro					
	261.38(a)(1)(i)					
	261.38(a)(1)(ii)					
	261.38(a)(2)					

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
synthesis gas fuel specifications	261.38(b) intro	335.1(def of solid waste)(A)(iv)	x	✓		
	261.38(b)(1)					
	261.38(b)(2)					
	261.38(b)(3)					
	261.38(b)(4)					
	261.38(b)(5)					
Detection and Detection Limit Values for Comparable Fuel Specification	261.38/Table 1	335.1(def of solid waste)(A)(iv)	x	✓		
implementation; waste meeting comparable or syngas fuel specification is excluded from the definition of solid waste provided following requirements are met:	261.38(c) intro	335.1(def of solid waste)(A)(iv)	x	✓		
notices; person claiming and qualifying for exclusion is comparable/syngas fuel generator; person burning fuel is comparable/syngas burner; generator must claim and certify exclusion	261.38(c)(1)	335.1(def of solid waste)(A)(iv)and (A)(iv)(I)	x	✓		
State RCRA and CAA Directors in authorized States or Regional RCRA and CAA Directors in unauthorized States	261.38(c)(1)(i) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(I)	x	✓		
generator must submit one-time notice certifying compliance with conditions of exclusion and providing required documentation	261.38(c)(1)(i)(A)	335.1(def of solid waste)(A)(iv)and (A)(iv)(I)	x	✓		
generator shall specify facility(ies) generating comparable/syngas fuel	261.38(c)(1)(i)(B)	335.1(def of solid waste)(A)(iv)and (A)(iv)(I)	x	✓		

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
generator's notification requirements	261.38(c)(1)(i)(C) intro	335.1(def of solid and (A)(iv)(I)	x			
	261.38(c)(1)(i)(C)(1)					
	261.38(c)(1)(i)(C)(2)					
	261.38(c)(1)(i)(C)(3)					
	261.38(c)(1)(i)(C)(4)					
public notice; prior to burning excluded comparable/syngas fuel, burner must publish notice; information requirements	261.38(c)(1)(ii) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(I)	x			
	261.38(c)(1)(ii)(A)					
	261.38(c)(1)(ii)(B)					
	261.38(c)(1)(ii)(C)					
	261.38(c)(1)(ii)(D)					
burning; exclusion for comparable/syngas fuel applies only if fuel is burned in units subject to Federal/State/local air emission requirements, including applicable CAA MACT requirements	261.38(c)(2) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(II)	x			
industrial furnaces as defined in § 260.10	261.38(c)(2)(i)	335.1(def of solid waste)(A)(iv)and (A)(iv)(II)	x			
boilers as defined in § 260.10, and	261.38(c)(2)(ii) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(II)	x			
industrial boilers located on facility engaged in manufacturing process where substances are transformed into new products, including component parts of products, by mechanical or chemical processes; or	261.38(c)(2)(ii)(A)	335.1(def of solid waste)(A)(iv)and (A)(iv)(II)	x			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale	261.38(c)(2)(ii)(B)	335.1(def of solid waste)(A)(iv)and (A)(iv)(II)	x			
hazardous waste incinerators						
✓ subject to regulation under subpart O of parts 264 and 265, or applicable CAA MACT standards	261.38(c)(2)(iii)	335.1(def of solid waste)(A)(iv)and (A)(iv)(II)	x			
blending to meet viscosity specification; hazardous waste blending requirements	261.38(c)(3) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(III)				
	261.38(c)(3)(i)					
	261.38(c)(3)(ii)					
	261.38(c)(3)(iii)					
treatment to meet comparable fuel exclusion specifications	261.38(c)(4) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(III)	x			
hazardous waste may be treated to meet exclusion specification if standards are met; treatment standards	261.38(c)(4)(i) intro					
	261.38(c)(4)(i)(A)					
	261.38(c)(4)(i)(B)					
	261.38(c)(4)(i)(C)	335.1(def of solid waste)(A)(iv)and (A)(iv)(III)	x			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
residuals resulting from treatment of listed subpart D hazardous waste to generate a comparable fuel remain hazardous waste	261.38(c)(4)(ii)		x	✓		
generation of a syngas fuel	261.38(c)(5) intro		x	✓		
syngas fuel can be generated from processing hazardous wastes to meet exclusion specification; processing standards	261.38(c)(5)(i) intro			✓		
	261.38(c)(5)(i)(A)			✓		
	261.38(c)(5)(i)(B)			✓		
	261.38(c)(5)(i)(C)		x	✓		
residuals resulting from treatment of listed subpart D hazardous waste to generate a comparable fuel remain hazardous waste	261.38(c)(5)(ii)	335.1(def of solid waste)(A)(iv) and (A)(iv)(III) and (IV)	x	✓		
dilution prohibition for comparable/syngas fuels	261.38(c)(6)	335.1(def of solid waste)(A)(iv)	x	✓		
waste analysis plans; generator shall develop and follow written waste analysis plan; plan shall be developed in accordance with SW-846 and followed/retained at facility excluding waste	261.38(c)(7) intro	335.1(def of solid waste)(A)(iv) and (A)(iv)(V)	x	✓		
minimum specifications for waste analysis plan	261.38(c)(7)(i) intro	335.1(def of solid waste)(A)(iv) and (A)(iv)(V)		✓		
	261.38(c)(7)(i)(A)			✓		
	261.38(c)(7)(i)(B)			✓		
	261.38(c)(7)(i)(C)			✓		
	261.38(c)(7)(i)(D)			✓		
	261.38(c)(7)(i)(E)		x	✓		

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (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 plan recording requirements	261.38(c)(7)(ii) intro					
	261.38(c)(7)(ii)(A)					
	261.38(c)(7)(ii)(B)					
	261.38(c)(7)(ii)(C)					
	261.38(c)(7)(ii)(D)	335.1(def of solid waste)(A)(iv)and (A)(iv)(V)	✓			
	261.38(c)(7)(ii)(E)					
	261.38(c)(7)(ii)(F)					
	261.38(c)(7)(ii)(G)					
	261.38(c)(7)(ii)(H)		x			
waste analysis plan shall be submitted prior to performing sampling, analysis or management of syngas fuel as excluded waste; approval of plan must be in writing and received by facility prior to sampling and analysis; plan approval may contain provisions and conditions as regulatory authority deems appropriate	261.38(c)(7)(iii)	335.1(def of solid waste)(A)(iv)and (A)(iv)(V)	✓			
comparable fuel sampling and analysis	261.38(c)(8) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	✓			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
for each excluded waste generator must test for constituents in Part 261 Appendix VIII, except those generator determines by testing or knowledge to not be present in waste; generator required to document basis of each decision; generator may not determine certain categories of constituents should not be present	261.38(c)(8)(i) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x			
	261.38(c)(8)(i)(A)					
	261.38(c)(8)(i)(B)					
	261.38(c)(8)(i)(C)					
	261.38(c)(8)(i)(D)					
for each excluded waste where generator of comparable/ syngas fuel is not original generator, generator of comparable/syngas fuel may not use process knowledge and must test to determine constituent specifications	261.38(c)(8)(ii)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x			
generator may use any reliable analytical method to demonstrate no constituent of concern is present above specification levels; responsibility of generator to ensure unbiased, precise, and representative sampling and analysis; waste is eligible for exclusion if:						
	261.38(c)(8)(iii) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x			
each constituent of concern is not present above specification level at 95% upper confidence limit around mean, and	261.38(c)(8)(iii)(A)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x			
analysis could have detected presence of constituent at or below specification level at 95% upper confidence limit around mean	261.38(c)(8)(iii)(B)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
nothing preempts, overrides or negates 262.11 provision which requires generators of solid waste to determine if waste is hazardous waste	261.38(c)(8)(iv)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x	✓		
in enforcement action, burden of proof to establish conformance with exclusion specification shall be on generator	261.38(c)(8)(v)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x	✓		
generator must conduct sampling and analysis in accordance with waste analysis plan	261.38(c)(8)(vi)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x	✓		
syngas and comparable fuel not blended to meet kinematic viscosity specification shall be analyzed as generated	261.38(c)(8)(vii)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x	✓		
if comparable fuel blended to meet kinematic viscosity specification generator shall:	261.38(c)(8)(viii) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x	✓		
analyze fuel as generated to ensure meeting constituent and heating value specifications	261.38(c)(8)(viii)(A)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x	✓		
after blending, analyze fuel again to ensure blended fuel meets comparable/syngas fuel specifications	261.38(c)(8)(viii)(B)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x	✓		
excluded comparable/syngas fuel must be re-tested at least annually and after a process change that could change chemical or physical properties of waste	261.38(c)(8)(ix)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VI)	x	✓		

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
speculative accumulation; any persons handling comparable/syngas fuel are subject to speculative accumulation test under 261.2(c)(4)	261.38(c)(9)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VII)	x			
records; generator must maintain certain records on-site	261.38(c)(10) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			
information required to be submitted to implementing authority as part of notification of claim	261.38(c)(10)(i) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			
	261.38(c)(10)(i)(A)					
	261.38(c)(10)(i)(B)					
	261.38(c)(10)(i)(C)					
brief description of process generating hazardous waste and process generating excluded fuel, if not same	261.38(c)(10)(ii)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			
estimate of average and maximum monthly and annual quantities of each waste claimed for exclusion	261.38(c)(10)(iii)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			
documentation for any claim that constituent is not present in hazardous waste	261.38(c)(10)(iv)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			
results of all analyses and all detection limits achieved	261.38(c)(10)(v)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			
required documentation if excluded waste was generated through treatment or blending	261.38(c)(10)(vi)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			
certification from burner if waste is shipped off-site	261.38(c)(10)(vii)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (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 plan and results of sampling and analysis	261.38(c)(10)(viii) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
required analysis and sampling information	261.38(c)(10)(viii)(A)	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			
	261.38(c)(10)(viii)(B)					
	261.38(c)(10)(viii)(C)					
	261.38(c)(10)(viii)(D)					
	261.38(c)(10)(viii)(E)					
	261.38(c)(10)(viii)(F)					
	261.38(c)(10)(viii)(G)					
	261.38(c)(10)(viii)(H)					
if fuel is shipped off-site for burning, generator must retain shipment information on-site; information requirements	261.38(c)(10)(ix) intro	335.1(def of solid waste)(A)(iv)and (A)(iv)(VIII)	x			
	261.38(c)(10)(ix)(A)					
	261.38(c)(10)(ix)(B)					
	261.38(c)(10)(ix)(C)					
	261.38(c)(10)(ix)(D)					
	261.38(c)(10)(ix)(E)					
records retention; records must be maintained for three years; generator must maintain current waste analysis plan during three-year period	261.38(c)(11)	335.1(def of solid waste)(A)(iv)	x			
burner certification; prior to submitting notification, generator intending to ship fuel off-site for burning must obtain one-time written, signed statement from burner; certification information requirements	261.38(c)(12) intro	335.1(def of solid waste)(A)(iv)	x			
	261.38(c)(12)(i)					
	261.38(c)(12)(ii)					
	261.38(c)(12)(iii)					

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
ineligible waste codes; wastes listed because of presence of dioxins or furans are not eligible for exclusion, and fuel produced from or containing these wastes remains hazardous waste subject to full RCRA requirements	261.38(c)(13)	335.1(def of solid waste)(A)(iv)	x	✓		

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

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

✓ † add new paragraph; ‡ combustion facility changes to meet part 63 MACT standards; procedures apply to hazardous waste combustion facility permit modifications requested under Appendix I of 270.42, section L(9)	270.42(j) intro	305.69(i)	x	✓		
	270.42(j)(1)	305.69(i)	x	✓		
	270.42(j)(2)	305.69(i)	x	✓		
† add entry L(9) as follows:	270.42 Appendix I	305.69(k)	x	✓		

Modification													Class	
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
L. Incinerators, Boilers and Industrial Furnaces														
*	*	*	*	*	*	*	*	*	*	*	*	*	*	1
9.	Technology Changes Needed to meet Standards under 40 CFR part 63 (Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of §270.42(i) are followed.													
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

¹ Class 1 modifications requiring Agency prior approval.

RCRA REVISION CHECKLIST 168: Hazardous Waste Combustors
Revised Standards (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 G - INTERIM STATUS						
CHANGES DURING INTERIM STATUS						
add paragraph; changes necessary to comply with standards under 40 CFR part 63, Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors	270.72(b)(8)	305.51(a)(8)	x			

- 1 There is a typographical error in the 63 FR 33782 (6/19/98) rule. The new paragraph 261.4(a)(16) should be numbered 261.4(a)(17). Paragraph 261.4(a)(16) was added by 63 FR 28556 (May 26, 1998, Revision Checklist 167).
- 2 The entire section at 40 CFR 261.38 was added by the June 19, 1998 rule (63 FR 33782; Revision Checklist 168).

RCRA REVISION CHECKLIST 169

Petroleum Refining Process Wastes
 63 FR 42110-42189
 August 6, 1998
 (RCRA Cluster IX, HSWA/Non-HSWA provisions)

Note: The revisions to 40 CFR 261.32, Part 261 Appendix VII, 268.35 and 268.40 are promulgated pursuant to HSWA. These regulations become effective on the Federal effective date in all States. The revision to 40 CFR 266.100 is promulgated pursuant to HSWA, but it is optional for adoption. The revisions to 40 CFR Part 261.3, 261.4, and 261.6 are promulgated relative to non-HSWA authority. The non-HSWA revisions related to the exclusions from the definition of solid waste of certain oil-bearing hazardous secondary material from petroleum refining and certain recovered oils from associated petrochemicals are optional. The addition of 40 CFR 261.4(a)(19) is a clarifying change and States are not required to make it because they do not need further authorization to interpret their regulations in accordance with this clarification. Those provisions designated as HSWA are identified by a "♦" (diamond symbol) in 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 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE								
SUBPART A - GENERAL								
DEFINITION OF HAZARDOUS WASTE								
† insert “, provided that the wastes...separation” after “§ 261.32”; insert “crude oil storage tank sediment ... (EPA Hazardous Waste No. K172)” after “(EPA Hazardous Waste No. K050)”	261.3(a)(2)(iv)(C)	335.1(def of hazardous waste)	x					
†, replace “§ 261.6(a)(3)(iv) through (vi)” with “§ 261.6(a)(3)(iii) and (iv)”	261.3(c)(2)(ii)(B)	335.1(def of hazardous waste)	x					
† add new subparagraph; catalyst inert support media separated from wastes listed in § 261.32 – Spent hydrotreating catalyst and spent hydrotreating catalyst	261.3(c)(2)(ii)(E)	335.1(def of hazardous waste)	x					
EXCLUSIONS								

RCRA REVISION CHECKLIST 169: Petroleum Refining Process 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
†, completely revise 261.4(a)(12) as 2 261.4(a)(12)(i)&(ii); oil-bearing hazardous secondary materials generated at petroleum refinery and inserted into the refining process unless the material is placed on land or speculatively accumulated before recycled; non-characteristic materials inserted into thermal cracking units; oil-bearing hazardous secondary materials inserted into same refinery where generated, or sent directly to another refinery; oil-bearing hazardous secondary materials generated elsewhere in petroleum industry are not excluded; residuals generated from materials excluded under 261.4(a)(12)(i) that would have otherwise met listing under 261 subpart D, are designated as F037 listed wastes when disposed of or intended for disposal	261.4(a)(12)(i)	335.1(def of solid waste)(A)(iv)	x	✓		
†, recovered oil recycled in same 2 manner and conditions as in 261.4(a)(12)(i); recovered oil is oil reclaimed from secondary materials generated from normal petroleum industry practices; recovered oil does not include oil-bearing hazardous wastes listed in 261 subpart D, however, oil recovered from such wastes may be considered recovered oil; recovered oil does not include used oil as defined in 279.1	261.4(a)(12)(ii)	335.1(def of solid waste)(A)(iv)	x	✓		

RCRA REVISION CHECKLIST 169: Petroleum Refining Process 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
† add new paragraph; petrochemical recovered oil from associated organic chemical manufacturing facility, where oil is inserted into refining process with normal process streams provided:	261.4(a)(18)	335.1(def of solid waste)(A)(iv)	x	<i>see model</i>		
† oil is hazardous only because it exhibits characteristic of ignitability and/or toxicity for benzene; and	261.4(a)(18)(i)	335.1(def of solid waste)(A)(iv)	x	<i>state?</i>		
† oil generated is not placed on land or speculatively accumulated before recycled; definitions of "associated organic chemical manufacturing facility" and "petrochemical recovered oil"	261.4(a)(18)(ii)	335.1(def of solid waste)(A)(iv)	x	<i>BR?</i>		
* add new paragraph; spent caustic solutions from petroleum refining liquid treating processes used as feedstock to produce cresylic or naphthenic acid unless material is placed on land or accumulated speculatively as defined in 261.1(c)	261.4(a)(19)	335.1(def of solid waste)(A)(iv)	x	<i>please explain</i>		
REQUIREMENTS FOR RECYCLABLE MATERIALS						
† at end of paragraph, replace "; and" with a period	261.6(a)(3)(iv)(C)	335.24(c)(4)(C)	x			
†, 2 remove	261.6(a)(3)(v)					

SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

RCRA REVISION CHECKLIST 169: Petroleum Refining Process 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
†, revise entry for F037; remove 3 colon after "those generated in"; replace period with a comma after "receiving dry weather flow"; use lower case with "Sludge"; add new sentence to end of description regarding the inclusion of excluded residuals generated from processing or recycling oil- bearing hazardous secondary materials if to be disposed	261.31(a)	335.1(def of Haz waste) <i>explain</i>	x	✓		

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-PETROLEUM REFINING WASTES

♦ add new paragraph; effective 4 February 8, 1999, wastes K169- K172, soils and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soils and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	268.35(a)	335.431 <i>Is he and still w/ris</i>	x	335.431C 335-431		
♦ add new paragraph; requirements of 268.35(a) do not apply if:	268.35(b) intro	335.431	x			
♦ wastes meet treatment standards specified in 268 subpart D;	268.35(b)(1)	335.431	x			
♦ exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	268.35(b)(2)	335.431	x			
♦ wastes meet treatment standards established pursuant to petition granted under 268.44;	268.35(b)(3)	335.431	x			
♦ hazardous debris meeting treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.35(b)(4)	335.431	x			
♦ extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.35(b)(5)	335.431	x			

RCRA REVISION CHECKLIST 169: Petroleum Refining Process Wastes (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
♦ add new paragraph; to determine if hazardous wastes identified in 268.35 exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains constituents in excess of UTS levels of 268.48, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	268.35(c)	335.431 <i>15 ✓ 335.431 (c)</i>	x	<i>OK</i>		

SUBPART D – TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

♦, add in alphanumeric order new 5 entries for K169, K170, K171, and K172 as shown at 63 FR 42187	268.40/Table	335.431	x			
--	--------------	---------	---	--	--	--

¹ The internal reference to "§261.6(a)(3)(iv) through (vi)", as affected by Revision Checklist 135, was incorrect in the July 1, 1997, CFR. The reference should have been "§261.6(a)(3)(iii) through (v)" to correctly correspond to the deletion of subparagraphs in 40 CFR 261.6(a)(3) by Revision Checklists 112, 135, and 142B. Not all of these checklists made the corresponding changes to the internal references at 40 CFR 261.3(c)(2)(ii)(B) or 266.100(b)(3); therefore, the internal reference has remained incorrect in the CFR since July 1, 1993. Revision Checklist 169 subsequently corrects the internal references at both provisions to also reflect the removal of 40 CFR 261.6(a)(3)(v).

² The optional revision of the exclusion at 40 CFR 261.4(a)(12)(i)&(ii) replaces the provision at 40 CFR 261.6(a)(3)(v) causing this later provision to be removed; therefore, these changes should be adopted together. States should be aware that adoption of the removal of 40 CFR 261.6(a)(3)(v) without the adoption of the revisions to 40 CFR 261.4(a)(12)(i)&(ii) would make the State potentially broader-in-scope than the Federal requirements. The correction of the internal reference to "261.6(a)(3)(iv) through (vi)" at 40 CFR 261.3(c)(2)(ii)(B) is also optional but should be made if the revisions to 40 CFR 261.4(a)(12)(i)&(ii) are adopted. Although the revision of the internal reference at 40 CFR 266.100(b)(3) is made pursuant to HSWA authority, it is also optional since the

- 3 This change is conditionally optional. If a State chooses to make the optional changes at 40 CFR 261.4(a)(12), it needs to make this change as well.
revision should be made only if the revisions to 40 CFR 261.4(a)(12)(i)&(ii) are adopted.
- 4 The 1997 40 CFR reprints 40 CFR 268.35 (which was removed by the rule addressed by Revision Checklist 157), and includes a note that the section has been removed effective August 11, 1997 (62 FR 26022, 5/12/97). Since it was promulgated after the effective date of the removal, Revision Checklist 169 adds a new 40 CFR 268.35.
- 5 Note that the August 6, 1998 rule (Revision Checklist 169) republished the appropriate footnotes to the Table of Treatment Standards at 40 CFR 268.40 without change.

RCRA REVISION CHECKLIST 170

Land Disposal Restrictions Phase IV -- Zinc Micronutrient Fertilizers, Amendment
 63 FR 46332-46334
 August 31, 1998
 (RCRA Cluster IX, HSWA)

Note: This August 31, 1998 (63 FR 46332) notice stays the land disposal treatment standards for metal-bearing hazardous wastes which exhibit the characteristic of toxicity as it applies to zinc micronutrient fertilizers. Zinc micronutrient fertilizers are now subject to the applicable treatment standards in 268.41 contained in the July 1, 1990 edition of the CFR. The stay remains in effect until further regulatory action is taken by the Agency. If and when further action is taken, EPA will publish a notice in the Federal Register (a notice of Proposed Rulemaking is expected in 1999). A checklist is necessary because the code is affected. Because this amendment raises the level to which certain constituents must be treated and is, therefore, less stringent than previous standards, States are not required to adopt this checklist. As such, this checklist has been designated as optional.

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 D - TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS						
add new subparagraph; zinc-containing fertilizers produced for general public use and produced from or containing recycled characteristic hazardous wastes (D004-D011) are subject to 268.41 treatment standards in the July 1, 1990 edition of the CFR	268.40(i) (first entry)	335.431(c)	x			

¹ Note that paragraph 268.40(i) was added by 63 FR 46332-46334(August 31, 1998, Revision Checklist 170) and a second paragraph 268.40(i) was added 63 ER 47410-47418 (September 4, 1998, Revision Checklist 171).

RCRA REVISION CHECKLIST 171

Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards
for Listed Hazardous Wastes from Carbamate Production

63 FR 47410-47418

September 4, 1998

(RCRA Cluster IX, HSWA)

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 D - TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS						
replace "August 26, 1997 and August 26, 1998" with "August 26, 1996 and March 4, 1999"	268.40(g)	335.431(c)	x	✓		
add new paragraph; effective September 4, 1998, treatment standards for certain "P" and "U" wastes specified in 261.33 may be satisfied by either meeting constituent concentrations in "Treatment Standards for Hazardous Wastes" table, or by treating the waste by technologies specified	second entry 268.40(i)	335.431(c)	x	↓		
revise "Treatment Standards for Hazardous Wastes" table and footnotes to table as shown at 63 FR 47416-47417	268.40/Table	335.431(c)	x	↓		

RCRA REVISION CHECKLIST 171: Emergency Revision of LDR Treatment Standards (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						
remove entries for the following: A2213; Bendiocarb phenol; Diethylene glycol, dicarbamate; Dimetilan; Formparanate; Isolan; o-Phenylenediamine; and Tirpate; remove footnote "6" in column one, after the following: Aldicarb sulfone; Barban; Bendiocarb; Benomyl; Butylate; Carbaryl; Carbenzadim; Carbofuran; Carbofuran phenol; Carbosulfan; m-Cumenyl methylcarbamate; Dithiocarbamates (total); EPTC; Formetanate hydrochloride; Methiocarb; Methomyl; Metolcarb; Mexacarbate; Molinate; Oxamyl; Pebulate; o-Phenylenediamine; Physostigmine; Physostigmine salicylate; Promecarb; Propham; Propoxur; Prosulfocarb; Thiodicarb; Thiophanate-methyl; Triallate; Triethylamine; and Vernolate; and by removing footnote 6 itself	268.48(a)/Table	335.431(c)	x			

¹ Paragraph 268.40(i) was added by 63 FR 46332-46334(August 31, 1998, Revision Checklist 170) and a second paragraph 268.40(i) was added 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171). While the instructions for the 64 FR 25408 rule (May 11, 1999, Revision Checklist 179) indicate that the first paragraph should be redesignated as 268.40(j), the revisions made by this rule to 268.40(i) are made to the language introduced by the first paragraph; therefore, it is assumed that the second paragraph 268.40(i) should be redesignated as 268.40(j), and the first paragraph remain 268.40(i).

² Note that on pages 47416-47417 of the September 4, 1998 rule, "mg/l" has been erroneously expressed as "mg/L" throughout the table "Treatment Standards for Hazardous Wastes" and throughout the footnotes to this table. Milligrams per liter is correctly abbreviated as "mg/l".

RCRA REVISION CHECKLIST 171: Emergency Revision of LDR Treatment Standards (cont'd)

- 3 Footnote 11 to the table "Treatment Standards for Hazardous Wastes" was inadvertently revised to "mg/L TCLP". The correct version of footnote 11 is found in the May 26, 1998 FR notice (63 FR 28738).
- 4 This rule, 63 FR 47410-47418 (September 4, 1998, Revision Checklist 171), incorrectly removes footnote 6 from the 268.48(a)/Table. The footnote has been reinserted by Revision Checklist 179 (May 11, 1999, 64 FR 25408).

RCRA REVISION CHECKLIST 172

Land Disposal Restrictions Phase IV -- Extension of Compliance

Date for Characteristic Slags

63 FR 48124-48127

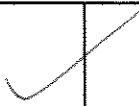
September 9, 1998

(RCRA Cluster IX, HSWA)

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 D - TREATMENT STANDARDS								
WASTE SPECIFIC PROHIBITIONS--SECOND THIRD WASTES								
† redesignate old 268.34(b)-(e) as 268.34(c)-(f); add new 268.34(b) setting November 26, 1998 as the effective date when slags from secondary lead smelting which exhibit the Toxicity Characteristic due to one or more metals, are prohibited from land disposal	268.34(b)-(f)	335.431(c)	x					

RCRA REVISION CHECKLIST 173

Land Disposal Restrictions; Treatment Standards for
Spent Potliners from Primary Aluminum
Reduction (K088); Final Rule
63 FR 51254-51267
September 24, 1998
(RCRA Cluster IX, 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 C - PROHIBITIONS ON LAND DISPOSAL								
WASTE SPECIFIC PROHIBITIONS-SPENT ALUMINUM POTLINERS; REACTIVE; AND CARBAMATE WASTES								
replace "October 8, 1997" with "September 21, 1998"; replace "this waste" with "these wastes"	268.39(c)	335.431(c)	x					
SUBPART D - TREATMENT STANDARDS								
APPLICABILITY OF TREATMENT STANDARDS								
in the entry for K088, correct "Acenaphthene" to "Acenaphthalene"; correct "Benz(a)anthracene" to "Benzo(a)anthracene"; in nonwastewaters column for Arsenic, replace "5.0 mg/l TCLP" with "26.1 mg/kg"; remove "Fluoride" and its corresponding data	268.40/Table	335.431(c)	x	