

US EPA ARCHIVE DOCUMENT

IBR TEXAS PROGRAM REVISION PACKAGE

REGULATORY DOCUMENTATION FOR FEDERAL PROVISIONS FOR WHICH TEXAS IS SEEKING AUTHORIZATION

Federal Final Rules Published October 3, 2001

RCRA CHECKLIST 194

Title of Regulations: Mixture and Derived-from Rules

Effective Date of Regulations: August 16, 2007

Statutory Authority: Texas Water Code §5.103 and §5.105 and
Texas Health and Safety Code §361.017 and §361.024

Date Prepared: March 28, 2007

A. STATE ANALOGS TO FEDERAL CITATIONS

At 30 Texas Administrative Code Chapter 335, Texas has incorporated by reference the October 3, 2001 version of the Code of Federal Regulations (CFR).

FEDERAL RCRA CITATION	STATE CITATION	STATE ANALOG IS:			COMMENT
		EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE	
61.3(a)(2)(iv)(A)-(G)	335.1 (62) and (64)	X			
261.3(g)(4)	335.1(62) and (64)	X			

Remarks of the Attorney General/independent Counsel (if any):

B. STATE-INITIATED CHANGES TO THE PREVIOUSLY AUTHORIZED PROGRAM

PREVIOUSLY AUTHORIZED CITATION	CURRENT STATE CITATION	RELATED FEDERAL ANALOG	STATE ANALOG IS:				COMMENT*
			IBR	EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE	

*This column may be used to describe what State-initiated changes the State has made to its previously authorized program. The State should indicate the impact of the change on its authorized program; i.e, the State should explain whether the changes were made for **clarity**; the State remains/or is now **equivalent** or **more stringent**; or the State's provision is **broader in scope**.

Remarks of the Attorney General/independent Counsel (if any):

IBR TEXAS PROGRAM REVISION PACKAGE

REGULATORY DOCUMENTATION FOR FEDERAL PROVISIONS FOR WHICH TEXAS IS SEEKING AUTHORIZATION Federal Final Rules Published November 20, 2001 and April 9, 2002 RCRA CHECKLIST 195

Title of Regulations: Inorganic Chemical Manufacturing Wastes Identification and Listing

Effective Date of Regulations: August 16, 2007

Statutory Authority: Texas Water Code §5.103 and §5.105 and
Texas Health and Safety Code §361.017 and §361.024

Date Prepared: March 28, 2007

A. STATE ANALOGS TO FEDERAL CITATIONS

At 30 Texas Administrative Code Chapter 335, Texas has incorporated by reference the November 20, 2001 and April 9, 2002 version of the Code of Federal Regulations (CFR).

FEDERAL RCRA CITATION	STATE CITATION	STATE ANALOG IS:			COMMENT
		EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE	
261.4(b)(15)(i)-(v)	335.1(133)(A)(iv)	X			
261.32	335.504(2)	X			
261 Appendix VII	335.29(2)	X			
268.36(a)-(c)	335.431(c)(1)	X			
268.40/Table	335.431(c)(1)	X			

Remarks of the Attorney General/independent Counsel (if any):

B. STATE-INITIATED CHANGES TO THE PREVIOUSLY AUTHORIZED PROGRAM

PREVIOUSLY AUTHORIZED CITATION	CURRENT STATE CITATION	RELATED FEDERAL ANALOG	STATE ANALOG IS:				COMMENT*
			IBR	EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE	

Remarks of the Attorney General/independent Counsel (if any):

IBR TEXAS PROGRAM REVISION PACKAGE

REGULATORY DOCUMENTATION FOR FEDERAL PROVISIONS FOR WHICH TEXAS IS SEEKING AUTHORIZATION

Federal Final Rules Published January 22, 2002

RCRA CHECKLIST 196

Title of Regulations: CAMU Amendments

Effective Date of Regulations: August 16, 2007

Statutory Authority: Texas Water Code §5.103 and §5.105 and
Texas Health and Safety Code §361.017 and §361.024

Date Prepared: March 28, 2007

A. STATE ANALOGS TO FEDERAL CITATIONS

At 30 Texas Administrative Code Chapter 335, Texas has incorporated by reference the January 22, 2002 version of the Code of Federal Regulations (CFR).

FEDERAL RCRA CITATION	STATE CITATION	STATE ANALOG IS:			COMMENT
		EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE	
260.10	335.1(33)	X			The state rule omits a parenthetical acronym after the rule identifies a particular association, but the change is non-substantive and does not adversely affect the status of equivalency.
260.10	335.1(123)	X			Minor, non-substantive phrasing differences exist between the state and federal regulations on this topic which results in the state rule being broader in scope with its clarification as to where wastes may originate under this waste classification.
264.550(a)	335.152(a)(14)	X			
264.550(b)	335.152(a)(14)	X			
264.551	335.152(a)(14)	X			
264.551(a)intro	335.152(a)(14)	X			
264.552(a)-(k)	335.152(a)(14)	X			
264.554(a)(1)-(2)	335.152(a)(14)	X			
264.555(a)-(g)	335.152(a)(14)	X			

Remarks of the Attorney General/independent Counsel (if any):

RCRA REVISION CHECKLIST 198

Hazardous Air Pollutant Standards for Combustors: Corrections

67 FR 6968-6996

February 14, 2002

(RCRA Cluster XII, HSWA/Non-HSWA)

Name of State: Texas

State Statutory Authority: Texas Water Code §5.103 and §5.105 and
Texas Health & Safety Code §361.017 and §361.024

Title of Regulations: Texas Administrative Code Chapter 335, Industrial Solid Waste and Municipal
Hazardous Waste, Texas Administrative Code Chapter 305, Consolidated Permits

Effective Date: August 16, 2007

Date Checklist Completed: March 28, 2007

HSWA provisions are identified by a "♦" (diamond symbol) in this checklist. Conditionally optional provisions are identified by a "††" (double dagger 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 266 – STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES						
SUBPART H – HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES						
APPLICABILITY						
replace “(b), (c), (d), and (f)” with “(b), (c), (d), (g), and (h)”	266.100(a)	IBR 335.221(a)(1)	X			
replace “63.1210(d)” with “63.1210(b)”; replace second occurrence of “subpart EEE” with “part 63, subpart EEE, of this chapter”	266.100(b)(1)	IBR 335.221(a)(1)	X			
replace “paragraph (c)(2)” with “paragraph (d)(2)”	266.100(d)(1)(i) (B)	IBR 335.221(a)(1)	X			
replace “paragraph (c)(1)(iii)” with “paragraph (d)(1)(iii)”	266.100(d)(2)(i)	IBR 335.221(a)(1)	X			
replace “paragraph (c)(1)(iii)” with “paragraph (d)(1)(iii)”	266.100(d)(2)(ii)	IBR 335.221(a)(1)	X			

¹ ♦ replace comma after “recovery furnace” with an open paren; replace comma after “NESHAP” with closed paren and add language regarding written notice and any claimed exemptions; owners/operators must comply with 266.100(d)(1) & (d)(3)(i) for wastes claimed to be exempt	266.100(d)(3) intro	IBR 335.221(a)(1)	X			
♦ replace “paragraph (c)(1)” with “paragraph (d)(1)”	266.100(d)(3)(i) intro	IBR 335.221(a)(1)	X			
♦ replace both occurrences of “paragraph (c)(3)” with “paragraph (d)(3)”; replace “paragraph (c)(1)(ii)” with “paragraph (d)(1)(ii)”	266.100(d)(3)(i) (D)	IBR 335.221(a)(1)	X			

PART 270 - EPA ADMINISTERED PERMIT PROGRAMS:

THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATIONS AT THE REQUEST OF THE PERMITTEE

†† replace “was in effect prior to May 14, 2001” with “were in effect prior to October 11, 2000”	270.42(j)(1)	305.69(i)(1)	X			
--	--------------	--------------	---	--	--	--

¹ The September 30, 1999 rule, as amended by the November 19, 1999 rule (Revision Checklist 182; 64 FR 52828, as amended at 64 FR 63209), inadvertently removed a portion of 266.100(d)(3). This rule (Revision Checklist 198) corrects that omission by reinserting the missing language).

IBR TEXAS PROGRAM REVISION PACKAGE

REGULATORY DOCUMENTATION FOR FEDERAL PROVISIONS FOR WHICH TEXAS IS SEEKING AUTHORIZATION

Federal Final Rules Published March 13, 2002

RCRA CHECKLIST 199

Title of Regulations: Vacatur of Mineral Processing Spent Minerals Being Reclaimed as Solid Waste and TCLP Use with MGP Waste

Effective Date of Regulations: August 16, 2007

Statutory Authority: Texas Water Code §5.103 and §5.105 and
Texas Health and Safety Code §361.017 and §361.024

Date Prepared: March 28, 2007

A. STATE ANALOGS TO FEDERAL CITATIONS

At 30 Texas Administrative Code Chapter 335, Texas has incorporated by reference the March 13, 2002 version of the Code of Federal Regulations (CFR).

FEDERAL RCRA CITATION	STATE CITATION	STATE ANALOG IS:			COMMENT
		EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE	
261.2(c)(3)	335.1(133)(D)(iii)	X			Minor, non-substantive phrasing differences exist between the state and federal regulations on this topic.
261.4(a)(17)	335.1 (133)(A)(iv)	X			State rule omits a parenthetical phrase found in the federal rule but the change is non-substantive and does not adversely affect the status of equivalency.
261.24(a)	335.504(3)	X			

Remarks of the Attorney General/independent Counsel (if any):

B. STATE-INITIATED CHANGES TO THE PREVIOUSLY AUTHORIZED PROGRAM

PREVIOUSLY AUTHORIZED CITATION	CURRENT STATE CITATION	RELATED FEDERAL ANALOG	STATE ANALOG IS:				COMMENT*
			IBR	EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE	

*This column may be used to describe what State-initiated changes the State has made to its previously authorized program. The State should indicate the impact of the change on its authorized program; i.e, the State should explain whether the changes were made for **clarity**; the State remains/or is now **equivalent** or **more stringent**; or the State’s provision is **broader in scope**.

Remarks of the Attorney General/independent Counsel (if any):