

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 200
Zinc Fertilizer Rule
67 FR 48393 – 48415
July 24, 2002
(RCRA Cluster XIII, 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
Effective Date: August 16, 2007

Date Checklist Completed: March 28, 2007

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 paragraphs (a)(20) and (21) to read as follows:	261.4	335.1(133)(A)(iv)	X			
Hazardous secondary materials used to make zinc fertilizers, provided these conditions are satisfied:	261.4(a)(20)	335.1(133)(A)(iv)	X			
Materials must not be accumulated speculatively, as defined in §261.1 (c)(8).	261.4(a)(20)(i)	335.1(133)(A)(iv)	X			
Generators and intermediate handlers must:	261.4(a)(20)(ii)	335.1(133)(A)(iv)	X			
Submit a one-time notice to Regional Administrator or State Director, containing facility name, address and EPA ID number; providing a description of material; and identifying when the manufacturer will manage these wastes under paragraph (a)(20).	261.4(a)(20)(ii)(A)	335.1(133)(A)(iv)	X			

RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Store material in tanks, containers, or buildings that prevent releases into environment. Buildings must be made of non-earthen materials and have a floor, walls and a roof. Tanks must be structurally sound and, if outdoors, must have roofs or covers. Containers must be kept closed except when adding or removing material, and must be in sound condition. Containers stored outdoors must be managed within storage areas that:	261.4(a)(20)(ii)(B)	335.1(133)(A)(iv)	X			
have containment structures or systems to contain leaks, spills and accumulated precipitation; and	261.4(a)(20)(ii)(B)(1)	335.1(133)(A)(iv)	X			
provide for drainage and removal of leaks, spills and accumulated precipitation; and	261.4(a)(20)(ii)(B)(2)	335.1(133)(A)(iv)	X			
prevent run-on into the containment system.	261.4(a)(20)(ii)(B)(3)	335.1(133)(A)(iv)	X			
With each off-site shipment, provide written notice to the receiving facility that the material is subject to paragraph (a)(20).	261.4(a)(20)(ii)(C)	335.1(133)(A)(iv)	X			
Maintain at generator's or intermediate handler's facility for no less than three years records of all shipments. These records must contain:	261.4(a)(20)(ii)(D)	335.1(133)(A)(iv)	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Name of transporter and date of shipment;	261.4(a)(20)(ii)(D)(1)	335.1(133)(A)(iv)	X			
Name and address of receiving facility, and documentation confirming shipment receipt; and	261.4(a)(20)(ii)(D)(2)	335.1(133)(A)(iv)	X			
Type and quantity of material in each shipment.	261.4(a)(20)(ii)(D)(3)	335.1(133)(A)(iv)	X			
Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:	261.4(a)(20)(iii)	335.1(133)(A)(iv)	X			
Store materials in accordance with requirements for generators and intermediate handlers, as in paragraph (a)(20)(ii)(B).	261.4(a)(20)(iii)(A)	335.1(133)(A)(iv)	X			
Submit a one-time notification to the Regional Administrator or State Director that, specifies the name, address and EPA ID number of the manufacturer, and identifies when the manufacturer will manage these materials under paragraph (a)(20).	261.4(a)(20)(iii)(B)	335.1(133)(A)(iv)	X			
Maintain records for a minimum of three years of all shipments received; must identify name and address of generating facility, name of transporter and date materials were received, quantity received, and a describe the process that generated the material.	261.4(a)(20)(iii)(C)	335.1(133)(A)(iv)	X			

RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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Submit to the Regional Administrator or State Director an annual report identifying the total quantities of all materials used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the process(s) which generated them.	261.4(a)(20)(iii)(D)	335.1(133)(A)(iv)	X			
Nothing in this section preempts, overrides or otherwise negates the provision in §262.11.	261.4(a)(20)(iv)	335.1(133)(A)(iv)	X			
Interim status and permitted storage units that have only stored zinc-bearing hazardous wastes prior to the submission of the one-time notice described in (a)(20)(ii)(A), and that afterward will be used only to store these excluded materials, are not subject to the closure requirements of 40 CFR Parts.264 and 265.	261.4(a)(20)(v)	335.1(133)(A)(iv)	X			
Zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under paragraph (a)(20) of this section, provided that:	261.4(a)(21)	335.1(133)(A)(iv)	X			
The fertilizers meet the following contaminant limits:	261.4(a)(21)(i)	335.1(133)(A)(iv)	X			

RCRA REVISION CHECKLIST 200: Zinc Fertilizer Rule
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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For metal contaminants: The Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm): Arsenic - .3 Cadmium - 1.4 Chromium - .6 Lead - 2.8 Mercury - .3	261.4(a)(21)(i)(A)	335.1(133)(A)(iv)	X			
For dioxin contaminants the fertilizer must contain no more than eight (8) parts per trillion of dioxin, measured as toxic equivalent (TEQ).	261.4(a)(21)(i)(B)	335.1(133)(A)(iv)	X			
The manufacturer analyzes fertilizer to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. Testing must be performed whenever there are changes to manufacturing processes or ingredients that could significantly affect amounts of contaminants in product. The manufacturer may use any reliable analytical method. It is manufacturer's responsibility to ensure that sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.	261.4(a)(21)(ii)	335.1(133)(A)(iv)	X			

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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The manufacturer maintains for no less than three years records of all sampling and analyses performed to determine compliance with the requirements of (a)(21)(ii). Such records must at a minimum include:	261.4(a)(21)(iii)	335.1(133)(A)(iv)	X			
Dates and times product samples were taken, and dates samples were analyzed;	261.4(a)(21)(iii)(A)	335.1(133)(A)(iv)	X			
Names and qualifications of person(s) taking samples;	261.4(a)(21)(iii)(B)	335.1(133)(A)(iv)	X			
Description of methods and equipment used to take the samples;	261.4(a)(21)(iii)(C)	335.1(133)(A)(iv)	X			
Name and address of the laboratory where analyses were performed;	261.4(a)(21)(iii)(D)	335.1(133)(A)(iv)	X			
Description of analytical methods used, and	261.4(a)(21)(iii)(E)	335.1(133)(A)(iv)	X			
All laboratory analytical results used to determine compliance with the contaminant limits specified in paragraph (a)(21).	261.4(a)(21)(iii)(F)	335.1(133)(A)(iv)	X			

**PART 266 – STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND
SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES**

SUBPART C -- RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL APPLICABILITY						
remove the last two sentences of paragraph (b), and add a new paragraph (d) to read as follows:	266.20	Not adopted because amendment is optional				
Fertilizers that contain recyclable materials are not subject to regulation provided that:	266.20(d)	Not adopted because amendment is optional				

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They are zinc fertilizers excluded from the definition of solid waste according to §261.4(a)(21); or	266.20(d)(1)	Not adopted				
They meet applicable treatment standards in subpart D of Part 268 of this chapter for each hazardous waste that they contain.	266.20(d)(2)	Not adopted				
PART 268 – LAND DISPOSAL RESTRICTIONS						
SUBPART D – TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS						
Section 268.40 is amended by removing and reserving paragraph (i)	268.40	335.431(c)(1)	X			

RCRA REVISION CHECKLIST 202
Hazardous Air Pollutant Standards for Combustors- Corrections 2
67 FR 77687 - 77692
December 19, 2002
(RCRA Cluster XIII, 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 305, Consolidated Permits
Effective Date: August 16, 2007

Date Checklist Completed: March 28, 2007

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 270 – EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM						
SUBPART B – PERMIT APPLICATION						
SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS						
Amend by revising paragraph (e) to read as follows: When an owner or operator demonstrates compliance with the air emission standards in part 63, subpart EEE*, the requirements of this section do not apply, except those the Director determines necessary to comply with §§ 264.345(a) and 264.345(c) if you elect to comply with § 270.235(a)(1)(i)**. The Director may apply the provisions on a case-by-case basis for information collection in accordance with §§ 270.10(k) and 270.32(b)(2).	270.19(e)	305.175	X			*See endnote A **See endnote B

RCRA REVISION CHECKLIST 202: Hazardous Air Pollutant Standards for Combustors-- Corrections 2
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE						
Amend by revising the introductory text to read as follows: When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations in part 63, subpart EEE*, the requirements of this section do not apply, except those the Director determines necessary to comply with §§ 266.102(e)(1) and 266.102(e)(2)(iii) if you elect to comply with § 270.235(a)(1)(i)**. The Director may apply the provisions on a case-by-case basis for information collection in accordance with §§ 270.10(k) and 270.32(b)(2).	270.22 intro	305.571(b)	X			*See endnote C **See endnote D

RCRA REVISION CHECKLIST 202: Hazardous Air Pollutant Standards for Combustors-- Corrections 2
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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART F – SPECIAL FORMS OF PERMITS						
HAZARDOUS WASTE INCINERATOR PERMITS						
Section 270.62 is amended by revising the introductory text to read as follows: When an owner or operator demonstrates compliance with the air emission standards and limitations in part 63, subpart EEE*, the requirements of this section do not apply, except those provisions the Director determines necessary to comply with §§ 264.345(a) and 264.345(c) of this chapter if you elect to comply with § 270.235(a)(1)(i)**. The Director may apply the provisions on a case-by-case basis, for information collection in accordance with §§ 270.10(k) and 270.32(b)(2).	270.62 intro	305.175	X			*See endnote E **See endnote F

RCRA REVISION CHECKLIST 202: Hazardous Air Pollutant Standards for Combustors– Corrections 2
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE.						
Amend by revising the introductory text to read as Follows: When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations in part 63, subpart EEE*, the requirements of this section do not apply, except those provisions the Director determines necessary to comply with §§ 266.102(e)(1) and 266.102(e)(2)(iii) of this chapter if you elect to comply with § 270.235(a)(1)(i)**. The Director may apply the provisions on a case-by-case basis for information collection in accordance with §§ 270.10(k) and 270.32(b)(2).	270.66 intro	305.571(b)	X			*See endnote G **See endnote H

Endnotes –

A - A parenthetical phrase in the CFR (i.e. by conducting a comprehensive performance test and submitting a Notification of Compliance) was not included in §305.175, but the omitted phrase, which clarifies how to demonstrate compliance, does not adversely affect equivalency.

B - The following clause “to minimize emissions of toxic compounds from startup, shutdown, and malfunction events” was omitted, but the concept is included in §270.235(a)(1)(i) and does not necessarily need to be added for equivalency.

C & D – The same two clauses as stated above in footnote A & B were omitted in §305.571(b) but need not be added. The state rule is equivalent since the citation to §270.235(a)(1)(i) covers this concept & the parenthetical phrase merely provides a more specific explanation. The state rule contains all essential elements.

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E & F – The same two clauses as stated above in footnote A & B were omitted in §305.175 but need not be added. The state rule is equivalent since the citation to §270.235(a)(1)(i) covers this concept & the parenthetical phrase merely provides a more specific explanation. The state rule contains all essential elements.

G & H – §305.571(b) is equivalent and contains all essential elements. Two clauses in §270.66 were omitted from §305.571(b) which provides a more specific explanation, but the explanation is not needed for equivalency.