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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 12 1994

MEMORANDUM

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

SUBJECT: State Program Advisory Number Fourteen

FROM: Michael H. Shapiro, Director
Office of Solid Waste

TO: Regional Division Directors, Regions I-X

The State and Regional Programs Branch (SRPB) periodically issues State Program Advisories (SPAs) to update the State Authorization Manual (SAM) as new RCRA program policies, regulations, and self-implementing statutory provisions come into effect.

With this memorandum, I am transmitting SPA 14, which covers RCRA program changes for the period of July 1, 1992, through June 30, 1993. SPA 14 contains 18 new revision checklists, Model Attorney General's Statement language for the changes covered in the SPA, and a new Special Consolidated Checklist -- Bevill Exclusion for Mining Wastes.

If you have any questions about any of these materials, please contact State and Regional Programs Branch Acting Chief, Richard LaShier at (703) 308-8760.

Attachments

cc: Dev Barnes
Section Chiefs, Regions I-X
Branch Chiefs, Regions I-X
State Program Liaisons

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Summary for State Program Advisory Fourteen

Starting with SPA 14, the time period covered by a SPA will be one year and will correspond with the year (July 1 to June 30) covered by the clusters and the annual updates to the CFR. This present SPA covers the period July 1, 1992 through June 30, 1993, and includes this summary plus three attachments. The first attachment, Attachment A, contains new Revision Checklists 107-124 and their corresponding summaries and FR articles, as well as a used oil fact sheet which is placed after the FR article for Revision Checklist 112. Attachment B contains updates to the State Authorization Manual (SAM), including Tables G-1 and G-2, the Checklist Linkage Table, the Model Revision Attorney General's Statement, and a revised Revision Checklist 100. Attachment C includes the updated (through June 30, 1993) consolidated checklists for the Land Disposal Restrictions, Boilers and Industrial Furnaces, Toxicity Characteristic, and Wood Preserving. Also in Attachment C is a new consolidated checklist--Bevill Exclusion for Mining Wastes, which consolidates the requirements of Revision Checklist 53, 65, 71 and 90.

The following points briefly highlight the content of SPA 14. These points are organized by topic.

Checklists

New

- This SPA provides eighteen new checklists (Numbers 107 through 124) covering regulatory changes for the period July 1, 1992 through June 30, 1993. All checklists are in RCRA Cluster III. Revision Checklists 107-110, 114, 115, 116, 117B, 118, 119, 121, 123 and 124 contain HSWA provisions only, and Checklist 113 contains only non-HSWA provisions. The remaining checklists contain both HSWA and non-HSWA provisions.

- This SPA includes Revision Checklists 112 and 122 addressing the new used oil management standards. The former introduces Part 279 (Standards for the Management of Used Oil) to the RCRA regulations and the latter addresses two amendments to these new standards. On March 4, 1994 EPA promulgated a final rule (59 FR 10555; Revision Checklist 130) that amends and clarifies certain exemptions from the Recycled Used Oil Management Standards. While that rule will be part of SPA 15, EPA strongly recommends that States adopt Revision Checklists 112, 122 and 130 at one time. As such, a checklist consolidating the provisions from all three checklists will be available shortly after Revision Checklist 130 is available. The due date for the consolidated version of these standards will be the due date for Revision Checklist 130 rather than the due date for the two SPA 14 checklists. SPA 14 also includes a Used Oil Fact Sheet which provides a brief listing of used oil regulations, overviews the current management standards, discusses EPA's future plans for used oil regulation and examines the implications for State Programs.

- Revision Checklist 113 is a special checklist in that it consolidates the changes made to the Federal regulations by the September 1, 1988 (53 FR 33938), July 1, 1991 (56 FR 30200), and September 16, 1992 (57 FR 42832) final rules addressing the liability requirements. The initial rule addressed by this checklist was challenged by Chemical Waste Management, Inc. That company ultimately entered into a settlement agreement with EPA on February 23, 1990 with regard to this rule. The July rule and second September rule contain the amendments to the code resulting from this agreement. Initially, the September 1, 1988 and the July 1, 1991 rules were to be addressed by Revision Checklists 51 and 93, respectively. However, due to the time period which has elapsed and EPA's desire that the provisions addressed by the three rules be adopted at the same time, the Agency has decided not to issue these checklists and, instead, has combined these three related rules into one consolidated checklist, i.e., Revision Checklist 113. The submission deadline for this checklist is based on the due date for the September 16, 1992 rule.

- Included in this SPA is Revision Checklist 117 A, which was developed to help states, which desired to do so, adopt the reissued "mixture" and "derived-from" rules addressed by the March 3, 1992 (57 FR 7628), June 1, 1992 (57 FR 23062) and October 30, 1992 (57 FR 49278) rules. This checklist is optional. Checklist 117 B was developed because the June 1, 1992 rule also corrected an omission made by the Toxicity Characteristic rule (55 FR 11798) and its subsequent amendments. Because this change made the Federal code more stringent, Revision Checklist 117 B is required. Both checklists were placed in RCRA Cluster III due to time lag in determining how to handle the rules associated with the reissuance of the "mixture" and "derived-from" rules.

Existing

- An error in the placement of a footnote designation in Revision Checklist 100 was discovered after SPA 13 was distributed. SPA 14 includes a copy of the revised Revision Checklist 100.

Cluster Information

- SPA 14 delineates timeframes by which States must obtain authorization for RCRA Cluster III. The due date is July 1, 1994 (July 1, 1995 if a State statutory change is necessary). For further information on the Cluster Rule, see September 26, 1986 (51 FR 33712).

SAM

- This SPA provides updated Tables G-1 and G-2, a Model Revision Attorney General's Statement, and a Checklist Linkage Table to insert into the SAM.

ATTACHMENT A

Summaries and New Revision Checklists,
Corresponding Federal Register Articles

Revision Checklist 107 Summary

Rule Title:	Hazardous Waste Management System; General; Identification and Listing of Hazardous Waste; Used Oil
Checklist Title:	Used Oil Filter Exclusion; Technical Corrections
Reference:	57 FR 29220
Promulgation Date:	July 1, 1992
Effective Date:	July 1, 1992
Cluster:	RCRA III
Provision Type:	HSWA
Linkage:	Revision Checklist 104 (Optional)
Optional:	Yes (conditionally optional--required only if optional Revision Checklist 104 is adopted)

Summary: These technical corrections amend the final rule promulgated on May 20, 1992 (57 FR 21524; Revision Checklist 104) which excludes from the definition of hazardous waste certain used oil filters that have been drained. This July 1, 1992 rule corrects two typographical errors, one in the preamble discussion and one in the regulatory language at 261.4(b)(15).

State Authorization: This rule is placed in RCRA Cluster III. It is considered "conditionally optional" because it is linked to whether a State chooses to adopt the optional oil filter exemption addressed by Revision Checklist 104. If a State does adopt this exemption, it must also adopt the technical corrections addressed by Revision Checklist 107. If the State does not adopt this exemption (i.e., Revision Checklist 104), the State should not adopt Revision Checklist 107. For States that adopt this rule, the due date is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). Both interim and final authorization are available, with the former expiring on January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 107, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The entry at Subsection I X in the Model Revision Attorney General's Statement should be replaced with the following:

> X. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exempt, from the definition of hazardous, used oil filters meeting the 40 CFR 261.4(b)(15) criteria as indicated in Revision Checklists 104 and 107.
>
> Federal Authority: RCRA §§1004, 1006, 2002, 3001 and 3014; 40 CFR 261.4(b)(15) as amended May 20, 1992 (57 FR 21524) and July 1, 1992 (57 FR 29220).
>
> Citation of Laws and Regulations; Date of Enactment and Adoption
>
> Remarks of the Attorney General

RCRA REVISION CHECKLIST 107

Used Oil Filter Exclusion; Technical Corrections
57 FR 29220
July 1, 1992
(RCRA Cluster III, HSWA provisions)

Note: 1) This revision checklist corrects typographical errors in the May 20, 1992 (57 FR 21524; Revision Checklist 104) final rule. This checklist is considered "conditionally optional" because it is linked to whether a State chooses to adopt the optional oil filter exclusion addressed by Revision Checklist 104. If a State does adopt this exclusion, it must also adopt the technical corrections addressed by Revision Checklist 107. If the State does not adopt this exemption (i.e., Revision Checklist 104), the State should not adopt Revision Checklist 107. States that adopt the Revision Checklist 104 provisions are encouraged to make the corrections addressed by this checklist at the same time.

2) Because no revisions were made to 261.4(b)(15)(i) - (iv) in the Federal Register, these citations are not included 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						
† EXCLUSIONS						
change "waste" to "wastes"; replace "Subpart C" with "Subpart D"; change "which" to "that"	261.4(b)(15)					

Revision Checklist 108 Summary

Rule Title:	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristic; Corrections
Checklist Title:	Toxicity Characteristic Revisions; Technical Corrections
Reference:	57 FR 30657-30658
Promulgation Date:	July 10, 1992
Effective Date:	July 10, 1992
Cluster:	RCRA III
Provision Type:	HSWA
Linkage:	Revision Checklist 74, 117 B, and 119
Optional:	No

Summary: This rule corrects errors made at the time of the promulgation of the final Toxicity Characteristic (TC) rule (March 29, 1990, 55 FR 11798; Revision Checklist 74). In the preamble, the exclusion from subtitle C regulation for arsenical-treated wood and wood products was revised inappropriately. As a result, EPA unintentionally narrowed the scope of the exclusion by excluding only arsenical-treated wood and wood products that failed the TC "solely for arsenic." The July 10, 1992 rule corrects that revision at 261.4(b)(9). The rule also corrects the regulatory language in 40 CFR 261.4(b)(6)(ii) and 265.301(d)(1) by deleting references to the Extraction Procedure (EP) Toxicity Characteristic and replacing them with references to the TC.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). All changes go into effect immediately, because this rule was promulgated under HSWA authorities. Both interim and final authorization are available, with the former expiring on January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 108, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The entry at Subsection I L in the Model Revision Attorney General's Statement should be replaced with the following:

> L. State statutes and regulations revise the existing toxicity characteristic by replacing the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP) for identifying wastes that are defined as hazardous and subject to regulation under Subtitle C of RCRA as indicated in Revision Checklists 74 and 108. State statutes and regulations also provide for the addition of 25 organic chemicals and their regulatory levels to the list of toxic constituents of concern as indicated in Revision Checklist 74.

Revision Checklist 108 Summary (cont'd)

Federal Authority: RCRA §§1006, 2002(a), 3001, 3002, 3004, 3005 and 3006; 40 CFR Parts 261, 264, 265 and 268 as amended March 29, 1990 (55 FR 11798), June 29, 1990 (55 FR 26986) and July 10, 1992 (57 FR 30657).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 108

Toxicity Characteristic Revisions; Technical Corrections
57 FR 30657-30658
July 10, 1992
(RCRA Cluster III, HSWA provisions)

Note: This Revision Checklist corrects errors made at the time of the promulgation of the final Toxicity Characteristic (TC) rule on March 29, 1990 (55 FR 11798; Revision Checklist 74). States that have not adopted Revision Checklist 74 provisions are strongly encouraged to adopt these corrections at the same time that the Revision Checklist 74 provisions are adopted.

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 replace "characteristic of EP toxicity, and do not fail the test for" with "toxicity characteristic for any other constituent, and do not exhibit"	261.4(b)(6)(ii)					
insert "arsenical-treated" after "discarded"; replace "solely for arsenic" with "for Hazardous Waste Codes D004 through D017"; delete "or reasons," after "reason"	261.4(b)(9)					

RCRA REVISION CHECKLIST 108: Toxicity Characteristic Revisions; Technical 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
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART N - LANDFILLS						
DESIGN REQUIREMENTS						
2 replace "EP toxicity characteristics" with "Toxicity Characteristic"; insert ", with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	265.301(d)(1)					

1 There is an error in the Federal Register at 57 FR 30658. "Specific waste" should read "Specific wastes" as found in the 1991 CFR. Note that there is also an error in the July 1 1991 CFR for this citation; "charactristic of EP" should be "characteristic of EP."

2 There are several errors in the Federal Register for this citation. First, "such waste does not" should read "such wastes do not" and "261.4 of this chapter" should read "261.24 of this chapter" as they are found in the March 29, 1990 Federal Register and in the 199 CFR. Second, "Waste Number" should be "Waste Numbers."

Revision Checklist 109 Summary

Rule Title:	Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris
Checklist Title:	Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris
Reference:	57 FR 37194-37282, 57 FR 39275, and 57 FR 41173
Promulgation Date:	August 18, 1992
Effective Date:	February 18, 1993 for 262.34, 264.110, 264.111, 264.112, 264.140, 264.142, part 264 subpart DD, 265.110, 265.111, 265.112, 265.140, 265.142, 265.221, and part 265 subpart DD; November 9, 1992[1] for 148.17(a), 260.10, 261.3(c)(2)(ii)(C), 268.2, 268.5, 268.7, 268.9, 268.36(a), 268.40, 268.41, 268.42, 268.43, 268.45, 268.46, 268.50, 270.14, 270.42, 270.72, and 271.1; and June 30, 1992 for the remainder of the rule
Cluster:	RCRA III
Provision Type:	HSWA
Linkage:	Revision Checklists 34, 39, 50, 63, 78, 103 and 106. (Indirectly, to the corrections to these rules--62, 66, 83 and 102.)
Optional:	No

Summary: This rule finalizes treatment standards under the land disposal restrictions (LDR) program for certain hazardous wastes listed after November 8, 1984, pursuant to a proposed consent decree filed with the District Court establishing a June 1992 promulgation date (*EDF vs. Reilly, Civ. No. 89-0598, D.D.C.*). This rule also finalizes revised treatment standards for debris contaminated with listed hazardous wastes or debris that exhibit certain hazardous waste characteristics. Several revisions are also made to existing standards and requirements.

Certain aspects of this rule could be affected by the recently proposed Hazardous Waste Identification rule (57 FR 21450; May 20, 1992) which deals with the question of when wastes are hazardous, concentration levels, and circumstances where wastes aren't hazardous. That rule also examines when land disposal prohibitions might and might not apply. However, the present *mixture* and *derived-from* rules remain in effect (57 FR 7268; March 3, 1992). The preamble to the August 18, 1992 rule codifies the "contained-in" policy with respect to contaminated debris. See 57 FR 37225, 3rd column, "2. Definition of Hazardous Debris."

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[1]Date was corrected from "November 16, 1992" to "November 19, 1992" by 57 FR 39275. This date was then corrected from "November 19, 1992" to "November 9, 1992", by 57 FR 41173.

Revision Checklist 109 Summary (cont'd)

State Authorization: This rule is promulgated pursuant to HSWA and is placed in RCRA Cluster III. Both interim and final authorization are available, with the former expiring on January 1, 2003. The State modification deadline is July 1, 1993 (or July 1, 1994 if a State statutory change is necessary). The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 109, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entries should be placed at Subsections XXI K, L & M in the Model Revision Attorney General's Statement.

K. State statutes and regulations provide land disposal treatment standards for certain hazardous wastes listed after November 8, 1984 as well as treatment standards for debris contaminated with listed hazardous wastes or debris that exhibit certain hazardous waste characteristics as indicated in Revision Checklist 109.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 261.3(f), 268.2, 268.5, 268.7, 268.14, 268.36, 268.40, 268.41, 268.42, 268.43, 268.45, 270.13 and 270.14, as amended August 18, 1992 (57 FR 37194).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

L. State statutes and regulations include revisions to existing land disposal restrictions including revision of F001-F005 spent solvents treatment standards, conversion of wastewater standards for twenty-four "F" and "K" water codes based on scrubber standards; revisions to K061, K062 and F006 treatment standards; change of recordkeeping requirements; and clarification of rules related to wastes listed because they exhibit a characteristic as indicated in Revision Checklist 109.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 261.3(a)&(c), 268.9, 268.41, 268.42, 268.43 and 268.46, as amended August 18, 1992 (57 FR 37194).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Revision Checklist 109 Summary (cont'd)

M. State statutes and regulations allow storage and treatment in containment buildings as indicated in Revision Checklist 109.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 260.10, 262.34, 264.110, 264.111, 264.112, 264.140, 264.142, 264 Subpart DD, 265.110, 265.111, 265.112, 265.140, 265.142, 265.221, 265 Subpart DD, 268.50, 270.42 and 270.72, as amended August 18, 1992 (57 FR 37194).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 109

Land Disposal Restrictions for Newly Listed Wastes
and Hazardous Debris
57 FR 37194-37282
August 18, 1992
(RCRA Cluster III, HSWA provisions)

Note: This checklist may be subject to change in the future. EPA's State and Regional Programs Branch is currently discussing the relationship of hazardous waste injection issues to the State authorization program. In question are the changes made to 40 CFR Part 148 by the final rule addressed by this checklist and whether they should be included in the checklist. This present checklist does not include these changes.

2) The following Part 268 sections are not delegable to States because of the national concerns that must be examined when decisions are made relative to them: 268.5 (case-by-case effective date extensions); 268.42(b) (application for alternate treatment method); and 268.44 (variance from a treatment standard). "No migration" petitions under 268.6 will be handled by EPA, even though States may be authorized to grant such petitions in the future. States have the authority to grant such petitions under RCRA Section 3006 because such decisions do not require a national perspective, as do decisions under 268.5, 268.42(b) or 268.44. However, EPA has had few opportunities to implement the land disposal restrictions and expects to gain valuable experience and information from reviewing "no-migration" petitions. In the past, the nondelegable sections/paragraphs of the LDR regulations have been omitted from the LDR checklists because States could not assume the authority for them. However, this procedure has led to confusion among the States on how to handle the sections/paragraphs in their code. For this reason, the Agency has decided to include these nondelegable sections on the LDR checklists. To differentiate these sections from the delegable portions of the LDR restrictions, asterisks precede (a single row) and follow (a double row) each nondelegable section.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART A - GENERAL						
DEFINITIONS						
add "containment building"	260.10					
revise "miscellaneous unit"	260.10					
revise "pile"	260.10					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

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 "of this part" after the first "subpart C"; insert "," before "or unless"; add a sentence addressing the relationship of nonwastewater mixtures and the Part 268 requirements	261.3(a)(2)(iii)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
split paragraph into two subparagraphs, (C)(*1*)&(*2*), with the second subparagraph addressing the notification for HTMR residues; in first subparagraph, insert ", K062 or F006" after "K061"; replace "(as defined in 40 CFR 260.10(6), (7), and (12))" with "(as defined in paragraphs (6), (7), and (13) of the definition for 'Industrial Furnace' in 40 CFR 260.10)"; replace "identified below" with "identified in the tables in this paragraph"; replace "The generic exclusion levels are:" with a sentence addressing burden of proof for persons claiming this exclusion in an enforcement action; replace single table with the two tables indicated at 57 FR 37264	261.3(c)(2)(ii)(C)(*1*)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (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 requirements addressing notification and certification; one-time notification and certification for K061, K062 or F006 HTMR residues, which meet generic exclusion levels and exhibit no characteristics, that are sent to Subtitle D units; update of notification and certification; annual EPA/State notification; deadline for submission to EPA/State; what the notification must include; certification signed by authorized representative and what it must state	261.3(c)(2)(ii)(C)(2)					
add new paragraph and subparagraphs addressing debris that is excluded from regulation provided it meets specified criteria:	261.3(f)					
Part 268-defined hazardous debris treated using a specified 268.45, Table 1, extraction or destruction technology; burden of proof on claimant in an enforcement action	261.3(f)(1)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Part 268-defined debris determined by Regional Administrator to no longer be contaminated with hazardous waste	261.3(f)(2)					
PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE						
SUBPART C - PRE-TRANSPORT REQUIREMENTS						
ACCUMULATION TIME						
replace ";" at the end of text with a ":"	262.34(a)(1)(iii)					
replace "." with "; and/or"	262.34(a)(1)(iii)(B)					
add new subparagraphs addressing waste placed in containment buildings; compliance with 265, Subpart DD; professional engineer certification of compliance with 265.1101 design standards placed in operating record no later than 60 days after the date of initial unit operation; requirements after February 18, 1993; records which must be maintained	262.34(a)(1)(iv)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
written description of procedures to ensure each waste volume remains in unit for no more than 90 days; written description of waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit; documentation that procedures are complied with	262.34(a)(1)(iv)(A)					
documentation that unit is emptied at least once every 90 days	262.34(a)(1)(iv)(B)					
1 remove first paragraph numbered (a)(2) (including (a)(2)(i)&(ii)); remove unnumbered paragraph following (a)(2)(ii)	262.34(a)(2)					
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART G - CLOSURE AND POST-CLOSURE						
APPLICABILITY						
remove "and" from the end of paragraph	264.110(b)(1)					
replace "." with ";"	264.110(b)(2)					
replace "." with "; and"	264.110(b)(3)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (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 addressing containment buildings that are required under 264.1102 to meet the requirements for landfills	264.110(b)(4)					
CLOSURE PERFORMANCE STANDARD						
change ", and 264.601 through 264.603" to ", 264.601 through 264.603, and 264.1102"	264.111(c)					
CLOSURE PLAN; AMENDMENT OF PLAN						
replace "264.90 et seq." with "subpart F of this part"; change "and 264.601" to ", 264.601 and 264.1102"	264.112(a)(2)					
SUBPART H - FINANCIAL REQUIREMENTS						
APPLICABILITY						
replace ", and" with ";"	264.140(b)(1)					
replace "." with ";"	264.140(b)(2)					
replace "." with "; and"	264.140(b)(3)					
add new paragraph regarding containment buildings that are required under 264.1102 to meet the requirements for landfills	264.140(b)(4)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
COST ESTIMATE FOR CLOSURE						
change ", and 264.601 through 264.603" to ", 264.601 through 264.603, and 264.1102"	264.142(a)					
SUBPART DD - CONTAINMENT BUILDINGS						
APPLICABILITY						
applies to owners/operators storing or treating hazardous waste in units designed and operated under 264.1101; effective February 18, 1993, but may notify Regional Administrator of earlier time; not subject to definition of land disposal in RCRA 3004(k) provided unit:	264.1100					
is a completely enclosed, self-supporting structure designed and constructed as specified	264.1100(a)					
has a primary barrier designed to withstand movement of personnel, wastes and handling equipment within unit	264.1100(b)					
if used to manage liquids:	264.1100(c)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	264.1100(c)(1)					
liquid collection system to minimize accumulation of liquid on primary barrier	264.1100(c)(2)					
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 264.1101(b)(4)	264.1100(c)(3)					
controls to prevent fugitive dust emissions to meet 264.1101(c)(1)(iv) standards	264.1100(d)					
designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	264.1100(e)					
DESIGN AND OPERATING STANDARDS						
all containment buildings must comply with following design standards:	264.1101(a)					
completely enclosed as specified	264.1101(a)(1)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	264.1101(a)(2)					
provide effective barrier against fugitive dust emissions under 264.1101(c)(1)(iv)	264.1101(a)(2)(i)					
unit designed and operated so that wastes do not contact openings	264.1101(a)(2)(ii)					
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	264.1101(a)(3)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	264.1101(a)(4)					
requirements for hazardous waste containing free liquids or treated with free liquids:	264.1101(b)					
primary barrier to prevent migration of hazardous constituents into the barrier	264.1101(b)(1)					
liquid collection and removal system to minimize accumulation of liquid on primary barrier:	264.1101(b)(2)					
primary barrier sloped to drain liquids to collection system	264.1101(b)(2)(i)					
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time	264.1101(b)(2)(ii)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	264.1101(b)(3)					
what must be installed at a minimum to satisfy leak detection component of secondary containment system	264.1101(b)(3)(i)					
constructed with 1% or greater bottom slope	264.1101(b)(3)(i)(A)					
granular, synthetic, or geonet drainage materials as specified	264.1101(b)(3)(i)(B)					
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	264.1101(b)(3)(ii)					
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	264.1101(b)(3)(iii)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	264.1101(b)(4)					
2 provide written notice by February 18, 1993; what notice must contain	264.1101(b)(4)(i)					
respond to Regional Administrator comments within 30 days	264.1101(b)(4)(ii)					
if approved, fulfill terms of revised plans	264.1101(b)(4)(iii)					
owners and operators of all containment buildings must:	264.1101(c)					
use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	264.1101(c)(1)					
maintain primary barrier as specified	264.1101(c)(1)(i)					
maintain level of stored/treated hazardous waste as specified	264.1101(c)(1)(ii)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	264.1101(c)(1)(iii)					
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	264.1101(c)(1)(iv)					
certification by qualified registered professional engineer; for units in operation prior to February 18, 1993, certification placed in operating record or on-site files no later than 60 days after date of initial operation; after February 18, 1993, PE certification required prior to operation of unit	264.1101(c)(2)					
prompt repairs of unit throughout active life as specified, according to the following procedures:	264.1101(c)(3)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
3 detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	264.1101(c)(3)(i)					
enter record of discovery in facility operating record	264.1101(c)(3)(i)(A)					
immediately remove portion of containment building affected by the condition from service	264.1101(c)(3)(i)(B)					
determine steps to be taken for repair, remove leakage from secondary collection system and establish schedule for cleanup and repairs	264.1101(c)(3)(i)(C)					
within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	264.1101(c)(3)(i)(D)					
Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	264.1101(c)(3)(ii)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
written notification to Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 264.1101(c)(3)(i)(D) plan	264.1101(c)(3)(iii)					
what must be inspected and recorded in facility's operating records, at least once every seven days	264.1101(c)(4)					
for containment buildings that contain areas both with and without secondary containment, the owner/operator must:	264.1101(d)					
design and operate each area in accordance with 264.1101(a)-(c) requirements	264.1101(d)(1)					
take measures to prevent release of liquids or wet materials into areas without secondary containment	264.1101(d)(2)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	264.1101(d)(3)					
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	264.1101(e)					
CLOSURE AND POST-CLOSURE CARE						
what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 264 Subpart G & H requirements	264.1102(a)					
if 264.1102(a) requirements met and not all contaminated subsoils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 264.310; owner/operator must meet 264 Subpart G & H requirements for landfills	264.1102(b)					
reserved	264.1103-264.1110					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART G - CLOSURE AND POST-CLOSURE						
APPLICABILITY						
remove "and" from end of paragraph	265.110(b)(1)					
remove "and" from end of paragraph	265.110(b)(2)					
replace "." with "; and"	265.110(b)(3)					
add new paragraph addressing containment buildings that are required under 265.1102 to meet the requirements for landfills	265.110(b)(4)					
CLOSURE PERFORMANCE STANDARD						
change "and 265.404" to ", 265.404, and 264.1102"	265.111(c)					
CLOSURE PLAN; AMENDMENT OF PLAN						
4 replace "§§ 265.90 et seq." with "subpart F of this part, §§"; change ", and 265.404" to ", 265.404, and 264.1102"	265.112(d)(4)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (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 H - FINANCIAL REQUIREMENTS						
APPLICABILITY						
265.144 and 265.146 apply only to owners and operators of:	265.140(b)					
disposal facilities	265.140(b)(1)					
tank systems required to meet landfill requirements under 264.197	265.140(b)(2)					
containment buildings required to meet landfill requirements	265.140(b)(3)					
COST ESTIMATE FOR CLOSURE						
replace "of §§ 265.178" with "in §§ 265.178"; change "and 265.404" to ", 265.404 and 265.1102"	265.142(a)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (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 K - SURFACE IMPOUNDMENTS						
DESIGN AND OPERATING REQUIREMENTS						
add new paragraph regarding surface impoundments newly subject to RCRA §3005(j)(1) must be in compliance with 265.221(a),(c)&(d) no later than 48 months after additional characteristic or listing promulgation; Part 268 land disposal prohibitions or an extension to an effective date, within the 48-month period, shall not cut short compliance period	265.221(h)					
SUBPART DD - CONTAINMENT BUILDINGS						
APPLICABILITY						
applies to owners/operators storing or treating hazardous waste in units designed and operated under 265.1101; effective February 18, 1993, but may notify Regional Administrator of earlier time; not subject to definition of land disposal in RCRA 3004(k) provided unit:	265.1100					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
is a completely enclosed, self supporting structure designed and constructed as specified	265.1100(a)					
has a primary barrier designed to withstand movement of personnel, wastes and handling equipment within unit	265.1100(b)					
if used to manage liquids:	265.1100(c)					
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	265.1100(c)(1)					
liquid collection system to minimize accumulation of liquid on primary barrier	265.1100(c)(2)					
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 265.1101(b)(4)	265.1100(c)(3)					
5 controls to prevent fugitive dust emissions	265.1100(d)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	265.1100(e)					
DESIGN AND OPERATING STANDARDS						
all containment buildings must comply with following design standards:	265.1101(a)					
completely enclosed as specified	265.1101(a)(1)					
design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	265.1101(a)(2)					
provide effective barrier against fugitive dust emissions under 265.1101(c)(1)(iv)	265.1101(a)(2)(i)					
unit designed and operated so that wastes do not contact openings	265.1101(a)(2)(ii)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	265.1101(a)(3)					
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	265.1101(a)(4)					
requirements for hazardous waste containing free liquids or treated with free liquids:	265.1101(b)					
primary barrier to prevent migration of hazardous constituents into the barrier	265.1101(b)(1)					
liquid collection and removal system to prevent accumulation of liquid on primary barrier:	265.1101(b)(2)					
primary barrier sloped to drain liquids to collection system	265.1101(b)(2)(i)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time to protect human health and environment	265.1101(b)(2)(ii)					
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	265.1101(b)(3)					
what must be installed at a minimum to satisfy leak detection component of secondary containment system	265.1101(b)(3)(i)					
construct with 1% or greater bottom slope	265.1101(b)(3)(i)(A)					
granular, synthetic, or geonet drainage materials as specified	265.1101(b)(3)(i)(B)					
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	265.1101(b)(3)(ii)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	265.1101(b)(3)(iii)					
for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	265.1101(b)(4)					
provide written notice by February 18, 1993; what notice must contain	265.1101(b)(4)(i)					
respond to Regional Administrator comments within 30 days	265.1101(b)(4)(ii)					
if approved, fulfill terms of revised plans	265.1101(b)(4)(iii)					
owners and operators of all containment buildings must:	265.1101(c)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	265.1101(c)(1)					
maintain primary barrier as specified	265.1101(c)(1)(i)					
maintain level of stored/treated hazardous waste as specified	265.1101(c)(1)(ii)					
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	265.1101(c)(1)(iii)					
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	265.1101(c)(1)(iv)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
certification by qualified registered professional engineer; for units in operation prior to February 18, 1993, certification placed in operating record or on-site files no later than 60 days after date of initial operation; after February 18, 1993, PE certification required prior to operation of unit	265.1101(c)(2)					
prompt repairs of unit throughout active life, according to the following procedures:	265.1101(c)(3)					
detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	265.1101(c)(3)(i)					
enter record of discovery in facility operating record	265.1101(c)(3)(i)(A)					
immediately remove portion of containment building affected by the condition from service	265.1101(c)(3)(i)(B)					
determine steps to be taken for repair; remove leakage from secondary collection system and establish schedule for cleanup and repairs	265.1101(c)(3)(i)(C)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	265.1101(c)(3)(i)(D)					
Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	265.1101(c)(3)(ii)					
written notification of Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 265.1101(c)(3)(i)(D) plan	265.1101(c)(3)(iii)					
what must be inspected and recorded in facility's operating records, at least once every seven days	265.1101(c)(4)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
for containment building that contains both areas with and without secondary containment, the owner/operator must:	265.1101(d)					
design and operate each area in accordance with 265.1101(a)-(c) requirements	265.1101(d)(1)					
take measures to prevent release of liquids or wet materials into areas without secondary containment	265.1101(d)(2)					
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	265.1101(d)(3)					
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	265.1101(e)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
CLOSURE AND POST-CLOSURE CARE						
what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 265 Subparts G & H requirements	265.1102(a)					
if 265.1102(a) requirements met and not all contaminated soils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 265.310; owner/operator must meet 265 Subparts G & H requirements for landfills	265.1102(b)					
reserved	265.1103-265.1110					
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART A - GENERAL						
DEFINITIONS APPLICABLE IN THIS PART						
remove definition of "inorganic solid debris"; add new paragraph defining "debris"	268.2(g)					
add new paragraph defining "hazardous debris"	268.2(h)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
********** Guidance note: 268.5 is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this section into their code.						
PROCEDURES FOR CASE-BY-CASE EXTENSIONS TO AN EFFECTIVE DATE						
replace";" with "; or" at the end of the paragraph	268.5(h)(2)(ii)					
replace "." with "; or" at the end of the paragraph	268.5(h)(2)(iv)					
redesignate old 268.5(h)(2)(v) as 268.5(h)(2)(vi); add new paragraph addressing surface impoundments newly subject to RCRA 3006(j)(1); compliance with 265 Subpart F within 12 months and with 265.221(a), (c), and (d) within 48 months; effect of a national capacity variance	268.5(h)(2)(v)					
old 268.5(h)(2)(v) becomes new 268.5(h)(2)(vi)	268.5(h)(2)(vi)					
**********						
WASTE ANALYSIS AND RECORDKEEPING						
remove "and" from end of subparagraph	268.7(a)(1)(iii)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
6	redesignate old 268.7(a)(1)(iv) as 268.7(a)(1)(v); add new subparagraph addressing, for hazardous debris, the contaminants subject to treatment as provided by 268.45(b); statement that must be used	268.7(a)(1)(iv)					
	old 268.7(a)(1)(iv) becomes 268.7(a)(1)(v)	268.7(a)(1)(v)					
	add sentence to end addressing generators of hazardous debris that is excluded from the definition of hazardous waste under 261.3(e)(2)	268.7(a)(2)					
	remove "and" from end of subparagraph	268.7(a)(3)(iv)					
7	redesignate old 268.7(a)(3)(v) as 268.7(a)(3)(vi); add new subparagraph addressing, for hazardous debris, the contaminants subject to treatment as provided by 268.45(b); statement which must be used	268.7(a)(3)(v)					
7	old 268.7(a)(3)(v) becomes 268.7(a)(3)(vi)	268.7(a)(3)(vi)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
8 in two places, replace "tanks or containers" with "tanks, containers, or containment buildings"; before the last sentence, insert a parenthetical sentence addressing generators treating hazardous debris under alternative treatment standards of Table 1, 268.45	268.7(a)(4)					
add clause addressing debris excluded from the hazardous waste definition at 261.3(e), which is subject to notification and certification under 268.7(d)	268.7(b)(4)					
add sentence addressing debris excluded from the definition of hazardous waste under 261.3(e), which is subject to notification and certification under 268.7(d)	268.7(b)(5)					
notification and certification requirements for generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under 261.3(e)	268.7(d)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
one-time notification including specified information	268.7(d)(1)					
	268.7(d)(1)(i)					
	268.7(d)(1)(ii)					
	268.7(d)(1)(iii)					
when notification must be updated	268.7(d)(2)					
how the owner or operator must document and certify compliance with Table 1, 268.45 treatment standards	268.7(d)(3)					
	268.7(d)(3)(i)					
	268.7(d)(3)(ii)					
	268.7(d)(3)(iii)					
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC						
revise paragraph after "no longer hazardous"; place one-time notification and certification in generator's/treater's files and send to EPA region or authorized State; when notification and certification must be updated; annual EPA/State notification if such changes occur, by December 31	268.9(d)					
remove "The" at beginning of subparagraph	268.9(d)(1)(i)					
remove text after "Hazardous Waste Number(s)"; add "and treatability group(s);"	268.9(d)(1)(ii)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
remove "initial"	268.9(d)(1)(iii)					
replace "268.7(b)(5)(1)" with "268.7(b)(5)"	268.9(d)(2)					
9 SUBPART B - SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS						
SURFACE IMPOUNDMENT EXEMPTIONS						
defines additional circumstances in which prohibited waste may continue to be placed in a surface impoundment	268.14(a)					
continued storage of "newly identified waste" in newly regulated impoundment for 48 months after the promulgation of the additional listing or characteristic, provided waste is not otherwise prohibited and impoundment is in compliance with 265, Subpart F within 12 months after new listing/characteristic promulgation	268.14(b)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
continue treatment of "newly identified waste" in newly regulated impoundment, provided waste is not otherwise prohibited and surface impoundment is in compliance with 265, Subpart F within 12 months after new listing/characteristic promulgation	268.14(c)					
SUBPART C - PROHIBITIONS ON LAND DISPOSAL						
WASTE SPECIFIC PROHIBITIONS - NEWLY LISTED WASTES						
effective November 9, 1992, K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, K136, U328, U353 and U359 prohibited from land disposal	268.36(a)					
effective June 30, 1993, F037 and F038 not generated from surface impoundment cleanouts or closures are prohibited from land disposal	268.36(b)					
effective June 30, 1994, F037 and F038 generated from surface impoundment cleanout or closures are prohibited from land disposal	268.36(c)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.63(c)(2)					
records described in 279.63(a), (b) and (c) must be maintained for at least 3 years	279.63(d)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
REBUTTABLE PRESUMPTION FOR USED OIL						
♦ owner/operator of a burner facility must determine whether total halogen content of used oil managed at the facility is above or below 1,000 ppm	279.63(a)					
♦ how the owner/operator must make this determination	279.63(b)					
	279.63(b)(1)					
	279.63(b)(2)					
	279.63(b)(3)					
♦,18 if the used oil contains ≥1,000 ppm total halogens, it is presumed to be a hazardous waste; how the owner/operator may rebut the presumption; SW-846 example; where to obtain SW-846	279.63(c)					
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling arrangement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.63(c)(1)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate to produce on-specification used oil	279.61(b)(2)					
NOTIFICATION						
◆ burners, who have not done so, must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.62(a)					
a used oil burner without an EPA ID number may obtain one by submitting either:	279.62(b)					
a completed EPA Form 8700-12; or	279.62(b)(1)					
a letter requesting an EPA ID number; what the letter should include	279.62(b)(2)					
	279.62(b)(2)(i)					
	279.62(b)(2)(ii)					
	279.62(b)(2)(iii)					
	279.62(b)(2)(iv)					
	279.62(b)(2)(v)					
	279.62(b)(2)(vi)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADE IN SCOP
◆ Subpart G does not apply to persons burning used oil that meets the specification of 279.11, if burner meets Part 279, Subpart H requirements	279.60(c)					
RESTRICTIONS ON BURNING						
◆ off-specification used oil fuel may be burned for energy recovery only in specific devices:	279.61(a)					
◆ industrial furnaces identified in 260.10	279.61(a)(1)					
◆	279.61(a)(2)					
	279.61(a)(2)(i)					
	279.61(a)(2)(ii)					
specific boilers	279.61(a)(2)(iii)					
hazardous waste incinerators subject to Subpart O of Part 264 or 265	279.61(a)(3)					
burners may not process used oil unless they also comply with Subpart F of Part 279	279.61(b)(1)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
♦	burned incidentally to processing by a processor/re-refiner	279.60(a)(2)					
	specific used oil burners are subject to additional provisions of Part 279 as follows:	279.60(b)					
17	burners who generate used oil must also comply with Subpart C of Part 279	279.60(b)(1)					
	burners who transport used oil must also comply with Subpart E of Part 279	279.60(b)(2)					
	except as 279.61(b) provides, burners who process or re-refine used oil must also comply with Subpart F of Part 279	279.60(b)(3)					
	burners must also comply with Subpart H of Part 279 if they direct shipments of off-specification used oil to a used oil burner or first claim that used oil meets used oil fuel specifications of 279.11	279.60(b)(4)					
	burners who dispose of used oil must also comply with Subpart I of Part 279	279.60(b)(5)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
processor/re-refiner must send a letter by March 1 of each even-numbered year to the Regional Administrator about used oil activities during the previous calendar year; what the letter must include	279.57(b)					
	279.57(b)(1)					
	279.57(b)(2)					
	279.57(b)(3)					
OFF-SITE SHIPMENTS OF USED OIL						
processors/re-refiners who initiate shipments off-site must use a used oil transporter with an EPA ID number	279.58					
MANAGEMENT OF RESIDUES						
16 residues from storage, processing, or re-refining must be managed as specified in 279.10(e)	279.59					
SUBPART G - STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY						
APPLICABILITY						
◆ except as 279.60(a)(1)&(2) specify, Subpart G applies to used oil burners; definition of a used oil burner; exceptions:	279.60(a)					
◆ burned in an on-site space heater under 279.23 provisions	279.60(a)(1)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
quantity of used oil shipped	279.56(b)(5)					
shipment date	279.56(b)(6)					
records described in 279.56(a) and (b) must be maintained for at least 3 years	279.56(c)					
OPERATING RECORD AND REPORTING						
operating record	279.57					
owner/operator must keep a written operating record at the facility	279.57(a)(1)					
information must be recorded as it becomes available and maintained in the operating record until facility closure	279.57(a)(2)					
records and results of used oil analyses described in 279.55 analysis plan	279.57(a)(2)(i)					
15 summary reports and details of all incidents that require implementation of the contingency plan of 279.52(b)	279.57(a)(2)(ii)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
EPA ID number of transporter	279.56(a)(3)					
EPA ID number of generator or processor/re-refiner	279.56(a)(4)					
quantity of used oil accepted	279.56(a)(5)					
date of acceptance	279.56(a)(6)					
processors/re-refiners must keep a record of each used oil shipment shipped to a used oil burner, processor/re-refiner, or disposal facility; forms records may take; what the records must include for each shipment:	279.56(b)					
name and address of transporter who delivers used oil to burner, processor/re-refiner or disposal facility	279.56(b)(1)					
name and address of burner, processor/ re-refiner or disposal facility who will receive the used oil	279.56(b)(2)					
EPA ID number of transporter	279.56(b)(3)					
EPA ID number of burner, processor/ re-refiner or disposal facility	279.56(b)(4)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
whether used oil will be sampled and analyzed before or after processing/re-refining	279.55(b)(2)(ii)					
frequency of sampling and whether analysis will be performed on-site or off-site	279.55(b)(2)(iii)					
methods used to analyze used oil for 279.72 parameters	279.55(b)(2)(iv)					
type of information that will be used to make the on-specification used oil fuel determination	279.55(b)(3)					
TRACKING						
processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining; forms records may take; what the records must include for each shipment:	279.56(a)					
name and address of transporter who delivered used oil to processor/re-refiner	279.56(a)(1)					
name and address of generator or processor/re-refiner from whom the used oil was sent	279.56(a)(2)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
if sample analyses are used:	279.55(a)(2)					
methods to be used to obtain representative samples	279.55(a)(2)(i)					
	279.55(a)(2)(i)(A)					
	279.55(a)(2)(i)(B)					
frequency of sampling and whether analysis will be performed on-site or off-site	279.55(a)(2)(ii)					
methods used to analyze used oil for 279.53 parameters	279.55(a)(2)(iii)					
type of information that will be used to determine halogen content of the used oil	279.55(a)(3)					
if 279.72 on-specification used oil fuel requirements apply, at a minimum the plan must specify:	279.55(b)					
whether sample analyses or other information will be used to make this determination	279.55(b)(1)					
if sample analyses are used:	279.55(b)(2)					
methods to be used to obtain representative samples	279.55(b)(2)(i)					
	279.55(b)(2)(i)(A)					
	279.55(b)(2)(i)(B)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
containers of used oils or used oil residues must be removed from the site	279.54(h)(2)(i)					
owner/operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste; exception	279.54(h)(2)(ii)					
ANALYSIS PLAN						
owners/operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing procedures to be used to comply with analysis requirements of 279.53 and 279.72; plan must be kept at the facility	279.55					
for 279.53, what the plan must specify, at a minimum:	279.55(a)					
whether sample analyses or knowledge of the halogen content will be used	279.55(a)(1)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
at closure, owners/operators who store or process used oil in aboveground tanks must comply with these requirements:	279.54(h)(1)					
owner/operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste; exception	279.54(h)(1)(i)					
if owner/operator demonstrates that not all contaminated soils can be removed or decontaminated, closure and post-closure care as for a hazardous waste landfill	279.54(h)(1)(ii)					
at closure, owners/operators who store used oil in containers must comply with these requirements:	279.54(h)(2)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.54(f)(1)					
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.54(f)(2)					
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, the owner/operator must perform these cleanup steps:	279.54(g)					
stop the release	279.54(g)(1)					
contain the released used oil	279.54(g)(2)					
14 clean up and properly manage the released used oil and other materials	279.54(g)(3)					
repair or replace leaking used oil storage containers or tanks prior to returning them to service	279.54(g)(4)					
closure	279.54(h)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
what the secondary containment system must, at a minimum, include	279.54(d)(1)					
	279.54(d)(1)(i)					
	279.54(d)(1)(ii)					
	279.54(d)(1)(iii)					
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.54(d)(2)					
new aboveground tanks used to store or process used oil must be equipped with a secondary containment system	279.54(e)					
what the secondary containment system must, at a minimum, include	279.54(e)(1)					
	279.54(e)(1)(i)					
	279.54(e)(1)(ii)					
	279.54(e)(1)(iii)					
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.54(e)(2)					
labels	279.54(f)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
processors/re-refiners may not store or process used oil in units other than tanks, containers, or units subject to regulation under Part 264 or 265	279.54(a)					
containers and aboveground tanks must be:	279.54(b)					
in good condition	279.54(b)(1)					
not leaking	279.54(b)(2)					
containers must have a secondary containment system	279.54(c)					
what the secondary containment system must, at a minimum, include	279.54(c)(1)					
	279.54(c)(1)(i)					
	279.54(c)(1)(ii)					
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.54(c)(2)					
existing aboveground tanks used to store or process used oil must have a secondary containment system	279.54(d)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
	rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption applies to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.53(c)(2)					
	USED OIL MANAGEMENT						
13	wastewaters containing *de minimis* quantities of used oil not subject to Part 279; used oil processors/ re-refiners are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) and Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the Part 279, Subpart F requirements	279.54					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
REBUTTABLE PRESUMPTION FOR USED OIL						
owner/operator of a processing/re-refining facility must determine whether total halogen content of used oil managed at the facility is above or below 1,000 ppm	279.53(a)					
how the owner/operator must make this determination	279.52(b)					
	279.52(b)(1)					
	279.52(b)(2)					
if the used oil contains ≥1,000 ppm total halogens, it is presumed to be a hazardous waste; how the owner/operator may rebut the presumption; SW-846 example; where to obtain SW-846	279.53(c)					
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling agreement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.53(c)(1)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
	no waste or used oil that may be incompatible with the released material is recycled, treated, stored or disposed of until cleanup procedures are completed	279.52(b)(6)(viii)(A)					
	before operations resume, all emergency equipment is cleaned and fit for intended use	279.52(b)(6)(viii)(B)					
12	before operations in affected area(s) resume, owner/ operator must notify Regional Administrator and State and local officials that facility complies with 279.52(a)	279.52(b)(6)(viii)(C)					
	owner/operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan; must submit written report to Regional Administrator within 15 days; what the report must include	279.52(b)(6)(ix)					
		279.52(b)(6)(ix)(A)					
		279.52(b)(6)(ix)(B)					
		279.52(b)(6)(ix)(C)					
		279.52(b)(6)(ix)(D)					
		279.52(b)(6)(ix)(E)					
		279.52(b)(6)(ix)(F)					
		279.52(b)(6)(ix)(G)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
emergency coordinator must immediately notify either the government official designated as the on-scene coordinator or the National Response Center; what the report must include	279.52(b)(6)(iv)(B)					
	279.52(b)(6)(iv)(B)(*1*)					
	279.52(b)(6)(iv)(B)(*2*)					
	279.52(b)(6)(iv)(B)(*3*)					
	279.52(b)(6)(iv)(B)(*4*)					
	279.52(b)(6)(iv)(B)(*5*)					
	279.52(b)(6)(iv)(B)(*6*)					
emergency coordinator must take all reasonable measures to ensure that fires, explosions and releases do not occur, recur, or spread; what measures must include	279.52(b)(6)(v)					
emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures if the facility stops operation because of a fire, explosion or release	279.52(b)(6)(vi)					
emergency coordinator must provide for recycling, storing or disposing of any material that results from a release, fire or explosion immediately after that event	279.52(b)(6)(vii)					
emergency coordinator must ensure that:	279.52(b)(6)(viii)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
notify State or local agencies with designated response roles if needed	279.52(b)(6)(i)(B)					
emergency coordinator must immediately identify the character, exact source, amount, and real extent of any released materials; how the coordinator may do this	279.52(b)(6)(ii)					
concurrently, the emergency coordinator must assess possible hazards to human health or the environment; what the assessment must consider	279.52(b)(6)(iii)					
if release, fire, or explosion could threaten human health or the environment, emergency coordinator must report findings	279.52(b)(6)(iv)					
if evacuation may be advisable, emergency coordinator must immediately notify local authorities and be available to help them decide whether to evacuate local areas	279.52(b)(6)(iv)(A)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
the facility changes in any way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency	279.52(b)(4)(iii)					
the list of emergency coordinators changes	279.52(b)(4)(iv)					
the list of emergency equipment changes	279.52(b)(4)(v)					
at all times, at least one employee responsible for coordinating all emergency response measures must be at the facility or on call; knowledge and authority the emergency coordinator must have; guidance responsibilities spelled out in 279.52(b)(6)	279.52(b)(5)					
emergency procedures	279.52(b)(6)					
if there is an imminent or actual emergency, the emergency coordinator or designee must immediately:	279.52(b)(6)(i)					
activate internal facility alarms or communication systems	279.52(b)(6)(i)(A)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
plan must include evacuation plan if evacuation possibly necessary; evacuation plan must describe signal(s) to begin evacuation, evacuation routes and alternative routes	279.52(b)(2)(vi)					
contingency plan copy and all revisions must be:	279.52(b)(3)					
maintained at the facility	279.52(b)(3)(i)					
submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services	279.52(b)(3)(ii)					
contingency plan must be reviewed and amended whenever:	279.52(b)(4)					
applicable regulations are revised	279.52(b)(4)(i)					
the plan fails in an emergency	279.52(b)(4)(ii)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
if a Part 112 SPCC Plan, or other plan, has already been prepared, owner/operator may amend existing plan to meet requirements of Part 279	279.52(b)(2)(ii)					
plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate 279.52(a)(6) emergency services	279.52(b)(2)(iii)					
plan must list names, addresses and phone numbers for primary emergency coordinator and others qualified to act as emergency coordinator in specified order; list must be kept up to date	279.52(b)(2)(iv)					
plan must include a list of required emergency equipment at the facility and location, physical description and brief outline of capabilities of each item; list must be kept up to date	279.52(b)(2)(v)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
10	owners/operators of used oil processing and re-refining facilities must comply with the following contingency plan and emergency procedure requirements:	279.52(b)					
	purpose and implementation of contingency plan	279.52(b)(1)					
	contingency plan required; plan must be designed to minimize hazards to human health or the environment from fire, explosion or any unplanned release to air, soil, or surface water	279.52(b)(1)(i)					
11	provisions of plan must be carried out immediately whenever fire, explosion or release of used oil could threaten human health or the environment	279.52(b)(1)(ii)					
	content of contingency plan	279.52(b)(2)					
	what the contingency plan must describe	279.52(b)(2)(i)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
if more than one police and fire department might respond, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with others to provide support	279.52(a)(6)(i)(B)					
agreements with State emergency response teams, emergency response contractors, and equipment suppliers	279.52(a)(6)(i)(C)					
arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases	279.52(a)(6)(i)(D)					
if State or local authorities decline to enter into such arrangements, owner/operator must document the refusal in the operating record	279.52(a)(6)(ii)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
owner/operator must maintain aisle space to allow unobstructed movement of personnel and emergency equipment to any area of facility operation in an emergency, unless aisle space not needed for these purposes	279.52(a)(5)					
as appropriate, owner/operator must attempt to make arrangements with local authorities	279.52(a)(6)(i)					
arrangements to familiarize police, fire departments, and emergency response teams with the facility's layout, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes	279.52(a)(6)(i)(A)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
all communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment must be tested and maintained to assure proper operation in time of emergency	279.52(a)(3)					
access to communications or alarm system	279.52(a)(4)					
all personnel involved in any handling operation must have immediate access to an internal alarm or emergency communication device, unless device not required in 279.52(a)(2)	279.52(a)(4)(i)					
if only one employee is present while the facility is operating, the employee must have immediate access to a device capable of summoning external emergency assistance, unless not required in 279.52(a)(2)	279.52(a)(4)(ii)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
unless none of the hazards posed by the used oil handled at the facility could require the equipment specified in 279.52(a)(2)(i)-(iv), all facilities must be equipped with the following:	279.52(a)(2)					
internal communications or alarm system capable of providing immediate emergency instruction to facility personnel	279.52(a)(2)(i)					
device capable of summoning emergency assistance	279.52(a)(2)(ii)					
portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment, and	279.52(a)(2)(iii)					
water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers or water spray systems	279.52(a)(2)(iv)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
a processor/re-refiner without an EPA ID number may obtain one by submitting either:	279.51(b)					
a completed EPA Form 8700-12; or	279.51(b)(1)					
a letter requesting an EPA ID number; what the letter should include	279.51(b)(2)					
	279.51(b)(2)(i)					
	279.51(b)(2)(ii)					
	279.51(b)(2)(iii)					
	279.51(b)(2)(iv)					
	279.51(b)(2)(v)					
	279.51(b)(2)(vi)					
GENERAL FACILITY STANDARDS						
10 owners/operators of used oil processing and re-refining facilities must comply with the following preparedness and prevention requirements:	279.52(a)					
facilities must be maintained and operated to minimize the possibility of fire, explosion, or any unplanned release of used oil to air, soil or surface water which could threaten human health or the environment	279.52(a)(1)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
used oil is burned in an on-site space heater meeting 279.23 requirements	279.50(b)(3)(i)					
used oil is burned for processing used oil, which is considered burning incidentally to used oil processing	279.50(b)(3)(ii)					
processors/re-refiners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications of 279.11 must also comply with Subpart H of Part 279	279.50(b)(4)					
processors/re-refiners who dispose of used oil also must comply with Subpart I of Part 279	279.50(b)(5)					
NOTIFICATION						
processors/re-refiners who have not previously done so must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.51(a)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
transporters that conduct incidental processing operations occurring during normal course of transportation as provided in 279.41	279.50(a)(1)					
burners that conduct incidental processing operations occurring during normal course of used oil management prior to burning as provided in 279.61(b)	279.50(a)(2)					
specific processors/ re-refiners who are subject to additional provisions of Part 279:	279.50(b)					
processors/re-refiners who generate used oil must also comply with Subpart C of Part 279	279.50(b)(1)					
processors/re-refiners who transport used oil must also comply with Subpart E of Part 279	279.50(b)(2)					
except as 279.50(b)(3)(i)&(ii) provide otherwise, processors/re-refiners who burn off-specification used oil for energy recovery must also comply with Subpart G of Part 279; exceptions	279.50(b)(3)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
used oil transporters must keep a record of each used oil shipment delivered to another used oil transporter, burner, processor/re-refiner, or disposal facility; what the records must include	279.46(b)					
	279.46(b)(1)					
	279.46(b)(2)					
	279.46(b)(3)					
	279.46(b)(4)					
	279.46(b)(5)					
for each shipment exported to any foreign country, transporters must maintain records described in 279.46(b)(1)-(4)	279.46(c)					
records described in 279.46(a), (b) & (c) must be maintained for at least 3 years	279.46(d)					
MANAGEMENT OF RESIDUES						
transporters who generate residues must manage the residues as specified in 279.10(e)	279.47					
SUBPART F - STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS						
APPLICABILITY						
subpart applies to owners/operators of facilities that process used oil; definition of processing and specific inclusions; exclusions:	279.50(a)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, the owner/operator must perform these cleanup steps:	279.45(h)					
stop the release	279.45(h)(1)					
contain the released used oil	279.45(h)(2)					
clean up and properly manage the released used oil and other materials	279.45(h)(3)					
repair or replace any leaking used oil storage containers or tanks prior to returning them to service	279.45(h)(4)					
TRACKING						
used oil transporters must keep a record of each used oil shipment accepted for transport; what the records must include	279.46(a)					
	279.46(a)(1)					
	279.46(a)(2)					
	279.46(a)(3)					
	279.46(a)(4)					
	279.46(a)(5)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.45(e)(2)					
new aboveground tanks must have a secondary containment system	279.45(f)					
what the secondary containment system must, at a minimum, include	279.45(f)(1)					
	279.45(f)(1)(i)					
	279.45(f)(1)(ii)					
	279.45(f)(1)(iii)					
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.45(f)(2)					
labels	279.45(g)					
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.45(g)(1)					
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.45(g)(2)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
used oil may not be stored in units other than tanks, containers, or units subject to regulation under Part 264 or 265	279.45(b)					
containers and aboveground tanks must be:	279.45(c)					
in good condition	279.45(c)(1)					
not leaking	279.45(c)(2)					
containers must have a secondary containment system	279.45(d)					
secondary containment system must, at a minimum, include	279.45(d)(1)					
	279.45(d)(1)(i)					
	279.45(d)(1)(ii)					
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.45(d)(2)					
existing aboveground tanks must have a secondary containment system	279.45(e)					
what the secondary containment system must, at a minimum, include	279.45(e)(1)					
	279.45(e)(1)(i)					
	279.45(e)(1)(ii)					
	279.45(e)(1)(iii)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
	USED OIL STORAGE AT TRANSFER FACILITIES						
8	wastewaters containing with *de minimis* quantities of used oil not subject to Part 279; used oil transporters are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112); transporters are subject to Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the Part 279, Subpart D requirements	279.45					
9	section applies to used oil transfer facilities; definition of used oil transfer facilities; transfer facilities that store used oil for more than 35 days subject to regulation under Subpart F of Part 279	279.45(a)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption applies to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	279.44(c)(2)					
transporter must maintain records of analyses or information used to comply with 279.44(a), (b) & (c) for at least 3 years	279.44(d)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
testing the used oil; or	279.44(b)(1)					
applying knowledge of the halogen content of the used oil in light of the materials or processes used	279.44(b)(2)					
used oil containing ≥1000 ppm total halogens is presumed to be hazardous waste; presumption may be rebutted by demonstrating that the used oil does not contain hazardous waste; SW-846 example; where to obtain SW-846	279.44(c)					
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling agreement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	279.44(c)(1)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
5	give notice, if required by 49 CFR 171.15, to the National Response Center	279.43(c)(3)(i)					
	report in writing to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Dept. of Transportation	279.43(c)(3)(ii)					
	a water transporter who has discharged used oil must give notice as required by 33 CFR 153.203	279.43(c)(4)					
6	a transporter must clean up any used oil discharged during transport or take action required or approved by government officials so that the used oil discharge no longer presents a hazard to human health or the environment	279.43(c)(5)					
	REBUTTABLE PRESUMPTION FOR USED OIL						
7	used oil transporter must determine whether total halogen content of used oil transported or stored is above or below 1,000 ppm	279.44(a)					
	transporter must determine this by:	279.44(b)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
used oil transporters must comply with all applicable requirements of the U.S. Dept. of Transportation under 49 CFR Parts 173, 178 and 179, as well as 49 CFR Parts 100-177 if used oil meets criteria as combustible or flammable liquid	279.43(b)					
used oil discharges	279.43(c)					
if there is a discharge during transport, the transporter must immediately take appropriate action to protect human health and the environment	279.43(c)(1)					
if an official appropriately determines that the used oil must be removed immediately to protect human health and the environment and authorizes the transport, transporters without EPA ID numbers may remove used oil discharged during transport	279.43(c)(2)					
an air, rail, highway or water transporter who has discharged used oil must:	279.43(c)(3)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
a letter requesting an EPA ID number; what the letter should include	279.42(b)(2)					
	279.42(b)(2)(i)					
	279.42(b)(2)(ii)					
	279.42(b)(2)(iii)					
	279.42(b)(2)(iv)					
	279.42(b)(2)(v)					
	279.42(b)(2)(vi)					
	279.42(b)(2)(vii)					
USED OIL TRANSPORTATION						
a used oil transporter must deliver all used oil received to:	279.43(a)					
another used oil transporter with an EPA ID number	279.43(a)(1)					
a used oil processing/ re-refining facility with an EPA ID number	279.43(a)(2)					
an off-specification used oil burner facility with an EPA ID number	279.43(a)(3)					
an on-specification used oil burner facility	279.43(a)(4)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
transporters may conduct processing operations incidental to transport, but not designed to produce used oil derived products, unless the transporter also complies with the processor/re-refiner requirements in Subpart F of Part 279	279.41(b)					
NOTIFICATION						
used oil transporters who have not previously done so must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.42(a)					
a used oil transporter without an EPA ID number may obtain one by submitting either:	279.42(b)					
a completed EPA Form 8700-12; or	279.42(b)(1)					

2 Note that there is an error in the Federal Register; the deadline for the written notice should be February 18, 1993, rather than November 16, 1992 as it appears in the Federal Register, in keeping with the effective date of these provisions, with the preamble to the rule at 57 FR 37215 (second full paragraph in the right-hand column), and with the similar provision under 265.1101(b)(4)(i).

3 Note that there is a typographical error in the Federal Register; "lead" should be "led."

4 Note that the Federal Register for this rule introduces an error into the second-to-last sentence of this subparagraph by inserting an extraneous "with" between "§§" and "265.111."

5 Note there is an error in the Federal Register article for this rule. The phrase "as needed to permit" should read "as needed to prevent."

6 Note there is a typographical error in the Federal Register article for this checklist. The instructions preceding 268.7 (on page 57 FR 37270) incorrectly say that 268.7(a)(1)(v) is added. It is a new 268.7(a)(1)(iv) which is added, and the old 268.7(a)(1)(iv) is redesignated as 268.7(a)(1)(v).

7 Note that there is a typographical error in the Federal Register article for this checklist. The instructions preceding 268.7 (on page 57 FR 37270) incorrectly say 268.7(a)(3)(vi) is added. It is a new 268.7(a)(3)(v) which is added and the old 268.7(a)(3)(v) is redesignated as 268.7(a)(3)(vi).

8 Note that there is a typographical error in the Federal Register article for this checklist; there should be a comma, not a semicolon, after the second occurrence of "containers" in 268.7(a)(4).

9 The addition of 268.14 to Federal code means that Subpart B of Part 268 is relevant to the States for the first time. The other sections of code in Subpart B, 268.10 through 268.13, contain the schedule by which EPA must evaluate wastes for land disposal restrictions. As such, States do not need requirements equivalent to 268.10 through 268.13. The surface impoundment exemptions of 268.14, however, address the length of time interim status impoundments can be used to receive or generate newly identified or listed hazardous wastes and resolve the potential conflicts between RCRA §§3004(h)(4), 3004(j)(6) and 3004(j)(11) [see the discussion in the Federal Register for this rule, pp. 37218-37221]. Therefore, States must adopt requirements analogous to 268.14(a)-(c).

10 Note there are two different entries in Table CCW for K030. Because there isn't an entry for K043, likely the second "K030" should read "K043." Also, the Federal Register adds an entry for K111, but this is not noted in the revision instructions for the table.

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (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 - CHANGES TO PERMITS						
PERMIT MODIFICATIONS AT THE REQUEST OF THE PERMITTEE						
replace "of restricted wastes" with ", or in containment buildings"	270.42(e)(3)(ii)(B)					
APPENDIX I TO SECTION 270.42						
CLASSIFICATION OF PERMIT MODIFICATION						
add entry 6 to section I	270.42 Appendix I, I(6)					
add new section M	270.42 Appendix I, M					
SUBPART G - INTERIM STATUS						
CHANGES DURING INTERIM STATUS						
remove "or" before "containers" and insert "or containment buildings" after "containers"; in two places, insert "of this chapter" after "Part 268"	270.72(b)(6)					

1 This revision fixes an error in the July 1, 1991 CFR which makes it appear that there are tv paragraphs designated as 262.34(a)(2) (see the editorial note in the CFR). Revision Checkl 82 originally inserted the first 262.34(a)(2), 262.34(a)(2)(i), 262.34(a)(2)(ii) and redesignat the old 262.34(a)(2)-(4) as 262.34(a)(3)-(5). However, Revision Checklist 92 redesignated 262.34(a)(3) as 262.34(a)(2), effectively removing the first 262.34(a)(2) and incorporating these requirements into 262.34(a)(1) at 262.34(a)(1)(iii) and (iii)(A)&(B). It was not the Agency's intent to include these requirements both at 262.34(a)(1)(iii)(A)&(B) and at 262.34(a)(2) as is indicated in the July 1, 1991 CFR. The first 262.34(a)(2) in that CFR should not be in the code. Revision Checklist 92 also redesignated 262.34(a)(3)-(5) as 262.34(a)(2)-(4), i.e., returned these subparagraphs to their original numbering prior to the redesignation by Revision Checklist 82. The revision, which is part of Revision Checklist 1 removes the first 262.34(a)(2), returning the code to what was intended by Checklist 92.

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
remove "or" between "tanks" and "containers" and add "or containment buildings" after "containers"	268.50(a)(2)					
APPENDIX II to PART 268						
TREATMENT STANDARDS (AS CONCENTRATIONS IN THE TREATMENT RESIDUAL EXTRACT)						
remove table; replace with note indicating that F001-F005 spent solvent waste treatment standards appear in 268.41, 268.42 and 268.43	Appendix II					
PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM						
SUBPART B - PERMIT APPLICATION						
CONTENTS OF PART A OF THE PERMIT APPLICATION						
for hazardous debris, description of debris category(ies) and contaminant category(ies) to be treated, stored or disposed of at facility	270.13(n)					
CONTENTS OF PART B: GENERAL REQUIREMENTS						
insert "and hazardous debris" after "hazardous waste"; insert "of this chapter" after "part 264"	270.14(b)(2)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
ignitable nonwastewater residue, as specified, must meet technology-based "D001 Ignitable Liquids" standard	268.45(d)(4)					
layers of debris removed by spalling remain subject to 268.45 treatment standards	268.45(d)(5)					
alternative treatment standards for hazardous debris	268.45/Table 1					
ALTERNATIVE TREATMENT STANDARDS BASED ON HTMR						
Table 1 identifies alternative treatment standards for F006 and K062 nonwastewaters	268.46					
alternative treatment standards as shown at 57 FR 37281	268.46/Table 1					
SUBPART E - PROHIBITIONS ON STORAGE						
PROHIBITIONS ON STORAGE OF RESTRICTED WASTES						
remove "or" from between "tanks" and "containers"; after containers add "or containment buildings"; insert "and parts 264 and 265" after "262.34"; remove parenthesized sentence	268.50(a)(1)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
when hazardous debris that has been treated is not considered a hazardous waste; hazardous debris contaminated with a listed waste that is treated by a Table 1 immobilization technology must be managed in a Subtitle C facility	268.45(c)					
general requirements for treatment residues:	268.45(d)(1)					
separate residue from debris by simple physical or mechanical means;	268.45(d)(1)(i)					
residue is subject to 268 Subpart D waste-specific treatment standards	268.45(d)(1)(ii)					
residue from nontoxic debris, as specified, must be deactivated; not subject to 268 Subpart D waste-specific treatment standards	268.45(d)(2)					
residue from cyanide-reactive debris must meet 268.43, D003 standards	268.45(d)(3)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (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 PCBs; hazardous debris subject to both 40 CFR 761 and 268.45 must meet more stringent requirements	268.45(a)(5)					
hazardous debris treated for each "contaminant subject to treatment," determined as follows:	268.45(b)					
toxicity characteristic debris; those EP constituents for which debris exhibits a toxicity characteristic	268.45(b)(1)					
debris contaminated with listed waste; constituents for which BDAT standards are established for wastes under 268.41 and 268.43	268.45(b)(2)					
cyanide reactive debris; reactive because of cyanide must be treated for cyanide	268.45(b)(3)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
TREATMENT STANDARDS FOR HAZARDOUS DEBRIS						
treatment of hazardous debris prior to land disposal as specified unless EPA determines under 261.3(e)(2) that debris is no longer contaminated with hazardous waste	268.45(a)					
general; treatment for each 268.45(b) contaminant subject to treatment in accordance with 268.45, Table 1	268.45(a)(1)					
characteristic debris; deactivation as specified in 268.45, Table 1	268.45(a)(2)					
mixtures of debris types; standards for each debris type must be achieved; if applicable, immobilization must be used last	268.45(a)(3)					
mixtures of 268.45(b) contaminant types; 268.45, Table 1 treatment for each contaminant must be used; if applicable, immobilization must be used last	268.45(a)(4)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	**********						
	change the first occurrence of "§268.41, §268.43" to "§§268.41 or 268.43"; change the second occurrence of "§268.41, §268.43" to "§§268.41, 268.43"; add sentence addressing hazardous debris containing radioactive waste	268.42(d)					
	TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS						
10	revise entries for F001-F005 spent solvents, K015, K016, K018, K019, K020, K023, K024, K028, K030, K043, K048, K049, K050, K051, K052, K087, K093, K094, U028, U069, U088, U102, U107 and U190; remove U042 entry; add entries for F037, F038, K111, K117, K118, K131, K132 and K136 as shown at 57 FR 37274-37277	268.43/Table CCW					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (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 paragraph addressing treatment standards for constituents in F001-F005 listed in Table CCWE	268.41(c)					
TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES						
add entries for K107, K108, K109, K110, K112, K123, K124, K125, K126, U328, U353 and U359 as shown at 57 FR 37273	268.42/Table 2					
********** Guidance note: 268.42(b) is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this paragraph into their code.						
replace "achievable" with "achieved"; after the first occurrence of "(a), (c) and (d) of this section" add "for wastes or specified in Table 1 of §268.45 for hazardous debris"; after the second occurrence of "(a), (c) and (d) of this section" add "for wastes or in Table 1 of §268.45 for hazardous debris"	268.42(b)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT						
after "exceeded", replace "by" with "in"; after "treatment residual," replace "developed" with "extracted"; replace "Appendix I" with "appendix I"; after "of this part", replace "of" with "for"; remove clause addressing D004, D008, D031, K084, K101, K102, P010, P011, P012, P036 and U136; remove parenthetical sentence; in last sentence, remove "unless otherwise noted in the following Table CCW"	268.41(a)					
amend Table CCWE by revising the "F001-F005 spent solvents" entry; removing entries for "K061 (Low Zinc Subcategory - less than 15% Total Zinc)" and for "K061 (High Zinc Subcategory - greater than 15% Total Zinc) - Effective until August 7, 1991"; and by adding entries for "F037", F038" and "K061" as shown at 57 FR 37272	268.41(a)/Table CCWE					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
how to determine whether a 268.36 waste exceeds a 268.41 or 268.43 treatment standard; waste prohibited and all Part 268 requirements apply if constituents in excess of applicable levels	268.36(i)					
SUBPART D - TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS						
add clause addressing hazardous debris after "268.42(a)"	268.40(b)					
if 268.41 through 268.48 treatment standard established and waste is a hazardous debris, then waste subject to those standards rather than the 268.45 hazardous debris standards	268.40(d)					

RCRA REVISION CHECKLIST 109: Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
effective June 30, 1994, radioactive wastes mixed with specified wastes are prohibited from land disposal	268.36(d)					
effective June 30, 1994, debris contaminated with specified wastes and not contaminated with other prohibited waste are prohibited from land disposal	268.36(e)					
under what circumstances 268.36(b) wastes may be disposed in a landfill or generated and disposed in a surface impoundment	268.36(f)					
under what circumstances 268.36(d) and (e) wastes may be disposed in a landfill or generated and disposed in a surface impoundment	268.36(g)					
under what circumstances 268.36 (a)-(e) do not apply	268.36(h)					
	268.36(h)(1)					
	268.36(h)(2)					
	268.36(h)(3)					
	268.36(h)(4)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
	USED OIL STORAGE						
19	wastewaters containing *de minimis* quantities of used oil not subject to Part 279; used oil burners are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112); used oil burners are subject to Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any hazardous waste characteristics, in addition to the Part 279, Subpart G requirements	279.64					
	used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under Part 264 or 265	279.64(a)					
	containers and aboveground tanks must be:	279.64(b)					
	in good condition	279.64(b)(1)					
	not leaking	279.64(b)(2)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
storage containers must have a secondary containment system	279.64(c)					
what the secondary containment system must, at a minimum, include	279.64(c)(1)					
	279.64(c)(1)(i)					
	279.64(c)(1)(ii)					
entire containment system must be sufficiently impervious to prevent any oil released into the system from migrating to soil, groundwater or surface water	279.64(c)(2)					
existing aboveground tanks must have a secondary containment system	279.64(d)					
what the secondary containment system must, at a minimum, include	279.64(d)(1)					
	279.64(d)(1)(i)					
	279.64(d)(1)(ii)					
	279.64(d)(1)(iii)					
entire containment system must be sufficiently impervious to used oil to prevent used oil released into system from migrating out of system to soil, groundwater, or surface water	279.64(d)(2)					
20 new aboveground tanks must have a secondary containment system	279.64(e)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
what the secondary containment system must, at a minimum, include	279.64(e)(1)					
	279.64(e)(1)(i)					
	279.64(e)(1)(ii)					
	279.64(e)(1)(iii)					
entire containment system must be sufficiently impervious to used oil to prevent used oil released into system from migrating out of system to soil, groundwater, or surface water	279.64(e)(2)					
labels	279.64(f)					
containers and aboveground tanks must be clearly labeled or marked "Used Oil"	279.64(f)(1)					
fill pipes used to transfer used oil into underground storage tanks must be clearly labeled or marked "Used Oil"	279.64(f)(2)					
upon detection of a release of used oil to the environment not subject to Part 280, Subpart F, which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a burner must perform these cleanup steps:	279.64(g)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
stop the release	279.64(g)(1)					
contain the released used oil	279.64(g)(2)					
clean up and properly manage the released used oil and other materials	279.64(g)(3)					
repair or replace any leaking used oil storage containers or tanks prior to returning them to service	279.64(g)(4)					
TRACKING						
◆ burners must keep a record of each used oil shipment accepted; forms records may take; what the records for each shipment must include:	279.65(a)					
◆ name and address of transporter who delivered used oil to burner	279.65(a)(1)					
◆ name and address of generator or processor/re-refiner from whom used oil was sent	279.65(a)(2)					
◆ EPA ID number of transporter	279.65(a)(3)					
◆ EPA ID number of generator or processor/re-refiner	279.65(a)(4)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
◆ quantity of used oil accepted	279.65(a)(5)					
◆ date of acceptance	279.65(a)(6)					
◆ records described in 279.65(a) must be maintained for at least 3 years	279.65(b)					
NOTICES						
◆ before accepting the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide the generator, transporter, or processor/re-refiner a one-time written and signed notice; what the notice must certify	279.66(a)					
	279.66(a)(1)					
	279.66(a)(2)					
◆ certification described in 279.66(a) must be maintained for 3 years after burner last receives shipment of off-specification oil from that individual	279.66(b)					
MANAGEMENT OF RESIDUES						
residues from storage or burning must be managed as specified in 279.10(e)	279.67					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADI IN SCO
	SUBPART H - STANDARDS FOR USED OIL FUEL MARKETERS						
	APPLICABILITY						
♦,21	this section applies to any person who:	279.70(a)					
♦	directs a shipment of off-specification used oil to a used oil burner	279.70(a)(1)					
♦	first claims that used oil that is to be burned for energy recovery meets the specifications of 279.11	279.70(a)(2)					
♦,22 ♦,22	persons who are not marketers subject to Subpart H	279.70(b)					
		279.70(b)(1)					
		279.70(b)(2)					
	any person subject to the requirements of Part 279 Subpart H must also comply with one of specified Part 279 Subparts	279.70(c)					
		279.70(c)(1)					
		279.70(c)(2)					
		279.70(c)(3)					
		279.70(c)(4)					
	PROHIBITIONS						
♦	used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who:	279.71					
♦	has an EPA ID number	279.71(a)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
◆ burns the used oil in an industrial furnace or boiler identified in 279.61(a)	279.71(b)					
ON-SPECIFICATION USED OIL FUEL						
◆ determination that used oil meets 279.11 fuel specifications may be made by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets those specifications; such used oil to be burned for energy recovery is not subject to further regulation under Part 279	279.72(a)					
◆ generator, transporter, processor/re-refiner or burner who first claims used oil to be burned for energy recovery meets 279.11 specifications must keep analyses or other information for 3 years	279.72(b)					
NOTIFICATION						
◆,23 used oil fuel marketers who have not previously done so must comply with RCRA § 3010 notification requirements and obtain an EPA ID number	279.73(a)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
a marketer without an EPA ID number may be obtain one by submitting either:	279.73(b)					
a completed EPA Form 8700-12; or	279.73(b)(1)					
a letter requesting an EPA ID number; what the letter should include	279.73(b)(2)					
	279.73(b)(2)(i)					
	279.73(b)(2)(ii)					
	279.73(b)(2)(iii)					
	279.73(b)(2)(iv)					
	279.73(b)(2)(v)					
TRACKING						
♦,24 generator who directs a shipment of off-specification used oil to a burner must keep a record of each shipment; forms records may take; what the records must include for each shipment:	279.74(a)					
♦ name and address of transporter who delivers used oil to burner	279.74(a)(1)					
♦ name and address of burner receiving used oil	279.74(a)(2)					
♦ EPA ID number of transporter	279.74(a)(3)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
◆ EPA ID number of burner	279.74(a)(4)					
◆ quantity of used oil shipped	279.74(a)(5)					
◆ shipment date	279.74(a)(6)					
◆ generator, transporter, processor/re-refiner or burner who first claims used oil to be burned for energy recovery meets 279.11 specifications must keep a record of each shipment to an on-specification used oil burner; each record must include:	279.74(b)					
◆ name and address of receiving facility	279.74(b)(1)					
◆ quantity delivered	279.74(b)(2)					
◆ date of shipment or delivery	279.74(b)(3)					
◆ cross-reference to analysis or other information used to determine that the oil meets 279.72(a) specification	279.74(b)(4)					
◆ records described in 279.74(a) and (b) must be maintained for at least 3 years	279.74(c)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
NOTICES						
♦ before a used oil generator, transporter, or processor/re-refiner directs the first shipment of off-specification used oil fuel to a burner, burner must provide a one-time written and signed notice; what the notice must certify	279.75(a)					
	279.75(a)(1)					
	279.75(a)(2)					
♦ 279.75 certification must be maintained for 3 years from the date of the last shipment of off-specification used oil to the burner	279.75(b)					
SUBPART I - STANDARDS FOR USE AS A DUST SUPPRESSANT AND DISPOSAL OF USED OIL						
APPLICABILITY						
Subpart I applies to all used oils that cannot be recycled and are being disposed	279.80					
DISPOSAL						
used oils that are hazardous waste and cannot be recycled under Part 279 must be managed in accordance with Parts 260-266, 268, 270 and 124	279.81(a)					

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management 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
used oils that are not hazardous wastes and cannot be recycled under Part 279 must be disposed in accordance with Parts 257 and 258	279.81(b)					
USE AS A DUST SUPPRESSANT						
use of used oil as a dust suppressant is prohibited; exception	279.82(a)					
a State may petition EPA to allow the use of used oil meeting specific requirements as a dust suppressant; what State must show; program must minimize impact on the environment	279.82(b)					
list of States (reserved)	279.82(c)					

1 This definition may be changed in the future by EPA to better explain what is meant by a "used oil processor/re-refiner."

2 Note that there is a typographical error in the Federal Register at 279.10(b)(2)(iii); "because if" should be "because it."

3 Expanded by the March 4, 1994 rule (59 FR 10550) addressed by Revision Checklist 130.

4 The Federal Register at 279.40(d)(4) includes an extraneous phrase, "partuel Marketers of this", between "subpart H of this" and "part."

5 Note that there is an error in the Federal Register at 279.43(c)(3)(i); there should be a comma after "171.15."

6 Note that there is a typographical error in the Federal Register at 279.43(c)(5); "used oil discharged that occurs" should be "used oil discharge that occurs."

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

7 Note that there is a typographical error in the Federal Register at 279.44(a); "used oil being transporter" should be "used oil being transported."

8 There appears to be a technical error in 279.45; "generators" should perhaps be "transporters". The checklist description for this paragraph corrects this error.

9 The Federal Register for 279.45(a) says "subpart F of this chapter" and should more specifically say "subpart F of this part."

10 The Federal Register texts for 279.52(a) and 279.52(b) include two typographical errors: "processors" should be "processing" and "re-refiners" should be "re-refining."

11 The Federal Register for 279.52(b)(1)(ii) says "release or used oil" but should say "release of used oil."

12 The Federal Register says that the facility must be in compliance "with paragraph (h) of this section." There is no 279.52(h); 279.52(b)(6)(viii)(C) should read paragraphs "(b)(6)(viii)(A) and (B)." This error was corrected by a May 3, 1993 rule (58 FR 26420; Revision Checklist 122).

13 Note, "generators" in the third sentence should be "processors/re-refiners."

14 Note that there is an error in the Federal Register at 279.54(g)(3); "mange" should be "manage."

15 There is a typographical error in the Federal Register at 279.57(a)(2)(ii): "an specified" shoul be "as specified."

16 In § 279.59, "re-fining" is an error and has been replaced in this checklist with "re-refining."

17 Note that there is an error in the Federal Register at 279.60(b)(1); "comply this" should be "comply with."

18 Note that there is an error in the Federal Register at 279.63(c); the "1" after "hazardous waste" should be deleted.

19 There appears to be a technical error in 279.64; "generators" should perhaps be "burners." The checklist description for this paragraph corrects this error.

20 The paragraph title and first sentence do not agree. Because 279.64(d) referred to existing aboveground tanks, this checklist assumes that 279.64(e) refers to new aboveground tank

21 The applicability section of a subpart usually designates to whom the subpart applies; it is likely that "section" in § 279.70(a) is an error. Other paragraphs in this section refer to the subpart.

22 Only 279.70(b)(1)&(2) are designated as HSWA provisions.

RCRA REVISION CHECKLIST 112:
Recycled Used Oil Management Standards (cont'd)

[23] Because used oil fuel marketers are subject to all requirements of Subpart H, it is likely that "of this section" is an error in the Federal Register at 279.73(a).

[24] "Generator" in this paragraph should be "marketer." This error was changed by the May 3, 1993 (58 FR 26420; Revision Checklist 122) technical correction.

Environmental Fact Sheet

Recycled Used Oil Management Standards

ENVIRONMENTAL FACT SHEET

RECYCLED USED OIL MANAGEMENT STANDARDS RULE

Brief History of the Used Oil Rules

The regulatory history of used oil under the Resource Conservation and Recovery Act (RCRA) began with EPA's December 18, 1978 initial proposed rule (43 FR 58946) for the identification and listing of hazardous waste under RCRA §3001. Waste lubricating oil and waste hydraulic and cutting oils were listed as hazardous waste based on their toxicity. Certain "waste oil"[1] recycling regulations also were proposed. However, the May 19, 1980 (45 FR 33084) final rule subjected to full Subtitle C regulation only waste oil that exhibited one or more of the characteristics of hazardous waste (ignitability, corrosivity, reactivity and toxicity) and was disposed or was accumulated, stored or treated prior to disposal. Recycled waste oil, that exhibited a characteristic, was not regulated due to the beneficial use exemption under 40 CFR 261.6. The May 19, 1980 rule also deferred promulgation of waste oil recycling regulations to allow the Agency time to consider alternatives to imposing the full set of Subtitle C regulations on potentially recoverable and valuable materials. That same rule also deferred the listing of waste oil for disposal so that the entire waste oil issue could be addressed at one time.

In September 1980, Congress passed the Used Oil Recycling Act (incorporated at RCRA § 3014). That act required the Agency to establish performance standards and other requirements applicable to used oil that would protect public health and the environment as long as these regulations "did not discourage the use, recovery or recycling of used oil" but did discourage the improper burning or disposal of such oil. The Hazardous and Solid Waste Amendments (HSWA) of 1984 slightly altered the language in RCRA § 3014 to emphasize the importance of human health and the environment in regulating used oil. The HSWA amendments also required EPA to propose, by November 8, 1985, whether it would identify or list as hazardous, used automobile and truck crank case oil. The Agency was to make a final determination for all used oils by November 8, 1988.

On November 28, 1985 (50 FR 49164), EPA promulgated regulations at Subpart E of 40 CFR Part 266 that prohibited the burning of off-specification used oil fuel in non-industrial boilers and furnaces, and these regulations imposed notification and recordkeeping requirements on marketers of used oil and industrial burners of off-specification oil. Despite two proposed rules to the contrary that were also published on November 28, 1985, EPA issued a decision, on November 19, 1986 (51 FR 41900), not to list as a hazardous waste used oil that is recycled. The Agency also stated its intention to issue, at a later date, both a decision on whether to list as hazardous used oil that is disposed and a set of management standards for recycled used oil. On October 7, 1988 the Court of Appeals for D.C. found that EPA acted contrary to law in its determination not to list used oil based on stigmatic effects. A Supplemental Notice of Proposed Rulemaking (56 FR 48000), finally published September 23, 1991, discussed EPA's data collection activities for the identification and listing of waste oil as well as several used oil management standard options for used oil under RCRA § 3014 not previously discussed in the Federal Register. This notice was followed by a final rule (57 FR 21524; May 20, 1992 as amended at 57 FR 29220; July 1, 1992) that excluded, from the definition of hazardous waste, non-terne plated used oil filters that have been drained to remove used oil. That rule also addressed the Agency's decision not to list used oils destined for disposal as hazardous wastes.

The present recycled used oil management regulations, promulgated September 10, 1992 (57 FR 41566), are based on a review and analysis of comments for both the November 28, 1985 proposed rulemaking and the

[1]The term "waste oil" in the wording of the early regulations included both used and unused oils that could no longer be used for their intended purposes. The later regulations switched to the term "used oil," which does not include unused waste oils.

1991 Supplemental Notice of Proposed Rulemaking. In this rule and its subsequent amendments (58 FR 26420, 58 FR 33341, and 59 FR 10550), the Agency has adopted a set of management standards that will control the management of all used oils, with certain exemptions, that are recycled. The Agency has made the presumption (see 40 CFR 279.10(a)) that all used oil is to be recycled unless a used oil handler disposes of used oil or sends it for disposal. This amended rule is the subject of the remainder of this fact sheet.

The Recycled Used Oil Management Standards

The September 10, 1992 Recycled Used Oil Management Standards Rule promulgates a final listing decision for used oils that are recycled, as well as standards for the management of used oil under RCRA §3014. These requirements are codified at 40 CFR Part 279. The used oil requirements at 40 CFR Part 266, Subpart E have been removed from that Part and recodified in the new Part 279.

EPA has determined that recycled used oil does not have to be listed as a hazardous waste because the used oil management standards issued under the Recycled Used Oil Management Standards Rule are adequately protective of human health and the environment. Used oil is still considered a hazardous waste if it displays a hazardous waste characteristic or if it is mixed with a hazardous waste. However, this only becomes a consideration when the oil is disposed of because, otherwise, the oil is regulated by the new management standards in Part 279. Even if such oil is intended for disposal, it is regulated under Part 279 until the point it is disposed of or sent for disposal.
The Part 279 management standards apply to all used oils regardless of whether they exhibit a hazardous waste characteristic, because EPA presumes that all used oils are recyclable and therefore must be managed in accordance with the new standards. Used oil that does not exhibit any hazardous waste characteristic is not subject to any other RCRA Subtitle C regulation and may be disposed of in a Subtitle D facility. The oil is subject to any applicable State regulations for solid waste management. Marketers and burners of used oil containing any quantifiable levels of PCBs are subject to the Toxic Substances Control Act (TSCA) regulations at 40 CFR 761.20(e), in addition to the Part 279 requirements. Used oil containing more than 50 ppm PCBs is fully subject to the TSCA regulations. Blending for the purpose of returning PCBs below 50 ppm, or the level of detection, is prohibited by the new Part 279 requirements.

The new used oil management standards apply to used oil generators, transporters, processors and re-refiners, burners, and marketers. Household-generated and do-it-yourselfer-generated used oils are subject to the management standards only when these used oils are collected and aggregated at collection centers, aggregation points and generators. The collection centers are subject to the requirements for used oil generators. The new regulations also contain prohibitions and exemptions from the management standards. These and the major provisions of Part 279 are summarized in Table 1.

As a result of the Recycled Used Oil Management Rule, service station dealers can become eligible for an exemption from the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), provided they meet the requirements of CERCLA 114(c). This exemption is limited to generator- and transporter-liability. It does not cover owner and operator liability. For a detailed discussion of this exemption, see 58 FR 41583 (September 10, 1992).

EPA's Future Plans for the Used Oil Regulation

The September 23, 1991 Supplemental Notice (56 FR 48000) proposed the following exemptions from the used oil regulations: (1) used oils that are reinserted as feedstocks at primary petroleum refineries, (2) fuels derived from those used oils, and (3) used oils inserted into crude oil or natural gas pipelines. However, the management standards for used oil promulgated on September 10, 1992 and codified at 40 CFR Part 279 did not include such exemptions for used oil inserted into the petroleum refining process both prior to and after crude distillation and catalytic cracking. In order to address this issue, EPA published a final rule on March 4, 1994 (59 FR 10550), which amended the existing pipeline exemption to (1) clarify its intended scope, and (2) expand the exemption to other petroleum refinery applications. In response to a suit filed by Edison Electric Institute on January 11, 1993, the March 4 rule also amended the used oil processing definition under Part

279 to exclude generators who only process used oil that is generated on-site and that is not being sent directly to a used oil burner.

The Agency is currently considering alternative methods for identifying wastes as hazardous. Depending on what approach the Agency ultimately chooses, the manner in which EPA regulates mixtures of used oil and hazardous waste may change.

Implications for State Programs

Used oil burning requirements, originally promulgated in 1985 at Part 266, Subpart E under HSWA authority and recodified in Part 279, remain Federally enforceable in all States that are not yet authorized for the former Part 266, Subpart E[2]. (Those specific Part 279 provisions designated as HSWA provisions are listed in 40 CFR 271.26/table, promulgated at 58 FR 26424.) These provisions remain enforceable under state law in those states that are already authorized for the Part 266, Subpart E provisions. The other provisions of Part 279 do not become effective in authorized States until individual States adopt the provisions and EPA grants the States authorization for the provisions. All of the Part 279 used oil management standards became effective on March 8, 1993 in those States and Territories that are not authorized for the RCRA base program and on Indian lands.

States are required to revise their Subtitle C base programs to adopt the new used oil requirements by July 1, 1994 or by July 1, 1995 if a State statutory change is necessary. However, EPA recommends that States, which are considering regulations to incorporate the Part 279 standards, delay action pending issuance of the anticipated early 1994 amendments to the used oil regulations (as discussed above). Deferring action would enable the State to promulgate counterparts to the Part 279 standards and corresponding exemptions as a whole, thereby avoiding the confusion that would result from piecemeal adoption of the standards and exemptions. In order to ease States' adoption and authorization of the used oil regulations, EPA plans to issue a checklist that consolidates all the recycled used oil rules, including the March 4, 1994 final rule. For those States that choose to adopt the consolidated used oil rule, the deadline for program revisions to adopt the used oil requirements will be extended to July 1, 1995 or to July 1, 1996 if a State statutory change is necessary. States, however, are free to adopt the existing used oil regulations as promulgated by EPA on September 10, 1992 together with that rule's two amendments according to their associated adoption deadlines. States are also free to subsequently elect to adopt or not adopt the exemptions that EPA issued in March 1994.

Conclusion

The recycled used oil rule, codified at a new Part 279 of Title 40 of the CFR, addresses EPA's final listing decision for used oils that are recycled, and provides standards for the management of used oil under RCRA §3014. The rule is promulgated to meet the legislative mandate of the Used Oil Recycling Act of 1980 and is designed to protect public health and the environment.

Contact

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[2]In the September 10, 1992 rule (57 FR 41566), EPA designated all of the Recycled Used Oil Management Standards as non-HSWA provisions. Later, EPA realized that this designation was arguably inconsistent with statements made in the November 29, 1985 rule which added Subpart E to 40 CFR Part 266. These former regulations were issued under HSWA authority and then were recodified in certain portions of Part 279 by the September 10, 1992 rule. As such, the recodified provisions were redesignated as HSWA provisions by the May 3, 1993 amendment to the September 10 rule.

ENVIRONMENTAL FACT SHEET
RECYCLED USED OIL MANAGEMENT STANDARDS RULE

A. Major Provisions

- a regulatory definition of used oil based on the statutory definition at RCRA §1004(36);
- expansion of the 40 CFR Part 266, Subpart E "rebuttable presumption" provision, used by the Agency to determine if used oil has been mixed with hazardous waste, to cover all used oils, regardless of the type of handler; a conditional exemption from the rebuttable presumption is provided for certain used metalworking oils containing chlorinated paraffins and used compressor oils containing chlorofluorocarbons (CFCs);
- compliance with notification requirements of RCRA §3010; renotification of used oil activities is not necessary if the used oil handler already has an EPA Identification Number;
- tracking and recordkeeping requirements for used oil transporters, processors and re-refiners to provide a level of confidence within the system that used oils destined for recycling are recycled by authorized facilities;
- requirements for used oil processing and re-refining facilities to develop specific sampling and analytical plans documenting that they do not accept hazardous waste/used oil mixtures;
- tank and container labelling requirements for all used oil handlers;
- Spill Prevention, Control and Countermeasures (Part 112) and Underground Storage Tank requirements (Part 280) for all storage units, as applicable;
- secondary containment requirements to minimize potential releases from containers and tanks;
- standards for the cleanup of releases to the environment during storage and transit; and
- closure standards for processors and re-refiners.

B. Prohibitions

- management of used oil in surface impoundments and waste piles not regulated under Subtitle C of RCRA;
- the use of used oil for road oiling and dust suppressant purposes; States may petition EPA to allow such activity in the individual States;
- the burning of off-specification used oil in devices not specified at 40 CFR 279.12(c); and
- the blending by transporters of used oils with virgin oil to meet the Part 279 specification levels for used oil fuels.

C. Exemptions

- small farming operations that generate an average of 25 gallons or less of used oil per month in a calendar year are exempted from the used oil generator standards;
- used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products;
- used oil mixed with crude oil or natural gas liquids for insertion into a crude oil pipeline (prior to mixing, this used oil is subject to the Part 279 requirements);
- used oil and diesel fuel mixed by a generator for use in its own vehicles (prior to mixing, the used oil is subject to the Part 279, Subpart C requirements);
- wastewater contaminated with *de minimis* quantities of used oil; and
- used oil produced on vessels from normal shipboard operations; however, once this oil is transported ashore the oil becomes subject to the Part 279 requirements. Both the owner/operator of the ship and the person removing the used oil ashore are considered generators of the oil.

Revision Checklist 113 Summary

Rule Titles: This rule consolidates the changes made by the following three rules:

- Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Coverage
- Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; Liability Requirements
- Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; Financial Responsibility for Third-Party Liability, Closure, and Post-Closure

Checklist Title: Consolidated Liability Requirements
References: 53 FR 33938-33960, 56 FR 30200, and 57 FR 42832-42844
Promulgation Dates: September 1, 1988; July 1, 1991; and September 16, 1992
Effective Dates: October 3, 1988; July 1, 1991; September 16, 1992
Cluster: RCRA Cluster III
Provision Type: Non-HSWA
Linkage: None
Optional: No, but certain portions of this checklist are optional

Summary: On September 1, 1988, (53 FR 33938), the Agency issued a final rule that expanded the instruments available to owners and operators to demonstrate financial responsibility for third-party liability assurance. This rule also established, at §§264.147 and 265.147, a claims reporting requirement for third-party claims. Chemical Waste Management, Inc. (CWM) challenged several portions of this rule and on February 23, 1990 entered into a settlement agreement with EPA in which the Agency agreed to make several changes to the liability coverage requirements. Because of this litigation and resulting settlement agreement, the checklist (i.e. Revision Checklist 51) for this rule was withheld. The Agency encouraged States to not adopt the provisions addressed by the September 1, 1988 rule until all of the amendments agreed to in the settlement agreement were made. On July 1, 1991 (56 FR 30200) a final rule correcting the September 1, 1988 rule was issued. Specifically, that rule corrected the omission of "miscellaneous" units as subject to the requirements of 264.147(b) and, as part of satisfying the settlement agreement, references to 264.147(f) and 265.147(f) were inserted into 264.147(a)(2) and 265.147(a)(2), respectively. The Agency also withheld the checklist (i.e., Revision Checklist 93) for that rule because this correction did not address all of the regulatory amendments required by the settlement agreement. The remaining settlement agreement amendments were made by the September 16, 1992 rule (57 FR 42832). That notice also promulgated a conforming change to §§264.147(f)(6) and 265.147(f)(6) to expand the instruments available to owners and operators that no longer meet the requirements of the financial test for liability coverage.

Revision Checklist 113 Summary (cont'd)

This present checklist, Revision Checklist 113, is a special checklist which consolidates the changes made to the Federal regulations by the September 1, 1988, the July 1, 1991, and the September 16, 1992 final rules so that States can adopt these changes at one time. Revision Checklists 51 and 93 will not be issued, nor will a separate checklist be developed for the September 16, 1992 rule. Rather, States should use this Consolidated Liability Requirements Checklist to adopt the provisions of these three final rules. States that already have adopted changes based on the September 1, 1988 final rule are strongly encouraged to complete this consolidated checklist to ensure that all revisions pursuant to the later two amendments are correctly made in the State's code. Note that the deadline for this Consolidated Checklist is based on the promulgation date of the most recent of the rules.

State Authorization: This checklist is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). These changes do not go into effect until States become authorized for them because this rule was promulgated under pre-HSWA authorities. Only final authorization is available.

Note that the claims reporting requirements as promulgated by the September 1, 1988 rule were originally classified as optional; however, as there were no reporting requirements prior to that time, the Agency has determined that these requirements were, in fact, more stringent. States should have been required to modify their programs to include these requirements by July 1, 1990. However, since States were not notified of this obligation, the Agency will, for the purposes of determining applicable deadlines under §271.21(e)(2), treat these requirements as if they were promulgated on September 16, 1992.

Note, however, that the revisions to the claims reporting requirements that were promulgated by the September 16, 1992 rule <u>are not</u> more stringent than the reporting requirement at §§264.147(a)(7)&(b)(7) and 265.147(a)(7)&(b)(7) as promulgated by the September 1, 1988 rule. Therefore, States that have already adopted the claims requirements as promulgated by the September 1, 1988 rule are <u>not</u> required to adopt the clarified reporting requirement, although EPA urges them to do so. States that have not yet adopted the September 1, 1988 rule's claims reporting requirements should <u>not</u> do so, but should adopt the clarified version promulgated by the September 16, 1992 rule as indicated by Revision Checklist 113.

The State revision application must include applicable regulations, an AG statement addendum, the Consolidated Liability Requirements Checklist, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entries should be placed at Subsections XV O, P and Q in the Model Revision Attorney General's Statement.

> O. [<u>OPTIONAL</u>: This is a reduced requirement.] State statutes and regulations allow the use of additional financial instruments (letter of credit, a surety bond, a guarantee, trust fund, and purchase of insurance by other firms)

to meet the liability coverage requirements as specified in Revision Checklist 113.

Federal Authority: RCRA §§2002(a), 3004 and 3005; 40 CFR 264.141, 264.147, 264.151, 265.141, 265.147 and 265.151 as amended September 1, 1988 (53 FR 33938), July 1, 1991 (56 FR 30200), and September 16, 1992 (57 FR 42832).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

P. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include conforming changes to 264.147(f)(6) and 265.147(f)(6) to expand the instruments available to owners and operators that no longer meet the requirements of the financial test for liability coverage as indicated in Revision Checklist 113.

Federal Authority: RCRA §3004; 40 CFR 264.147(f)(6) and 265.147(f)(6) as amended September 16, 1992 (57 FR 42832).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Q. State statutes and regulations require reporting of third-party claims against an owner's or operator's liability coverage as indicated by Revision Checklist 113.

Federal Authority: RCRA §§2002(a), 3004 and 3005; 40 CFR 264.147(a)(7)&(b)(7) and 265.147(a)(7)&(b)(7) as amended September 1, 1988 (53 FR 33938) and September 16, 1992 (57 FR 42832).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 113

Consolidated Liability Requirements
53 FR 33938-33960
September 1, 1988
56 FR 30200
July 1, 1991
57 FR 42832-42844
September 16, 1992
(RCRA Cluster III, Non-HSWA provisions)

Notes: 1) This special consolidated checklist addresses changes made to the Federal code by the September 1, 1988 final rule (53 FR 33938, withheld Revision Checklist 51) as well as amendments made by the July 1, 1991 (56 FR 30200, withheld Revision Checklist 93) and the September 16, 1992 (57 FR 42832) final rules. The September 1, 1988 rule was the subject of litigation and its checklist, Revision Checklist 51, was withheld by EPA to encourage States not to adopt those changes until a final settlement agreement could be reached and implemented. The July 1, 1991 and September 16, 1992 rules were promulgated to make the revisions mandated by the settlement agreement. Now that all requirements of the settlement agreement have been met, EPA is issuing this Consolidated Liability Requirements Checklist to aid States in correctly adopting the changes made by these three rules.

Revision Checklists 51 and 93 will not be issued individually. Rather, States should use this Consolidated Liability Requirements Checklist to adopt the provisions of the three final rules. States that have already adopted changes based on the September 1, 1988 final rule are strongly encouraged to complete this consolidated checklist to ensure that all revisions pursuant to the two amendments are correctly made in the State's code. Note that the deadline for this consolidated checklist is July 1, 1994, based on the promulgation date of the most recent of the amendments.

2) In the September 1, 1988 final rule, all changes were classified as less stringent and, therefore, optional with regard to State adoption. Note that, as part of the settlement agreement with Chemical Waste Management, Inc., the claims reporting requirements were reclassified as more stringent and, therefore, required for State adoption. Only those changes marked as optional (†) in this consolidated checklist should be considered less stringent provisions. The September 16, 1992 rule modified the claims reporting requirements (264.147(a)(7)&(b)(7) and 265.147(a)(7)&(b)(7)) and they are less stringent than the claim reporting requirements promulgated in the September 1, 1988 rule. Thus, States which have already adopted the September 1, 1988 provisions are not required to adopt the "clarified" reporting requirements of the September 16, 1992 rule, although EPA strongly encourages them to do so. States that did not adopt the September 1, 1988 claims reporting requirements should not do so but should, instead, adopt the clarified September 16, 1992 version included in this consolidated checklist.

3) This checklist includes a "rule" reference column. To simplify references to the three rules addressed by this checklist, "51" will signify the September 1, 1988 rule, "93" will signify the July 1, 1991 rule, and "113" will indicate the September 16, 1992 rule.

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

4) There were several typographical errors in the September 1, 1988 Federal Register article. These are explained in endnotes in this consolidated checklist.

5) The optional designation (†) is placed in the margin of the consolidated checklist if a checklis introduced a new optional paragraph into the Federal code. If a checklist addresses optional changes to an existing paragraph, the optional designation is placed beside the corresponding checklist number.

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES							
SUBPART H - FINANCIAL REQUIREMENTS							
DEFINITIONS OF TERMS AS USED IN THIS SUBPART							
† add new paragraph defining "substantial business relationship"	51	264.141(h)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
FINANCIAL ASSURANCE FOR CLOSURE							
remove "hereafter referred to as 'corporate guarantee'" from first sentence; insert "direct or higher-tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "certified copy of the" before "guarantee must accompany"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	264.143(f)(10)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
	FINANCIAL ASSURANCE FOR POST-CLOSURE CARE							
1	replace "of" with "for" in the first sentence; remove "hereafter referred to as 'corporate guarantee'"; insert "direct or higher-tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "A certified copy of" after "§ 264.151(h)."; change "The corporate" to "the corporate"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	264.145(f)(11)					
	LIABILITY REQUIREMENTS							
	delete "in one of three ways"; replace "and (3)" with "(3), (4), (5), or (6)"	†51	264.147(a)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
insert "or" after "owner"; delete "corporate" before "guarantee"; change "paragraph (g)" to "paragraphs (f) and (g)"	†51,93	264.147(a)(2)					
replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	264.147(a)(3)					
† add new paragraph; requirements may be met by obtaining surety bond for liability coverage	51	264.147(a)(4)					
† add new paragraph; requirements may be met by obtaining trust fund for liability coverage	51	264.147(a)(5)					
† add new paragraph; liability coverage may be demonstrated by combination of financial mechanisms; amount of coverage must total at least the minimum amounts required by 264.147; specification of "primary" and "excess" coverage	51	264.147(a)(6)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
2	add and amend new paragraph; notify Regional Administrator in writing whenever:	51,113	264.147(a)(7)					
2	add and amend new subparagraph; claims reduce amount of financial assurance for liability coverage	51,113	264.147(a)(7)(i)					
2	Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third- party claimant	51,113	264.147(a)(7)(ii)					
2	final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	264.147(a)(7)(iii)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
3 change "miscellaneous disposal unit" to "disposal miscellaneous unit"; after "legal defense costs" insert text regarding combination of per-occurrence coverage levels for sudden and non-sudden accidental occurrences, single annual aggregate level, and requirements for combining coverage; delete "in one of three ways,"; replace "and (3)" with "(3), (4), (5), or (6),"	†51,93	264.147(b)					
delete "corporate" before "guarantee"	†51	264.147(b)(2)					
replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	264.147(b)(3)					
replace existing paragraph; requirements may be met by obtaining surety bond for liability coverage	†51	264.147(b)(4)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
†	add new paragraph; requirements may be met by obtaining trust fund for liability coverage	51	264.147(b)(5)					
†	add new paragraph; liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amount required by 264.147; specification of "primary" and "excess" coverage	51	264.147(b)(6)					
2	add and amend new paragraph; notify Regional Administrator in writing whenever:	51,113	264.147(b)(7)					
2	add and amend new subparagraph; claims reduce amount of financial assurance for liability coverage	51,113	264.147(b)(7)(i)					
2	add and amend new subparagraph; Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third- party claimant	51,113	264.147(b)(7)(ii)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
2 add new subparagraph; final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	264.147(b)(7)(iii)					
insert ", a letter of credit, a surety bond, a trust fund, or a guarantee" after "obtain insurance"; replace "Evidence of insurance" with "Evidence of liability coverage"	†113	264.147(f)(6)					
remove "corporate" before "guarantee"	†51	264.147(g)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
	remove "corporate" before "guarantee" in three places; insert "direct or higher-tier" before "parent"; after "parent corporation of the owner or operator" insert ", a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a 'substantial business relationship' with the owner or operator."; change "The guarantee must meet" to "The guarantor must meet"; change "(f)(7)" to "(f)(6)"; add "of this part" after "§ 264.151(h)(2)"; replace "The terms of the corporate guarantee must provide that:" with text regarding letter from the guarantor's chief financial officer	†51	264.147(g)(1)					
4	remove and reserve	†51	264.147(g)(1)(ii)					
	remove "corporate" before "guarantee"	†51	264.147(g)(2)(i)					
	remove "corporate" before "guarantee"	†51	264.147(g)(2)(ii)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	redesignate old paragraph (h) as (k); add new paragraph titled "Letter of credit for liability coverage"	†51	264.147(h)					
†,5	requirements may be satisfied by obtaining irrevocable standby letter of credit that conforms to 264.147(h) requirements and submitting copy to Regional Administrator	51	264.147(h)(1)					
†	criteria for financial institution issuing letter of credit	51	264.147(h)(2)					
†	wording of letter of credit must be identical to wording specified in 264.151(k)	51	264.147(h)(3)					
†	establishment and use of standby trust fund by owner or operator using letter of credit	113	264.147(h)(4)					
†	wording of standby trust fund must be identical to wording specified in 264.151(n)	113	264.147(h)(5)					
†	add new paragraph titled "Surety bond for liability coverage"	51	264.147(i)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
† requirements may be satisfied by obtaining surety bond conforming to 264.147(i) requirements and submitting copy to Regional Administrator	51	264.147(i)(1)					
† criterion for surety company issuing bond	51	264.147(i)(2)					
† wording of surety bond must be identical to wording specified in 264.151(l)	51	264.147(i)(3)					
† conditions under which surety bond may be used	51	264.147(i)(4)					
		264.147(i)(4)(i)					
		264.147(i)(4)(ii)					
† add new paragraph titled "Trust fund for liability coverage"	51	264.147(j)					
† requirements may be satisfied by establishing trust fund and submitting an originally signed duplicate of trust agreement to Regional Administrator	51	264.147(j)(1)					
† criteria for trustee	51	264.147(j)(2)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

— FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
† trust fund must be funded for full amount of liability coverage it is to provide; requirements if fund is reduced below full amount; definition of "full amount"	51	264.147(j)(3)					
† wording of trust fund must be identical to wording specified in 264.151(m)	51	264.147(j)(4)					
old paragraph 264.147(h) becomes 264.147(k)	†51	264.147(k)					
WORDING OF THE INSTRUMENTS							
add text given at 53 FR 33952 to end of "Financial Guarantee Bond"	†51	264.151(b)					
6 replace wording of letter from chief financial officer for closure and/or post-closure care with that shown at 57 FR 42836 & 42837	†113	264.151(f)					
7,8 replace wording of letter from chief financial officer for liability coverage with that shown at 57 FR 42837 & 42838	51,†113	264.151(g)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
9	replace wording of corporate guarantee for closure and/or post-closure care with that shown at 57 FR 42838 & 42839	†113	264.151(h)(1)					
10	replace wording of guarantee for liability coverage with that shown at FR 42839 & 42840	†51,113	264.151(h)(2)					
	after "insured" add other entities that may cancel endorsement; delete "sixty" before "60"	†51	264.151(i)(2)(d)					
11	after "insured" add other entities that may cancel endorsement; delete "sixty" before "60"	†51	264.151(j)(2)(d)					
12	add new introductory subparagraph and wording for letter of credit for liability coverage as shown at 57 FR 42840 & 42841	†51,113	264.151(k)					
13	add new introductory subparagraph and wording for surety bond as shown at 53 FR 33955 & 33956	†51	264.151(l)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	add new introductory subparagraph and wording for trust agreement as shown at 53 FR 33956-33958	†51	264.151(m)(1)					
†,14	add new introductory subparagraph and example of certification of acknowledgement as shown at 53 FR 33958, third column	51	264.151(m)(2)					
†,15	add new introductory subparagraph and wording for standby trust agreement as shown at 57 FR 42841-42843	113	264.151(n)(1)					
†	add new introductory subparagraph and wording for certification of acknowledgement to accompany trust agreement, as shown at 57 FR 42843, first and second columns	113	264.151(n)(2)					
	PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES							
	SUBPART H - FINANCIAL REQUIREMENTS							
	DEFINITIONS OF TERMS AS USED IN THIS SUBPART							
†,16	add new paragraph defining "substantial business relationship"	51	265.141(h)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S(
	FINANCIAL ASSURANCE FOR CLOSURE							
17	remove "hereafter referred to as 'corporate guarantee'" from first sentence; insert "direct or higher-tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "A certified copy of" after "§ 264.151(h)."; change "The" to "the"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	265.143(e)(10)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
FINANCIAL ASSURANCE FOR POST-CLOSURE CARE							
remove "hereafter referred to as 'corporate guarantee'" from first sentence; insert "direct or higher tier" before "parent corporation"; add phrase regarding sibling firms and firms with substantial business relationships to end of second sentence; remove "corporate" before "guarantee" in three places; insert "A certified copy of" after "§ 264.151(h)."; change "The" to "the"; add text regarding letter from guarantor's chief financial officer and what the letter must describe	†113	265.145(e)(11)					
18 **LIABILITY REQUIREMENTS**							
delete "By the effective date of these regulations"; change "an" to "An"; delete "in one of three ways,"; replace "and (3)" with "(3), (4), (5), or (6)"	†51	265.147(a)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S
	delete "corporate" before "guarantee"; change "paragraph (g)" to "paragraphs (f) and (g)"	†51,93	265.147(a)(2)					
	replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	265.147(a)(3)					
†	add new paragraph; requirements may be met by obtaining surety bond for liability coverage	51	265.147(a)(4)					
†	add new paragraph; requirements may be met by obtaining trust fund for liability coverage	51	265.147(a)(5)					
†	add new paragraph; liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amounts required by 265.147; specification of "primary" and "excess" coverage	51	265.147(a)(6)					
19	add new paragraph; notify Regional Administrator in writing whenever:	51,113	265.147(a)(7)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
19	add new subparagraph; claims reduce amount of financial assurance for liability coverage	51,113	265.147(a)(7)(i)					
19	Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third- party claimant	51,113	265.147(a)(7)(ii)					
19	final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	265.147(a)(7)(iii)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE*	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
change "bodily damage" to "bodily injury"; after "legal defense costs." insert text regarding combination of per-occurrence coverage levels for sudden and non-sudden accidental occurrences, single annual aggregate level, and requirements for combining coverage; delete "in one of three ways,"; replace "and (3)" with "(3), (4), (5), or (6)"	†51	265.147(b)					
delete "corporate" before "guarantee"	†51	265.147(b)(2)					
replace existing paragraph; requirements may be met by obtaining letter of credit for liability coverage	†51	265.147(b)(3)					
replace existing paragraph and subparagraphs; requirements may be met by obtaining surety bond for liability coverage	†51	265.147(b)(4)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
20	replace existing paragraph; requirements may be met by obtaining trust fund for liability coverage	†51	265.147(b)(5)					
†	add new paragraph; liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amount required by 265.147; specifying "primary" and "excess" coverage	51	265.147(b)(6)					
19	add and amend new paragraph; notify Regional Administrator in writing whenever:	51,113	265.147(b)(7)					
19	claims reduce amount of financial assurance for liability coverage	51,113	265.147(b)(7)(i)					
19	Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third- party claimant	51,113	265.147(b)(7)(ii)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
19	add new subparagraph; final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	265.147(b)(7)(iii)					
	insert ", a letter of credit, a surety bond, a trust fund, or a guarantee" after "obtain insurance"; replace "Evidence of insurance" with "Evidence of liability coverage"	†113	265.147(f)(6)					
	remove "corporate" before "guarantee"	†51	265.147(g)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
remove "corporate" before "guarantee" in three places; insert "direct or higher-tier" before "parent"; after "parent corporation of the owner or operator" insert ", a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a 'substantial business relationship' with the owner or operator"; change "(f)(7)" to "(f)(6)"; add "of this chapter" after "§ 264.151(h)(2)"; replace "The terms of the corporate guarantee must provide that:" with text regarding letter from the guarantor's chief financial officer	†51	265.147(g)(1)					
4 remove and reserve	†51	265.147(g)(1)(ii)					
remove "corporate" before "guarantee"	†51	265.147(g)(2)(i)					
remove "corporate" before "guarantee"	†51	265.147(g)(2)(ii)					
redesignate old 265.147(h) as 265.147(k); add new paragraph titled "Letter of credit for liability coverage"	†51	265.147(h)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
† requirements may be satisfied by obtaining irrevocable standby letter of credit that conforms to 265.147(h) requirements and submitting copy to Regional Administrator	51	265.147(h)(1)					
† criteria for financial institution issuing letter of credit	51	265.147(h)(2)					
† wording of letter of credit must be identical to wording specified in 264.151(k)	51	265.147(h)(3)					
† establishment and use of standby trust fund by owner or operator using letter of credit	113	265.147(h)(4)					
† wording of standby trust fund must be identical to wording specified in 264.151(n)	113	265.147(h)(5)					
† add new paragraph titled "Surety bond for liability coverage"	51	265.147(i)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

	FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
†	requirements may be satisfied by obtaining surety bond conforming to 265.147(i) requirements and submitting copy to Regional Administrator	51	265.147(i)(1)					
†	criterion for surety company issuing bond	51	265.147(i)(2)					
f,21	wording of surety bond must be identical to wording specified in 264.151(l)	51	265.147(i)(3)					
†	conditions under which surety bond may be used	51	265.147(i)(4)					
			265.147(i)(4)(i)					
			265.147(i)(4)(ii)					
†	add new paragraph titled "Trust fund for liability coverage"	51	265.147(j)					
†	requirements may be satisfied by establishing trust fund conforming to 265.147(j) requirements and submitting signed duplicate of trust agreement to Regional Administrator	51	265.147(j)(1)					
†	criteria for trustee	51	265.147(j)(2)					

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

FEDERAL REQUIREMENTS	RULE REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
† trust fund must be funded for full amount of liability coverage it is to provide; requirements if fund is reduced below full amount; definition of "full amount"	51	265.147(j)(3)					
† wording of trust fund must be identical to wording specified in 264.151(m)	51	265.147(j)(4)					
former 265.147(h) becomes 265.147(k)	†51	265.147(k)					

1 Note that there is an error in the Federal Register; "direct of higher tier" should be "direct or higher tier."

2 The September 1, 1988 (53 FR 33938) rule added 264.147(a)(7) and (b)(7) to the code, an the September 16, 1992 rule (57 FR 42832) revised them (including adding 264.147(a)(7)(i and (b)(7)(iii)). Note that the preamble of the September 1, 1988 Federal Register incorrect characterized these paragraphs as less stringent. The September 16, 1992 Federal Registe clarified this issue by stating that, in fact, these paragraphs are more stringent because the address an additional reporting requirement. The amendment made by the September 16, 1992 rule made these requirements less stringent than those introduced by the September 1988 rule. Thus, those States that adopted the more stringent September 1, 1988 provisi are not required to adopt the amendments made by the September 16, 1992 rule, although EPA urges them to do so. States that did not adopt the September 1, 1988 requirements 264.147(a)(7) and (b)(7) should not do so but should adopt the clarified version promulgate by the September 16, 1992 rule.

3 Revision Checklist 45 added the reference to miscellaneous units to the first sentence of th paragraph. When the September 1, 1988 rule revised this paragraph, the Revision Checkli 45 change was inadvertently omitted. The July 1, 1991 rule restored the Revision Checkli 45 reference to miscellaneous units.

4 Note that only (g)(1)(ii) is removed and reserved; (g)(1)(i) remains as it was prior to the September 1, 1988 final rule.

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

5 Note that there is an error in the Federal Register; "letter or credit" should be "letter of credit".

6 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.143(f)(10), 264.143(f)(11), 265.143(e)(10) and 265.143(e)(11). If a State chooses to adopt the optional changes at 264.143(f)(10), 264.143(f)(11), 265.143(e)(10) and 265.143(e)(11), it must also adopt the changes at this citation. If the State does not adopt those changes, it should not adopt the Revision Checklist 113 changes at 264.151(f).

7 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.147(f)(6) and 265.147(f)(6). If a State chooses to adopt the optional changes at 264.147(f)(6) and 265.147(f)(6), it must also adopt the changes at this citation. If the State does not adopt those changes, it should not adopt the Revision Checklist 113 changes at 264.151(g).

8 Note that there are several typographical errors in the Federal Register at 264.151(g) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(g) paragraph 4, line 5	57 FR 42837, column 3	"..'nonsudden' of 'both sudden.." should read "..'nonsudden' or 'both sudden.."
264.151(g), item 3., line 8	57 FR 42838, column 1	"subpart H or 40 CFR parts" should read "subpart H of 40 CFR parts"
264.151(g), Part A, Alternative I.3	57 FR 42838, column 1	"Current $" should read "Current liabilities $"
264.151(g), Part B, Alternative II.7., line 5	57 FR 42838, column 3	")____$____" should be ") $____"

9 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.147(h)(4), 264.147(h)(5), 265.147(h)(4) and 265.147(h)(5). If a State chooses to adopt the optional changes at 264.147(h)(4), 264.147(h)(5), 265.147(h)(4) and 265.147(h)(5), it must also adopt the changes at this citation. If the State does not adopt those changes, it should not adopt the Revision Checklist 113 changes at 264.151(h)(1).

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

10 Note that there are several typographical errors in the Federal Register at 264.151(h)(2) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(h)(2), Guarantee for Liability Coverage, line 15	57 FR 42839, column 3	"or which guarantor is" should read "of which guarantor is"
264.151(h)(2), Guarantee for Liability Coverage, line 19	57 FR 42839, column 3	"264.141(h)]" should read "264.141(h) or 265.141(h)]"
264.151(h)(2), Certification of Valid Claim, line 8	57 FR 42840, column 2	insert "]" after "facility"

11 Note that there is a typographical error in the Federal Register; in line three of the revised tex of (j)(2)(d) shown at 53 FR 33955, "corportation" should be "corporation".

12 Note that there are several typographical errors in the Federal Register at 264.151(k) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(k), Irrevocable Standby Letter of Credit, line 26	57 FR 42840, column 3	insert "]" after "trust fund:"
264.151(k), (2), 2nd paragraph, lines 2 & 5	57 FR 42841, column 1	delete "]" in "[date]" in line 2 add "]" after "[date" in line 5
264.151(k), (2), 4th paragraph, line 7	57 FR 42841, column 1	end paragraph with "]"

13 Note that there are several errors in the September 1, 1988 Federal Register. Explanatory paragraph 10, as well as the actual text of the revised code, should read "(l)" rather than "((letter rather than number one). Also, the first sentence of the introductory text for the sur bond should reference "§ 264.147(i) or § 265.147(i)" rather than "§ 264.147(h) or § 265.147(h)".

14 Note that the introductory paragraph for 264.151(m)(2) is not clearly distinguished from the preceding and following certifications. In the middle of the third column at 53 FR 33958, t paragraph numbered (2) and ending with "of this acknowledgement." is the introductory

paragraph and should have been printed in the larger type size used for such paragraphs. The example of the certification begins "State of".

15 Note that there are several typographical errors in the Federal Register at 264.151(n)(1) as indicated below:

Federal citation	Federal Register location	Error/Corrections
264.151(n)(1) Standby Trust Agreement (e)(3)	57 FR 42841, column 3	insert "to" after "Property loaned"

16 Note that the September 1, 1988 Federal Register incorrectly labels this paragraph "264.141" rather than "265.141".

17 Note that there is an error in the September 16, 1992 Federal Register. In the preamble text at the bottom of the second column at 57 FR 42834, "265.143(e)(11)" should be "265.143(e)(10)".

18 Note that an error which appears in the July 1, 1989, 1990 and 1991 CFRs has only been partially corrected in the July 1, 1992 CFR. The July 1, 1989, 1990 and 1991 CFRs incorrectly omit 265.147(a)(1)(i)&(ii) and 265.147(b(1)(i)&(ii). The September 23, 1991 Federal Register (56 FR 47912) reinstated 265.147(a)(1)(i)&(ii) but erroneously did not reinstate 265.147(b)(1)(i)(&(ii). Thus, the July 1, 1992 CFR omits 265.147(b)(1)(i)&(ii). A technical correction will be published in the near future to correct this error. In the meantime, States should include analogous requirements in their regulations.

19 The September 1, 1988 rule added 265.147(a)(7) and (b)(7) to the code, and the September 16, 1992 rule revised them (including adding 265.147(a)(7)(iii) and (b)(7)(iii)). Note that the preamble of the September 1, 1988 Federal Register incorrectly characterized these paragraphs as less stringent. The September 16, 1992 Federal Register clarified this issue by stating that, in fact, these paragraphs are more stringent because they address an additional reporting requirement. The amendment made by the September 16, 1992 rule made these requirements less stringent than those introduced by the September 1, 1988 rule. Thus, those States that adopted the more stringent September 1, 1988 provisions are not required to adopt the amendments made by the September 16, 1992 rule, although EPA urges them to do so. States that did not adopt the September 1, 1988 requirements at 265.147(a)(7) and (b)(7) should not do so but should adopt the clarified, less stringent version promulgated by the September 16, 1992 rule.

20 The Federal Register for Revision Checklist 51, in Item 3. in the first column at 53 FR 33959, erroneously indicates that 265.147(b)(5) is a new paragraph to be added. In fact, this final rule replaces the old 265.147(b)(5) with a new paragraph (b)(5).

RCRA REVISION CHECKLIST 113: Consolidated Liability Requirements (cont'd)

[21] Note that there is a typographical error in the Federal Register: "264.151(1)" [number 1], should be "264.151(l)" [letter l].

Revision Checklist 114 Summary

Rule Title:	Burning of Hazardous Waste in Boilers and Industrial Furnaces
Checklist Title:	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV
Reference:	57 FR 44999-45001
Promulgation Date:	September 30, 1992
Effective Dates:	• The effective dates, August 21, 1991 for 56 FR 42504 and August 11, 1992 for 57 FR 38558, remain unchanged • August 21, 1991 for reinstatement and correction of 266.103(c)(1) and (3) • August 11, 1992 for technical corrections to 57 FR 38558
Cluster:	RCRA III
Provision Type:	HSWA
Linkage:	Revision Checklists 85, 94, 96 and 111
Optional:	No

Summary: Due to an administrative error, the amendatory instructions in the August 27, 1991 final rule (56 FR 42504; Revision Checklist 96) resulted in the removal of 266.103(c)(1)(i) through (xiii) and 266.103(c)(3)(ii) and (iii) from the 1992 edition of 40 CFR. This rule clarifies that these paragraphs remain in effect and are regarded by EPA to have been in effect continuously in the form published in the 1991 CFR and as subsequently amended by the August 25, 1992 final rule (57 FR 38558; Revision Checklist 111). This rule also corrects errors introduced into the code by the August 25, 1992 final rule (57 FR 38558; Revision Checklist 111) and makes minor technical corrections to the portions of 266.103 that are reinstated.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). All changes go into effect immediately, because this rule was promulgated under HSWA authorities. Both interim and final authorization are available, with the former expiring on January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 114, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should replace the entry at Subsection XX C in the Model Revision Attorney General's Statement.

> C. State statutes and regulations include control standards for emissions of toxic organic compounds, toxic metals, hydrogen chloride, chlorine gas and particulate matter from boilers and industrial furnaces burning hazardous waste, and require owners and operators of such facilities to comply with the general facility standards applicable to hazardous waste treatment, storage and disposal facilities, as indicated in Revision Checklists 85, 94, 96, 111, and 114. Hazardous waste storage units at regulated burners are subject to the 40 CFR Part 264 requirements.

Revision Checklist 114 Summary (cont'd)

Federal Authority: RCRA §§1006, 2002, 3001 through 3007, 3010 and 7004; 40 CFR 260.10, 260.11, 260.20, 261.3, 261.6, 264.1, 264.112, 264.340, 265.1, 265.112, 265.113, 265.340, 265.370, Part 266 Subpart H, and Part 266 Appendices I-X as amended February 21, 1991 (56 FR 7134), July 17, 1991 (56 FR 32688), August 27, 1991 (56 FR 42504), August 25, 1992 (57 FR 38558), and September 30, 1992 (57 FR 44999).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 114

Burning of Hazardous Waste in
Boilers and Industrial Furnaces; Technical Amendment IV
57 FR 44999-45001
September 30, 1992
(RCRA Cluster III, HSWA provisions)

Notes: 1) The notice addressed by this checklist makes several technical amendments to the final rules addressed by Revision Checklist 85 (56 FR 7134; February 21, 1991), Revision Checklist 94 (56 FR 32688; July 17, 1991), Revision Checklist 96 (56 FR 42504; August 27, 1991), and Revision Checklist 111 (57 FR 38558; August 25, 1992). These revisions provide clarification and correct unintended consequences of the Boilers and Industrial Furnaces (BIF) rule and its previous corrections.

2) Due to an administrative error, the amendatory instructions in the August 27, 1991 final rule (56 FR 42504; Revision Checklist 96) resulted in the removal of 266.103(c)(1)(i) through (xiii) and 266.103(c)(3)(ii) and (iii) from the 1992 edition of 40 CFR. This present rule clarifies that these paragraphs remain in effect and are regarded by EPA to have been in effect continuously in the form published in the 1991 CFR and as subsequently amended by the August 25, 1992 final rule (57 FR 38558; Revision Checklist 111). Note that Revision Checklist 96 did not include the erroneous removal of these paragraphs; therefore this checklist includes only the technical corrections that were made in reprinting the reinstated text.

3) In reprinting the text that was erroneously removed, several changes were inadvertently made. States need not make these changes in their code. Such changes include:

- At 266.103(c)(1)(ii)(B) and numerous other citations, "adjusted" was changed to "Adjusted"; States may make this change if desired;
- At 266.103(c)(1)(ix), "the" was deleted before "Tier I"; States may make this change if desired;
- At 266.103(c)(1)(ix)(A), "ratio" was incorrectly changed to "ration"; States should not make this change;
- At 266.103(c)(1)(xiii), "metals" was incorrectly changed to "metal"; States should not make this change; and
- At 266.103(c)(3)(i), "on-site" was incorrectly changed to "onsite"; States should not make this change.

4) States that are not authorized for Revision Checklists 85, 94, 96 and 111 are strongly encouraged to adopt these present technical corrections at the same time the requirements addressed by Revision Checklists 85, 94, 96 and 111 are adopted. States already authorized for the provisions addressed by Revision Checklists 85, 94, 96 and 111 should adopt these present technical corrections as soon as possible. An updated Consolidated Boilers and Industrial Furnaces Checklist, which includes this checklist, should be available shortly.

RCRA REVISION CHECKLIST 114: Burning of Hazardous Waste in Boilers and Industrial Furnaces (cont'd)

	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						
	INTERIM STATUS STANDARDS FOR BURNERS						
1	change "266.103(a)(5)(I)(D)" to "266.103(a)(5)(i)(D)"	266.103(c)(1)					
2	insert ")" after "(e)"	266.103(c)(1)(ii)(C)					
2	replace "." with ";"	266.103(c)(1)(iii)					
2	replace "." with ";"	266.103(c)(1)(vi)					
	delete "," after "injection"; insert "or" after the first "Tier I"	266.103(c)(1)(vii)					
	insert "and the total chlorine and chloride feed rate screening limits under § 266.107(b) or (e)" after "266.106(b) or (e)"	266.103(c)(1)(viii)					
	change ";" to ":"	266.103(c)(1)(xi)					
	change ":" to ";"	266.103(c)(1)(xi)(B)					
	APPENDIX IX TO PART 266						
	METHODS MANUAL FOR COMPLIANCE WITH BIF REGULATIONS						
2	change "g/m^3" to "μg/m^3"	Appendix IX/Section 5.0, Table 5.0-4					
2	change "g/m^3" to "μg/m^3"	Appendix IX/Section 5.0, Table 5.0-5					

[1] This rule corrects an error in the August 25, 1992 rule (57 FR 38558, Revision Checklist 11 that changed this internal reference from "266.103(a)(5)(i)(D)" (which was correct) to

"266.103(a)(5)(I)(D)" (which is incorrect). Revision Checklist 96 reflected the correct internal reference.

2 This rule corrects an error in the August 25, 1992 rule (57 FR 38558, Revision Checklist 111).

Revision Checklist 115 Summary

Rule Title:	Hazardous Waste Management System: Identification and Listing of Hazardous Waste and CERCLA Hazardous Substance Designation; Reportable Quantity Adjustment, Chlorinated Toluenes Production Wastes
Checklist Title:	Chlorinated Toluenes Production Waste Listing
Reference:	57 FR 47376-47386
Promulgation Date:	October 15, 1992
Effective Date:	April 15, 1993
Cluster:	RCRA Cluster III
Provision Type:	HSWA
Linkage:	None
Optional:	No

Summary: This rule adds to the list of hazardous wastes from specific sources three wastes (K149, K150 and K151) generated during the production of alpha- (or methyl-) chlorinated toluenes, ring chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups, collectively referred to in this rule as "chlorinated toluenes." Part 261, Appendix VII is also amended.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). All changes go into effect immediately, because this rule was promulgated under HSWA authorities. Both interim and final authorization are available, with the former expiring on January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 115, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should be placed at Subsection I A(24) in the Model Revision Attorney General's Statement.

> (24) Listing of three wastes (K149, K150, and K151) from the production of chlorinated toluenes, 40 CFR 261.32 and Part 261 Appendix VII, as amended October 15, 1992 [57 FR 47376], Revision Checklist 115.

[Note this entry does not need the sections titled "Federal Authority", "Citation of Laws and Regulations; Date of Enactment and Adoption", and "Remarks of the Attorney General", because there is a general statement of these for the entries under Subsection I A.]

RCRA REVISION CHECKLIST 115

Chlorinated Toluenes Production Waste Listing
57 FR 47376-47386
October 15, 1992
(RCRA Cluster III, 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 D--LISTS OF HAZARDOUS WASTES						
	HAZARDOUS WASTES FROM SPECIFIC SOURCES						
1	add waste streams in alphanumeric order to the subgroup "Organic Chemicals" in the table	261.32					

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
* * * * * * *		
K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)	(T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
* * * * * * *		

	APPENDIX VII TO PART 261						
	BASIS FOR LISTING HAZARDOUS WASTE						
	add entries in alpha-numeric order	Appendix VII					

RCRA REVISION CHECKLIST 115:
Chlorinated Toluenes Production Waste Listing (cont'd)

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

EPA hazardous waste No.	Hazardous constituents for which listed
*	* * * * * *
K149	Benzotrichloride, benzyl chloride, chloroform, chloromethane, chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.
K150	Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene.
K151	Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.
*	* * * * * *

1 In the Federal Register's hazardous waste description for K149, there is a comma after "groups" rather than the correct period, and there appears to be an extra period after "chloride.)". States are advised to use a period after "groups" and omit the period after the closing parenthesis, as shown on this checklist.

Revision Checklist 116 Summary

Rule Title:	Hazardous Waste Management System: Land Disposal Restrictions
Checklist Title:	Hazardous Soil Case-by-Case Capacity Variance
Reference:	57 FR 47772-47776
Promulgation Date:	October 20, 1992
Effective Date:	October 13, 1992
Cluster:	RCRA Cluster III
Provision Type:	HSWA
Linkage:	Revision Checklists 78, 83, 103, 106 and 123
Optional:	No

Summary: On June 1, 1990 (55 FR 22520; Revision Checklist 78), EPA promulgated a final rule establishing prohibitions and treatment standards for Third Third wastes. Because of a lack of treatment capacity, EPA granted a two-year national capacity variance for those hazardous soils whose best demonstrated available technology (BDAT) was incineration, retorting, or vitrification, as well as for soils contaminated with radioactive mixed waste. As such, these wastes are prohibited from land disposal on May 8, 1992, unless the treatment standards are met. This October 20, 1992 rule provides, under 40 CFR 268.5, a one-year extension of the Land Disposal Restrictions (LDR) effective date for this same set of hazardous waste contaminated soils. The action is taken because EPA recognizes that owners and operators of treatment, storage and disposal facilities will have difficulty in obtaining treatment capacity that meets the existing treatment standards by May 8, 1992, when this national capacity variance expires. No further applications will be required at this time from persons granted an extension by this action. Specific recordkeeping and other requirements must be followed to qualify for this extension. Certain clarifications are also made to the amendatory language promulgated on June 26, 1992 (57 FR 28628; Revision Checklist 106) in connection with a similar extension for contaminated debris. These changes do not alter that extension and are intended solely to clarify the Agency's original extension. Note that a May 24, 1993 rule (58 FR 28506; Revision Checklist 123) amends the case-by-case extension for contaminated soils by clarifying that the extension granted on October 20, 1992 applied only to soils regulated under the Third Third Land Disposal Restriction rule.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). All changes go into effect immediately because this rule was promulgated under HSWA authorities. Both interim and final authorization are available, with the former expiring on January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 116, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should replace the entry at Subsection XXI I in the Model Revision Attorney General's Statement.

Revision Checklist 116 Summary (cont'd)

I. State statutes and regulations provide an extension of the land disposal restriction effective date for hazardous waste debris until May 8, 1993, as indicated in Revision Checklists 103 and 116.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c)-(e) as amended May 15, 1992 (57 FR 20766); and October 20, 1992 (57 FR 47772).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

The following entry should be inserted at Subsection XXI N of the Model Revision Attorney General's Statement:

N. State statutes and regulations provide a case-by-case extension of the land disposal effective date until May 8, 1993 for Third Third hazardous soils whose best demonstrated available technology (BDAT) was incineration, retorting or vitrification, as well as for Third Third soils contaminated with radioactive mixed waste as indicated in Revision Checklist 116.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c)-(e) as amended October 20, 1992 (57 FR 47772).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 116

Hazardous Soil Case-By-Case Capacity Variance
57 FR 47772-47776
October 20, 1992
(RCRA Cluster III, 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--THIRD THIRD WASTES						
delete "inorganic solid debris as defined in 40 CFR 268.2(g) (which also applies to chromium refractory bricks carrying the EPA Hazardous Waste Numbers K048-K052);"	268.35(c)					
delete ", and soil or debris contaminated with hazardous wastes listed in 40 CFR 268.10, 268.11, and 268.12 that are mixed radioactive/hazardous wastes,"; after "prohibited from land disposal" add ", except as provided in paragraph (e) of this section"	268.35(d)					

RCRA REVISION CHECKLIST 116:
Hazardous Soil Case-by-Case Capacity Variance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
old 268.35(e) becomes 268.35(e)(1); new paragraph states "Subject to applicable prohibitions in §§ 268.30, 268.31, and 268.32, contaminated soil and debris are prohibited from land disposal as follows:"	268.35(e)					
former 268.35(e) with these changes: add "(including such wastes that are mixed radioactive hazardous wastes)" between "268.12" and ", debris"; replace "are established in subpart D of this part" with "established in subpart D of this part (including such wastes that are mixed radioactive hazardous wastes)"	268.35(e)(1)					

RCRA REVISION CHECKLIST 116:
Hazardous Soil Case-by-Case Capacity Variance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
effective May 8, 1993, hazardous soil having treatment standards in 268 Subpart D based on incineration, mercury retorting or vitrification, and soils contaminated with hazardous wastes listed in 40 CFR 268.10, 268.11 and 268.12 that are mixed radioactive hazardous wastes, are prohibited from land disposal	268.35(e)(2)					

Revision Checklist 117 A Summary

Rule Title:	This rule consolidates the changes made by the following three rules: • "Mixture" and "Derived-From" Rules; Response to Court Remand • "Mixture" and "Derived-From" Rules; Technical Correction • "Mixture" and "Derived-From" Rules; Final Rule
Checklist Title:	Reissuance of the Mixture and Derived-From Rules
Reference:	57 FR 7628-7633, 57 FR 23062-23063, and 57 FR 49278-49279
Promulgation Date:	March 3, 1992; June 1, 1992; and October 30, 1992
Effective Date:	February 18, 1992; June 1, 1992; and October 20, 1992
Cluster:	RCRA Cluster III
Provision Type:	Non-HSWA/HSWA
Linkage:	None
Optional:	Yes

Summary: On December 6, 1991, a panel of the U.S. Court of Appeals for the District of Columbia Circuit ruled that EPA had failed to give sufficient notice and opportunity for comment in promulgating the "mixture" and "derived-from" rules. The court remanded them to the agency and suggested EPA reinstate the rules on an interim basis and solicit comment. The March 3, 1992 interim final rule simultaneously removed and reissued 40 CFR 261.3. The interim final rule was amended by the technical correction on June 1, 1992 (57 FR 23062). An October 30, 1992 (57 FR 49278) final rule removed the April 28, 1993 expiration date of the March 3, 1992 (57 FR 7628) interim final rule. EPA intends to promulgate revisions to the mixture and derived-from rules within 12-24 months of the October 30, 1992 final rule.

Revision Checklist 117 A is an optional checklist and was developed for those States who feel it necessary to adopt the reissued mixture and derived-from rule promulgated on March 3, 1992 (57 FR 7628), and subsequently amended on June 1, 1992 (57 FR 23062), and on October 30, 1992 (57 FR 49278). This checklist consolidates all these rules into one checklist except for a change made to 261.3(a)(2)(i) by the June 1, 1993 rule. That change is addressed by a separate checklist because it corrects an omission made by the Toxicity Characteristic rule by replacing "Extraction Procedure Toxicity Characteristics" to "Toxicity Characteristic" in 261.3(a)(2)(i). This change makes the code more stringent and is, therefore, a required change.

State Authorization: This rule is placed in RCRA Cluster III. According to the due date for the last rule (the October 20, 1992 rule) addressed by Revision Checklist 117 A, the State modification deadline is July 1, 1994 (or July 1, 1995, if a State statutory change is necessary). The "mixture" and "derived-from" rules predate HSWA authority and are, therefore, non-HSWA requirements. However, certain changes made to 261.3 were made by HSWA authority, in particular the addition of 261.3(c)(2)(ii)(C), which was mistakenly left out of the March 3, 1992, reissuance of 261.3 and re-added by the June 1, 1992 technical

Revision Checklist 117 A Summary (cont'd)

corrections. This is an optional checklist. For those States that choose to adopt it, the State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 117 A, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should be placed at Subsection I Z in the Model Revision Attorney General's Statement.

Z. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain reissued mixture and derived-from rules as indicated in Revision Checklist 117 A.

Federal Authority: RCRA §§1006, 2002(a), and 3001-3005; 40 CFR 261.3, as amended March 3, 1992 (57 FR 7628), June 1, 1992 (57 FR 23062) and October 30, 1992 (57 FR 49278).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 117 A

Reissuance of the "Mixture" and "Derived-From" Rules
57 FR 7628-7633
March 3, 1992
as amended on June 1, 1992 at 57 FR 23062-23063
and on October 30, 1992 at 57 FR 49278-49279
(RCRA Cluster III, HSWA provisions)

Note: 1) This optional checklist has been developed for those States who feel it necessary to adopt the reissued "mixture" and "derived-from" rule promulgated on March 3, 1992 (57 FR 7628), and subsequently amended on June 1, 1992 (57 FR 23062), and on October 30, 1992 (57 FR 49278). This checklist consolidates these rules into one checklist except for a change made to 261.3(a)(2)(i) by the June 1, 1992 rule. That change is addressed by a separate checklist (Revision Checklist 117 B) because it corrects an omission made by the Toxicity Characteristic rule by replacing "Extraction Procedure Toxicity Characteristics" with "Toxicity Characteristic" in 261.3(a)(2)(i). This change makes the code more stringent and is, therefore, required.

2) The "mixture" and "derived-from" rules were reissued because the U.S. Court of Appeals for the District of Columbia Circuit in *Shell Oil Company* v. *EPA*, 950 F.2d 741 DC Cir. 1991, determined that adequate notice and comment had not been provided at initial promulgation of the "mixture" and "derived-from" rules, remanded them to the agency, and suggested EPA reinstate the rules on an interim basis and solicit comment. The March 3, 1992 interim final rule simultaneously removed and reissued 40 CFR 261.3. The October 30, 1992 (57 FR 49278) final rule removes the April 28, 1993 expiration date of the March 3, 1992 (57 FR 7628) interim final rule. EPA intends to promulgate revisions to the "mixture" and "derived-from" rules within 12-24 months of the October 30, 1992 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						
† DEFINITION OF HAZARDOUS WASTE						
a solid waste as defined in 261.2 is a hazardous waste if:	261.3(a)					
it is not excluded under 261.4(b)	261.3(a)(1)					
it meets any of the following criteria:	261.3(a)(2)					

RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
it exhibits any of the 261 subpart C characteristics of hazardous waste with exceptions for specific mixtures; mixture is hazardous waste if it exceeds the maximum concentration for any 261.24 table 1 contaminant in specific circumstances	261.3(a)(2)(i)					
it is listed in 261 subpart D and has not been excluded from those listings by use of the procedures of 260.20 and 260.22	261.3(a)(2)(ii)					
it is a mixture of solid waste and a hazardous waste listed in 261 subpart D solely because it exhibits one or more 261 subpart C characteristics of hazardous waste; exceptions	261.3(a)(2)(iii)					

RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
it is a mixture of solid waste and one or more hazardous wastes listed in 261 subpart D and has not been excluded from listings by use of the procedures of 260.20 and 260.22; mixture is not hazardous waste if the generator can demonstrate mixture is wastewater regulated under § 402 or § 307(b) of the Clean Water Act and:	261.3(a)(2)(iv)					
solvent carbon tetrachloride, tetrachloroethylene, and/or trichloroethylene if maximum total weekly usage divided by average weekly flow into the headworks of the facility's treatment or pretreatment system is $\leq$1 ppm; or	261.3(a)(2)(iv)(A)					
one or more of specified spent solvents if maximum total weekly usage divided by average weekly flow into the headworks of the facility's treatment or pretreatment system is $\leq$25 ppm; or	261.3(a)(2)(iv)(B)					

RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or	261.3(a)(2)(iv)(C)					
a discarded commercial chemical product or chemical intermediate listed in 261.33 arising from *de minimis* losses from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process; examples of *de minimis* losses; or	261.3(a)(2)(iv)(D)					

RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
wastewater resulting from laboratory operations containing 261 subpart D toxic wastes provided the annualized average flow of laboratory wastewater $\leq$1% of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or the combined annualized average concentration is $\leq$1 ppm in the headworks of the facility's wastewater treatment or pretreatment facility; demonstrated laboratory toxic wastes not discharged to wastewater are not included in the calculation	261.3(a)(2)(iv)(E)					
a solid waste not excluded under 261.3(a)(1) becomes a hazardous waste when:	261.3(b)					
the waste first meets the 261 subpart D listing description	261.3(b)(1)					
a 261 subpart D hazardous waste is first added to a solid waste	261.3(b)(2)					

RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
the waste exhibits any 261 subpart C characteristic	261.3(b)(3)					
unless and until it meets the criteria of 261.3(d):	261.3(c)					
hazardous waste remains hazardous waste	261.3(c)(1)					
except as provided by 261.3(c)(2)(ii), any solid waste generated from the treatment, storage, or disposal of hazardous waste is a hazardous waste; exception for materials reclaimed from solid waste and used beneficially unless burned for energy recovery or used in a manner constituting disposal	261.3(c)(2)(i)					
the following solid wastes generated from the treatment, storage or disposal of a hazardous waste are not hazardous unless they exhibit one or more characteristics of a hazardous waste:	261.3(c)(2)(ii)					
waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry	261.3(c)(2)(ii)(A)					

RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
1	waste from burning any of the materials exempted by § 261.6(a)(3)(v)-(viii)	261.3(c)(2)(ii)(B)					
2	nonwastewater residues, such as slags, resulting from high temperature metals recovery processing of K061 waste; generic exclusion levels; testing requirement; notification and certification requirements for each shipment of certain K061 HTMR residues sent to a subtitle D unit	261.3(c)(2)(ii)(C)					
	any solid waste described in 261.3(c) is not a hazardous waste if it meets the following criteria:	261.3(d)					
3	if a solid waste, it does not exhibit any of the 261 subpart C criteria; such wastes that exhibit a characteristic at the point of generation may still be subject to part 268	261.3(d)(1)					

RCRA REVISION CHECKLIST 117 A:
Mixture and Derived-From Rules Reissuance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
if a waste listed in 261 subpart D, containing a 261 subpart D waste or derived from a 261 subpart D waste, it has also been excluded from 261.3(c) by use of the procedures of 260.20 and 260.22	261.3(d)(2)					

1 As reissued by the March 3, 1992 rule, this subparagraph incorrectly referenced "261.6(a)(3)(v) through (ix)." The June 1, 1992 rule corrected this reference to read "261.6(a)(3)(v)-(viii)."

2 Note that this section of code has been further revised by an August 18, 1992 rule (57 FR 37194; Revision Checklist 109). The changes addressed by this present checklist address only the "mixture" and "derived-from" rules as they were at the time of reissuance in March 1992. Unfortunately, the version of the "mixture" and "derived-from" rules, reissued by the March 3, 1992 rule, omitted 261.3(c)(2)(ii)(C) which had been added by an August 19, 199 rule (56 FR 41164; Reivsion Checklist 95). The June 1, 1992 amendment to the reissued mixture and derived-from rule reinstated this omitted code.

3 The code reissued by the March 3, 1992 rule omitted the parenthetical sentence added by Revision Checklist 83 (56 FR 3864; January 31, 1991) addressing characteristic waste no longer exhibiting a characteristic that still may be subject to Part 268 requirements. The Jun 1, 1992 amendment re-added this sentence to the code.

Revision Checklist 117 B Summary

Rule Title:	Hazardous Waste Management System; Definition of Hazardous Waste; "Mixture" and "Derived-From" Rules
Checklist Title:	Toxicity Characteristic Amendment
Reference:	57 FR 23062-23063
Promulgation Date:	June 1, 1992
Effective Date:	June 1, 1992
Cluster:	RCRA Cluster III
Provision Type:	HSWA
Linkage:	Revision Checklist 74, 108 and 119
Optional:	No

Summary: The Toxicity Characteristic rule [55 FR 11798 (March 29, 1990) Revision Checklist 74] and its subsequent amendments [55 FR 26986 (June 29, 1001) and 57 FR 30657 (July 10, 1992) Revision Checklist 74] omitted changing the reference to the "Extraction Procedure Toxicity Characteristic" at 261.3(a)(2)(i). The March 3, 1992 (57 FR 7628) reissuance of the "mixture" and "derived-from" rule reissued 261.3 with that error still in it. The June 1, 1992 amendment (57 FR 23062) to that reissued code corrected this error. Because this change makes the Federal code more stringent, it is required and was placed in a checklist separate from the other provisions (considered optional, for States) addressing the reissuance of the "mixture" and "derived-from" rules.

State Authorization: This rule is placed in RCRA Cluster III, due to the delay in developing a checklist for this change and its relationship to the reissuance of the "mixture" and "derived-from" rules addressed by Revision Checklist 117 A. The State modification deadline is July 1, 1994 (or July 1, 1995, if a State statutory change is necessary). This change is conducted under HSWA authorities because it is necessitated by the changes made by the Toxicity Characteristic rule, which was promulgated under HSWA authorities. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 117 B, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The entry at I L in the Model Revision Attorney General's Statement should be replaced with the following:

> L. State statutes and regulations revise the existing toxicity characteristic by replacing the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP) for identifying wastes that are defined as hazardous and subject to regulation under Subtitle C of RCRA as indicated in Revision Checklists 74, 108 and 117B. State statutes and regulations also provide for the addition of 25 organic chemicals and their regulatory levels to the list of toxic constituents of concern as indicated in Revision Checklist 74.

Revision Checklist 117 B Summary (cont'd)

Federal Authority: RCRA §§1006, 2002(a), 3001, 3002, 3004, 3005 and 3006; 40 CFR Parts 261, 264, 265 and 268 as amended March 29, 1990 (55 FR 11798), June 29, 1990 (55 FR 26986), June 1, 1992 (57 FR 23062), and July 10, 1992 (57 FR 30657).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 117B

Toxicity Characteristic Amendment
57 FR 23062-23063
June 1, 1992
(RCRA Cluster III, HSWA provision)

Note: The Toxicity Characteristic rule [55 FR 11798 (March 29, 1990); Revision Checklist 74] and its subsequent amendments [55 FR 26986 (June 29, 1001) and 57 FR 30657 (July 10, 1992); Revision Checklist 74] omitted changing the reference to the "Extraction Procedure Toxicity Characteristic" at 261.3(a)(2)(i). The March 3, 1992 reissuance of the "mixture" and "derived-from" rules, reissued 261.3 with that error still in it. The June 1, 1992 amendment (57 FR 23062) to that reissued code corrected this error. Because this change makes the Federal code more stringent, it is required and was placed in a checklist separate from the other provisions (considered optional, for States) addressing the reissuance of the "mixture" and "derived-from" rules.

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						
change "Extraction Procedure Toxicity characteristic" to "Toxicity Characteristic"	261.3(a)(2)(i)					

Revision Checklist 118 Summary

Rule Title:	Hazardous Waste Management
Checklist Title:	Liquids in Landfills II
Reference:	57 FR 54452-54461
Promulgation Date:	November 18, 1992
Effective Date:	May 18, 1993
Cluster:	RCRA III
Provision Type:	HSWA
Linkage:	Revision Checklist 17 F
Optional:	No

Summary: This rule's purpose is to assure the stability of materials in hazardous waste landfills. It satisfies the HSWA requirement that EPA issue a rule prohibiting disposal in landfills of liquids that have been sorbed by materials that biodegrade or that release liquids when compressed, as might occur during routine landfill operations. Specifically, the Paint Filter Test, Method 9095, is adopted for testing containerized liquids to which sorbents were added prior to land disposal. This rule also lists classes of nonbiodegradable sorbents and gives examples in each class. Two tests are identified that may be used to determine nonbiodegradability of sorbents not within a class on the list. Lab packs must also have nonbiodegradable sorbents.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). All changes go into effect immediately, because this rule was promulgated under HSWA authorities. Both interim and final authorization are available, with the former expiring on January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 118, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should be placed at Subsection X B in the Model Revision Attorney General's Statement.

> B. State statutes and regulations prohibit the disposal, in hazardous waste landfills, of liquids that have been sorbed in materials that are biodegradable or that release liquids during routine landfill operations, as indicated in Revision Checklist 118.
>
> Federal Authority: RCRA §3004(c); 40 CFR 260.10, 264.13, 264.314, 264.316, 265.13, 265.314, and 265.316 as amended November 18, 1992 (57 FR 54452).
>
> Citation of Laws and Regulations; Date of Enactment and Adoption
>
> Remarks of the Attorney General

RCRA REVISION CHECKLIST 118

Liquids in Landfills II
57 FR 54452-54461
November 18, 1992
(RCRA Cluster III, 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 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B - DEFINITIONS						
DEFINITIONS						
add "sorbent"	260.10					
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART B - GENERAL FACILITY STANDARDS						
GENERAL WASTE ANALYSIS						
add new paragraph; procedures owner or operator will use to determine whether biodegradable sorbent has been added to waste in container	264.13(c)(3)					
SUBPART N - LANDFILLS						
SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS						
change "an absorbent" to "a sorbent"	264.314(a)(2)					
change "absorbents" to "sorbents"	264.314(b)					
change "absorbent" to "sorbent"	264.314(d)(1)(ii)					

RCRA REVISION CHECKLIST 118: Liquids in Landfills (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
redesignate old 264.314(e) as 264.314(f); add new paragraph requiring that sorbents, used to treat free liquids disposed in landfills, must be nonbiodegradable; definition of nonbiodegradable sorbents	264.314(e)					
nonbiodegradable sorbents	264.314(e)(1)					
	264.314(e)(1)(i)					
	264.314(e)(1)(ii)					
	264.314(e)(1)(iii)					
tests for nonbiodegradable sorbents	264.314(e)(2)					
	264.314(e)(2)(i)					
	264.314(e)(2)(ii)					
former 264.314(e) becomes 264.314(f)	264.314(f)					
	264.314(f)(1)					
	264.314(f)(2)					

RCRA REVISION CHECKLIST 118: Liquids in Landfills (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS (LAB PACKS)						
change "absorbent" to "sorbent" in two places; add ", determined to be nonbiodegradable in accordance with § 264.314(e)," before "to completely"; change "absorb" to "sorb"; change "packing" to "it has been packed"	264.316(b)					
change "absorbent" to "sorbent"; add "," after "containers"	264.316(c)					
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART B - GENERAL FACILITY STANDARDS						
GENERAL WASTE ANALYSIS						
add new paragraph; procedures owner or operator will use to determine whether biodegradable sorbent has been added to waste in container	265.13(c)(3)					
SUBPART N - LANDFILLS						
SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS						
change "an absorbent" to "a sorbent"	265.314(a)(2)					
change "absorbents" to "sorbents"	265.314(b)					

RCRA REVISION CHECKLIST 118: Liquids in Landfills (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
change "absorbent" to "sorbent"	265.314(c)(1)(ii)					
redesignate old 265.314(f) as 265.314(g); add new paragraph requiring that sorbents, used to treat free liquids disposed in landfills, must be nonbiodegradable; definition of nonbiodegradable sorbents	265.314(f)					
1 nonbiodegradable sorbents	265.314(f)(1)					
	265.314(f)(1)(i)					
	265.314(f)(1)(ii)					
	265.314(f)(1)(iii)					
tests for nonbiodegradable sorbents	265.314(f)(2)					
	265.314(f)(2)(i)					
	265.314(f)(2)(ii)					
former 265.314(f) becomes 265.314(g)	265.314(g)					
	265.314(g)(1)					
	265.314(g)(2)					

RCRA REVISION CHECKLIST 118: Liquids in Landfills (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS (LAB PACKS)						
change "absorbent" to "sorbent" in both places; add ", determined to be nonbiodegradable in accordance with § 265.314(f)," before "to completely"; change "absorb" to "sorb"; change "packing" to "it has been packed"	265.316(b)					
2 change "absorbent" to "sorbent"; add "," after "containers"	265.316(c)					

1 Note that there is a typographical error in the Federal Register article; at 265.314(f)(1)(ii), "polysobutylene" should be "polyisobutylene."

2 Note that there is an error in the Federal Register article; "container's" should be "containers,".

Revision Checklist 119 Summary

Rule Titles:	Toxicity Characteristic Revision and Hazardous Waste Management System; Identification and Testing of Hazardous Waste; Toxicity Characteristic Revision
Checklist Title:	Toxicity Characteristic Revision; TCLP Correction
Reference:	57 FR 55114-55117 and 58 FR 6854
Promulgation Date:	November 24, 1992 and February 2, 1993
Effective Date:	November 24, 1992
Cluster:	RCRA Cluster III
Provision Type:	HSWA provisions
Linkage:	Revision Checklist 74, 108 and 117 B
Optional:	Yes

Summary: The November 24, 1992 rule removes the quality assurance (QA) requirements found in Method 1311, Toxicity Characteristic Leaching Procedure (TCLP), for correcting measured values for analytical bias. Appropriate QA provisions are retained including that the matrix spike recoveries be calculated and that the method of standard additions be employed as the quantitation method for metallic contaminants when appropriate as specified in the method. The February 2, 1993 rule corrects a minor technical error in Part 261, Appendix II.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). All changes go into effect immediately, because this rule was promulgated under HSWA authorities. Both interim and final authorization are available, with the former expiring January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 119, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should be placed at Subsection I AA in the Model Revision Attorney General's Statement.

> AA. [OPTIONAL: This is a reduced requirement.] State statutes and regulations do not require the use of the spike recovery correction as part of the Toxicity Characteristic Leaching Procedure as indicated in Revision Checklist 119.
>
> *Federal Authority:* RCRA §§1006, 2002, 3001, 3002 and 3006; 40 CFR 261, Appendix II, as amended November 24, 1992 (57 FR 55114) and February 2, 1993 (58 FR 6854).
>
> Citation of Laws and Regulations; Date of Enactment and Adoption
>
> Remarks of the Attorney General

RCRA REVISION CHECKLIST 119

Toxicity Characteristic Revision;
TCLP Correction
57 FR 55114-55117
November 24, 1992
as amended on February 2, 1993 at 58 FR 6854
(RCRA Cluster III, HSWA provisions)

Note: The November 24, 1992 rule amends the version of the TCLP that was added to Appendix II to Part 261 by the March 29, 1990 final rule (55 FR 11798; Revision Checklist 74), concurrent with the removal of the old version of the TCLP from Appendix I to Part 268.

	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						
	APPENDIX II TO PART 261						
†	**METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)**						
	change "data is" to "data are"; delete sentence regarding bias determined from matrix spike determination and parenthetical reference phrase following it	Appendix II, 8.2					
	change "may not be not less" to "may not be less"	Appendix II, 8.2.2					
	remove subparagraph	Appendix II, 8.2.5					
1	redesignate former 8.4 as 8.5; add new 8.4 and subparagraphs addressing use of internal calibration quantitation methods	Appendix II, 8.4					
		Appendix II, 8.4.1					
		Appendix II, 8.4.2					
		Appendix II, 8.4.3					
		Appendix II, 8.4.4					
2	former 8.4 becomes 8.5	Appendix II, 8.5					

RCRA REVISION CHECKLIST 119: Toxicity Characteristic Revision;
TCLP Correction (cont'd)

1 There is a typographical error in the November 24, 1992 Federal Register; "84.4.4" should be "8.4.4." The February 2, 1993 rule made this correction.

2 There is a typographical error in the Federal Register; in the table at 8.5, second column heading, there should be a space between "TCLP" and "extraction."

Revision Checklist 120 Summary

Rule Title:	Wood Preserving; Identification and Listing of Hazardous Waste; Standards and Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
Checklist Title:	Wood Preserving; Amendments to Listings and Technical Requirements
Reference:	57 FR 61492-61505
Promulgation Date:	December 24, 1992
Effective Date:	December 24, 1992 for all revisions except the following which are effective June 24, 1993: 264.570(c)(1), 264.573(a)(4)(i), 264.573(b)(3), 265.440(c)(1), 265.443(a)(4)(i), 265.443(b)(3), and the revision of hazardous waste number F032 in 261.31.
Cluster:	RCRA III
Provision Type:	Both HSWA and Non-HSWA
Linkage:	Revision Checklists 82, 91, 92 and 101
Optional:	Certain changes are optional

Summary: This rule amends the F032, F034, F035 listings and portions of the Subpart W requirements for drip pads. The administrative stays published on June 13, 1991 (56 FR 27332; Revision Checklist 91) and on February 18, 1992 (57 FR 5859; Revision Checklist 101) are both terminated by this rule. Relative to the February 18, 1992 administrative stay, this notice amends the impermeability requirement stayed by that rule, replacing it with a specific hydraulic conductivity standard. Facilities with existing drip pads must meet this new standard before the compliance date established in the present rule, rather than the October 30, 1992 deadline set in that administrative stay. The Agency has removed the requirement that new drip pads be impermeable. Instead, owners and operators may choose to either 1) construct their new drip pad with leak collection systems and a liner/leak detection system below the pad, or 2) meet the same hydraulic conductivity, assessment, and material chemical compatibility requirements that existing drip pads must meet. In the first set of alternate requirements, surface protection is not required.

The December 24, 1992 rule also adds requirements regarding infrequent and incidental drippage at storage pads and requires that drip pad surfaces be cleaned in a manner and at a frequency to allow weekly inspections of the entire drip pad surface.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). The revisions to the listing for F032 and the permitting and interim status standards applicable to drip pads handling this waste are promulgated pursuant to HSWA. These regulations go into effect on the Federal effective date in all States. The revisions to the listings for F034 and F035 and the permitting and interim status standards for drip pads that handle these wastes are non-HSWA provisions. EPA will implement these requirements only in States that do not have interim or final authorization. In authorized States, the non-HSWA requirements will not be applicable until the States revise their programs to adopt equivalent requirements under State law, unless the wastes are designated as hazardous due to the Toxicity Characteristic, which

was promulgated relative to HSWA. In this latter case, the requirements relative to such wastes would become effective in all States on the rule's effective date.

Both interim and final authorization are available for the HSWA provisions. An interim final rule was published December 18, 1992 (57 FR 60129), extending interim authorization for HSWA provisions until January 1, 2003. Only final authorization is available for the non-HSWA provisions. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 120, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entries: The following new entries should be placed at Subsection I A in the Model Revision Attorney General's Statement.

(25) [OPTIONAL: This is a reduced requirement.] Exceptions to listings of F032, F034, and F035 for wastewaters that have not come into contact with process contaminants, 40 CFR 261.31 as amended December 24, 1992 [57 FR 61492], Revision Checklist 120.

(26) [OPTIONAL: This is a reduced requirement.] Exception to listing of F032 for potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not reserve or initiate the use of chlorophenolic formulations, 40 CFR 261.31 as amended December 24, 1992 [57 FR 61492], Revision Checklist 120.

Subsection I A (22) should be replaced by the following revised paragraph:

(22) [OPTIONAL: This is a reduced requirement.] Administrative stay, from June 13, 1991 to December 24, 1992, of F032, F034 and F035 listings regarding 1) wastewaters that have not come into contact with process contaminants and 2) plants that have previously used chlorophenolic formulations, 40 CFR 261.31 as amended June 13, 1991 [56 FR 27332] and December 24, 1992 [57 FR 61492], Revision Checklists 91 and 120.

Subsections XV L and M should be replaced by the following revised paragraphs:

L. State statutes and regulations contain design, operating, inspection and closure requirements for drip pads and associated tanks, sumps and other devices used to assist in the collection of treated wood drippage as indicated in Revision Checklists 82, 92 and 120.

Revision Checklist 120 Summary (cont'd)

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 262.34(a)(2), 264.190, 264.570, 264.571, 264.572, 264.573, 264.574, 264.575, 265.190, 265.440, 265.441, 265.442, 265.443, 265.444 and 265.445, as amended December 6, 1990 (55 FR 50450), July 1, 1991 (56 FR 30192), and December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

M. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain an administrative stay, from June 13, 1991 to December 24, 1992, for the requirement that new drip pads be impermeable as indicated in Revision Checklists 91 and 120.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.572(a)(4) and 265.443(a)(4), as amended June 13, 1991 (56 FR 27332) and December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

The following new entries should be placed at subsections XV R, S and T:

R. State statutes and regulations require owners or operators of new drip pads to have either 1) a surface protection system meeting the hydraulic conductivity, material chemical compatibility, and assessment requirements of 264.573(a)(4) or 265.443(a)(4), or 2) a liner and leak detection system below the pad as well as a leak collection system as specified in Revision Checklist 120.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.572, 265.573, 265.442 and 265.443 as amended December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

S. State statutes and regulations require owners or operators of existing drip pads to meet the hydraulic conductivity, material chemical compatibility, and assessment requirements of 264.573(a)(4) or 265.443(a)(4), as specified in Revision Checklist 120.

Revision Checklist 120 Summary (cont'd)

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.571, 264.573, 265.441 and 265.443 as amended December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

T. State statutes and regulations contain requirements for the management of infrequent and incidental drippage in storage yards as indicated in Revision Checklist 120.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.570(c) and 265.440(c) as amended December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 120

Wood Preserving; Revisions to
Listings and Technical Requirements
57 FR 61492-61505
December 24, 1992
(RCRA Cluster III, Both HSWA and Non-HSWA provisions)

Note: 1) This revision checklist terminates the June 13, 1991 (56 FR 27332, Revision Checklist 91) administrative stay by amending the F032, F034, and F035 listings and by revising technical requirements for new drip pads. This checklist amends the impermeability requirement for existing drip pads, replacing it with a specific hydraulic conductivity standard. The stay promulgated February 18, 1992 (57 FR 5859, Revision Checklist 101) no longer applies. (Note, the preamble to this rule refers to this stay as the February 6, 1992 administrative stay.) Facilities with existing drip pads must meet this new hydraulic standard before the compliance date set in this rule rather than the October 20, 1992 deadline set in that administrative stay. States that have adopted Revision Checklists 91 and 101 are encouraged to adopt Revision Checklist 120 as soon as possible. States that have not yet adopted previous Wood Preserving checklists are strongly encouraged to use the Consolidated Wood Preserving Checklist updated through December 31, 1992.

	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 D--LISTS OF HAZARDOUS WASTES						
	HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES						
†,1	revise F032, F034, and F035 listings to read as follows:	261.31(a)/table					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Industry and EPA hazardous waste No.	Hazardous waste					Hazard code
* * * * * *						
F032	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with § 261.35 of this chapter or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.						(T)
F034	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.						(T)
F035	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.						(T)
* * * * * *						
2 remove the administrative stay addressed in Footnote 1 of the 261.31 table	261.31(a)/table					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART W--DRIP PADS						
APPLICABILITY						
change "run-on" to "run-off"; at end of paragraph, add sentence regarding applicability of 264.573(b)(3) leak collection system requirement	264.570(a)					
add new paragraph; Subpart W requirements not applicable to management of infrequent, incidental drippage in storage yards provided:	264.570(c)					
owner or operator maintains and complies with a written contingency plan describing how owner or operator will respond immediately to discharge of infrequent and incidental drippage; at a minimum, what the contingency plan must describe	264.570(c)(1)					
	264.570(c)(1)(i)					
	264.570(c)(1)(ii)					
	264.570(c)(1)(iii)					
	264.570(c)(1)(iv)					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	ASSESSMENT OF EXISTING DRIP PAD INTEGRITY						
	delete ", and must document the age of the drip pad to the extent possible, to document compliance with paragraph (b) of this section"	264.571(a)					
3	change "modifications will be" to "modifications are"; change "insufficient" to "in sufficient"; change "263.573" to "264.573"; delete "and must document the age of the drip pad to the extent possible"; delete "All upgrades, repairs, and modifications must be completed in accordance with the following:"	264.571(b)					
3		264.571(b)(1)					
		264.571(b)(2)					
	remove subparagraphs	264.571(b)(3)					
	DESIGN AND INSTALLATION OF NEW DRIP PADS						
	insert "new" before "drip pads"; replace "all of the applicable requirements of §§ 264.573, 264.574 and 264.575 of this subpart." with "one of the following:"	264.572					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (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 subparagraph; all of the requirements of 264.573 (except 264.573(a)(4)), 264.574 and 264.575	264.572(a)					
add new subparagraph; all of the requirements of 264.573 (except 264.573(b)), 264.574 and 264.575	264.572(b)					
DESIGN AND OPERATING REQUIREMENTS						
4, 5, 6 remove existing text designated as (a)(4) and note regarding administrative stay for existing drip pads; replace with subparagraph addressing hydraulic conductivity requirements; maintain surface free of cracks and gaps; sealing material must be chemically compatible with preservatives that contact pad; requirements apply to existing drip pads and drip pads of owners/operators electing to comply with 264.572(a)	264.573(a)(4)(i)					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (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 subparagraph; owner or operator must obtain and keep at the facility written assessment of drip pad certified by independent qualified registered engineer; assessment must attest to results of evaluation; assessment must be reviewed, updated and recertified annually; evaluation must document extent to which drip pad meets 264.573 (except 264.573(b)) design and operating standards	264.573(a)(4)(ii)					
7	replace existing introductory sentence with: "If owner/ operator elects to comply with § 264.572(b) instead of § 264.572(a), the drip pad must have:"	264.573(b)					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (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 subparagraph; leakage collection system immediately above the liner designed, constructed, maintained and operated to collect leakage from below the drip pad; date, time and quantity of leakage collected must be documented in operating log	264.573(b)(3)					
replace "at least once every seven days" with "in a manner and frequency"; replace phrase addressing the types of cleaning techniques with phrase addressing proper management of residues and weekly inspections of entire drip pad surface; at end add new sentence requiring owner/ operator to determine whether residues are hazardous under 262.11 and, if so, manage according to Parts 261-268, 270 and RCRA §3010	264.573(i)					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART W--DRIP PADS						
APPLICABILITY						
change "run-on" to "run-off"; delete comma after first occurrence of "1990"; delete "generated" after first occurrence of "operator has"; at end of paragraph, add sentence regarding applicability of 265.443(b)(3) leak collection system requirement	265.440(a)					
add new paragraph; Subpart W requirements not applicable to management of infrequent, incidental drippage in storage yards provided:	265.440(c)					
owner or operator maintains and complies with a written contingency plan describing how owner or operator will respond to discharge of infrequent and incidental drippage; at a minimum, what the contingency plan must describe	265.440(c)(1)					
	265.440(c)(1)(i)					
	265.440(c)(1)(ii)					
	265.440(c)(1)(iii)					
	265.440(c)(1)(iv)					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	ASSESSMENT OF EXISTING DRIP PAD INTEGRITY						
	delete "justify and" after "The evaluation must"; delete ", and must document the age of the drip pad to the extent possible, to document compliance with paragraph (b) of this section"	265.441(a)					
3	add comma after first occurrence of "this subpart"; change "modifications will be" to "modifications are"; delete "and must document the age of the drip pad to the extent possible"; delete "," after "265.443 of this subpart"; delete comma after "qualified"; delete "All upgrades, repairs, and modifications must be completed in accordance with the following:"	265.441(b)					
3		265.441(b)(1)					
		265.441(b)(2)					
	remove subparagraphs	265.441(b)(3)					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
DESIGN AND INSTALLATION OF NEW DRIP PADS						
replace "all of the applicable requirements of §§ 265.443, 265.444 and 265.445 of this subpart." with "one of the following:"	265.442					
all of the applicable requirements of 265.443 (except 265.443(a)(4)), 265.444 and 265.445	265.442(a)					
all of the applicable requirements of 265.443 (except 265.443(b)), 265.444 and 265.445	265.442(b)					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	DESIGN AND OPERATING REQUIREMENTS						
4, 8	remove existing text designated as 265.443(a)(4) and remove two notes regarding administrative stays for new and existing drip pads; replace with new subparagraph regarding hydraulic conductivity requirements; maintain surface free of cracks and gaps; surface material must be chemically compatible with preservatives that contact pad; requirements apply to existing drip pads and drip pads of owners/ operators electing to comply with 265.442(a)	265.443(a)(4)(i)					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (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 subparagraph; owner or operator must obtain and keep at the facility a written assessment of drip pad certified by independent qualified registered engineer; assessment must attest to results of evaluation; assessment must be reviewed, updated and recertified annually; evaluation must document extent to which drip pad meets 265.443 (except 265.443(b)) design and operating standards	265.443(a)(4)(ii)					
9	replace existing introductory sentence with "If an owner/operator elects to comply with § 265.442(b) instead of § 265.442(a), the drip pad must have:"	265.443(b)					

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (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 subparagraph; leakage collection system immediately above the liner designed, constructed, maintained and operated to collect leakage from below the drip pad for removal; date, time and quantity of leakage collected must be documented in operating log	265.443(b)(3)					
replace "at least once every seven days" with "in a manner and frequency"; replace phrase addressing the types of cleaning techniques with phrase addressing proper management of residues and weekly inspections of entire drip pad surface	265.443(i)					

1 For those States that did not adopt the June 13, 1991 administrative stay, the changes to these listings represent a narrowing of the F032, F034 and F035 listings. Thus, these changes are optional for States not adopting that administrative stay. Those States which adopted that administrative stay should remove the wording added by the stay and replace the wording with that shown in the December 24, 1992 rule and presented in this checklist.

2 Only those States that added the stay to their code need to make this change.

3 The Federal Register instructions for revising this paragraph are unclear. According to EPA, the last sentence of (b), which introduces the subparagraphs, is to be removed, as well as subparagraphs (b)(1), (2), and (3). A technical correction will be published in the Federal Register in the near future.

RCRA REVISION CHECKLIST 120: Wood Preserving; Revisions to Listings and Technical Requirements (cont'd)

4 The Federal Register does not clearly indicate that these notes regarding administrative stays are removed by this rule; according to EPA, they should be removed. A technical correction will be published in the Federal Register in the near future.

5 There are two typographical errors in this paragraph in the Federal Register; in both occurrences, "$1x10^{-7}$" should be "$1x10^{-7}$."

6 Note that the Federal Register is in error. According to EPA, the last line of 264.573(a)(4)(i) should read "§ 264.572(b) instead of §264.572(a)" rather than "§264.572(a) instead of 264.572(b)." As written, the code contradicts what is said in the 264.572(a)&(b) requirements.

7 There is an error in the Federal Register at 264.573(b). According to EPA, the phrase "§ 264.572(b) instead of § 264.572(a)" should be "§ 264.572(a) instead of § 264.572(b)." As currently written, the code contradicts the 264.572(a)&(b) requirements.

8 Note that the Federal Register is in error. According to the last line of 265.443(a)(4)(i) should read "§ 265.442(b) instead of § 265.442(a)" rather than "§ 265.442(a) instead of § 265.442(b)". As written, the code contradicts what is said in the 265.442(a)&(b) requirements.

9 There is an error in the Federal Register at 265.443(b). According to EPA, the phrase "§ 265.442(b) instead of § 265.442(a)" should be "§ 265.442(a) instead of § 265.442(b)." As currently written, the code contradicts the 265.442(a)&(b) requirements.

Revision Checklist 121 Summary

Rule Title:	Corrective Action Management Units and Temporary Units; Corrective Action Provisions Under Subtitle C
Checklist Title:	Corrective Action Management Units and Temporary Units
Reference:	58 FR 8658-8685
Promulgation Date:	February 16, 1993
Effective Date:	April 19, 1993
Cluster:	RCRA Cluster III
Provision Type:	HSWA
Linkage:	None
Optional:	Yes

Summary: This rule finalizes provisions for corrective action management units (CAMUs) and temporary units (TUs) that will be used for remedial purposes under RCRA corrective action authorities. The specific provisions of the rule, codified under a new subpart S of 40 CFR part 264, were proposed as part of a more comprehensive corrective action rulemaking on July 27, 1990. EPA received numerous public comments on the subpart S proposal, many of which raised issues which must be resolved prior to a final rulemaking. However, EPA believes that it is necessary to expedite the promulgation of the CAMU and TU regulations in order to facilitate remediation waste management activities at RCRA facilities.

State Authorization: This rule is placed in RCRA Cluster III. The rule is promulgated under HSWA authorities; thus, all changes go into effect immediately in (1) States unauthorized for the RCRA base program, and (2) States authorized for the RCRA base program, but are not yet authorized for the HSWA corrective action program. Because the regulations promulgated in this rule reduce regulatory requirements for certain types of waste management conducted during corrective action, States are not required to adopt the changes addressed by this rule. States may, however, impose requirements that are broader in scope or more stringent than those imposed under Federal regulations. As such, the checklist developed for this rule has been designated as optional. However, EPA strongly encourages States to adopt the checklist as quickly as possible in order to expedite hazardous waste remediation at RCRA corrective action facilities. For States that choose to adopt the checklist, the State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). Both interim and final authorization are available. An interim final rule was published in mid December, 1992, extending interim authorization until January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 121, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should be placed at Subsection XIII in the Model Revision Attorney General's Statement.

> G. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain remediation waste management provisions for corrective action management units (CAMUs) and temporary units (TUs) at RCRA facilities, as indicated in Revision Checklist 121.

Revision Checklist 121 Summary (cont'd)

Federal Authority: RCRA §§1006, 2002(a), 3004(u), 3004(v), 3005(c), 3007, and 3008(h); 40 CFR 260.10, 264.3, 264.101(b), 264.552, 264.553, 265.1(b), 268.2(c), 270.2 and Appendix I to 270.42, as amended February 16, 1993 (58 FR 8658).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 121

Corrective Action Management Units and Temporary Units
58 FR 8658-8685
February 16, 1993
(RCRA Cluster III, HSWA provisions)

Note: The final rule addressed by this checklist reduces the regulatory requirements for certain types of waste management conducted during correction action; thus authorized States are not required to adopt the changes addressed by this rule. As such, this checklist is designated as optional. However, EPA strongly encourages States to adopt the checklist as soon as possible in order to expedite hazardous waste remediation at RCRA corrective action facilities.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B - DEFINITIONS						
† **DEFINITIONS**						
add "corrective action management unit"	260.10 "corrective action management unit"					
add sentence excluding a corrective action management unit into which remediation wastes are placed from definition	260.10 "disposal facility"					
designate existing definition as "(1)"; add second definition numbered "(2)" for the purpose of implementing correction action under 264.101	260.10 "facility"					
replace "or a cave" with "a cave, or a corrective action management unit"	260.10 "landfill"					

RCRA REVISION CHECKLIST 121: Corrective Action Management Units and Temporary Units (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 "corrective action management unit," after "containment building, "	260.10 "miscellaneous unit"					
add "remediation waste"	260.10 "remediation waste"					
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A - GENERAL						
† **RELATIONSHIP TO INTERIM STATUS STANDARDS**						
1 add ", except as provided under 40 CFR part 264 subpart S" at end of paragraph	264.3					
SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS						
† **CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS**						
add "in accordance with this section and subpart S of this part" after "in the permit"	264.101(b)					
SUBPART S - CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS						
† **CORRECTIVE ACTION MANAGEMENT UNITS (CAMU)**						
Regional Administrator may designate one or more areas at a facility as CAMUs for purpose of implementing remedies under 264.101 or RCRA 3008(h)	264.552(a)					

RCRA REVISION CHECKLIST 121: Corrective Action Management Units and Temporary Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
placement of remediation wastes in CAMU does not constitute land disposal	264.552(a)(1)					
consolidation or placement of remediation wastes in CAMU does not constitute creation of a unit subject to minimum technology requirements	264.552(a)(2)					
Regional Administrator may designate a regulated unit as a CAMU or include a regulated unit in a CAMU; criteria	264.552(b)(1)					
	264.552(b)(1)(i)					
	264.552(b)(1)(ii)					
Subparts F, G, and H and unit-specific Parts 264 or 265 requirements that applied to regulated unit continue to apply to that portion of CAMU after incorporation	264.552(b)(2)					
criteria by which Regional Administrator shall designate CAMU:	264.552(c)					
CAMU shall facilitate implementation of reliable, effective, protective, and cost-effective remedies	264.552(c)(1)					

RCRA REVISION CHECKLIST 121: Corrective Action Management Units and Temporary Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
associated waste management activities shall not create unacceptable risks to humans or the environment	264.552(c)(2)					
CAMU shall include uncontaminated areas only if including such areas for purpose of managing remediation waste is more protective than managing such wastes at contaminated areas	264.552(c)(3)					
CAMU areas where waste will remain after closure shall be managed and contained to minimize future releases, to the extent practicable	264.552(c)(4)					
CAMU shall expedite remedial activity implementation when appropriate and practical	264.552(c)(5)					
CAMU shall enable use of treatment technologies, when appropriate, to enhance long-term effectiveness of remedial actions	264.552(c)(6)					
CAMU shall, to the extent practicable, minimize land area where wastes will remain after closure	264.552(c)(7)					

RCRA REVISION CHECKLIST 121: Corrective Action Management Units and Temporary Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
owner/operator shall provide sufficient information to enable Regional Administrator to designate CAMU in accordance with 264.552	264.552(d)					
Regional Administrator shall specify CAMU requirements in permit or order, including:	264.552(e)					
areal configuration of CAMU	264.552(e)(1)					
requirements for remediation waste management, including applicable design, operation and closure requirements	264.552(e)(2)					
requirements for ground water monitoring sufficient to:	264.552(e)(3)					
continue to detect and characterize existing releases from sources within CAMU	264.552(e)(3)(i)					
detect and characterize releases from areas of the CAMU in which wastes will remain after closure	264.552(e)(3)(ii)					
closure and post-closure requirements:	264.552(e)(4)					
CAMU closure shall:	264.552(e)(4)(i)					

RCRA REVISION CHECKLIST 121: Corrective Action Management Units and Temporary Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
minimize need for further maintenance	264.552(e)(4)(i)(A)					
control, minimize, or eliminate post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to ground, surface waters, or atmosphere	264.552(e)(4)(i)(B)					
requirements for closure of CAMU shall include, as appropriate and deemed necessary by the Regional Administrator:	264.552(e)(4)(ii)					
excavation, removal, treatment or containment of wastes	264.552(e)(4)(ii)(A)					
capping of areas in which wastes will remain after CAMU closure	264.552(e)(4)(ii)(B)					
removal and decontamination of equipment, devices, and structures used in remediation waste management activities within CAMU	264.552(e)(4)(ii)(C)					
in establishing specific 264.552(e) closure requirements, Regional Administrator shall consider:	264.552(e)(4)(iii)					

RCRA REVISION CHECKLIST 121: Corrective Action Management Units and Temporary Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
CAMU characteristics	264.552(e)(4)(iii)(A)					
volume of wastes which remain in place after closure	264.552(e)(4)(iii)(B)					
potential for releases from CAMU	264.552(e)(4)(iii)(C)					
physical and chemical characteristics of the waste	264.552(e)(4)(iii)(D)					
2 hydrogeological and other relevant environmental conditions which may influence migration of potential or actual releases	264.552(e)(4)(iii)(E)					
potential for exposure of human and environmental receptors if releases occur	264.552(e)(4)(iii)(F)					
post-closure requirements as necessary to protect human health and the environment; for areas where wastes will remain, monitoring and maintenance activities and frequency	264.552(e)(4)(iv)					
Regional Administrator shall document rationale for CAMU designation; make documentation available to public	264.552(f)					

RCRA REVISION CHECKLIST 121: Corrective Action Management Units and Temporary Units (cont'd).

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
incorporation of CAMU into existing permit approved by Regional Administrator under 270.41 or 270.42 procedures	264.552(g)					
CAMU designation does not change EPA's existing authority to address clean-up levels, media-specific points of compliance, or other remedy selection decisions	264.552(h)					
† TEMPORARY UNITS (TU)						
Regional Administrator may determine alternative design, operating, or closure standards for temporary tanks and container storage areas for treatment or storage of hazardous remediation wastes under 264.101 or RCRA 3008(h); must protect human health and environment	264.553(a)					
temporary unit to which alternative requirements are applied shall be:	264.553(b)					
located within facility boundary	264.553(b)(1)					
used only for treatment or storage of remediation wastes	264.553(b)(2)					

RCRA REVISION CHECKLIST 121: Corrective Action
Management Units and Temporary Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
factors Regional Administrator shall consider in establishing temporary unit standards:	264.553(c)					
length of time unit will be in operation	264.553(c)(1)					
type of unit	264.553(c)(2)					
volumes of wastes to be managed	264.553(c)(3)					
physical and chemical characteristics of wastes to be managed	264.553(c)(4)					
potential for releases from the unit	264.553(c)(5)					
hydrogeological and other relevant environmental conditions which may influence migration of potential releases	264.553(c)(6)					
potential for exposure of humans and environmental receptors if releases occur	264.553(c)(7)					
Regional Administrator shall specify in permit or order length of time, up to a year, the temporary unit will be allowed to operate; design, operating, and closure requirements for the unit	264.553(d)					

RCRA REVISION CHECKLIST 121: Corrective Action Management Units and Temporary Units (cont'd).

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
3 Regional Administrator may extend operational period of temporary unit once for no longer than one year beyond period specified in permit or order, if:	264.553(e)					
continued operation of unit will not threaten human health and environment	264.553(e)(1)					
continued operation of unit is necessary to ensure timely and efficient implementation of remedial actions	264.553(e)(2)					
incorporation of a temporary unit or time extension for temporary unit in an existing permit shall be:	264.553(f)					
approved in accordance with 270.41 permit modification procedures	264.553(f)(1)					
requested by owner/operator as Class II modification in accordance with 270.42	264.553(f)(2)					

RCRA REVISION CHECKLIST 121: Corrective Action Management Units and Temporary Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Regional Administrator shall document rationale for temporary unit designation; documentation made available to public	264.553(g)					
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A - GENERAL						
† PURPOSE, SCOPE, AND APPLICABILITY						
add ", and of 40 CFR 264.552 and 40 CFR 264.553," after "standards of this part"	265.1(b)					
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART A - GENERAL						
† DEFINITIONS APPLICABLE IN THIS PART						
add ", except in a corrective action management unit," after "on the land"	268.2(c)					
PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM						
SUBPART A - GENERAL INFORMATION						
† DEFINITIONS						
add "corrective action management unit"	270.2					

RCRA REVISION CHECKLIST 121: Corrective Action Management Units and Temporary Units (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 sentence excluding a corrective action management unit into which remediation wastes are placed from definition	270.2 "disposal facility"					
SUBPART D - CHANGES TO PERMIT						
† **PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE**						
add new section N. to table	270.42 Appendix I					

1 Note that the comment following 264.3 remains unchanged.

2 Note that there is a typographical error in the Federal Register addressed by this Checklist; in 264.552(e)(4)(iii)(E) "Hydrological" should be "Hydrogeological".

3 Note that at 264.553(e), "Administrator" should read "Regional Administrator".

Revision Checklist 122 Summary

Rule Title:	Recycled Used Oil Management Standards; Technical Amendments and Corrections
Checklist Title:	Recycled Used Oil Management Standards; Technical Amendments and Corrections I
Reference:	58 FR 26420-26426 and 58 FR 33341-33342
Promulgation Date:	May 3, 1993 and June 17, 1993
Effective Date:	March 8, 1993 and June 17, 1993
Cluster:	RCRA Cluster III
Provision Type:	Both HSWA and non-HSWA
Linkage:	Revision Checklists 19, 112 and 130
Special Note:	A Consolidated Recycled Used Oil Management Standards Checklist is available for Checklists 112, 122 and 130
Optional:	No

Summary: This rule corrects several technical errors and provides clarifying amendments to the recycled used oil management standards rule, published September 10, 1992 (57 FR 41566; Revision Checklist 112). This rule also corrects an error in the May 20, 1992 rule (57 FR 21524; Revision Checklist 104). States that have adopted these checklists are encouraged to adopt Revision Checklist 122 as soon as possible. States should note that four portions (279.42(a), 279.51(a), 279.62(a), and 279.73(a)) of the code revised by the June May 3, 1993 rule were revised by the June 17, 1993 rule also addressed by this checklist. The June 17 rule effectively changes the text of these four paragraphs on notification back to read as it did in the original September 10, 1992 rule, so that renotification is not required.

State Authorization: The rules addressed by this checklist are placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). The preamble to the September 10, 1992 rule (57 FR 41566; Revision Checklist 112) indicated none of the provisions of that rule were being promulgated pursuant to HSWA. Therefore, the Part 279 regulations promulgated by that rule would not be enforceable in an authorized State until the State had received authorization for Revision Checklist 112. After publication of the September 10, 1992 rule, EPA realized that its position, making all provisions of that rule non-HSWA, was arguably inconsistent with statements made in the preamble of the November 29, 1985 rule (50 FR 49201; Revision Checklist 19) which promulgated 266, Subpart E. Those provisions were issued under HSWA authority and are recodified in certain portions of Part 279 (specifically, 279.10, 279.11 and portions of 279.1 and Subparts G and H of Part 279) by the September 10, 1992 rule. Since these provisions were originally promulgated under HSWA, they remain HSWA requirements and will continue to be enforced by EPA until a State becomes authorized for them. EPA continues to believe that the remaining portions of Part 279 are non-HSWA provisions and, as such, do not become effective in authorized States until individual States adopt these provisions and EPA grants authorization for them.

On March 4, 1994 EPA, published a final rule (59 FR 1055; Revision Checklist 130) that further amends the Recycled Used Oil Management Standards. While that rule will be part of SPA 15, EPA strongly recommends that States adopt Checklists 112, 122 and 130 at one

Revision Checklist 122 Summary (cont'd)

time. As such, a checklist consolidating the provisions from all three checklists will be available shortly after Revision Checklist 130 is available. Additionally, States that choose to adopt this consolidated version of these standards will have until the due date (July 1, 1995 or July 1, 1996 if a statutory change is necessary) for Revision Checklist 130 to make these amendments.

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 122, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: Subsection XX E in the Model Revision Attorney General's Statement should be revised to read as follows:

> E. State statutes and regulations provide used oil management standards for used oil generators, transporters, processors, re-refiners, burners, and marketers as indicated in Revision Checklists 112 and 122.
>
> Federal Authority: RCRA §§1004, 1006, 2002, 3001, 3014 and 7004; 40 CFR Parts 260, 261, 266 and 279 as amended September 10, 1992 (57 FR 41566) and May 3, 1993 (58 FR 26420).
>
> Citation of Laws and Regulations; Date of Enactment and Adoption
>
> Remarks of the Attorney General

RCRA REVISION CHECKLIST 122

Recycled Used Oil Management Standards;
Technical Amendments and Corrections I
58 FR 26420-26426
May 3, 1993
as amended on June 17, 1993 at 58 FR 33341-33342
(RCRA Cluster III, both HSWA and non-HSWA provisions)

Notes: 1) This rule corrects several technical errors and provides clarifying amendments to the recycled used oil management standards rule, published September 10, 1992 (57 FR 41566; Revision Checklist 112). This rule also corrects an error in the May 20, 1992 Used Oil Filter rule (57 FR 21524; Revision Checklist 104).

2) On March 4, 1994 EPA published a final rule (59 FR 10550; Revision Checklist 130) which provided clarifying amendments to the September 10, 1992 final rule, expanded the exemption from the Part 279 requirements to other petroleum refinery applications and corrected an error in the May 3, 1993 final rule addressed by this current checklist. States which are not authorized for Revision Checklist 112 are strongly encouraged to adopt these present technical amendments and corrections and the ones addressed by Revision Checklist 130 at the same time the requirements addressed by Revision Checklist 112 are adopted. A checklist which consolidates the Checklist 112, 122 and 130 provisions has been developed to help States apply for these three checklists concurrently. That consolidated checklist will be available shortly after Revision Checklist 130 is available. States that have already adopted Checklist 112 are encouraged to adopt Revision Checklists 122 and 130 as soon as possible. States that choose to adopt the consolidated version of the recycled used oil management standards will have until the due date for Revision Checklist 130 to make these changes.

3) This present rule also amends the rule addressed by Revision Checklist 104, States that have already adopted that checklist are encouraged to adopt Checklist 122 as soon as possible.

4) The preamble to the September 10, 1992 rule (57 FR 41566; Revision Checklist 112) indicated none of the provisions of that rule were being promulgated pursuant to HSWA. Therefore, the Part 279 regulations would not be enforceable in an authorized State until the State had received authorization for Revision Checklist 112. However, EPA has now determined that by the addition of Section 3006(h) to RCRA in 1986, it was not Congress's intent to make the original used oil recycling requirements in 266, Subpart E suddenly unenforceable in authorized states. 266 Subpart E (November 29, 1985; 50 FR 49164; Revision Checklist 19) was primarily recodified in certain portions of Part 279 (specifically 279.10, 279.11, and portions of 279.1 and Subparts G and H) by the September 10, 1992 rule. Since these provisions were originally promulgated under HSWA, they remain HSWA requirements and will continue to be enforced by EPA until a State becomes authorized for them. The HSWA provisions changed by this checklist are designated by a "◆" (diamond symbol).

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards; Technical Amendments and 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
	PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
	SUBPART A - GENERAL						
	EXCLUSIONS						
1	261.4(b)(15) redesignated as (b)(13)	261.4(b)(13)					
1	add paragraph excluding from regulation used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products	261.4(b)(14)					
1	redesignate as 261.4(b)(13)	261.4(b)(15)					
	SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS						
	delete "subpart G of" before "part 279"	261.5(j)					

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards; Technical Amendments and 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
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A - GENERAL						
PURPOSE, SCOPE, AND APPLICABILITY						
2 change "261.6(a)(2) and (3)" to "261.6(a)(2), (3), and (4)"; change "that requirements of this part" to "they"; add "part 279 or" before "subparts"; change "subparts C, F, G or H" to "subparts C, D, F or G" (note, this last change appears to be an error; see Endnote 2 for this checklist)	264.1(g)(2)					

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards; Technical Amendments and 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
	PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
	SUBPART A - GENERAL						
	PURPOSE, SCOPE, AND APPLICABILITY						
2	change "owner and operator" to "owner or operator"; change "261.6(a)(2) and (3)" to "261.6(a)(2), (3), and (4)"; change "that requirements of this part" to "they"; add "part 279 or" before "subparts"; change "subparts C, F, G or H" to "subparts C, D, F or G" (note, this last change appears to be an error; see endnote 2 for this checklist)	265.1(c)(6)					
	PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL						
	SUBPART A - DEFINITIONS						
	DEFINITIONS						
◆	change "if contaminated" to "is contaminated"	279.1 "used oil"					

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards; Technical Amendments and 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 B - APPLICABILITY						
APPLICABILITY						
3,◆ change "exhibits a" to "solely exhibits one or more of the"; after "chapter", insert "and mixtures of used oil and hazardous waste that is listed in subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C"	279.10(b)(2)					
◆ change "Regulation" to "Except as specified in § 279.10(b)(2)(iii), regulation"	279.10(b)(2)(ii)					
◆ change "because if" to "because it"	279.10(b)(2)(iii)					
replace old paragraph with new heading: "Materials containing or otherwise contaminated with used oil"	279.10(c)					

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards; Technical Amendments and 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 subparagraph; except as provided in 279.10(c)(2), materials containing or otherwise contaminated with used oil from which used oil has been properly drained or removed such that no visible signs of free-flowing oil remain in or on material:	279.10(c)(1)					
are not used oil; not subject to Part 279	279.10(c)(1)(i)					
subject to Parts 124, 260-266, 268, and 270 if applicable	279.10(c)(1)(ii)					
add new subparagraph; materials containing or otherwise contaminated with used oil that are burned for energy recovery subject to Part 279	279.10(c)(2)					
add new subparagraph; used oil drained or removed from materials containing or otherwise contaminated with used oil subject to Part 279	279.10(c)(3)					

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards; Technical Amendments and 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
	change "or other products" to "or other fuel products"	279.10(d)(1)					
	change "identified as hazardous waste" to "listed or identified as hazardous wastes"	279.10(e)(3)(ii)					
	change "Re-refining" to "Used oil re-refining"; change "are:" to "are not subject to this part."	279.10(e)(4)					
	removed	279.10(e)(4)(i)&(ii)					
4	replace existing paragraph; change heading to "Used oil containing PCBs"; marketers and burners of used oil containing quantifiable level of PCBs subject to 40 CFR 761.20(e) in addition to Part 279	279.10(i)					
	USED OIL SPECIFICATIONS						
†,◆, 5	after Table 1, add note regarding applicable standards for burning used oil containing PCBs	279.11, Table 1, note					
	PROHIBITIONS						
	add new paragraph; hazardous waste incinerators subject to regulation under subpart O of 264 or 265	279.12(c)(3)					

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards; Technical Amendments and 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 C - STANDARDS FOR USED OIL GENERATORS						
	HAZARDOUS WASTE MIXING						
	replace existing paragraph; mixtures of used oil and hazardous waste must be managed in accordance with 279.10(b)	279.21(a)					
	USED OIL STORAGE						
	remove first sentence	279.22					
	ON-SITE BURNING IN SPACE HEATERS						
◆	remove old 279.23(b) and redesignate old 279.23(a) as 279.23	279.23					
◆	old 279.23(a)(1) redesignated as 279.23(a)	279.23(a)					
◆	old 279.23(a)(2) redesignated as 279.23(b)	279.23(b)					
◆	old 279.23(a)(3) redesignated as 279.23(c)	279.23(c)					
	SUBPART E - STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES						
	APPLICABILITY						
	in first sentence, change "generated by" to "from" and delete "from the initial generator"	279.40(a)(4)					
6	delete "of this partuel Marketers"	279.40(d)(4)					

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards; Technical Amendments and 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
NOTIFICATION						
7 no change to September 10, 1992 text; see Endnote 7	279.42(a)					
add "ordering information for" after "obtain"	279.42(b)(1)					
USED OIL TRANSPORTATION						
change heading to "DOT Requirements"; replace existing text; used oil transporters must comply with all applicable requirements under DOT regulations in 49 CFR 171-180; persons transporting used oil that meets definition of hazardous material in 49 CFR 171.8 must comply with all applicable regulations in 49 CFR parts 171-180	279.43(b)					
USED OIL STORAGE AT TRANSFER FACILITIES						
remove first sentence; in the third sentence, change "generators" to "transporters"	279.45					
change "." at end of paragraph to "; or"	279.45(d)(1)(ii)					
add new paragraph regarding equivalent secondary containment system	279.45(d)(1)(iii)					

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards; Technical Amendments and 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 F - STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS						
	NOTIFICATION						
7	no change to September 10, 1992 text; see Endnote 7	279.51(a)					
	GENERAL FACILITY STANDARDS						
	change "paragraph (h)" to "paragraphs (b)(6)(viii)(A) and (B)"	279.52(b)(6)(viii)(C)					
	USED OIL MANAGEMENT						
	remove first sentence; in the third sentence, change "generators" to "processors/re-refiners"	279.54					
	remove "or process"	279.54(a)					
	change "." to "; or" at end of paragraph	279.54(c)(1)(ii)					
	add new paragraph regarding equivalent secondary containment system	279.54(c)(1)(iii)					
	SUBPART G - STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY						
	APPLICABILITY						
	change "this subpart" to "with subpart"	279.60(b)(1)					
	NOTIFICATION						
♦,7	no change to September 10, 1992 text; see Endnote 7	279.62(a)					

RCRA REVISION CHECKLIST 122: Recycled Used Oil Management Standards; Technical Amendments and 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
USED OIL STORAGE						
remove first sentence; in third sentence, change "generators" to "burners"	279.64					
SUBPART H - STANDARDS FOR USED OIL MARKETERS						
APPLICABILITY						
◆ change "section" to "subpart"	279.70(a)					
ON-SPECIFICATION USED OIL FUEL						
◆ remove last sentence	279.72(a)					
NOTIFICATION						
◆,8 change "section" to "subpart"; rest of text unchanged; see Endnote 8)	279.73(a)					
TRACKING						
◆ change "generator" to "marketer"	279.74(a)					

1 These changes correct an error in the May 20, 1992 final rule (57 FR 21534, Revision Checklist 104) by redesignating the subparagraphs sequentially. The exclusion for non-terne plated used oil filters was added by the May 20, 1992 rule as subparagraph (b)(15) of § 261.4 even though EPA had not yet promulgated subparagraphs (b)(13) or (b)(14).

2 This May 3, 1993 final rule inadvertently removes a correction made by the August 25, 1992 Federal Register (57 FR 38558, Revision Checklist 111). The August 25, 1992 rule changed "subparts C, D, F, or G" to "subparts C, F, G, or H"; the May 3, 1993 rule lists the old version of these internal references. The correct reference is as shown in the August 25, 1992 rule. States may want to not make this change.

3 There are two typographical errors in this paragraph in the May 3, 1993 Federal Register. The heading "Characteristic hazardous waste" should be in italics, as it appeared in the September 10, 1992 final rule (57 FR 41566, Revision Checklist 112). "Hazardous waste characteristic"

should be "hazardous waste characteristics" to reflect the possibility of more than one characteristic.

4 There is an error in the Federal Register; according to EPA, "who market" should be "who market or burn".

5 States are not required to adopt notes, but a State may want to include an analog to this note, for clarity.

6 The May 3, 1993 Federal Register does not correctly indicate the text to be removed. The text in error in the September 10, 1992 Federal Register (57 FR 41566, Revision Checklist 112) is "of this partuel Marketers", not "of the partial Marketers" as the May 3, 1993 notice indicates. This phrase should be removed.

7 The May 3, 1993 (58 FR 26420) rule changed the text found in the September 10, 1992 rul (57 FR 41566; Revision Checklist 112), to include renotification. However, the June 17, 1993 (58 FR 33341) rule changed the text back to the original wording in the September 10 1992 rule.

8 The May 3, 1993 (58 FR 26420) Federal Register shows two different changes to this paragraph. Only the first change (revision 43) correcting the wording found in the Septembe 10, 1992 (57 FR 41566, Revision Checklist 112) version of the paragraph should be made. While the May 3, 1993 (58 FR 26420) rule changed the rest of the text so that renotificatior was required, the June 17, 1993 (58 FR 33341) rule changed the text back to that found in the September 10, 1992 rule.

Revision Checklist 123 Summary

Rule Title:	Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance
Checklist Title:	Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance
Reference:	58 FR 28506-28511
Promulgation Date:	May 14, 1993
Effective Date:	May 8, 1993
Cluster:	RCRA Cluster III
Provision Type:	HSWA
Linkage:	Revision Checklists 78, 83, 103, 116
Optional:	No

Summary: This is the fifth rule addressing hazardous debris and soil contaminants with Third Third wastes. Revision Checklist 78 (55 FR 22520; June 1, 1990) established a national capacity variance for certain hazardous waste soil and debris at 268.35(e). Revision Checklist 83 (56 FR 3864; January 31, 1991) amended 268.35(d) to also address mixed radioactive hazardous waste and amended 268.35(e) to address additional wastes. Revision Checklist 103 (57 FR 20766; May 15, 1992) established a case-by-case extension, until May 8, 1993, for contaminated debris only. Revision Checklist 116 (57 FR 47772; October 20, 1992), which added a case-by-case variance for certain hazardous soils, also clarified that the case-by-case extension for hazardous debris also included wastes mixed with radioactive hazardous waste. This current rule extends, until May 8, 1994, the case-by-case extension for hazardous debris granted by the May 15, 1992 final rule. However, only debris and mixed radioactive/hazardous debris contaminated with wastes listed in 268.12 and/or any characteristic waste for which treatment standards are established in Subpart D of Part 268 are included in this extension. No further variance or extension of the LDR effective dates for hazardous debris can be given after May 8, 1994. This final rule also amends the case-by-case extension for contaminated soils by clarifying that the extension granted on October 20, 1992 applied only to soils regulated under the Third Third Land Disposal Restriction Rule.

States that have already adopted any of the previous rules addressing hazardous debris and soil should adopt this rule as soon as possible. States that have not adopted Third Third regulations should adopt this rule when adopting the other Third Third rules.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). All changes go into effect immediately because this rule was promulgated under HSWA authorities. Both interim and final authorization are available. Interim authorization expires January 1, 2003. The State revision application must include applicable regulations, an AG statement addendum, Revision Checklist 123, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should replace the entry at Subsection XXI I in the Model Revision Attorney General's Statement.

Revision Checklist 123 Summary (cont'd)

I. State statutes and regulations provide an extension of the land disposal restriction effective date for hazardous waste debris until May 8, 1994, as indicated in Revision Checklists 103, 116, and 123.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c)-(e) as amended May 15, 1992 (57 FR 20766), October 20, 1992 (57 FR 47772), and May 14, 1993 (58 FR 28506).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

The following entry should replace the entry at Subsection XXI N of the Model Revision Attorney General's Statement:

N. State statutes and regulations provide a case-by-case extension of the land disposal effective date until May 8, 1994 for Third Third hazardous soils whose best demonstrated available technology (BDAT) was incineration, retorting or vitrification, as well as for Third Third soils contaminated with radioactive mixed waste as indicated in Revision Checklists 116 and 123.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c)-(e) as amended October 20, 1992 (57 FR 47772) and May 14, 1993 (57 FR 28506).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 123

Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance
58 FR 28506-28511
May 14, 1993
(RCRA Cluster III, HSWA provisions)

Notes: 1) This is the fifth rule addressing hazardous debris and soil contaminants with Third Third wastes. Revision Checklist 78 (55 FR 22520; June 1, 1990) established a national capacity variance for certain hazardous waste soil and debris at 268.35. Revision Checklist 83 (56 FR 3864; January 31, 1991) amended 268.35(d) to also address mixed radioactive hazardous waste and amended 268.35(e) to address additional wastes. Revision Checklist 103 (57 FR 20766; May 15, 1992) established a case-by-case extension, until May 8, 1993, for contaminated debris only. Revision Checklist 116 (57 FR 47772; October 20, 1992) clarified that the case-by-case extension applied to mixed radioactive hazardous waste. This current rule extends, until May 8, 1994, the case-by-case extension for hazardous debris promulgated by the October 20, 1992 final rule. It also clarifies the extension by addressing mixed radioactive hazardous waste debris separately from other debris. The case-by-case extension for hazardous soil retains the May 8, 1993 deadline as specified in the October 20, 1992 rule, but is also clarified. States that have already adopted any of the previous rules addressing hazardous debris and soil should adopt this rule as soon as possible. States that have not adopted Third Third regulations should adopt this rule when adopting the other Third Third rules.

2) Although reprinted in the final rule addressed by this checklist, the 268.35(e) introduction did not change and was not included on 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 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART C - PROHIBITIONS ON LAND DISPOSAL						
WASTE SPECIFIC PROHIBITIONS--THIRD THIRD WASTES						
change "1993" to "1994"; delete "268.10, 268.11, and"; in two places, delete parenthetical phrase regarding mixed radioactive hazardous wastes; add "are" after "treatment standards"	268.35(e)(1)					

RCRA REVISION CHECKLIST 123: Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
redesignate old 268.35(e)(2) text as 268.35(e)(4); add new paragraph; effective May 8, 1994, mixed radioactive hazardous debris contaminated with 268.12 wastes and mixed radioactive hazardous debris contaminated with any characteristic waste for which Subpart D treatment standards are established are prohibited from land disposal	268.35(e)(2)					

RCRA REVISION CHECKLIST 123: Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (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; 268.35(e)(1)&(2) do not apply where generator has failed to make good-faith effort to locate suitable treatment capacity, has not utilized such capacity as it has found to be available, or has failed to file a report under 268.5(g), by August 12, 1993 or within 90 days after hazardous waste is generated, describing generator's efforts to locate treatment capacity; where 268.35(e)(1)&(2) do not apply, all wastes described in 268.35(e)(1)&(2) are prohibited from land disposal effective May 8, 1993	268.35(e)(3)					
old 268.35(e)(2) text redesignated as 268.35(e)(4); after "hazardous soil" insert "contaminated with wastes specified in this section"	268.35(e)(4)					
add new paragraph; when used in 268.35(e)(1)&(2), debris defined as:	268.35(e)(5)					
as defined in 268.2(g)	268.35(e)(5)(i)					

RCRA REVISION CHECKLIST 123: Land Disposal Restrictions;
Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve that require cutting, or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the inorganic or metal materials specified in 268.35(e)(5)(ii)(A)-(H)	268.35(e)(5)(ii)					
	268.35(e)(5)(ii)(A)					
	268.35(e)(5)(ii)(B)					
	268.35(e)(5)(ii)(C)					
	268.35(e)(5)(ii)(D)					
	268.35(e)(5)(ii)(E)					
	268.35(e)(5)(ii)(F)					
	268.35(e)(5)(ii)(G)					
	268.35(e)(5)(ii)(H)					

Revision Checklist 124 Summary

Rule Title:	Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
Checklist Title:	Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
Reference:	58 FR 29860-29887
Promulgation Date:	May 24, 1993
Effective Date:	May 10, 1993
Cluster:	RCRA Cluster III
Provision Type:	HSWA
Linkage:	Checklists 78,83
Optional:	No

Summary: This rule amends the land disposal restriction treatment standards for certain ignitable (EPA Hazard code D001) and corrosive wastes (EPA hazard Code D002) that are not managed: 1) in centralized waste water treatment systems subject to the Clean Water Act (CWA), 2) in Class I injection wells regulated under the Safe Drinking Water Act, or 3) by a zero discharger with a waste water treatment equivalent to that used by CWA dischargers, prior to land disposal. While the requirement of deactivation to remove the hazardous characteristic is retained, this rule also sets numerical treatment standards. Alternate treatment standards are promulgated for incineration, fuel substituting, and recovery of organics for ignitable wastes. Precautionary measures are also established to prevent emissions of volatile organic constituents of violent reactions during the process of diluting ignitable reactive wastes. Finally, a 3-month national capacity variance for persons affected by this interim final rule is included in this notice. An extension (until February 10, 1994) is granted for persons disposing of affected waste in certain Class V UIC wells. These actions are being taken to comply with the September 25, 1992 decision of the U.S. Court of Appeals [Chemical Waste Management vs. EPA, 976 F.2d 2 (D.C. Cir. 1992)] which vacated these treatment standards. Without replacement of these standards, land disposal of these wastes would be prohibited.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995 if a State statutory change is necessary). All changes go into effect immediately because this rule was promulgated under HSWA authorities. Both interim and final authorization are available. Interim authorization expires January 1, 2003. The State revision application must include applicable regulations, an AG statement addendum, Revision Checklist 124, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should be inserted at Subsection XXI O of the Model Revision Attorney General's Statement.

O. State statutes and regulations include land disposal restrictions and treatment standards for certain ignitable and corrosive characteristic

Revision Checklist 124 Summary (cont'd)

wastes whose treatment standards were vacated, as indicated in Revision Checklist 124.

Federal Authority: RCRA §3004(d),(e)&(g); 40 CFR 268.37 as amended on May 24, 1993 (58 FR 29860).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

RCRA REVISION CHECKLIST 124

Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes
Whose Treatment Standards Were Vacated
58 FR 29860-29887
May 24, 1993
(RCRA Cluster III, HSWA provisions)

Note: This Revision Checklist amends the treatment standards under the land disposal restrictions program for certain wastes displaying the characteristics of ignitability (EPA Hazard Code D001) and corrosivity (EPA Hazard Code D002). The treatment standards for these wastes were vacated by the September 25, 1992, decision of the U.S. Court of Appeals [Chemical Waste Management vs. EPA, 976 F.2d 2 (D.C. Cir. 1992)]. Without this replacement of these standards, land disposal of these wastes would be prohibited.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A - GENERAL						
PURPOSE, SCOPE AND APPLICABILITY						
change "." to ","; add phrase regarding compliance with 264.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove the characteristic before land disposal	264.1(g)(6)					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A - GENERAL						
PURPOSE, SCOPE AND APPLICABILITY						
change "." to ","; add phrase regarding compliance with 265.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove characteristic before land disposal	265.1(c)(10)					
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART A - GENERAL						
1 **PURPOSE, SCOPE AND APPLICABILITY**						
add new paragraph; *de minimis* losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable or corrosive, and that contain underlying hazardous constituents as defined in 268.2, are not considered to be prohibited wastes; *de minimis* defined	268.1(e)(4)					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (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; land disposal prohibitions do not apply to laboratory wastes displaying the characteristic of ignitability or corrosivity that are commingled with other plant wastewaters under designated circumstances: such wastes at facilities whose ultimate discharge is subject to regulation under the CWA, provided the annualized flow of laboratory wastewater into facility's headwork does not exceed 1%, or provided that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headwork	268.1(e)(5)					
DEFINITIONS APPLICABLE IN THIS PART						
add new paragraph; definition of "underlying hazardous constituent"	268.2(i)					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (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 AND RECORDKEEPING						
	in two places, delete "of this part," after "268.32"; add "of this chapter" after "appendix II" and after "subpart C"; add sentence at end regarding what the generator must do if he determines that his waste displays characteristic of ignitability or corrosivity and is prohibited under 268.37	268.7(a)					
2	change "F039 and" to "F039,"; after "3004(d)" add ", and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under §268.37 of this part"	268.7(a)(1)(ii)					
2	change "F039 and" to "F039,"; after "3004(d)" add ", and for underlying hazardous constituents (as defined in § 268.2 of this part), in D001 and D002 wastes if those wastes are prohibited under §268.37 of this part"	268.7(b)(4)(ii)					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC						
add new sentence at end; if generator determines that his waste displays characteristic of ignitability (and is not in the High TOC Ignitable Liquid Subcategory or is not treated by INCIN, FSUBS or RORGS of § 268.42, Table 1) or corrosivity and is prohibited under 268.37, generator must determine what underlying hazardous characteristics are reasonably expected to be present in the waste	268.9(a)					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (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						
WASTE SPECIFIC PROHIBITIONS--IGNITABLE AND CORROSIVE CHARACTERISTIC WASTES WHOSE TREATMENT STANDARDS WERE VACATED						
effective August 9, 1993, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems other than those whose discharge is regulated under the CWA or that inject in Class I deep wells regulated under the SDWA or are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal; CWA-equivalent treatment defined	268.37(a)					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
effective February 10, 1994, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems defined in 40 CFR 144.6(e) and 146.6(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection are prohibited from land disposal	268.37(b)					
SUBPART D - TREATMENT STANDARDS						
APPLICABILITY OF TREATMENT STANDARDS						
add commas before and after "or hazardous debris for which a treatment technology is specified under § 268.45"; add sentence at end--for waste displaying characteristic of ignitability and reactivity that are diluted to meet deactivation treatment standard in 268.42(a) Tables 1 & 2, the treater must comply with precautionary measures specified in 264.17(b) and 265.17(b)	268.40(b)					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT						
revise Table CCWE entry for F039; add "(and D001 and D002 wastes prohibited under § 268.37)" after "F039" in first column; in third column, add "Table 2 in 268.42, and" before "Table CCW"	268.41(a), Table CCWE					
TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES						
Revise Table 2 as shown at 58 FR 29886	268.42(a), Table 2					
TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS						
revise Table CCW entry for F039; add "(and D001 and D002 wastes prohibited under § 268.37)" after "F039" in first column; in third column, add "Table 2 in 268.42, and" before "Table CCWE"	268.43(a), Table CCW					
PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM						
SUBPART D - CHANGES TO PERMIT						
PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE						
remove second item designated as B(1)(b); redesignate item B(1)(c) as B(1)(d); add new B(1)(c) as shown at 58 FR 29887	270.42 Appendix I					

RCRA REVISION CHECKLIST 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (cont'd)

1 There is a typographical error in title of this section as printed in the Federal Register; "scope/and" should be "scope and". States should retain the correct title as it appears in the CFR.

2 There is a typographical error in the Federal Register; "reactive cyanides" should appear in italic type as it does in the CFR.

ATTACHMENT B

Updates to the State Authorization Manual (SAM)

Model Revision Attorney General's Statement

The following pages (numbered 9 through 63)
should replace pages 9 through 58 of
SAM Appendix E

MODEL REVISION ATTORNEY GENERAL'S STATEMENT FOR FINAL AUTHORIZATION FOR CHANGES TO THE FEDERAL RCRA PROGRAM FROM JANUARY 1983 THROUGH JUNE 1993

I hereby certify, pursuant to my authority as _____ and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (42 USC 6901 et seq.), and 40 CFR 271 that in my opinion the laws of the State [Commonwealth] of _____ provide adequate authority to carry out the revised program set forth in the revised "Program Description" submitted by the [State Agency]. The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this Statement is signed and which are in effect now [shall be fully effective by _____], as specified below. These authorities and this certification supplement [or supercede (and indicate how supercede)] the previously certified authorities described in my [or my predecessors] certification(s) of _____ (date or dates).

Please add an explanation of how the Revision Attorney General's Statement you are submitting relates to any prior Attorney General's Statements you have submitted.

I. IDENTIFICATION AND LISTING

A. State statutes and regulations contain lists of hazardous waste which encompass all wastes controlled under the following Federal regulations as indicated in the designated Revision Checklists:

(1) Chlorinated aliphatic hydrocarbons, 40 CFR 261.31 and Part 261 Appendices VII and VIII as amended February 10, 1984 [49 FR 5308], Revision Checklist 4.

[1] (2) [OPTIONAL: This is a reduced requirement.] Warfarin and zinc phosphide listing, 40 CFR 261.33(e) and (f) as amended May 10, 1984 [49 FR 19923], Revision Checklist 7.

(3) TDI, DNT and TDA wastes, 40 CFR 261.32, 261.33(f), and Part 261 Appendices III, VII and VIII as amended October 23, 1985 [50 FR 42936], Revision Checklist 18.

(4) Spent solvents, 40 CFR 261.31, as amended December 31, 1985 [50 FR 53319] and January 21, 1986 [51 FR 2702], Revision Checklist 20.

(5) EDB wastes, 40 CFR 261.32 and Part 261 Appendices II, III and VIII, as amended February 13, 1986 [51 FR 5330], Revision Checklist 21.

(6) Four spent solvents, 40 CFR 261.31, 261.33(f), and Part 261 Appendices III, VII and VIII as amended February 25, 1986 [51 FR 6541], Revision Checklist 22.

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[1]The phrase "OPTIONAL: This is a reduced requirement" is used to indicate provisions that either are less stringent or reduce the scope of the program. Any State which adopts an "optional" requirement must ensure that it is at least as stringent as the Federal requirement.

(7) [OPTIONAL: This is a reduced requirement.] Listing of spent pickle liquor from steel finishing operations, 40 CFR 261.32, as amended May 28, 1986 [51 FR 19320] and September 22, 1986 [51 FR 33612], Revision Checklist 26.

(8) Listing of commercial chemical products and Appendix VIII constituents, 40 CFR 261.33 and Part 261 Appendix VIII, as amended August 6, 1986 [51 FR 28296], Revision Checklist 29; as amended July 10, 1987 [52 FR 26012], Revision Checklist 41; and as amended April 22, 1988 [53 FR 13382], Revision Checklist 46.

(9) EBDC wastes, 40 CFR 261.32 and Part 261 Appendices III and VII, as amended on October 24, 1986 [51 FR 37725], Revision Checklist 33.

(10) Listing of spent potliners from aluminum reduction (K088), 40 CFR 261.32 and Part 261 Appendix VII, as amended September 13, 1988 [53 FR 35412], Revision Checklist 53.

(11) [OPTIONAL: This is a reduced requirement.] Generic delisting of iron dextran (CAS No. 9004-66-4), 40 CFR 261.33(f) and Part 261 Appendix VIII, as amended October 31, 1988 [53 FR 43878], Revision Checklist 56.

(12) [OPTIONAL: This is a reduced requirement.] Generic delisting of strontium sulfide (CAS No. 1314-96-1), 40 CFR 261.33(e) and Part 261 Appendix VIII, as amended October 31, 1988 [53 FR 43881] and February 25, 1991 [56 FR 7567], Revision Checklists 57 and 86.

(13) Listing of two wastes (K131 and K132) generated during the production of methyl bromide, 40 CFR 261.32 and 261 Appendices III and VII, as amended October 6, 1989 [54 FR 41402], Revision Checklist 68.

(14) Listing of one generic category (F025) of waste generated during the manufacture of chlorinated aliphatic hydrocarbons by free radical catalyzed processes and amending F024, 40 CFR 261.31 and 261 Appendix VII; adding one toxicant to 261 Appendix VIII; as amended December 11, 1989 [54 FR 50968], Revision Checklist 69.

(15) [OPTIONAL: This is a reduced requirement.] Amendments to the F019 hazardous waste listing to exclude wastewater treatment sludges from zirconium phosphating in aluminum can washing, when such phosphating is an exclusive conversion coating process, 40 CFR 261.31, as amended February 14, 1990 [55 FR 5340], Revision Checklist 72.

(16) Listing of four wastes (K107-K110) generated during the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides, 40 CFR 261.31 and Part 261 Appendices III and VII, as amended May 2, 1990 [55 FR 18496], Revision Checklist 75.

(17) Listing of one waste (F039), 40 CFR 261.31 and Part 261 Appendix VII, as amended June 1, 1990 [55 FR 22520] and January 31, 1991 [56 FR 3864], Revision Checklists 78 and 83.

(18) Listing of two wastes (F037 and F038) generated in the separation of oil/water/solids from petroleum refinery process wastewaters and oily cooling wastewaters, 40 CFR 261.31 and Part 261 Appendix VII, as amended November 2, 1990 [55 FR 46354] and December 17, 1990 [55 FR 51707], Revision Checklist 81.

(19) Listing of three wastes (F032, F034 and F035) from wood preserving operations that use chlorophenolic, creosote and/or inorganic (arsenical and chromium) preservatives, 40 CFR 261.31, and 261 Appendices III, VII and VIII, as amended December 6, 1990 [55 FR 50450], Revision Checklist 82.

(20) [OPTIONAL: This is a reduced requirement.] Administrative stay removing, from the K069 listing, slurries generated from air pollution control devices that are intended to capture acid gases and are not dedicated chiefly to control particulate air emissions, 40 CFR 261.32, as amended May 1, 1991 [56 FR 19951], Revision Checklist 88.

(21) [OPTIONAL: This is a reduced requirement.] Redefinition of F037 and F038 listings to exclude 1) sludges from non-contact once-through cooling waters from both listings and 2) floats generated in aggressive biological treatment units from the F038 listing, 40 CFR 261.31 as amended May 13, 1991 [56 FR 21955], Revision Checklist 89.

(22) [OPTIONAL: This is a reduced requirement.] Administrative stay, from June 13, 1991 to December 24, 1992, of F032, F034 and F035 listings regarding 1) wastewaters that have not come into contact with process contaminants and 2) plants that have previously used chlorophenolic formulations, 40 CFR 261.31 as amended June 13, 1991 [56 FR 27332] and December 24, 1992 [57 FR 61492], Revision Checklists 91 and 120.

(23) Listing of seven wastes (K141, K142, K143, K144, K145, K147, and K148) generated during the production, recovery and refining of coke by-products produced from coal, 40 CFR 261.32, and Part 261 Appendix VII as amended August 18, 1992 [57 FR 37284], Revision Checklist 110.

(24) Listing of three wastes (K149, K150, and K151) from the production of chlorinated toluenes, 40 CFR 261.32 and Part 261 Appendix VII, as amended October 15, 1992 [57 FR 47376], Revision Checklist 115.

(25) [OPTIONAL: This is a reduced requirement.] Exceptions to listings of F032, F034, and F035 for wastewaters that have not come into contact with process contaminants, 40 CFR 261.31 as amended December 24, 1992 [57 FR 61492], Revision Checklist 120.

(26) [OPTIONAL: This is a reduced requirement.] Exception to listing of F032 for potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not reserve or initiate the use of chlorophenolic formulations, 40 CFR 261.31 as amended December 24, 1992 [57 FR 61492], Revision Checklist 120.

Federal Authority: RCRA §3001(b).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State statutes and regulations define hazardous waste so as to control the generation, transportation, treatment, storage and disposal of hazardous waste produced by small quantity generators of between 100 and 1000 kilograms/month as indicated in Revision Checklist 23 (which supercedes prior amendments by Revision Checklist 17 A) and Revision Checklist 47 (providing technical corrections to Checklist 23). State statutes and regulations also require small quantity generators to certify good faith efforts to minimize waste generation and to select the best available and affordable treatment, storage or disposal alternatives, 40 CFR Part 262 as amended October 1, 1986 [51 FR 35190], Revision Checklist 32 (see Item IX below).

Federal Authority: RCRA §3001(d); 40 CFR Parts 260-263 and 270 as amended March 24, 1986 (51 FR 10146), October 1, 1986 (51 FR 35190), and July 19, 1988 (53 FR 27162).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. [This requirement applies only if States have a delisting mechanism. This requirement is NOT OPTIONAL for such States.] State statutes and regulations provide authority to delist hazardous waste as indicated in Revision Checklist 17 B.

(1) State statutes and regulations require that before deciding to delist a waste, the State must consider whether any listing factor (including additional constituents) other than those for which the waste was listed would cause the waste to be hazardous.

Federal Authority: RCRA §3001(f)(1); 40 CFR 260.22 as amended July 15, 1985 (50 FR 28702) and June 27, 1989 (54 FR 27114).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(2) State statutes and regulations require that there be no new temporary delistings without prior notice and comment. All temporary delistings received before November 18, 1984 without the opportunity for public comment and full consideration of such comment, shall lapse if not made final by November 8, 1986.

Federal Authority: RCRA §3001(f)(2); 40 CFR 260.20(d) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

D. [OPTIONAL: This is a reduced requirement.] State statutes and regulations define hazardous waste so as to exclude waste pickle liquor sludge generated by lime stabilization, but only to the extent that such waste is excluded by 40 CFR 261.3(c)(2), as indicated in Revision Checklist 8.

Federal Authority: RCRA §3001; 40 CFR 261.3(c) as amended June 5, 1984 (49 FR 23284).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

E. [OPTIONAL: This is a reduced requirement.] State statutes and regulations define hazardous waste so as to not exclude household waste other than those household wastes excluded in 40 CFR 261.4(b)(1), as indicated in Revision Checklists 9 and 17 C.

Federal Authority: RCRA §3001; 40 CFR 261.4(b)(1) as amended November 13, 1984 (49 FR 44980) and July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

F. State statutes and regulations incorporate the most recent edition and updates to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846) as indicated in Revision Checklists 11 and 35.

Federal Authority: RCRA §§2002, 3001; 40 CFR 260.11, 260.21 and 270.6(a) as amended December 4, 1984 (49 FR 47390) and March 16, 1987 (52 FR 8072).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

G. State statutes and regulations define solid wastes to include the hazardous components of radioactive mixed wastes, July 3, 1986 [51 FR 24504]. See State Program Advisory (SPA) #2.

Federal Authority: RCRA §§1004(27) and 3001(b).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

H. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exempt (with certain limitations) waste samples used in small scale treatability studies from Subtitle C regulation as indicated in Revision Checklist 49.

Federal Authority: RCRA §3001; 40 CFR 260.10 and 261.4(e)&(f) as amended July 19, 1988 (53 FR 27290).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

I. State statutes and regulations exclude from the mining waste exemption the six wastes listed at 40 CFR 261.4(b)(7)(i) through 261.4(b)(7)(vi), as indicated in Revision Checklist 53.

Federal Authority: RCRA §3001(b); 40 CFR 261.4(b)(7) as amended September 13, 1988 (53 FR 35412).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

J. State statutes and regulations that:

(1) provide final criteria to define Bevill-excluded mineral processing wastes, finalize the Bevill status of nine mineral processing waste streams, and list those mineral processing wastes subject to conditional retention as indicated in Revision Checklist 65.

Federal Authority: RCRA §3001(b); 40 CFR 261.3 and 261.4 as amended September 1, 1989 (54 FR 36592).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(2) remove five conditionally retained mineral processing wastes from the exemption from hazardous waste regulation under the Bevill exclusion, and amend the definitions of "beneficiation" and "designated facility" as indicated in Revision Checklists 71 and 90.

Federal Authority: RCRA §3001(b)(3)(A)(ii); 40 CFR 260.10 and 261.4(b)(7) as amended January 23, 1990 (55 FR 2322) and June 13, 1991 (56 FR 27300).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

K. State statutes and regulations incorporate 47 new testing methods as approved methods for use in meeting the regulatory requirements under Subtitle C of RCRA as indicated in Revision Checklists 67 and 73.

Federal Authority: RCRA §§3001, 3004, 3005, and 3006; 40 CFR 260.11 and Part 261 Appendix III as amended September 29, 1989 (54 FR 40260) and March 9, 1990 (55 FR 8948).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

L. State statutes and regulations revise the existing toxicity characteristic by replacing the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP) for identifying wastes that are defined as hazardous and subject to regulation under Subtitle C of RCRA as indicated in Revision Checklists 74, 108 and 117B. State statutes and regulations also provide for the addition of 25 organic chemicals and their regulatory levels to the list of toxic constituents of concern as indicated in Revision Checklist 74.

Federal Authority: RCRA §§1006, 2002(a), 3001, 3002, 3004, 3005 and 3006; 40 CFR Parts 261, 264, 265 and 268 as amended March 29, 1990 (55 FR 11798), June 29, 1990 (55 FR 26986), June 1, 1992 (57 FR 23062), and July 10, 1992 (57 FR 30657).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

M. State statutes and regulations contain the language to result in consistent interpretation of the criteria for listing wastes as hazardous under RCRA as indicated in Revision Checklist 76.

Federal Authority: RCRA §3001(a); 40 CFR 261.11(a)(3) as amended May 4, 1990 (55 FR 18726).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

N. State statutes and regulations add eight new testing methods to the section of regulations that incorporates these methods by reference as indicated in Revision Checklist 79.

Federal Authority: RCRA §§3001, 3004, 3005 and 3006; 40 CFR 260.11(a) as amended June 21, 1990 (55 FR 25454).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

O. [OPTIONAL: This is a reduced requirement.] State statutes and regulations extend until January 25, 1993, the compliance date for the Toxicity Characteristic requirements for produced ground water from free phase hydrocarbon recovery operations at certain petroleum industry sites (refineries, marketing terminals, and bulk plants) as indicated in Revision Checklist 80. The extension for infiltration galleries at such operations ends on October 2, 1991.

Federal Authority: 5 U.S.C. §§553 and 705; RCRA §3001; 40 CFR 261.4(b)(11) as amended October 5, 1990 (55 FR 40834), February 1, 1991 (56 FR 3978) and April 2, 1991 (56 FR 13406).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

P. State statutes and regulations include definitions of oil/water/solids and aggressive biological treatment units and a statement concerning the point of generation for F037 and F038 sludges as indicated on Revision Checklist 81.

Federal Authority: RCRA §3001; 40 CFR 261.31(b) as amended November 2, 1990 (55 FR 46354) and December 17, 1990 (55 FR 51707).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Q. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exclude from being a solid waste spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §3001; 40 CFR 261.4(a)(9) as amended December 6, 1990 (55 FR 50450) and July 1, 1991 (56 FR 30192).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

R. State statutes and regulations allow deletion of certain hazardous waste codes following equipment cleaning and replacement, provided that the requirements of 261.35 are met, as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §3001; 40 CFR 261.35 as amended December 6, 1990 (55 FR 50450) and July 1, 1991 (56 FR 30192).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

S. [OPTIONAL: This is a reduced requirement.] State statutes and regulations which exclude from being hazardous used chlorofluorocarbon (CFC) refrigerants from totally enclosed transfer equipment (including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems) that use chlorofluorocarbons as the heat transfer fluid in the refrigeration cycle, provided the refrigerant is reclaimed for further use as indicated in Revision Checklist 84.

Federal Authority: RCRA §3001; 40 CFR 261.4(b)(12) as amended February 13, 1991 (56 FR 5910).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

T. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exclude from being a solid waste coke and coal tar from the iron and steel industry that contains or is produced from decanter tank tar sludge, EPA hazardous waste K087, when used as a fuel as indicated in Revision Checklist 85. The process producing the coke and coal tar from such decanter tank tar sludge in a coke oven is also excluded from regulation.

Federal Authority: RCRA §3001; 40 CFR 261.4(a)(10) as amended February 21, 1991 (56 FR 7134).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

U. State statutes and regulation do not exclude residues, derived from the burning or processing of hazardous waste in a boiler or industrial furnace, from the definition of a hazardous waste under 40 CFR 261.4(b)(4),(7)or(8) unless the device and the owner or operator meet the requirements of 40 CFR 266.112 as indicated in Revision Checklist 85.

Federal Authority: RCRA §3001; 40 CFR 261.4(b)(4), 261.4(b)(7), 261.4(b)(8) and 266.112 as amended February 21, 1991 (56 FR 7134).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

V. [OPTIONAL: This is a reduced requirement.] State statutes and regulations which exclude from being a hazardous waste certain nonwastewater residues resulting from high temperature metals recovery of K061 provided the conditions in 261.3(c)(2)(ii)(C) are met as indicated in Revision Checklist 95.

Federal Authority: RCRA §§3001, 3004(d)-(k) and (m); 40 CFR 261.3(c)(2)(ii)(C) as amended August 19, 1991 (56 FR 41164).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

W. [OPTIONAL: This is a reduced requirement.] State statutes and regulations which exclude from being a solid waste, nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units provided the requirements of 261.4(a)(11) are met as indicated in Revision Checklist 95.

Federal Authority: RCRA §§3001, 3004(d)-(k) and (m); 40 CFR 261.4(a)(11) as amended August 19, 1991 (56 FR 41164).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

X. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exempt, from the definition of hazardous, used oil filters meeting the 40 CFR 261.4(b)(15) criteria as indicated in Revision Checklists 104 and 107.

Federal Authority: RCRA §§1004, 1006, 2002, 3001 and 3014; 40 CFR 261.4(b)(15) as amended May 20, 1992 (57 FR 21524) and July 1, 1992 (57 FR 29220).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Y. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exclude from being a solid waste K060, K087, K141, K142, K143, K144, K145, K147 and K148, and those coke by-product residues that are hazardous only because they exhibit the Toxicity Characteristic when, subsequent to generation, these wastes are recycled by being

returned to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar as specified in Revision Checklists 105 and 110.

Federal Authority: RCRA §§3001(e)(2) and (h); 40 CFR 261.4(a)(10) as amended June 22, 1992 (57 FR 27880) and August 18, 1992 (57 FR 37284).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Z. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain reissued mixture and derived-from rules as indicated in Revision Checklist 117 A.

Federal Authority: RCRA §§1006, 2002(a), and 3001-3005; 40 CFR 261.3, as amended March 3, 1992 (57 FR 7628), June 1, 1992 (57 FR 23062) and October 30, 1992 (57 FR 49278).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

AA. [OPTIONAL: This is a reduced requirement.] State statutes and regulations do not require the use of the spike recovery correction as part of the Toxicity Characteristic Leaching Procedure as indicated in Revision Checklist 119.

Federal Authority: RCRA §§1006, 2002, 3001, 3002 and 3006; 40 CFR 261, Appendix II, as amended November 24, 1992 (57 FR 55114) and February 2, 1993 (58 FR 6854).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

II. DEFINITION OF SOLID WASTE

A. State statutes and regulations define hazardous waste and impose management standards so as to control all the hazardous waste controlled under 40 CFR Parts 261, 264, 265 and 266 as indicated in Revision Checklists 13 and 37.

Federal Authority: RCRA §§3001 and 3004; 40 CFR Parts 260, 261, 264, 265, and 266 as amended January 4, 1985 (50 FR 614), April 11, 1985 (50 FR 14216), August 20, 1985 (50 FR 33541) and June 5, 1987 (52 FR 21306).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State statutes and regulations include as solid waste secondary materials, fed to a halogen acid furnace, that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste in 40 CFR 261, Subparts C and D as indicated in Revision Checklists 85, 96, and 111.

Federal Authority: RCRA §3001; 40 CFR Part 261.2(d)(2) and (e)(2)(iv) as amended February 21, 1991 (56 FR 7134), August 27, 1991 (56 FR 42504) and August 25, 1992 (57 FR 38558).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

III. MANAGEMENT OF DIOXIN WASTES

A. State statutes and regulations contain the following requirements regarding dioxin wastes as indicated in Revision Checklist 14:

(1) Dioxin wastes are listed and otherwise identified as hazardous wastes so as to encompass all such wastes controlled under 40 CFR 261.5(e), 261.7(b), 261.30(d), 261.31, 261.33(f), and Part 261 Appendix X.

(2) Special management and permitting standards for facilities managing dioxin wastes and prohibitions applicable to permitted and interim status facilities, as provided in 40 CFR Parts 264, 265, and 270.

Federal Authority: RCRA §§3001 and 3004; 40 CFR Parts 261, 264, 265 and 270 as amended January 14, 1985 (50 FR 1978).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

IV. SATELLITE ACCUMULATION

A. [OPTIONAL: This is a reduced requirement.] State statutes and regulations allow generators to accumulate at the site of generation, without a permit or interim status, as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste provided that the generator complies with the requirements specified in §262.34(c) as indicated in Revision Checklist 12.

Federal Authority: RCRA §§2002, 3002, 3004 and 3005; 40 CFR 262.34(c) as amended December 20, 1984 (49 FR 49571).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

V. APPLICABILITY OF INTERIM STATUS STANDARDS

A. State statutes and regulations contain the following requirements regarding interim status standards as indicated in Revision Checklists 3 and 10:

(1) Interim status standards apply to facilities identified in 40 CFR 265.1(b).

Federal Authority: RCRA §3004; 40 CFR Part 265 as amended November 22, 1983 (48 FR 52718) and November 21, 1984 (49 FR 46095).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

VI. PAINT FILTER TEST

A. State statutes and regulations require the use of a paint filter test to determine the absence or presence of free liquids in either a containerized or bulk waste as indicated in Revision Checklists 16, 17 F and 25.

Federal Authority: RCRA §§3004 and 3005; 40 CFR Parts 260, 264, 265, and 270 as amended April 30, 1985 (50 FR 18370), July 15, 1985 (50 FR 28702) and May 28, 1986 (51 FR 19176).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

VII. NATIONAL UNIFORM MANIFEST SYSTEM AND RECORDKEEPING

A. State statutes and regulations require generators to use the national uniform manifest as indicated in Revision Checklists 5 and 32.

Federal Authority: RCRA §§2002, 3002 and 3003; 40 CFR Parts 260 and 262 as amended March 20, 1984 (49 FR 10490) and October 1, 1986 (51 FR 35190).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State statutes and regulations require that generators, of between 100 and 1000 kg/mo of hazardous waste, file an exception report in those instances where the generator does not receive confirmation of delivery of his hazardous waste to the designated facility as indicated in Revision Checklist 42.

Federal Authority: RCRA §§3001(d) and 3002(a)(5); 40 CFR Parts 262.42 and 262.44 as amended September 23, 1987 (52 FR 35894).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. State statutes and regulations require that the following be recorded, as it becomes available, and maintained in the operating record, until facility closure, as indicated in Revision Checklist 45: monitoring, testing or analytical data, corrective action where required by Subpart F and §§264.226, 264.253, 264.254, 264.276, 264.278, 264.280, 264.303, 264.309, 264.347, and 264.602.

Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.73(b) as amended December 10, 1987 (52 FR 46946).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

D. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include a burden disclosure statement with each uniform manifest form and renew the use of this form as indicated in Revision Checklist 58.

Federal Authority: RCRA §§2002, 3002, and 3003; 40 CFR 262.20 and Part 262 Appendix as amended November 8, 1988 (53 FR 45089).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

E. State statutes and regulations require that generators who ship hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as a hazardous waste assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility, as indicated in Revision Checklist 71.

Federal Authority: RCRA §§2002, 3002 and 3003; 40 CFR 262.23(e) as amended on January 23, 1990 (55 FR 2322).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

VIII. BIENNIAL REPORT

A. State statutes and regulations contain the following reporting requirements as indicated in Revision Checklists 1 and 30.

(1) The biennial report contains the information indicated in 40 CFR 262.41(a), 264.75 and 265.75.

(2) Facilities must submit groundwater monitoring data annually to the State Director as indicated in 40 CFR 265.94.

Federal Authority: RCRA §§3002 and 3004; 40 CFR Parts 262, 264 and 265 as amended January 28, 1983 (48 FR 3977) and August 8, 1986 (51 FR 28566).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

IX. WASTE MINIMIZATION

A. State statutes and regulations contain the following requirements regarding waste minimization as indicated in Revision Checklists 17 D, 30 and 32 (see Item I B above).

(1) Generators must submit report and manifest certifications regarding efforts taken to minimize the amounts and toxicity of wastes.

Federal Authority: RCRA §3002(a)(6), (b); 40 CFR 262.41, 264.75 and 265.75 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28556) and October 1, 1986 (51 FR 35190).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(2) RCRA permits for the treatment, storage, or disposal of hazardous waste on the premises where the waste was generated must contain a certification by the permittee regarding efforts taken to minimize the amount and toxicity of the generated wastes.

Federal Authority: RCRA §3005(h); 40 CFR 264.70, 264.73 and 270.30(j)(2) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

X. LIQUIDS IN LANDFILLS

A. State statutes and regulations contain the following requirements regarding liquids in landfills as indicated in Revision Checklists 17 F and 25.

(1) Effective May 8, 1985, there is a ban on the placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids in any landfill pursuant to 40 CFR 264.314 and 265.314 as amended July 15, 1985 and May 28, 1986.

(2) Effective November 8, 1985, there is a ban on the placement of non-hazardous liquids in landfills unless the owner or operator satisfies the criteria set forth in 40 CFR 264.314(e) and 265.314(f) as amended July 15, 1985 and May 28, 1986.

(3) For bulk or non-containerized liquid wastes or wastes containing free liquids they may be placed in a landfill prior to May 8, 1985, only if the requirements of 40 CFR 264.314(a) and 265.314(a) are met.

Federal Authority: RCRA §3004(c); 40 CFR 264.314, 265.314 and 270.21(h) as amended July 15, 1985 (50 FR 28702) and May 28, 1986 (51 FR 19176).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State statutes and regulations prohibit the disposal, in hazardous waste landfills, of liquids that have been sorbed in materials that are biodegradable or that release liquids during routine landfill operations, as indicated in Revision Checklist 118.

Federal Authority: RCRA §3004(c); 40 CFR 260.10, 264.13, 264.314, 264.316, 265.13, 265.314, and 265.316 as amended November 18, 1992 (57 FR 54452).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XI. GROUND-WATER MONITORING

A. State statutes and regulations provide that the §3004 groundwater monitoring requirements applicable to surface impoundments, waste piles, land treatment units and landfills shall apply whether or not such units are located above the seasonal high water table, have two liners and a leachate collection system or have liners that are periodically inspected, as indicated in Revision Checklist 17 I.

Federal Authority: RCRA §3004(p); 40 CFR 264.222, 264.252, 264.253, and 264.302 as amended July 15, 1985 (50 FR 28702).[2]

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. [OPTIONAL: This is a reduced requirement.] State statutes and regulations may allow variances from the ground-water monitoring requirements as provided in §3004(p). However, those variances must be restricted as provided in RCRA §3004(p) as indicated in Revision Checklist 17 I.

Federal Authority: RCRA §3004(p); 40 CFR 264.90(b) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. State statutes and regulations provide that with regard to ground-water monitoring, all land based hazardous waste treatment, storage, and disposal facilities analyze for a specified core list (Part 264, Appendix IX) of chemicals plus those chemicals specified by the Regional Administrator on a site-specific basis as indicated in Revision Checklist 40.

Federal Authority: RCRA §§1006, 2002(a), 3001, 3004, and 3005; 40 CFR 264.98, 264.99, Part 264 Appendix IX, and 270.14 as amended July 9, 1987 (52 FR 25942).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

D. State statutes and regulations specify statistical methods, sampling procedures, and performance standards that can be used in groundwater monitoring procedures to detect groundwater contamination at permitted hazardous waste facilities as indicated in Revision Checklist 55.

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[2]Note that Revision Checklist 17 I reserved the cited sections of 40 CFR Part 264. Prior to Revision Checklist 17 I, these sections of code addressed exemptions from the Subpart F groundwater monitoring requirements.

Federal Authority: RCRA §§1006, 2002(a), 3004 and 3005; 40 CFR 264.91; 264.92, 264.97, 264.98 and 264.99 as amended October 11, 1988 (53 FR 39720).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

E. [OPTIONAL: This is a reduced requirement.] State statutes and regulations allow owners and operators to demonstrate that an alternate hydraulically downgradient monitoring well location will meet 40 CFR 265.91(a)(3)(i)-(iii) criteria as specified in Revision Checklist 99.

Federal Authority: RCRA §§1006, 2002(a), 3001, 3004, 3005 and 3015; 40 CFR 264.10, and 264.91(a)(3) as amended December 23, 1991 (56 FR 66365).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XII. BURNING AND BLENDING OF HAZARDOUS WASTES

A. State statutes and regulations provide the following requirements:

(1) The burning of fuel containing hazardous waste in a cement kiln is prohibited as specified in 40 CFR 266.31 and Revision Checklist 17 J.

Federal Authority: RCRA §3004(q); 40 CFR 266.31 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(2) Fuels containing hazardous waste and all persons who produce, distribute and market fuel containing hazardous wastes must be regulated as indicated in Revision Checklists 17 J, 17 K, and 19.

Federal Authority: RCRA §§3004(q)-(s); 40 CFR 261.31 and 266.34 as amended July 15, 1985 (50 FR 28702), November 29, 1985 (50 FR 49164), and November 19, 1986 (51 FR 41900).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. [OPTIONAL: This is a reduced requirement.] State statutes and regulations provide exceptions to the burning and blending of hazardous waste as specified in §§3004(q)(2)(A) and 3004(r)(2) & (3).

Federal Authority: RCRA §§3004(q)2(A) and 3004(r)(2) & (3).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XIII. CORRECTIVE ACTION

A. State statutes and regulations contain the following corrective action requirements as indicated in Revision Checklist 17 L:

(1) Corrective action is required for releases of hazardous waste or constituents from any solid waste management unit at a facility seeking a permit, regardless of when the waste was placed in the unit, in all permits issued after November 8, 1984.

Federal Authority: RCRA §3004(u); 40 CFR 264.90, 264.101 and 270.60 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(2) Corrective action is required beyond a facility's boundary, in accordance with RCRA §3004(v). (States now may impose these requirements through a permit or a corrective action order. Once EPA promulgates the regulations required by RCRA §3004(v), States will need authority to impose corrective action in a permit following the RCRA §3004(v) regulations.)

Federal Authority: RCRA §3004(v)(1).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(3) Corrective action is required beyond a facility's boundary in accordance with RCRA §3004(v) for all landfills, surface impoundments and waste pile units (including any new units, replacements of existing units or lateral expansions of existing units) which receive hazardous waste after July 26, 1982.

Federal Authority: RCRA §3004(v)(2).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(4) There is evidence of financial responsibility for corrective action on- and off-site.

Federal Authority: RCRA §§3004(a)(6); (u); 40 CFR 264.90 and 264.101 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State statutes and regulations provide for additional information and engineering feasibility plan requirements regarding groundwater contamination detected at the time of Part B permit application as indicated in Revision Checklist 38.

Federal Authority: RCRA §§3004 and 3005; 40 CFR 270.14 as amended June 22, 1987 (52 FR 23447) and September 9, 1987 (52 FR 33936).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. State statutes and regulations require owners and operators of facilities seeking permits to provide descriptive information on the solid waste management units themselves and all available information pertaining to any releases from the units as indicated in Revision Checklist 44 A.

Federal Authority: RCRA §3004(u); 40 CFR 270.14 as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

D. State statutes and regulations require that owners and operators of hazardous waste treatment, storage and disposal facilities (including permit-by-rule facilities subject to 264.101) institute corrective action beyond the facility boundary to protect human health and the environment, unless the owner/operator is denied access to adjacent lands despite the owner/operator's best efforts, as indicated in Revision Checklist 44 B.

Federal Authority: RCRA §3004(v); 40 CFR 264.100(e) and 264.101(c) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

E. State statutes and regulations contain the following corrective action requirements for injection wells as indicated in Revision Checklist 44 C.

(1) Hazardous waste injection wells now operating under RCRA interim status may retain interim status after issuance of a UIC permit. Until a RCRA permit or a RCRA "rider" to a UIC permit, which addresses Section 3004(u) corrective action, is issued, the well must comply with applicable interim status requirements imposed by §265.430, Parts 144.146 and 147, and any UIC permit requirements.

Federal Authority: RCRA §3004(u); 40 CFR 144.1(h) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(2) As part of the UIC permit process, available information regarding operating history and condition of the injection well must be submitted as well as any available information on known releases from the well or injection zone.

Federal Authority: RCRA §3004(u); 40 CFR 144.31(g) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(3) UIC facility owners/operators must submit certain information related to corrective action with their UIC applications.

Federal Authority: RCRA §3004(u); 40 CFR 270.60(b)(3) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

F. State statutes and regulations require that miscellaneous units comply with regulations (Subpart F) regarding releases from solid waste management units when necessary to comply with §§264.601 through 264.603 as indicated in Revision Checklist 45.

Federal Authority: RCRA §3004(u); 40 CFR 264.90(d) as amended December 10, 1987 (52 FR 46946).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

G. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain remediation waste management provisions for corrective action management units (CAMUs) and temporary units (TUs) at RCRA facilities, as indicated in Revision Checklist 121.

Federal Authority: RCRA §§1006, 2002(a), 3004(u), 3004(v), 3005(c), 3007, and 3008(h); 40 CFR 260.10, 264.3, 264.101(b), 264.552, 264.553, 265.1(b), 268.2(c), 270.2 and Appendix I to 270.42, as amended February 16, 1993 (58 FR 8658).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XIV. HAZARDOUS WASTE EXPORTS

A. State statutes and regulations require generators and transporters of hazardous waste destined for export outside the United States to comply with standards equivalent to those as indicated in Revision Checklists 17 R, 31, 48, and 97 (with the latter providing technical corrections to Checklist 31).

Federal Authority: RCRA §3017; 40 CFR 262.50 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28664), July 19, 1988 (53 FR 27164), and September 4, 1991 (56 FR 45704).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XV. STANDARDS FOR FACILITIES[3]

A. State statutes and regulations prohibit the land disposal of hazardous waste prohibited under 40 CFR Parts 264 and 265 as indicated in Revision Checklist 17 E. Land disposal includes, but is not limited to, placement in landfills, surface impoundments, waste piles, deep injection wells, land treatment facilities, salt dome and bed formations and underground mines or caves. Deep injection well means a well used for the underground injection of hazardous wastes other than a well to which §3020 of RCRA applies.

Federal Authority: RCRA §3004(b)-(q); 40 CFR 264.18 and 265.18 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. Effective on November 8, 1984, State statutes and regulations prohibit the placement of any non-containerized or bulk liquid hazardous waste in any salt dome or salt bed formation any underground mine or cave except as provided in §264.18(c) and §265.18(c) as indicated in Revision Checklist 17 E. Furthermore, State statutes and regulations prohibit the placement of any other hazardous waste in such formations until a permit is issued.

Federal Authority: RCRA §3004(b); 40 CFR 264.18 and 265.18 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. State statutes and regulations prohibit the use of waste oil or other materials contaminated with hazardous wastes (except ignitible wastes) as a dust suppressant as indicated in Revision Checklist 17 G.

Federal Authority: RCRA §3004(1); 40 CFR 266.23 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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[3]This section contains all changes to the Federal RCRA program concerning facility standards except for those specifically related to groundwater monitoring. This latter group of facility standard changes are addressed by Section XI.

D. State statutes and regulations require the permittee to take steps to minimize releases to the environment in accordance with 40 CFR Part 270.30(d) as indicated in Revision Checklist 2.

Federal Authority: RCRA §3005(c); 40 CFR Part 270 as amended September 1, 1983 (48 FR 39622).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

E. State statutes and regulations require that closure and post-closure requirements and special requirements for containers apply to interim status landfills as indicated in Revision Checklist 15.

Federal Authority: RCRA §3004; 40 CFR 265.310 and 265.315 as amended April 23, 1985 (50 FR 16044).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

F. State statutes and regulations require compliance with closure/post-closure and financial responsibility requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities, as indicated in Revision Checklists 24, 36, and 45.

Federal Authority: RCRA §§3004 and 3005; 40 CFR Parts 260, 264, 265, and 270 as amended May 2, 1986 (51 FR 16422), March 19, 1987 (52 FR 8704) and December 10, 1987 (52 FR 46946).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

G. [OPTIONAL: This is a reduced requirement.] State statutes and regulations allow qualified companies that treat, store or dispose of hazardous waste to use a corporate guarantee to satisfy liability assurance requirements as indicated in Revision Checklists 27 and 43.

Federal Authority: RCRA §§2002, 3004, and 3005; 40 CFR 264.147, 264.151, and 265.147 as amended July 11, 1986 (51 FR 25350) and November 18, 1987 (52 FR 44314).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

H. State statutes and regulations require companies that generate, treat or store hazardous waste in tanks to comply with tank standards equivalent to those indicated in Revision Checklists 28 and 52.

Federal Authority: RCRA §§1006, 2002, 3001 - 3007, 3010, 3014, 3017 - 3019 and 7004; 40 CFR Parts 260, 261, 262, 264, 265, and 270 as amended July 14, 1986 (51 FR 25422), August 15, 1986 (51 FR 29430) and September 2, 1988 (53 FR 34079).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

I. State statutes and regulations require environmental performance standards; monitoring, testing, analytical data, inspection, response and reporting procedures; and post-closure care for miscellaneous units as indicated in Revision Checklist 45.

Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.600, 264.601, 264.602, and 264.603 as amended December 10, 1987 (52 FR 46946).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

J. [OPTIONAL: This is a reduced requirement.] State statutes and regulations allow owners and operators of landfills, surface impoundments, or land treatment units, under limited circumstances, to remain open after the final receipt of hazardous wastes in order to receive non-hazardous wastes in that unit as indicated in Revision Checklist 64.

Federal Authority: RCRA §§1006, 2002(a), 3004, 3005 and 3006; 40 CFR 264.13, 264.112, 264.113, 264.142, 265.13, 265.112, 265.113, 265.142 and Appendix I to 270.42 as amended August 14, 1989 (54 FR 33376).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

K. State statutes and regulations require new and existing hazardous waste treatment, storage or disposal facilities to control organic air emissions from process vents and equipment leaks as indicated in Revision Checklists 79 and 87.

Federal Authority: RCRA §§1006, 2002, 3001-3007, 3010, 3014 and 7004; 40 CFR Parts 261, 264, 265 and 270 as amended June 21, 1990 (55 FR 25454) and April 26, 1991 (56 FR 19290).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

L. State statutes and regulations contain design, operating, inspection and closure requirements for drip pads and associated tanks, sumps and other devices used to assist in the collection of treated wood drippage as indicated in Revision Checklists 82, 92 and 120.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 262.34(a)(2), 264.190, 264.570, 264.571, 264.572, 264.573, 264.574, 264.575, 265.190, 265.440, 265.441, 265.442, 265.443, 265.444 and 265.445, as amended December 6, 1990 (55 FR 50450), July 1, 1991 (56 FR 30192), and December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

M. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain an administrative stay, from June 13, 1991 to December 24, 1992, for the requirement that new drip pads be impermeable as indicated in Revision Checklists 91 and 120.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.572(a)(4) and 265.443(a)(4) as amended June 13, 1991 (56 FR 27332) and December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

N. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain an administrative stay, until October 30, 1992, for the requirement that existing drip pads be impermeable as indicated in Revision Checklist 101.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.573(a)(4), and 265.443(a)(4) as amended February 18, 1992 (57 FR 5859).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

O. [OPTIONAL: This is a reduced requirement.] State statutes and regulations allow the use of additional financial instruments (letter of credit, a surety bond, a guarantee, trust fund, and purchase of insurance by other firms) to meet the liability coverage requirements as specified in Revision Checklist 113.

Federal Authority: RCRA §§2002(a), 3004 and 3005; 40 CFR 264.141, 264.147, 264.151, 265.141, 265.147 and 265.151 as amended September 1, 1988 (53 FR 33938), July 1, 1991 (56 FR 30200), and September 16, 1992 (57 FR 42832).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

P. [OPTIONAL: This is a reduced requirement.] State statutes and regulations include conforming changes to 264.147(f)(6) and 265.147(f)(6) to expand the instruments available to owners and operators that no longer meet the requirements of the financial test for liability coverage as indicated in Revision Checklist 113.

Federal Authority: RCRA §3004; 40 CFR 264.147(f)(6) and 265.147(f)(6) as amended September 16, 1992 (57 FR 42832).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Q. State statutes and regulations require reporting of third-party claims against an owner's or operator's liability coverage as indicated by Revision Checklist 113.

Federal Authority: RCRA §§2002(a), 3004 and 3005; 40 CFR 264.147(a)(7)&(b)(7) and 265.147(a)(7)&(b)(7) as amended September 1, 1988 (53 FR 33938) and September 16, 1992 (57 FR 42832)

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

R. State statutes and regulations require owners or operators of new drip pads to have either 1) a surface protection system meeting the hydraulic conductivity, material chemical compatibility, and assessment requirements of 264.573(a)(4) or 265.443(a)(4), or 2) a liner and leak detection system below the pad as well as a leak collection system as specified in Revision Checklist 120.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.572, 265.573, 265.442 and 265.443 as amended December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

S. State statutes and regulations require owners or operators of existing drip pads to meet the hydraulic conductivity, material chemical compatibility, and assessment requirements of 264.573(a)(4) or 265.443(a)(4), as specified in Revision Checklist 120.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.571, 264.573, 265.441 and 265.443 as amended December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

T. State statutes and regulations contain requirements for the management of infrequent and incidental drippage in storage yards as indicated in Revision Checklist 120.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.570(c) and 265.440(c) as amended December 24, 1992 (57 FR 61492).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XVI. REQUIREMENTS FOR PERMITS

A. [OPTIONAL: This is a reduced requirement.] State statutes and regulations allow a facility (1) to construct an approved TSCA facility for burning PCBs without first obtaining a RCRA permit and (2) to subsequently apply for a RCRA permit in accordance with Revision Checklist 17 M.

Federal Authority: RCRA §3005(a); 40 CFR 270.10(f)(3) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State statutes and regulations require review of land disposal permits every five years and modification of such permits as necessary to assure compliance with the requirements in Parts 124, 260 through 266, and 270, as indicated in Revision Checklist 17 N.

Federal Authority: RCRA §3005(c)(3); 40 CFR 270.41(a)(6) and 270.50(d) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. State statutes and regulations require permits to contain any conditions necessary to protect human health and the environment in addition to any conditions required by regulations as indicated in Revision Checklist 17 O.

Federal Authority: RCRA §3005(c)(3); 40 CFR 270.32(b) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

D. State statutes and regulations require that:

(1) For land disposal facilities granted interim status prior to 11/8/84, interim status terminates 11/8/85; unless a Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements are submitted by 11/8/85, as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(e); 40 CFR 270.73(c) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(2) For land disposal facilities in existence on the effective date of statutory or regulatory changes under this Act that render the facility subject to the requirement to have a permit and which is granted interim status, interim status terminates 12 months after the date the facility first becomes subject to such permit requirement unless a Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements are submitted by that date as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(e); 40 CFR 270.73(d) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(3) Interim status terminates for incinerator facilities on 11/8/89 unless the owner/operator submits a Part B application by 11/8/86 as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(c)(2)(C); 40 CFR 270.73(e) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(4) Interim status terminates for any facility other than a land disposal or an incineration facility on 11/8/92 unless the owner/operator submits a Part B application by 11/8/88 as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(c)(2)(C); 40 CFR 270.73(f) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

E. [OPTIONAL: This is a reduced requirement.] State statutes and regulations allow facilities to qualify for interim status if they (1) are in existence on the effective date of statutory or regulatory changes that render the facility subject to the requirement to have a permit and (2) comply with §270.70(a) as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(e); 40 CFR 270.70(a) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

F. State statutes and regulations provide that facilities may not qualify for interim status under the State's analogue to Section 3005(e) if they were previously denied a Section 3005(c) permit or if authority to operate the facility has been terminated as indicated in Revision Checklist 17 P.

Federal Authority: RCRA §3005(c)(3); 40 CFR 270.70(c) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

G. [OPTIONAL: This is a reduced requirement.] State statutes and regulations allow the issuance of a one-year research, development, and demonstration permit (renewable each year, but not for a period longer than three years) for any hazardous waste treatment facility which proposes an innovative and experimental hazardous waste treatment technology or

process not yet regulated as indicated in Revision Checklist 17 Q. If adopted, however, the State must require the facility to meet RCRA's financial responsibility and public participation requirements and retain authority to terminate experimental activity if necessary to protect health or the environment.

Federal Authority: RCRA §3005(g); 40 CFR 270.65 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

H. State statutes and regulations require landfills, surface impoundments, land treatment units, and waste piles that received waste after July 26, 1982 and which qualify for interim status to comply with the groundwater monitoring, unsaturated zone monitoring, and corrective action requirements applicable to new units at the time of permitting as indicated in Revision Checklist 17 L.

Federal Authority: RCRA §3005(i); 40 CFR 264.90(a) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

I. State statutes and regulations require:

(1) Surface impoundments in existence on November 8, 1984 [or subsequently becoming subject to RCRA pursuant to §3005(j)(6)(A) or (B)] to comply with the double liner, leachate collection, and groundwater monitoring requirements applicable to new units by November 8, 1988 [or the date specified in §3005(j)(6)(A) or (B)] or to stop treating, receiving, or storing hazardous waste, unless the surface impoundment qualifies for a special exemption under §3005(j).

Federal Authority: RCRA §3005(j)(1)&(6)(A).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(2) [OPTIONAL: This is a reduced requirement.] State statutes and regulations may allow variances from the above requirements as provided in RCRA §3005(j)(2-9) and (13). However, the availability of such variances must be restricted as provided in RCRA §3005(j).

Federal Authority: RCRA §3005(j)(2-9).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

J. [OPTIONAL: This is a reduced requirement.] Facility owners or operators are given the opportunity to cure deficient Part A applications in accordance with 40 CFR 270.70(b) before failing to qualify for interim status as indicated in Revision Checklist 6.

Federal Authority: RCRA §3005; 40 CFR Part 270 as amended April 24, 1984 (49 FR 17716).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

K. State statutes and regulations allow the permit granting agency to initiate modifications to a permit without first receiving a request from the permittee, in cases where statutory changes, new or amended regulatory standards or judicial decisions affect the basis of the permit as indicated in Revision Checklist 44 D.

Federal Authority: RCRA §3005(c); 40 CFR 270.41(a)(3) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

L. State statutes and regulations require that permittees must comply with new requirements imposed by the land disposal restrictions promulgated under Part 268 even when there are contrary permit conditions, as indicated in Revision Checklist 44 E.

Federal Authority: RCRA §3006(g); 40 CFR 270.4(a) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

M. State statutes and regulations require information from permit applicants concerning permit conditions necessary to protect human health and the environment as indicated in Revision Checklist 44 F.

Federal Authority: RCRA §3005(c); 40 CFR 270.10 as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

N. State statutes and regulations require post-closure permits for all landfills, surface impoundments, waste piles and land treatment units receiving hazardous waste after July 26, 1982 as indicated in Revision Checklist 44 G.

Federal Authority: RCRA §3005(i); 40 CFR 270.1(c) as amended December 1, 1987 (52 FR 45788).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

O. State statutes and regulations require that all owners and operators of units that treat, store, or dispose of hazardous waste in miscellaneous units must comply with the general application requirements (including Part A permit requirements), the Part B general application requirements of §270.14, and specific Part B information requirements for miscellaneous units as indicated in Revision Checklists 45 and 59.

Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.600, 270.14 and 270.23 as amended December 10, 1987 (52 FR 46946) and January 9, 1989 (54 FR 615).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

P. [OPTIONAL: This is a reduced requirement.] State statutes and regulations provide owners and operators more flexibility to change specified permit conditions, to expand public notification and participation opportunities, and allow for expedited approval if no public concern exists for a proposed permit modification. Owner/operator permit modifications are categorized into three classes with administrative procedures for approving modifications established in each class. These changes are as indicated in Revision Checklist 54.

Federal Authority: RCRA §§2002(a), 3004, 3005, and 3006; 40 CFR Parts 124, 264, 265, and 270 as amended September 28, 1988 (53 FR 37912) and October 24, 1988 (53 FR 41649).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Q. State statutes and regulations make it clear that existing incinerator facilities must either conduct a trial burn or submit other information as specified in 270.19(a) or (c) before a permit can be issued for that facility as indicated in Revision Checklist 60.

Federal Authority: RCRA §3005(b); 40 CFR Part 270 as amended January 30, 1989 [54 FR 4286).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

R. [OPTIONAL: This is a reduced requirement.] State statutes and regulations allow greater flexibility to interim status facilities to make changes during interim status following director approval as indicated in Revision Checklist 61.

Federal Authority: RCRA §§2002(a), 3004, 3005 and 3006; 40 CFR 270.72 as amended March 7, 1989 (54 FR 9596).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

S. [OPTIONAL: This is a reduced requirement.] State statutes and regulations lift the reconstruction limit for changes: 1) to certain interim status units necessary to comply with Federal, State, or local requirements, 2) necessary to allow continued handling of newly listed or identified hazardous waste, 3) made in accordance with an approved closure plan, and 4) made pursuant to a corrective action order as indicated in Revision Checklist 61.

Federal Authority: RCRA §§2002(a), 3004, 3005, and 3006; 40 CFR 270.72 as amended March 7, 1989 (54 FR 9596).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

T. [OPTIONAL: This is a reduced requirement.] State statutes and regulations that clarify that a permit can be denied for the active life of a facility while a decision on post closure permitting is pending as indicated in Revision Checklist 61.

Federal Authority: RCRA §§2002(a), 3004, 3005, and 3006; 40 CFR 124.1, 124.15, 124.19, 270.1, 270.10 and 270.29 as amended March 7, 1989 (54 FR 9596).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

U. [OPTIONAL: This is a reduced requirement.] State statutes and regulations that classify as Class 1 certain permit modifications requested by owners/operators necessary to enable permitted facilities to comply with the land disposal restrictions as indicated in Revision Checklist 61. Specifically these modifications include 1) adding restricted wastes treated to meet applicable 40 CFR Part 268 treatment standards or adding residues from treating "soft hammer" wastes, 2) adding certain wastewater treatment residues and incinerator ash, 3) adding new wastes for treatment in tanks or containers under certain limited conditions, and 4) adding new treatment processes, necessary to treat restricted wastes to meet treatment standards, that take place in tanks or containers.

Federal Authority: RCRA §§2002(a), 3004, 3005 and 3006; 40 CFR 270.42 as amended March 7, 1989 (54 FR 9596).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

V. State statutes and regulations incorporate updates to 40 CFR Part 124 as indicated in Revision Checklist 70.

Federal Authority: RCRA §§6901 and 6902; 40 CFR 124.3, 124.5, 124.6, 124.10 and 124.12 as amended April 1, 1983 (48 FR 14146), June 30, 1983 (48 FR 30113), July 26, 1988 (53 FR 28118), September 26, 1988 (53 FR 37396) and January 4, 1989 (54 FR 246).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

W. State statutes and regulations contain Special Part B information requirements for drip pads as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(l); 40 CFR 270.22 as amended December 6, 1990 (55 FR 50450) and July 1, 1991 (56 FR 30192).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

X. State statutes and regulations include permitting requirements for boilers and industrial furnaces burning hazardous waste as indicated in Revision Checklists 85 and 94.

Federal Authority: RCRA §§1006, 2002, 3001 through 3007; 40 CFR 270.22, 270.42(g), 270.42 Appendix I, 270.66, 270.72(a)(6)&(b)(7) and 270.73(f)&(g) as amended February 21, 1991 (56 FR 7134) and July 17, 1991 (56 FR 32688).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Y. State statutes and regulations include specific Part B information requirements for surface impoundments, waste piles and landfills regarding liners; leachate collection, detection, and removal systems; and the construction quality assurance program requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 270.4(a), 270.17(b)&(c), 270.18(c)&(d), and 270.21(b)&(c) as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XVII. MINIMUM TECHNOLOGICAL REQUIREMENTS

A. State statutes and regulations require that new units, expansions, and replacements of interim status waste piles meet the requirements for a single liner and leachate collection system in regulations applicable to permitted waste piles as indicated in the Revision Checklist 17 H.

Federal Authority: RCRA §3015(a); 40 CFR 265.254 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State statutes and regulation require:

(1) New units, expansions, and replacement units at interim status landfills and surface impoundments and landfills and surface impoundments for which Part B of the permit application is received by the proper authority after November 8, 1984, meet the requirements for double liners and leachate collection systems applicable to new permitted landfills and surface impoundments in 40 CFR 264.221 and 264.301 and 265.221 and 265.301 as indicated in Revision Checklists 17 H and 77.

Federal Authority: RCRA §§1006, 2002(a), 3004, 3005 and 3015(b); 40 CFR 264.221, 265.221, 264.301 and 265.301 as amended July 15, 1985 (50 FR 28702) and May 9, 1990 (55 FR 19262).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(2) [OPTIONAL: This is a reduced requirement.] Facilities which comply in good faith need not retrofit at permit issuance unless the liner is leaking as provided in §§265.221(e) and 265.301(e) as indicated in Revision Checklist 17 H.

Federal Authority: RCRA §3015(b); 40 CFR 264.221, 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

(3) [OPTIONAL: This is a reduced requirement.] Variances from the above requirements are optional. However, the availability of such variances is restricted as provided in §§264.221(d) and (e), 264.301(d) and (e), 265.221(c) and (d), and 265.301(c) and (d) as indicated in Revision Checklist 17 H.

Federal Authority: RCRA §3015(b); 40 CFR 264.221, 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. State statutes and regulations require owners and operators of new units, expansions, and replacement units at surface impoundments, waste piles, and landfills to meet the monitoring and inspection Construction Quality Assurance (CQA) program, double liner, leachate collection and removal systems, leak detection systems, action leakage, response action plan and closure/post-closure care requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 264.19, 264.221-264.223, 264.226, 264.228, 264.251-264.254, 264.301-264.304, 264.310, 265.19, 265.221-265.223, 265.226-265.228, 265.254, 265.255, 265.259, 265.260, 265.301-265.304 and 265.310 as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XVIII. EXPOSURE ASSESSMENTS

A. State laws and regulations require permit applicants for landfills or surface impoundments to submit exposure information as indicated in Revision Checklist 17 S.

Federal Authority: RCRA §3019(a); 40 CFR 270.10(j) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State laws and regulations allow the State to make assessment information available to the Agency for Toxic Substances and Disease Registry. [See CERCLA §104(i).]

Federal Authority: RCRA §3019(b).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XIX. AVAILABILITY OF INFORMATION

A. State statutes and regulations provide that:

(1) All records shall be available to the public unless they are exempt from the disclosure requirements of the Federal Freedom of Information Act (FOIA), 5 U.S.C. 552;

(2) All nonexempt records will be available to the public upon request regardless of whether any justification or need for such records has been shown by the requestor;

(3) The same types of records would be available to the public from the State as would be available from EPA. [In making this certification, the Attorney General should be aware of the types of documents EPA generally releases under the FOIA, subject to claims of business confidentiality: permit applications; biennial reports from facilities; closure plans; notification of a facility closure; contingency plan incident reports; delisting petitions; financial responsibility instruments; ground-water monitoring data (note that exemption 5 U.S.C.552(b)(9) of the FOIA applies to such wells as oil and gas, rather than to ground-water wells); transporter spill reports; international shipment reports; manifest exception, discrepancy and unmanifested waste reports; facility EPA identification numbers; withdrawal requests; enforcement orders; and, inspection reports]; and,

(4) Information is provided to the public in substantially the same manner as EPA as indicated in 40 CFR Part 2 and the Revision Checklist in Appendix N of the State

Authorization Manual. [OPTIONAL: Where the State agrees to implement selected provisions through the use of a Memorandum of Agreement (MOA) the Attorney General must certify that: "The State has the authority to enter into and carry out the MOA provisions and there are no State statutes (e.g., State Administrative Procedures Acts) which require notice and comment or promulgation of regulations for the MOA procedures to be binding.]

(5) [OPTIONAL: The State statutes and regulations protect Confidential Business Information (CBI) to the same degree as indicated in 40 CFR 2 and the Revision Checklist in Appendix N of the State Authorization Manual. Note, that States do not have to protect CBI, to satisfy 3006(f). However, if a State does extend protection to CBI then it cannot restrict the release of information that EPA would require to be disclosed.]

Federal Authority: RCRA §3006(f); 40 CFR §271.17(c).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XX. STANDARDS FOR THE MANAGEMENT OF WASTE FUEL AND USED OIL AND FOR THE BURNING OF THESE MATERIALS IN BOILERS AND INDUSTRIAL FURNACES

A. State statutes and regulations contain the following requirements regarding the burning of waste fuel and used oil fuel for energy recovery in boilers and industrial furnaces as indicated in Revision Checklist 19:

(1) Waste fuels and used oil fuels are identified as solid wastes so as to encompass all such wastes controlled under 40 CFR 261.3, 261.5 and 261.6.

(2) Special management standards for generators, transporters, marketers and burners of hazardous waste and used oil burned for energy, as set forth in 40 CFR 264.340, 265.340, 266.30-35 and 266.40-44.

Federal Authority: RCRA §§3001, 3004 and 3014(a); 40 CFR Parts 261, 264, 265 and 266 as amended November 29, 1985 (50 FR 49164), November 19, 1986 (51 FR 41900) and April 13, 1987 (52 FR 11819).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. [OPTIONAL: This is a reduced requirement.] State statutes and regulations provide the authority to obtain criminal penalties for violations of the waste fuel and used oil fuel requirements, as set forth in 40 CFR 266.40-44.

Federal Authority: RCRA §§3006(h), 3008(d) and 3014; 40 CFR 271.16.

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. State statutes and regulations include control standards for emissions of toxic organic compounds, toxic metals, hydrogen chloride, chlorine gas and particulate matter from boilers and industrial furnaces burning hazardous waste, and require owners and operators of such facilities to comply with the general facility standards applicable to hazardous waste treatment, storage and disposal facilities, as indicated in Revision Checklists 85, 94, 96, 111, and 114. Hazardous waste storage units at regulated burners are subject to the 40 CFR Part 264 requirements.

Federal Authority: RCRA §§1006, 2002, 3001 through 3007, 3010 and 7004; 40 CFR 260.10, 260.11, 260.20, 261.3, 261.6, 264.1, 264.112, 264.340, 265.1, 265.112, 265.113, 265.340, 265.370, Part 266 Subpart H, and Part 266 Appendices I-X as amended February 21, 1991 (56 FR 7134), July 17, 1991 (56 FR 32688), August 27, 1991 (56 FR 42504), August 25, 1992 (57 FR 38558), and September 30, 1992 (57 FR 44999).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

D. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain an administrative stay until June 22, 1992, of the permitting standards for boilers and industrial furnaces as they apply to coke ovens burning certain hazardous wastes from the coke by-products recovery process as indicated in Revision Checklists 98 and 105.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 266.100(a) as amended September 5, 1991 (56 FR 43874) and June 22, 1992 (57 FR 27880).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

E. State statutes and regulations provide used oil management standards for used oil generators, transporters, processors, re-refiners, burners, and marketers as indicated in Revision Checklists 112 and 122.

Federal Authority: RCRA §§1004, 1006, 2002, 3001, 3014 and 7004; 40 CFR Parts 260, 261, 266 and 279 as amended September 10, 1992 (57 FR 41566) and May 3, 1993 (58 FR 26420).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XXI. LAND DISPOSAL RESTRICTIONS

A. State statutes and regulations provide for the restrictions of the land disposal of certain spent solvents and dioxin-containing hazardous wastes as indicated in Revision Checklists 34, 39, and 50.

Federal Authority: §3004(d)-(k) and (m); 40 CFR Parts 260, 261, 262, 263, 264, 265, 268 and 270 as amended on November 7, 1986 (51 FR 40572), June 4, 1987 (52 FR 21010), July 8, 1987 (52 FR 25760), and August 17, 1988 (53 FR 31138).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State statutes and regulations for restricting the disposal of certain California list wastes, including liquid hazardous waste containing polychlorinated biphenyls (PCBs) above specified concentrations, and hazardous waste containing halogenated organic compounds (HOCs) above specified concentrations as indicated in Revision Checklists 39, 50, and 66.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR Parts 262, 264, 265, 268 and 270 as amended on July 8, 1987 (52 FR 25760), October 27, 1987 (52 FR 41295), August 17, 1988 (53 FR 31138), and September 6, 1989 (54 FR 36967).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. State statutes and regulations for specific treatment standards and effective dates for certain wastes from the "First Third" of the schedule of restricted wastes listed in 40 CFR 268.10 as well as land disposal restrictions for those First Third wastes for which a treatment standard is not established as indicated in Revision Checklists 50, 62 and 66.

Federal Authority: RCRA §3004 (d)-(k) and (m); 40 CFR Parts 264, 265, 266, and 268 as amended on August 17, 1988 (53 FR 31138), February 27, 1989 (54 FR 8264), May 2, 1989 (54 FR 18836), September 6, 1989 (54 FR 36967) and June 13, 1990 (55 FR 23935).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

D. State statutes and regulations for certain treatment standards and prohibition effective dates for certain Second Third wastes and for imposing the "soft hammer" provisions[4] of 40 CFR 268.8 on Second Third wastes for which the Agency is not establishing treatment standards as indicated in Revision Checklist 63.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR Part 268 as amended June 23, 1989 (54 FR 26594).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

E. State statutes and standards for treatment standards and effective dates for certain First Third "soft hammer" wastes[4] as well as for certain wastes originally contained in the Third Third of the Schedule as indicated in Revision Checklist 63.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR Parts 264, 265 and 268 as amended June 23, 1989 (54 FR 26594).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

F. State statutes and regulations provide specific treatment standards and effective dates for the "Third Third" wastes, "soft hammer" First and Second Third wastes[5], five newly listed wastes, four wastes that fall into the F002 and F005 (spent solvent) waste codes, F025, mixed radioactive/hazardous wastes, characteristic wastes, and multi-source leachate, as well as establish revised treatment standards for petroleum refining hazardous wastes (K048-K052) as indicated in Revision Checklists 78, 83 and 102.

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[4] "Soft hammer" wastes are those wastes for which EPA did not promulgate treatment standards by their respective effective dates. These wastes could continue to be disposed of in a landfill or surface impoundment until May 8, 1990 if certain demonstrations were made and the technology requirements of RCRA §3004(o) were met. Other types of land disposal (e.g., underground injection) were not similarly restricted. On May 6, 1990, wastes for which EPA had not established treatment standards became prohibited from all types of land disposal. This latter requirement is referred to as the "hard hammer" provision and ended the soft hammer provisions which were in effect prior to May 6, 1990.

[5] See Footnote 4.

Federal Authority: RCRA §§3001 and 3004 (d)-(k) and (m); 40 CFR 261, 262, 264, 265, 268, and 270 as amended June 1, 1990 (55 FR 22520), January 31, 1991 (56 FR 3864) and March 6, 1992 (57 FR 8086).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

G. [OPTIONAL: This is a reduced requirement.] State statutes and regulations provide for alternate treatment standards for lab packs meeting certain criteria as indicated in Revision Checklists 78 and 83.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 264.316(f), 265.316(f), 268.7(a)(7), 268.7(a)(8), 268.42(c), 268.42(c)(1)-(4), and Part 268 Appendices IV and V, as amended June 1, 1990 (55 FR 22520) and January 31, 1991, (56 FR 3864).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

H. State statutes and regulations contain treatment standards under the land disposal restrictions program for K061 as indicated in Revision Checklist 95.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 268.41 and 268.42 as amended August 19, 1991 (56 FR 41164).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

I. State statutes and regulations provide an extension of the land disposal restriction effective date for hazardous waste debris until May 8, 1994, as indicated in Revision Checklists 103, 116, and 123.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c)-(e) as amended May 15, 1992 (57 FR 20766); October 20, 1992 (57 FR 47772); and May 14, 1993 (58 FR 28506).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

J. State statutes and regulations provide an extension of the land disposal restriction effective date, until May 8, 1993, for D008 lead-bearing hazardous materials stored before secondary smelting, provided the owner/operator meets the requirements specified at 40 CFR 268.35(k), as indicated in Revision Checklist 106.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c) and (k) as amended June 26, 1992 (57 FR 28628).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

K. State statutes and regulations provide land disposal treatment standards for certain hazardous wastes listed after November 8, 1984 as well as treatment standards for debris contaminated with listed hazardous wastes or debris that exhibit certain hazardous waste characteristics as indicated in Revision Checklist 109.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 261.3(f), 268.2, 268.5, 268.7, 268.14, 268.36, 268.40, 268.41, 268.42, 268.43, 268.45, 270.13 and 270.14, as amended August 18, 1992 (57 FR 37194).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

L. State statutes and regulations include revisions to existing land disposal restrictions including revision of F001-F005 spent solvents treatment standards, conversion of wastewater standards for twenty-four "F" and "K" water codes based on scrubber standards; revisions to K061, K062 and F006 treatment standards; change of recordkeeping requirements; and clarification of rules related to wastes listed because they exhibit a characteristic as indicated in Revision Checklist 109.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 261.3(a)&(c), 268.9, 268.41, 268.42, 268.43 and 268.46, as amended August 18, 1992 (57 FR 37194).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

M. State statutes and regulations allow storage and treatment in containment buildings as indicated in Revision Checklist 109.

Federal Authority: RCRA §§3004(d)-(k) and (m); 40 CFR 260.10, 262.34, 264.110, 264.111, 264.112, 264.140, 264.142, 264 Subpart DD, 265.110, 265.111, 265.112, 265.140, 265.142, 265.221, 265 Subpart DD, 268.50, 270.42 and 270.72, as amended August 18, 1992 (57 FR 37194).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

N. State statutes and regulations provide a case-by-case extension of the land disposal effective date until May 8, 1994 for Third Third hazardous soils whose best demonstrated available technology (BDAT) was incineration, retorting or vitrification, as well as

for Third Third soils contaminated with radioactive mixed waste as indicated in Revision Checklists 116 and 123.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c)-(e) as amended October 20, 1992 (57 FR 47772) and May 14, 1993 (57 FR 28506).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

O. State statutes and regulations include land disposal restrictions and treatment standards for certain ignitable and corrosive characteristic wastes whose treatment standards were vacated, as indicated in Revision Checklist 124.

Federal Authority: RCRA §3004(d),(e)&(g); 40 CFR 268.37 as amended on May 24, 1993 (58 FR 29860).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XXII. MEMORANDUM OF AGREEMENT (MOA)

[If the State uses the MOA to satisfy Federal procedural requirements, the Attorney General must certify the following:

(1) The State has the authority to enter into the agreement,

(2) The State has the authority to carry out the agreement, and

(3) No applicable State statute (including the State Administrative Procedure Act) requires that the procedure be promulgated as a rule in order to be binding.]

Seal of Office

Signature

Name (Type or Print)

Title

Date

I. Index to the checklist entries found in the Model Revision Attorney General's Statement

Revision checklist number/name		Subsections pertaining to checklist
1.	Biennial Report	VIII A
2.	Permit Rule: Settlement Agreement	XV D
3.	Interim Status Standards	V A
4.	Chlorinated Aliphatic Hydrocarbons	I A(1)
5.	National Uniform Manifests	VII A
6.	Permit Rule - Deficient Part A Applications	XVI J
7.	Listing Warfarin & Zinc Phosphide	I A(2)
8.	Lime Stabilized Pickle Liquor Sludge	I D
9.	Exclusion of Household Waste	I E
10.	Interim Status Standards - Applicability	V A
11.	Corrections to Test Methods Manual	I F
12.	Satellite Accumulation Standards	IV A
13.	Definition of Solid Wastes	II A
14.	Dioxin Listing and Management Standards	III A
15.	Interim Status Standards for Treatment, Storage, and Disposal Facilities	XV E
16.	Paint Filter Test	VI A
17 A.	Small Quantity Generators (Superceded: See Checklist 23)	I B
17 B.	Delisting	I C
17 C.	Household Waste	I E
17 D.	Waste Minimization	IX A(1)&(2)
17 E.	Location Standards for Salt Domes, Salt Beds, Underground Mines, and Caves	XV A & B
17 F.	Liquids in Landfills	VI A; X A
17 G.	Dust Suppression	XV C
17 H.	Double Liners	XVII A; XVII B(1),(2)&(3)
17 I.	Ground-water Monitoring	XI A & B
17 J.	Cement Kilns	XII A(1)&(2)

I. Index to the checklist entries found in the Model Revision Attorney General's Statement (cont'd)

Revision checklist number/name	Subsections pertaining to checklist
17 K. Fuel Labeling	XII A(2)
17 L. Corrective Action	XIII A(1),(2),(3)&(4); XVI H
17 M. Pre-construction Ban	XVI A
17 N. Permit Life	XVI B
17 O. Omnibus Provision	XVI C
17 P. Interim Status	XVI D(1),(2),(3)&(4); XVI E & F
17 Q. Research & Development Permits	XVI G
17 R. Hazardous Waste Exports	XIV A
17 S. Exposure Information	XVIII A
18. Listing of TDI, TDA, DNT	I A(3)
19. Burning of Waste Fuel and Used Oil	XX A
20. Spent Solvents Listing	I A(4)
21. EDB Waste Listing	I A(5)
22. Four Spent Solvents Listing	I A(6)
23. Small Quantity Generators	I B
24. Financial Responsibility: Settlement Agreement	XV F
25. Paint Filter Test - Correction	VI A; X A
26. Listing of Spent Pickle Liquor	I A(7)
27. Corporate Guarantee - Liability Coverage	XV G
28. Hazardous Waste Storage and Tank Systems	XV H
29. Correction - Commercial Chemical Products and Appendix VIII	I A(8)
30. Biennial Reports; Correction	VIII A; IX A
31. Exports of Hazardous Wastes	XIV A
32. Standards for Generators - Waste Minimization Certifications	I B; VII A; IX A(1)&(2)
33. Listing of EBDC	I A(9)
34. Land Disposal Restrictions	XXI A
35. Revised Manual SW-846; Amended Incorporation by Reference	I F
36. Closure/Post-closure Care for Interim Status Surface Impoundments	XV F

I. Index to the checklist entries found in the Model Revision Attorney General's Statement (cont'd)

Revision checklist number/name	Subsections pertaining to checklist
37. Definition of Solid Wastes; Technical Corrections	II A
38. Amendments, Part B - Information Requirements for Disposal Facilities	XIII B
39. California List Waste Restrictions	XXI A; XXI B
40. List (Phase I) of Hazardous Constituents for Ground-water Monitoring	XI C
41. Identification and Listing of Hazardous Waste	I A(8)
42. Exception Reporting for Small Quantity Generators	VII B
43. Liability Requirements; Corporate Guarantee	XV G
44 A. Permit Application Requirements Regarding Corrective Action	XIII C
44 B. Corrective Action Beyond Facility Boundary	XIII D
44 C. Corrective Action for Injection Wells	XIII E(1),(2)&(3)
44 D. Permit Modification	XVI K
44 E. Permit as Shield Provision	XVI L
44 F. Permit Conditions to Protect Human Health and the Environment	XVI M
44 G. Post-closure Permits	XVI N
45. Hazardous Waste Miscellaneous Units	VII C; XIII F; XV F; XV I; XVI O
46. Technical Correction - Identification and Listing of Hazardous Waste	I A(8)
47. Small Quantity Generators; Technical Correction	I B
48. Farmer Exemption; Technical Correction	XIV A
49. Treatability Studies Sample Exemption	I H
50. Land Disposal Restrictions for First Third Scheduled Wastes	XXI A, B & C

I. Index to the checklist entries found in the Model Revision Attorney General's Statement (cont'd)

Revision checklist number/name		Subsections pertaining to checklist
51.	Liability Coverage for Owners/ Operators of Treatment, Storage, and Disposal Facilities	See Revision Checklist 113
52.	Standards for Hazardous Waste Storage and Treatment Tank Systems	XV H
53.	Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities and Notification	I A(10); I I
54.	Permit Modifications for Waste Management Facilities	XVI P
55.	Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities	XI D
56.	Removal of Iron Dextran from the Lists of Hazardous Wastes	I A(11)
57.	Removal of Strontium Sulfide from the Lists of Hazardous Wastes	I A(12)
† 58.	Standards for Generators of Hazardous Waste; Manifest Renewal	VII D
59.	Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators	XVI O
60.	Amendment to Requirements for Hazardous Waste Incinerator Permits	XVI Q
61.	Changes to Interim Status Facilities for Hazardous Waste Management Permits;	XVI R & S
	Modifications of Hazardous Waste Management Permits;	XVI U
	Procedures for Post-Closure Permitting	XVI T
62.	Land Disposal Restrictions Amendments to First Third Scheduled Wastes	XXI C
63.	Land Disposal Restrictions for Second Third Scheduled Wastes	XXI D & E

I. Index to the checklist entries found in the Model Revision Attorney General's Statement (cont'd)

Revision checklist number/name		Subsections pertaining to checklist
64.	Delay of Closure Period for Hazardous Waste Management Facilities	XV J
65.	Mining Waste Exclusion I	I J(1)
66.	Land Disposal Restrictions; Correction to First Third Scheduled Wastes	XXI B; XXI C
67.	Testing and Monitoring Activities	I K
68.	Reportable Quantity Adjustment Methyl Bromide Production Waste	I A(13)
69.	Reportable Quantity Adjustment	I A(14)
70.	Changes to Part 124 Not Accounted for by Present Checklists	XVI V
71.	Mining Waste Exclusion II	I J(2); VII E
72.	Modification of F019 Listing	I A(15)
73.	Testing and Monitoring Activities; Technical Corrections	I K
74.	Toxicity Characteristic Revisions	I L
75.	Listing of 1,1-Dimethylhydrazine Production Wastes	I A(16)
76.	Criteria for Listing Toxic Wastes; Technical Amendment	I M
77.	HSWA Codification Rule, Double Liners; Correction	XVII B(1)
78.	Land Disposal Restrictions for Third Third Scheduled Wastes	I A(17); XXI F & G
79.	Organic Air Emission Standards for Process Vents and Equipment Leaks	I N; XV K
80.	Toxicity Characteristic; Hydrocarbon Recovery Operations	I O
81.	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038)	I A(18); I P
82.	Wood Preserving Listings	I A(19); I Q & R; XV L; XVI W
83.	Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments	I A(17); XXI F & G
84	Toxicity Characteristic; Chlorofluorocarbon Refrigerants	I S

I. Index to the checklist entries found in the Model Revision Attorney General's Statement (cont'd)

Revision checklist number/name	Subsections pertaining to checklist
85. Burning of Hazardous Waste in Boilers and Industrial Furnaces	I T & U; II B; XVI X; XX C
86. Removal of Strontium Sulfide from the List of Hazardous Waste; Technical Amendment	I A(12)
87. Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment	XV K
88. Administrative Stay for K069 Listing	I A(20)
89. Revision to F037 and F038 Listings	I A(21)
90. Mining Exclusion III	I J(2)
91. Administrative Stay for F032, F034 and F035 Listings	I A(22); XV M
92. Wood Preserving Corrections	I Q & R; XV L; XVI W
93. Liability Requirements; Technical Amendments	See Revision Checklist 113
94. Boilers and Industrial Furnaces Correction/Technical Amendment I	XVI X; XX C
95. Land Disposal Restrictions for Electric Arc Furnace Dust (K061)	I V & W; XXI H
96. Boilers and Industrial Furnaces Technical Amendments II	II B; XX C
97. Exports of Hazardous Waste; Technical Correction	XIV A
98. Administrative Stay for Certain Coke Ovens	XX D
99. Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations	XI E
100. Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units	XVI Y; XVII C
101. Administrative Stay for the Requirement that Existing Drip Pads be Impermeable	XV N
102. Second Correction to the Third Third Land Disposal Restrictions	XXI F

I. Index to the checklist entries found in the Model Revision Attorney General's Statement (cont'd)

Revision checklist number/name	Subsections pertaining to checklist
103. Hazardous Debris Case-by-Case Capacity Variance	XXI I
104. Used Oil Filter Exclusion	I X
105. Recycled Coke By-Product Exclusion	I Y; XX D
106. Lead-Bearing Hazardous Materials Case-by-Case Capacity	XXI J
107. Used Oil Filter Exclusion; Technical Corrections	I X
108. Toxicity Characteristic Revisions; Technical Corrections	I L
109. Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris	XXI K, L & M
110. Coke By-Products Listings	I A(23); I Y
111. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III	II B; XX C
112. Recycled Used Oil Management Standards	XX E
113. Consolidated Liability Requirements	XV O, P & Q
114. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV	XX C
115. Chlorinated Toluenes Production Waste Listing	I A(24)
116. Hazardous Soil Case-by-Case Capacity Variance	XXI I & N
117A. Mixture and Derived-From Rules Reissuance	I Z
117B. Toxicity Characteristic Amendment	I L
118. Liquids in Landfills II	X B
119. Toxicity Characteristic Revision; TCLP Correction	I AA
120. Wood Preserving; Amendments to Listings and Technical Requirements	I A(22), (25) & (26); XV L, M, R, S & T
121. Corrective Action Management Units and Temporary Units	XIII G
122. Recycled Used Oil Management Standards; Technical Amendments and Corrections	XX E

I. Index to the checklist entries found in the Model Revision Attorney General's Statement (cont'd)

Revision checklist number/name	Subsections pertaining to checklist
123. Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance	XXI I & N
124. Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated	XXI O

II. Index to the non-checklist entries found in the Model Revision Attorney General's Statement

Description	Pertinent subsections
Agency for Toxic Substances and Disease Registry, making assessment information available to	XVIII B
Availability of Information	XIX A(1)-(5)
Burning and blending of hazardous waste, RCRA §§3004(q)(2)(A) & 3004(r)(2) & (3) exceptions	XII B
Criminal penalties for waste fuel and used oil fuel requirement violations	XX B
Radioactive mixed wastes, hazardous components of	I G
Surface Impoundments:	
1. existing units subject to Subtitle C on November 8, 1984, must comply with new unit requirements by November 8, 1988 or stop hazardous waste activity; newly regulated surface impoundments must comply within 4 years after listing or characteristic is promulgated (after November 8, 1984)	XVI I(1)
2. disposal of waste prohibited from land disposal under RCRA §3004(d), (e) or (g)	Not Needed[1/]
3. variance under RCRA §3005(j)(2-9) and (13)	XVI I(2)
Third party direct action against financial responsibility insurer or granter	Not Delegable

1/ These requirements are taken care of when State adopts an analog to 40 CFR 268.4, per the Land Disposal Restriction checklists.

Tables G-1 and G-2

The following pages (numbered 4 through 30)
should replace pages 4 through 32 of
SAM Appendix G

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
Non-HSWA Requirements prior to Non-HSWA Cluster I (January 26, 1983 - June 30, 1984; Due Date - one year after the promulgation date of the final rule[2/])				
1	1	Biennial Report (See Revision Checklist 30)	48 FR 3977	1/28/83
2	2	Permit Rules; Settlement Agreement	48 FR 39611	9/1/83
3	3	Interim Status Standards; Applicability (See Revision Checklist 10 in Non-HSWA Cluster I)	48 FR 52718	11/22/83
4	4	Chlorinated Aliphatic Hydrocarbon Listing (F024)	49 FR 5308	2/10/84
5	5	National Uniform Manifest (See Revision Checklists 17 D & 32 in HSWA Cluster I)	49 FR 10490	3/20/84
6	†6	Permit Rules; Settlement Agreement	49 FR 17716	4/24/84
7	†7	Warfarin and Zinc Phosphide Listing	49 FR 19922	5/10/84
8	†8	Lime Stabilized Pickle Liquor Sludge	49 FR 23284	6/5/84
Non-HSWA Cluster I (July 1, 1984 - June 30 1985; Due Date - July 1, 1986[2/])				
AI		State Availability of Information	HSWA §3006(f)	11/8/84
9	†9	Household Waste	49 FR 44978	11/13/84
10	10	Interim Status Standards; Applicability	49 FR 46094	11/21/84
11	11	Corrections to Test Methods Manual	49 FR 47390	12/4/84
12	†12	Satellite Accumulation	49 FR 49568	12/20/84
13	13	Definition of Solid Waste	50 FR 614	1/4/85
13.1	(13)[3/]	[Definition of Solid Waste; Correction (Included on Revision Checklist 13 in Non-HSWA Cluster I)]	50 FR 14216	4/11/85
15	15	Interim Status Standards for Treatment, Storage, and Disposal Facilities	50 FR 16044	4/23/85

Continued...

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
Non-HSWA Cluster II (July 1, 1985 - June 30, 1986; Due Date - July 1, 1987[2/])				
13.2	(13)	[Definition of Solid Waste; Correction (Included on Revision Checklist 13 in Non-HSWA Cluster I)]	50 FR 33541	8/20/85
24	24	Financial Responsibility; Settlement Agreement (See Revision Checklist 24 (Amended) in Non-HSWA Cluster VI)	51 FR 16422	5/2/86
26	†26	Listing of Spent Pickle Liquor (K062)	51 FR 19320	5/28/86
Non-HSWA Cluster III (July 1, 1986 - June 30, 1987; Due Date - July 1, 1988[2/])				
MW		Radioactive Mixed Waste (See SPA 2)	51 FR 24504	7/3/86
27	†27[4/]	Liability Coverage; Corporate Guarantee (See Revision Checklist 43 in Non-HSWA Cluster IV)	51 FR 25350	7/11/86
28N	28	Standards for Hazardous Waste Storage and Treatment Tank Systems (Certain sections superseded by 53 FR 34079, see Revision Checklist 52 in Non-HSWA Cluster V; also see Revision Checklist 28 in HSWA Cluster I)	51 FR 25422	7/14/86
29	29	Correction to Listing of Commercial Chemical Products and Appendix VIII Constituents (Completely superseded by 53 FR 13382; use Revision Checklist 46 in Non-HSWA Cluster IV to replace this checklist)	51 FR 28296	8/6/86
28N.1	(28)	[Standards for Hazardous Waste Storage and Treatment Tank Systems; Correction (Included on Revision Checklist 28 in Non-HSWA Cluster III)]	51 FR 29430	8/15/86
26.1	(26)	[Listing of Spent Pickle Liquor; Correction (Included on Revision Checklist 26 in Non-HSWA Cluster II)]	51 FR 33612	9/22/86

Continued.

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
35	35	Revised Manual SW-846; Amended Incorporation by Reference	52 FR 8072	3/16/87
36	36	Closure/Post-closure Care for Interim Status Surface Impoundments	52 FR 8704	3/19/87
37	37	Definition of Solid Waste; Technical Corrections	52 FR 21306	6/5/87
38	38	Amendments to Part B Information Requirements for Land Disposal Facilities	52 FR 23447	6/22/87
Non-HSWA Cluster IV (July 1, 1987 - June 30, 1988; Due Date - July 1, 1989[2/])				
40	40	List (Phase 1) of Hazardous Constituents for Ground-water Monitoring	52 FR 25942	7/9/87
41	41	Identification and Listing of Hazardous Waste	52 FR 26012	7/10/87
26.2	(26)	[Spent Pickle Liquor from Steel Finishing Operations (See footnote 1, Revision Checklist 26 in Non-HSWA Cluster II)]	52 FR 28697	8/3/87
38.1	(38)	[Development of Corrective Action Programs After Permitting Hazardous Waste Land Disposal Facilities; Corrections (Included on Revision Checklist 38 in Non-HSWA Cluster III)]	52 FR 33936	9/9/87
43	†43[4/]	Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee (See Revision Checklist 27 in Non-HSWA Cluster III)	52 FR 44314	11/18/87
45	45	Hazardous Waste Miscellaneous Units (See Revision Checklist 59 in Non-HSWA V for technical corrections)	52 FR 46946	12/10/87
24.1	(24)	[Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Closure/Post-Closure and Financial Responsibility Requirements (Included on Revision Checklist 24 in Non-HSWA Cluster II)]	53 FR 7740	3/10/88

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TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
46	46	Technical Correction; Identification and Listing of Hazardous Waste (Entirely supersedes Revision Checklist 29 in Non-HSWA Cluster III)	53 FR 13382	4/22/88
Non-HSWA Cluster V (July 1, 1988 - June 30, 1989; Due Date - July 1, 1990[2/])				
49	†49	Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption	53 FR 27290	7/19/88
		See Revision Checklist 113, Consolidated Liability Requirements, in RCRA Cluster III (formerly withheld Revision Checklist 51)	53 FR 33938	9/1/88
52N	52	Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems (Supersedes certain portions of Revision Checklist 28 in Non-HSWA Cluster III; also see Revision Checklist 52 in HSWA Cluster II)	53 FR 34079	9/2/88
53	53	Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification	53 FR 35412	9/13/88
54	†54	Permit Modifications for Hazardous Waste Management Facilities	53 FR 37912	9/28/88
55	55	Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities	53 FR 39720	10/11/88
54.1	(54)	[Permit Modifications for Hazardous Waste Management Facilities (Included on Revision Checklist 54 in Non-HSWA Cluster V)]	53 FR 41649	10/24/88
56	†56	Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes	53 FR 43878	10/31/88
57	†57	Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes	53 FR 43881	10/31/88

Continued.

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
58	†58	Standards for Generators of Hazardous Waste; Manifest Renewal	53 FR 45089	11/8/88
59	59	Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators (Technical correction to Revision Checklist 45 in Non-HSWA Cluster IV)	54 FR 615	1/9/89
60	60	Amendment to Requirements for Hazardous Waste Incinerator Permits	54 FR 4286	1/30/89
61	†61	Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits; Procedures for Post-Closure Permitting	54 FR 9596	3/7/89
Non-HSWA Cluster VI (July 1, 1989 - June 30, 1990; Due Date - July 1, 1991[2/])				
64	†64[5/]	Delay of Closure Period for Hazardous Waste Management Facilities	54 FR 33376	8/14/89
65	65	Mining Waste Exclusion I	54 FR 36592	9/1/89
67	67	Testing and Monitoring Activities	54 FR 40260	9/29/89
70[6/]	70	Changes to Part 124 Not Accounted for by Present Checklists		
	(70)	Environmental Permit Regulations; RCRA Hazardous Waste; SDWA Underground Injection Control; CWA National Pollutant Discharge Elimination System; CWA Section 404 Dredge or Fill Programs; and CAA Prevention of Significant Deterioration (See Revision Checklist 70 in Non-HSWA Cluster VI)	48 FR 14146	4/1/83

Continued...

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
	(70)	Hazardous Waste Management System; Permit Program; Requirements for Authorization of State Programs; Procedures for Decisionmaking; Identification and Listing of Hazardous Waste; Standards for Owners and Operators of Hazardous Waste Storage, Treatment, and Disposal Facilities; Interim Status Standards for Owners and Operators of Hazardous Waste Storage, Treatment, and Disposal Facilities; Correction (See Revision Checklist 70 in Non-HSWA Cluster VI)	48 FR 30113	6/30/83
	(70)	Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions; Amendments to Technical Requirements for Class I Hazardous Waste Injection Wells; and Additional Monitoring Requirements Applicable to All Class I Wells (See Revision Checklist 70 in Non-HSWA Cluster VI)	53 FR 28118	7/26/88
	(70)	Safe Drinking Water Act; National Drinking Water Regulations; Underground Injection Control Regulations; Indian Lands (See Revision Checklist 70 in Non-HSWA Cluster VI)	53 FR 37396	9/26/88
	(70)	National Pollutant Discharge Elimination System Permit Regulations (See Revision Checklist 70 in Non-HSWA Cluster VI)	54 FR 246	1/4/89
24A	24[7/] (Amended)	Financial Responsibility; Settlement Agreement; Correction (See Revision Checklist 64 and footnote 4 of this table)	55 FR 25976	6/26/90
71	71	Mining Waste Exclusion II	55 FR 2322	1/23/90
72	†72	Modifications of F019 Listing	55 FR 5340	2/14/90
73	73	Testing and Monitoring Activities; Technical Corrections	55 FR 8948	3/9/90
76	†76	Criteria for Listing Toxic Wastes; Technical Amendment	55 FR 18726	5/4/90

Continue

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
78N	78[8/]	Land Disposal Restrictions for Third Third Scheduled Wastes (See Revision Checklist 78 in HSWA Cluster II)	55 FR 22520	6/1/90
HSWA Cluster I (November 8, 1984 - June 30, 1987; Due Date - July 1, 1989[2/])				
SR1		Existing and newly regulated surface impoundments	HSWA §3005(j)(1)&(6)	
SR2	†	Variance under §3005(j)(2)-(9) and (13)	HSWA §3005(j)(2)-(9)	
BB	†	Exceptions to the Burning and Blending of Hazardous Waste	HSWA §3004(q)(2)(A) §3004(r)(2)&(3)	
CP	†	Hazardous and Used Oil Fuel Criminal Penalties	HSWA §3006(h) §3008(d) §3014	
		HSWA Date of Enactment Provisions (See Revision Checklists 17 A - S in HSWA Cluster I)	Numerous	11/8/84
NOT DELEGABLE[9/]		Direct Action Against Insurers	HSWA §3004(t)	11/8/84
14	14	Dioxin Waste Listing and Management Standards	50 FR 1978	1/14/85
		Fuel Labeling (See Revision Checklist 17 K in HSWA Cluster I)	HSWA §3004 (r)(1)	2/7/85
16	16	Paint Filter Test (See Revision Checklist 25 in HSWA Cluster I)	50 FR 18370	4/30/85
		Prohibition of Liquids in Landfills (See Revision Checklist 17 F in HSWA Cluster I)	HSWA §3004(c)	5/8/85
		Expansions During Interim Status - Waste Piles (See Revision Checklist 17 P in HSWA Cluster I)	HSWA §3015(a)	5/8/85
		Expansions During Interim Status - Landfills and Surface Impoundments (See Revision Checklist 17 P in HSWA Cluster I)	HSWA §3015(b)	5/8/85

Continued...

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
SI		Sharing of Information With the Agency for Toxic Substances and Disease Registry	HSWA §3019(b)	7/15/85
	17	HSWA Codification Rule (See Revision Checklist 44 in HSWA Cluster II)	50 FR 28702	7/15/85
17A		17 A - Small Quantity Generators (Superseded by 51 FR 10146, see Revision Checklist 23 in HSWA Cluster I)		
17B	†	17 B - Delisting		
17C	†	17 C - Household Waste		
17D		17 D - Waste Minimization (See Revision Checklist 32 in HSWA Cluster I)		
17E		17 E - Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves		
17F		17 F - Liquids in Landfills (See Revision Checklist 25 in HSWA Cluster I)		
17G		17 G - Dust Suppression		
17H		17 H - Double Liners		
17I		17 I - Ground-Water Monitoring		
17J		17 J - Cement Kilns		
17K		17 K - Fuel Labeling (Superseded by 51 FR 49164, see Revision Checklist 19 in HSWA Cluster I)		
17L		17 L - Corrective Action		
17M		17 M - Pre-construction Ban		
17N		17 N - Permit Life		
17O		17 O - Omnibus Provision		
17P		17 P - Interim Status		
17Q	†	17 Q - Research and Development Permits		
17R		17 R - Hazardous Waste Exports (Superseded by 51 FR 28644, see Revision Checklist 31 in HSWA Cluster I)		
17S		17 S - Exposure Information		
18	18	Listing of TDI, TDA, DNT	50 FR 42936	10/23/8
19	19	Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces	50 FR 49164	11/29/8

Continue

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
20	20	Listing of Spent Solvents	50 FR 53315	12/31/85
20.1	(20)	[Listing of Spent Solvents; Correction (Included on Revision Checklist 20)]	51 FR 2702	1/21/86
21	21	Listing of EDB Waste	51 FR 5327	2/13/86
22	22	Listing of Four Spent Solvents	51 FR 6537	2/25/86
23	23	Generators of 100 to 1000 kg Hazardous Waste (*See Revision Checklists 42 and 47* in HSWA Cluster II)	51 FR 10146	3/24/86
25	25	Codification Rule; Technical Correction (Paint Filter Test)	51 FR 19176	5/28/86
28H	28	Standards for Hazardous Waste Storage and Treatment Tank Systems (Certain sections superseded by 53 FR 34079, see Revision Checklist 52 in HSWA Cluster II; also see Revision Checklist 28 in Non-HSWA Cluster III)	51 FR 25422	7/14/86
30	30	Biennial Report; Correction	51 FR 28556	8/8/86
31	31	Exports of Hazardous Waste (See Revision Checklist 48 in HSWA Cluster II)	51 FR 28664	8/8/86
28H.1	(28)	[Standards for Hazardous Waste Storage and Tank Systems; Corrections (See Revision Checklist 28 in HSWA Cluster I)]	51 FR 29430	8/15/86
32	32	Standards for Generators; Waste Minimization Certifications	51 FR 35190	10/1/86
33	33	Listing of EBDC	51 FR 37725	10/24/86
34	34	Land Disposal Restrictions (Certain sections superseded by 52 FR 25760 and 53 FR 31138, see Revision Checklists 39 & 50 in HSWA Cluster II, and SPAs 4 & 6)	51 FR 40572	11/7/86
19.1	(19)	[Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces; Technical Corrections (Included on Revision Checklist 19 in HSWA Cluster I)]	52 FR 11819	4/13/87

Continued...

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
34.1	(34)	[Land Disposal Restrictions; Corrections (Included on Revision Checklist 34 in HSWA Cluster I)]	52 FR 21010	6/4/87
17B.1	(17 B)	[Hazardous Waste Management System: Requirements of Rulemaking Petitions (Included on Revision Checklist 17 B in HSWA Cluster I)]	54 FR 27114	6/27/89
		HSWA Cluster II (July 1, 1987 - June 30, 1990; Due Date - July 1, 1991[2])		
39	39	California List Waste Restrictions (See Revision Checklist 34 and SPA 4; certain sections superseded by 53 FR 31138, see Revision Checklist 50, in HSWA Cluster II, and SPA 6)	52 FR 25760	7/8/87
42	42	Exception Reporting for Small Quantity Generators of Hazardous Waste (See Checklist 23 in HSWA Cluster I)	52 FR 35894	9/23/87
39.1	(39)	[Test Methods for Hazardous Waste covered by the Land Disposal Restrictions (Included on Revision Checklist 39 in HSWA Cluster II)]	52 FR 41295	10/27/87
	44	HSWA Codification Rule 2 (See Revision Checklist 17 in HSWA Cluster I)	52 FR 45788	12/1/87
44A		44 A - Permit Application Requirements Regarding Corrective Action		
44B		44 B - Corrective Action Beyond Facility Boundary		
44C		44 C - Corrective Action for Injection Wells		
44D		44 D - Permit Modification		
44E		44 E - Permit as a Shield Provision		
44F		44 F - Permit Conditions to Protect Human Health and the Environment		
44G		44 G - Post-Closure Permits		
47	47	Identification and Listing of Hazardous Waste; Technical Correction (Corrects Revision Checklist 23 in HSWA Cluster I)	53 FR 27162	7/19/88

Continued

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
48	48	Farmer Exemptions; Technical Corrections (Corrects Revision Checklist 31 in HSWA Cluster I)	53 FR 27164	7/19/88
50	50	Land Disposal Restrictions for First Third Scheduled Wastes (See Revision Checklist 62 in HSWA Cluster II)	53 FR 31138	8/17/88
52H	52	Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems (Supersedes certain portions of Revision Checklist 28 in HSWA Cluster I; also see Revision Checklist 52 in Non-HSWA Cluster V)	53 FR 34079	9/2/88
50.1	(50)	[Land Disposal Restrictions (Included on Revision Checklist 50 in HSWA Cluster II)]	54 FR 8264	2/27/89
62	62	Land Disposal Restriction Amendments to First Third Scheduled Wastes (amends portions of Revision Checklist 50 in HSWA Cluster II)	54 FR 18836	5/2/89
63	63	Land Disposal Restrictions for Second Third Scheduled Wastes	54 FR 26594	6/23/89
66	66	Land Disposal Restrictions; Correction to the First Third Scheduled Wastes	54 FR 36967	9/6/89
68	68	Reportable Quantity Adjustment Methyl Bromide Production Wastes	54 FR 41402	10/6/89
69	69	Reportable Quantity Adjustment	54 FR 50968	12/11/89
74	74	Toxicity Characteristic Revisions	55 FR 11798	3/29/90
75	75	Listing of 1,1-Dimethylhydrazine Production Wastes	55 FR 18496	5/2/90
77	77	HSWA Codification Rule; Double Liners; Correction	55 FR 19262	5/9/90
78H	78[8/]	Land Disposal Restrictions for Third Third Scheduled Wastes (See Revision Checklist 78 in Non-HSWA Cluster VI)	55 FR 22520	6/1/90

Continued...

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
66.1	(66)	[Land Disposal Restrictions; Correction (Included on Revision Checklist 66 in HSWA Cluster II)]	55 FR 23935	6/13/9(
79	79	Hazardous Waste Treatment, Storage, and Disposal Facilities--Organic Air Emission Standards For Process Vents and Equipment Leaks (See Revision Checklist 87 in RCRA Cluster I)	55 FR 25454	6/21/9(
74.1	(74)	[Toxicity Characteristics Revisions; Correction (Included on Revision Checklist 74 in HSWA Cluster II)]	55 FR 26986	6/29/9(
		RCRA Cluster I (July 1, 1990 - June 30, 1991; Due Date - July 1 1992[2/])		
80	†80	Toxicity Characteristic; Hydrocarbon Recovery Operations (HSWA)	55 FR 40834	10/5/9(
81	81	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038) (See Revision Checklist 81) (HSWA)	55 FR 46354	11/2/9
82	82	Wood Preserving Listings (HSWA/Non-HSWA)	55 FR 50450	12/6/9(
81.1	(81)	[Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings; Correction (Included on Revision Checklist 81, RCRA Cluster I)]	55 FR 51707	12/17/9(
83	83	Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendment (HSWA)	56 FR 3864	01/31/9
80.1	(80)	[Toxicity Characteristic; Hydrocarbon Recovery Operations (Included on Revision Checklist 80 in RCRA Cluster I)]	56 FR 3978	02/01/9
84	†84	Toxicity Characteristic; Chlorofluorocarbon Refrigerants (HSWA)	56 FR 5910	02/13/9
85	85	Burning of Hazardous Waste in Boilers and Industrial Furnaces (HSWA/Non-HSWA)	56 FR 7134	02/21/9

Continue

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
86	86[8/]	Removal of Strontium Sulfide From the List of Hazardous Waste; Technical Amendment (Non-HSWA)	56 FR 7567	02/25/91
80.2	(80)	[Toxicity Characteristic; Hydrocarbon Recovery Operations (See Revision Checklist 80 in RCRA Cluster I)]	56 FR 13406	04/02/91
87	87	Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment (See Revision Checklist 79 in HSWA Cluster II) (HSWA)	56 FR 19290	04/26/91
88	†88	Administrative Stay for K069 Listing (Non-HSWA)	56 FR 19951	05/01/91
89	†89	Revision to F037 and F038 Listings (See Revision Checklist 81 in RCRA Cluster I) (HSWA)	56 FR 21955	05/13/91
90	90	Mining Exclusion III (Non-HSWA)	56 FR 27300	06/13/91
91	†91	Administrative Stay for F032, F034, and F035 Listings (HSWA/Non-HSWA)	56 FR 27332	06/13/91
RCRA Cluster II (July 1, 1991 - June 30, 1992; Due Date - July 1, 1993[1/])				
92	92	Wood Preserving Listings; Technical Corrections (HSWA/Non-HSWA)	56 FR 30192	07/01/91
		See Revision Checklist 113, Consolidated Liability Requirements, in RCRA Cluster III (formerly withheld Revision Checklist 93)	56 FR 30200	07/01/91
94	94	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I (HSWA/Non-HSWA)	56 FR 32688	07/17/91
95	95	Land Disposal Restrictions for Electric Arc Furnace Dust (K061) (HSWA)	56 FR 41164	08/19/91
96	96	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (HSWA/Non-HSWA)	56 FR 42504	08/27/91

Continued...

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
97	97	Exports of Hazardous Waste; Technical Correction (HSWA)	56 FR 43704	09/04/91
98	†98	Coke Ovens Administrative Stay (HSWA)	56 FR 43874	09/05/91
99	†99	Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations (Non-HSWA)	56 FR 66365	12/23/91
100	100	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units (HSWA/Non-HSWA)	57 FR 3462	01/29/92
101	†101	Administrative Stay for the Requirement That Existing Drip Pads be Impermeable (HSWA/Non-HSWA)	57 FR 5859	02/18/92
102	102	Second Correction to the Third Third Land Disposal Restrictions (HSWA)	57 FR 8086	03/06/92
103	103	Hazardous Debris Case-by-Case Capacity Variance (HSWA)	57 FR 20766	05/15/92
104	†104	Oil Filter Exclusion (HSWA)	57 FR 21524	05/20/92
105	†105	Recycled Coke By-Product Exclusion (HSWA)	57 FR 27880	06/22/92
106	106	Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance (HSWA)	57 FR 28628	06/26/92
RCRA Cluster III (July 1, 1992 - June 30, 1993; Due Date - July 1, 1994[2/])				
107	†107	Used Oil Filter Exclusion Corrections (HSWA)	57 FR 29220	07/01/92
108	108	Toxicity Characteristic Revisions (HSWA)	57 FR 30657	07/10/92
109	109	Land Disposal Restrictions for Newly Listed Waste and Hazardous Debris (HSWA)	57 FR 37194	08/18/92
110	110	Coke-By-Products Listings (HSWA)	57 FR 37284	08/18/92
111	111	Boilers and Industrial Furnaces; Technical Amendment III (HSWA/Non-HSWA)	57 FR 38558	08/25/92
112	112	Recycled Used Oil Management Standards (HSWA/Non-HSWA)	57 FR 41566	09/10/92

Continued

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1/] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
	113	Consolidated Liability Requirements:		
113	(113)	Financial Responsibility for Third-Party Liability, Closure, and Post-Closure (Non-HSWA)	57 FR 42832	9/16/92
113.1	(113)	Liability Coverage (Non-HSWA) (formerly withheld Revision Checklist 51)	53 FR 33938	9/1/88
113.2	(113)	Liability Requirements; Technical Amendment (Non-HSWA) (formerly withheld Revision Checklist 93)	56 FR 30200	7/1/91
114	114	Boilers and Industrial Furnaces; Technical Amendment IV (HSWA)	57 FR 44999	09/30/92
115	115	Chlorinated Toluenes Production Waste Listing (HSWA)	57 FR 47376	10/15/92
116	116	Hazardous Soil Case-by-Case Capacity Variance (HSWA)	57 FR 47772	10/20/92
	†117 A	Reissuance of the "Mixture" and "Derived-From" Rules (Non-HSWA/HSWA)		
117A	(117 A)	"Mixture" and "Derived-From" Rules; Response to Court Remand	57 FR 7628	3/3/92
117A.1	(117 A)	"Mixture" and "Derived-From" Rules; Technical Correction	57 FR 23062	6/1/92
117A.2	(117 A)	"Mixture" and "Derived-From" Rules; Final Rule	57 FR 49278	10/20/92
117B	117B	Toxicity Characteristic Amendment (HSWA)	57 FR 23062	6/1/92
118	118	Liquids in Landfills II (HSWA)	57 FR 54452	11/18/92
119	†119	Toxicity Characteristic Revision; TCLP Correction (HSWA)	57 FR 55114	11/24/92

Continued...

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

StATS[1] Rule Code	Revision Checklist Number	Federal Requirement	HSWA or FR Reference	Promulgation or HSWA Date
120	120	Wood Preserving; Amendments to Listings and Technical Requirements (HSWA/Non-HSWA)	57 FR 61492	12/24/9
119.1	†(119)[11]	[Toxicity Characteristic Revision; TCLP Correction (included on Revision Checklist 119 in RCRA Cluster III)]	58 FR 6854	2/2/9
121	†121	Corrective Action Management Units and Temporary Units (HSWA)	58 FR 8658	2/16/9
122	122	Recycled Used Oil Management Standards; Technical Amendments and Corrections I (HSWA/Non-HSWA)	58 FR 26420	5/3/9
123	123	Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (HSWA)	58 FR 28506	5/14/9
124	124	Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (HSWA)	58 FR 29860	5/24/9
122.1	(122)	[Recycled Used Oil Management Standards; Correction (Included on Revision Checklist 122 in RCRA Cluster III)]	58 FR 33341	6/17/9

† Optional.

[1]StATS is the State Authorization Tracking System which tracks States' progress in becoming authorized for each checklist. This column was added to help the Regions and States relate data entered in that system with the information included in this table. The "rule code" is the symbol used in StATS t represent a particular rule or non-checklist item, e.g., State Availability of Information or Radioactive Mix Waste.

[2]States have an additional year if statutory changes are required.

[3]A parenthesized number implies that this is not the main rule for the indicated checklist. However, the rule is included on the indicated checklist. Rules with parenthesized numbers are typically technical corrections or amendments to a major final rule. These corrections are usually close enough in time to th initial final rule that the correction was included on the checklist for the initial rule, rather than developin a new checklist for the correction.

Continue

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

[4]While Revision Checklists 27 and 43 are optional, States which have adopted or choose to adopt the changes addressed by Revision Checklist 27 must adopt Revision Checklist 43's changes.

[5]The May 2, 1986 amendments to 40 CFR 264.113 and 265.113, addressed by Revision Checklist 24, must be adopted before or simultaneous with adopting the provisions addressed by Revision Checklist 64. Also see Footnote 7.

[6]Note that, unlike other checklists which address more than one final rule, Revision Checklist 70 is not presented by each of these rules individually in StATS. Instead, it is represented only once as Revision Checklist 70. This checklist is different from other checklists because it represents an accumulation of small changes to Part 124, relating to the RCRA program, which were missed because they were often presented as relating to other permit programs. Effectively, this checklist is a "catch-up" checklist, with the many rules it represents spanning a six-year period from 1983 to 1989. To simplify an already complicated and confusing matter, it was decided to only represent this checklist as one entry, rather than five separate entries.

[7]Only those sections, i.e., 40 CFR 264.113 and 265.113, of Revision Checklist 24 (Amended) recharacterized as more stringent by the June 26, 1990 correction are included in Non-HSWA Cluster VI. All other Revision Checklist 24 provisions continue to be included in Non-HSWA Cluster II. States which have already adopted the 264.113 and 265.113 amendments as part of their authorization for Revision Checklist 24 in Non-HSWA Cluster II, are not affected by this correction and do not have to submit an amended Revision Checklist 24.

[8]Revision Checklist 78 is in HSWA Cluster II, with the exception of the clarifying amendment to §268.33(c) which is in Non-HSWA Cluster VI. This clarification is not immediately effective in authorized States since the requirements are not imposed pursuant to HSWA. Thus, these requirements are applicable only in those States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements under State law.

[9]The rule addressed by this checklist is a technical amendment to the final rule (53 FR 43881; October 31, 1988; Revision Checklist 57)) that removed strontium sulfide from 40 CFR 261.33, the list of commercial chemical products which are hazardous wastes when discarded or intended to be discarded. States which intend to remove strontium sulfide from their hazardous wastes lists, but have not yet adopted the changes made by Revision Checklist 57 are strongly encouraged to adopt the changes addressed by Revision Checklists 57 and 86 at the same time. Those States that have already adopted the Revision Checklist 57 provisions should adopt that Revision Checklist 86 amendments as soon as possible. States should note that Revision Checklist 86 is a conditionally optional checklist. States choosing not to adopt the removal of strontium sulfide (i.e. Revision Checklist 57) should not adopt the Revision Checklist 86 provisions. However, States which choose to remove strontium sulfide must adopt the provisions addressed by Revision checklist 86 to be sure that the material has been properly removed from the State's lists and appendices.

[10]Direct Action against insurers in RCRA §3004(t) is not delegable to the States. EPA realizes that six States are currently "authorized" for this provision. Several States have included this provision in their pending HSWA I revision applications. The Regions should review these provisions and clarify with their States that, by virtue of the statute, the Federal cause of action ensured by RCRA §3004(t) remains in effect in authorized States. This provision is not delegable because authorized provisions of State law

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TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through June 30, 1993

must operate in lieu of the Federal counterpart and, in this situation, State law providing for a direct caus of action against insurers may augment the Federal Action, but not supersede it.

[11]This is a conditionally optional rule; if a State chooses to adopt the November 24, 1992 (57 FR 55114) rule, it must make this change.

TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS AND CORRESPONDING CLUSTER
Through June 30, 1993

Revision Checklist Number	Federal Requirement	Cluster
	State Availability of Information (See Appendix N)	Non-HSWA Cluster I
	Radioactive Mixed Waste (See SPA 2 and Appendix N)	Non-HSWA Cluster III
NOT DELEGABLE[1/]	Direct Action Against Insurers	HSWA Cluster I
	Surface Impoundment Requirements:	HSWA Cluster I
	a. Existing and newly regulated surface impoundments	
†	b. Variance under §3005(j)(2)-(9) and (13)	
	Sharing of Information With the Agency for Toxic Substances and Disease Registry	HSWA Cluster I
†	Exceptions to the Burning and Blending of Hazardous Waste	HSWA Cluster I
†	Hazardous and Used Oil Fuel Criminal Penalties	HSWA Cluster I
1	Biennial Report	Non-HSWA Requirements Prior to Non-HSWA Cluster I
2	Permit Rules - Settlement Agreement	Non-HSWA Requirements Prior to Non-HSWA Cluster I
3	Interim Status Standards - Applicability	Non-HSWA Requirements Prior to Non-HSWA Cluster I
4	Chlorinated Aliphatic Hydrocarbon Listing (F024)	Non-HSWA Requirements Prior to Non-HSWA Cluster I
5	National Uniform Manifest	Non-HSWA Requirements Prior to Non-HSWA Cluster I
†6	Permit Rules: Settlement Agreement	Non-HSWA Requirements Prior to Non-HSWA Cluster I
†7	Warfarin & Zinc Phosphide Listing	Non-HSWA Requirements Prior to Non-HSWA Cluster I
†8	Lime Stabilized Pickle Liquor Sludge	Non-HSWA Requirements Prior to Non-HSWA Cluster I
†9	Household Waste	Non-HSWA Cluster I

Continued...

TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS AND CORRESPONDING CLUSTER (cont'd)
Through June 30, 1993

Revision Checklist Number	Federal Requirement	Cluster
10	Interim Status Standards - Applicability	Non-HSWA Cluster I
11	Corrections to Test Methods Manual	Non-HSWA Cluster I
†12	Satellite Accumulation	Non-HSWA Cluster I
13	Definition of Solid Waste	Non-HSWA Cluster I
14	Dioxin Waste Listing and Management Standards	HSWA Cluster I
15	Interim Status Standards for Treatment, Storage, and Disposal Facilities	Non-HSWA Cluster I
16	Paint Filter Test	HSWA Cluster I
17	HSWA Codification Rule	HSWA Cluster I
	17 A - Small Quantity Generators	
	† 17 B - Delisting	
	† 17 C - Household Waste	
	17 D - Waste Minimization	
	17 E - Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves	
	17 F - Liquids in Landfills	
	17 G - Dust Suppression	
	17 H - Double Liners	
	17 I - Ground-Water Monitoring	
	17 J - Cement Kilns	
	17 K - Fuel Labeling	
	17 L - Corrective Action	
	17 M - Pre-construction Ban	
	17 N - Permit Life	
	17 O - Omnibus Provision	
	17 P - Interim Status	
	† 17 Q - Research and Development Permits	
	17 R - Hazardous Waste Exports	
	17 S - Exposure Information	
18	Listing of TDI, TDA, DNT	HSWA Cluster I
19	Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces	HSWA Cluster I
20	Listing of Spent Solvents	HSWA Cluster I
21	Listing of EDB Waste	HSWA Cluster I
22	Listing of Four Spent Solvents	HSWA Cluster I

Continued

TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS AND CORRESPONDING CLUSTER (cont'd)
Through June 30, 1993

Revision Checklist Number	Federal Requirement	Cluster
23	Generators of 100 to 1000 kg Hazardous Waste	HSWA Cluster I
24[2/]	Financial Responsibility: Settlement Agreement	Non-HSWA Cluster II and Non-HSWA Cluster VI
25	Codification Rule, Technical Correction (Paint Filter Test)	HSWA Cluster I
†26	Listing of Spent Pickle Liquor (K062)	Non-HSWA Cluster II
†27[3/]	Liability Coverage - Corporate Guarantee	Non-HSWA Cluster III
28	Standards for Hazardous Waste Storage and Treatment Tank Systems	Non-HSWA Cluster III and HSWA Cluster I
29	Correction to Listing of Commercial Chemical Products and Appendix VIII Constituents	Non-HSWA Cluster III
30	Biennial Report; Correction	HSWA Cluster I
31	Exports of Hazardous Waste	HSWA Cluster I
32	Standards for Generators - Waste Minimization Certifications	HSWA Cluster I
33	Listing of EBDC	HSWA Cluster I
34	Land Disposal Restrictions	HSWA Cluster I
35	Revised Manual SW-846; Amended Incorporation by Reference	Non-HSWA Cluster III
36	Closure/Post-closure Care for Interim Status Surface Impoundments	Non-HSWA Cluster III
37	Definition of Solid Waste; Technical Corrections	Non-HSWA Cluster III
38	Amendments to Part B Information Requirements for Land Disposal Facilities	Non-HSWA Cluster III
39	California List Waste Restrictions	HSWA Cluster II
40	List (Phase 1) of Hazardous Constituents for Ground-Water Monitoring	Non-HSWA Cluster IV
41	Identification and Listing of Hazardous Waste	Non-HSWA Cluster IV
42	Exception Reporting for Small Quantity Generators of Hazardous Waste	HSWA Cluster II

Continued...

TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS AND CORRESPONDING CLUSTER (cont'd)
Through June 30, 1993

Revision Checklist Number	Federal Requirement	Cluster
†43[3/]	Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee	Non-HSWA Cluster IV
44	HSWA Codification Rule 2 44 A - Permit Application Requirements Regarding Corrective Action 44 B - Corrective Action Beyond Facility Boundary 44 C - Corrective Action for Injection Wells 44 D - Permit Modification 44 E - Permit as a Shield Provision 44 F - Permit Conditions to Protect Human Health and the Environment 44 G - Post-Closure Permits	HSWA Cluster II
45	Hazardous Waste Miscellaneous Units	Non-HSWA Cluster IV
46	Technical Correction; Identification and Listing of Hazardous Waste	Non-HSWA Cluster IV
47	Identification and Listing of Hazardous Waste; Technical Correction	HSWA Cluster II
48	Farmer Exemptions; Technical Corrections	HSWA Cluster II
†49	Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption	Non-HSWA Cluster V
50	Land Disposal Restrictions for First Third Scheduled Wastes	HSWA Cluster II
51	Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; Liability Coverage (withheld; EPA is responding to the settlement of litigation surrounding this rule)	Non-HSWA Cluster V
52	Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems	Non-HSWA Cluster V and HSWA Cluster II
53	Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification	Non-HSWA Cluster V
†54	Permit Modifications for Hazardous Waste Management Facilities	Non-HSWA Cluster V

Continued

TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS AND CORRESPONDING CLUSTER (cont'd)
Through June 30, 1993

Revision Checklist Number	Federal Requirement	Cluster
55	Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities	Non-HSWA Cluster V
†56	Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes	Non-HSWA Cluster V
†57	Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes	Non-HSWA Cluster V
†58	Standards for Generators of Hazardous Waste; Manifest Renewal	Non-HSWA Cluster V
59	Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators	Non-HSWA Cluster V
60	Amendment to Requirements for Hazardous Waste Incinerator Permits	Non-HSWA Cluster V
†61	Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits; Procedures for Post-Closure Permitting	Non-HSWA Cluster V
62	Land Disposal Restriction Amendments to First Third Scheduled Wastes	HSWA Cluster II
63	Land Disposal Restrictions for Second Third Scheduled Wastes	HSWA Cluster II
†64[4/]	Delay of Closure Period for Hazardous Waste Management Facilities	Non-HSWA Cluster VI
65	Mining Waste Exclusion I	Non-HSWA Cluster VI
66	Land Disposal Restrictions; Correction to First Third Scheduled Wastes	HSWA Cluster II
67	Testing and Monitoring Activities	Non-HSWA Cluster VI
68	Reportable Quantity Adjustment Methyl Bromide Production Wastes	HSWA Cluster II
69	Reportable Quantity Adjustment	HSWA Cluster II
70	Changes to Part 124 Not Accounted for by Present Checklists	Non-HSWA VI
71	Mining Waste Exclusion II	Non-HSWA Cluster VI

Continued...

TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS AND CORRESPONDING CLUSTER (cont'd)
Through June 30, 1993

Revision Checklist Number	Federal Requirement	Cluster
†72	Modification of F019 Listing	Non-HSWA Cluster VI
73	Testing and Monitoring Activities; Technical Corrections	Non-HSWA Cluster VI
74	Toxicity Characteristics Revision	HSWA Cluster II
75	Listing of 1,1-Dimethylhydrazine Production Wastes	HSWA Cluster II
†76	Criteria for Listing Toxic Wastes; Technical Amendment	Non-HSWA Cluster VI
77	HSWA Codification Rule, Double Liners; Correction	HSWA Cluster II
78[5/]	Land Disposal Restrictions for Third Third Scheduled Wastes	Non-HSWA Cluster VI and HWSA CLuster II
79	Hazardous Waste Treatment, Storage, and Disposal Facilities--Organic Air Emission Standards For Process Vents and Equipment Leaks	HSWA Cluster II
†80	Toxicity Characteristic; Hydrocarbon Recovery Operations	RCRA I, HSWA
81	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038)	RCRA I, HSWA
82	Wood Preserving Listings	RCRA I, HSWA/Non-HSWA
83	Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendment	RCRA I, HSWA
†84	Toxicity Characteristic; Chlorofluoro-carbon Refrigerants	RCRA I, HSWA
85	Burning of Hazardous Waste in Boilers and Industrial Furnaces	RCRA I, HSWA/Non-HSWA
86[6/]	Removal of Strontium Sulfide From the List of Hazardous Waste; Technical Amendment	RCRA I, Non-HSWA
87	Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment	RCRA I, HSWA
†88	Administrative Stay for K069 Listing	RCRA I, Non-HSWA

Continued

TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS AND CORRESPONDING CLUSTER (cont'd)
Through June 30, 1993

Revision Checklist Number	Federal Requirement	Cluster
†89	Revision to F037 and F038 Listings	RCRA I, HSWA
90	Mining Exclusion III	RCRA I, Non-HSWA
91	Administrative Stay for F032, F034, and F035 Listings	RCRA I, HSWA/Non-HSWA
92	Wood Preserving Listings; Technical Corrections	RCRA II, HSWA/Non-HSWA
93	Liability Requirements; Technical Amendment [withheld until all of the settlement agreement provisions have been promulgated]	RCRA II, Non-HSWA
94	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I	RCRA II, HSWA/Non-HSWA
95	Land Disposal Restrictions for Electric Arc Furnace Dust (K061)	RCRA II, HSWA
96	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II	RCRA II, HSWA/Non-HSWA
97	Exports of Hazardous Waste; Technical Correction	RCRA II, HSWA
†98	Coke Ovens Administrative Stay	RCRA II, HSWA
†99	Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations	RCRA II, Non-HSWA
100	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units	RCRA II, HSWA/Non-HSWA
†101	Administrative Stay for the Requirement That Existing Drip Pads be Impermeable	RCRA II, HSWA/Non-HSWA
102	Second Correction to the Third Third Land Disposal Restrictions	RCRA II, HSWA
103	Hazardous Debris Case-by-Case Capacity Variance	RCRA II, HSWA
†104	Oil Filter Exclusion	RCRA II, HSWA
†105	Coke By-Product Exclusion	RCRA II, HSWA
106	Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance	RCRA II, HSWA

Continued...

TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS AND CORRESPONDING CLUSTER (cont'd)
Through June 30, 1993

Revision Checklist Number	Federal Requirement	Cluster
107	Used Oil Filter Exclusion; Technical Corrections	RCRA III, HSWA
108	Toxicity Characteristics Revisions; Technical Corrections	RCRA III, HSWA
109	Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris	RCRA III, HSWA
110	Coke By-Products Listings	RCRA III, HSWA
111	Boilers and Industrial Furnaces; Technical Amendment III	RCRA III, HSWA/Non-HSWA
112	Recycled Used Oil Management Standards	RCRA III, HSWA/Non-HSWA
113	Consolidated Liability Requirements	RCRA III, Non-HSWA
114	Boilers and Industrial Furnaces; Technical Amendment IV	RCRA III, HSWA
115	Chlorinated Toluenes Production Waste Listing	RCRA III, HSWA
116	Hazardous Soil Case-by-Case Capacity Variance	RCRA III, HSWA
†117 A	Reissuance of the "Mixture" and "Derived-From" Rules	RCRA III, HSWA/Non-HSWA
117 B	Toxicity Characteristic Revision	RCRA III, HSWA
118	Liquids in Landfills II	RCRA III, HSWA
†119	Toxicity Characteristic Revision; TCLP Correction	RCRA III, HSWA
120	Wood Preserving; Amendments to Listings and Technical Corrections	RCRA III, HSWA/Non-HSWA
†121	Corrective Action Management Units and Temporary Units	RCRA III, HSWA
122	Recycled Used Oil Management Standards; Technical Amendments and Corrections I	RCRA III, HSWA/Non-HSWA
123	Land Disposal Restrictions; Renewal of the Hazardous Debris Case-by-Case Capacity Variance	RCRA III, HSWA
124	Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated	RCRA III, HSWA

† Optional.

Continued

TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS AND CORRESPONDING CLUSTER (cont'd)
Through June 30, 1993

[1]Direct Action against insurers in RCRA §3004(t) is not delegable to the States. EPA realizes that six States are currently "authorized" for this provision. Several States have included this provision in their pending HSWA I revision applications. The Regions should review these provisions and clarify with their States that, by virtue of the statute, the Federal cause of action ensured by RCRA §3004(t) remains in effect in authorized States. This provision is not delegable because authorized provisions of State law must operate in lieu of the Federal counterpart and, in this situation, State law providing for a direct cause of action against insurers may augment the Federal Action, but not supersede it.

[2]Only those sections, i.e., 40 CFR 264.113 and 265.113, of Revision Checklist 24 (Amended) recharacterized as more stringent by the June 26, 1990 correction are included in Non-HSWA Cluster VI. All other Revision Checklist 24 provisions continue to be included in Non-HSWA Cluster II. States which have already adopted the 264.113 and 265.113 amendments as part of their authorization for Revision Checklist 24 in Non-HSWA Cluster II, are not affected by this correction and do not have to submit an amended Revision Checklist 24.

[3]While Revision Checklists 27 and 43 are optional, states which have adopted or choose to adopt the changes addressed by Revision Checklist 27, must adopt Revision Checklist 43's changes.

[4]The May 2, 1986 amendments to 40 CFR 264.113 and 265.113, addressed by Revision Checklist 24, must be adopted before or simultaneous with adopting the provisions addressed by Revision Checklist 64. Also see Footnote 1.

[5]Revision Checklist 78 is in HSWA Cluster II, with the exception of the clarifying amendment to §268.33(c) which is in Non-HSWA Cluster VI. This clarification is not immediately effective in authorized States since the requirements are not imposed pursuant to HSWA. Thus, these requirements are applicable only in those States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements under State law.

[6]The rule addressed by this checklist is a technical amendment to the final rule (53 FR 43881; October 31, 1988; Revision Checklist 57)) that removed strontium sulfide from 40 CFR 261.33, the list of commercial chemical products which are hazardous wastes when discarded or intended to be discarded. States which intend to remove strontium sulfide from their hazardous wastes lists, but have not yet adopted the changes made by Revision Checklist 57 are strongly encouraged to adopt the changes addressed by Revision Checklists 57 and 86 at the same time. Those States that have already adopted the Revision Checklist 57 provisions should adopt the Revision Checklist 86 amendments as soon as possible. States should note that Revision Checklist 86 is a conditionally optional checklist. States choosing not to adopt the removal of strontium sulfide (i.e. Revision Checklist 57) should not adopt the Revision Checklist 86 provisions. However, States which choose to remove strontium sulfide must adopt the provisions addressed by Revision checklist 86 to be sure that material has been properly removed from the State's lists and appendices.

Checklist Linkage Table

The following pages (numbered 3 through 9)
should replace pages 3 through 8 of
SAM Appendix H

Revision Checklist Linkage Table
as of June 30, 1993

	Revision Checklist Number	Linked Checklists	Topic or Explanation
	1	17 D, 30	Biennial Report
	2	---	Permit - Settlement Agreement[1]
	3	10	Interim Status - Applicability
*	4	---	Chlorinated Aliphatic Hydrocarbon Listing
	5	17 D,32,58	National Uniform Manifest Requirements
	6	---	Permit - Settlement Agreement[1]
*	7	---	Warfarin & Zinc Phosphate Listing
	8	13	Lime Stabilized Pickle Liquor Sludge
	9	17 C	Household Waste Exclusion
	10	3	Interim Status - Applicability
	11	35,67,73	Corrections to Test Methods Manual
	12	---	Satellite Accumulation
	13	8,37	Definition of Solid Waste
*	14	---	Dioxin Waste Listing and Management Standards
	15	---	Landfill Interim Status
	16	25	Paint Filter Test
	17 A[2]	23,42,47	Small Quantity Generators
	17 B	---	Delisting
	17 C	9	Household Waste Exclusion
	17 D	1,5,30,32,58	Biennial Report/National Uniform Manifest
	17 E	---	Salt Domes, Salt Beds, Underground Mines and Caves Standards
	17 F	118	Liquids in Landfills
	17 G	---	Dust Suppression
	17 H	77,100	Double Liners
	17 I	---	Ground-Water Monitoring
	17 J	---	Cement Kilns
	17 K[3]	19	Fuel Labeling
	17 L	---	Corrective Action
	17 M	---	Pre-construction Ban
	17 N	---	Permit Life
	17 O	---	Omnibus Provision

DLINK14 - 7/30/93 Continued.

[Printed 5/3/94]

Revision Checklist Linkage Table as of June 30, 1993 (cont'd)

	Revision Checklist Number	Linked Checklists	Topic or Explanation
	17 P	---	Interim Status
	17 Q	---	Research and Development Permits
	17 R[4]	31,48,97	Hazardous Waste Exports
	17 S	---	Exposure Information
*	18	---	TDI, TDA, & DNT Listing
	19[5]	85,104,107,112,122	Waste Fuel/Used Oil Fuel
*	20	22	Spent Solvents Listing
*	21	---	EDB Waste Listing
*	22	20	Four Spent Solvents Listing
	23	17 A,42,47	Small Quantity Generators
	24	64	Financial Responsibility - Settlement Agreement
	25	16	Paint Filter Test
*	26	---	Spent Pickle Liquor Listing
	27	43	Corporate Guarantee
	28[6]	52	Hazardous Waste Tank Systems
*	29[7]	46	Listings - 261.33(e)&(f) and Associated Appendices
	30	1,17 D	Biennial Report
	31	17 R,48,97	Exports of Hazardous Waste
	32	5,17 D,58	National Uniform Hazardous Waste Manifest
*	33	---	EDBC Listing
	34	39,50,63,78,109	Solvents & Dioxins Land Disposal Restrictions
	35	11,67,73	Corrections - Test Methods Manual
	36	---	Surface Impoundments: Closure/Post Closure Care
	37	13	Definition of Solid Waste
	38	---	Part B Information Requirements Amendment
	39	34,50,63,78,109	California List Waste Land Disposal Restrictions
	40	---	List of Hazardous Constituents for Ground-Water Monitoring

DLINK14 - 7/30/93 Continued...

Revision Checklist Linkage Table as of June 30, 1993 (cont'd)

	Revision Checklist Number	Linked Checklists	Topic or Explanation
	41	---	Container/Liner Residues
	42	17 A,23,47	Small Quantity Generators
	43	27	Corporate Guarantee
	44 A	---	Permits/Corrective Action
	44 B	---	Corrective Action Beyond Facility Boundary
	44 C	---	Corrective Action for Injection Wells
	44 D	54	Permit Modification
	44 E	---	Permit as a Shield Provision
	44 F	---	Permit Conditions/Health-Environment
	44 G	---	Post-Closure Permits, Scope of Requirement
	45	59	Miscellaneous Units
*	46	29	Listings 261.33(e),(f) and Associated Appendices
	47	17 A,23,42	Small Quantity Generators
	48	17 R,31,97	Hazardous Waste Exports
	49	---	Sample Exemption
	50	34,39,62,63,66,78,95,109	Third Third Land Disposal Restrictions
	51	93	Liability Coverage
	52	28	Hazardous Waste Tank Systems
*	53	---	Smelting Waste Listing
	54	44 D	Permit Modification
	55	---	Ground-Water Monitoring Statistical Methods
*	56	---	Iron Dextran Listing Removal
*	57	86	Strontium Sulfide Listing Removal
	58	5,17 D,32	National Uniform Manifest
	59	45	Miscellaneous Units
	60	---	Incinerator Permits
	61	---	Changes to Interim Status Facilities
		---	Reconstruction Limits
		54	Modifications to Hazardous Waste Management Permits (270.42 Appendix)
		---	Procedures for Post-closure Permitting
	62	50,66,109	First Third Land Disposal Restriction Correction
	63	34,39,50,78,109	Second Third Land Disposal Restrictions

DLINK14 - 7/30/93 Continued...

Revision Checklist Linkage Table as of June 30, 1993 (cont'd)

	Revision Checklist Number	Linked Checklists	Topic or Explanation
	64	24	Delay of Closure Period for Hazardous Waste Management Facilities
	65	71,90	Mining Waste Exclusion I
	66	50,62,109	First Third Land Disposal Restriction Correction
	67	11,35,73	Testing and Monitoring Activities
*	68	---	Methyl Bromide Production Wastes
*	69	---	Chlorinated Aliphatic Hydrocarbon Production Wastes
	70	---	Updates to Part 124
	71	65,90	Mining Waste Exclusion II
*	72	---	Modification of F019 Listing
	73	11,35,67	Analytical Test Methods
	74	80,84,108,117 B,119	Toxicity Characteristic Revisions
*	75	---	1,1-Dimethylhydrazine Production Wastes Listing
	76	---	Criteria for Listing Toxic Wastes
	77	17 H,100	Corrections - Double Liners
*	78	34,39,50,83,100,102,103,106, 109,116,123,124	Third Third Land Disposal Restrictions
	79	87	Organic Air Emission Standards for Process Vents and Equipment Leaks
	80	74,84,108	Toxicity Characteristic; Hydrocarbon Recovery Operations
*	81	89	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038)
*	82	91,92,101,120	Wood Preserving Listings
	83	78,102,103,106,109,116 123,124	Third Third Land Disposal Restriction Correction
	84	74,80,108	Toxicity Characteristic
	85	19,94,96,105,110,111,114	Burning of Hazardous Waste in Boilers and Industrial Furnaces
*	86	57	Strontium Sulfide Listing Removal
	87	79	Organic Air Emission Standards for Process Vents and Equipment Leaks

DLINK14 - 7/30/93 Continued...

Revision Checklist Linkage Table as of June 30, 1993 (cont'd)

	Revision Checklist Number	Linked Checklists	Topic or Explanation
*	88	---	Administrative Stay for K069 Listing
*	89	81	Revision to F037 and F038 Listing
	90	65,71	Mining Waste III
*	91	82,92,101,120	Administrative Stay for Wood Preserving Wastes
	92	82,91,101,120	Wood Preserving Listings; Technical Corrections
	93	51	Liability Requirements; Technical Amendment
	94	19,85,96,111,114	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments
	95	50	Finalization of treatment standards for the K061 nonwastewaters in the high zinc subcategory
	96	85,94,98,111,114	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II
	97	17 R,31,48	Exports of Hazardous Waste; Technical Correction
	98	85,96,105,110	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Administrative Stay of Applicability and Technical Amendment
	99	---	Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations
	100	17 H,77	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units
	101	82,91,92,120	Existing Drip Pad Administrative Stay
	102	78,83	Second Correction to the Third Third Land Disposal Restrictions
	103	78,83,109,116,123	Hazardous Debris Case-by-Case Capacity Variance
	104	107,112	Used Oil Filter Exclusion
	105	85,98,110	Recycled Coke By-Product Exclusion

DLINK14 - 7/30/93 Continued...

Revision Checklist Linkage Table as of June 30, 1993 (cont'd)

	Revision Checklist Number	Linked Checklists	Topic or Explanation
	106	78,83,109,116	Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance
	107	104	Used Oil Filter Exclusion Corrections
	108	74,117 B,119	Toxicity Characteristic Revisions
	109	34,39,50,63,78,103,106	Newly Listed Wastes and Hazardous Debris Land Disposal Restrictions
	110	85,98,105	Coke By-Products Listings
	111	85,94,96,114	Boilers and Industrial Furnaces; Technical Amendment III
	112	19,104,107,122	Recycled Used Oil Management Standards
	113	---	Liability Coverage and Financial Responsibility
	114	85,94,96,111	Boilers and Industrial Furnaces; Technical Amendment IV
*	115	---	Chlorinated Toluenes Production Waste Listing
	116	78,83,103,106,123	Hazardous Soil Case-by-Case Capacity Variance
	117 A	---	"Mixture" and "Derived-from" Rules
	117 B	74,108,119	Toxicity Characteristic Revision
	118	17 F	Liquids in Landfills II
	119	74,108,117 B	Toxicity Characteristic Revision; TCLP Correction
*	120	82,91,92,101	Wood Preserving; Amendments to Listings and Technical Requirements
	121	---	Corrective Action Management Units and Temporary Units
	122	19,112	Recycled Used Oil Management Standards; Technical Amendments and Corrections
	123	78,83,103,116	Hazardous Waste Debris Case-by-Case Capacity Variance Renewal
	124	78,83	Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated

DLINK14 - 7/30/93 Continued...

Revision Checklist Linkage Table
as of June 30, 1993 (cont'd)

Revision Checklist Number	Linked Checklists	Topic or Explanation

* These are checklists affecting the lists of hazardous waste in 40 CFR 261, Subpart D.

[1] While Revision Checklists 2 and 6 address similar topics, they affect different sections of code.

[2] Superseded by Revision Checklist 23.

[3] Superseded by Revision Checklist 19.

[4] Superseded by Revision Checklist 31.

[5] Superseded by Revision Checklists 85 and 112.

[6] Contains sections superseded by Revision Checklist 52.

[7] Superseded by Revision Checklist 46.

Revision Checklist 100

The following version of Revision Checklist 100
should replace the existing version in
SAM Appendix J

RCRA REVISION CHECKLIST 100

Liners and Leak Detection Systems for Hazardous Waste
Land Disposal Units
57 FR 3462-3497
January 29, 1992
(RCRA Cluster II, Both HWSA and Non-HWSA provisions)

Notes: 1) As is explained in the preamble (57 FR 3480 & 3481), EPA considers all of this rule to be promulgated pursuant to HSWA, with the exception of the Construction Quality Assurance Program (CQA) as it applies to final cover requirements.

2) The final rule addressed by this checklist completely modifies the existing 264.221(c) and 264.301(c) regulations as promulgated by Revision Checklist 17 H (June 15, 1985; 50 FR 28702) and amended by Revision Checklist 77 (May 9, 1990; 55 FR 19262). Revision Checklist 100 supercedes Revision Checklist 77 and expands the provisions of Revision Checklist 17 H. States not yet authorized for Revision Checklist 77 should adopt this present checklist rather than Revision Checklist 77. Note that States must either be authorized for Revision Checklist 17 H before they can be authorized for the Revision Checklist 100 changes. The State must be authorized for the Revision Checklist 17 H and the Revision Checklist 100 changes at the same time. Thus, States which have not yet adopted Revision Checklist 17 H should adopt that checklist when adopting the requirements addressed by Revision Checklist 100. Such States should also submit Revision Checklist 77, when seeking authorization for Checklist 100, to receive "credit" for Revision Checklist 77 in StATS, even though that checklist was superceded by Revision Checklist 100.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B - DEFINITIONS						
DEFINITIONS						
add "replacement unit"	260.10					
revise "sump"	260.10					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
	PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
	SUBPART B - GENERAL FACILITY STANDARDS						
	GENERAL INSPECTION REQUIREMENTS						
	change "terms" to "items"; replace "264.194" with "264.193, 264.195"; remove "264.253"; add "264.278	264.15(b)(4)					
1	CONSTRUCTION QUALITY ASSURANCE PROGRAM						
2	CQA program	264.19(a)					
	required for all surface impoundment, wastepile and landfill units that must comply with 264.221(c)&(d), 264.251(c)&(d), and 264.301(c)&(d); program must ensure constructed unit meets or exceeds all permit design criteria and specifications; program must be developed and implemented under a CQA officer who is a registered professional engineer	264.19(a)(1)					
	the physical components the CQA program must address	264.19(a)(2)					
		264.19(a)(2)(i)					
		264.19(a)(2)(ii)					
		264.19(a)(2)(iii)					
		264.19(a)(2(iv)					
		264.19(a)(2)(v)					
		264.19(a)(2)(vi)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
before construction begins, owner/operator must develop a written CQA plan; must identify steps that will be used to monitor and document quality of materials and condition and manner of their installation; what the CQA plan must include:	264.19(b)					
identification of applicable units and how they will be constructed	264.19(b)(1)					
identification of key CQA plan development and implementation personnel; CQA officer qualifications	264.19(b)(2)					
inspection and sampling activities' description; what must be described	264.19(b)(3)					
contents of program	264.19(c)					
must include observations, inspections, tests, and measurements sufficient to ensure:	264.19(c)(1)					
structural stability and integrity of 264.19(a)(2) units	264.19(c)(1)(i)					
proper construction according to permit specifications and good engineering practices, and proper installation according to design specifications	264.19(c)(1)(ii)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
material conformity with design and other material specifications	264.19(c)(1)(iii)					
test fills for compacted soils liners, using full scale compaction methods to ensure liners are constructed to meet specific hydraulic conductivity requirements; compliance verified by in-situ testing on constructed test fill; conditions under which alternate may be accepted	264.19(c)(2)					
certification to Regional Administrator before waste received; signed by CQA officer stating that approved CQA plan successfully carried out and units meet specific requirements; 270.30(l)(2)(ii) procedure complete; documentation furnished upon request	264.19(d)					
SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING						
OPERATING RECORD						
insert "264.19, 264.191, 264.193, 246.195, 264.222, 264.223"; replace "264.253, 264.254" with "264.252 - 264.254" and "264.303" with "264.302 - 264.304"	264.73(b)(6)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADEF IN SCOPE
SUBPART K - SURFACE IMPOUNDMENTS						
DESIGN AND OPERATING REQUIREMENTS						
completely revise paragraph; surface impoundments which must install two or more liners and a leachate collection and removal system between such liners; "construction commences" defined under "existing facility"	264.221(c)					
liner system must include:	264.221(c)(1)(i)					
top liner designed and constructed to prevent migration of hazardous constituents into liner for specified period	264.221(c)(1)(i)(A)					
3 composite bottom liner consisting of at least two components; upper component to prevent migration of hazardous constituents into this component during specified period; lower component designed and constructed to minimize such migration if upper component is breached; specified thickness and hydraulic conductivity	264.221(c)(1)(i)(B)					
liners must comply with 264.221(a)(1),(2)&(3)	264.221(c)(1)(ii)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
relationship between leachate collection and removal system and a "leak detection system"; what system must be capable of; minimum requirements	264.221(c)(2)					
bottom slope of 1 percent or more	264.221(c)(2)(i)					
4 constructed of: 1) granular drainage materials with $1x10^{-1}$cm/sec or more hydraulic conductivity and 12 in. (30.5 cm) or more thickness, or 2) synthetic or geonet drainage materials with $3x10^{-4}m^2$/sec or more transmissivity	264.221(c)(2)(ii)					
construction material specifications	264.221(c)(2)(iii)					
designed and operated to minimize clogging during active life and post-closure care period	264.221(c)(2)(iv)					
specifications for sumps and liquid removal methods	264.221(c)(2)(v)					
collect and remove pumpable liquids in sumps to minimize head on bottom liner	264.221(c)(3)					
what must be demonstrated if leak detection system is not located completely above seasonal high water table	264.221(c)(4)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
Regional Administrator may approve alternate design or operating practices if owner or operator can demonstrate that design/practices will:	264.221(d)					
prevent hazardous constituent migration into ground or surface water as effectively as system specified in 264.221(c), and	264.221(d)(1)					
allow detection of hazardous constituent leaks through top liner at least as effectively	264.221(d)(2)					
redesignate old 264.221(f) as 264.221(g); add new paragraph on exemption from 264.221(c) for replacement surface impoundment unit	264.221(f)					
meets RCRA 3004(o)(1)(A)(i) and (o)(5) design standards	264.221(f)(1)					
no reason to believe liner is not functioning as designed	264.221(f)(2)					
old 264.221(f),(g)&(h) become 264.221(g),(h)&(i)	264.221(g)-(i)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
ACTION LEAKAGE RATE						
Regional Administrator approval of action leakage rate for surface impoundment units subject to 264.221(c)or(d); definition of action leakage rate; adequate safety margin	264.222(a)					
how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly, during active life and closure period and monthly during post-closure care period	264.222(b)					
RESPONSE ACTIONS						
5 approved response action plan before receipt of waste for surface impoundments subject to 264.221(c)or(d); address actions if action leakage rate exceeded; at a minimum plan must describe actions in 264.223(b)	264.223(a)					
responsibilities if flow rate into leak detection system exceeds the action leakage rate for any sump:	264.223(b)					
notify Regional Administrator in writing within seven days of determination	264.223(b)(1)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	264.223(b)(2)					
determine location, size and cause of any leak	264.223(b)(3)					
determine whether 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, or 3) unit should be closed	264.223(b)(4)					
determine short- and longer-term actions to mitigate or stop any leaks	264.223(b)(5)					
within 30 days after Regional Administrator notification, submit the results of 264.223(b)(3)-(5) analyses, the results of actions taken, and actions planned; thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	264.223(b)(6)					
how the 264.223(b)(3)-(5) determinations must be made:	264.223(c)					
assess the source of liquids and amounts by source	264.223(c)(1)(i)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	264.223(c)(1)(ii)					
assess seriousness of leaks	264.223(c)(1)(iii)					
document why assessments not needed	264.223(c)(2)					
MONITORING AND INSPECTION						
if leak detection system required under 264.221(c)or(d), record amount of liquids removed from each sump, at least weekly during active life and closure period	264.226(d)(1)					
after final cover installed, at least monthly record the amount of liquids removed from each leak detection sump; when quarterly and semi-annual recording allowed; when monthly recording must resume	264.226(d)(2)					
definition of "pump operating level"	264.226(d)(3)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADEF IN SCOPE
CLOSURE AND POST-CLOSURE CARE						
redesignate old 264.228(b)(2) as 264.228(b)(3); add new paragraph addressing maintaining and monitoring leak detection system in accordance with 264.221(c)(2)(iv)&(3) and 264.226(d); comply with other applicable Part 264 leak detection requirements	264.228(b)(2)					
redesignated 264.228(b)(2) becomes new 264.228(b)(3)	264.228(b)(3)					
redesignated 264.228(b)(3) becomes new 264.228(b)(4)	264.228(b)(4)					
SUBPART L - WASTE PILES						
DESIGN AND OPERATING REQUIREMENTS						
redesignate old 264.251(c) as 264.251(g); add new paragraph addressing waste piles that must install two or more liners and a leachate collection and removal system above and between these liners; "construction commences" defined under "existing facility"	264.251(c)					
liner system must include:	264.251(c)(1)(i)					
top liner designed and constructed to prevent migration of hazardous constituents into liner for specified period	264.251(c)(1)(i)(A)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
composite bottom liner consisting of at least two components; upper component to prevent migration of hazardous constituents into this component during specified period; lower component designed and constructed to minimize such migration if upper component is breached; specified thickness and hydraulic conductivity	264.251(c)(1)(i)(B)					
liners must comply with 264.251(a)(1)(i)-(iii)	264.251(c)(1)(ii)					
leachate collection and removal system must collect and remove leachate from the waste pile during the active life and post-closure care period; Regional Administrator to specify permit conditions to ensure leachate depth over liner does not exceed 30 cm (1 ft); leachate collection and removal system must comply with 264.251(c)(3)(iii)&(iv)	264.251(c)(2)					
relationship between leachate collection and removal system and the leak detection system; what the leak detection system must be capable of; minimum requirements:	264.251(c)(3)					
bottom slope of 1 percent or more	264.251(c)(3)(i)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
constructed of: 1) granular drainage materials with hydraulic conductivity of $1x10^{-2}$cm/sec or more, and 12 in. (30.5 cm) or more thickness; or 2) synthetic or geonet drainage materials with $3x10^{-5}m^2$/sec or more transmissivity	264.251(c)(3)(ii)					
construction material specifications	264.251(c)(3)(iii)					
designed/operated to minimize clogging during active life and post-closure care period	264.251(c)(3)(iv)					
specifications for sumps and liquid removal methods	264.251(c)(3)(v)					
collect and remove pumpable liquids in leak detection system sumps to minimize head on the bottom liner	264.251(c)(4)					
what must be demonstrated if leak detection system not located completely above seasonal high water table	264.251(c)(5)					
redesignate old 264.251(d) as 264.251(h); add new paragraph addressing circumstances under which Regional Administrator may approve alternate design or operating practices if owner/operator can demonstrate that design/practices will:	264.251(d)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
prevent hazardous constituent migration into ground or surface water as effectively as system specified in 264.251(c), and	264.251(d)(1)					
allow detection of hazardous constituent leaks through top liner at least as effectively	264.251(d)(2)					
redesignate old 264.251(e) as 264.251(i); add new paragraph addressing monofills granted a 264.221(e) waiver by Regional Administrator	264.251(e)					
redesignate old 264.251(f) as 264.251(j); add new paragraph addressing when a replacement waste pile owner/operator is exempt from 264.251(c)	264.251(f)					
meets RCRA 3004(o)(1)(A)(i) and (o)(5) design standards	264.251(f)(1)					
no reason to believe liner is not functioning as designed	264.251(f)(2)					
old 264.251(c)-(g) become new 264.251(g)-(k)	264.251(g)-(k)					
ACTION LEAKAGE RATE						
6 Regional Administrator approval of action leakage rate for waste pile units subject to 264.251(c) or (d); definition of action leakage rate; adequate safety margin	264.252(a)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly, during active life and closure period	264.252(b)					
RESPONSE ACTIONS						
approved response action plan before receipt of waste for waste piles subject to 264.251(c) or (d); address actions if action leakage rate exceeded; plan must describe actions in 264.253(b)	264.253(a)					
responsibilities if flow rate into leak system exceeds the action leakage rate for any sump:	264.253(b)					
notify Regional Administrator in writing within seven days of determination	264.253(b)(1)					
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	264.253(b)(2)					
determine location, size and cause of any leak	264.253(b)(3)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
determine if 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, and 3) unit should be closed	264.253(b)(4)					
determine short- and longer-term actions to mitigate or stop <u>any leaks</u>	264.253(b)(5)					
within 30 days after Regional Administrator notification, submit the results of 264.253(b)(3)-(5) analyses, the results of actions taken and actions planned; thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	264.253(b)(6)					
how the 264.253(b)(3), (4), & (5) determinations must be made	264.253(c)					
assess the source of liquids and amounts by source	264.253(c)(1)(i)					
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	264.253(c)(1)(ii)					
assess seriousness of leaks	264.253(c)(1)(iii)					
document why assessments not needed	264.253(c)(2)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
MONITORING AND INSPECTION						
if leak detection system required under 264.251(c), record amount of liquids removed from each sump, at least weekly during active life and closure period	264.254(c)					
SUBPART N - LANDFILLS						
DESIGN AND OPERATING REQUIREMENTS						
completely revise paragraph; landfills that must install two or more liners and a leachate collection and removal system above and between such liners; "construction commences" defined under "existing facility"	264.301(c)					
the liner system must include:	264.301(c)(1)(i)					
top liner designed and constructed to prevent migration of hazardous constituents into liner for specified period	264.301(c)(1)(i)(A)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
composite bottom liner consisting of at least two components; upper component to prevent migration of hazardous constituents into this component during specified period; lower component designed and constructed to minimize such migration if upper component is breached; specified thickness and hydraulic conductivity	264.301(c)(1)(i)(B)					
liners must comply with 264.301(a)(1)(i)-(iii)	264.301(c)(1)(ii)					
7 leachate collection and removal system must collect and remove leachate from the landfill during the active life and post-closure care period; Regional Administrator to specify permit conditions to ensure leachate depth over liner does not exceed 30 cm (1 ft); leachate collection and removal system must comply with 264.301(c)(3)(iii)&(iv)	264.301(c)(2)					
relationship between leachate collection and removal system and the leak detection system; what the leak detection system must be capable of; minimum requirements:	264.301(c)(3)					
bottom slope of 1 percent or more	264.301(c)(3)(i)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
constructed of: 1) granular drainage materials with hydraulic conductivity of $1x10^{-2}$cm/sec or more, and 12 in. (30.5 cm) or more thickness; or 2) synthetic or geonet drainage materials with $3x10^{-5}m^2$/sec or more transmissivity	264.301(c)(3)(ii)					
construction material specifications	264.301(c)(3)(iii)					
designed/operated to minimize clogging during active life and post-closure care period	264.301(c)(3)(iv)					
specifications for sumps and liquid removal methods	264.301(c)(3)(v)					
collect and remove pumpable liquids in leak detection system sumps to minimize head on the bottom liner	264.301(c)(4)					
what must be demonstrated if leak detection system not located completely above seasonal high water table	264.301(c)(5)					
completely revise paragraph; Regional Administrator may approve alternate design or operating practices if owner/operator can demonstrate that design/practices will:	264.301(d)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
prevent hazardous constituent migration into ground or surface water as effectively as system specified in 264.301(c), and	264.301(d)(1)					
allow detection of hazardous constituent leaks through top liner at least as effectively	264.301(d)(2)					
redesignate old paragraph 264.301(f) as 264.301(g); add new paragraph addressing when a replacement landfill owner/operator is exempt from 264.301(c)	264.301(f)					
meets RCRA 3004(o)(1)(A)(i) and (o)(5) design standards	264.301(f)(1)					
no reason to believe liner is not functioning as designed	264.301(f)(2)					
old 264.301(f)-(k) become new 264.301(g)-(l)	264.301(g)-(l)					
ACTION LEAKAGE RATE						
8 Regional Administrator approval of action leakage rate for landfill units subject to 264.301(c) or (d); definition of action leakage rate; adequate safety margin	264.302(a)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly, during active and closure period	264.302(b)					
MONITORING AND INSPECTION						
if leak detection system required 264.301(c) or (d), record amount of liquids removed from each sump at least weekly during the active life and closure period	264.303(c)(1)					
after final cover installed, at least monthly record the amount of liquids removed from each leak detection sump; when quarterly and semi-annual recording allowed; when monthly recording must resume	264.303(c)(2)					
definition of "pump operating level"	264.303(c)(3)					
RESPONSE ACTIONS						
approved response action plan before receipt of waste for landfills subject to 264.301(c) or (d); address actions if action leakage rate exceeded; at a minimum, plan must describe actions in 264.304(b)	264.304(a)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
responsibilities if flow rate into leak detection system exceeds the section leakage rate for any sump	264.304(b)					
notify Regional Administrator in writing within seven days of determination	264.304(b)(1)					
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	264.304(b)(2)					
determine location, size and cause of any leak	264.304(b)(3)					
determine if 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, and 3) unit should be closed	264.304(b)(4)					
determine short- and longer-term actions to mitigate or stop any leaks	264.304(b)(5)					
within 30 days after Regional Administrator notification, submit the results of 264.304(b)(3)-(5) analyses, the results of actions taken and actions planned; thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	264.304(b)(6)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
how the 264.304(b)(3)-(5) determinations must be made	264.304(c)					
assess the source of liquids and amounts by source	264.304(c)(1)(i)					
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	264.304(c)(1)(ii)					
assess seriousness of leaks	264.304(c)(1)(iii)					
document why assessments not needed	264.304(c)(2)					
CLOSURE AND POST-CLOSURE CARE						
redesignate old 264.310(b)(3) as 264.310(b)(4); add new paragraph addressing maintaining and monitoring leak detection system according to 264.301(c)(3)(iv)&(4) and 264.303(c); comply with other applicable Part 264 leak detection requirements	264.310(b)(3)					
old 264.310(b)(3)-(5) become 264.310(b)(4)-(6)	264.310(b)(4)-(6)					
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART B - GENERAL FACILITY STANDARDS						
GENERAL INSPECTION REQUIREMENTS						
insert "265.260, 265.278, 265.304"	265.15(b)(4)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
	CONSTRUCTION QUALITY ASSURANCE PROGRAM						
1	CQA program	265.19(a)					
	required for all surface impoundment, waste pile and landfill units that must comply with 265.221(a), 265.254 and 265.301(a); program must ensure constructed unit meets or exceeds all permit design criteria and specifications; program must be developed and implemented under a CQA officer who is a registered professional engineer	265.19(a)(1)					
	the physical components the CQA program must address	265.19(a)(2)					
		265.19(a)(2)(i)					
		265.19(a)(2)(ii)					
		265.19(a)(2)(iii)					
		265.19(a)(2)(iv)					
		265.19(a)(2)(v)					
		265.19(a)(2)(vi)					
	before construction begins, owner/operator must develop a written CQA plan; identify steps that will be used to monitor and document the quality of materials and condition and manner of their installation; the CQA plan must include:	265.19(b)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
identification of applicable units and how they will be constructed	265.19(b)(1)					
identification of key CQA plan development and implementation personnel; CQA officer qualifications	265.19(b)(2)					
inspection and sampling activities' description; what must be described	265.19(b)(3)					
contents of program	265.19(c)					
must include observations, inspections, tests, and measurements sufficient to ensure:	265.19(c)(1)					
structural stability and integrity of 265.19(a)(2) units	265.19(c)(1)(i)					
proper construction according to permit specifications and good engineering practices, and proper installation according to design specifications	265.19(c)(1)(ii)					
material conformity with design and other material specifications under 264.221, 264.251, and 264.301	265.19(c)(1)(iii)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
test fills for compacted soils liners, using full scale compaction methods to ensure liners are constructed to meet specific hydraulic conductivity requirements; compliance verified by in-situ testing on constructed test fill; conditions under which test fill requirement may be waived	265.19(c)(2)					
certification to Regional Administrator at least 30 days before receiving waste; signed by CQA officer stating that CQA plan has been successfully carried out and that the unit meets specific requirements; may receive wastes in unit after 30 days from the Regional Administrator's receipt of the CQA, unless Regional Administrator determines in writing that construction is not acceptable or extends review period for 30 days or seeks additional information; CQA documentation	265.19(d)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (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 E - MANIFEST SYSTEM, RECORDKEEPING AND REPORTING						
OPERATING RECORD						
replace "when required by" with ", and corrective action where required by subpart F and"; insert "265.19" before "265.90"; insert "265.222, 265.223, 265.226, 265.255, 265.259, 265.260" after "265.195" and "265.302 - 265.304" after "265.280(d)(1)"	265.73(b)(6)					
SUBPART K - SURFACE IMPOUNDMENTS						
DESIGN AND OPERATING REQUIREMENTS						
completely revise paragraph; surface impoundment units that must install two or more liners and a leachate collection and removal system between such liners and operate leachate collection and removal systems in accordance with 264.221(c), "construction commences" defined under "existing facility"	265.221(a)					
revise paragraph; when a replacement surface impoundment unit is exempt from 265.221(a):	265.221(c)					
constructed in compliance with RCRA 3004(o)(1)(A)(i) and (o)(5) design standards	265.221(c)(1)					
no reason to believe liner is not functioning as designed	265.221(c)(2)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
redesignate old paragraph 265.222(a) as 265.221(f)	265.221(f)					
redesignate old paragraph 265.222(b) as 265.221(g)	265.221(g)					
ACTION LEAKAGE RATE						
redesignate old 265.222(a) as 265.221(f); add new paragraph addressing proposed action leakage rate to Regional Administrator when submitting 265.221(b) notice; within 60 days of receipt, Regional Administrator will establish action leakage rate or extend review period; when the proposed rate will be approved	265.222(a)					
redesignate old 265.222(b) as 265.221(g); add new paragraph addressing Regional Administrator approval of action leakage rate for 265.221(a) units; definition of action leakage rate; adequate safety margin	265.222(b)					
how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly during active life and closure period, and monthly during post-closure care period	265.222(c)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
RESPONSE ACTIONS						
if unit subject to 265.221(a), then must submit a response action plan to the Regional Administrator when submitting 265.222 proposed action leakage rate; must set forth actions to be taken if action leakage rate is exceeded; content as specified in 265.223(b)	265.223(a)					
responsibilities if flow rate into leak detection system exceeds the action leakage rate for any sump:	265.223(b)					
notify Regional Administrator in writing within seven days of determination	265.223(b)(1)					
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	265.223(b)(2)					
determine location, size and cause of any leak	265.223(b)(3)					
determine whether 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, and 3) unit should be closed	265.223(b)(4)					
determine short- and longer-term actions to mitigate or stop any leaks	265.223(b)(5)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
within 30 days after Regional Administrator notification, submit the results of 265.223(b)(3)-(5) analyses, the results of actions taken, and actions planned; thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	265.223(b)(6)					
how the 265.223(b)(3), (4) & (5) determinations must be made	265.223(c)					
assess the source of liquids and amounts by source	265.223(c)(1)(i)					
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	265.223(c)(1)(ii)					
assess seriousness of leaks	265.223(c)(1)(iii)					
document why assessments not needed	265.223(c)(2)					
MONITORING AND INSPECTION						
if leak detection system required under 265.221(a), record amount of liquid removed from each sump, at least weekly during active life and closure period	265.226(b)(1)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADEI IN SCOPE
after final cover installed, record amount of liquids at least monthly; when quarterly and semi-annual recording allowed; when monthly recording must resume	265.226(b)(2)					
"pump operating level" defined	265.226(b)(3)					
CLOSURE AND POST-CLOSURE CARE						
9 redesignate old 265.228(b)(2) as 265.228(b)(3); add new paragraph regarding maintaining and monitoring the leak detection system in accordance with 265.221(c)(2)(iv) and (3) and 265.226(b) and comply with other applicable Part 265 leak detection system requirements	265.228(b)(2)					
redesignated 265.228(b)(2) becomes new 265.228(b)(3)	265.228(b)(3)					
redesignated 265.228(b)(3) becomes new 265.228(b)(4)	265.228(b)(4)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (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 L - WASTE PILES						
DESIGN AND OPERATING REQUIREMENTS						
completely revise section; waste piles which must install two or more liners and a leachate collection and removal system in accordance with 264.251(c) unless exempt under 264.251(d), (e) or (f); compliance with 265.221(b) procedures; "construction commences" defined under "existing facility"	265.254					
ACTION LEAKAGE RATES						
proposed action leakage rate to Regional Administrator when submitting 265.254 notice; within 60 days of receipt, Regional Administrator will establish action leakage rate or extend review period; when the proposed rate will be approved	265.255(a)					
10 Regional Administrator approval of action leakage rate for 265.254 units; definition of action leakage rate; adequate safety margin	265.255(b)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly during active life and closure period	265.255(c)					
RESPONSE ACTIONS						
if unit subject to 265.254, then must submit a response action plan to the Regional Administrator when submitting 265.255 proposed action leakage rate; must set forth actions to be taken if action leakage rate is exceeded; content as specified in 265.259(b)	265.259.(a)					
responsibilities if flow rate into leak detection system exceeds the action leakage rate for any sump:	265.259(b)					
notify Regional Administrator in writing within seven days of determination	265.259(b)(1)					
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	265.259(b)(2)					
determine location, size and cause of any leak	265.259(b)(3)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
determine whether 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, and 3) unit should be closed	265.259(b)(4)					
determine short- and longer-term actions to mitigate or stop any leaks	265.259(b)(5)					
within 30 days after Regional Administrator notification, submit the results of 265.259(b)(3)-(5) analyses, the results of actions taken and actions planned thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	265.259(b)(6)					
how the 265.259(b)(3),(4) & (5) determinations must be made:	265.259(c)					
assess the source of liquids and amounts by source	265.259(c)(1)(i)					
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	265.259(c)(1)(ii)					
assess seriousness of leaks	265.259(c)(1)(iii)					
document why assessments not needed	265.259(c)(2)					

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
MONITORING AND INSPECTION						
if leak detection system required under 265.254, record amount of liquids removed from each sump, at least weekly during active life and closure period	265.260					
SUBPART N -- LANDFILLS						
DESIGN AND OPERATING REQUIREMENTS						
11 (see Endnote 11, there is an error in this paragraph); completely revise paragraph; landfills which must install two or more liners and a leachate collection and removal system above and between such liners, and operate in accordance with 264.301(c) unless exempted under 264.301(d), (e) or (f); "construction commences" defined under "existing facility"	265.301(a)					
revise paragraph; when a landfill owner/operator is exempt from 265.301(a)	265.301(c)					
meets RCRA 3004(o)(1)(A)(i) and (o)(5) design standards	265.301(c)(1)					
no reason to believe liner is not functioning as designed	265.301(c)(2)					
redesignated 265.302(a), (b), (c) & (d) became new 265.301(f), (g), (h) and (i)	265.301(f)-(i)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
ACTION LEAKAGE RATE						
redesignate old 265.302(a) as 265.301(f); add new paragraph addressing proposed action leakage rate to Regional Administrator when submitting 265.301(b) notice; within 60 days of receipt Regional Administrator will establish action leakage rate or extend the review period; when the proposed rate will be approved	265.302(a)					
8 redesignate old 265.302(b) as 254.301(g); add new paragraph addressing Regional Administrator approval of action leakage rate for 265.301(a) units; definition of action leakage rates; adequate safety margin	265.302(b)					
redesignate old 265.302(c) as 265.301(h); add new paragraph addressing how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly during active life and closure period, and monthly during post-closure care period	265.302(c)					
old 265.302(d) becomes 265.301(i)	265.302(d)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
RESPONSE ACTIONS						
if unit subject to 265.301(a), then must submit a response action plan to the Regional Administrator when submitting 265.302 proposed action leakage rate; must set forth actions to be taken if action leakage rate is exceeded; content as specified in 265.303(b)	265.303(a)					
responsibilities if flow rate into leak detection system exceeds the action leakage rate for any sump:	265.303(b)					
notify Regional Administrator in writing within seven days of determination	265.303(b)(1)					
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	265.303(b)(2)					
determine location, size and cause of any leak	265.303(b)(3)					
determine whether 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, and 3) unit should be closed	265.303(b)(4)					
determine short- and longer-term actions to mitigate or stop any leaks	265.303(b)(5)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
within 30 days after Regional Administrator notification, submit the results of 265.303(b)(3)-(5) analyses, the results of actions taken and actions planned; thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	265.303(b)(6)					
how the 265.303(b)(3), (4) & (5) determinations must be made:	265.303(c)					
assess the source of liquids and amounts by source	265.303(c)(1)(i)					
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	265.303(c)(1)(ii)					
assess seriousness of leaks	265.303(c)(1)(iii)					
document why assessments not needed	265.303(c)(2)					
MONITORING AND INSPECTION						
if leak detection system required under 265.301(a), record amount of liquids removed from each sump, at least weekly during active life and closure period	265.304(a)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
after final cover installed, record amount of liquid at least monthly; when quarterly and semiannual recording allowed; when monthly recording must resume	265.304(b)					
definition of "pump operating level"	265.304(c)					
CLOSURE AND POST-CLOSURE CARE						
redesignate old 265.310(b)(2) as 265.310(b)(3); add new paragraph addressing maintaining and monitoring the leak detection system in accordance with 264.301(c)(3)(iv) & (4), and 265.304(b); comply with other applicable Part 265 leak detection system requirements	265.310(b)(2)					
redesignated 265.310(b)(2), (3) & (4) become 265.310(b)(3), (4) & (5)	265.310(b)(3)-(5)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

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 A - GENERAL INFORMATION						
EFFECT OF A PERMIT						
paragraph is reorganized so that requirements not included in a permit are subparagraphs (a)(1)&(2); add a third subparagraph addressing Part 264 requirements regarding leak detection systems for new and replacement surface impoundments, waste piles, landfills and lateral expansion of such units; what the leak detection system requirements include	270.4(a)					
	270.4(a)(1)					
	270.4(a)(2)					
	270.4(a)(3)					
SUBPART B - PERMIT APPLICATION						
SPECIFIC PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS						
remove "or will be" after "impoundment is" and insert "and is or will be" after "designed"; insert "264.19," "264.222," and "264.223 of this chapter"; replace the last sentence with the following clause: ", addressing the following items:"	270.17(b)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
redesignate old 270.17(b)(2) as 270.17(b)(6); add new paragraph addressing double liner and leak (leachate) detection, collection and removal system if unit must meet 264.221(c) requirements; submission if seeking 264.221(d), (e) or (f) exemption	270.17(b)(2)					
redesignate old 270.17(b)(3) as 270.17(b)(7); add new paragraph addressing information required if surface impoundment is located in a saturated zone	270.17(b)(3)					
construction quality assurance plan, if required	270.17(b)(4)					
proposed action leakage rate with rationale and response action plan if required	270.17(b)(5)					
redesignated 270.17(b)(2)&(3) became new 270.17(b)(6)&(7)	270.17(b)(6)&(7)					
replace "liner and" with "double liner system, leak detection system"; replace "§ 264.226(a) and (b)" with "§ 264.226(a), (b) and (d) of this chapter"	270.17(c)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
SPECIFIC PART B INFORMATION REQUIREMENTS FOR WASTE PILES						
insert "waste" before "pile"; remove "or will be" after pile is"; insert "and is or will be" after "designed"; insert "264.19" "264.252" and "264.253 of this chapter"; replace last sentence with following clause: "addressing the following items:"	270.18(c)					
redesignate old 270.18(c)(1) as 270.18(c)(1)(i); after parenthetical clause addressing existing portion, insert "if the waste pile must meet the requirements of § 264.251(a) of this chapter"; replace "§ 264.252(b), the owner or operator must submit" with "§ 264.251(b) of this chapter, submit"	270.18(c)(1)(i)					
double liner and leak (leachate) detection, collection, and removal system if must meet 264.251(c) requirements; submission if seeking a 264.251(d), (e) or (f) exemption	270.18(c)(1)(ii)					
information required if leak detection system is located in a saturated zone	270.18(c)(1)(iii)					
construction quality assurance plan if required	270.18(c)(1)(iv)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADEF IN SCOPE
proposed action leakage rate with rationale and response action plan if required	270.18(c)(1)(v)					
replace "liner" with "double liner system, leachate collection and removal system, leak detection system, cover system"; replace "264.254(a) and (b)" with "264.254(a), (b) and (c) of this chapter"	270.18(d)					
SPECIFIC PART B INFORMATION REQUIREMENTS FOR LANDFILLS						
remove "or will be" after "landfill is" and insert "and is or will be" after "designed"; insert "264.19" and "264.302 and 264.303 of this chapter"; replace the last sentence with the following clause: ", addressing the following items:"	270.21(b)					
redesignate old 270.21(b)(1) as 270.21(b)(1)(i); remove "and leachate collection and removal system"; add "if the landfill must meet the requirements of §264.301(a) of this chapter" to first sentence; add "of this chapter" after "264.301(b)"; after "alternate" change "design" to "designs"; after "any hazardous" change "constituent" to "constituents"	270.21(b)(1)(i)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN GENT	BROADER IN SCOPE
double liner and leak (leachate) detection, collection, and removal system if must meet 264.301(c) requirements; submission if seeking exemption under 264.301(d), (e) or (f)	270.21(b)(1)(ii)					
information required if leak detection system located in a saturation zone	270.21(b)(1)(iii)					
construction quality assurance plan if required	270.21(b)(1)(iv)					
proposed action leakage rate, with rationale and response action plan if required	270.21(b)(1)(v)					
12 remove "liner and" and insert "double liner system, leachate collection and removal system,"; after "cover system" insert "and appurtenances for control or run-on and run-off,"; replace "264.303(a) and (b)" with "264.303(a), (b), and (c) of this chapter"; in last sentence, replace "should" with "must"	270.21(d)					

Revision Checklist 100: Hazardous Waste Land Disposal Units (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 - CHANGES TO PERMIT						
PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE						
add the "7. a. & b." entries under "B. General Facility Standards"; add the "6., and 7. a., b. & c." entries under "H. Surface Impoundments"; add the entries "7., and 8. a., b. & c." entries under "J. Landfills and Unenclosed Waste 270.42/Piles"	270.42/Appendix I					

1 This section is considered to be both a HSWA and a Non-HSWA provision. It is Non-HSWA only to the extent that it applies to the final cover requirements for the Construction Quality Assurance Program.

2 Note that there is a typographical error in the Federal Register; "COA" should be "CQA."

3 Note that there is a technical error in the Federal Register; "$1x10^{-7}$/cm/sec" should be "$1x10^{-7}$cm/sec."

4 Note that there are two technical errors in the Federal Register; "$1x10/^{-1}$/cm/sec" should be "$1x10^{-1}$cm/sec" and $3x10/^{-4}/m^2$sec" should be $3x10^{-4}m^2$/sec."

5 Note that there is an error in the Federal Register addressed by this checklist. Reivsion Checklist 100, at 57 FR 3492, January 29, 1992, added a new section 265.223 without redesignating an existing 265.223 already in the code. Thus, both sections appear in the Jul 1, 1992 CFR. A technical correction will be published in the near future to correct this error.

6 Note that there is a typographical error in the Federal Register; "surface impoundment" shoul be "waste pile."

7 Note that there is a technical error in the Federal Register; "paragraphs (3)(c)(iii) and (iv)" should be "paragraphs (c)(3)(iii) and (iv)."

8 Note that there is a typographical error in the Federal Register; "surface impoundment" shoul be "landfill."

9 Note that there is a technical error in the Federal Register addressed by this checklist; the internal reference "265.221(c)(2)(iv)" should be "264.221(c)(2)(iv)".

10 Note that there is a typographical error in the Federal Register; "surface impoundment" should be "waste pile."

11 The wording in 265.301(a) is incorrect--"and operate the leachate collection and removal systems in accordance with § 264.301(d), (e) or (f) of this Chapter" should read "and operate the leachate collection and removal systems in accordance with 264.301(c), unless exempted under 264.103(d), (e) or (f) of this chapter." This error will be corrected in a future Federal Register article.

12 Note that in the Federal Register addressed by Revision Checklist 100, this section is incorrectly designated as 270.21(c) (see 57 FR 3496; January 29, 1992); the correct designation is 270.21(d). Because of this error, paragraph 270.21(c), as introduced by Base Program Checklist V, has erroneously been deleted from the Federal code. In the 1992 CFR, the language at 270.21(c) is the revised language intended for 270.21(d) by Revision Checklist 100. 270.21(d), as found in the 1992 CFR is the version without the Revision Checklist 100 amendment (i.e., 270.21(d) as introduced into the Federal code by Base Program Checklist V). States are advised to retain the 270.21(c) language as found in the 1991 CFR and make the Revision Checklist 100 changes in their analogs to 270.21(d).

ATTACHMENT C

Consolidated Checklists as of June 30, 1993

Consolidated Checklist for the Land Disposal Restrictions
as of June 30, 1993

The following consolidated checklist
should replace the existing version in
SAM Appendix K

CONSOLIDATED CHECKLIST
for the
Land Disposal Restrictions as of June 30, 1993

Note: 1) This checklist consolidates the changes to Federal code addressed by the following Land Disposal Restrictions (LDR) checklists:

- Revision Checklist 34 [51 FR 40572 (November 7, 1986), 52 FR 21010 (June 4, 1987)];
- Revision Checklist 39 [52 FR 25760 (July 8, 1987), 52 FR 41295 (October 27, 1987)];
- Revision Checklist 50 [53 FR 31138 (August 17, 1988), 54 FR 8264 (February 27, 1989)];
- Revision Checklist 62 [54 FR 18836 (May 2, 1989)];
- Revision Checklist 63 [54 FR 26594 (June 23, 1989)];
- Revision Checklist 66 [54 FR 36967 (September 6, 1989), 55 FR 23935 (June 13, 1990)];
- Revision Checklist 78 [55 FR 22520 (June 1, 1990)];
- Revision Checklist 83 [56 FR 3864 (January 31, 1991)];
- Revision Checklist 95 [56 FR 41164 (August 19, 1991)];
- Revision Checklist 102 [57 FR 8086 (March 6, 1992)];
- Revision Checklist 103 [57 FR 20766 (May 15, 1992)];
- Revision Checklist 106 [57 FR 28628 (June 26, 1992)];
- Revision Checklist 109 [57 FR 37194 (August 18, 1992)];
- Revision Checklist 116 [57 FR 47772 (October 20, 1992)];
- Revision Checklist 123 [58 FR 28506 (May 14, 1993)]; and
- Revision Checklist 124 [58 FR 29860 (May 24, 1993)].

The LDR "Checklist Reference" column indicates which of these checklists have affected each listed citation. Subsequent to promulgation of the first LDR rule (i.e., the rule addressed by Revision Checklist 34), checklists other than the LDR checklists have also affected certain sections of code addressed by the LDR checklists. The effects of these subsequent checklists are indicated in footnotes. Of special note are 270.42(o)&(p) and 270.72(e). In both cases, subsequent checklists either removed or redesignated these sections of code. The section numbering found in the associated LDR final rule for these paragraphs is used, rather than the new numbering found in the subsequent checklists.

An exception to the footnoting procedure occurs to specify the effect which the Toxicity Characteristics Rule had on the TCLP procedure. Because the new TCLP procedure is integral to the Third Third Rule requirements (see Note 6 below), this change made by Revision Checklist 74, a non-LDR checklist, is noted in the LDR checklist reference column. An explanatory footnote is also included.

2) The following Part 268 sections are not delegable to States because of the national concerns which must be examined when decisions are made relative to them: 268.5 (case-by-case effective date extensions); 268.42(b) (application for alternate treatment method); and 268.44 (variance from a treatment standard). "No migration" petitions under 268.6 will be handled by EPA, even though States may be authorized to grant such petitions in the future. States have the authority to grant such petitions under RCRA Section 3006 because such decisions do not require a national perspective, as is the case for decisions under 268.5, 268.42(b) or 268.44. However, EPA has had few opportunities to implement the land disposal restrictions and expects to gain valuable experience and information from reviewing "no-migration" petitions.

3) In the past, the nondelegable sections/paragraphs of the LDR regulations have been omitted from the LDR checklists because States could not assume the authority for them. However, this procedure has led to confusion among the States on how to handle the sections/paragraphs in their code. For this reason, the Agency has decided to include these nondelegable sections on the LDR checklists. To differentiate these sections from the delegable portions of the LDR restrictions, asterisks precede (a single row) and follow (a double row) each nondelegable sectior If States have already filled out a version of this Consolidated Land Disposal Restriction Checklist which does not include the nondelegable sections, they need not fill out a revised version containing these sections. This change in format was made only to improve clarity.

The Agency suggests that States incorporate the nondelegable portions of the LDR regulations into their regulations because this incorporation aids the regulated community in knowing that th extensions, exemptions and variances addressed by the nondelegable sections of code are available to them. It is essential, however, that States leave the terms "Administrator", "Federal Register" and "Agency" unchanged, i.e., States may not substitute analogous State terms for these Federal terms. Similarly, States incorporating by reference must be careful to exclude thes sections from blanket substitutions of State terms for Federal terms. For a more complete discussion of issues surrounding nondelegable sections, see Appendix J of the State Authorization Manual (SAM).

4) Note that while 268.40 is delegable to States, "Administrator" in the following phrase "approved by the Administrator under the procedures set forth in 268.42(b)" should not be replaced in 268.40(b) with an analogous State term because it is referring to decisions under 268.42(b). Such decisions will be made by the EPA Administrator.

5) States do not need to adopt requirements equivalent to 40 CFR 268.10, 268.11, 268.12 anc 268.13 because these sections of code contain the schedule by which EPA must evaluate waste for land disposal restrictions. As such, these sections of code are not included in this consolidated checklist. States do need to adopt, however, requirements equivalent to 268.14. Such requirements address the length of time interim status impoundments can be used to receive or generate newly identified or listed hazardous wastes and resolve the potential conflict between RCRA §§3004(h)(4), 3005(j)(6) and 3004(j)(11) [see the discussion in the Federal Register for Revision Checklist 109, pp. 37218-37221].

6) Note that the Toxicity Characteristic Leaching Procedure (TCLP) referred to by the Third Thir Scheduled Waste Rule is the TCLP entered into the Federal code at 40 CFR 261 Appendix II by the Toxicity Characteristic Rule (55 FR 11798, March 29, 1990) and amended at 55 FR 26986 (June 29, 1990). (Both the Toxicity Characteristic Rule and the June amendment are addressec by Revision Checklist 74.) The TCLP procedure previously located at 40 CFR Part 268, Append I and introduced by the Solvents and Dioxins Land Disposal Restrictions Rule (51 FR 40572; November 7, 1986; Revision Checklist 34) is the outdated version of the TCLP. Thus, States adopting the Third Third Scheduled Waste Rule must also adopt the new version of the TCLP. I a State has already adopted the Revision Checklist 34 TCLP, this version must be replaced with the Revision Checklist 74 TCLP. See Footnote 60 of this checklist.

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

7) Guidance regarding the use of the new TCLP versus the EP Toxicity Test may be found at 55 FR 22660 (June 1, 1990).

8) Adopting the alternate treatment standards for lab packs is optional. However, if a State chooses to adopt these alternate standards, all of the requirements related to these standards must be adopted, including all of the provisions added by the Third Third Scheduled Waste Rule (i.e., Revision Checklist 78) at 264.316(f), 265.316(f), 268.7(a)(8), 268.7(a)(9), 268.42(c), 268.42(c)(1)-(4), and Appendices IV and V to Part 268.

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL							
SUBPART A - GENERAL							
PURPOSE, SCOPE, AND APPLICABILITY							
insert "and 268"	34	260.1(a)					
insert "and 268"	34	260.1(b)(1)					
insert "and 268"	34	260.1(b)(2)					
insert "and 268"	34	260.1(b)(3)					
insert "and 268"	34	260.1(b)(4)					
AVAILABILITY OF INFORMATION; CONFIDENTIALITY OF INFORMATION							
insert "and 268"	34	260.2(a)					
insert "and 268"	34	260.2(b)					
USE OF NUMBER AND GENDER							
insert "and 268"	34	260.3					
SUBPART B - DEFINITIONS							
DEFINITIONS							
insert "and 268" to introductory text	34	260.10					
add "containment building"	109	260.10					
revise "miscellaneous unit"	109	260.10					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
	revise "pile"	109	260.10					
	REFERENCES							
1,2	Parts 260 through 270	39	260.11(a)					
	SUBPART C - RULEMAKING PETITIONS							
	GENERAL							
	insert "and 268"	†34	260.20(a)					
	PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
	SUBPART A - GENERAL							
	PURPOSE AND SCOPE							
	insert "268,"	34	261.1(a)					
	insert ", 268"	34	261.1(a)(1)					
	DEFINITION OF HAZARDOUS WASTE							
	insert "of this part" after the first "subpart C"; insert "," before "or unless"; add a sentence addressing the relationship of nonwastewater mixtures and the Part 268 requirements	109	261.3(a)(2)(iii)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
†,3	split paragraph into two subparagraphs, (C)(*1*)&(*2*), with the second subparagraph addressing the notification for HTMR residues; in first subparagraph, insert ", K062 or F006" after "K061"; replace "(as defined in 40 CFR 260.10(6), (7), and (12))" with "(as defined in paragraphs (6), (7), and (13) of the definition for 'Industrial Furnace' in 40 CFR 260.10)"; replace "identified below" with "identified in the tables in this paragraph"; replace "The generic exclusion levels are:" with a sentence addressing burden of proof for persons claiming this exclusion in an enforcement action; replace single table with the two tables indicated at 57 FR 37264	95,109	261.3(c)(2)(ii)(C)(*1*)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S
†,3	completely revise requirements addressing notification and certification; one-time notification and certification for K061, K062 or F006 HTMR residues, which meet generic exclusion levels and exhibit no characteristics, that are sent to Subtitle D units; update of notification and certification; annual EPA/State notification; deadline for submission to EPA/State; what the notification must include; certification signed by authorized representative and what it must state	95,109	261.3(c)(2)(ii)(C)(2)					
	add parenthetical phrase regarding characteristic waste, no longer exhibiting a characteristic, that still may be subject to 268 requirements	83	261.3(d)(1)					
	add new paragraph and subparagraphs addressing debris that is excluded from regulation provided it meets specified criteria:	109	261.3(f)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Part 268-defined hazardous debris treated using a specified 268.45, Table 1, extraction or destruction technology; burden of proof on claimant in an enforcement action	109	261.3(f)(1)					
Part 268-defined debris determined by Regional Administrator to no longer be contaminated with hazardous waste	109	261.3(f)(2)					
EXCLUSIONS							
† add new paragraph which excludes as solid waste nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums and not land disposed before recovery	95	261.4(a)(11)					
insert "268,"	34	261.4(c)					
remove "267" and insert "268"	34	261.4(d)(1)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEM SMALL QUANTITY GENERATORS							
insert ", 268,"	34	261.5(b)					
insert ", 268,"	34	261.5(c)					
insert ", 268,"	34	261.5(e)					
4 insert ", 268,"	34	261.5(f)(2)					
insert ", 268,"	34	261.5(g)(2)					
REQUIREMENTS FOR RECYCLABLE MATERIALS							
insert "268,"	34	261.6(a)(3)					
insert "268,"	34	261.6(c)(1)					
RESIDUES OF HAZARDOUS WASTE IN EMPTY CONTAINERS							
insert "268,"	34	261.7(a)(1)(ii)					
insert "268,"	34	261.7(a)(2)(ii)					
SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE							
GENERAL							
insert "268,"; remove ", but is not listed as a hazardous waste in Subpart D"; change "the EPA" to "every EPA"; insert "that is applicable as" before "set forth"; remove "in the respective characteristic" before "in this Subpart"; insert "used" after "This number must be"; before "recordkeeping" change "certain" to "all applicable"	34, 78,83	261.20(b)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	CHARACTERISTIC OF IGNITABILITY							
	remove ", but is not listed as a hazardous waste in Subpart D,"	78	261.21(b)					
	CHARACTERISTIC OF CORROSIVITY							
	remove ", but is not listed as a hazardous waste in Subpart D,"	78	261.22(b)					
	CHARACTERISTIC OF REACTIVITY							
	remove ", but is not listed as a hazardous waste in Subpart D,"	78	261.23(b)					
	TOXICITY CHARACTERISTIC							
5	remove ", but is not listed as a hazardous waste in Subpart D,"	78	261.24(b)					
	SUBPART D - LISTS OF HAZARDOUS WASTES							
	GENERAL							
	insert "268,"	34	261.30(c)					
	HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES							
	add the waste "F039" in alpha-numeric order to list	78,83	261.31(a)					
	DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF							
6	insert "or (f)" after "(e)"; change "261.7(b)(3)" to "261.7(b)"	78	261.33(c)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
APPENDIX VII, PART 261							
BASIS FOR LISTING HAZARDOUS WASTE							
add "F039" to list in alphanumeric order	78	Appendix VII					
PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE							
SUBPART A - GENERAL							
HAZARDOUS WASTE DETERMINATION							
in the first sentence, replace "If" with "For purposes of compliance with 40 CFR Part 268, or if"; remove "as a hazardous waste" after "listed"; replace "he must determine" with "the generator must then determine"	78,83	262.11(c)					
add new paragraph regarding possible exclusions or restrictions in Parts 264, 265 or 268	34	262.11(d)					
SUBPART C - PRE-TRANSPORT REQUIREMENTS							
ACCUMULATION TIME							
replace ";" at the end of text with a ":"	109	262.34(a)(1)(iii)					
replace "." with "; and/or"	109	262.34(a)(1)(iii)(B)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
add new subparagraphs addressing waste placed in containment buildings; compliance with 265, Subpart DD; professional engineer certification of compliance with 265.1101 design standards placed in operating record no later than 60 days after the date of initial unit operation; requirements after February 18, 1993; records which must be maintained	109	262.34(a)(1)(iv)					
written description of procedures to ensure each waste volume remains in unit for no more than 90 days; written description of waste generation and management practices for the facility showing that they are consistent with respecting the 90-day limit; documentation that procedures are complied with	109	262.34(a)(1)(iv)(A)					
documentation that unit is emptied at least once every 90 days	109	262.34(a)(1)(iv)(B)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
7	remove first paragraph numbered (a)(2) (including (a)(2)(i)&(ii)); remove unnumbered paragraph following (a)(2)(ii)	109	262.34(a)(2)					
	ACCUMULATION TIME							
	replace "and with §265.16" with ", with §265.16, and with 40 CFR 268.7(a)(4)"	78	262.34(a)(4)					
	replace "and" between "section" and "the requirements" with ";" and add "the requirements of 40 CFR 268.7(a)(4)"	83	262.34(d)(4)					
	SUBPART G - FARMERS							
	FARMERS							
8	pesticide disposal by farmers	†39	262.70					
	PART 263 - STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE							
	SUBPART A - GENERAL							
	TRANSFER FACILITY REQUIREMENTS							
	insert ", 268"	34	263.12					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES							
	SUBPART A - GENERAL							
	PURPOSE, SCOPE AND APPLICABILITY							
	change "." to ","; add phrase regarding compliance with 264.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove the characteristic before land disposal	124	264.1(g)(6)					
9	add new paragraph regarding facilities to which Part 264 applies	34	264.1(h)					
	SUBPART B - GENERAL FACILITY STANDARDS							
	GENERAL WASTE ANALYSIS							
9,10	insert "Part 268"; add sentence regarding what information, at a minimum, the waste analysis must contain	34,102	264.13(a)(1)					
	revise comment following paragraph (a)(2) as follows: remove "or all" after "supply part"; add ", except as otherwise specified in 40 CFR 268.7(b) and (c)." to the second sentence	78	264.13(a)(2)					
	insert "268.7"	34	264.13(b)(6)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
add new paragraph and subparagraphs regarding exempted surface impoundment plan specifications	34	264.13(b)(7)					
sampling impoundment contents	34	264.13(b)(7)(i)					
analysis procedures	34	264.13(b)(7)(ii)					
annual removal of specific residues; criteria:	34, 39,50	264.13(b)(7)(iii)					
do not meet treatment standards of Part 268, Subpart D	50	264.13(b)(7)(iii)(A)					
where no treatment standards have been established	50	264.13(b)(7)(iii)(B)					
prohibited disposal of residues under 268.32 or RCRA 3004(d)	50	264.13(b)(7)(iii)(B)(*1*)					
prohibited disposal of residues under 268.33(f)	50	264.13(b)(7)(iii)(B)(*2*)					
SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING							
OPERATING RECORD							
add "268.4(a)" and "268.7"	34	264.73(b)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
add new paragraph; records for each shipment placed in units under a 268.5 extension, a 268.6 petition, or a 268.8 certification; 268.7(a) generator notice	34,50	264.73(b)(10)					
add new paragraph; off-site treatment facility requirements	34,50	264.73(b)(11)					
add new paragraph; on-site treatment facility requirements	34,50	264.73(b)(12)					
add new paragraph; off-site land disposal facility requirements	34,50	264.73(b)(13)					
9 add new paragraph; on-site land disposal facility requirements	34,50	264.73(b)(14)					
add new paragraph; off-site storage facility requirements	50	264.73(b)(15)					
add new paragraph; on-site storage facility requirements	50	264.73(b)(16)					
SUBPART G - CLOSURE AND POST-CLOSURE							
APPLICABILITY							
remove "and" from the end of paragraph	109	264.110(b)(1)					
replace "." with ";"	109	264.110(b)(2)					
replace "." with "; and"	109	264.110(b)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
add new paragraph addressing containment buildings that are required under 264.1102 to meet the requirements for landfills	109	264.110(b)(4)					
CLOSURE PERFORMANCE STANDARD							
change ", and 264.601 through 264.603" to ", 264.601 through 264.603, and 264.1102"	109	264.111(c)					
CLOSURE PLAN; AMENDMENT OF PLAN							
replace "264.90 et seq." with "subpart F of this part"; change "and 264.601" to ", 264.601 and 264.1102"	109	264.112(a)(2)					
SUBPART H - FINANCIAL REQUIREMENTS							
APPLICABILITY							
replace ", and" with ";"	109	264.140(b)(1)					
replace "." with ";"	109	264.140(b)(2)					
replace "." with "; and"	109	264.140(b)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
add new paragraph regarding containment buildings that are required under 264.1102 to meet the requirements for landfills	109	264.140(b)(4)					
COST ESTIMATE FOR CLOSURE							
change ", and 264.601 through 264.603" to ", 264.601 through 264.603, and 264.1102"	109	264.142(a)					
SUBPART K - SURFACE IMPOUNDMENTS							
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
insert "the waste and impoundment satisfy all applicable requirements of 40 CFR Part 268, and" after "unless"	78	264.229					
SUBPART L - WASTE PILES							
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
insert "the waste and waste pile satisfy all applicable requirements of 40 CFR Part 268, and" after "unless"	78	264.256					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
	SUBPART M - LAND TREATMENT							
	SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
	insert "the waste and the treatment zone meet all applicable requirements of 40 CFR Part 268, and" after "unless"	78	264.281					
	SUBPART N - LANDFILLS							
	SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
	replace "in treated, rendered, or mixed before or immediately after placement in a landfill so that:" with "and landfill meet all applicable requirements of Part 268, and:"	78	264.312(a)					
	begin the first sentence with "Except for prohibited wastes which remain subject to treatment standards in Subpart D of Part 268,"	78	264.312(b)					
	DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS (LA PACKS)							
†,11	add new paragraph regarding disposal in compliance with Part 268; requirement for fiber drums to meet DOT specifications and 264.316(b) requirements if incinerate lab packs	78	264.316(f)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
12 SUBPART DD - CONTAINMENT BUILDINGS							
APPLICABILITY							
applies to owners/operators storing or treating hazardous waste in units designed and operated under 264.1101; effective February 18, 1993, but may notify Regional Administrator of earlier time; not subject to definition of land disposal in RCRA 3004(k) provided unit:	109	264.1100					
is a completely enclosed, self-supporting structure designed and constructed as specified	109	264.1100(a)					
has a primary barrier designed to withstand movement of personnel, wastes and handling equipment within unit	109	264.1100(b)					
if used to manage liquids:	109	264.1100(c)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	109	264.1100(c)(1)					
liquid collection system to minimize accumulation of liquid on primary barrier	109	264.1100(c)(2)					
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 264.1101(b)(4)	109	264.1100(c)(3)					
controls to prevent fugitive dust emissions to meet 264.1101(c)(1)(iv) standards	109	264.1100(d)					
designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	109	264.1100(e)					
DESIGN AND OPERATING STANDARDS							
all containment buildings must comply with following design standards:	109	264.1101(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
completely enclosed as specified	109	264.1101(a)(1)					
design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	109	264.1101(a)(2)					
provide effective barrier against fugitive dust emissions under 264.1101(c)(1)(iv)	109	264.1101(a)(2)(i)					
unit designed and operated so that wastes do not contact openings	109	264.1101(a)(2)(ii)					
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	109	264.1101(a)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	109	264.1101(a)(4)					
requirements for hazardous waste containing free liquids or treated with free liquids:	109	264.1101(b)					
primary barrier to prevent migration of hazardous constituents into the barrier	109	264.1101(b)(1)					
liquid collection and removal system to minimize accumulation of liquid on primary barrier:	109	264.1101(b)(2)					
primary barrier sloped to drain liquids to collection system	109	264.1101(b)(2)(i)					
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time	109	264.1101(b)(2)(ii)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	109	264.1101(b)(3)					
what must be installed at a minimum to satisfy leak detection component of secondary containment system	109	264.1101(b)(3)(i)					
constructed with 1% or greater bottom slope	109	264.1101(b)(3)(i)(A)					
granular, synthetic, or geonet drainage materials as specified	109	264.1101(b)(3)(i)(B)					
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	109	264.1101(b)(3)(ii)					
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	109	264.1101(b)(3)(iii)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
	for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	109	264.1101(b)(4)					
13	provide written notice by February 18, 1993; what notice must contain	109	264.1101(b)(4)(i)					
	respond to Regional Administrator comments within 30 days	109	264.1101(b)(4)(ii)					
	if approved, fulfill terms of revised plans	109	264.1101(b)(4)(iii)					
	owners and operators of all containment buildings must:	109	264.1101(c)					
	use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	109	264.1101(c)(1)					
	maintain primary barrier as specified	109	264.1101(c)(1)(i)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
maintain level of stored/treated hazardous waste as specified	109	264.1101(c)(1)(ii)					
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	109	264.1101(c)(1)(iii)					
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	109	264.1101(c)(1)(iv)					
certification by qualified registered professional engineer; for units in operation prior to February 18, 1993, certification placed in operating record or on-site files no later than 60 days after date of initial operation; after February 18, 1993, PE certification required prior to operation of unit	109	264.1101(c)(2)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
	prompt repairs of unit throughout active life as specified, according to the following procedures:	109	264.1101(c)(3)					
14	detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	109	264.1101(c)(3)(i)					
	enter record of discovery in facility operating record	109	264.1101(c)(3)(i)(A)					
	immediately remove portion of containment building affected by the condition from service	109	264.1101(c)(3)(i)(B)					
	determine steps to be taken for repair, remove leakage from secondary collection system and establish schedule for cleanup and repairs	109	264.1101(c)(3)(i)(C)					
	within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	109	264.1101(c)(3)(i)(D)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	109	264.1101(c)(3)(ii)					
written notification to Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 264.1101(c)(3)(i)(D) plan	109	264.1101(c)(3)(iii)					
what must be inspected and recorded in facility's operating records, at least once every seven days	109	264.1101(c)(4)					
for containment buildings that contain areas both with and without secondary containment, the owner/operator must:	109	264.1101(d)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
design and operate each area in accordance with 264.1101(a)-(c) requirements	109	264.1101(d)(1)					
take measures to prevent release of liquids or wet materials into areas without secondary containment	109	264.1101(d)(2)					
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	109	264.1101(d)(3)					
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	109	264.1101(e)					
CLOSURE AND POST-CLOSURE CARE							
what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 264 Subpart G & H requirements	109	264.1102(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
if 264.1102(a) requirements met and not all contaminated subsoils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 264.310; owner/operator must meet 264 Subpart G & H requirements for landfills	109	264.1102(b)					
reserved	109	264.1103-264.1110					
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES							
SUBPART A - GENERAL							
PURPOSE, SCOPE, AND APPLICABILITY							
change "." to ","; add phrase regarding compliance with 265.17(b) if owner or operator is diluting hazardous ignitable wastes or corrosive wastes to remove characteristic before land disposal	124	265.1(c)(10)					
9 add new paragraph regarding facilities to which Part 265 applies; Part 268 standards are material conditions of the 265 standards	34,78	265.1(e)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S(
	SUBPART B - GENERAL FACILITY STANDARDS							
	GENERAL WASTE ANALYSIS							
10	insert "Part 268"; add sentence regarding what information, at a minimum, the waste analysis must contain	34,102	265.13(a)(1)					
	revise comment following subparagraph (a)(2) as follows: remove "or all" after "supply part"; add ", except as otherwise specified in 40 CFR 268.7(b) and (c)." to the second sentence	78	265.13(a)(2)					
	insert "268.7"	34	265.13(b)(6)					
	add new paragraph and subparagraphs regarding exempt surface impoundment plan specifications	34	265.13(b)(7)					
	sampling impoundment contents	34	265.13(b)(7)(i)					
	analysis procedures	34	265.13(b)(7)(ii)					
	annual removal of specific residues; criteria:	34, 39,50	265.13(b)(7)(iii)					
	do not meet treatment standards of Part 268, Subpart D	50	265.13(b)(7)(iii)(A)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
where no treatment standards have been established	50	265.13(b)(7)(iii)(B)					
prohibited disposal of residues under 268.32 or RCRA 3004(d)	50	265.13(b)(7)(iii)(B)(*1*)					
prohibited disposal of residues under 268.33(f)	50	265.13(b)(7)(iii)(B)(*2*)					
SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING							
OPERATING RECORD							
add "268.4(a)" and "268.7"	34	265.73(b)(3)					
add new paragraph; records for each shipment placed in units under a 268.5 extension, a 268.6 petition, or a 268.8 certification; 268.7(a) generation notice	34,50	265.73(b)(8)					
add new paragraph; off-site treatment facility requirements	34,50	265.73(b)(9)					
add new paragraph; on-site treatment facility requirements	34,50	265.73(b)(10)					
add new paragraph; off-site land disposal facility requirements	34,50	265.73(b)(11)					
add new paragraph; on-site land disposal facility requirements	34,50	265.73(b)(12)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
add new paragraph; off-site storage facility requirements	50	265.73(b)(13)					
add new paragraph; on-site storage facility requirements	50	265.73(b)(14)					
SUBPART G - CLOSURE AND POST-CLOSURE							
APPLICABILITY							
remove "and" from end of paragraph	109	265.110(b)(1)					
remove "and" from end of paragraph	109	265.110(b)(2)					
replace "." with "; and"	109	265.110(b)(3)					
add new paragraph addressing containment buildings that are required under 265.1102 to meet the requirements for landfills	109	265.110(b)(4)					
CLOSURE PERFORMANCE STANDARD							
change "and 265.404" to ", 265.404, and 264.1102"	109	265.111(c)					
CLOSURE PLAN; AMENDMENT OF PLAN							
15 replace "§§ 265.90 et seq." with "subpart F of this part, §§"; change ", and 265.404" to ", 265.404, and 264.1102"	109	265.112(d)(4)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SUBPART H - FINANCIAL REQUIREMENTS							
APPLICABILITY							
in 265.140(b) insert ":" after "of"; reorganize rest of paragraph after "apply to" into 265.140(b)(1) [disposal facilities] and 265.140(b)(2) [tank systems]; add 265.140(b)(3) addressing containment buildings	109	265.140(b)					
		265.140(b)(1)					
		265.140(b)(2)					
		265.140(b)(3)					
COST ESTIMATE FOR CLOSURE							
replace "of §§ 265.178" with "in §§ 265.178"; change "and 265.404" to ", 265.404 and 265.1102"	109	265.142(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
SUBPART K - SURFACE IMPOUNDMENTS							
DESIGN AND OPERATING REQUIREMENTS							
add new paragraph regarding surface impoundments newly subject to RCRA §3005(j)(1) must be in compliance with 265.221(a),(c)&(d) no later than 48 months after additional characteristic or listing promulgation; Part 268 land disposal prohibitions or an extension to an effective date, within the 48-month period, shall not cut short compliance period	109	265.221(h)					
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
insert "the waste and impoundment satisfy all applicable requirements of 40 CFR Part 268, and" after "unless"	78	265.229					
SUBPART L - WASTE PILES							
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
insert "the waste and pile satisfy all applicable requirements of 40 CFR Part 268, and" after "unless"	78	265.256					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS. EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SUBPART M - LAND TREATMENT							
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
insert "the waste and treatment zone meet all applicable requirements of 40 CFR Part 268, and" after "unless"	78	265.281					
SUBPART N - LANDFILLS							
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
replace "is treated, rendered, or mixed before or immediately after placement in a landfill so that:" with "and landfill meets all applicable requirements of 40 CFR Part 268, and:"	78	265.312(a)					
begin the first sentence with "Except for prohibited wastes which remain subject to treatment standards in Subpart D of Part 268,"	78	265.312(b)					
DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS (LAB PACKS)							
†,11 add new paragraph regarding disposal in compliance with Part 268; requirement for fiber drums to meet DOT specifications and 265.316(b) requirements if incinerate lab packs	78	265.316(f)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
12 SUBPART DD - CONTAINMENT BUILDINGS							
APPLICABILITY							
applies to owners/operators storing or treating hazardous waste in units designed and operated under 265.1101; effective February 18, 1993, but may notify Regional Administrator of earlier time; not subject to definition of land disposal in RCRA 3004(k) provided unit:	109	265.1100					
is a completely enclosed, self supporting structure designed and constructed as specified	109	265.1100(a)					
has a primary barrier designed to withstand movement of personnel, wastes and handling equipment within unit	109	265.1100(b)					
if used to manage liquids:	109	265.1100(c)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	109	265.1100(c)(1)					
liquid collection system to minimize accumulation of liquid on primary barrier	109	265.1100(c)(2)					
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 265.1101(b)(4)	109	265.1100(c)(3)					
16 controls to prevent fugitive dust emissions	109	265.1100(d)					
designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	109	265.1100(e)					
DESIGN AND OPERATING STANDARDS							
all containment buildings must comply with following design standards:	109	265.1101(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
completely enclosed as specified	109	265.1101(a)(1)					
design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	109	265.1101(a)(2)					
provide effective barrier against fugitive dust emissions under 265.1101(c)(1)(iv)	109	265.1101(a)(2)(i)					
unit designed and operated so that wastes do not contact openings	109	265.1101(a)(2)(ii)					
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	109	265.1101(a)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	109	265.1101(a)(4)					
requirements for hazardous waste containing free liquids or treated with free liquids:	109	265.1101(b)					
primary barrier to prevent migration of hazardous constituents into the barrier	109	265.1101(b)(1)					
liquid collection and removal system to prevent accumulation of liquid on primary barrier:	109	265.1101(b)(2)					
primary barrier sloped to drain liquids to collection system	109	265.1101(b)(2)(i)					
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time to protect human health and environment	109	265.1101(b)(2)(ii)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	109	265.1101(b)(3)					
what must be installed at a minimum to satisfy leak detection component of secondary containment system	109	265.1101(b)(3)(i)					
construct with 1% or greater bottom slope	109	265.1101(b)(3)(i)(A)					
granular, synthetic, or geonet drainage materials as specified	109	265.1101(b)(3)(i)(B)					
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	109	265.1101(b)(3)(ii)					
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	109	265.1101(b)(3)(iii)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	109	265.1101(b)(4)					
provide written notice by February 18, 1993; what notice must contain	109	265.1101(b)(4)(i)					
respond to Regional Administrator comments within 30 days	109	265.1101(b)(4)(ii)					
if approved, fulfill terms of revised plans	109	265.1101(b)(4)(iii)					
owners and operators of all containment buildings must:	109	265.1101(c)					
use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	109	265.1101(c)(1)					
maintain primary barrier as specified	109	265.1101(c)(1)(i)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
maintain level of stored/treated hazardous waste as specified	109	265.1101(c)(1)(ii)					
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	109	265.1101(c)(1)(iii)					
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	109	265.1101(c)(1)(iv)					
certification by qualified registered professional engineer; for units in operation prior to February 18, 1993, certification placed in operating record or on-site files no later than 60 days after date of initial operation; after February 18, 1993, PE certification required prior to operation of unit	109	265.1101(c)(2)					
prompt repairs of unit throughout active life, according to the following procedures:	109	265.1101(c)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	109	265.1101(c)(3)(i)					
enter record of discovery in facility operating record	109	265.1101(c)(3)(i)(A)					
immediately remove portion of containment building affected by the condition from service	109	265.1101(c)(3)(i)(B)					
determine steps to be taken for repair; remove leakage from secondary collection system and establish schedule for cleanup and repairs	109	265.1101(c)(3)(i)(C)					
within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	109	265.1101(c)(3)(i)(D)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	109	265.1101(c)(3)(ii)					
written notification of Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 265.1101(c)(3)(i)(D) plan	109	265.1101(c)(3)(iii)					
what must be inspected and recorded in facility's operating records, at least once every seven days	109	265.1101(c)(4)					
for containment building that contains both areas with and without secondary containment, the owner/operator must:	109	265.1101(d)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
design and operate each area in accordance with 265.1101(a)-(c) requirements	109	265.1101(d)(1)					
take measures to prevent release of liquids or wet materials into areas without secondary containment	109	265.1101(d)(2)					
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	109	265.1101(d)(3)					
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	109	265.1101(e)					
CLOSURE AND POST-CLOSURE CARE							
what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 265 Subparts G & H requirements	109	265.1102(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S
if 265.1102(a) requirements met and not all contaminated soils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 265.310; owner/operator must meet 265 Subparts G & H requirements for landfills	109	265.1102(b)					
reserved	109	265.1103-265.1110					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	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 C - RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL							
APPLICABILITY							
add language to reflect that products for general public's use are not subject to regulation if they meet treatment requirements of 268 Subpart D or prohibition levels of 268.32 or RCRA 3004(d) where no treatment standards; delete the word "constituent" from the parenthetical phrase following "recyclable material"; add sentence exempting from regulation commercial fertilizers produced for the general public's use that contain recyclable materials; zinc-containing fertilizers using K061 not subject to this requirement	50,66	266.20(b)					
PART 268 - LAND DISPOSAL RESTRICTIONS							
SUBPART A - GENERAL							
PURPOSE, SCOPE AND APPLICABILITY							
purpose	34	268.1(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
	applicability	34	268.1(b)					
	conditions for continued land disposal:	34,66	268.1(c)					
9	persons with an extension	34	268.1(c)(1)					
9	persons with an exemption	34	268.1(c)(2)					
17	wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited from land disposal, are not prohibited from land disposal if the wastes:	34, 39,50, 66,78	268.1(c)(3)					
	disposed into a nonhazardous or hazardous injection well as defined in 40 CFR 144.6(a)	78	268.1(c)(3)(i)					
	do not exhibit any prohibited characteristic of hazardous waste at the point of injection	78	268.1(c)(3)(ii)					
18	removed	34,39, 50,66	268.1(c)(4)					
19	removed	39,48, 50,78	268.1(c)(5)					
	preserve waiver availability under 121(d)(4) of CERCLA	50	268.1(d)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
wastes which are not subject to any provisions of Part 268:	66	268.1(e)					
wastes generated by generators of less than 100 kg of hazardous waste or less than 1 kg of acute hazardous waste, as defined in 261.5	66	268.1(e)(1)					
waste pesticides that a farmer disposes pursuant to 262.70	66	268.1(e)(2)					
wastes identified or listed as hazardous after November 8, 1984 for which EPA has not promulgated land disposal prohibitions or treatment standards	66	268.1(e)(3)					
20 *de minimis* losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable or corrosive, and that contain underlying hazardous constituents as defined in 268.2, are not considered to be prohibited wastes; *de minimis* defined	124	268.1(e)(4)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
land disposal prohibitions do not apply to laboratory wastes displaying the characteristic of ignitability or corrosivity that are commingled with other plant wastewaters under designated circumstances: such wastes at facilities whose ultimate discharge is subject to regulation under the CWA, provided the annualized flow of laboratory wastewater into facility's headwork does not exceed 1%, or provided that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headwork	124	268.1(e)(5)					
DEFINITIONS APPLICABLE TO THIS PART							
introductory paragraph regarding definitions	78	268.2					
"halogenated organic compounds" or "HOCs"	39,78	268.2(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
21	"hazardous constituent or constituents"	34,78	268.2(b)					
21, 22	"land disposal"	34, 39,78	268.2(c)					
	"nonwastewaters"	78,83	268.2(d)					
23	"polychlorinated biphenyls" or "PCBs"	39,78	268.2(e)					
	"wastewaters"	78	268.2(f)					
	"F001, F002, F003, F004, F005 solvent-water mixtures"	78,83	268.2(f)(1)					
	"K011, K013, K014 wastewaters"	78,83	268.2(f)(2)					
	"K103 and K104 wastewaters"	78	268.2(f)(3)					
	"debris"	78, 83,109	268.2(g)					
24	removed	78, 83,109	268.2(g)(1)-(8)					
	"hazardous debris"	109	268.2(h)					
	"underlying hazardous constituent"	124	268.2(i)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
	DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT							
25	except as provided in 268.3(b), dilution not substitute for treatment; restriction regarding circumvention of effective dates and avoidance of prohibition of Subpart C or RCRA 3004	34, 39,78	268.3(a)					
	permissible forms of dilution related to Sections 307 or 402 of the CWA; exception for D003 reactive cyanide wastewater or nonwastewater	78,102	268.3(b)					
†	TREATMENT SURFACE IMPOUNDMENT EXEMPTION							
	when prohibited wastes may be treated in a surface impoundment	34	268.4(a)					
	treatment occurs in impoundments	34	268.4(a)(1)					
	soft hammer wastes in treatment surface impoundments that meet a list of conditions:	34, 39,50	268.4(a)(2)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
sampling and testing requirements for wastes with and without treatment standards; supernatant and sludge samples tested separately	50	268.4(a)(2)(i)					
annual removal of specific residues; residues subject to valid certification; flow-through standard of removal for supernatant	50	268.4(a)(2)(ii)					
requirements for subsequent management of treatment residues in another impoundment; prohibited unless certification under 268.8 and standards of 268.8(a) are met	50	268.4(a)(2)(iii)					
recordkeeping requirements must be specified in the facility's waste analysis plan	50	268.4(a)(2)(iv)					
9 design requirements/ exemptions	34	268.4(a)(3)					
exempt under 264.221(d) or (e) or 265.221(c) or (d)	34	268.4(a)(3)(i)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
9	conditions under which Administrator grants waiver of requirements; meets RCRA §3005(j)(2)	34	268.4(a)(3)(ii)					
			268.4(a)(3)(ii)(A)					
			268.4(a)(3)(ii)(B)					
			268.4(a)(3)(ii)(C)					
9	modification granted on basis of a demonstration of no migration into groundwater or surface water at any future time; satisfies RCRA §3005(j)(11) no migration	34	268.4(a)(3)(iii)					
9	submittal of written certification and waste analysis plan	34	268.4(a)(4)					
	evaporation of hazardous constituents not considered treatment for exemption purposes	39	268.4(b)					

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Guidance note: 268.5 is NOT DELEGABLE. States should see Note 3 at the beginning of this checklist regarding how to incorporate this section into their code.

PROCEDURES FOR CASE-BY-CASE EXTENSIONS TO AN EFFECTIVE DATE

application to EPA Administrator for an extension to effective date of any Part 268, Subpart C restriction; what the applicant must demonstrate:	34	268.5(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage waste according to Subpart C effective date	34	268.5(a)(1)					
binding contractual commitment to construct or provide alternate treatment, recovery (e.g., recycling), or disposal capacity that meets Subpart D treatment standards; requirements when no treatment standards	34,39	268.5(a)(2)					
demonstration that alternative capacity cannot reasonably be available by effective date due to circumstances beyond applicant's control; how this must be demonstrated	34	268.5(a)(3)					
capacity being constructed or provided by applicant must be sufficient to manage entire quantity of waste	34	268.5(a)(4)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
detailed schedule for obtaining required permits or outline of how and when alternate capacity will be available	34	268.5(a)(5)					
arranged for adequate capacity during extension and documented in all site locations where wastes will be managed	34	268.5(a)(6)					
surface impoundment or landfill used must meet 268.5(h)(2) requirements	34	268.5(a)(7)					
certification by authorized representative signing an application	34	268.5(b)					
Administrator may request additional information	34	268.5(c)					
extension applies only to waste generated at individual facility covered by extension	34	268.5(d)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Administrator may grant extension of up to 1 year from effective date; extension for 1 additional year if 268.5(a) demonstration can still be made; no extension beyond 24 months from 268, Subpart C effective date; length of extension determined by Administrator and basis; public notice and comment; final decision published in Federal Register	34	268.5(e)					
notify Administrator of change in certified conditions	34	268.5(f)					
written progress reports at intervals designated by Administrator; what progress reports must include; conditions for revocation of extension by Administrator	34	268.5(g)					
during period established by Administrator for which extension is in effect:	34	268.5(h)					
268.5(a) storage restrictions do not apply	34,39	268.5(h)(1)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S(
	conditions for disposal in landfill or surface impoundment regardless of whether unit is existing, new, replacement or lateral extension	34,50, 66	268.5(h)(2)					
	interim status landfill requirements	34	268.5(h)(2)(i)					
	permitted landfill requirements	34,109	268.5(h)(2)(ii)					
	interim status surface impoundment requirements	34,39	268.5(h)(2)(iii)					
	permitted surface impoundment requirements	34,109	268.5(h)(2)(iv)					
26	surface impoundments newly subject to RCRA 3006(j); compliance with 265 Subpart F within 12 months and with 265.221(a), (c), and (d) within 48 months; effect of a national capacity variance	109	268.5(h)(2)(v)					
26	requirements for landfills disposing of specified PCB waste	39,109	268.5(h)(2)(vi)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
pending decision on application, compliance with all legal disposal restrictions once effective date has been reached	34	268.5(i)					

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Guidance note: 268.6 is NOT DELEGABLE. States should see Note 3 at the beginning of this checklist regarding how to incorporate this section into their code.

PETITIONS TO ALLOW LAND DISPOSAL OF A WASTE PROHIBITED UNDER SUBPART C OF PART 268

submit petition to Administrator; demonstration of no waste migration; demonstration components	34	268.6(a)					
identify specific unit and waste	34	268.6(a)(1)					
waste analysis	34	268.6(a)(2)					
comprehensive disposal unit characterization	34	268.6(a)(3)					
monitoring plan detecting migration at the earliest time	50	268.6(a)(4)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S(
	sufficient information to assure Administrator that owner/operator is in compliance with other applicable Federal, State and local laws	50	268.6(a)(5)					
	demonstration criteria:	50	268.6(b)					
	data must be accurate and reproducible	50	268.6(b)(1)					
	Administrator approved sampling, testing and estimation techniques	34	268.6(b)(2)					
	model calibration; models verified with actual data	34	268.6(b)(3)					
	quality assurance/control plan approved by Administrator	34	268.6(b)(4)					
	uncertainty analysis	34	268.6(b)(5)					
27	what each petition must include:	50	268.6(c)					
	monitoring plan including description of monitoring program to verify continued compliance with variance; information which must be included	50	268.6(c)(1)					
	media monitored	50	268.6(c)(1)(i)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
type of monitoring	50	268.6(c)(1)(ii)					
monitoring station location	50	268.6(c)(1)(iii)					
monitoring interval	50	268.6(c)(1)(iv)					
specific hazardous constituents to be monitored	50	268.6(c)(1)(v)					
monitoring program implementation schedule	50	268.6(c)(1)(vi)					
monitoring station equipment	50	268.6(c)(1)(vii)					
sampling and analytical techniques employed	50	268.6(c)(1)(viii)					
data recording/reporting procedures	50	268.6(c)(1)(ix)					
268.6(c)(1) monitoring program must be in place by Administrator-specified time period, as part of approval of the petition, prior to prohibited waste receipt at unit	50	268.6(c)(2)					
268.6(c)(1) monitoring data sent to Administrator according to monitoring plan must be according to approved format and schedule	50	268.6(c)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN SC
	monitoring data as per 268.6(c)(1) monitoring plan must be kept in on-site operating record	50	268.6(c)(4)					
	criteria the 268.6(c)(1) monitoring program must meet:	50	268.6(c)(5)					
	Administrator approval for all sampling, testing, and analytical data; data accurate and reproducible	50	268.6(c)(5)(i)					
	Administrator approval of all estimation and monitoring techniques	50	268.6(c)(5)(ii)					
	QA/QC plan for all aspects of monitoring program provided to and approved by Administrator	50	268.6(c)(5)(iii)					
27, 28	petition submitted to Administrator	34,50	268.6(d)					
29	reporting of changes at unit and/or surrounding environment that significantly depart from variances and affect migration potential	50	268.6(e)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
changes to unit design, construction or operation proposed in writing and a demonstration to Administrator 30 days prior to change; Administrator makes determination if petition is invalidated and determines appropriate response; Administrator approval before changes can be made	50	268.6(e)(1)					
within 10 days of discovering change, written notification to Administrator if condition is not as predicted or modeled in petition; Administrator decides if change requires further action	50	268.6(e)(2)					
30 owner/operator responsibilities if hazardous waste migration:	50	268.6(f)					
immediate suspension of prohibited waste receipt	50,66	268.6(f)(1)					
within 10 days written notification to Administrator	50	268.6(f)(2)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S(
	Administrator decision within 60 days as to continued receipt of prohibited waste; Administrator determines if further examination of any migration warranted	50	268.6(f)(3)					
31	signed statement	34,50	268.6(g)					
31	Administrator may request additional information	34,50	268.6(h)					
31	waste unit to which petition applies	34,50	268.6(i)					
31	Administrator gives public notice in Federal Register; final decision in Federal Register	34,50	268.6(j)					
31	term of petition	34,50	268.6(k)					
31	requirements prior to Administrator's decision	34,50	268.6(l)					
31	petition granted by Administrator does not relieve responsibilities under RCRA	34,50	268.6(m)					
32	noneligibility of certain liquid PCB wastes for "no migration" petitions under 268.6	39,50	268.6(n)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	WASTE ANALYSIS AND RECORDKEEPING							
9	generator determines if listed waste is a restricted waste; 268.32 exception; if characteristic is exhibited, test extract using 268, Appendix IX methods or use knowledge of waste to determine if restricted from land disposal; what the generator must do if he determines that his waste displays characteristic of ignitability or corrosivity and is prohibited under 268.37	34,39, 50,83, 124	268.7(a)					
	if generator is managing restricted waste that does not meet applicable treatment standards, must notify treatment or storage facility of appropriate treatment standards	34, 39,50	268.7(a)(1)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
33, 34		34	268.7(a)(1)(i)					
		34,39, 78,83, 124	268.7(a)(1)(ii)					
		34,109	268.7(a)(1)(iii)					
		109	268.7(a)(1)(iv)					
	information the notice must include	34,109	268.7(a)(1)(v)					
9	if managing restricted waste that can be land disposed without further treatment, notice and certification to treatment, storage, or land disposal facility; generators of hazardous debris that is excluded from the definition of hazardous waste under 261.3(e)(2) not subject to notice and certification	34,39, 50,109	268.7(a)(2)					
			268.7(a)(2)(i)					
		34	268.7(a)(2)(i)(A)					
	information required in notice to treatment, storage or land disposal facility	34,39, 78,83	268.7(a)(2)(i)(B)					
			268.7(a)(2)(i)(C)					
		34	268.7(a)(2)(i)(D)					
	certification signature/statement	34,39	268.7(a)(2)(ii)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
9	for waste subject to exemption from prohibition (such as a case-by-case 268.5 extension, 268.6 exemption or Subpart C nationwide capacity variance) on land disposal method used for the waste, notice to receiving facility that waste is not prohibited from land disposal	34, 50,66	268.7(a)(3)					
35		50	268.7(a)(3)(i)					
		50, 78,83	268.7(a)(3)(ii)					
		50	268.7(a)(3)(iii)					
		50,109	268.7(a)(3)(iv)					
		109	268.7(a)(3)(v)					
	information the notice must include	50,109	268.7(a)(3)(vi)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
36	for prohibited waste managed in tanks, containers, or containment buildings under 262.34 and treated to meet 268 Subpart D standards, waste analysis plan to be developed, followed and kept on-site; generators treating hazardous debris under 268.45, Table 1 alternative treatment standards not subject to analysis requirements	50,66, 78,109	268.7(a)(4)					
37	waste analysis plan based on detailed chemical and physical analysis of representative sample; contain information necessary to treat waste in accordance with 268 requirements	50,78	268.7(a)(4)(i)					
37	file plan with EPA Regional Administrator or authorized State 30 days prior to treatment; delivery verified	50,78	268.7(a)(4)(ii)					
37	compliance with 268.7(a)(2) notification requirements for wastes shipped off-site	50,78	268.7(a)(4)(iii)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
37	removed	50,78	268.7(a)(4)(iv)					
9,38	maintenance of data supporting knowledge of waste; retention of waste analysis data on-site in files	34,50	268.7(a)(5)					
	conditions under which a generator, managing a restricted waste excluded from the definition of hazardous or solid waste, must place a one-time notice in the facility's file containing specified information	83	268.7(a)(6)					
39	five-year retention period for notices, certifications, demonstrations, etc., produced relative to 268.7; extensions during enforcement actions; requirements apply to solid wastes even when hazard characteristic is removed prior to disposal or when waste excluded from definition of hazardous or solid waste in 261.2-261.6 or exempted from Subtitle C regulation subsequent to the point of generation	50,83	268.7(a)(7)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO. IN S
†, 11, 39	notice for a generator managing a lab pack that contains wastes identified in Appendix IV if use alternative treatment standards under 268.42; 268.7(a)(5)&(6) compliance; certification	78,83	268.7(a)(8)					
†, 11, 39	notice for a generator managing a lab pack that contains organic wastes specified in Appendix V if use alternate treatment standard under 268.42; 268.7(a)(5)&(6) compliance; certification	78,83	268.7(a)(9)					
39	notification and certification requirements for small quantity generators with tolling agreements pursuant to 40 CFR 262.20(e)	78,83	268.7(a)(10)					
	treatment facility testing at frequency specified in waste analysis plan	34, 39,50	268.7(b)					
	testing when standards are expressed as concentrations in waste extract	50	268.7(b)(1)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	testing of 268.32 or RCRA 3004(d) prohibited wastes not subject to Subpart D treatment standards	50	268.7(b)(2)					
	testing for wastes with treatment standards expressed as concentrations in waste	50	268.7(b)(3)					
40	notice with each shipment by treatment facility to land disposal facility; however, debris excluded from the hazardous waste definition at 261.3(e) is subject to notification and certification under 268.7(d)	34, 50,109	268.7(b)(4)					
40, 33		34,50	268.7(b)(4)(i)					
		34,39, 50, 78,83, 124	268.7(b)(4)(ii)					
	information the notice must include		268.7(b)(4)(iii)					
		34,50	268.7(b)(4)(iv)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
41	certification of each shipment; however, debris excluded from the definition of hazardous waste under 261.3(e) is subject to notification and certification under 268.7(d)	34,39, 50,109	268.7(b)(5)					
41	certification requirements for wastes with treatment standards expressed as concentrations in the waste extract or in the waste, or for wastes prohibited under 268.32 or RCRA Section 3004(d) which do not have 268, Subpart D treatment standards	34,39, 50,78	268.7(b)(5)(i)					
41	certification requirements for wastes with treatment standards expressed as technologies	34,50	268.7(b)(5)(ii)					
	certification requirements for wastes with treatment standards expressed as concentrations in the waste pursuant to 268.43	78	268.7(b)(5)(iii)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	compliance with generator notice and certification requirements if waste sent offsite	50	268.7(b)(6)					
42	no 268.7(b)(4) notification for recyclable materials used in a manner constituting disposal and subject to 266.20(b); with each shipment 268.7(b)(5) certification and 268.7(b)(4) notice to Regional Administrator; records of recipients of waste-derived products	50, 66,78	268.7(b)(7)					
43	requirements for land disposal facility except where the owner or operator is disposing recyclable wastes pursuant to 266.20(b):	34,39, 50,78	268.7(c)					
43	have copies of notice and certifications under 268.7(a) or (b) and certifications in 268.8 if applicable	34, 39,50	268.7(c)(1)					
43	test of waste or extract; applicable treatment standards to be met; frequency of testing	39,50	268.7(c)(2)					
44	removed	50,78	268.7(c)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
44	removed	66,78	268.7(c)(4)					
	notification and certification requirements for generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under 261.3(e)	109	268.7(d)					
	one-time notification including specified information	109	268.7(d)(1)					
			268.7(d)(1)(i)					
			268.7(d)(1)(ii)					
			268.7(d)(1)(iii)					
	when notification must be updated	109	268.7(d)(2)					
	how the owner or operator must document and certify compliance with Table 1, 268.45 treatment standards	109	268.7(d)(3)					
			268.7(d)(3)(i)					
			268.7(d)(3)(ii)					
			268.7(d)(3)(iii)					
	LANDFILL AND SURFACE IMPOUNDMENT DISPOSAL RESTRICTIONS							
	disposal of 268.33(f) prohibited wastes in landfills or surface impoundments in compliance with 268.5(h)(2) if requirements of 268.8 are met; section not in effect after May 8, 1990	50,78	268.8(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
good faith generator effort to contract with treatment and recovery facilities providing greatest environmental benefit	50	268.8(a)(1)					
specific requirements for generator if no practically available treatment for waste:	50,66	268.8(a)(2)					
prior to initial shipment, demonstration to Regional Administrator containing specified lists and written discussion; certification; waste shipment	50,66	268.8(a)(2)(i)					
for initial shipment, demonstration and certification sent to receiving facilities; certification only for subsequent shipments; generator recordkeeping and five-year retention	50,66	268.8(a)(2)(ii)					
specific requirements for generator if there are practically available treatments for waste:	50,66	268.8(a)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
	prior to initial shipment, demonstration to Regional Administrator containing specified lists and written discussion; certification; waste shipment	66	268.8(a)(3)(i)					
	with initial shipment copy of demonstration and certification sent to receiving facilities; certification only for subsequent shipments; generator recordkeeping and five-year retention	66	268.8(a)(3)(ii)					
45	where there is practically available treatment for waste prior to disposal, copy of demonstration and certification submitted to receiving facility with initial shipment; certification only for subsequent shipments; generator recordkeeping and five-year retention	50	268.8(a)(4)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
additional information for certification if requested by Regional Administrator; submittal of new demonstration and certification as provided in 268.8(a) to the receiving facility	50	268.8(b)					
notification when any change in conditions forming basis of certification occurs	50,66	268.8(b)(1)					
invalidation when Regional Administrator finds practically available treatment method or a method yielding greater environmental benefit than certified	50	268.8(b)(2)					
when certification is invalidated, generator must cease shipment, communicate with facilities receiving waste, and keep records of communication	50	268.8(b)(3)					
receiving treatment, recovery or storage facilities keep copy of generator's demonstration and certification	50	268.8(c)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
receiving treatment, storage or recovery facility certify waste treated according to generator's demonstration	50	268.8(c)(1)					
for initial shipment, treatment, recovery or storage facility must send copy of generator's demonstration and certification(s) to facility receiving waste or treatment residues; certification only for subsequent shipments, if certification conditions remain unchanged	50,66	268.8(c)(2)					
disposal facility must assure certification prior to disposal in landfill or surface impoundment unit and units in accordance with 268.5(h)(2) for wastes prohibited under 268.33(f)	50,66	268.8(d)					
wastes may be disposed in landfill or surface impoundment meeting 268.5(h)(2) requirements if certified and treated	50	268.8(e)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC							
determination of applicable treatment standards under Subpart D, Part 268 by initial generator of a solid waste; code designation and exceptions; conditions under which generator must determine what underlying hazardous characteristics are reasonably expected to be present in the waste	78,83, 124	268.9(a)					
the treatment standard for the waste code listed in 40 CFR Part 261, Subpart D will operate for wastes both listed under Subpart D, Part 261 and exhibit a characteristic under Subpart C, Part 261; conditions under which treatment standards for all applicable listed and characteristic waste codes must be met	78	268.9(b)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
no prohibited waste which exhibits a characteristic under 40 CFR Part 261, Subpart C may be land disposed unless waste complies with Part 268, Subpart D treatment standards	78	268.9(c)					
wastes that exhibit a characteristic are subject to 268.7 requirements; once wastes are no longer hazardous, place one-time notification and certification in generator's/treater's files and send to EPA region or authorized State; when notification and certification must be updated; annual EPA/ State notification if such changes occur, by December 31	78,109	268.9(d)					
information needed with each notification	78	268.9(d)(1)					
	78,109	268.9(d)(1)(i)					
	78, 83,109	268.9(d)(1)(ii)					
	78,109	268.9(d)(1)(iii)					
certification signed by authorized representative stating language found in 268.7(b)(5)	78,109	268.9(d)(2)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SUBPART B - SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS							
46 SURFACE IMPOUNDMENT EXEMPTIONS							
defines additional circumstances in which prohibited waste may continue to be placed in a surface impoundment	109	268.14(a)					
continued storage of "newly identified waste" in newly regulated impoundment for 48 months after the promulgation of the additional listing or characteristic provided waste is not otherwise prohibited and impoundment is in compliance with 265, subpart F within 12 months after new listing/characteristic promulgation	109	268.14(b)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
	continue treatment of "newly identified waste" in newly regulated impoundment, provided waste is not otherwise prohibited, and surface impoundment is in compliance with 265, Subpart F within 12 months after new listing/characteristic promulgation	109	268.14(c)					
	SUBPART C - PROHIBITIONS ON LAND DISPOSAL							
	WASTE SPECIFIC PROHIBITIONS - SOLVENT WASTES							
47	effective November 8, 1986, F001-F005 spent solvent wastes, as specified in 261.31, are prohibited from land disposal unless one or more conditions apply:	34	268.30(a)					
	generated by an SQG of 100-1000 kg/mo	34	268.30(a)(1)					
	generated by a CERCLA response action/corrective action except where waste is contaminated soil or debris	34,50	268.30(a)(2)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
9	concentration-specific exemption (solvent waste with less than 1% total solvent constituent)	34,50	268.30(a)(3)					
	solvent waste residue from treating a 268.30(a)(1), (a)(2), or (a)(3) waste or residue from other wastes meeting specific requirements	39	268.30(a)(4)					
	effective November 8, 1988, the F001-F005 solvent exemptions of 268.30(a)(1)-(4) are prohibited from land disposal	34,50	268.30(b)					
	land disposal of F001-F005 solvent wastes that are contaminated soil and debris (and their treatment residues) resulting from CERCLA action or RCRA corrective action prohibited after November 8, 1990; permitted disposal in landfill or surface impoundment unit in compliance with 268.5(h)(2) prior to November 8, 1990	50	268.30(c)					
48	situations where 268.30(a), (b) and (c) do not apply:	34,50	268.30(d)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S
48	wastes treated to meet Subpart D of Part 268	34,50	268.30(d)(1)					
48	disposal at facility with successful no-migration petition	34,50	268.30(d)(2)					
48	wastes and units for which case-by-case extensions have been granted	34,50	268.30(d)(3)					
	WASTE SPECIFIC PROHIBITIONS - DIOXIN-CONTAINING WASTES							
9	effective November 8, 1988, the dioxin-containing wastes, F020-F023 and F026-F028, are prohibited from land disposal unless a specific condition applies:	34,50	268.31(a)					
	these wastes are contaminated soil and debris waste resulting from response action under CERCLA or from a RCRA corrective action	50	268.31(a)(1)					
	prohibit land disposal of F020-F023 and F026-F028 dioxin-containing wastes of 268.31(a)(1) effective November 8, 1990	50	268.31(b)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
9	between November 8, 1988, and November 8, 1990, wastes of 268.31(a)(1) disposed in landfill or surface impoundment must meet 268.5(h)(2) and applicable 264 and 265 requirements	34,50	268.31(c)					
9,49	situations where 268.31(a) and (b) do not apply	34,50	268.31(d)					
9,49	wastes treated to meet Subpart D, Part 268 standards	34,50	268.31(d)(1)					
9,49	disposal at facility with successful no-migration petition	34,50	268.31(d)(2)					
9,49	extension to effective date of a prohibition	34,50	268.31(d)(3)					
	WASTE SPECIFIC PROHIBITIONS - CALIFORNIA LIST WASTES							
	prohibitions effective July 8, 1987, except in injection wells:	39	268.32(a)					
	liquids having pH less than or equal to 2.0	39	268.32(a)(1)					
	liquids containing PCBs greater than or equal to 50 ppm	39	268.32(a)(2)					
	liquids containing HOCs greater than or equal to 1,000 mg/l and less than 10,000 mg/l	39	268.32(a)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S(
reserved	39	268.32(b)					
reserved	39	268.32(c)					
268.32(a) and (e) requirements do not apply until specific calendar dates:	39,50	268.32(d)					
July 8, 1989 for contaminated soil or debris not resulting from a 104 or 106 CERCLA response or a RCRA corrective action; disposal allowed between July 8, 1987, and July 8, 1989, in landfill or surface impoundment in compliance with 268.5(h)(2)	50	268.32(d)(1)					
November 8, 1990 for contaminated soil or debris resulting from a CERCLA 104 or 106 response or a RCRA corrective action; disposal between November 8, 1988, and November 8, 1990, permitted in landfill or surface impoundment in compliance with 268.5(h)(2)	50	268.32(d)(2)					
land disposal prohibitions effective November 8, 1988:	39,50	268.32(e)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
50	liquids containing HOCs greater than or equal to 1,000 mg/l and not prohibited under 268.32(a)(3)	39	268.32(e)(1)					
	nonliquid wastes containing HOCs greater than or equal to 1,000 mg/kg and not wastes described in 268.32(d)	39,50	268.32(e)(2)					
	between July 8, 1987, and November 8, 1988, 268.32(e)(1) and (e)(2) wastes may be disposed of in a landfill or surface impoundment if disposal complies with 268.5(h)(2)	39, 50,66	268.32(f)					
	requirements of 268.32(a), (d) and (e) do not apply under certain conditions:	39,50	268.32(g)					
	granted a 268.6 exemption	39	268.32(g)(1)					
	granted a 268.5 exemption	39	268.32(g)(2)					
	in compliance with Subpart D standards, or, where standard not specified, with RCRA 3004(d) or 268.32 prohibitions	39	268.32(g)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
requirements of 268.32(a)(3), (d) and (e) do not apply when subject to Part 268, Subpart C prohibition	39,50	268.32(h)					
1 method 9095 required	39	268.32(i)					
applicability of waste analysis/ recordkeeping requirements of 268.7:	39	268.32(j)					
initial generator must use 261.22(a)(1) procedures or knowledge of pH; pH less than or equal to 2.0 restriction	39	268.32(j)(1)					
initial generator must test for or have knowledge of HOC or PCB concentration levels; restriction above levels	39	268.32(j)(2)					
WASTE SPECIFIC PROHIBITIONS - FIRST THIRD WASTES							
specific wastes prohibited from land disposal effective August 8, 1988	50,66	268.33(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
land disposal prohibition of K061 waste containing 15% or greater of zinc pursuant to 268.41 treatment standard for K061 containing less than 15% zinc	50	268.33(a)(1)					
K071 prohibited from land disposal effective August 8, 1990	50,83	268.33(b)					
effective August 8, 1990, land disposal prohibition of wastes specified in 268.10 having a treatment standard in 268, Subpart D based on incineration and which are contaminated soil and debris	50	268.33(c)					
between November 8, 1988, and August 8, 1990, landfill or surface impoundment disposal of wastes included under 268(b) & (c) permitted if unit is in compliance with 268.5(h)(2)	50	268.33(d)					
requirements of 268(a)-(d) do not apply if:	50	268.33(e)					
waste meets applicable 268, Subpart D standards	50	268.33(e)(1)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
granted an exemption from prohibition for wastes and units under 268.6	50	268.33(e)(2)					
granted an extension to an effective date for wastes under 268.5	50	268.33(e)(3)					
prohibition of landfill or surface impoundment disposal of wastes specified in 268.10 for which treatment standards have not been promulgated (other than 268.32 or RCRA 3004(d) prohibitions) unless a demonstration and certification have been submitted	50,66	268.33(f)					
for a waste listed in 268.10, initial generator testing to determine if 268.41 and 268.43 treatment standards are exceeded; prohibition from land disposal if exceed standards	50,66	268.33(g)					
WASTE SPECIFIC PROHIBITIONS - SECOND THIRD WASTES							
effective June 8, 1989, prohibition from land disposal of specific 261.31, 261.32 and 261.33 wastes	63	268.34(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
effective June 8, 1989, prohibition from land disposal, except underground injection pursuant to 148.14(f) and 148.15(d), of certain 261.32 wastes	63	268.34(b)					
effective June 8, 1989, prohibition from land disposal of F006, F008, F009, F011 and F012	63	268.34(c)					
effective July 8, 1989, F007 prohibited from land disposal except underground injection pursuant to 148.14(f)	63	268.34(c)(1)					
July 8, 1989, until December 8, 1989, F011 and F012 non-wastewaters prohibited from land disposal pursuant to 268.41 and 268.43 treatment standards for F007, F008 and F009 non-wastewaters; effective December 8, 1989, F011 and F012 prohibited from land disposal pursuant to 268.41 and 268.43 treatment standards for F011 and F012 nonwastewaters	63	268.34(c)(2)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
effective June 8, 1991, wastes specified in 268.34 with Part 268, Subpart D treatment standard based on incineration, and which are contaminated soil and debris, are prohibited from land disposal	63	268.34(d)					
requirements for landfill or surface impoundment disposal of wastes included in 268.34(c) and (d) between June 8, 1989, and June 8, 1991; applies to F007, F008, F009, F011, and F012 only between June 8, 1989, and July 8, 1989	63	268.34(e)					
requirements of 268.34(a)-(d) do not apply if:	63	268.34(f)					
meet applicable 268 Subpart D standards	63	268.34(f)(1)					
granted an exemption pursuant to a 268.6 petition for the wastes and units covered by the petition	63	268.34(f)(2)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
268.34(a), (b) and (c) do not apply if granted extension under 268.5 for wastes covered by extension	63	268.34(g)					
between June 8, 1989, and May 8, 1990, prohibition from land disposal in landfills or surface impoundments of 268.11 wastes for which Subpart D treatment standards are not applicable, including California list wastes subject to prohibitions under RCRA 3004(d) or 268.32; exceptions under 268.8	63	268.34(h)					
initial generator testing to determine if a 268.10, 268.11 and 268.12 waste exceeds applicable 268.41 and 268.43 treatment standards; land disposal prohibited and all 268 requirements apply if constituents exceed Part 268, Subpart D level	63	268.34(i)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
WASTE SPECIFIC PROHIBITIONS - THIRD THIRD WASTES							
effective August 8, 1990, prohibition from land disposal of certain wastes specified in 261.31, 261.32, 261.33(e) and 261.33(f) as listed in 268.35(a)	78,83	268.35(a)					
effective November 8, 1990, prohibition from land disposal of certain wastes specified in 261.32	78	268.35(b)					
effective May 8, 1992, prohibition from land disposal of certain wastes specified in 261.31, 261.32, 261.33(e) and 261.33(f); certain characteristic wastes; and RCRA hazardous wastes containing naturally occurring radioactive materials	78,83, 106,116	268.35(c)					
effective May 8, 1992, 268.10, 268.11 and 268.12 mixed radioactive/hazardous wastes are prohibited from land disposal	78,83, 116	268.35(d)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	subject to applicable prohibitions in §§ 268.30, 268.31 and 268.32, contaminated soil and debris are prohibited from land disposal as follows:	116	268.35(e)					
51	effective May 8, 1994, prohibition from land disposal of debris contaminated with 268.12 wastes and debris contaminated with any characteristic waste having Subpart D, Part 268 treatment standards	78,83, 103, 116,123	268.35(e)(1)					
52	effective May 8, 1994, mixed radioactive hazardous debris contaminated with 268.12 wastes and mixed radioactive hazardous debris contaminated with any characteristic waste for which Subpart D treatment standards are established are prohibited from land disposal	123	268.35(e)(2)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
268.35(e)(1)&(2) do not apply where generator has failed to make good-faith effort to locate suitable treatment capacity, has not utilized such capacity as it has found to be available, or has failed to file a report under 268.5(g), by August 12, 1993 or within 90 days after hazardous waste is generated, describing generator's efforts to locate treatment capacity; where 268.35(e)(1)&(2) do not apply, all wastes described in 268.35(e)(1)&(2) are prohibited from land disposal effective May 8, 1993	123	268.35(e)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
52	effective May 8, 1993, hazardous soil contaminated with wastes specified in this section having treatment standards in 268 Subpart D based on incineration, mercury retorting or vitrification, and soils contaminated with hazardous wastes listed in 40 CFR 268.10, 268.11 and 268.12 that are mixed radioactive hazardous wastes are prohibited from land disposal	116,123	268.35(e)(4)					
	when used in 268.35(e)(1)&(2), debris defined as:	123	268.35(e)(5)					
	as defined in 268.2(g)	123	268.35(e)(5)(i)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve that require cutting, or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the inorganic or metal materials specified in 268.35(e)(5)(ii)(A)-(H)	123	268.35(e)(5)(ii)					
		268.35(e)(5)(ii)(A)					
		268.35(e)(5)(ii)(B)					
		268.35(e)(5)(ii)(C)					
		268.35(e)(5)(ii)(D)					
		268.35(e)(5)(ii)(E)					
		268.35(e)(5)(ii)(F)					
		268.35(e)(5)(ii)(G)					
		268.35(e)(5)(ii)(H)					
between May 8, 1990, and August 8, 1990, wastes included in paragraph 268.35(a) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with 268.5(h)(2)	78	268.35(f)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
between May 8, 1990, and November 8, 1990, wastes included in paragraph 268.35(b) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with 268.5(h)(2)	78	268.35(g)					
between May 8, 1990, and May 8, 1992, wastes included in paragraphs 268.35(c), (d) and (e) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with 268.5(h)(2)	78	268.35(h)					
conditions under which requirements of paragraphs 268.35(a), (b), (c), (d) and (e) do not apply:	78	268.35(i)					
wastes meet applicable Part 268, Subpart D standards	78	268.35(i)(1)					
persons granted exemption under 268.6	78	268.35(i)(2)					
wastes meet applicable alternate standards under 268.44	78	268.35(i)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
persons granted extension to the effective date of a prohibition under 268.5	78	268.35(i)(4)					
initial generator testing to determine if a 268.10, 268.11 and 268.12 waste exceeds applicable 268.41 and 268.43 treatment standards; land disposal prohibited and all 268 requirements apply if constituents exceed Part 268, Subpart D levels	78	268.35(j)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
effective May 8, 1993, prohibition from land disposal of D008 lead materials stored before secondary smelting; submission of binding contractual commitment, documentation and detailed schedule for specified construction, and providing specified capacity, by March 1, 1993; D008 prohibited from land disposal by failure to submit documentation; placed in facility record by July 27, 1992, documentation demonstrating that such management capacity will be adequate and complies with all applicable Subtitle C requirements	106	268.35(k)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S(
WASTE SPECIFIC PROHIBITIONS - NEWLY LISTED WASTES							
effective November 9, 1992, K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, K136, U328, U353 and U359 prohibited from land disposal	109	268.36(a)					
effective June 30, 1993, F037 and F038 not generated from surface impoundment cleanouts or closures are prohibited from land disposal	109	268.36(b)					
effective June 30, 1994, F037 and F038 generated from surface impoundment cleanout or closures are prohibited from land disposal	109	268.36(c)					
effective June 30, 1994, radioactive wastes mixed with specified wastes are prohibited from land disposal	109	268.36(d)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
effective June 30, 1994, debris contaminated with specified wastes and not contaminated with other prohibited waste are prohibited from land disposal	109	268.36(e)					
under what circumstances 268.36(b) wastes may be disposed in a landfill or generated and disposed in a surface impoundment	109	268.36(f)					
under what circumstances 268.36(d) and (e) wastes may be disposed in a landfill or generated and disposed in a surface impoundment	109	268.36(g)					
under what circumstances 268.36 (a)-(e) do not apply	109	268.36(h)					
		268.36(h)(1)					
		268.36(h)(2)					
		268.36(h)(3)					
		268.36(h)(4)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
how to determine whether a 268.36 waste exceeds a 268.41 or 268.43 treatment standard; waste prohibited and all Part 268 requirements apply if constituents in excess of applicable levels	109	268.36(i)					
WASTE SPECIFIC PROHIBITIONS--IGNITABLE AND CORROSIVE CHARACTERISTIC WASTES WHOSE TREATMENT STANDARDS WERE VACATED							
effective August 9, 1993, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems other than those whose discharge is regulated under the CWA or that inject in Class I deep wells regulated under the SDWA or are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal; CWA-equivalent treatment defined	124	268.37(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
effective February 10, 1994, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that *are managed in* systems defined in 40 CFR 144.6(e) and 146.6(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection are prohibited from land disposal	124	268.37(b)					
SUBPART D - TREATMENT STANDARDS							
APPLICABILITY OF TREATMENT STANDARDS							
restricted waste under 268.41 may be land disposed if extract of waste or treatment residue, developed using 261 Appendix II methods, does not exceed 268.41 Table CCWE values; exceptions; specific wastes may be land disposed if extract or treatment residue developed as specified does not exceed Table CCWE values for any hazardous constituent in Table CCWE for waste	34, †39,50, 78,83	268.40(a)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
restricted waste with a 268.42 treatment technology, or hazardous debris with 268.45 treatment technology, may be land disposed if specified technology or an Administrator-approved method is used; for wastes displaying characteristic of ignitability and reactivity that are diluted to meet deactivation treatment standard in 268.42(a) Tables 1 & 2, the treater must comply with precautionary measures specified in 264.17(b) and 265.17(b)	39,109, 124	268.40(b)					
except as specified in 268.43(c), restricted waste identified in 268.43 may be land disposed only if Table CCW constituent concentration values are not exceeded	50,78	268.40(c)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	if 268.41 through 268.48 treatment standard established and waste is a hazardous debris, then waste subject to those standards rather than the 268.45 hazardous debris standards	109	268.40(d)					
	TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT							
53	treatment standards; explanation of Table CCWE	34,50, 63,78, 102,109	268.41(a)					
	Constituent Concentrations in Waste Extract	34, 50,63, 78,83, 95,109, 124	268.41(a)/Table CCWE					
	treatment standards for common constituents in combined wastes; mixtures of high and low zinc nonwastewater K061 subject to treatment standard for high zinc K061	34,95	268.41(b)					
	treatment standards for constituents in F001-F005 listed in Table CCWE	109	268.41(c)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S(
	TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES							
	treatment of wastes identified in 268.42(a)(1)&(2) and Tables 2 and 3 with technology(ies) specified in 268.42(a)(1)&(2) and in Table 1 of 268.42	34,78	268.42(a)					
	standard for incineration of liquid hazardous wastes containing PCBs	39	268.42(a)(1)					
	standard for incineration of certain nonliquid hazardous wastes containing HOCs; where standards do not apply	39,50, 78,83	268.42(a)(2)					
54	mixture of wastewater (discharge of which is subject to Clean Water Act) and *de minimis* losses of materials that meet the criteria of D001 ignitable liquids with greater than 10% TOC is subject to Table 1 DEACT treatment standard; *de minimis* defined	63, 78,83	268.42(a)(3)					
55	removed	63,78	268.42(a)(4)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Technology Codes and Description of Technology-Based Standards	78,83	268.42(a)/ Table 1					
Technology-Based Standards by RCRA Waste Code	78,83, 95,102, 109,124	268.42(a)/ Table 2					
Technology-Based Standards for Specific Radioactive Hazardous Mixed Waste	78,83	268.42(a)/ Table 3					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
Guidance note: 268.42(b) is NOT DELEGABLE. States should see Note 3 at the beginning of tl checklist regarding how to incorporate this section into their code.							
submit application to Administrator demonstrating alternate treatment can achieve 268.42(a), (c), & (d) performance specifications for wastes or 268.45 Table 1 specifications for hazardous debris; information demonstrating compliance with Federal, State and local requirements; criteria for approval by Administrator; approval in writing containing provisions and conditions as the Administrator deems appropriate; compliance by person to whom approval is issued	34,39, 78,109	268.42(b)					
†,11 Alternate Treatment Standards for Lab Packs							
conditions for eligibility of lab packs for land disposal:	78	268.42(c)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
compliance of lab packs with applicable provisions of 264.316 and 265.316	78	268.42(c)(1)					
Part 268 Appendix IV and Appendix V hazardous wastes contained in lab packs	78	268.42(c)(2)					
incineration of lab packs in accordance with Part 264, Subpart O and Part 265, Subpart O requirements	78	268.42(c)(3)					
treatment standards for incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010 and D011	78	268.42(c)(4)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS. EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
56	radioactive hazardous mixed wastes with 268.42 Table 3 treatment standards not subject to 268.41 or 268.42 Table 2 or 268.43 treatment standards; radioactive hazardous mixed wastes not subject to Table 3 treatment standards remain subject to 268.41, 268.43 and Table 2 treatment standards; hazardous debris containing radioactive waste subject to 268.45 treatment standards	78,109	268.42(d)					
	TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS							
	introductory paragraph for Table CCW explaining table	34,50, 63,78	268.43(a)					
57	Constituent Concentrations in Wastes; no land disposal for specified K wastes	50,62, 63,78, 83,109, 124	268.43(a)/Table CCW					
58	meet lowest constituent treatment standard when mixing wastes with differing treatment standards for a constituent of concern	50,63	268.43(b)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
conditions for demonstrating compliance with treatment standards for organic constituents provided:	78,83	268.43(c)					
treatment standards for organic constituents established based on incineration in units operated in accordance with Subpart O requirements of Part 264 or Part 265 or based on combustion in fuel substitution units in accordance with applicable technical requirements	78,83	268.43(c)(1)					
organic constituents treated using paragraph 268.43(c)(1) methods	78,83	268.43(c)(2)					
good-faith efforts fail to detect the organic constituents; when such efforts must be demonstrated	78,83	268.43(c)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
********** Guidance note: 268.44 is NOT DELEGABLE. States should see Note 3 at the beginning of this checklist regarding how to incorporate this section into their code.							
59 VARIANCE FROM A TREATMENT STANDARD							
conditions for variance; petition Administrator; what must be demonstrated	34	268.44(a)					
procedures in accordance with 260.20	34	268.44(b)					
statement signed by petitioner or authorized representative	34	268.44(c)					
additional information or samples may be requested by Administrator; additional copies for affected States and region	34	268.44(d)					
Administrator gives public notification in Federal Register; final decision in Federal Register	34	268.44(e)					
268.7 waste analysis requirements must be followed for wastes covered by variance	34	268.44(f)					
requirements during petition review	34	268.44(g)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
apply to Administrator or delegated representative for site-specific variance from a treatment standard if specified conditions are appropriate; what applicant must demonstrate	50,66	268.44(h)					
260.20(b)(1)-(4) information must be included	50	268.44(i)					
Assistant Administrator or delegated representative may request additional information	50	268.44(j)					
if site-specific treatment standard variance then compliance with 268.7 waste analysis requirements	50	268.44(k)					
during application review process, compliance with land disposal restrictions once effective date for waste reached	50	268.44(l)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
TREATMENT STANDARDS FOR HAZARDOUS DEBRIS							
treatment of hazardous debris prior to land disposal as specified unless EPA determines under 261.3(e)(2) that debris is no longer contaminated with hazardous waste	109	268.45(a)					
general; treatment for each 268.45(b) contaminant subject to treatment in accordance with 268.45, Table 1	109	268.45(a)(1)					
characteristic debris; deactivation as specified in 268.45, Table 1	109	268.45(a)(2)					
mixtures of debris types; standards for each debris type must be achieved; if applicable, immobilization must be used last	109	268.45(a)(3)					
mixtures of 268.45(b) contaminant types; 268.45, Table 1 treatment for each contaminant must be used; if applicable, immobilization must be used last	109	268.45(a)(4)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
waste PCBs; hazardous debris subject to both 40 CFR 761 and 268.45 must meet more stringent requirements	109	268.45(a)(5)					
hazardous debris treated for each "contaminant subject to treatment," determined as follows:	109	268.45(b)					
toxicity characteristic debris; those EP constituents for which debris exhibits a toxicity characteristic	109	268.45(b)(1)					
debris contaminated with listed waste; constituents for which BDAT standards are established for wastes under 268.41 and 268.43	109	268.45(b)(2)					
cyanide reactive debris; reactive because of cyanide must be treated for cyanide	109	268.45(b)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
when hazardous debris that has been treated is not considered a hazardous waste; hazardous debris contaminated with a listed waste that is treated by a Table 1 immobilization technology must be managed in a Subtitle C facility	109	268.45(c)					
general requirements for treatment residues:	109	268.45(d)(1)					
separate residue from debris by simple physical or mechanical means;	109	268.45(d)(1)(i)					
residue is subject to 268 Subpart D waste-specific treatment standards	109	268.45(d)(1)(ii)					
residue from nontoxic debris, as specified, must be deactivated; not subject to 268 Subpart D waste-specific treatment standards	109	268.45(d)(2)					
residue from cyanide-reactive debris must meet 268.43, D003 standards	109	268.45(d)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
ignitable nonwastewater residue, as specified, *must meet* technology-based "D001 Ignitable Liquids" standard	109	268.45(d)(4)					
layers of debris removed by spalling remain subject to 268.45 treatment standards	109	268.45(d)(5)					
alternative treatment standards for hazardous debris	109	268.45/Table 1					
ALTERNATIVE TREATMENT STANDARDS BASED ON HTMR							
Table 1 identifies alternative treatment standards for F006 and K062 nonwastewaters	109	268.46					
alternative treatment standards as shown at 57 FR 37281	109	268.46/Table 1					
SUBPART E - PROHIBITIONS ON STORAGE							
PROHIBITIONS ON STORAGE OF RESTRICTED WASTES							
9 except as provided in 268.50, storage of wastes restricted from land disposal is prohibited unless certain conditions are met:	34,39	268.50(a)					
9 on-site storage exemption for generator	34,109	268.50(a)(1)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
9	treatment, storage, and disposal facility exemption	34,109	268.50(a)(2)					
9	container labeling	34	268.50(a)(2)(i)					
9	tank labeling	34	268.50(a)(2)(ii)					
9	transporter exemption	34	268.50(a)(3)					
	storage up to one year	34	268.50(b)					
	storage longer than one year	34	268.50(c)					
9	268.50(a) prohibition does not apply if waste is exempt from a prohibition on the type of land disposal utilized for the waste	34, 50,66	268.50(d)					
	no prohibition where treatment standards are not specified or are met, or compliance with 268.32 or RCRA 3004 exists	34,†39	268.50(e)					
	requirements for storage of liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm	39	268.50(f)					
	APPENDIX I TO PART 268							
	TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)							
9,60	TCLP is published in Appendix II of Part 261	34,74	Appendix I					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	APPENDIX II TO PART 268							
	TREATMENT STANDARDS (AS CONCENTRATIONS IN THE TREATMENT RESIDUAL EXTRACT)							
61	F001-F005 spent solvent waste treatment standards appear in 268.41, 268.42 and 268.43	34,109	Appendix II					
	APPENDIX III TO PART 268							
	LIST OF HALOGENATED ORGANIC COMPOUNDS REGULATED UNDER 268.32							
	HOC definition and list of HOCs regulated under 268.32	39	Appendix III					
	APPENDIX IV TO PART 268							
†,11	**ORGANOMETALLIC LAB PACKS**							
	list of hazardous wastes that may be placed in "organometallic" or "Appendix IV lab packs"	78,83	Appendix IV					
	APPENDIX V TO PART 268							
†,11	**ORGANIC LAB PACKS**							
	list of hazardous wastes that may be placed in "organic" or "Appendix V lab packs"	78,83	Appendix V					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
APPENDIX VI TO PART 268							
RECOMMENDED TECHNOLOGIES TO ACHIEVE DEACTIVATION OF CHARACTERISTICS IN SECTION 268.42							
list of technologies which achieve the standard of "deactivation to remove characteristics of ignitability, corrosivity, and reactivity"; use of specified technologies not mandatory; alternative methods not performed in land disposal units	78	Appendix VI					
APPENDIX VII TO PART 268							
EFFECTIVE DATES OF SURFACE DISPOSED WASTES REGULATED IN THE LDRs							
comprehensive list of wastes and effective dates	78,83	Appendix VII					
APPENDIX VIII TO PART 268							
NATIONAL CAPACITY LDR VARIANCES FOR UIC WASTES							
comprehensive list of national capacity LDR variances for UIC wastes	78,83	Appendix VIII					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
APPENDIX IX TO PART 268							
EXTRACTION PROCEDURE (EP) TOXICITY TEST METHOD AND STRUCTURAL INTEGRITY TEST (SW-846, METHOD 1310A)							
interim method to determine whether a waste exhibits the characteristic of EP Toxicity	83	Appendix IX					
PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM							
SUBPART B - PERMIT APPLICATION							
CONTENTS OF PART A OF THE PERMIT APPLICATION							
add new paragraph regarding hazardous debris; description of debris category(ies) and contaminant category(ies) to be treated, stored or disposed of at facility	109	270.13(n)					
CONTENTS OF PART B: GENERAL REQUIREMENTS							
insert "and hazardous debris" after "hazardous waste"; insert "of this chapter" after "part 264"	109	270.14(b)(2)					
add new paragraph; copy of notice of approval of petition or extension	34	270.14(b)(21)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
	SUBPART C - PERMIT CONDITIONS							
	ESTABLISHING PERMIT CONDITIONS							
	insert "through 268"; remove "267"	34	270.32(b)(1)					
	SUBPART D - CHANGES TO PERMIT							
62	**PERMIT MODIFICATIONS AT THE REQUEST OF THE PERMITTEE**							
	replace "of restricted wastes" with ", or in containment buildings"	109	270.42(e)(3)(ii)(B)					
	add new paragraph and subparagraphs; conditions for treating nonspecified waste	34	270.42(o)					
	prohibited from one or more land disposal methods under Part 268, Subpart C or RCRA Section 3004	34,†39	270.42(o)(1)					
	treatment in accordance with 268.4 and 268.3 and:	34,†39	270.42(o)(2)					
	treatment in accordance with 268.41, 268.42 or 268.44; or	†39	270.42(o)(2)(i)					
	no standards exist and treatment removes prohibitions of 268.32 or RCRA 3004	†39	270.42(o)(2)(ii)					
	no increased or substantially different risks	34	270.42(o)(3)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Federal/State approval; allowable modifications	34	270.42(o)(4)					
add new paragraph and subparagraphs; allow facilities to change operation to treat or store if:	†39	270.42(p)					
major permit modification is requested;	†39	270.42(p)(1)					
demonstrates necessity to comply with 268 or RCRA 3004; and	†39	270.42(p)(2)					
ensures compliance pending administrative determination	†39	270.42(p)(3)					
APPENDIX I TO SECTION 270.42							
63 CLASSIFICATION OF PERMIT MODIFICATION							
64, 65 *redesignate old* B(1)(b) as B(1)(c); add new item involving F039 under "General Facility Standards"; add a footnote symbol to the Class I designation at B(1)(b); remove second occurrence of B(1)(b)	78,83, 124	270.42 Appendix I, B(1)(b)					

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
64, 66	redesignate old B(1)(c) as B(1)(d), old B(1[illegible]) becomes B([illegible]) add new item inv[illegible]ng underlying hazardous constituents under "General Facility Standards"	78,124	270.42 Appendix I, B(1)(c)					
66	old B(1)(c) becomes B(1)(d)	124	270.42 Appendix I, B(1)(d)					
	add entry 6 to section I	109	270.42 Appendix I, I(6)					
	add new section M	109	270.42 Appendix I, M					
	SUBPART G - INTERIM STATUS							
	CHANGES DURING INTERIM STATUS							
	remove "or" before "containers" and insert "or containment buildings" after "containers"; in two places, insert "of this chapter" after "Part 268"	109	270.72(b)(6)					
67	no reconstruction; changes do not include tank/container changes to comply with land disposal restrictions	39	270.72(e)					

1 See the amendment to the rule addressed by Revision Checklist 39 at 52 FR 41295 (Octobe 27, 1987), included on Revision Checklist 39.

2 Paragraph 260.11(a) is also affected by Revision Checklist 67 (54 FR 40260, September 29, 1989) and Revision Checklist 73 (55 FR 8948, March 9, 1990).

3 The original 261.3(c)(ii)(C) was introduced by Revision Checklist 95. Revision Checklist 109 split the paragraph into two subparagraphs, (C)(*1*)&(*2*), and completely revised the text.

4 Paragraph 261.5(f)(2) is also affected by Revision Checklist 47 (53 FR 27162, July 19, 1988).

5 Note that the "TC Rule," Revision Checklist 74 (55 FR 11798, March 29, 1990), has also made changes to 261.24(b).

6 Paragraph 261.33(c) is also affected by Revision Checklist 41 (52 FR 26012, July 10, 1987).

7 This revision fixes an error in the July 1, 1991 CFR which makes it appear that there are two paragraphs designated as 262.34(a)(2) (see the editorial note in the CFR). Revision Checklist 82 originally inserted the first 262.34(a)(2), 262.34(a)(2)(i), and 262.34(a)(2)(ii) and redesignated the old 262.34(a)(2)-(4) as 262.34(a)(3)-(5). However, Revision Checklist 92 redesignated 262.34(a)(3) as 262.34(a)(2), effectively removing the first 262.34(a)(2) and incorporating these requirements into 262.34(a)(1) at 262.34(a)(1)(iii) and (iii)(A)&(B). It was not the Agency's intent to include these requirements both at 262.34(a)(1)(iii)(A)&(B) and at 262.34(a)(2) as is indicated in the July 1, 1991 CFR. The first 262.34(a)(2) in that CFR should not be in the code. Revision Checklist 92 also redesignated 262.34(a)(3)-(5) as 262.34(a)(2)-(4), i.e., returned these subparagraphs to their original numbering prior to the redesignation by Revision Checklist 82. The revision, which is part of Revision Checklist 109, removes the first 262.34(a)(2), returning the code to what was intended by Revision Checklist 92.

8 Note that the final rule for Revision Checklist 39 (52 FR 25787) gives Subpart E, 262.51 as the citation for the section titled "Farmers." This is not correct as the August 8, 1986 (51 FR 28664, Revision Checklist 31) final rule regarding exports changed this section and moved it to Subpart G, 262.70. This error in the final rule was detected when Revision Checklist 39 was developed, and the proper citation (262.70) was used on that checklist. This error was ultimately corrected at 53 FR 27164 (July 19, 1988; Revision Checklist 48).

9 See the technical correction to the rule addressed by Revision Checklist 34 at 52 FR 21010 (June 4, 1987, included on Revision Checklist 34).

10 Subparagraphs 264.13(a)(1) and 265.13(a)(1) are also affected by Revision Checklist 64 (54 FR 33376, August 14, 1989).

11 This code is part of the optional requirements for the alternate treatment standards for lab packs under the Third Third Scheduled Waste Rule. If adopted, all of the requirements (i.e., 264.316(f), 265.316(f), 268.7(a)(8), 268.7(a)(9), 268.42(c), 268.42(c)(1)-(4), and Appendices IV and V to Part 268) related to these alternate treatment standards must be adopted.

CONSOLIDATED CHECKLIST: Land Disposal Restrictions
as of June 30, 1993 (cont'd)

[12] Revision Checklist 109 [57 FR 37194 (August 18, 1992)] added these subparts to Parts 264 and 265.

[13] Note that there is an error in the Federal Register; the deadline for the written notice should b February 18, 1993, rather than November 16, 1992 as it appears in the Federal Register, in keeping with the effective date of these provisions, with the preamble to the rule at 57 FR 37215 (second full paragraph in the right-hand column), and with the similar provision under 265.1101(b)(4)(i).

[14] Note that there is a typographical error in the Federal Register; "lead" should be "led."

[15] Note that the Federal Register for this rule introduces an error into the second-to-last sentence of this subparagraph by inserting an extraneous "with" between "§§" and "265.111."

[16] Note, there is an error in the Federal Register article for this rule. The phrase "as needed to permit" should read "as needed to prevent."

[17] A new subparagraph was introduced into the code by Revision Checklist 78. The original subparagraph 268.1(c)(3) was introduced by Revision Checklist 34, modified by Checklist 39, then removed by Revision Checklist 50, with 268.1(c)(4) redesignated as (c)(3). The redesignated subparagraph 268.1(c)(3) was subsequently removed by Revision Checklist 66.

[18] Subparagraph 268.1(c)(4) originated in Revision Checklist 34, was modified by Revision Checklist 39, redesignated as 268.1(c)(3) while the original 268.1(c)(5) was redesignated as 268.1(c)(4) by Revision Checklist 50, and finally removed by Revision Checklist 66.

[19] Subparagraph 268.1(c)(5) originated in Revision Checklist 39 and was revised by Revision Checklist 48. This text was redesignated as 268.1(c)(4), and new 268.1(c)(5) text was introduced by Revision Checklist 50. This subparagraph was finally removed by Revision Checklist 78.

[20] There is a typographical error in the title of this section as printed in 58 FR 29860 (May 24, 1993; Revision Checklist 124); "scope/and" should be "scope and." States should retain the correct title as it appears in the CFR.

[21] These definitions were introduced into the code as part of 268.2(a) by Revision Checklist 34. Revision Checklist 78 designated them as individual paragraphs 268.2(b) and (c). The text of the old 268.2(b), introduced into the code by Revision Checklist 34, was deleted from the section by Revision Checklist 78.

[22] Paragraph 268.2(c) is also affected by Revision Checklist 121 (58 FR 8658; February 16, 1993).

[23] This definition was introduced into the code as part of 268.2(a) by Revision Checklist 39. Revision Checklist 78 designated it as an individual paragraph 268.2(e).

[24] Subparagraphs 268.2(g)(1) through (8) were introduced into the code by Revision Checklist 78, modified by Revision Checklist 83, and removed by Revision Checklist 109.

[25] This subparagraph was originally 268.3 when it was added to the code by Revision Checklist 34. However, it was redesignated as 268.3(a) by Revision Checklist 78.

[26] Revision Checklist 109 redesignated the old 268.5(h)(2)(v) as 268.5(h)(2)(vi) and added a new 268.5(h)(2)(v).

[27] 268.6(c) was originally introduced by Revision Checklist 34. Revision Checklist 50 redesignated that 268.6(c) as 268.6(d) and inserted a new 268.6(c).

[28] The original 268.6(d) was introduced by Revision Checklist 34. Revision Checklist 50 redesignated that paragraph as 268.6(g). That same checklist redesignated 268.6(c) as 268.6(d).

[29] 268.6(e) was introduced by Revision Checklist 34. Revision Checklist 50 redesignated that 268.6(e) as 268.6(h) and inserted a new 268.6(e).

[30] 268.6(f) was introduced by Revision Checklist 34. Revision Checklist 50 redesignated that 268.6(f) as 268.6(i) and inserted a new 268.6(f).

[31] 268.6(d)-(j) were originally introduced by Revision Checklist 34. Revision Checklist 50 redesignated these paragraphs as 268.6(g)-(m).

[32] 268.6(k) was originally introduced by Revision Checklist 39. Revision Checklist 50 *redesignated it as 268.6(n).*

[33] There is a typographical error in 58 FR 29860 (May 24, 1993; Revision Checklist 124) which revised 268.7(a)(1)(ii) & 268.7(b)(4)(ii); "reactive cyanides" should appear in italic type as it does in the CFR.

[34] Revision Checklist 109 redesignated the old 268.7(a)(1)(iv) as 268.7(a)(1)(v) and added a new 268.7(a)(1)(iv). Note that there is a typographical error in the Federal Register rule for Revision Checklist 109. The instructions preceding the change to 268.7 (on page 57 FR 37270) incorrectly say that 268.7(a)(1)(v) is added; however, the change shown is that a new 268.7(a)(1)(iv) is added, as described in this footnote.

[35] Note that the rule addressed by Revision Checklist 78 (55 FR 22520) makes it appear as if 268.7(a)(3)(iii)-(v) were removed (see page 22687). This was an error and these subparagraphs should remain in the code. Note that there is a typographical error in the Federal Register article for Revision Checklist 109. The instructions preceding 268.7 (on page 57 FR 37270) incorrectly say 268.7(a)(3)(vi) is added. It is a new 268.7(a)(3)(v) which is added and the old 268.7(a)(3)(v) is redesignated as 268.7(a)(3)(vi).

36 Note that there is a typographical error in the Federal Register article for Revision Checklist 109; there should be a comma, not a semicolon, after the second occurrence of "containers" in 268.7(a)(4).

37 Initially, subparagraphs 268.7(a)(4)(i)-(iv) were introduced into the code by Revision Checklis 50. Revision Checklist 78 completely changed the text of (a)(4)(i)-(iii) and removed (a)(4)(iv).

38 This subparagraph was originally 268.7(a)(4) when it was added to the code by Revision Checklist 34. However, it was redesignated as 268.7(a)(5) by Revision Checklist 50.

39 268.7(a)(7) was originally 268.7(a)(6) on Revision Checklist 50. Revision Checklist 83 inserted a new 268.7(a)(6) and redesignated the old 268.7(a)(6) as 268.7(a)(7). Revision Checklist 83 also redesignated 268.7(a)(7)-(a)(9) as 268.7(a)(8)-(a)(10).

40 These subparagraphs were originally 268.7(b)(1) and 268.7(b)(1)(i)-(iv) when they were adde to the code by Revision Checklist 34. However, they were redesignated as 268.7(b)(4) and 268.7(b)(4)(i)-(iv) by Revision Checklist 50.

41 These subparagraphs were originally 268.7(b)(2) and 268.7(b)(2)(i)-(ii) when they were addec to the code by Revision Checklist 34. However, they were redesignated as 268.7(b)(5) and 268.7(b)(5)(i)-(ii) by Revision Checklist 50.

42 This paragraph was originally 268.7(b)(8) when it was entered into the code by Revision Checklist 50, but it was redesignated as 268.7(b)(7) by Revision Checklist 78 because the o 268.7(b)(7) and 268.7(b)(7)(i)-(iv) were removed by Revision Checklist 78. Revision Checklis 66 corrected 268.7(b)(8) before it was redesignated by Revision Checklist 78.

43 The notice, certification and test requirements currently found in Federal code at 268.7(c)(1) and (c)(2) were originally addressed in paragraph 268.7(c), as introduced into the code by Revision Checklist 34. 268.7(c) was subsequently modified by Revision Checklists 39 and 50. Revision Checklist 39 added the testing requirements now found at 268.7(c)(2), althoug at the time, these requirements were still part of 268.7(c). It was Revision Checklist 50 that significantly revised the paragraph so that the notice and certification requirements now appear at (c)(1) and the testing requirements appear at (c)(2). The checklist reference colum then, includes all relevant checklists for 268.7(c)(1) and (c)(2) rather than just Revision Checklist 50, which primarily affected the formatting changes.

44 Subparagraphs 268.7(c)(3) and (c)(4), introduced into the code by Revision Checklists 50 an 66, respectively, were removed from the code by Revision Checklist 78.

45 An error in the September 6, 1989 rule (54 FR 36967; Revision Checklist 66) makes it appea that the revisions to 268.8(a) include the removal of 268.8(a)(4). This was not the Agency's intent and 268.8(a)(4) remains in Federal code as introduced by Revision Checklist 50.

46 The rest of Subpart B is not included in this checklist because it deals with the schedule with which EPA will restrict wastes from land disposal. States do not need to adopt those sectior (i.e., 268.10-268.13).

47 The 268.30(a) introduction appeared in the final rule addressed by Revision Checklist 50, but was not changed by that rule. See Revision Checklist 50 for more information.

48 These subparagraphs were originally 268.30(c) and 268.30(c)(1)-(3) when they were introduced into the code by Revision Checklist 34. However, Revision Checklist 50 redesignated them as 268.30(d) and 268.30(d)(1)-(3) because that checklist inserted a new paragraph at 268.30(c).

49 These subparagraphs were originally 268.31(b) and 268.31(b)(1)-(3) when they were introduced into the code by Revision Checklist 34. However, Revision Checklist 50 redesignated them as 268.31(d) and 268.31(d)(1)-(3) because that checklist inserted a new paragraph at 268.31(b).

50 While this subparagraph appeared in the final rule addressed by Revision Checklist 50, this rule did not change this subparagraph. See Footnote 9, page 28 of Revision Checklist 50.

51 This subparagraph was originally 268.35(e) when introduced into the code by Revision Checklist 78. However, Revision Checklist 116 redesignated it as 268.35(e)(1), with some modifications, and inserted a new paragraph at 268.35(e).

52 The original 268.35(e)(2) was introduced by Revision Checklist 116. Revision Checklist 123 redesignated it as 268.35(e)(4) and added a new 268.35(e)(2).

53 Note that there are typographical errors in the Federal Register addressed by Revision Checklist 102. The change from K031 to D031 appears to be incorrect; "D031" should be "K031." There will be a technical correction in the future. Also, after "Appendix I of this part" in column 2 of page 57 FR 8089 for 268.41(a), "for the allowable" appears to have been incorrectly changed to "of the allowable."

54 268.42(a)(3) was introduced into the code by Revision Checklist 63. Revision Checklist 78 removed this paragraph and Revision Checklist 83 added a new 268.42(a)(3).

55 268.42(a)(4) was introduced into the code by Revision Checklist 63. Revision Checklist 78 removed this paragraph.

56 The 55 FR 22520, June 1, 1990, code incorrectly states that a subparagraph 268.42(e) is added. The Federal Register did not contain a 268.42(e); it only added 268.42(d).

57 Note, in the Federal Register for Revision Checklist 109 (57 FR 37275), there are two different entries in Table CCW for K030. Because there isn't an entry for K043, likely the second "K030" should read "K043." Also, this Federal Register adds an entry for K111, but this is not noted in the revision instructions for the table.

58 While 268.43(b) appeared in the final rule addressed by Revision Checklist 63, the text of the paragraph was not changed and remains the same as that introduced by Revision Checklist 50:

59 Note that 268.44(o) and a table listing wastes excluded from the treatment standards under 268.43(a) were added to the CFR by 56 FR 12351, a notice granting treatability variance for facilities located in Chicago, Illinois. Due to the topic, no checklist was necessary for this notice. As such, this paragraph and table were not included in this consolidated checklist as States would likely not want to include it in their code, unless treatability variance was granted to a facility in that State.

60 As background, the TCLP was originally promulgated in 268, Appendix I, on November 7, 1986 (51 FR 40572; Revision Checklist 34) for use in the Land Disposal Restrictions (LDR) program to determine whether certain wastes require treatment prior to land disposal and to determine whether certain treated wastes meet the applicable treatment standards. The TC rule and its June 29, 1990 modification promulgated a revised TCLP at 261, Appendix II, with modifications based on the Agency's own research and public comment. This TCLP is to be used in both the TC and the LDR programs. The objective of the above footnoted revision to 268, Appendix I, is to assure that the TCLP entered into the code by the November 7, 1986 notice (51 FR 40572; Revision Checklist 34) is removed and replaced by the TCLP entered into the code and amended by the final rules (55 FR 11798 and 55 FR 26986) addressed by Revision Checklist 74. The actual placement of the TCLP within a State's code is not that important, per se; what is important is that a State's code contains only the Revision Checklist 74 TCLP.

61 Revision Checklist 109 removed the table of F001-F005 spent solvent waste treatment standards and replaced it with a note regarding where such treatment standards may be found.

62 Revision Checklist 54 revised the section heading, which previously read "Minor Modification of Permits," to read "Permit Modification at the Request of the Permittee." This was an optional change; therefore a State may have the old section title if it elected not to adopt the Checklist 54 changes. States should also note that 270.42 was not required by 271.14 to be part of a State's authorized permit program. Thus, only States which elected to have a section analogous to 270.42 at the time of base program authorization need worry about the 270.42 modifications made to this section by Revision Checklists 34, 39, 54, and 109. Revision Checklist 54 removed portions of the code added by Revision Checklists 34 and 39, i.e., 270.42(o) and 270.42(p) and their subparagraphs. However, these sections have been retained in this Consolidated LDR Checklist because the Revision Checklist 54 deletions were optional. The various scenarios for changes to this section are as follows:

- If the State did not include an analog to 270.42 in its base program, all entries for 270.42 shown in this Consolidated LDR Checklist should be disregarded.

- If the State included an analog to 270.42 in its base program and chose to adopt the optional changes in Revision Checklists 39 and 54, the change to 270.42(e)(3)(ii)(B) should be made; the entries on this Consolidated LDR Checklist for 270.42(o) and (p) and their respective subparagraphs should be disregarded (such code will have been deleted); and the new section title should be used.

- If the State included an analog to 270.42 in its base program, but chose not to adopt the optional changes in Revision Checklists 39 and 54, the change to 270.42(e)(3)(ii)(B) should be made; the State should have analogs to 270.42(o) and (p) and their respective subparagraphs as shown on this Consolidated LDR Checklist; and the old section title may be retained.

63 Appendix I was introduced by Revision Checklist 54 as an optional modification to Section 270.42. Changes to this appendix addressed by Revision Checklists 78, 83, 109 and 124 are relevant only if a State has modified its code to include Appendix I as per Revision Checklist 54.

64 Revision Checklist 78 redesignated the old item B(1)(b) as item B(1)(c) and added a new B(1)(b).

65 Revision Checklist 83 added the footnote symbol to the Class I designation at B(1)(b). Note that both the 1991 and 1992 CFRs have two occurrences of item B(1)(b). The first occurrence (as revised by Revision Checklist 83) is the correct version. The second occurrence of item B(1)(b) is the one added by Revision Checklist 78 (without the Revision Checklist 83 change) and which is removed by Revision Checklist 124.

66 Revision Checklist 124 redesignated the old item B(1)(c) as item B(1)(d) and added a new B(1)(c).

67 Revision Checklist 61 revised and redesignated 270.72(e) as 270.72(b). The Revision Checklist 61 changes are optional, however; therefore, some States may have retained 270.72(e) in their code as introduced by the LDR Revision Checklist 39.

Consolidated Checklist for the
Burning of Hazardous Waste in Boilers and Industrial Furnaces
as of June 30, 1993

The following consolidated checklist
should replace the existing version in
SAM Appendix K

CONSOLIDATED CHECKLIST
for the
Burning of Hazardous Waste in Boilers and Industrial Furnaces
as of June 30, 1993

Notes 1) This checklist consolidates changes to the Federal code addressed by the following Boilers and Industrial Furnaces (BIF) checklists that have occurred through June 30, 1993:

- Revision Checklist 85 [56 FR 7134 (February 21, 1991)];
- Revision Checklist 94 [56 FR 32688 (July 17, 1991)];
- Revision Checklist 96 [56 FR 42504 (August 27, 1991)];
- Revision Checklist 98 [56 FR 43874 (September 5, 1991)];
- Revision Checklist 105 [57 FR 27880 (June 22, 1992)];
- Revision Checklist 110 [57 FR 37284 (August 18, 1992)];
- Revision Checklist 111 [57 FR 38558 (August 25, 1992)]; and
- Revision Checklist 114 [57 FR 44999 (September 30, 1992)].

Note that Revision Checklists 105 and 110, which address Coke By-Products, are included in this consolidated checklist because they also affect the BIF rule.

No final rules promulgated between January 1, 1993 and June 30, 1993 affected BIFs. Therefore, this Consolidated Checklist for BIFs is identical to that of December 31, 1992.

2) Note that the regulations addressed by this checklist typically do not make a distinction between the various types of burning devices. However, the provisions in the regulations as they apply to sludge dryers, carbon regeneration units, infrared incinerators, and plasma arc incinerators are considered to be non-HSWA requirements, while the regulations as they apply to all other types of burning devices are HSWA provisions. EPA will implement the HSWA requirements in authorized States until the States modify their programs and such modifications are approved by EPA. The non-HSWA requirements are applicable only in those States which are unauthorized. In authorized States, the non-HSWA requirements will not be applicable until the States revise their programs to adopt equivalent requirements under State law.

3) Revision Checklist 98 addresses an administrative stay of the permitting standards for BIFs adopted pursuant to the February 21, 1991 (56 FR 7134; Revision Checklist 85) final rule as it applies to coke ovens burning certain hazardous wastes from the coke by-products recovery process. This administrative stay has been removed by Revision Checklist 105 (57 FR 27880; June 22, 1992) and, therefore, should not be adopted by States.

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL							
SUBPART B - DEFINITIONS							
DEFINITIONS							
change "Parts 260 through 265 and 268" to "Parts 260 through 266 and 268"	85	260.10(intro)					
"carbon regeneration unit"	85	260.10					
revise "incinerator"	85	260.10(1)&(2)					
replace "controlled flame devices" with "thermal treatment" in introductory text of the definition for "industrial furnace"	85	260.10					
redesignate paragraph (12) in the definition for "industrial furnace" as paragraph (13); add new paragraph (12) that adds halogen acid furnaces to the list of devices considered industrial furnaces	85	260.10(12)& (13)					
"infrared incinerator"	85,111	260.10					
"plasma arc incinerator"	85,111	260.10					
"sludge dryer"	85	260.10					
REFERENCES							
add to the first set of listings, in alphabetical order: "U.S. EPA, Screening Procedures for Estimating the Air Quality Impact of Stationary sources..."	85	260.11(a)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SUBPART C - RULEMAKING PETITIONS							
GENERAL							
replace "265" with "266" in the first sentence	111	260.20(a)					
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART A - GENERAL							
DEFINITION OF SOLID WASTE							
1 redesignate (d)(2) as (d)(3); add new paragraph regarding secondary materials fed to a halogen acid furnace that exhibit a characteristic or are a listed waste; exception for brominated material that meets certain criteria	85, 94,96	261.2(d)(2)					
material must contain a bromine concentration of at least 45%	96	261.2(d)(2)(i)					
material must contain less than a total of 1% of toxic organic compounds listed in Appendix VIII	96	261.2(d)(2)(ii)					
material is processed continually on-site in the halogen acid furnace via direct conveyance	96	261.2(d)(2)(iii)					
redesignate old 261.2(d)(2) as 261.2(d)(3)	85,94	261.2(d)(3)					
change "paragraph" to "paragraphs"; insert "and (d)(2)" after "(d)(1)"	111	261.2(e)(2)(iv)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
	DEFINITION OF HAZARDOUS WASTE							
2	replace "261.6(a)(3)(v) through (ix)" with "261.6(a)(3)(v) through (viii)"	94,96	261.3(c)(2)(ii)(B)					
	EXCLUSIONS							
†	add exclusion for K060, K087, K141, K142, K143, K144, K145, K147, K148 and other wastes from coke by-products that are hazardous only because they exhibit the Toxicity Characteristic when recycled as specified; exclusion is conditioned on there being no land disposal of the wastes from point of generation to recycling point	85, 105,110	261.4(a)(10)					
	insert "except as provided by §266.112 of this chapter for facilities that burn or process hazardous waste" at end of paragraph	85	261.4(b)(4)					
	revise first sentence to include phosphate rock and overburden from the mining of uranium ore in the existing parenthetical phrase; insert "except as provided by §266.112 of this chapter for facilities that burn or process hazardous waste" at end of first sentence	85	261.4(b)(7)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
add "except as provided by §266.112 of this chapter for facilities that burn or process hazardous waste" to end of paragraph	85	261.4(b)(8)					
REQUIREMENTS FOR RECYCLABLE MATERIALS							
replace the letter "G" with "H"	94	261.6(a)(2)					
replace "Subpart D" with "Subpart H"	94	261.6(a)(2)(ii)					
remove existing paragraph 261.6(a)(3)(vii) and redesignate 261.6(a)(3)(viii) as 261.6(a)(3)(vii)	85	261.6(a)(3)(vii)					
redesignate 261.6(a)(3)(ix) as 261.6(a)(3)(viii)	85	261.6(a)(3)(viii)					
SUBPART D - LISTS OF HAZARDOUS WASTES							
HAZARDOUS WASTES FROM SPECIFIC SOURCES							
add K141-K145, K147 and K148 in alphanumeric order to the subgroup "Coking" as specified at 57 FR 37305	110	261.32					
APPENDIX VII TO PART 261							
BASIS FOR LISTING HAZARDOUS WASTE							
add K141-K145, K147 and K148 in alphanumeric order as specified at 57 FR 37305	110	261, Appendix VII					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S(
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES							
SUBPART A - GENERAL							
PURPOSE, SCOPE, AND APPLICABILITY							
change "subparts C, D, F, or G" to "subparts C, F, G, or H"	111	264.1(g)(2)					
SUBPART G - CLOSURE AND POST-CLOSURE							
CLOSURE OF PLAN; AMENDMENT OF PLAN							
add sentence regarding written notification of Regional Administrator at least 45 days prior to partial or final closure of a boiler or industrial furnace	85	264.112(d)(1)					
SUBPART O - INCINERATORS							
APPLICABILITY							
regulations apply to owners and operators of hazardous waste incinerators (as defined in 260.10) except as 264.1 provides otherwise	85	264.340(a)					
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES							
SUBPART A - GENERAL							
PURPOSE, SCOPE, AND APPLICABILITY							
change "subparts C, D, F, or G" to "subparts C, F, G, or H"	111	265.1(c)(6)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SUBPART G - CLOSURE AND POST-CLOSURE							
CLOSURE PLAN; AMENDMENT OF PLAN							
insert "or by six months after the effective date of the rule that first subjects a facility to provisions of this section" after "By May 19, 1981"	85	265.112(a)					
add sentence regarding submittal of closure plan at least 45 days prior to beginning partial or final closure of a boiler or industrial furnace; add sentence regarding written notification at least 45 days prior to beginning partial or final closure of a boiler or industrial furnace when the owner or operator has an approved closure plan	85	265.112(d)(1)					
3 date when owner or operator "expects to begin closure" must be either:	85,96	265.112(d)(2)					
3 compliance dates for hazardous waste units receiving final or most recent volume of hazardous wastes; extension by Regional Administrator, or	85,96	265.112(d)(2)(i)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
3	compliance dates for hazardous waste units meeting 265.113(d) requirements receiving final volume or most recent volume nonhazardous wastes; extension by Regional Administrator	85,96	265.112(d)(2)(ii)					
	CLOSURE; TIME ALLOWED FOR CLOSURE							
3	within 90 days after receiving final volume of hazardous or non-hazardous wastes if owner/operator complies with 265.113(d)&(e) requirements or 90 days after approval of closure plan, whichever is later; criteria for extension by Regional Administrator	85,96	265.113(a)					
3	complete partial and final closure within 180 days after receiving final volume of hazardous or non-hazardous waste if owner/operator complies with 265.113(d)&(e) requirements or 180 days after approval of closure plan, whichever is later; extension by Regional Administrator	85,96	265.113(b)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	SUBPART O - INCINERATORS							
	APPLICABILITY							
	regulations apply to owners and operators of hazardous waste incinerators (as defined in 260.10) except as 264.1 provides otherwise	85	265.340(a)					
	SUBPART P - THERMAL TREATMENT							
	OTHER THERMAL TREATMENT							
	delete "." at the end and insert ", and Subpart H of Part 266, if the unit is a boiler or an industrial furnace as defined in §260.10."	94	265.370					
	PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES							
	SUBPART D - HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY							
	remove and reserve Subpart D	85	266.30-266.35					
4	**SUBPART E - USED OIL BURNED FOR ENERGY RECOVERY**							
	APPLICABILITY							
5	replace "Subpart D of Part 266" with "Subpart H of Part 266"	94,96	266.40(c)					
5	replace "Subpart D" with "Subpart H"	94,96	266.40(d)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR(IN :
	SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES							
	APPLICABILITY							
6	regulations apply to hazardous waste burned or processed in a boiler or industrial furnace, irrespective of purpose, except as 266.100(b),(c),(d) and (f) provide; definition of "burn"; 266.104-266.107 emissions standards apply to interim status or permitted facilities	85, 96,†98, †105,111	266.100(a)					
	hazardous wastes and facilities not subject to regulation under Subpart H:	85	266.100(b)					
7	used oil burned for energy recovery that is hazardous solely because it exhibits a characteristic; regulated under 266, Subpart E	85	266.100(b)(1)					
	gas recovered from landfills and burned for energy recovery	85,94	266.100(b)(2)					
	exempt hazardous wastes under 261.4 and 261.6(a)(3)(v)-(viii); CESQG hazardous wastes under 261.5	85,94	266.100(b)(3)					
	coke ovens burning only K087	85	266.100(b)(4)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
owners and operators of smelting, melting and refining furnaces processing hazardous waste solely for metal recovery conditionally exempt, except for 266.101 and 266.112	85	266.100(c)					
requirements for exemption from 266.102 through 266.111 for owner or operator of metal recovery furnace; owner or operator of a lead or a nickel-chromium recovery furnace, or certain metal recovery furnaces subject to 266.100(c)(3) requirements	85,96	266.100(c)(1)					
one-time written notice indicating:	85	266.100(c)(1)(i)					
owner or operator claims 266.100(c) exemption	85	266.100(c)(1)(i)(A)					
metal recovery as per 266.100(c)(2) provisions	85	266.100(c)(1)(i)(B)					
recoverable levels of metals	85	266.100(c)(1)(i)(C)					
compliance with 266.100(c) sampling and analysis and recordkeeping requirements	85	266.100(c)(1)(i)(D)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
sample and analyze hazardous waste and other feedstocks as necessary using specified procedures or alternative methods that meet or exceed SW-846 method performance capabilities; situation where "best available method" is used	85,96	266.100(c)(1)(ii)					
maintain specified records at facility for at least three years	85	266.100(c)(1)(iii)					
criteria under which a hazardous waste is not processed solely for metal recovery	85	266.100(c)(2)					
total concentration of 261, Appendix VIII organic compounds exceeds 500 ppm by weight and are considered burned for destruction; reduction of organic compound concentration to the 500 ppm limit by bona fide treatment; blending for dilution to meet the 500 ppm limit is prohibited; retention of documentation in records required by 266.100(c)(1)(iii)	85,96	266.100(c)(2)(i)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
heating value of 5,000 Btu/lb or more and considered burned as fuel; reduction of the heating value to below 5,000 Btu/lb by bona fide treatment; blending for dilution to meet the 5,000 Btu/lb limit is prohibited; retention of documentation in records required by 266.100(c)(1)(iii)	85,96	266.100(c)(2)(ii)					
requirements for exemption from 266.102 through 266.111 for owner or operator of certain metal recovery furnaces; written notice to director; 266.100(c)(1) compliance	96	266.100(c)(3)					
exemption from 266.100(c)(1) requirements for hazardous wastes listed in Appendices XI and XII, Part 266, and baghouse bags used to capture metallic dusts emitted by steel manufacturing, provided:	96	266.100(c)(3)(i)					
waste contains recoverable levels of specified metals	96	266.100(c)(3)(i)(A)					
waste does not exhibit the Toxicity Characteristic of 261.24 for an organic constituent	96	266.100(c)(3)(i)(B)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
waste is not a hazardous waste listed in Part 261 Subpart D because it is listed for an organic constituent as identified in Appendix VII of Part 261	96	266.100(c)(3)(i)(C)					
certification by owner or operator under 266.100(c)(3) regarding hazardous waste; sampling and analysis or other information to assure compliance; sampling and analysis conducted according to 266.100(c)(1)(ii); maintain records to document compliance with (c)(3) for at least three years	96	266.100(c)(3)(i)(D)					
basis for case-by-case decisions regarding toxic organic constituents; metal recovery furnace subject to Subpart H requirements after adequate notice and opportunity for comment; factors Director will consider:	96	266.100(c)(3)(ii)					
concentration and toxicity of organic constituents in the material	96	266.100(c)(3)(ii)(A)					
level of destruction of toxic constituents provided by the furnace	96	266.100(c)(3)(ii)(B)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
acceptable ambient levels established in Appendices IV or V, Part 266, exceeded for any toxic organic compound that may be emitted based on certain conditions	96	266.100(c)(3)(ii)(C)					
266.111 direct transfer operation standards apply only to facilities subject to 266.102 or 266.103 standards	85	266.100(d)					
266.112 residue management standards apply to any boiler or industrial furnace burning hazardous waste	85	266.100(e)					
conditional exemption from Subpart H requirements for owners or operators of certain smelting, melting, and refining furnaces, except for 266.112; to be exempt from 266.101 through 266.111, an owner or operator must:	96,111	266.100(f)					
provide a one-time written notice indicating:	96	266.100(f)(1)					
owner or operator claims 266.100(f) exemption	96	266.100(f)(1)(i)					
hazardous waste is burned for legitimate recovery of precious metal	96	266.100(f)(1)(ii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
compliance with 266.100(f) sampling and analysis and recordkeeping requirements	96	266.100(f)(1)(iii)					
sample and analyze hazardous waste as necessary using specified procedures	96	266.100(f)(2)					
maintain specified records at facility for at least three years	96	266.100(f)(3)					
MANAGEMENT PRIOR TO BURNING							
generators of hazardous waste that is burned in a boiler or industrial furnace subject to Part 262	85	266.101(a)					
transporters of hazardous waste that is burned in a boiler or industrial furnace subject to Part 263	85	266.101(b)					
owners and operators of facilities that store hazardous waste burned in a boiler or industrial furnace subject to the applicable provisions of parts 264, 265, and 270, except as provided by 266.101(c)(2); standards applicable to storage by burners and intermediary facilities	85,111	266.101(c)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
generators of hazardous waste who burn on-site in boilers or industrial furnaces exempt from regulation under 266.108 small quantity burner provisions are exempt from the regulations of parts 264, 265, and 270 applicable to storage units for those storage units that store mixtures of hazardous waste and the primary fuel in tanks that feed mixture directly to burner; hazardous waste storage prior to mixing subject to 266.101(c)(1) regulation	85,111	266.101(c)(2)					
PERMIT STANDARDS FOR BURNERS							
owners and operators not operating under interim status and not exempt under 266.108 small quantity burner exemption are subject to 266.102, 270.22 and 270.66 requirements	85	266.102(a)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
		266.102(a)(2)					
		266.102(a)(2)(i)					
		266.102(a)(2)(ii)					
		266.102(a)(2)(iii)					
		266.102(a)(2)(iv)					
		266.102(a)(2)(v)					
		266.102(a)(2)(vi)					
		266.102(a)(2)(vii)					
		266.102(a)(2)(viii)					
applicable 264 provisions	85	266.102(a)(2)(ix)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in *Boilers and Industrial Furnaces* as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
analysis to quantify concentration of any 261, Appendix VIII constituent at levels detectable by specified analytical procedures, alternative methods or best available method; identification; explanation of constituents excluded from analysis; analysis provides 266 Subpart H, 270.22 and 270.66 information to prescribe permit conditions; analysis included in Part B permit application or in trial burn plan for interim status facilities; owners/ operators of units not operating under interim status include 270.22 or 270.66(c) information in Part B application, to extent possible	85, 94,96	266.102(b)(1)					
sampling and analysis throughout normal operation to ensure permit-specified physical and chemical composition limits are met	85	266.102(b)(2)					
compliance with 266.104 through 266.107 emissions standards	85	266.102(c)					
burn only hazardous wastes specified in permit under 266.102(e) operating conditions; exception for approved trial burns under 270.66 conditions	85	266.102(d)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
new permit or permit modification necessary to burn hazardous waste not specified in permit; trial burn results or Part B alternative data form basis for new waste operating requirements	85	266.102(d)(2)					
266.103 interim status boilers and industrial furnaces permitted under 270.66(g) procedures	85	266.102(d)(3)					
permit for new boiler or industrial furnace must establish appropriate conditions for each applicable 266.102 requirement in order to comply with specified standards:	85	266.102(d)(4)					
for period beginning with initial introduction of hazardous waste and ending with initiation of trial burn; such period not to exceed 720 hours; operating requirements in compliance with 266.104-266.107 emissions standards; applicable provisions when seeking waiver from a trial burn; extension for up to 720 additional hours by Director based on good cause demonstration	85	266.102(d)(4)(i)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
during trial burn, operating requirements sufficient for 266.104-266.107 emissions compliance and in accordance with approved trial burn plan	85	266.102(d)(4)(ii)					
immediately after trial burn, for minimum period needed to allow sample analysis, data computation, submission and review of trial burn results, and permit modification, operating requirements to ensure 266.104-266.107 emissions compliance	85	266.102(d)(4)(iii)					
8 for duration of permit, operating requirements based on trial burn or 270.22 alternative data, sufficient to ensure 266.104-266.107 emissions compliance	85,94	266.102(d)(4)(iv)					
operating requirements specified in the permit apply at all times where hazardous waste is in unit	85	266.102(e)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
operating conditions, either case-by-case for each hazardous waste to ensure compliance with 266.104(a) DRE performance standard or special operating requirements provided by 266.104(a)(4) DRE trial burn waiver; when no waiver, each set of operating requirements will specify composition of hazardous waste to which they apply; permit-specified operating limits for each hazardous waste include:	85	266.102(e)(2)(i)					
feed rate of hazardous waste and other fuels as per 266.102(e)(6)	85	266.102(e)(2)(i)(A)					
minimum and maximum device production rate when producing normal product as per 266.102(e)(6)	85	266.102(e)(2)(i)(B)					
appropriate controls of hazardous waste firing system	85	266.102(e)(2)(i)(C)					
allowable variation in boiler and industrial furnace system design or operating procedures	85	266.102(e)(2)(i)(D)					
minimum combustion gas temperature measured at a location indicative of combustion chamber temperature as per 266.102(e)(6)	85	266.102(e)(2)(i)(E)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
appropriate indicator of combustion gas velocity as per 266.102(e)(6), unless 270.66 documentation	85	266.102(e)(2)(i)(F)					
other operating requirements to ensure 266.104(a) DRE compliance	85	266.102(e)(2)(i)(G)					
permit must incorporate carbon monoxide (CO) limit and, as appropriate, hydrocarbon (HC) limit as per 266.104(b)-(f); permit limits specified:	85	266.102(e)(2)(ii)					
when complying with 266.104(b)(1) CO standard, permit limit is 100 ppmv	85	266.102(e)(2)(ii)(A)					
when complying with 266.104(c) alternative CO standard, permit limit based on trial burn, established as specified average, and permit limit for HC is 20 ppmv, except as 266.104(f) provides	85	266.102(e)(2)(ii)(B)					
when complying with 266.104(f) alternative HC limit, permit limit for HC and CO is baseline level when hazardous waste is not burned	85	266.102(e)(2)(ii)(C)					
no hazardous waste as feed during start-up and shut-down, unless device is operating within permit conditions; exception	85	266.102(e)(2)(iii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S(
except as provided in 266.102(e)(3)(ii) and (iii), operating requirements the permit will specify to ensure 266.105 particulate standard compliance:	85	266.102(e)(3)(i)					
total ash feed rate from hazardous waste, other fuels, and industrial furnace feedstocks, as per 266.102(e)(6)	85	266.102(e)(3)(i)(A)					
maximum device production rate when producing normal product as per 266.102(e)(6)	85	266.102(e)(3)(i)(B)					
operation and maintenance controls for hazardous waste firing system and air pollution control system	85	266.102(e)(3)(i)(C)					
allowable variation in system design including air pollution control system or operating procedures	85	266.102(e)(3)(i)(D)					
9 other operating requirements to ensure 266.111(b) particulate standard compliance	85	266.102(e)(3)(i)(E)					
no permit conditions to ensure particulate standard compliance for 266.105(b) exempt facilities	85	266.102(e)(3)(ii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
for cement kilns and light-weight aggregate kilns, permit conditions shall not limit ash content of hazardous waste or other feed materials	85	266.102(e)(3)(iii)					
operating requirements the permit will specify to conform with 266.106(b) or (e) Tier I or adjusted Tier I metals feed rate screening limits:	85	266.102(e)(4)(i)					
total feed rate of each metal in hazardous waste, other fuels, and industrial furnace feedstocks as per 266.102(e)(6)	85	266.102(e)(4)(i)(A)					
total feed rate of hazardous waste as per 266.102(e)(6)	85	266.102(e)(4)(i)(B)					
sampling and metals analysis program	85,94	266.102(e)(4)(i)(C)					
operating requirements the permit will specify to conform with 266.106(c) Tier II metals emission rate screening limits and 266.106(d) Tier III metals controls:	85	266.102(e)(4)(ii)					
maximum emission rate for each metal based on average rate during trial burn	85	266.102(e)(4)(ii)(A)					
feed rate of total and pumpable hazardous waste as per 266.102(e)(6)(i)	85	266.102(e)(4)(ii)(B)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROA IN SC
10	85	266.102(e)(4)(ii)(C)					
feed rate of each metal in specified feedstreams, measured and specified as per 266.102(e)(6)	85,96	266.102(e)(4)(ii)(C)(*1*)					
		266.102(e)(4)(ii)(C)(*2*)					
		266.102(e)(4)(ii)(C)(*3*)					
total feed rate of chlorine and chloride in total feedstreams as per 266.102(e)(6)	85	266.102(e)(4)(ii)(D)					
maximum combustion gas temperature measured at location indicative of combustion chamber temperature as per 266.102(e)(6)	85	266.102(e)(4)(ii)(E)					
maximum flue gas temperature at inlet to particulate matter air pollution control system as per 266.102(e)(6)	85	266.102(e)(4)(ii)(F)					
maximum device production rate when producing normal product as per 266.102(e)(6)	85	266.102(e)(4)(ii)(G)					
operation and maintenance controls of hazardous waste firing system and any air pollution control system	85	266.102(e)(4)(ii)(H)					
allowable variation in system design including air pollution control system or operating procedures	85	266.102(e)(4)(ii)(I)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
other operating requirements to ensure 266.106(c) or (d) metals standards compliance	85	266.102(e)(4)(ii)(J)					
operating requirements the permit will specify to conform with 266.106(f) alternative implementation approach:	85	266.102(e)(4)(iii)					
maximum emission rate for each metal based on average rate	85	266.102(e)(4)(iii)(A)					
feed rate of total and pumpable hazardous waste as per 266.102(e)(6)(i)	85	266.102(e)(4)(iii)(B)					
10, 11 feed rate of each metal in specified feedstreams, measured and specified as per 266.102(e)(6)	85	266.102(e)(4)(iii)(C)					
		266.102(e)(4)(iii)(C)(*1*)					
	85,96	266.102(e)(4)(iii)(C)(*2*)					
total feed rate of chlorine and chloride in total feedstreams as per 266.102(e)(6)	85	266.102(e)(4)(iii)(D)					
maximum combustion gas temperature measured at location indicative of combustion chamber temperature as per 266.102(e)(6)	85	266.102(e)(4)(iii)(E)					
maximum flue gas temperature at inlet to particulate matter air pollution control system as per 266.102(e)(6)	85	266.102(e)(4)(iii)(F)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
maximum device production rate when producing normal product as per 266.102(e)(6)	85	266.102(e)(4)(iii)(G)					
operation and maintenance controls of hazardous waste firing system and any air pollution control system	85	266.102(e)(4)(iii)(H)					
allowable variation in system design including air pollution control system or operating procedures	85	266.102(e)(4)(iii)(I)					
other operating requirements to ensure 266.106(c) or (d) metals standards compliance	85	266.102(e)(4)(iii)(J)					
operating requirements the permit will specify to ensure 266.107(b)(1) Tier I total chloride and chlorine feed rate screening limits conformance:	85	266.102(e)(5)(i)					
feed rate of total chloride and chlorine in hazardous waste, other fuels, and industrial furnace feedstocks as per 266.102(e)(6)	85	266.102(e)(5)(i)(A)					
feed rate of total hazardous waste as per 266.102(e)(6)	85	266.102(e)(5)(i)(B)					
sampling and analysis program for total chloride and chlorine	85	266.102(e)(5)(i)(C)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
operating requirements the permit will specify for 266.107(b)(2) Tier II and 266.107(c) Tier III HCl and Cl_2 emission rate screening limits conformance:	85	266.102(e)(5)(ii)					
maximum emission rate for HCl and Cl_2 based on average rate	85	266.102(e)(5)(ii)(A)					
feed rate of total hazardous waste as per 266.102(e)(6)	85	266.102(e)(5)(ii)(B)					
total feed rate of chlorine and chloride in total feedstreams as per 266.102(e)(6)	85	266.102(e)(5)(ii)(C)					
maximum device production rate when producing normal product as per 266.102(e)(6)	85	266.102(e)(5)(ii)(D)					
operation and maintenance controls of hazardous waste firing system and any air pollution control system	85	266.102(e)(5)(ii)(E)					
allowable variation in system design including air pollution control system or operating procedures	85	266.102(e)(5)(ii)(F)					
other operating requirements to ensure 266.107(b)(2) or (c) HCl or Cl_2 standards compliance	85	266.102(e)(5)(ii)(G)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
measuring parameters and establishing limits based on trial burn data	85,94	266.102(e)(6)					
as specified in 266.102(e)(2)-(5), each operating parameter shall be measured and permit limits on the parameter established according to either of following procedures:	85	266.102(e)(6)(i)					
measured and recorded on instantaneous basis and permit limit based on time-weighted average	85	266.102(e)(6)(i)(A)					
		266.102(e)(6)(i)(B)(*1*)					
	85	266.102(e)(6)(i)(B)(*1*)(*i*)					
hourly rolling average basis as defined	85,94	266.102(e)(6)(i)(B)(*1*)(*ii*)					
12 permit limit based on average over all valid test runs of highest hourly rolling average value per run	85,94	266.102(e)(6)(i)(B)(*2*)					
feed rate limits for carcinogenic metals and lead established on either an hourly rolling average basis or on (up to) to 24-hour rolling average basis; requirements for 2- to 24-hour average period:	85,94	266.102(e)(6)(ii)					
feed rate of each metal limited to ten times the allowable hourly rolling average basis feed rate	85	266.102(e)(6)(ii)(A)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
12	specifications the continuous monitor shall meet	85	266.102(e)(6)(ii)(B)					
			266.102(e)(6)(ii)(B)(*1*)					
		85,94	266.102(e)(6)(ii)(B)(*2*)					
	feed rate permit limit based on specified average	85	266.102(e)(6)(ii)(C)					
	feed rate limits for metals, total chloride and chlorine, and ash established and monitored based on feedstream concentration and flow rate; flow rate continuously monitored as per 266.102(e)(6)(i) and (ii)	85	266.102(e)(6)(iii)					
	if no simultaneous demonstration of 266.104-266.107 compliance during a set of test runs, operating conditions of additional test runs as close as possible to original operating conditions	85	266.102(e)(6)(iv)(A)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
facility to operate under trial burn conditions and reach steady-state operations before obtaining test data to demonstrate 266.104-266.107 emissions standards compliance or establishing operating parameter limits; specific industrial furnaces need not reach steady-state conditions for flow of metals prior to beginning metals emissions compliance testing	85,94	266.102(e)(6)(iv)(B)					
trial burn data obtained during emissions sampling are used to establish operating parameter limits in the permit when parameter must be established as per 266.102(e)	85	266.102(e)(6)(iv)(C)					
requirements for controlling fugitive emissions	85	266.102(e)(7)(i)					
		266.102(e)(7)(i)(A)					
		266.102(e)(7)(i)(B)					
		266.102(e)(7)(i)(C)					
automatic waste feed cutoff required; Director may limit number of cutoffs per operating period; additional requirements include:	85	266.102(e)(7)(ii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
maintenance of permit limit for minimum combustion chamber temperature while hazardous waste or residues remain in chamber	85	266.102(e)(7)(ii)(A)					
exhaust gases ducted to air pollution control system while hazardous waste or residues remain in chamber	85	266.102(e)(7)(ii)(B)					
continued monitoring of parameters with limits during cutoff and hazardous waste feed not restarted until parameters comply with limits; for parameters monitored on instantaneous basis, conditions for restarting hazardous waste feed	85	266.102(e)(7)(ii)(C)					
cease burning hazardous waste when changes in combustion properties, feed rates, or design or operating conditions deviate from permit limits	85	266.102(e)(7)(iii)					
owner or operator, while burning hazardous waste, must monitor and record:	85	266.102(e)(8)(i)					
specified feed rates and composition of specified materials	85	266.102(e)(8)(i)(A)					
CO, HC, and oxygen on a continuous basis as specified; monitors installed, operated and maintained as per 266, Appendix IX methods	85	266.102(e)(8)(i)(B)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
sampling and analysis as requested to verify that requirements established in permit achieve 266.104-266.107 standards	85	266.102(e)(8)(i)(C)					
monitors record data in permit limit units, unless permit allows otherwise	85	266.102(e)(8)(ii)					
daily visual inspection of boiler or industrial furnace and associated equipment when they contain hazardous waste	85	266.102(e)(8)(iii)					
test automatic feed cutoff system and associated alarms at least once every 7 days when hazardous waste is burned unless specified conditions are demonstrated; operational testing at least once every 30 days	85	266.102(e)(8)(iv)					
monitoring and inspection data recorded and placed in 264.73 operating record	85	266.102(e)(8)(v)					
compliance with 266.111 if direct transfer of hazardous waste to boiler or industrial furnace without use of storage unit	85	266.102(e)(9)					
all 266.102-required information and data in facility operating record until closure of the facility	85,96	266.102(e)(10)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
remove all hazardous waste and hazardous waste residues at closure	85	266.102(e)(11)					
INTERIM STATUS STANDARDS FOR BURNERS							
establish minimum national standards for owners and operators of existing boilers and industrial furnaces until permitted under 266.102(d) or closed	85	266.103(a)(1)(i)					
definition of "existing or in existence"; facility has commenced construction if all permits necessary to begin physical construction are obtained and either:	85,94	266.103(a)(1)(ii)					
continuous on-site, physical construction program has begun	85	266.103(a)(1)(ii)(A)					
contractual obligations cannot be cancelled or modified without substantial loss and physical construction is to be completed within reasonable time	85	266.103(a)(1)(ii)(B)					
if boiler or industrial furnace at facility with permit or interim status, then compliance with 270.42 permit modification or 270.72 interim status changes	85	266.103(a)(1)(iii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
266.103 requirements not applicable to hazardous waste and facilities exempt under 266.100(b) or 266.108	85	266.103(a)(2)					
F020-F023, F026 or F027 hazardous waste listed for dioxin and hazardous waste derived from these wastes may not be burned in interim status boiler or industrial furnace	85,96	266.103(a)(3)					
interim status owners and operators subject to specified 265 provisions:	85	266.103(a)(4)					
		266.103(a)(4)(i)					
		266.103(a)(4)(ii)					
		266.103(a)(4)(iii)					
		266.103(a)(4)(iv)					
		266.103(a)(4)(v)					
		266.103(a)(4)(vi)					
		266.103(a)(4)(vii)					
		266.103(a)(4)(viii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
controls that apply to interim status industrial furnaces that feed hazardous waste for a purpose other than solely as an ingredient at any location other than the hot end or where fuels are normally fired:	85,96	266.103(a)(5)					
fed at location where temperatures are at least 1800° F	85	266.103(a)(5)(i)(A)					
determination and documentation in facility record of adequate oxygen	85	266.103(a)(5)(i)(B)					
for cement kiln systems, hazardous waste fed into kiln	85	266.103(a)(5)(i)(C)					
applicability of 266.104(c) or 266.103(c)(5) hydrocarbon controls	85,96	266.103(a)(5)(i)(D)					
criteria for burning hazardous waste for a purpose other than solely as an ingredient:	85	266.103(a)(5)(ii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
total concentration of 261, Appendix VIII nonmetal compounds exceed 500 ppm by weight as fired and considered burned for destruction; reduction of the concentration of nonmetal compounds to the 500 ppm limit by bona fide treatment; blending for dilution to meet the 500 ppm limit prohibited; retention of documentation in facility record	85,96	266.103(a)(5)(ii)(A)					
heating value of 5,000 Btu/lb or more, as fired, and considered burned as fuel; reduction of the heating value of a waste as-generated to below 5,000 Btu/lb limit by bona fide treatment; blending to augment heating value to meet the 5,000 Btu/lb limit prohibited; retention of documentation in facility record	85,96	266.103(a)(5)(ii)(B)					
burning hazardous waste with heating value less than 5,000 Btu/lb prohibited; situation where 5,000 Btu/lb limit can be exceeded; exceptions:	85,96	266.103(a)(6)					
hazardous waste burned solely as an ingredient	96	266.103(a)(6)(i)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
hazardous waste burned for purposes of compliance testing for a total period of time not to exceed 720 hours	96	266.103(a)(6)(ii)					
waste burned if Director has documentation to show that, prior to August 21, 1991:	96	266.103(a)(6)(iii)					
boiler or industrial furnace operating under Part 265, Subpart O or P requirements	96	266.103(a)(6)(iii)(A)					
boiler or industrial furnace met 270.70 interim status eligibility requirements for Part 265, Subpart O or Subpart P	96	266.103(a)(6)(iii)(B)					
hazardous waste with a heating value less than 5,000 Btu/lb burned prior to August 21, 1991	96	266.103(a)(6)(iii)(C)					
such waste burned in halogen acid furnace if waste burned as an excluded ingredient under 261.2(e) prior to February 21, 1991 and documentation kept on file	96	266.103(a)(6)(iv)					
266.111 compliance if hazardous waste directly transferred from transport vehicle to boiler or industrial furnace without storage unit use	85	266.103(a)(7)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
August 21, 1991 submittal date for 266.103(b)(2) information; establish limits for 266.103(b)(3) parameters; certificate of precompliance; burning limited to 266.103(b)(3) conditions until 266.103(b)(8) revised certification of precompliance, or 266.103(c) certification of compliance, or permit is issued	85	266.103(b)(1)					
information to be submitted with certification of precompliance to support determination and compliance with operating parameter limits	85	266.103(b)(2)					
		266.103(b)(2)(i)					
		266.103(b)(2)(i)(A)					
		266.103(b)(2)(i)(B)					
		266.103(b)(2)(i)(C)					
		266.103(b)(2)(i)(D)					
general facility information	85	266.103(b)(2)(i)(E)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
except for facilities complying with Tier I or Adjusted Tier I feed rate screening limits provided by 266.106(b) or (e) and 266.107(b)(1) or (e), estimated uncontrolled emissions of particulate matter, each 266.106 metal, hydrogen chloride and chlorine, and following information to support determinations:	85,111	266.103(b)(2)(ii)					
feed rate of specified materials in each feedstream	85,94	266.103(b)(2)(ii)(A)					
estimated partitioning factor to combustion gas for 266.103(b)(2)(ii)(A) materials, basis for estimate, and estimate of partitioning to HCl and Cl_2 of total chloride and chlorine in feed materials; use best engineering judgment or 266, Appendix IX procedures	85,94	266.103(b)(2)(ii)(B)					
for industrial furnaces that recycle collected particulate matter and certify compliance with 266.103(c)(ii)(A) metals emissions standards, estimated enrichment factor for each metal, using best engineering judgment or specified 266, Appendix IX procedures	85	266.103(b)(2)(ii)(C)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S
basis for best engineering judgment; 270.11(d) certification of determinations included in certification of precompliance	85,94	266.103(b)(2)(ii)(D)					
for facilities complying with Tier I or Adjusted Tier I feed rate screening limits, the feed rate of specified materials in each feed stream	85,111	266.103(b)(2)(iii)					
for facilities complying with Tier II or III emission limits for metals or HCl or Cl_2, estimated controlled emissions rates of particulate matter, each 266.106 metal, HCl and Cl_2, and following information to support determinations:	85,94	266.103(b)(2)(iv)					
estimated air pollution control system (APCS) removal efficiency for specified materials	85	266.103(b)(2)(iv)(A)					
use best engineering judgment or 266, Appendix IX procedures	85	266.103(b)(2)(iv)(B)					
basis for best engineering judgment in conformance with 266.103(b)(2)(ii)(D)	85	266.103(b)(2)(iv)(C)					
determination of allowable emissions rates for specified materials and information to support such determinations to include:	85	266.103(b)(2)(v)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
		266.103(b)(2)(v)(A)					
		266.103(b)(2)(v)(A)(*1*)					
		266.103(b)(2)(v)(A)(*2*)					
		266.103(b)(2)(v)(A)(*3*)					
	85	266.103(b)(2)(v)(A)(*4*)					
	85,94	266.103(b)(2)(v)(A)(*5*)					
		266.103(b)(2)(v)(A)(*6*)					
for all facilities:	85	266.103(b)(2)(v)(A)(*7*)					
		266.103(b)(2)(v)(B)					
		266.103(b)(2)(v)(B)(*1*)					
for owners or operators using Tier III site specific dispersion modeling to determine 266.106(d) or 266.107(c) allowable levels, or adjusted Tier I feed rate screening limits under 266.106(e) or 266.107(e):		266.103(b)(2)(v)(B)(*2*)					
		266.103(b)(2)(v)(B)(*3*)					
	85	266.103(b)(2)(v)(B)(*4*)					
for facilities complying with Tier II or III emissions rate controls for metals or HCl and Cl_2, comparison of 266.103(b)(2)(iv) estimated rates with 266.103(b)(2)(v) allowable rates	85,94	266.103(b)(2)(vi)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO/ IN S
for facilities complying with Tier I or adjusted Tier I feed rate screening limits for metals or total chloride and chlorine, comparison of actual feed rates determined under 266.103(b)(2)(iii) to Tier I allowable feed rates	85	266.103(b)(2)(vii)					
for industrial furnaces that feed hazardous waste for any purpose other than solely as an ingredient at any location other than product discharge end of device, documentation of 266.103(a)(5)(i)(A)-(C) compliance	85	266.103(b)(2)(viii)					
for industrial furnaces that recycle collected particulate matter back into the furnace and that will certify 266.103(c)(3)(ii)(A) metals emissions standards compliance, applicable particulate matter standard and precompliance limit on metal concentration	85	266.103(b)(2)(ix) 266.103(b)(2)(ix)(A) 266.103(b)(2)(ix)(B)					
establish limits on 266.103(b)(3)(i)-(v) parameters consistent with 266.103(b)(2) determinations and certify the facility will operate within the limits during interim status when there is hazardous waste in the unit until certain conditions are met	85	266.103(b)(3)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
feed rate of total hazardous waste and pumpable hazardous waste	85	266.103(b)(3)(i)					
	85,94	266.103(b)(3)(ii)					
	85	266.103(b)(3)(ii)(A)					
	85,111	266.103(b)(3)(ii)(B)					
feed rate of each metal in specified feedstreams	85	266.103(b)(3)(ii)(C)					
total feed rate of chlorine and chloride in total feedstreams	85	266.103(b)(3)(iii)					
total feed rate of ash in total feedstreams, except ash feed rate for cement kilns and light-weight aggregate kilns is not limited	85	266.103(b)(3)(iv)					
maximum production rate when producing normal product, unless complying with the Tier I or Adjusted Tier I feed rate screening limits for chlorine under 266.106(b)(1) or (e) and for all metals under 266.106(b) or (e), and uncontrolled particulate emissions do not exceed 266.105 standard	85,111	266.103(b)(3)(v)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
special operating requirements under 266, Appendix IX for furnaces that recycle collected particulate matter back into furnace and that certify compliance with metals emissions controls under 266.103(c)(3)(ii)(A)	85	266.103(b)(4)					
limits on 266.103(b)(3) parameters established and continuously monitoring under:	85	266.103(b)(5)(i)					
instantaneous limits	85,96	266.103(b)(5)(i)(A)					
12	85	266.103(b)(5)(i)(B)					
		266.103(b)(5)(i)(B)(*1*)					
hourly rolling average basis as defined	85,94	266.103(b)(5)(i)(B)(*2*)					
feed rate limits for carcinogenic metals and lead established on either an hourly rolling average basis or on (up to) 24-hour rolling average basis; requirements for 2- to 24-hour average period:	85	266.103(b)(5)(ii)					
feed rate of each metal limited to ten times the allowable hourly rolling average basis feed rate	85	266.103(b)(5)(ii)(A)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
12		85	266.103(b)(5)(ii)(B)					
	specifications the *continuous monitor shall* meet:		266.103(b)(5)(ii)(B)(*1*)					
		85,94	266.103(b)(5)(ii)(B)(*2*)					
	feed rate limits for metals, total chloride and chlorine, and ash established and monitored based on feedstream concentration and flow rate; flow rate continuously monitored as per 266.103(b)(5)(i) and (ii)	85	266.103(b)(5)(iii)					
	on or before August 21, 1991, owner or operator submits notice to major local newspaper and sends copy of notice to State and local government units; provide evidence of notice submittal for publication with certification of pre-compliance to Director; notice must bear specified title and include:	85,94	266.103(b)(6)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR(IN
		266.103(b)(6)(i)					
		266.103(b)(6)(ii)					
		266.103(b)(6)(iii)					
		266.103(b)(6)(iv)					
		266.103(b)(6)(v)					
		266.103(b)(6)(vi)					
	85	266.103(b)(6)(vii)					
		266.103(b)(6)(viii)					
		266.103(b)(6)(viii)(A)					
	85,96	266.103(b)(6)(viii)(B)					
		266.103(b)(6)(ix)					
information to include in public notice	85	266.103(b)(6)(x)					
when monitoring systems for 266.103(c)(1)(v)-(xiii) operating parameters are installed and operating in conformance with vendor or 266, Appendix IX specifications, continuous monitoring required and records maintained in operating record	85	266.103(b)(7)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
submittal of revised certification of pre-compliance under 266.103(b)(2)&(3) procedures	85	266.103(b)(8)					
266.103(b)(6) public notice requirements not applicable to recertifications	85	266.103(b)(8)(i)					
operation of facility within limits established for 266.103(b)(3) parameters until 266.103(b) revised certification or 266.103(c) certification of compliance is submitted	85	266.103(b)(8)(ii)					
language of signed statement that must be included with the certification of precompliance	85	266.103(b)(9)					
conduct emissions testing to document compliance with 266.104(b)-(e), 266.105-266.107 and 266.103(a)(5)(i)(D) emissions standards; submittal of certification of compliance on or before August 21, 1992	85,94	266.103(c)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
	establish limits and all applicable emission standards on 266.103(c)(1)(i)-(xiii) parameters based on operations during compliance test or as otherwise specified and include with certification of compliance; device will be operated within these limits and applicable emission standards of 266.104(b)-(e), 266.105, 266.106, 266.107 and 266.103(a)(5)(i)(D) when hazardous waste is in the unit	85,94,96, 111,114	266.103(c)(1)					
.13	feed rate of total hazardous waste and pumpable hazardous waste	85	266.103(c)(1)(i)					
13		85	266.103(c)(1)(ii)					
		85,111	266.103(c)(1)(ii)(A)					
			266.103(c)(1)(ii)(A)(*1*)					
		111	266.103(c)(1)(ii)(A)(*2*)					
		85	266.103(c)(1)(ii)(B)					
	feed rate of each metal in specified feedstreams	85, 111,114	266.103(c)(1)(ii)(C)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
13	total feed rate of chlorine and chloride in total feed streams; the operating limits for facilities that comply with Tier I or Adjusted Tier I feed rate screening limits	85, 111,114	266.103(c)(1) (iii)					
13	total feed rate of ash in total feedstreams, except ash feed rate for cement kilns and light-weight aggregate kilns is not limited	85,94	266.103(c)(1) (iv)					
13	carbon monoxide concentration and, where required, hydrocarbon concentration in stack gas; CO and HC limits	85	266.103(c)(1) (v)					
13	maximum production rate when producing normal product, unless complying with Tier I or Adjusted Tier I feed rate screening limits for chlorine under 266.107(b)(1) or (e) and for all metals under 266.106(b) or (e), and uncontrolled particulate emissions do not exceed 266.105 standard	85, 111,114	266.103(c)(1) (vi)					
13	maximum combustion chamber temperature with temperature measured where specified; exception	85,114	266.103(c)(1) (vii)					
13	maximum flue gas temperature entering a particulate matter control device; exception	85,114	266.103(c)(1) (viii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
13		85,94	266.103(c)(1)(ix)					
			266.103(c)(1)(ix)(A)					
	limits for systems using wet scrubbers, including wet ionizing scrubbers; exception:		266.103(c)(1)(ix)(B)					
		85	266.103(c)(1)(ix)(C)					
13	systems using venturi scrubbers, the minimum differential gas pressure across the venturi; exception	85	266.103(c)(1)(x)					
13		85,94, 114	266.103(c)(1)(xi)					
		85	266.103(c)(1)(xi)(A)					
	limits for systems using dry scrubbers; exception:	85,114	266.103(c)(1)(xi)(B)					
13		85,94	266.103(c)(1)(xii)					
	limits for systems using wet ionizing scrubbers or electrostatic precipitators; exception		266.103(c)(1)(xii)(A)					
		85	266.103(c)(1)(xii)(B)					
13	systems using fabric filters, the minimum pressure drop; exception	85	266.103(c)(1)(xiii)					
	at least 30 days prior to 266.103(c)(3) compliance testing, notify Director and submit required information:	85	266.103(c)(2)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
		266.103(c)(2)(i)					
		266.103(c)(2)(i)(A)					
		266.103(c)(2)(i)(B)					
		266.103(c)(2)(i)(C)					
general facility information	85	266.103(c)(2)(i)(D)					
		266.103(c)(2)(ii)					
		266.103(c)(2)(ii)(A)					
		266.103(c)(2)(ii)(B)					
		266.103(c)(2)(ii)(C)					
		266.103(c)(2)(ii)(D)					
		266.103(c)(2)(ii)(D)(*1*)					
		266.103(c)(2)(ii)(D)(*2*)					
		266.103(c)(2)(ii)(D)(*3*)					
		266.103(c)(2)(ii)(E)					
specific information on each device to be tested	85	266.103(c)(2)(ii)(F)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
	information on testing planned, including complete copy of test protocol and QA/QC plan, and summary description for each test that provides specified information	85	266.103(c)(2)(iii) 266.103(c)(2)(iii)(A) 266.103(c)(2)(iii)(B)					
13	compliance testing under 266.103(b) and 266.103(c)(2) conditions; case by case approval to use compliance test data from one unit in lieu of testing a similar on-site unit; information required to support owner or operator request; approval based on 266.103(c) requirements	85,96	266.103(c)(3)(i)					
13	industrial furnaces that recycle collected particulate matter from air pollution control system must test to determine 266.106(c) or (d) metals standards compliance using one of the following procedures:	85	266.103(c)(3)(ii)					
13	266, Appendix IX testing requirements in "Alternative Method for Implementing Metals Controls"	85	266.103(c)(3)(ii)(A)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
13	stack emissions testing for 6 hrs/day while hazardous waste is burned during interim status; conditions for testing; analysis for metals content to assure 266.106(c) or (d) compliance; parameters for which operating limits must be established under 266.103(c)(3)	85	266.103(c)(3)(ii)(B)					
			266.103(c)(3)(ii)(B)(*1*)					
			266.103(c)(3)(ii)(B)(*2*)					
			266.103(c)(3)(ii)(B)(*3*)					
			266.103(c)(3)(ii)(B)(*4*)					
			266.103(c)(3)(ii)(B)(*5*)					
13	conduct compliance testing and establish limits on 266.103(c)(1) parameters after kiln system has been conditioned and has reached equilibrium with metals feed and metals emissions; conditions to be met during conditioning	85	266.103(c)(3)(ii)(C)					
13	if no simultaneous demonstration of 266.104-266.107 compliance during a set of test runs, operating conditions of additional test runs as close as possible to original operating conditions	85	266.103(c)(3)(iii)(A)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
13	facility to operate under compliance test conditions and reach steady-state operations before obtaining test data to demonstrate 266.104-266.107 emissions standards compliance or establishing operating parameter limits; specific industrial furnaces need not reach steady-state conditions prior to beginning metals compliance testing	85	266.103(c)(3)(iii)(B)					
13	compliance test data obtained during emissions sampling are used to establish operating parameter limits in the certification of compliance when parameter must be established as per 266.103(c)(1)	85	266.103(c)(3)(iii)(C)					
	within 90 days of completing compliance testing, certification to Director of compliance with 266.104(b),(c)&(e), 266.105-266.107 and 266.103(a)(5)(i)(D) emissions standards; certification must include:	85	266.103(c)(4)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
		266.103(c)(4)(i)					
		266.103(c)(4)(i)(A)					
	85	266.103(c)(4)(i)(B)					
	85,94	266.103(c)(4)(i)(C)					
		266.103(c)(4)(i)(D)					
		266.103(c)(4)(i)(E)					
		266.103(c)(4)(i)(F)					
		266.103(c)(4)(i)(G)					
		266.103(c)(4)(i)(H)					
general facility and testing information	85	266.103(c)(4)(i)(I)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
		266.103(c)(4)(ii)					
		266.103(c)(4)(ii)(A)					
		266.103(c)(4)(ii)(B)					
		266.103(c)(4)(ii)(B)(*1*)					
		266.103(c)(4)(ii)(B)(*2*)					
		266.103(c)(4)(ii)(B)(*3*)					
	85	266.103(c)(4)(ii)(B)(*4*)					
	85,94	266.103(c)(4)(ii)(B)(*5*)					
		266.103(c)(4)(ii)(B)(*6*)					
		266.103(c)(4)(ii)(B)(*7*)					
		266.103(c)(4)(ii)(B)(*8*)					
specific information on each test	85	266.103(c)(4)(ii)(B)(*9*)					
comparison of actual emissions per test with emissions limits prescribed by 266.104(b),(c)&(e) and 266.105-266.107 and established in 266.103(b) certification of precompliance	85	266.103(c)(4)(iii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
determination of operating limits based on all valid runs for 266.103(c)(1) parameters using one of two procedures:	85	266.103(c)(4)(iv)					
instantaneous limits	85	266.103(c)(4)(iv)(A)					
hourly rolling average basis as defined	85	266.103(c)(4)(iv)(B)(*1*)					
		266.103(c)(4)(iv)(B)(*1*)(*i*)					
		266.103(c)(4)(iv)(B)(*1*)(*ii*)					
parameter operating limit based on compliance test data and specific average	85	266.103(c)(4)(iv)(B)(*2*)					
feed rate limits for carcinogenic metals and lead established on either an hourly rolling average basis or on (up to) 24-hour rolling average basis; requirements for 2- to 24-hour average period:	85	266.103(c)(4)(iv)(C)					
feed rate of each metal limited to ten times the allowable hourly rolling average basis feed rate	85	266.103(c)(4)(iv)(C)(*1*)					
specifications the continuous monitor shall meet	85	266.103(c)(4)(iv)(C)(*2*)					
		266.103(c)(4)(iv)(C)(*2*)(*i*)					
	85,94	266.103(c)(4)(iv)(C)(*2*)(*ii*)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
operating limit for feed rate of each metal established based on compliance test data as the specified average	85	266.103(c)(4)(iv)(C)(3)					
feed rate limits for metals, total chloride and chlorine, and ash established and monitored based on feedstream concentration and flow rate; flow rate continuously monitored as per 266.103(c)(4)(iv)(A)-(C)	85	266.103(c)(4)(iv)(D)					
language of statement to accompany the certification of compliance	85	266.103(c)(4)(v)					
if required to comply with 266.104(c) or 266.103(a)(5)(i)(D) HC controls, conditioned gas monitoring system may be used in conformance with 266, Appendix IX specifications, provided certification of compliance is submitted without 266.103(c)(7) time extension; owners and operators of facilities electing to comply with 266.104(f) alternative hydrocarbon provision and requesting a 266.103(c)(7)(ii)(B) time extension	85,111	266.103(c)(5)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
special operating requirements for industrial furnaces that recycle collected particulate matter from air pollution control system:	85	266.103(c)(6)					
266, Appendix IX operating requirements in "Alternative Method to Implement the Metals Controls" if complying with 266.103(c)(3)(ii)(A)	85	266.103(c)(6)(i)					
operating requirements of 266.103(c)(3)(ii)(B) if complying with that paragraph	85	266.103(c)(6)(ii)					
requirements if fail to submit complete certification of compliance for 266.104-266.107 emissions standards by August 21, 1992:	85	266.103(c)(7)(i)					
stop burning hazardous waste and begin 266.103(l) closure	85,94	266.103(c)(7)(i)(A)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) to a total period of 720 hours beginning August 21, 1992; submit notification to Director by August 21, 1992, stating operation under restricted interim status and intention to resume hazardous waste burning; submit complete certification of compliance by August 23, 1993	85,94	266.103(c)(7)(i)(B)					
obtain case-by-case time extension under 266.103(c)(7)(ii)	85	266.103(c)(7)(i)(C)					
condition under which a case-by-case time extension may be requested for any 266.103(c) time limit	85	266.103(c)(7)(ii)					
in granting extension, Director may apply specified conditions	85	266.103(c)(7)(ii)(A)					
if time extension requested to enable facility to comply with alternative hydrocarbon provisions of 266.104(f) and to obtain RCRA permit because 266.104(c) HC limit cannot be met:	85,111	266.103(c)(7)(ii)(B)					
what Director shall consider:	85	266.103(c)(7)(ii)(B)(*1*)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
determine if complete Part B permit application that includes 270.22(b) information has been submitted	85	266.103(c)(7)(ii)(B)(*1*)(*i*)					
consider if good faith effort to certify compliance with all other emission controls has been made	85,94	266.103(c)(7)(ii)(B)(*1*)(*ii*)					
12 if extension granted, require facility to operate under 266.104(f)(1) baseline CO and HC flue gas concentration limits	85,94	266.103(c)(7)(ii)(B)(*2*)					
submit at any time a revised certification of compliance under specific procedures:	85	266.103(c)(8)					
prior to submittal, may not burn hazardous waste for more than 720 hours under operating conditions that exceed those in current certification of compliance; such burning conducted only to determine if 266.104-266.107 emissions standards can be met under revised conditions	85	266.103(c)(8)(i)					
at least 30 days prior to first burning under revised conditions, notify Director and submit specific information:	85	266.103(c)(8)(ii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
EPA facility ID number, facility name, contact person, telephone number and address	85	266.103(c)(8)(ii)(A)					
operating conditions owner/operator is seeking to revise and description of changes that prompted need to revise	85	266.103(c)(8)(ii)(B)					
determination that under revised operating conditions, 266.104-266.107 standards unlikely to be exceeded; 266.103(b)(2) information for documentation	85	266.103(c)(8)(ii)(C)					
complete emissions testing protocol for pretesting and new compliance test, including schedule for 266.104-266.107 emission standards compliance; 30-day prior written notice if revision in compliance test date	85	266.103(c)(8)(ii)(D)					
conduct compliance test under revised operating conditions and submitted protocol to determine 266.104-266.107 emissions standards compliance	85	266.103(c)(8)(iii)					
submit revised certification of compliance under 266.103(c)(4)	85	266.103(c)(8)(iv)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
recertification of compliance within three years; if recertification under new operating conditions, 266.103(c)(8) compliance	85	266.103(d)					
if noncompliance with interim status compliance schedule, burning is to terminate on date deadline is missed, closure to begin under 266.103(l), and no resumption of burning except under 270.66 operating permit; criteria for compliance with 266.103(l), 266.112(d)(2) and 266.113 provisions	85,96	266.103(e)					
no hazardous waste as feed during start-up and shut-down unless device is operating within certification conditions	85	266.103(f)					
during 266.103(c)(3) compliance test and upon certification of compliance, automatic waste feed cutoff required; additional requirements include:	85	266.103(g)					
maintenance of minimum combustion chamber temperature while hazardous waste or residues remain in chamber to minimize emissions of organic compounds	85,94	266.103(g)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
if compliance with combustion chamber temperature limit is based on hourly rolling average, minimum temperature during compliance test is averaged over all runs of the lowest hourly rolling average for each run	85	266.103(g)(1)(i)					
if compliance with combustion chamber temperature limit is based on instantaneous temperature measurement, minimum temperature during compliance test is time-weighted average during all test runs	85	266.103(g)(1)(ii)					
continued monitoring of operating parameters with limits during cutoff; no restart of hazardous waste feed until parameters comply with limits established in compliance certification	85	266.103(g)(2)					
requirements for controlling fugitive emissions	85	266.103(h)					
		266.103(h)(1)					
		266.103(h)(2)					
		266.103(h)(3)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
cease burning hazardous waste when changes in combustion properties, feed rates, feed stocks/fuels or design or operating conditions deviate from limits specified in compliance certification	85	266.103(i)					
owner or operator, while burning hazardous waste, must monitor and record:	85	266.103(j)(1)					
specified feed rates and composition of specified materials to ensure conformance with certification	85	266.103(j)(1)(i)					
CO, HC and oxygen on a continuous basis as specified; monitors installed, operated and maintained as per 266, Appendix IX methods	85	266.103(j)(1)(ii)					
sampling and analysis as requested by Director to verify compliance with 266.104-266.107 standards	85	266.103(j)(1)(iii)					
daily visual inspection of boiler or industrial furnace and associated equipment when they contain hazardous waste	85	266.103(j)(2)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
test automatic feed cutoff system and associated alarms at least once every 7 days when hazardous waste is burned unless specified conditions are demonstrated; operational testing at least once every 30 days	85	266.103(j)(3)					
monitoring and inspection data recorded and placed in operating log	85	266.103(j)(4)					
all 266.103-required information and data kept in facility operating record until closure of the boiler or industrial furnace unit	85,96	266.103(k)					
remove all hazardous waste and hazardous waste residues at closure and comply with 265.111-265.115	85	266.103(l)					
STANDARDS TO CONTROL ORGANIC EMISSIONS							
except as 266.104(a)(3) provides, DRE of 99.99% required for all organic hazardous constituents; demonstration during trial burn for each POHC in permit for each waste feed; DRE equation	85,94	266.104(a)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
POHC compliance with DRE requirements to be demonstrated in trial burn in conformance with 270.66 procedures; designation of POHCs for each waste feed by Director based on degree of difficulty of destruction and on waste feed concentrations considering analyses submitted with Part B; 261, Appendix VIII compounds unless demonstration of other compound is suitable indicator of DRE requirements	85	266.104(a)(2)					
DRE of 99.9999% for F020-F023, F026 or F027 as determined from 266.104(a)(1) equation; notification of intent to burn such wastes	85,94	266.104(a)(3)					
owners and operators of boilers operating under 266.110 requirements are exempt from DRE trial burn	85	266.104(a)(4)					
owners and operators of boilers or industrial furnaces in compliance with 266.109(a) are exempt from DRE trial burn	85	266.104(a)(5)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
except as 266.104(c) provides, CO stack gas concentration cannot exceed 100 ppmv on an hourly rolling average basis, continuously corrected to 7% oxygen, dry gas basis	85	266.104(b)(1)					
continuous monitoring of CO and oxygen in conformance with 266, Appendix IX specifications	85,94	266.104(b)(2)					
demonstration of 100 ppmv CO compliance during trial burn or compliance test; highest hourly rolling average CO must not exceed 100 ppmv	85	266.104(b)(3)					
stack gas concentration of CO may exceed 100 ppmv if HC concentrations do not exceed 20 ppmv; exception under 266.104(f)	85	266.104(c)(1)					
HC limits established on hourly rolling average basis, reported as propane, continuously corrected to 7% oxygen, dry gas basis	85	266.104(c)(2)					
HC continuously monitored under 266, Appendix IX specifications; CO and oxygen continuously monitored under 266.104(b)(2)	85,94	266.104(c)(3)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
alternative CO standard based on trial burn data (new facility) and compliance test (interim status facility); definition and implementation	85	266.104(c)(4)					
industrial furnaces that feed hazardous waste for purpose other than solely as an ingredient at any location other than end where products are normally discharged and fuels are normally fired must comply with 266.104(c) or (f) hydrocarbon limits, irrespective of whether 266.104(b) standard is met	85	266.104(d)					
site-specific risk assessment for specific boilers and industrial furnaces to demonstrate that chlorinated dibenzo-*p*-dioxins and dibenzofurans emissions do not result in increased lifetime cancer risk exceeding 1 in 100,000 MEI; assessment requirements:	85	266.104(e)					
determine emission rates of certain tetraocta congeners during trial burn or compliance test using 266, Appendix IX Method 23	85,94	266.104(e)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
estimate 2,3,7,8-TCDD toxicity equivalence of specified congeners using 266, Appendix IX procedures; formula for estimation of equivalent emission rate	85,94	266.104(e)(2)					
conduct dispersion modeling using recommended methods to predict maximum annual average off-site ground level concentrations of 2,3,7,8-TCDD equivalents; maximum annual average on-site concentration used when a person resides on-site	85	266.104(e)(3)					
specified 2,3,7,8-TCDD ratio shall not exceed 1.0	85,94,96	266.104(e)(4)					
for industrial furnaces that cannot meet the 20 ppmv HC limit because of organic matter in raw material, Director may establish alternative HC limit on case-by-case basis; cement kilns equipped with by-pass duct meeting 266.104(g) requirements not eligible for alternative limit	85	266.104(f)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
demonstrate that facility is designed and operated to minimize HC emissions from fuels and raw materials and that the facility is producing normal products under normal operating conditions feeding normal feedstocks and fuels when baseline HC (and CO) level is determined; baseline HC level and CO level defined; must be multiple baseline levels under certain conditions	85,111	266.104(f)(1)					
develop approach to monitor over time changes in facility operation that could reduce baseline HC level	85	266.104(f)(2)					
conduct emissions testing during trial burn to:	85	266.104(f)(3)					
determine baseline HC (and CO) level	85	266.104(f)(3)(i)					
demonstrate that HC (and CO) levels do not exceed baseline level when hazardous waste is burned	85	266.104(f)(3)(ii)					
identify types and concentrations of 261, Appendix VIII organic compounds that are emitted; conduct dispersion modeling; on-site ground level concentrations evaluated if person resides on-site	85,94	266.104(f)(3)(iii)					
		266.104(f)(3)(iii)(A)					
	85	266.104(f)(3)(iii)(B)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
	demonstrate that maximum annual average ground level concentrations of 266.104(f)(3)(iii) compounds do not exceed specified levels	85	266.104(f)(3)(iv)					
			266.104(f)(3)(iv)(A)					
			266.104(f)(3)(iv)(B)					
			266.104(f)(3)(iv)(C)					
	monitor and report all 266.104(f) hydrocarbon levels as 266.104(c)(1)&(2) specify	85	266.104(f)(4)					
	cement kilns may comply with CO and HC limits under 266.104(b)-(d) by monitoring in the by-pass duct provided:	85	266.104(g)					
	fire hazardous waste only into the kiln	85	266.104(g)(1)					
14	by-pass duct diverts minimum of 10% of kiln off-gas into duct	85,94	266.104(g)(2)					
	simultaneous demonstration of 266.104 compliance by emissions testing or during separate runs under identical operating conditions; data to demonstrate compliance with CO and HC limits or to establish alternative limits must be obtained during DRE testing, CDD/CDF testing and comprehensive organic emissions testing	85	266.104(h)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
compliance with permit operating requirements regarded as compliance with 266.104; if such compliance is insufficient, modification or revocation and reissuance of permit under 270.41	85	266.104(i)					
STANDARDS TO CONTROL PARTICULATE MATTER							
particulate matter emissions limited to 180 milligrams per dry standard cubic meter after specified correction using Part 60, Appendix A, Methods 1-5 and 266, Appendix IX procedures	85	266.105(a)					
owner or operator meeting 266.109(b) requirements for low risk waste exemption is exempt from particulate matter standard	85	266.105(b)					
compliance with permit operating requirements regarded as compliance with 266.105; if such compliance is insufficient, modification or revocation and reissuance of permit under 270.41	85	266.105(c)					
STANDARDS TO CONTROL METALS EMISSIONS							
compliance with 266.106(b), (c), (d), (e), or (f) for each 266.106(b) metal that is detectable in waste using specified procedures	85,94	266.106(a)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
Tier I feed rate screening limits for metals specified in 266, Appendix I as a function of terrain-adjusted effective stack height and terrain and land use in facility vicinity; criteria for ineligible facilities in 266.107(b)(7)	85	266.106(b)					
feed rates of antimony, barium, lead, mercury, thallium and silver in all feedstreams shall not exceed 266, Appendix I screening limits	85	266.106(b)(1)					
what feed rate screening limits for antimony, barium, mercury, thallium, and silver are based on	85	266.106(b)(1)(i)					
		266.106(b)(1)(i)(A)					
		266.106(b)(1)(i)(B)					
what feed rate screening limit for lead is based on	85	266.106(b)(1)(ii)					
		266.106(b)(1)(ii)(A)					
		266.106(b)(1)(ii)(B)					
		266.106(b)(1)(ii)(C)					
feed rates of arsenic, cadmium, beryllium and chromium in all feedstreams shall not exceed values derived from 266, Appendix I screening limits; feed rate limit equation	85,94	266.106(b)(2)(i)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
what feed rate screening limits for carcinogenic metals are based on		266.106(b)(2)(ii)					
	85	266.106(b)(2)(ii)(A)					
	85,94	266.106(b)(2)(ii)(B)					
equation for terrain-adjusted effective stack height (TESH)	85	266.106(b)(3)(i)					
stack height may not exceed 40 CFR 51.100(ii) good engineering practice	85	266.106(b)(3)(ii)					
if TESH for a particular facility is not listed in table in appendices, nearest lower TESH to be used; if TESH ≤ 4 meters, a value of 4 meters shall be used	85	266.106(b)(3)(iii)					
screening limits function of noncomplex or complex terrain; criteria; use U.S. Geological Survey 7.5-minute topographic maps	85	266.106(b)(4)					
screening limits function of urban or rural land use; determination using 266, Appendix IX or X	85,94	266.106(b)(5)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
facilities with multiple stacks must comply with screening limits for all units assuming all hazardous waste is fed into device with worst-case stack; worst-case stack equation, with lowest K value the worst-case stack	85,94	266.106(b)(6)					
criteria under which Tier III standards or Adjusted Tier I feed rate screening limits apply instead of Tier I and Tier II screening limits	85,111	266.106(b)(7)					
	85	266.106(b)(7)(i)					
		266.106(b)(7)(ii)					
		266.106(b)(7)(iii)					
		266.106(b)(7)(iv)					
		266.106(b)(7)(v)					
monitor feed rate of metals in each feedstream to ensure screening limits are not exceeded	85	266.106(b)(8)					
Tier II emission rate screening limits function of stack height and terrain and land use in facility vicinity; ineligible facilities comply with 266.106(b)(7) criteria	85	266.106(c)					
emission rates of antimony, barium, lead, mercury, thallium and silver shall not exceed 266, Appendix I screening limits	85	266.106(c)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
emission rates of arsenic, cadmium, beryllium and chromium shall not exceed values derived from 266, Appendix I screening limits; emission rate equation	85,94	266.106(c)(2)					
emission rate limits implemented by limiting individual metal feed rates to trial burn or compliance test levels; averaging periods; monitoring of metals feed rate in each feedstream to ensure compliance with 266.102 or 266.103 limits	85	266.106(c)(3)					
266.106(b) definitions and limitations for specified terms also apply to 266.106(c) Tier II emission rate screening limits	85	266.106(c)(4)					
facilities with multiple stacks must comply with emissions screening limits for any such stacks assuming all hazardous waste is fed into device with worst-case stack	85	266.106(c)(5)(i)					
worst-case stack determined by 266.106(b)(6) procedures	85	266.106(c)(5)(ii)					
for each metal, total emissions from those stacks shall not exceed worst-case stack screening limit	85	266.106(c)(5)(iii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
	facilities complying with either Tier III or Adjusted Tier I controls	111	266.106(d)					
15	conformance with Tier III metals control demonstrated by emissions testing; conformance with either Tier III or Adjusted Tier I metals controls demonstrated by air dispersion modeling; demonstration that acceptable ambient levels are not exceeded	85,111	266.106(d)(1)					
	266, Appendices IV and V list acceptable ambient levels; RACs listed for noncarcinogenic metals and 10^{-5} RSDs listed for carcinogenic metals; RSD defined	85	266.106(d)(2)					
	sum of the ratios of predicted ambient concentrations to risk-specific dose for all carcinogenic metals emitted shall not exceed 1.0; equation	85, 94,111	266.106(d)(3)					
	for noncarcinogenic metals, predicted maximum annual average off-site ground level concentration shall not exceed the RAC	85	266.106(d)(4)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
owners/operators with multiple stacks must conduct emissions testing and dispersion modeling to demonstrate that aggregate emissions do not exceed acceptable ambient levels; exception for facilities complying with Adjusted Tier I controls	85,111	266.106(d)(5)					
under Tier III, feed rates limited to trial burn or compliance test levels; averaging periods same as under 266.106(b)(1)(i)-(ii) and (b)(2)(ii); monitor metals feed rate in each feedstream to ensure 266.102 or 266.103 compliance	85	266.106(d)(6)					
Adjusted Tier I feed rate screening limits to account for site-specific dispersion modeling; how to estimate adjusted feed rate; feed rate screening limits for carcinogenic metals implemented under 266.106(b)(2)	85,94	266.106(e)					
alternative implementation approaches approved by Director on a case-by-case basis for Tier II or III metals emission limits	85	266.106(f)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRI IN
		266.106(f)(2)					
	85	266.106(f)(2)(i)					
	85,94	266.106(f)(2)(ii)					
determination of 266.106(d) emissions limits for each noncarcinogenic and carcinogenic metal	85	266.106(f)(2)(ii)(A)					
	85,94	266.106(f)(2)(ii)(B)					
use 266, Appendix IX Multiple Metals Train to conduct emissions testing	85	266.106(g)(1)					
chromium emissions assumed to be hexavalent chromium unless owner/operator determines otherwise	85	266.106(g)(2)					
dispersion modeling conducted according to specified methods to predict maximum annual average off-site ground level concentration; on-site concentrations when person resides on-site	85	266.106(h)					
compliance with 266.102 permit operating requirements regarded as 266.106 compliance unless evidence indicates otherwise; modification or revocation and re-issuance of permit under 270.41	85	266.106(i)					
STANDARDS TO CONTROL HYDROGEN CHLORIDE (HCl) AND CHLORINE GAS (Cl_2) EMISSIO							
compliance with HCl and Cl_2 controls under 266.107(b), (c) or (e)	85, 94,111	266.107(a)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Tier I feed rate screening limits for total chlorine specified in 266, Appendix II as a function of stack height and terrain and land use in facility vicinity; feed rate of total chlorine and chloride in all feedstreams not to exceed specified levels	85	266.107(b)(1)					
Tier II emission rate screening limits for HCl and Cl_2 specified in 266, Appendix III as a function of terrain-adjusted effective stack height and terrain and land use in facility vicinity; stack emission rates not to exceed specified levels	85,94	266.107(b)(2)					
266.106(b) definitions and limitations for specified terms also apply to 266.107(b) screening limits	85,94	266.107(b)(3)					
facilities with multiple stacks subject to HCl or Cl_2 emissions controls must comply with Tier I and II screening limits assuming all hazardous waste is fed into device with worst-case stack	85	266.107(b)(4)					
worst-case stack determined by 266.106(b)(6) procedures	85	266.107(b)(4)(i)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR(IN :
under Tier I, total feed rate of chlorine and chloride to all subject devices not to exceed worst-case stack screening limit	85	266.107(b)(4)(ii)					
under Tier II, total HCl and Cl_2 emissions from all subject stacks not to exceed worst-case stack screening limit	85	266.107(b)(4)(iii)					
conformance with Tier III controls demonstrated by HCl and Cl_2 emissions testing, air dispersion modeling, and demonstration that acceptable ambient levels are not exceeded	85	266.107(c)(1)					
266, Appendix IV lists RACs for HCl and Cl_2	85	266.107(c)(2)					
facilities with multiple stacks subject to HCl or Cl_2 emissions controls must conduct emissions testing and dispersion modeling to demonstrate that aggregate emissions do not exceed acceptable ambient levels for HCl and Cl_2	85	266.107(c)(3)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
16	HCl and Cl_2 controls implemented by limiting feed rate of total chlorine and chloride in all feedstreams; feed rate under Tier I limited to Tier I screening limits; feed rate under Tiers II and III limited to trial burn or compliance test feed rates; feed rate limits based on:	85	266.107(d)					
			266.107(d)(1)					
		85,94	266.107(d)(2)					
	adjusted Tier I feed rate screening limits to account for site-specific dispersion modeling; how to determine these adjusted rates	85	266.107(e)					
	emissions testing for HCl and Cl_2 conducted using 266, Appendix IX procedures	85	266.107(f)					
	dispersion modeling conducted according to 266.106(h) provisions	85	266.107(g)					
	compliance with 266.102 permit operating requirements regarded as 266.107 compliance unless evidence indicates otherwise; modification or revocation and re-issuance of permit under 270.41	85	266.107(h)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
SMALL QUANTITY ON-SITE BURNER EXEMPTION							
owners and operators that burn hazardous waste in on-site boiler or industrial furnace exempt from 266 Subpart H requirements provided:	85,94	266.108(a)					
quantity of hazardous waste burned for a calendar month does not exceed limits shown in table titled "Exempt Quantities for Small Quantity Burner Exemption" based on 266.106(b)(3) terrain-adjusted effective stack height; table	85,94	266.108(a)(1)					
maximum hazardous waste firing rate does not exceed 1% of total fuel requirements on a total heat input or mass input basis, whichever results in the lower mass feed rate of hazardous waste	85,96	266.108(a)(2)					
minimum heating value of 5,000 Btu/lb	85	266.108(a)(3)					
does not contain F020-F023, F026 or F027	85	266.108(a)(4)					
if mixed with non-hazardous waste, compliance with 266.108(a) quantity before mixing	85	266.108(b)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
equation for implementing 266.108(a)(1) quantity limits if burning in more than one exempt on-site boiler or industrial furnace	85, 94,111	266.108(c)					
one-time signed, written notification requirements for small quantity burner exemption	85	266.108(d)					
		266.108(d)(1)					
		266.108(d)(2)					
		266.108(d)(3)					
maintain for at least 3 years sufficient records documenting quantity firing rate and heating value limits compliance, including quantity burned per calendar month and heating value	85	266.108(e)					
LOW RISK WASTE EXEMPTION							
waiver of 266.104(a) DRE standard if device is operated in conformance with 266.109(a)(1) and burning will not result in unacceptable adverse health effects as per 266.109(a)(2) procedures	85	266.109(a)					
operating requirements for device	85	266.109(a)(1)					
	85,94,96	266.109(a)(1)(i)					
		266.109(a)(1)(ii)					
		266.109(a)(1)(iii)					
		266.109(a)(1)(iv)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
procedures to demonstrate that hazardous waste burning will not pose unacceptable adverse public health effects	85	266.109(a)(2)					
		266.109(a)(2)(i)					
		266.109(a)(2)(ii)					
		266.109(a)(2)(iii)					
		266.109(a)(2)(iii)(A)					
		266.109(a)(2)(iii)(B)					
	85,94	266.109(a)(2)(iv)					
		266.109(a)(2)(iv)(A)					
	85	266.109(a)(2)(iv)(B)					
		266.109(a)(2)(iv)(C)					
conditions under which the 266.105 particulate matter standard is waived	85	266.109(b)					
		266.109(b)(1)					
	85,94	266.109(b)(2)					
WAIVER OF DRE TRIAL BURN FOR BOILERS							
boilers operating under 266.110 requirements and that do not burn F020-F023, F026 or F027 considered in compliance with 266.104(a) DRE standard, and trial burn to demonstrate DRE is waived; when burning hazardous waste:	85	266.110					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
"primary fuel" defined; minimum of 50% primary fuel firing rate, determined on total heat or mass input basis, whichever results in the greater mass feed rate	85,96	266.110(a)					
boiler load defined and not less than 40%	85	266.110(b)					
minimum as-fired heating value of 8,000 Btu/lb	85	266.110(c)					
conformance with 266.104(b)(1) carbon monoxide standard; boilers subject to 266.110 DRE waiver not eligible for 266.104(c) alternative carbon monoxide standard	85	266.110(d)					
boiler must be water-tube type that does not feed fuel using a stoker or stoker type mechanism	85	266.110(e)					
conditions under which hazardous waste shall be fired directly into primary fuel flame zone of combustion chamber with an air or steam, mechanical or rotary cup atomization system		266.110(f)					
		266.110(f)(1)					
	85	266.110(f)(2)					
	85,94	266.110(f)(3)					
	85	266.110(f)(4)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
STANDARDS FOR DIRECT TRANSFER							
266.111 regulations apply to boilers and industrial furnaces subject to 266.102 or 266.103 if direct transfer of hazardous waste from transport vehicle to boiler or industrial furnace without use of storage unit	85	266.111(a)					
for 266.111, terms have meanings given in 266.111(b)(1)	85	266.111(b)(1) intro					
"direct transfer equipment"	85	266.111(b)(1)					
"container"	85	266.111(b)(1)					
"tank systems" means direct transfer equipment when Subparts I and J of Parts 264 and 265 are referenced	85	266.111(b)(2)					
no direct transfer of pumpable hazardous waste from open-top container to boiler or industrial furnace	85	266.111(c)(1)					
direct transfer equipment requirements	85	266.111(c)(2)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
direct transfer of hazardous waste to boiler or industrial furnace conducted so that it does not result in any 266.111(c)(3)(i)-(vi) situation	85	266.111(c)(3)					
		266.111(c)(3)(i)					
		266.111(c)(3)(ii)					
		266.111(c)(3)(iii)					
		266.111(c)(3)(iv)					
		266.111(c)(3)(v)					
		266.111(c)(3)(vi)					
conditions under which hazardous waste shall not be placed in direct transfer equipment	85	266.111(c)(4)					
appropriate controls and practices to prevent spills and overflows from direct transfer equipment or its secondary containment system	85	266.111(c)(5)					
		266.111(c)(5)(i)					
		266.111(c)(5)(ii)					
applying 266.111(b)(1) definition of container, owners and operators must comply with:	85	266.111(d)					
264.175 containment requirements	85	266.111(d)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
use and management requirements of Subpart I, Part 265 requirements, except 265.170 and 265.174; compliance with specified maintenance and protective distances in lieu of 265.176 requirements; written certification by local fire marshall to be kept on file	85,96	266.111(d)(2)					
264.178 closure requirements	85	266.111(d)(3)					
direct transfer equipment must meet following requirements:	85	266.111(e)					
secondary containment requirements for new and existing equipment	85	266.111(e)(1)					
		266.111(e)(1)(i)					
		266.111(e)(1)(ii)					
for existing direct transfer equipment without secondary containment, determination whether leaking or unfit for use; written assessment reviewed and certified by qualified, registered professional engineer in accordance with 270.11(d) by August 21, 1992	85	266.111(e)(2)(i)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
		266.111(e)(2)(ii)					
		266.111(e)(2)(ii)(A)					
		266.111(e)(2)(ii)(B)					
		266.111(e)(2)(ii)(C)					
		266.111(e)(2)(ii)(D)					
minimum considerations for assessment	85	266.111(e)(2)(ii)(E)					
if, due to 266.111(e)(2)(i)&(ii) assessment, direct transfer equipment found to be leaking or unfit for use, compliance with 265.196(a) and (b)	85	266.111(e)(2)(iii)					
		266.111(e)(3)(i)					
		266.111(e)(3)(i)(A)					
inspection requirements at least once each operating hour when transferring hazardous waste from container to boiler or industrial furnace	85	266.111(e)(3)(i)(B)					
		266.111(e)(3)(i)(C)					
inspect cathodic protection systems to ensure 265.195(b) compliance	85	266.111(e)(3)(ii)					
records of inspections maintained in operating record for at least 3 years	85	266.111(e)(3)(iii)					
265.192 compliance for design and installation of new ancillary equipment	85	266.111(e)(4)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRC IN S
	265.196 compliance for response to leaks or spills	85	266.111(e)(5)					
	265.197 closure compliance, except 265.197(c)(2)-(4)	85	266.111(e)(6)					
17	REGULATION OF RESIDUES							
	residue derived from burning or processing of hazardous waste is not excluded under 261.4(b)(4), (7) or (8) unless device and owner or operator meet the following requirements:	85,94	266.112					
18		85	266.112(a)					
		85,96	266.112(a)(1)					
	criteria the device must meet:		266.112(a)(2)					
		85	266.112(a)(3)					
	demonstration by owner or operator that hazardous waste does not significantly affect residue by demonstrating conformance with either of two criteria:	85	266.112(b)					
	comparison of waste-derived residue with normal residue for 261, Appendix VIII constituents; procedures to be used	85	266.112(b)(1)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	determination of concentrations of toxic constituents of concern in normal residue based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation; determine compositing period not to exceed 24 hours; upper tolerance limit (at 95% confidence with a 95% proportion of the sample distribution) for the statistically-derived concentration; when to revise; how to determine the upper tolerance limit	85,96	266.112(b)(1)(i)					
18	sampling and analysis of waste-derived residue to determine whether residue generated during each 24-hour period has concentrations of toxic constituents higher than 266.112(b)(1)(i) normal residue concentrations; if so, residue not excluded from definition of hazardous waste; toxic constituent concentrations based on analysis of samples obtained over 24-hour period; for multiple samples, concentration of toxic constituent is arithmetic mean; no results may be disregarded	85,96	266.112(b)(1)(ii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BI IN
concentration of each nonmetal toxic constituent of concern in waste-derived residue must not exceed health-based limits specified in 266, Appendix VII or level detection using SW-846 analytical procedures; if no limit in Appendix VII, limit is 0.002 mg/kg or level of detection, whichever is higher	85,111	266.112(b)(2)(i)					
for metal constituents, in extract concentration obtained using 261.24 TCLP not to exceed 266, Appendix VII limits	85	266.112(b)(2)(ii)					
sampling and analysis of waste-derived residue to determine whether residue generated during each 24-hour period has concentrations of toxic constituents higher than health-based levels; determination of toxic concentrations based on analysis of one or more samples obtained over 24-hour period; for multiple samples, concentration of toxic constituent is arithmetic mean of concentrations in samples; no results may be disregarded	96	266.112(b)(2)(iii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	85,96	266.112(c)					
records to document 266.112 compliance to be retained until closure of boiler or industrial furnace unit; information to be recorded		266.112(c)(1)					
		266.112(c)(2)					
		266.112(c)(2)(i)					
	85	266.112(c)(2)(ii)					
APPENDIX I TO PART 266							
TIER I AND TIER II FEED RATE AND EMISSIONS SCREENING LIMITS FOR METALS							
Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain (see 56 FR 7228 and 56 FR 32690 or the July 1, 1992 CFR)	85,94	Appendix I/ Table I-A					
Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain (see 56 FR 7229)	85	Appendix I/ Table I-B					
Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Complex Terrain (see 56 FR 7229)	85	Appendix I/ Table I-C					
Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Noncomplex Terrain (see 56 FR 7230 and 56 FR 32690 or the July 1, 1992 CFR)	85,94	Appendix I/ Table I-D					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
	Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Complex Terrain (see 56 FR 7230 and 56 FR 32690, or the July 1, 1992 CFR)	85,94	Appendix I/ Table I-E					
	APPENDIX II TO PART 266							
	TIER I FEED RATE LIMITS FOR TOTAL CHLORINE							
19	Tier I feed rate screening limits for chlorine for facilities in noncomplex and complex terrain (see 56 FR 32690-32691 or the July 1, 1992 CFR)	85,94	Appendix II					
	APPENDIX III TO PART 266							
	TIER II EMISSION RATE SCREENING LIMITS FOR FREE CHLORINE AND HYDROGEN CHLORIDE							
19	Tier II emissions screening limits for Cl_2 and HCl in non-complex and complex terrain (see 56 FR 32691 or the July 1, 1992 CFR)	85,94	Appendix III					
	APPENDIX IV TO PART 266							
	REFERENCE AIR CONCENTRATIONS							
	Constituents, CAS Nos. and RAC (see 56 FR 7232 and 56 FR 32691 or the July 1, 1992 CFR)	85,94	Appendix IV					
	APPENDIX V TO PART 266							
	RISK SPECIFIC DOSES							
	Constituents, CAS Nos., Unit risk and RsD (see 56 FR 7232-7233 or the July 1, 1992 CFR)	85	Appendix V					

CONSOLIDATED CHECKLIST: *Burning of Hazardous Waste in* Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
APPENDIX VI TO PART 266							
STACK PLUME RISE							
flow rates and exhaust temperatures (see 56 FR 7233-7234 or the July 1, 1992 CFR)	85	Appendix VI					
APPENDIX VII TO PART 266							
HEALTH-BASED LIMITS FOR EXCLUSION OF WASTE-DERIVED RESIDUES							
Metals--TCLP Extract Concentration Limits (56 FR 7234 and 56 FR 32691 or the July 1, 1992 CFR)	85,94	Appendix VII					
Nonmetals--Residue Concentration Limits (see 56 FR 7234 and 56 FR 32691 or the July 1, 1992 CFR)	85,94	Appendix VII					
APPENDIX VIII TO PART 266							
POTENTIAL PICs FOR DETERMINATION OF EXCLUSION OF WASTE-DERIVED RESIDUES							
PICs Found in Stack Effluents (see 56 FR 7235 and 56 FR 32691 or the July 1, 1992 CFR)	85,94	Appendix VIII					
APPENDIX IX TO PART 266							
METHODS MANUAL FOR COMPLIANCE WITH BIF REGULATIONS							
20 Burning Hazardous Waste in Boilers and Industrial Furnaces (see 56 FR 32692-32795 or the July 1, 1992 CFR)	85,94	Appendix IX					
20 Classification of Land Use Types (see 56 FR 32770 and 57 FR 38566)	85, 94,111	Appendix IX/ Section 5.0/ Table 5.0-3					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
20, 21	ISCST Predicted Maximum Concentrations (see 56 FR 32771; 57 FR 38566; and 57 FR 44999)	85,94, 111,114	Appendix IX/ Section 5.0/ Table 5.0-4					
20, 21	ISCST Predicted Maximum Concentrations (see 56 FR 32772-32773; 57 FR 38566; and 57 FR 44999)	85,94, 111,114	Appendix IX/ Section 5.0/ Table 5.0-5					
20	Simplified Land Use Classification Procedure for Compliance with Tier I and Tier II Limits (see 56 FR 32782-32783 or the July 1, 1991 CFR; and 57 FR 38566)	85, 94,111	Appendix IX/ Section 6.0					
20, 22	Statistical Methodology for Bevill Residue Determinations (see 56 FR 42516 & 42517)	85,94,96	Appendix IX/ Section 7.0					
20	Special procedures for chlorine, HCl and CL_2 (see 56 FR 32786-32787 and 56 FR 42512, Corrections 6 and 7 under Part 270; note these corrections should have been placed under Part 266)	85,94,96	Appendix IX/ Section 9.2					
23	Statistics (see 56 FR 32796 or the July 1, 1992 CFR)	85,94	Appendix A to Appendix IX					
23	APPENDIX X TO PART 266							
	GUIDELINE ON AIR QUALITY MODELS (REVISED)							
	Guideline on Air Quality Models (see 56 FR 32796-32819 or the July 1, 1992 CFR)	85,94	Appendix X					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
Summaries of Preferred Air Quality Models (see 56 FR 32819-32828 or the July 1, 1992 CFR)	85,94	Appendix A to Appendix X					
Summaries of Alternative Air Quality Models (see 56 FR 32828-32849 or the July 1, 1992 CFR)	85,94	Appendix B to Appendix X					
Example Air Quality Analysis Checklist (see 56 FR 32849-32852 or the July 1, 1992 CFR)	85,94	Appendix C to Appendix X					
APPENDIX XI TO PART 266							
LEAD-BEARING MATERIALS THAT MAY BE PROCESSED IN EXEMPT LEAD SMELTERS							
add new appendix addressing lead-bearing materials that may be processed in exempt lead smelters (see 56 FR 42517)	96	Appendix XI					
APPENDIX XII TO PART 266							
NICKEL- OR CHROMIUM-BEARING MATERIALS THAT MAY BE PROCESSED IN EXEMPT NICKEL-CHROMIUM RECOVERY FURNACES							
add new appendix addressing nickel or chromium-bearing materials that may be processed in exempt nickel-chromium recovery furnaces (see 56 FR 42517)	96	Appendix XII					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR(IN :
PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM							
SUBPART B - PERMIT APPLICATION							
24 **SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACE: BURNING HAZARDOUS WASTE**							
owners and operators subject to 266.104-266.107 must conduct a trial burn and must submit a trial burn plan or results in accordance with 270.66	85	270.22(a)(1)					
waiver of trial burn to demonstrate conformance with a particular emission standard under 266.104-266.107 and 270.22(a)(2)-(a)(5)	85	270.22(a)(1)(i)					
data in lieu of a trial burn as 270.22(a)(6) specifies	85	270.22(a)(1)(ii)					
boiler owners and operators seeking to be permitted under 266.104(a)(4) and 266.110; must submit documentation showing boiler compliance with special operating requirements at 266.110; trial burn waived	85	270.22(a)(2)(i)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
information that must be submitted for boilers and industrial furnaces seeking to be permitted under the low risk waste provisions of 266.104(a)(5) and 266.109(a) without a trial burn		270.22(a)(2)(ii)					
	85	270.22(a)(2)(ii)(A)					
		270.22(a)(2)(ii)(B)					
	85,94	270.22(a)(2)(ii)(C)					
		270.22(a)(2)(ii)(D)					
	85	270.22(a)(2)(ii)(E)					
information that must be submitted when seeking to be permitted under Tier I *metals feed rate* screening limits at 266.106(b)&(e) without a trial burn		270.22(a)(3)					
		270.22(a)(3)(i)					
		270.22(a)(3)(ii)					
		270.22(a)(3)(iii)					
		270.22(a)(3)(iv)					
		270.22(a)(3)(v)					
		270.22(a)(3)(vi)					
	85	270.22(a)(3)(vii)					
when seeking to be permitted under the low risk waste provisions of 266.109(b) which waives the particulate standard, submit documentation supporting 270.22(a)(2)(ii) and (a)(3) conformance	85	270.22(a)(4)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
information to be submitted when seeking to be permitted under Tier I feed rate screening limits for total chloride and chlorine under 266.107(b)(1) and (e) provisions without a trial burn		270.22(a)(5)					
		270.22(a)(5)(i)					
		270.22(a)(5)(ii)					
		270.22(a)(5)(iii)					
		270.22(a)(5)(iv)					
		270.22(a)(5)(v)					
	85	270.22(a)(5)(vi)					
	85,94	270.22(a)(5)(vii)					
owner or operator may seek exemption from trial burn requirements demonstrating 266.104-266.107 conformance, by providing information from previous compliance testing of the device or compliance testing or trial burns of similar boilers or industrial furnaces; burning similar wastes under similar conditions 270.66 design and operation information required; conditions under which Director shall approve a permit application in lieu of a trial burn; additional information to be submitted	85,94	270.22(a)(6)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
		270.22(a)(6)(i)					
		270.22(a)(6)(i)(A)					
		270.22(a)(6)(i)(B)					
for a waiver from any trial burn:	85	270.22(a)(6)(i)(C)					
for a waiver of DRE trial burn, basis for selection of the POHCs used in other burns which demonstrate 266.104(a) compliance; analysis should specify 261, Appendix VIII constituents in hazardous waste for which a permit is sought and any differences from POHCs for which data are provided	85	270.22(a)(6)(ii)					
	85	270.22(b)					
	85,94	270.22(b)(1)					
		270.22(b)(2)					
		270.22(b)(3)					
		270.22(b)(4)					
minimum information to be submitted for industrial furnaces with organic matter in raw materials requesting an alternative HC limit under 266.104(f)		270.22(b)(4)(i)					
		270.22(b)(4)(ii)					
		270.22(b)(5)					
	85	270.22(b)(6)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BF IN
when seeking to be permitted under 266.106(f) alternative metals implementation approach, submit documentation that ensures 266.106(c) or (d) compliance and how approach can be implemented and monitored; provide other information as Director finds necessary	85	270.22(c)					
describe automatic waste feed cutoff system, including any pre-alarm systems	85	270.22(d)					
use of direct transfer operations requires submittal of information supporting 266.111 conformance	85	270.22(e)					
demonstration of 266.112 conformance if claim is made that residues are excluded from regulation	85	270.22(f)					
SUBPART D - CHANGES TO PERMITS							
25 PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE							
replace "270.21" with "270.22" and "and 270.63" with "270.63 and 270.66"	94	270.42(c)(1)(iv)					
paragraph heading is changed to "Newly regulated wastes and units"	85	270.42(g)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
add wording at end of paragraph regarding the continued management of hazardous waste in units newly regulated as hazardous waste management units; change "wates" to "wastes"	85,94	270.42(g)(1)					
insert "The unit" before "was in existence"; add "or newly regulated waste management unit" after "characterized waste"; add "or regulating the unit" at end of paragraph; change "effetive" to "effective"	85,94	270.42(g)(1)(i)					
insert "The permittee" before "submits"; insert "or unit" after "waste"	85	270.42(g)(1)(ii)					
insert "The permittee" before "is"; insert "applicable" before "standards"; change "Part 265" to "Parts 265 and 266 of this chapter"	85	270.42(g)(1)(iii)					
delete "In the case of Classes 2 and 3 modifications,"; insert "The permittee" before "also"; replace "permit modification" with "Class 2 or 3 modification"; change "180 days after" to "180 days of"; add "or subjecting the unit to RCRA Subtitle C management standards" to end of paragraph	85,94	270.42(g)(1)(iv)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BI IN
26	insert "the permittee" before "certifies"; insert "each" before "such unit"; change "Part 265" to "requirements of Part 265 of this chapter for"; add ", or regulating the unit as a hazardous waste management unit" after "hazardous"; change "clarify" to "certify"; insert "all" before "these requirements"; change "shall lose" to "will lose"	85	270.42(g)(1)(v)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
change heading of "L." to "Incinerators, Boilers, and Industrial Furnaces"; in "L.1." & "L.2." replace "a waste feed rate limit, or an organic feed rate limit" with "a feed-stream feed rate limit, a chlorine/ chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit"; in "L.3." replace "HCl" with "HCl/Cl_2 metals,"; in "L.3." & "L.4." insert ", boiler, or industrial furnace" after "incinerator"; in "L.5." replace "." after "requirements" with ":"; in "L.5.a." insert "or maximum" before "combustion gas temperature" & add "flue gas carbon monoxide and hydrocarbon concentration, maximum temperature at the inlet to the particulate matter emission control system, or operating parameters for the air pollution control system" after "chamber"; change "L.6." heading to "Burning different wastes:"; in "L.6.a." change "incineration" to "burning"; in "L.6.a. & b." change all "to incinerate" to "to burn"; in "7.b." change "waste incineration" to "waste burning"; in "L.8." insert "non-hazardous waste before "fuel"	85,94	270.42/ Appendix I					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
SUBPART F - SPECIAL FORMS OF PERMITS							
PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE							
new boilers and industrial furnaces subject to 270.66(b)-(f); those under interim status standards of 266.103 subject to 270.66(g)	85	270.66(a)					
permit for new boiler or industrial furnace shall specify appropriate conditions for the following operating periods:	85	270.66(b)					
pretrial burn period described; Director must establish in Pretrial Burn Period of permit conditions, allowable hazardous waste feed rates and operating conditions; extension of period for up to 720 additional hours; permit may be modified to reflect extension as per 270.42	85	270.66(b)(1)					
submittal of statement with Part B that suggests operating conditions for 266.104-266.107 compliance during period, including restrictions on 266.102(e) operating requirements	85	270.66(b)(1)(i)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
review of Part B materials and specification by Director of requirements sufficient to meet 266.104-266.107 performance standards based on engineering judgment	85 111,114	270.66(b)(1)(ii)					
for duration of trial burn, Director establishes conditions in permit to determine feasibility of compliance with 266.104-266.107 standards and to determine adequate 266.102(e) operating conditions; applicants must propose a trial burn plan as per 270.66(c) and submit with Part B	85	270.66(b)(2)					
for defined minimum period immediately following trial burn, during which submission and review of trial burn results and modification of permit by Director occurs, Director establishes operating requirements most likely to ensure compliance with 266.104-266.107 standards	85	270.66(b)(3)(i)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
submittal of statement with Part B that identifies operating conditions for 266.104-266.107 compliance during period, including restrictions on 266.102(e) operating requirements	85	270.66(b)(3)(ii)					
review and specification by Director of requirements sufficient to meet 266.104-266.107 performance standards based on engineering judgment	85	270.66(b)(3)(iii)					
for final period of operation, Director develops operating requirements in conformance with 266.102(e) and 266.104-266.107 standards; Director shall make necessary modifications to permit as per 270.42 based on trial burn results to ensure compliance	85,94	270.66(b)(4)					
information the trial burn plan must include; Director may require supplemental information	85	270.66(c)					
analysis of each feedstream, as fired	85	270.66(c)(1)					
		270.66(c)(1)(i)					
		270.66(c)(1)(ii)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
analysis of each hazardous waste, as fired	85	270.66(c)(2)					
		270.66(c)(2)(i)					
	85,94	270.66(c)(2)(ii)					
	85	270.66(c)(2)(iii)					
detailed engineering description of boiler or industrial furnace		270.66(c)(3)					
		270.66(c)(3)(i)					
		270.66(c)(3)(ii)					
		270.66(c)(3)(iii)					
		270.66(c)(3)(iv)					
	85	270.66(c)(3)(v)					
		270.66(c)(3)(vi)					
	85,94	270.66(c)(3)(vii)					
	85	270.66(c)(3)(viii)					
detailed description of sampling and monitoring procedures	85	270.66(c)(4)					
detailed test schedule for each hazardous waste for which the trial burn is planned	85	270.66(c)(5)					
detailed test protocol	85	270.66(c)(6)					
description of, and planned operating conditions for, any emission control equipment to be used	85	270.66(c)(7)					
procedures for rapid stopping of hazardous waste feed and emissions control if an equipment malfunction	85	270.66(c)(8)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
other information Director finds necessary	85	270.66(c)(9)					
trial burn conducted to demonstrate conformance with 266.104-266.107 standards under an approved trial burn plan	85	270.66(d)(1)					
		270.66(d)(2)					
		270.66(d)(2)(i)					
		270.66(d)(2)(ii)					
findings under which the Director shall approve a trial burn plan	85	270.66(d)(2)(iii)					
		270.66(d)(2)(iv)					
submit to Director within 90 days of trial burn completion a certification that trial burn was carried out in accordance with approved plan and results of all 270.66(c) required determinations	85	270.66(d)(3)					
submit all data collected during any trial burn	85	270.66(d)(4)					
270.66(d) submissions must be certified by signature of person authorized to sign permit application or 270.11 report	85	270.66(d)(5)					
for DRE trial burn under 266.104(a), Director will specify trial POHCs; basis for specification	85	270.66(e)					
determinations to be made based on each trial burn:	85	270.66(f)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
quantitative analysis of specified materials in the feedstreams	85	270.66(f)(1)					
determinations needed when a DRE trial burn is required under 266.104(a)	85	270.66(f)(2)					
		270.66(f)(2)(i)					
		270.66(f)(2)(ii)					
		270.66(f)(2)(iii)					
quantitative analysis of stack gas and a computation showing conformance with the emission standard when a trial burn is required for chlorinated dioxins and furans under 266.104(e)	85,94	270.66(f)(3)					
quantitative analysis of stack gas and computations showing conformance with applicable emission standards when a trial burn is required for particulate matter, metals, or HCl/Cl_2 under 266.105, 266.106(c) or (d), or 266.107(b)(2) or (c)	85	270.66(f)(4)					
quantitative analysis of scrubber water, ash residues, other residues and products to estimate fate of trial POHCs, metals, and chlorine/chloride when a trial burn is required for DRE, metals or HCl/Cl_2 under 266.104(a), 266.106(c) or (d), or 266.107(b)(2) or (c)	85	270.66(f)(5)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
identification of sources of fugitive emissions and their means of control	85	270.66(f)(6)					
continuous measurement of CO, oxygen, and HC in stack gas	85	270.66(f)(7)					
such other information as Director specifies	85,94	270.66(f)(8)					
to determine feasibility of compliance with 266.104-266.107 performance standards and adequate operating conditions under 266.103, applicants of existing devices operated under interim status must either prepare and submit a trial burn plan and perform a trial burn or submit 270.22(a)(6) information; submit trial burn results with Part B application if plan approved before Part B submission; date for submission; requirements if submitting trial burn plan with Part B application	85	270.66(g)					
SUBPART G - INTERIM STATUS							
CHANGES DURING INTERIM STATUS							
add new paragraph regarding the addition of newly regulated units if a revised Part A permit application is submitted on or before the date the unit becomes subject to the new requirements	85	270.72(a)(6)					

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
add new paragraph regarding the addition of newly regulated units under 270.72(a)(6)	85	270.72(b)(7)					
TERMINATION OF INTERIM STATUS							
insert "which has achieved interim status prior to November 8, 1984, interim status terminates" before "on November 8, 1989"	85,94	270.73(f)					
insert "which has achieved interim status prior to November 8, 1984, interim status terminates" before "on November 8, 1992"	85,94	270.73(g)					

1 Revision Checklist 85 (February 21, 1991; 56 FR 7134) redesignated the old paragraph (d)(2) as (d)(3) and introduced a new paragraph (d)(2) into the code. Revision Checklist 94 (July 17, 1991; 56 FR 32688) made technical corrections to the February 21, 1991 amendatory language for 261.2 and incorrectly redesignated paragraph (d)(3) as (d)(4) and paragraph (d)(4) as (d)(5). The Federal code, as of February 21, 1991, did not include 261.2(d)(3) or 261.2(d)(4). The technical correction addressed by Revision Checklist 96 (August 27, 1991; 56 FR 42504) fixed this error.

2 The Federal Register addressed by Revision Checklist 94 designated this paragraph as "261.3(c)(2)(ii)(8)." This is a typographical error; the correct paragraph designation is "261.3(c)(2)(ii)(B)." This error was ultimately corrected by the rule addressed by Revision Checklist 96.

3 Note that Revision Checklist 85 made revisions to paragraphs 265.112(d)(2), 265.112(d)(2)(i), 265.112(d)(2)(ii), 265.113(a) and 265.113(b). However, the technical correction addressed by Revision Checklist 96 reversed the revisions made by Revision Checklist 85 and retained the July 1990 CFR language. Thus, States should not make any changes to paragraphs 265.112(d)(2), 265.113(a) or 265.113(b).

4 Revision Checklist 112 (57 FR 41566; September 10, 1992) removed and reserved Subpart E of Part 266 and recodified the Subpart E provisions as portions of the new Part 279.

5 Note that there is a typographical error in the Federal Register addressed by Revision Check 94 (56 FR 32692; July 17, 1991). The "§266.4" in the heading should be "§266.40." Th error was corrected by Revision Checklist 96 at 56 FR 42512 (August 27, 1991).

6 This paragraph was entered into the code by Revision Checklist 85 and was modified by Revision Checklist 96. Subsequently, Revision Checklist 98 issued an administrative stay o the BIF rule as it applies to coke ovens burning certain hazardous wastes from the coke by-products recovery process. This administrative stay was removed by Revision Checklist 10 (57 FR 27880; June 22, 1992). Note also that Revision Checklist 98 incorrectly changed tl reference "266.100(b), (c), (d) and (f)" to "266.100(b), (c) and (d)." This error was correct by Revision Checklist 111 at 57 FR 38564 (August 25, 1992).

7 Revision Checklist 112 (57 FR 41566, September 10, 1992) removed and reserved Subpart of Part 266 and recodified the Subpart E provisions as portions of the new Part 279. To reflect this change, Revision Checklist 112 revised 266.100(b)(1) to refer to Part 279 rathei than Subpart E of Part 266.

8 Note that the Federal Register addressed by Revision Checklist 85 designated this paragraph as "266.102(d)(4)(D)." This is a typographical error; the correct designation is "266.102(d)(4)(iv)." See technical correction at 56 FR 32688 (July 17, 1991; Revision Checklist 94).

9 There seems to be an error in the Federal Register addressed by Revision Checklist 85. Federal code refers to "particulate matter standard in § 266.111(b)," but 266.111(b) addresses definitions of "direct transfer equipment" and "container," not particulate matter standards. It appears that the Federal code should likely reference 266.105(a) as it does contain a particulate matter standard.

10 Note that in the February 21, 1991 rule addressed by Revision Checklist 85, the subparagra designation was not italicized. This is a typographical error. The August 27, 1991 (56 FR 42504; Revision Checklist 96) technical correction fixes this error.

11 Note that the August 27, 1991 Federal Register, which addressed the technical correction f this citation, has a typographical error; the reference to "266.102(e)(4)(iii)(c)(*1*) and (*2*)" in this citation should be "266.102(e)(4)(iii)(C)(*1*) and (*2*)."

12 Note that in the Federal Register for Revision Checklist 85, the subparagraph designation w not italicized. This is a typographical error. The 56 FR 32688 (July 17, 1991; Revision Checklist 94) technical correction fixes this error.

13 Note that the July 1, 1992 CFR inadvertently omitted the text to 266.103(c)(1)(i)-(xiii) and 266.103(c)(3)(ii)-(iii)(C) from the Federal code. States should incorporate these paragraphs as found in the Federal Register addressed by Revision Checklist 85 (56 FR 7134; February 21, 1991), and amended by Revision Checklist 94 (56 FR 32688; July 17, 1991).

CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in Boilers and Industrial Furnaces as of June 30, 1993 (cont'd)

14 In the Federal Register addressed by Revision Checklist 85, the designation for this subparagraph is 266.104(g)2. This is a typographical error; the correct designation is 266.104(g)(2). See the technical correction at 56 FR 32689 (July 17, 1991; Revision Checklist 94).

15 Note that there is an error in the Federal Register for Revision Checklist 111 (57 FR 38558; August 25, 1992) for this rule. The phrase "dispersion modeling to predict the maximum annual average off-site ground level contamination for each" appears twice but should only occur once.

16 In the Federal Register addressed by Revision Checklist 85, the designations for these subparagraphs are 266.107(d)(i) and 266.107(d)(ii) (see 56 FR 7225). These are typographical errors. The subparagraphs should be designated 266.107(d)(1) and 266.107(d)(2). See technical corrections at 56 FR 32690 (July 17, 1991; Revision Checklist 94).

17 In the Federal Register addressed by Revision Checklist 85, the section designation for regulation of residues is 266.122 (see 56 FR 7227). This is a typographical error and the section should be designated 266.112. Revision Checklist 94 corrects this error at 56 FR 32688 (July 17, 1991).

18 Note that Revision Checklist 96 replaced the old paragraph introduced into the code by Revision Checklist 85.

19 Note that Revision Checklist 94 replaced the old Table introduced into the code by Revision Checklist 85.

20 Note that Revision Checklist 85 simply makes an announcement concerning the publishing of the Appendix at a future time. The Appendix was actually entered into the code by Revision Checklist 94. Subsequently, sections 7.0 and 9.2 were modified by Revision Checklist 96; section 5.0 was modified by Revision Checklists 111 and 114, and section 6.0 was modified by Revision Checklist 111.

21 Note that there are errors in the Federal Register for Revision Checklist 111 (57 FR 38558; August 25, 1992) for this rule. The original titles for these tables in the July 17, 1991 rule (56 FR 32688; Revision Checklist 94) read "$\mu G/M^3$", not"$8G/M^3$" as indicated in the corrections numbered 11 and 12 on page 38566 of the Federal Register for Revision Checklist 111. The "$8G/m^3$," however, appears in the 1991 CFR and is incorrect. These errors were corrected by Revision Checklist 114 (57 FR 44999, September 30, 1992). The "$\mu G/m^3$" in the July 16, 1991 Federal Register and the "$8G/m^3$" in the 1991 CFR should read "$\mu g/m^3$" not "g/m^3" as shown at 57 FR 38566 (August 25,1992).

22 Note that Revision Checklist 96 replaced the old section 7.0 introduced into the code by Revision Checklist 94.

[23] Note that Revision Checklist 85 simply makes an announcement concerning the publishing the Appendix at a future date. The Appendix was actually entered into the code by Revisio Checklist 94.

[24] Note that this is the same section of code which contained the specific Part B information requirements for the Wood Preserving listing (55 FR 50450). Thus, the Part B boilers/industrial furnace requirements were added so that the Part B information requireme for drip pads were inadvertently removed by the rule addressed by Revision Checklist 85 (5 FR 7134; February 21, 1991). On July 1, 1991 (56 FR 30192; Revision Checklist 92) a technical correction was published moving the wood preserving requirements to 270.26.

[25] States only need to make changes if they have adopted, or plan to adopt, the provisions addressed by Revision Checklist 54 (53 FR 37912), because 270.42 is not required by 271.14 to be part of a State's permitting program.

[26] The paragraph following 270.42(g)(1)(v) in Federal code, i.e., 270.42(g)(2), is included in th Federal Register for Revision Checklist 85 (56 FR 7237, February 21, 1991). However, no changes were made to the paragraph by the February 21, 1991 rule, so it has not been included in this consolidated checklist.

Consolidated Checklist for the Toxicity Characteristics Revisions
as of June 30, 1993

The following consolidated checklist
should replace the existing version in
SAM Appendix K

CONSOLIDATED CHECKLIST
for the
Toxicity Characteristics Revisions as of June 30, 1993

Note: 1) This checklist consolidates the changes to the Federal code addressed by the Toxicity Characteristic (TC) Rule [55 FR 11798; March 29, 1990; Revision Checklist 74] and subsequent revisions which have occurred through June 30, 1993, as follows:

- Revision Checklist 74 [55 FR 11748 (March 29, 1990), 55 FR 26986 (June 29, 1990)];
- Revision Checklist 80 [55 FR 40834 (October 5, 1990), 56 FR 3978 (February 1, 1991), 56 FR 13406 (April 2, 1991)];
- Revision Checklist 84 [56 FR 5910 (February 13, 1991)];
- Revision Checklist 108 [57 FR 30657 (July 10, 1992)];
- Revision Checklist 117 B [57 FR 23062 (June 1, 1992)]; and
- Revision Checklist 119 [57 FR 55114 (November 24, 1992)].

Note that there have been several technical corrections to the TC Rule preamble. An August 2, 1990 (55 FR 31387) notice corrected a typographical error in an implementation timetable found in the TC Rule's preamble. This error created confusion among small quantity generators regarding their notification responsibilities for TC wastes. This rule also extended the period of time within which affected small quantity generators must comply with the new modification requirements. An August 10, 1990 (55 FR 32377) notice corrected the August 2, 1990 notice. On September 27, 1990, a clarification to the March 29 final rule was published in the Federal Register (55 FR 39409) regarding four implementation issues. This clarification also only affected the TC Rule preamble.

No final rules were promulgated between January 1, 1993, and June 30, 1993 that affected the TC rule. Therefore, this consolidated checklist for Toxicity Characteristics Revisions is identical to that of December 31, 1992.

2) Two interim final rules (55 FR 40834; October 5, 1990 and 56 FR 3978; February 1, 1991) and a final rule (56 FR 13406; April 2, 1991) extended the compliance date of the Toxicity Characteristic (TC) Rule for certain hydrocarbon recovery and remediation operations. This extension is addressed by Revision Checklist 80 and included in this Consolidated Checklist. Because a less stringent requirement than that imposed by the TC Rule was in effect until January 25, 1993, the incorporation by States of this extension is optional.

3) States are strongly encouraged to adopt the Permit Modifications Rule (53 FR 37912; September 28, 1988; Revision Checklist 54) and the "Christmas Tree Rule" (54 FR 9596; March 7, 1989; Revision Checklist 61) to ease implementation of the Toxicity Characteristic Rule and future waste listings. While both of these rules are optional, they will greatly reduce the immediate permit burden resulting from the TC Rule.

CONSOLIDATED CHECKLIST : Consolidated Checklist for the Toxicity Characteristics Revisions as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BI IN
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART A - GENERAL							
DEFINITION OF HAZARDOUS WASTE							
change "Extraction Procedure Toxicity characteristic" to "Toxicity Characteristic"	117 B	261.3(a)(2)(i)					
EXCLUSIONS							
replace "characteristic of EP toxicity" with "Toxicity Characteristic"	74	261.4(b)(6)(i)					
replace "characteristic of EP toxicity, and do not fail the test for" with "toxicity characteristic for any other constituent, and do not exhibit"	108	261.4(b)(6)(ii)					
insert "arsenical-treated" after "discarded"; replace "characteristic of EP toxicity" with "Toxicity Characteristic for Hazardous Waste Codes D004 through D017"; delete "or reasons," after "reason"	74,108	261.4(b)(9)					

CONSOLIDATED CHECKLIST : Consolidated Checklist for the Toxicity Characteristics Revisions as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
1	add new paragraph regarding petroleum-contaminated media and debris that fail the 261.24 Toxicity Characteristic test (D018 through D043 only) and are subject to Part 280 corrective action	74	261.4(b)(10)					
†,2	Extension for Specified Hydrocarbon Recovery Operations							
	add new paragraph; until January 25, 1993, exclusion for injected groundwater exhibiting the 261.24 Toxicity Characteristic that is infiltrated or reinjected pursuant to specified hydrocarbon recovery operations existing on or before March 25, 1991; extension only until six months after final rule publication for groundwater returned through infiltration galleries; conditions for new operations involving injection to qualify for date extension	80	261.4(b)(11)					

CONSOLIDATED CHECKLIST : Consolidated Checklist for the Toxicity Characteristics Revisions as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BI IN
	operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed	80	261.4(b)(11)(i)					
3	copy of written agreement has been submitted to the Characteristics Section, U.S. Environmental Protection Agency	80	261.4(b)(11)(ii)					
†,4	add new paragraph; used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, provided the refrigerant is reclaimed for further use	84	261.4(b)(12)					
	PCB WASTES REGULATED UNDER TOXIC SUBSTANCE CONTROL ACT							
	exemption for PCB-containing wastes, already regulated under Part 761 (TSCA), that fail the 261.24 Toxicity Characteristic test (D018 through D043 only)	74	261.8					

CONSOLIDATED CHECKLIST : Consolidated Checklist for the Toxicity Characteristics Revisions as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE							
TOXICITY CHARACTERISTIC							
remove "EP" before "toxicity"; insert "using the methodology outlined in Appendix II" after "after filtering"; change "purposes" to "purpose"	74	261.24(a)					
1 remove "EP" before "toxicity"; add D018 through D043 to Table 1; as per technical correction, change the word "hydroxide" in the contaminant for D031 to "epoxide"; add new column with CAS numbers	74	261.24(b)					

CONSOLIDATED CHECKLIST : Consolidated Checklist for the Toxicity Characteristics Revisions as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT

TABLE 1. - MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

EPA HW No.[1]	Contaminant	CAS No.[2]	Regulatory Level (mg/L)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-66-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	[4] 200.0
D024	m-Cresol	108-39-4	[4] 200.0
D025	p-Cresol	106-44-5	[4] 200.0
D026	Cresol	--	[4] 200.0
D016	2,4-D	94-75-7	10.0
D027	1,4-Dichlorobenzene	106-46-7	7.5
D028	1,2-Dichloroethane	107-06-2	0.5
D029	1,1-Dichloroethylene	75-35-4	0.7
D030	2,4-Dinitrotoluene	121-14-2	[3] 0.13
D012	Endrin	72-20-8	0.02
D031	Heptachlor (and its epoxide)	76-44-8	0.008
D032	Hexachlorobenzene	118-74-1	[3] 0.13
D033	Hexachlorobutadiene	87-68-3	0.5
D034	Hexachloroethane	67-72-1	3.0
D008	Lead	7439-92-1	5.0
D013	Lindane	58-89-9	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	10.0
D035	Methyl ethyl ketone	78-93-3	200.0
D036	Nitrobenzene	98-95-3	2.0
D037	Pentrachlorophenol	87-86-5	100.0
D038	Pyridine	110-86-1	[3] 5.0
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloroethylene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene	79-01-6	0.5
D041	2,4,5-Trichlorophenol	95-95-4	400.0
D042	2,4,6-Trichlorophenol	88-06-2	2.0
D017	2,4,5-TP (Silvex)	93-72-1	1.0
D043	Vinyl chloride	75-01-4	0.2

1 Hazardous waste number.
2 Chemical abstracts service number.
3 Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.
4 If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory l total cresol is 200 mg/l.

CONSOLIDATED CHECKLIST : Consolidated Checklist for the Toxicity Characteristics Revisions as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SUBPART D - LISTS OF HAZARDOUS WASTES							
GENERAL							
replace "EP Toxic Waste" in the hazard codes and in the text following the hazard codes with "Toxicity Characteristic Waste"	74	261.30(b)					
APPENDIX II TO PART 261							
METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)							
5 EP toxicity test procedures are replaced by Method 1311 Toxicity Characteristic Leaching Procedures (TCLP)	74	Appendix II					
†,6 Withdrawal of Spike Recovery Correction Requirement From Method 1311 TCLP							
change "data is" to "data are"; delete sentence regarding bias determined from matrix spike determination and parenthetical reference phrase following it	119	Appendix II, 8.2					
change "may not be not less" to "may not be less"	119	Appendix II, 8.2.2					
remove subparagraph	119	Appendix II, 8.2.5					

CONSOLIDATED CHECKLIST : Consolidated Checklist for the Toxicity Characteristics Revisions as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
7	redesignate former 8.4 as 8.5; add new 8.4 and subparagraphs addressing use of internal calibration quantitation methods	119	Appendix II, 8.4					
			Appendix II, 8.4.1					
			Appendix II, 8.4.2					
			Appendix II, 8.4.3					
			Appendix II, 8.4.4					
8	former 8.4 becomes 8.5	119	Appendix II, 8.5					

PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART N - LANDFILLS

DESIGN AND OPERATING REQUIREMENTS

replace "EP toxicity characteristics" with "Toxicity Characteristic"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	74	264.301(e)(1)					

CONSOLIDATED CHECKLIST : Consolidated Checklist for the Toxicity Characteristics Revisions as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES							
SUBPART K - SURFACE IMPOUNDMENTS							
DESIGN REQUIREMENTS							
replace "EP toxicity characteristics" with "Toxicity Characteristic"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	74	265.221(d)(1)					
SUBPART M - LAND TREATMENT							
WASTE ANALYSIS							
replace "exceed" with "equal or exceed"; replace "EP toxicity characteristic" with "Toxicity Characteristic"	74	265.273(a)					
SUBPART N - LANDFILLS							
DESIGN REQUIREMENTS							
9 replace "EP toxicity characteristics" with "Toxicity Characteristic"; insert ", with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	108	265.301(d)(1)					

DTC93J 14 Revised 4.14/94
Printed 4.21.94

CONSOLIDATED CHECKLIST : Consolidated Checklist for the Toxicity Characteristics Revisions as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
	PART 268 - LAND DISPOSAL RESTRICTIONS							
	APPENDIX I TO PART 268							
	TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)							
10	replace Appendix with note stating the TCLP is located in Appendix II of Part 261	74	Appendix I					

1 Also see technical corrections to the rule at 55 FR 26986 (June 29, 1990).

2 See the immediate final rules at 55 FR 40834 (October 5, 1990) and 56 FR 3978 (February 1991) and the final rule at 56 FR 13406 (April 2, 1991).

3 A copy of the agreement should be sent to EPA's Characteristics Section; thus, this referenc should remain in a State's code. A copy of the written agreement may also be sent to the State, if the State chooses to include this requirement.

4 The final rule (56 FR 5910, February 13, 1991) which introduced this paragraph into the Federal code is considered "narrower in scope" because it narrows the wastes which are regulated, by excluding from regulation certain chlorofluorocarbon refrigerants as specified a 261.4(b)(12).

5 Because the June 29, 1990 (55 FR 26986) notice made extensive corrections to Appendix I Part 261, the Appendix in that notice should be used instead of the one in the March 29, 1990 (55 FR 11798) notice.

6 On June 29, 1990 (55 FR 26986; Revision Checklist 74), EPA promulgated a final rule whic made technical corrections to the March 29, 1990 final rule, including the regulatory langua in 40 CFR Part 261, Appendix II. Those corrections reorganized the TCLP in 40 CFR Part 261, Appendix II and included adding a requirement for the spike recovery correction. The November 24, 1992 rule (57 FR 55114; Revision Checklist 119) deleted the requirements f spike recovery correction of analytical data. Because such deletions provide for a standard less restrictive than was imposed on June 29, 1990, States are not required to include spik recovery correction when modifying their programs to incorporate the final TCLP.

7 There is a typographical error in the Federal Register; "84.4.4" should be "8.4.4."

8 There is a typographical error in the Federal Register; in the table at 8.5, second column heading, there should be a space between "TCLP" and "extraction."

9 There are several errors in the Federal Register for this citation. First, "such waste does not" should read "such wastes do not" and "261.4 of this chapter" should read "261.24 of this chapter" as they are found in the July 15, 1985, Federal Register at 50 FR 28750 (Revision Checklist 17(H)) and in the 1992 CFR. Second, "Waste Number" should be "Waste Numbers."

10 As background, the TCLP was originally promulgated in 268, Appendix I, on November 7, 1986 (51 FR 40572; Revision Checklist 34) for use in the Land Disposal Restrictions (LDR) program to determine whether certain wastes require treatment prior to land disposal and to determine whether certain treated wastes meet the applicable treatment standards. The TC rule and its June 29, 1990 modification promulgated a revised TCLP at 261, Appendix II, with modifications based on the Agency's own research and public comment. This TCLP is to be used in both the TC and the LDR programs. The objective of the above footnoted revision to 268, Appendix I, is to assure that the TCLP entered into the code by the November 7, 1986 notice (51 FR 40572; Revision Checklist 34) is removed and replaced by the TCLP entered into the code and amended by the final rules (55 FR 11798 and 55 FR 26986) addressed by Revision Checklist 74. The actual placement of the TCLP within a State's code is not that important, per se; what is important is that a State's code contains only the Revision Checklist 74 TCLP. States that have not yet adopted Revision Checklist 34 (the first of the LDR restrictions) need not make this particular revision to 268, Appendix I, as they would not yet have entered the original Part 268 TCLP into their code. Also, the change on page 7 of this checklist for 261, Appendix II, assures that they add the Revision Checklist 74 TCLP to their code. However, such States must be careful when adding the LDR restrictions to their code, i.e., the Revision Checklist 34 TCLP should not be added at that time--rather, the Revision Checklist 74 TCLP should remain the only TCLP in their code. States using the Consolidated LDR Checklist should be sure to read the relevant footnote on that checklist regarding this issue.

Consolidated Checklist for the Wood Preserving Listings
as of June 30, 1993

The following consolidated checklist
should replace the existing version in
SAM Appendix K

CONSOLIDATED CHECKLIST
for the
Wood Preserving Listings
as of June 30, 1993

Note: 1) This checklist consolidates the changes to the Federal code addressed by the following Wood Preserving Listings checklists:

- Revision Checklist 82 [55 FR 50450 (December 6, 1990)];
- Revision Checklist 91 [56 FR 27332 (June 13, 1991)];
- Revision Checklist 92 [56 FR 30192 (July 1, 1991)];
- Revision Checklist 101 [57 FR 5859 (February 18, 1992)]; and
- Revision Checklist 120 [57 FR 61492 (December 24, 1992)].

No final rules were promulgated between January 1, 1993, and June 30, 1993, that affected the Wood Preserving Listings rule. Therefore, this consolidated checklist is identical to that of December 31, 1992.

2) This consolidated checklist adds, to the list of wastes from non-specific sources, three broad categories of wastes from wood preserving processes that use chlorophenolic, creosote, and/or inorganic (arsenical and chromium) preservatives. These wastes, F032, F034 and F035, include wastewaters, process residuals, preservative drippage and spent formulations. The listing of F032 and the permitting and interim status standards applicable to drip pads handling this waste are promulgated pursuant to HSWA. The listings of F034 and F035, the permitting and interim standards for drip pads that handle F034 and F035 wastes, and the addition of a test method to Appendix III of Part 261 are non-HSWA provisions. EPA will implement the addition of F032 to the list of hazardous wastes from non-specific sources in authorized States until the States modify their programs and such modifications are approved by EPA. The non-HSWA requirements are applicable only in those States that do not have interim or final authorization. In authorized States, the non-HSWA requirements will not be applicable until the States revise their programs to adopt equivalent requirements under State law, unless the wastes are designated as hazardous due to the Toxicity Characteristic, which would allow an owner or operator to comply with the drip pad standards administered under Federal law.

3) Note that double lines are used on the checklists to indicate the beginning and ending of optional provisions with subparagraphs or requirements that must all be adopted if the optional provision is adopted.

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
	PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL							
	SUBPART B - DEFINITIONS							
	DEFINITIONS							
	add "drip pad" in alphabetical order	82	260.10					
	PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
	SUBPART A - GENERAL							
1	**EXCLUSIONS**							
†	Spent Wood Preserving Solutions and Wastewaters							
	add new paragraph which excludes as a solid waste spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose	82,92	261.4(a)(9)(i)					
	add new paragraph which excludes as a solid waste wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood	92	261.4(a)(9)(ii)					
2	**HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES**							
3	add the waste codes "F032", "F034" and "F035" in alphanumeric order to list as shown below:	82,†91, †120	261.31(a)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings as of June 30, 1993 (cont'd)

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

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
*	* * * * *	
F032	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously *used chlorophenolic formulations (except potentially cross-contaminated wastes that* have had the F032 waste code deleted in accordance with § 261.35 of this chapter or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
F034	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
F035	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives *containing arsenic or chromium. This listing does not include K001 bottom sediment* sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
*	* * * * *	

4 remove the administrative stay addressed in Footnote 1 of the 261.31 table	†91,120	261.31(a)/table					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	B I
DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING REPLACEMENT							
wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the 261.35(b) and (c) requirements are met; wastes may continue to meet another hazardous waste listing description or exhibit one or more characteristics	82	261.35(a)					
5 generators must either clean or replace all specified process equipment that may have come into contact with chlorophenolic formulations or constituents	82,92	261.35(b)					
generators shall do one of the following:	82,92	261.35(b)(1)					
prepare and follow an equipment cleaning plan; clean equipment in accordance with 261.35	92	261.35(b)(1)(i)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
prepare and follow an equipment replacement plan; replace equipment in accordance with 261.35	92	261.35(b)(1)(ii)					
6 document cleaning and replacement in accordance with 261.35, carried out after termination of use of chlorophenolic preservatives	92	261.35(b)(1)(iii)					
cleaning requirements	82,92	261.35(b)(2)					
prepare and sign a written equipment cleaning plan that describes:	92	261.35(b)(2)(i)					
equipment to be cleaned	92	261.35(b)(2)(i)(A)					
how equipment will be cleaned	92	261.35(b)(2)(i)(B)					
solvent to be used in cleaning	92	261.35(b)(2)(i)(C)					
how solvent rinses will be tested	92	261.35(b)(2)(i)(D)					
how cleaning residues will be disposed	92	261.35(b)(2)(i)(E)					
equipment must be cleaned as follows:	92	261.35(b)(2)(ii)					
remove all visible residues from process equipment	92	261.35(b)(2)(ii)(A)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
rinse with appropriate solvent until no dioxin or dibenzofuran detection in final solvent rinse	92	261.35(b)(2)(ii)(B)					
analytical requirements	92	261.35(b)(2)(iii)					
test rinses as per SW-846, Method 8290	92	261.35(b)(2)(iii)(A)					
"not detected" defined	92	261.35(b)(2)(iii)(B)					
generator manages cleaning process residues as F032 waste	92	261.35(b)(2)(iv)					
replacement requirements	82,92	261.35(b)(3)					
prepare and sign written equipment replacement plan that describes:	92	261.35(b)(3)(i)					
equipment to be replaced	92	261.35(b)(3)(i)(A)					
how equipment will be replaced	92	261.35(b)(3)(i)(B)					
how equipment will be disposed	92	261.35(b)(3)(i)(C)					
generator must manage discarded equipment as F032 waste	92	261.35(b)(3)(ii)					
documentation requirements	92	261.35(b)(4)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
document previous equipment cleaning and/or replacement performed in accordance with 261.35 and occurred after cessation of chlorophenolic preservative use	92	261.35(b)(4)(i)					
documentation that must be maintained as part of the facility's operating record	82	261.35(c)					
name and address of the facility	82	261.35(c)(1)					
formulations previously used and the date on which their use ceased in each process at the plant	82	261.35(c)(2)					
formulations currently used in each process at the plant	82	261.35(c)(3)					
equipment cleaning or replacement plan	82	261.35(c)(4)					
name and address of any persons who conducted the cleaning and replacement	82	261.35(c)(5)					
dates on which cleaning and replacement were accomplished	82	261.35(c)(6)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT
dates of sampling and testing	82	261.35(c)(7)				
description of sample handling and preparation techniques	82	261.35(c)(8)				
description of the tests performed, the date, and the results of the tests	82	261.35(c)(9)				
name and model numbers of the instrument(s) used in performing the tests	82	261.35(c)(10)				
QA/QC documentation	82	261.35(c)(11)				
signed certification statement	82	261.35(c)(12)				
APPENDIX III TO PART 261						
CHEMICAL ANALYSIS TEST METHODS						
add the compound, "Benzo(k) fluoranthene", in alphabetical order, to Table 1	82	Table 1, Appendix III				

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

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

TABLE 1. -- ANALYSIS METHODS FOR
ORGANIC CHEMICALS CONTAINED IN SW-846

Compound	Method Nos.
* * * * * * *	
Benzo(k) fluoranthene	8100,8250,8270,8310
* * * * * * *	

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add "F032", "F034", and "F035" to list in alphanumeric order as shown below:	82	Appendix VII					

EPA hazardous waste No.	Hazardous constituents for which listed
* * * * * *	
F032	*Benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)-anthracene, indeno(1,2,3-cd)pyrene,* pentachlorophenol, arsenic, chromium, tetra-, penta-, hexa-, heptachlorodibenzo-p-dioxins, tetra-, penta-, hexa-, heptachlorodibenzofurans.
F034	Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, *indeno(1,2,3-cd)pyrene, naphthalene, arsenic, chromium.*
F035	Arsenic, chromium, lead.
* * * * * *	

APPENDIX VIII TO PART 261

HAZARDOUS CONSTITUENTS

add the specified hazardous constituents in alphabetical order as shown below:	82	Appendix VIII					

CONSOLIDATED CHECKLIST: Wood Preserving Listings as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	B IN

Common Name	Chemical abstracts name	Chemical abstracts No.	Hazardous waste No.
* * * * * * * *			
Benzo(k)fluoranthene	Same	207-08-9	.....
* * * * * * * *			
Heptachlorodibenzofurans	.....	.....	.....
Heptachlorodibenzo-p-dioxins	.....	.....	.....
* * * * * * * *			

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART C - PRE-TRANSPORT REQUIREMENTS

7,8 ACCUMULATION TIME

the waste is placed:	92	262.34(a)(1)					
in containers and generator complies with Subpart I of Part 265; and/or	92	262.34(a)(1)(i)					
in tanks and generator complies with Subpart J of Part 265, except 265.197(c) and 265.200; and/or	92	262.34(a)(1)(ii)					
9 on drip pads and generator complies with Subpart W of Part 265 and maintains following records:	†82,92	262.34(a)(1)(iii)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
9	description of procedures to ensure all wastes are removed from drip pad and associated collection system at least once every 90 days	†82,92	262.34(a)(1)(iii)(A)					
9	documentation of each waste removal, including quantity, date and time of removal; generator exempt from Subparts G and H of Part 265, except 265.111 and 265.114	†82,92	262.34(a)(1)(iii)(B)					
9	date each period of accumulation begins is marked and visible	82,92	262.34(a)(2)					
	PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES							
	SUBPART J - TANK SYSTEMS							
	APPLICABILITY							
	add reference to paragraph (c)	82	264.190					
	add new paragraph subjecting tanks, sumps and other collection devices used in conjunction with Subpart W-regulated drip pads to Part 264, Subpart J requirements	82	264.190(c)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	B I
10 SUBPART W - DRIP PADS							
APPLICABILITY							
Subpart W applies to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water run-off to an associated collection system; existing drip pads defined; applicability of 264.573(b)(3) leak collection system requirement	82,92, 120	264.570(a)					
owner or operator of certain drip pads inside or under a structure not subject to 264.573(e) or 264.573(f) regulations, as appropriate	82,92	264.570(b)					
Subpart W requirements not applicable to management of infrequent, incidental drippage in storage yards provided:	120	264.570(c)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
owner or operator maintains and complies with a written contingency plan describing how owner or operator will respond immediately to discharge of infrequent and incidental drippage; at a minimum, what the contingency plan must describe	120	264.570(c)(1)					
		264.570(c)(1)(i)					
		264.570(c)(1)(ii)					
		264.570(c)(1)(iii)					
		264.570(c)(1)(iv)					
ASSESSMENT OF EXISTING DRIP PAD INTEGRITY							
evaluation of existing drip pads; by June 6, 1991, written assessment obtained and kept on file; annual review, update and recertification required until 264.573 standards are met, except 264.573(b) standards for liners and leak detection systems	82,92, 120	264.571(a)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT
11, 12	development of written plan for upgrading, repairing and modifying drip pad to meet 264.573(b) requirements; submittal of plan to Regional Administrator no later than 2 years before completion of modifications; written plan documentation, review and certification requirements	82,92, 120	264.571(b)				
12			264.571(b)(1)				
			264.571(b)(2)				
	removed	82,120	264.571(b)(3)				
	submittal of required drawings and certification to Regional Administrator or State Director upon completion of all upgrades, repairs, and modifications	82,92	264.571(c)				
	if drip pad found to be leaking or unfit for use, compliance with 264.573(m) provisions or close drip pad in accordance with 264.575	82,92	264.571(d)				

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS. EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
13 DESIGN AND INSTALLATION OF NEW DRIP PADS							
owners and operators of new drip pads must ensure that the pads are designed, installed and operated in accordance with one of the following:	82,92, 120	264.572					
all of the requirements of 264.573 (except 264.573(a)(4)), 264.574 and 264.575	120	264.572(a)					
all of the requirements of 264.573 (except 264.573(b)), 264.574 and 264.575	120	264.572(b)					
13 DESIGN AND OPERATING REQUIREMENTS							
drip pads must:	82,92	264.573(a)					
be constructed of non-earthen materials, excluding wood and non-structurally supported asphalt	82,92	264.573(a)(1)					
be sloped for free-drainage to the associated collection system	82,92	264.573(a)(2)					
have a curb or berm around the perimeter	82,92	264.573(a)(3)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
14, 15, 16	hydraulic conductivity requirements; maintain surface free of cracks and gaps; sealing material must be chemically compatible with preservatives that contact pad; requirements apply to existing drip pads and drip pads of owners/operators electing to comply with 264.572(a)	82,92, 120	264.573(a)(4)(i)					
14	owner or operator must obtain and keep at the facility written assessment of drip pad certified by independent qualified registered engineer; assessment must attest to results of evaluation; assessment must be reviewed, updated and recertified annually; evaluation must document extent to which drip pad meets 264.573 (except 264.573(b)) design and operating standards	120	264.573(a)(4)(ii)					
17	remove notes regarding administrative stays for new and existing drip pads	†91,92, †101, 120	264.573(a)(4)/ notes					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
18	be of sufficient structural strength and thickness to meet specified conditions	82,92	264.573(a)(5)					
19	if owner/operator elects to comply with § 264.572(b) instead of § 264.572(a), the drip pad must have:	82,92, 120	264.573(b)					
	a synthetic liner that meets certain design, construction and installation specifications	82,92	264.573(b)(1)					
	specific requirements for liner construction materials	82,92	264.573(b)(1)(i)					
	foundation or base requirements	82,92	264.573(b)(1)(ii)					
	liner must cover all surrounding earth that could come into contact with the waste or leakage	82,92	264.573(b)(1)(iii)					
	leakage detection system immediately above the liner; detection system must be:	82,92	264.573(b)(2)					
	constructed of materials that are:	82,92	264.573(b)(2)(i)					
	chemically resistant to relevant waste and leakage	82,92	264.573(b)(2)(i)(A)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
of sufficient strength and thickness to prevent collapse	82,92	264.573(b)(2)(i)(B)					
designed and operated to function without clogging through the scheduled closure of the drip pad; and	82,92	264.573(b)(2)(ii)					
designed to detect drip pad failure or the release of hazardous waste or accumulated liquid at the earliest practicable time	82,92	264.573(b)(2)(iii)					
leakage collection system immediately above the liner designed, constructed, maintained and operated to collect leakage from below the drip pad; date, time and quantity of leakage collected must be documented in operating log	120	264.573(b)(3)					
maintenance of drip pads; note regarding remedial action	82,92	264.573(c)					
convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off	82,92	264.573(d)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
run-on control system requirements	82,92	264.573(e)					
run-off management system requirements, unless system is protected by a structure, as described in 264.570(b)	82,92	264.573(f)					
evaluation of drip pad for compliance with 264.573(a)-(f) requirements; design certification required	82,92	264.573(g)					
removal of drippage and accumulated precipitation from associated collection system as necessary to prevent overflow onto the drip pad	82,92	264.573(h)					
thorough cleaning of drip pad surface in a manner and frequency to meet specified conditions; documentation of date, time and cleaning procedure in facility's operating log; owner/operator must determine whether residues are hazardous under 262.11 and, if so, manage them according to Parts 261-268, 270 and RCRA §3010	82,92, 120	264.573(i)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	B IN
minimize tracking of hazardous waste or constituents off the drip pad	82,92	264.573(j)					
after removal from treatment vessel, treated wood from pressure and non-pressure processes must be held on pad until drippage has ceased; documentation required	82,92	264.573(k)					
collection and holding units for run-on and run-off control systems emptied or otherwise managed as soon as possible after storms to maintain design capacity	82,92	264.573(l)					
throughout the active life of the drip pad and as specified in the permit, repair of detected condition that may have caused or has caused a release of hazardous waste within a reasonable period of time, in accordance with the following procedures:	82,92	264.573(m)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
upon detection of a condition that may have caused or has caused a release of hazardous waste, the owner must:	82,92	264.573(m)(1)					
enter discovery in the facility operating log	82,92	264.573(m)(1)(i)					
immediately remove from service affected portion of drip pad	82,92	264.573(m)(1)(ii)					
determine steps to repair drip pad and clean up any leakage; establish schedule for repairs	82,92	264.573(m)(1)(iii)					
notify Regional Administrator within 24 hours after discovery; provide written notice as specified within 10 working days	82,92	264.573(m)(1)(iv)					
review, determination and notification by Regional Administrator	82,92	264.573(m)(2)					
20 written notification to Regional Administrator and certification of compliance with 264.573(m)(1)(iv) after repairs and clean up	82,92	264.573(m)(3)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BF IN
should a permit be necessary, Regional Administrator will specify in the permit all design and operating practices necessary to ensure that 264.573 requirements are met	82,92	264.573(n)					
documentation in operating log, as specified, of past operating and waste handling practices	82,92	264.573(o)					
13 INSPECTIONS							
inspection of liners and cover systems for uniformity, damage and imperfections during construction or installation; inspection and certification of liners to meet 264.573 requirements; maintenance of certification as part of the facility operating record; inspection of liners and covers after installation	82,92	264.574(a)					
drip pad must be inspected weekly and after storms to detect evidence of any of the following:	82,92	264.574(b)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
deterioration, malfunctions or improper operation of run-on and run-off control systems	82,92	264.574(b)(1)					
presence of leakage in and proper functioning of leak detection system	82,92	264.574(b)(2)					
deterioration or cracking of drip pad surface; note regarding remedial action	82,92	264.574(b)(3)					
13 CLOSURE							
at closure, removal and decontamination requirements; management as hazardous waste	82,92	264.575(a)					
conditions under which owner or operator must close facility and perform post-closure care in accordance with 264.310 requirements; for permitted units, permit requirement continues throughout post-closure period; drip pad is considered a landfill and must meet Subparts G and H requirements of Part 264	82,92	264.575(b)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
owner or operator of an existing drip pad that does not comply with the 264.573(b)(1) liner requirements must:	82,92	264.575(c)(1)					
include in closure plans for drip pad under 264.112, a plan for 264.575(a) compliance and a contingent plan for 264.575(b) compliance	82,92	264.575(c)(1)(i)					
prepare a contingent post-closure plan under 264.118 for complying with 264.575(b) in case not all contaminated subsoils can be practicably removed at closure	82,92	264.575(c)(1)(ii)					
cost estimates calculated under 264.112 and 264.144 for closure and post-closure care of drip pad subject to 264.575(c) must include the cost of complying with the contingent closure plan and the contingent post-closure plan; cost of expected closure under 264.575(a) need not be included	82,92	264.575(c)(2)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES							
SUBPART J - TANK SYSTEMS							
APPLICABILITY							
add reference to paragraph (c)	82	265.190					
add new paragraph subjecting tanks, sumps and other collection devices used in conjunction with Subpart W-regulated drip pads to Part 265, Subpart J requirements	82	265.190(c)					
SUBPART W - DRIP PADS							
APPLICABILITY							
Subpart W applies to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water run-off to an associated collection system; existing drip pads defined; applicability of 265.443(b)(3) leak collection system requirement	82,92, 120	265.440(a)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
owner or operator of certain drip pads inside or under a structure not subject to 265.443(e) or 265.443(f) regulations, as appropriate	82	265.440(b)					
Subpart W requirements not applicable to management of infrequent, incidental drippage in storage yards provided:	120	265.440(c)					
owner or operator maintains and complies with a written contingency plan describing how owner or operator will respond to discharge of infrequent and incidental drippage; at a minimum, what the contingency plan must describe	120	265.440(c)(1)					
		265.440(c)(1)(i)					
		265.440(c)(1)(ii)					
		265.440(c)(1)(iii)					
		265.440(c)(1)(iv)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	ASSESSMENT OF EXISTING DRIP PAD INTEGRITY							
	evaluation of existing drip pads; by June 6, 1991, written assessment obtained and kept on file; annual review, update and recertification required until 265.443 standards are met, except for 265.443(b) standards for liners and leak detection systems	82,120	265.441(a)					
21	development of written plan for upgrading, repairing and modifying drip pad to meet 265.443(b) requirements; submittal of plan to Regional Administrator no later than 2 years before completion of modifications; written plan documentation, review and certification requirements	82,120	265.441(b)					
21			265.441(b)(1)					
			265.441(b)(2)					
	removed	82,120	265.441(b)(3)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
submittal of required drawings and certification to Regional Administrator or State Director upon completion of all repairs and modifications	82	265.441(c)					
if drip pad found to be leaking or unfit for use, comply with 265.443(m) provisions or close drip pad in accordance with 265.445	82	265.441(d)					
DESIGN AND INSTALLATION OF NEW DRIP PADS							
owners and operators of new drip pads must ensure that the pads are designed, installed and operated in accordance with one of the following:	82, 120	265.442					
all of the applicable requirements of 265.443 (except 265.443(a)(4)), 265.444 and 265.445	120	265.442(a)					
all of the applicable requirements of 265.443 (except 265.443(b)), 265.444 and 265.445	120	265.442(b)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	DESIGN AND OPERATING REQUIREMENTS							
	drip pads must:	82	265.443(a)					
	be constructed of non-earthen materials, excluding wood and non-structurally supported asphalt	82	265.443(a)(1)					
	be sloped to free-drain wastes to the associated collection system	82	265.443(a)(2)					
	have a curb or berm around the perimeter	82	265.443(a)(3)					
22, 23	hydraulic conductivity requirements; maintain surface free of cracks and gaps; surface material must be chemically compatible with preservatives that contact pad; requirements apply to existing drip pads and drip pads of owners/operators electing to comply with 265.442(a)	82,120	265.443(a)(4)(i)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BF IN
22	owner or operator must obtain and keep at the facility a written assessment of drip pad certified by independent qualified registered engineer; assessment must attest to results of evaluation; assessment must be reviewed, updated and recertified annually; evaluation must document extent to which drip pad meets 265.443 (except 265.443(b)) design and operating standards	120	265.443(a)(4)(ii)					
24	remove notes regarding administrative stays for new and existing drip pads	†91, †101, 120	265.443(a)(4)/ notes					
	be of sufficient structural strength and thickness to meet specified conditions; note regarding structural integrity standards	82	265.443(a)(5)					
25	if an owner/operator elects to comply with § 265.442(b) instead of § 265.442(a), the drip pad must have:	82,120	265.443(b)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
a synthetic liner that meets certain specifications	82	265.443(b)(1)					
specific requirements for liner construction materials	82	265.443(b)(1)(i)					
foundation or base requirements	82	265.443(b)(1)(ii)					
liner must cover all surrounding earth that could come into contact with the waste or leakage	82	265.443(b)(1)(iii)					
leakage detection system immediately above the liner; detection system must be:	82	265.443(b)(2)					
constructed of materials that are:	82	265.443(b)(2)(i)					
chemically resistant to relevant waste and leakage	82	265.443(b)(2)(i)(A)					
of sufficient strength and thickness to prevent collapse	82	265.443(b)(2)(i)(B)					
26 designed and operated to function without clogging through scheduled drip pad closure	92	265.443(b)(2)(ii)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
26	designed to detect the failure of the drip pad or the presence of hazardous waste release or accumulated liquid at the earliest practicable time	82,92	265.443(b)(2)(iii)					
	leakage collection system immediately above the liner designed, constructed, maintained and operated to collect leakage from below the drip pad for removal; date, time and quantity of leakage collected must be documented in operating log	120	265.443(b)(3)					
	maintenance of drip pads; note regarding remedial action	82	265.443(c)					
	convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off	82	265.443(d)					
	run-on control system requirements, unless drip pad is protected by a structure, as described in 265.440(b)	82	265.443(e)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS.			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
run-off management system requirements, unless drip pad is protected by a structure, as described in 265.440(b)	82	265.443(f)					
evaluation of drip pad for compliance with 265.443(a)-(f) requirements; design certification required	82	265.443(g)					
removal of drippage and accumulated precipitation from associated collection system as necessary to prevent overflow onto the drip pad	82	265.443(h)					
thorough cleaning of drip pad surface in a manner and frequency to meet specified conditions; documentation of date, time and cleaning procedure in facility's operating log	82,120	265.443(i)					
minimize tracking of hazardous waste or constituents off the drip pad	82	265.443(j)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
after removal from treatment vessel, treated wood from pressure and non-pressure processes must be held on pad until drippage has ceased; documentation required	82	265.443(k)					
collection and holding units for run-on and run-off control systems emptied or otherwise managed as soon as possible after storms to maintain design capacity	82	265.443(l)					
throughout the active life of the drip pad and as specified in the permit, repair of detected condition that may have caused or has caused a release of hazardous waste within a reasonable period of time, in accordance with the following procedures:	82,92	265.443(m)					
upon detection of a condition that may have caused or has caused a release of hazardous waste, the owner must:	82,92	265.443(m)(1)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
entry of discovery in the facility operating log	82	265.443(m)(1)(i)					
immediate removal from service of affected portion of drip pad	82	265.443(m)(1)(ii)					
determination of steps to repair drip pad, remove any leakage, and establish schedule for clean up and repairs	82	265.443(m)(1)(iii)					
notify Regional Administrator within 24 hours after discovery; provide written notice as specified within 10 working days	82	265.443(m)(1)(iv)					
review, determination and notification by Regional Administrator	82	265.443(m)(2)					
27 written notification to Regional Administrator and certification of compliance with 265.443(m)(1)(iv) after repairs and clean up	82,92	265.443(m)(3)					
documentation in operating log, as specified, of past operating and waste handling practices	82	265.443(n)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
INSPECTIONS							
inspection of liners and cover systems for uniformity, damage and imperfections during construction or installation; inspection and certification of liners to meet 265.443 requirements; maintenance of certification as part of the facility operating record; inspection of liners and covers after installation	82	265.444(a)					
drip pad must be inspected weekly and after storms to detect evidence of any of the following:	82	265.444(b)					
deterioration, malfunctions or improper operation of run-on and run-off control systems	82	265.444(b)(1)					
presence of leakage in and proper functioning of leak detection system	82	265.444(b)(2)					
deterioration or cracking of drip pad surface; note regarding remedial action	82	265.444(b)(3)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
CLOSURE							
at closure, removal and decontamination requirements; management as hazardous waste	82	265.445(a)					
closure and post-closure care of drip pad as a landfill under 265.310, if some contaminated subsoils cannot be removed or decontaminated; for permitted units, permit requirement continues throughout post-closure period	82	265.445(b)					
owner or operator of an existing drip pad not in compliance with the 265.443(b)(1) liner requirements must:	82	265.445(c)(1)					
include in the closure plan for the drip pad under 265.112, a plan for 265.445(a) compliance and a contingent plan for 265.445(b) compliance	82	265.445(c)(1)(i)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
prepare contingent post-closure plan under 265.118 for complying with 265.445(b) in case not all contaminated subsoils can be practicably removed at closure	82	265.445(c)(1)(ii)					
cost estimates calculated under 265.112 and 265.144 for closure and post-closure care of drip pad subject to 265.445(c) must include cost of complying with contingent closure plan and contingent post-closure plan; cost of expected closure under 265.445(a) need not be included	82	265.445(c)(2)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	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							
28 SPECIAL PART B INFORMATION REQUIREMENTS FOR DRIP PADS							
additional information to be provided by owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads, except as otherwise provided by 264.1	82	270.26					
list of hazardous wastes placed or to be placed on each drip pad	82	270.26(a)					
detailed plans and an engineering report describing how 264.90(b)(2) will be met, if an exemption is sought to Subpart F of Part 264	82	270.26(b)					
detailed plans and an engineering report describing the design, construction, operation and maintenance of drip pad to meet 264.573 requirements; submission must address 264.571 items	82,92	270.26(c)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BRO IN S
design characteristics of the drip pad	82	270.26(c)(1)					
liner system	82	270.26(c)(2)					
leakage detection system	82	270.26(c)(3)					
practices designed to maintain drip pads	82	270.26(c)(4)					
associated collection system	82	270.26(c)(5)					
control of run-on to the drip pad	82	270.26(c)(6)					
control of run-off from the drip pad	82	270.26(c)(7)					
removal intervals and demonstration of sufficiency to prevent overflow	82	270.26(c)(8)					
procedures for cleaning drip pad at least once every seven days; provisions for documentation of date, time and cleaning procedure	82	270.26(c)(9)					
operating practices and procedures to minimize tracking of hazardous waste or waste constituents off the drip pad	82	270.26(c)(10)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
procedures for ensuring that treated wood from pressure and non-pressure processes is held on the drip pad until drippage has ceased; recordkeeping practices	82	270.26(c)(11)					
provisions for ensuring that collection and holding units for run-on and run-off control systems are emptied or managed as soon as possible after storms to maintain design capacity	82	270.26(c)(12)					
if treatment is carried out on the drip pad, details of process equipment used, and the nature and quality of residuals	82	270.26(c)(13)					
description of drip pad inspections to meet 264.573 requirements; include in 270.14(b)(5) inspection plan	82,92	270.26(c)(14)					
certification that drip pad design meets 264.573(a)-(f) requirements	82,92	270.26(c)(15)					

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
description of removal procedures at closure under 264.575(a); for waste not removed at closure, submittal of detailed plan and engineering report to describe compliance with 264.310(a) and (b); information should be included in closure plan and, where applicable, 270.14(b)(13) post-closure plan	82,92	270.26(c)(16)					

1 261.4(a)(9)(i) was originally 261.4(a)(9) on Revision Checklist 82. Revision Checklist 92 redesignated it as 261.4(a)(9)(i) and added a new paragraph designated as 261.4(a)(9)(ii).

2 Note the Federal Register 56 FR 27732 (June 13, 1991; Revision Checklist 91) incorrectly refers to 261.31 rather than to 261.31(a) as the place where the list of hazardous wastes from non-specific sources can be found. Revision Checklist 81 redesignated 261.31 as 261.31(a) and added 261.31(b).

3 Waste codes F032, F034, and F035 were added to the table in 261.31(a) by Revision Checklist 82. Revision Checklist 91 (56 FR 27332; June 13, 1991) addressed an administrative stay of these listings. Revision Checklist 120 (57 FR 61492; December 24, 1992) terminated the June 13, 1991 administrative stay by amending the listings. For the States that did not adopt the June 13, 1991 administrative stay, the Revision Checklist 12 changes to these listings represent a narrowing of the F032, F034, and F035 listings. Thu the Revision Checklist 120 changes are optional for States that did not adopt the administrative stay. For those States that did adopt the June 13, 1991 administrative stay the wording added by the stay (i.e., the parenthetical note concerning the stay) should be removed and be replaced with the wording presented in the December 24, 1992 rule (Revi Checklist 120) and in this consolidated checklist.

4 Only those States that added the administrative stay addressed by the June 13, 1992 rule FR 27332; Revision Checklist 91) to their code need to make this change.

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

5 Revision Checklist 82 originally introduced §261.35 into the code. Revision Checklist 92 made extensive formatting and word changes to 261.35(b).

6 Note there is a typographical error in 261.35(b)(1)(iii)." "Preservations," at the end of the sentence, should be "preservatives." We have used the correct word on the checklist.

7 Note Revision Checklist 82 redesignated 262.34(a)(2)-(4) as 262.34(a)(3)-(5). Revision Checklist 92 changed these paragraphs back to their original numbering, i.e., 262.34(a)(2)-(4). Because these two changes cancelled each other out, they were not directly addressed by this checklist.

8 The technical correction for §262.34, 56 FR 30192 (July 1, 1991; Revision Checklist 92), contains the text of the introductory paragraph, 262.34(a). As no revisions were made to this paragraph, it has not been included in this consolidated checklist. Also, because this technical correction made extensive changes to this section of the code, the "Federal Requirements" column summarizes the requirement rather than the changes.

9 An error in the July 1, 1991 CFR makes it appear that there are two paragraphs designated as 262.34(a)(2) (see the editorial note in the CFR). Revision Checklist 82 originally inserted the first 262.34(a)(2), 262.34(a)(2)(i), 262.34(a)(2)(ii) and redesignated the old 262.34(a)(2)-(4) as 262.34(a)(3)-(5). However, Revision Checklist 92 redesignated 262.34(a)(3) as 262.34(a)(2), effectively removing the first 262.34(a)(2) and incorporating these requirements into 262.34(a)(1) at 262.34(a)(1)(iii) and (iii)(A)&(B). It was not the Agency's intent to include these requirements both at 262.34(a)(1)(iii)(A)&(B) and at 262.34(a)(2) as is indicated in the July 1, 1991 CFR. The first 262.34(a)(2) in that CFR should not be in the code. Revision Checklist 92 also redesignated 262.34(a)(3)-(5) as 262.34(a)(2)-(4), i.e., returned these subparagraphs to their original numbering prior to the redesignation by Revision Checklist 82.

10 The entire text of Subpart W of Part 264 was printed in the Federal Register (56 FR 30192; July 1, 1991) for Revision Checklist 92. This was done to demonstrate the numbering of each citation following the redesignation of sections to correspond with Subpart W, Part 265. Numerous paragraphs within the redesignated sections had no revisions made to them. Paragraphs in this consolidated checklist, where Revision Checklist 92 is indicated in the "Checklist Reference" column, reflect revisions to wording, internal references, or numbering that were addressed in Revision Checklist 92.

11 The Federal Register for Revision Checklist 92 (56 FR 30196; July 1, 1991) introduced a typographical error by incorrectly changing "in sufficient detail" to "insufficient detail". This typographical error was corrected by Revision Checklist 120 (57 FR 61492; December 24, 1992) to read "in sufficient detail".

12 When this paragraph was revised by Revision Checklist 120, the instructions for revising it were unclear. According to EPA, the last sentence of 264.571(b), which introduces the

subparagraphs, is to be removed, as well as subparagraphs (b)(1), (2), and (3). A technical correction will be published in the Federal Register in the near future.

13 Revision Checklist 92 redesignated the original 264.575 (as introduced by Revision Checkli 82) as 264.572 and redesignated the original 264.572, 264.573 and 264.574 as 264.573 264.574 and 264.575, respectively.

14 This paragraph was originally introduced into the Federal code as 264.572(a)(4) by Revisior Checklist 82 and redesignated as 264.573(a)(4) by Revision Checklist 92. Revision Checkli 120 completely revised the paragraph by removing the old 264.573(a)(4) and replacing it w 264.573(a)(4)(i) and 264.573(a)(4)(ii) .

15 There are two typographical errors in this paragraph in the Federal Register for Revision Checklist 120; in both occurrences, "$1x10^{-7}$" should be "$1x10^{-7}$."

16 Note that the Federal Register for Revision Checklist 120 is in error. According to EPA, the last line of 264.573(a)(4)(i) should read "§ 264.572(b) instead of § 264.572(a)" rather tha "§ 264.572(a) instead of § 264.572(b)." As written, the code contradicts what is said in t 264.572(a)&(b) requirements.

17 Note that there were two administrative stays at this citation. Revision Checklist 91 (56 Fl 27332; June 13, 1991) added a note regarding an administrative stay with no ending date new pads at 264.572(a)(4). However, 264.572(a)(4) was redesignated as 264.573(a)(4) b revision Checklist 92. Because of this redesignation, the Revision Checklist 91 administrati stay was incorrectly omitted in the July 1, 1991 and July 1, 1992 CFRs. Revision Checkli 101 (57 FR 5859; February 18, 1992) added a second note addressing an administrative s for existing drip pads at wood preserving plants until October 31, 1992. These notes wer removed by Revision Checklist 120 (57 FR 61492; December 21, 1992) when the administrative stays were terminated by the Federal Register for that checklist. This same Federal Register does not clearly indicate that these notes regarding administrative stays be removed; however, according to EPA, they should be removed. A technical correction will published in the Federal Register in the near future.

18 Note that a typographical error occurs in the text of 264.573(a)(5) in the Federal Register 5 FR 30196 (July 1, 1991; Revision Checklist 92); "daily perations" should be "daily operations" as introduced into the code by Revision Checklist 82 (55 FR 50450; Decembe 1990).

19 There is an error in the Federal Register for Revision Checklist 120 at 264.573(b). Accord to EPA, the phrase "§ 264.572(b) instead of § 264.572(a)" likely should be "§ 264.572(a instead of § 264.572(b)." As currently written, the code contradicts the 264.572(a)&(b) requirements.

20 Note that paragraph 264.573(m)(3) was originally 264.572(m)(3) in the Federal Register 5 FR 50450 (December 6, 1990; Revision Checklist 82). This paragraph had an incorrect

reference; "paragraph (m)(3) of this section" should be "paragraph (m)(1)(iv) of this section." This error was addressed by the July 1, 1991 technical corrections to the rule (56 FR 30192; Revision Checklist 92).

21 When this paragraph was revised by Revision Checklist 120, the instructions for revising it were unclear. According to EPA, the last sentence of 265.441(b), which introduces the subparagraphs, is to be removed, as well as subparagraphs (b)(1), (2), and (3). A technical correction will be published in the Federal Register in the near future.

22 This paragraph was introduced into the Federal code by Revision Checklist 82 as 265.443(a)(4). Revision Checklist 120 completely revised the paragraph by removing the old 265.443(a)(4) and replacing it with 265.443(a)(4)(i) and 265.443(a)(4)(ii).

23 Note that the Federal Register for Revision Checklist 120 is in error. According to EPA, the last line of 265.443(a)(4)(i) should read "§ 265.442(b) instead of § 265.442(a)" rather than "§ 265.442(a) instead of § 265.442(b)". As written, the code contradicts what is said in the 265.442(a)&(b) requirements.

24 Revision Checklist 91 added a note regarding an administrative stay with no ending date for new drip pads. Revision Checklist 101 added a second note addressing an administrative stay for existing drip pads at wood preserving plants until October 31, 1992. These notes were removed by Revision Checklist 120 when the administrative stays were terminated by the Federal Register for that checklist. This same Federal Register does not clearly indicate that the notes regarding the administrative stays be removed; however, according to EPA, they should be removed. A technical correction will be published in the Federal Register in the near future.

25 There appears to be an error in the Federal Register for Revision Checklist 120 at 265.443(b). The phrase "§ 265.442(b) instead of § 265.442(a)" likely should be "§ 265.442(a) instead of § 265.442(b)." As currently written, the code contradicts the 265.442(a)&(b) requirements.

26 Revision Checklist 82 introduced the original 265.443(b)(2)(ii) into the code. Revision Checklist 92 redesignated the original 265.443(b)(2)(ii) as 265.443(b)(2)(iii) and added a new paragraph 265.443(b)(2)(ii).

27 Note that 265.443(m)(3) in the Federal Register 55 FR 50450 (December 6, 1990; Revision Checklist 82) has an incorrect reference. The reference to "paragraph (m)(3) of this section" should be to "paragraph (m)(1)(iv) of this section." This error was addressed by the July 1, 1990 technical corrections to the rule (56 FR 30192; Revision Checklist 92).

28 Note that the "Special Part B Information Required for Drip Pads" was originally at 270.22 as introduced into the code by Revision Checklist 82. The Boilers and Industrial Furnaces rule (56 FR 7134; February 21, 1991; Revision Checklist 85) inadvertently removed section 270.22 from the code. The July 1, 1991 (56 FR 30192; Revision Checklist 92) Wood

CONSOLIDATED CHECKLIST: Wood Preserving Listings
as of June 30, 1993 (cont'd)

Preserving technical corrections notice rectified this problem by redesignating that section, a introduced by Revision Checklist 82, as 270.26.

Consolidated Checklist for the Bevill Exclusion for Mining Wastes
as of June 30, 1993

The following consolidated checklist
should be inserted in
SAM Appendix K

CONSOLIDATED CHECKLIST
for
Bevill Exclusion for Mining Wastes as of June 30, 1993

1) This checklist consolidates the changes to the Federal code addressed by the Bevill exclusion for mining wastes and subsequent revisions that have occurred through June 30, 1993 by the following checklists:

- Revision Checklist 53 [53 FR 35412 (September 13, 1988)];
- Revision Checklist 65 [54 FR 36952 (September 1, 1989)];
- Revision Checklist 71 [55 FR 2322 (January 23, 1990)]; and
- Revision Checklist 90 [56 FR 27300 (June 13, 1991)].

The "Checklist Reference" column indicates which of these checklists have affected each listed citation.

2) Note that in the Federal Register notice addressed by Revision Checklist 90, a series of appendices follows the change made to 40 CFR 261.4(b)(7). These appendices were not included in this consolidated checklist because they will not appear in the Code of Federal Regulations and because the subjects of these appendices are the Public Comments on EPA's Report to Congress and the Notice of Data Availability.

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL							
	SUBPART B - DEFINITIONS							
	DEFINITIONS							
1	revise "designated facility"	71	260.10					

CONSOLIDATED CHECKLIST: Bevill Exclusion for Mining Wastes
as of June 30, 1993 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BR IN
	PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTES							
	SUBPART A - GENERAL							
	DEFINITION OF HAZARDOUS WASTE							
2	add exception for mixture of a 261.4(b)(7) waste and a solid waste exhibiting a Subpart C characteristic unless resultant mixture meets certain characteristic conditions; mixture is hazardous relative to the EP toxicity characteristic	65	261.3(a)(2)(i)					
	add "of this part" after "Subpart D"; add language excepting mixtures of hazardous waste and solid waste excluded under 261.4(b)(7) and the mixture no longer exhibits hazardous characteristics for which the hazardous waste was listed in Subpart D	65	261.3(a)(2)(iii)					
	EXCLUSIONS							
3	define beneficiation; for purpose of 261.4(b)(7), solid waste from the processing of ores includes:	53,65, 71,90	261.4(b)(7)					

CONSOLIDATED CHECKLIST: Bevill Exclusion for Mining Wastes
as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
4	53,65, 71	261.4(b)(7)(i)					
		261.4(b)(7)(ii)					
		261.4(b)(7)(iii)					
		261.4(b)(7)(iv)					
		261.4(b)(7)(v)					
	53,71	261.4(b)(7)(vi)					
		261.4(b)(7)(vii)					
		261.4(b)(7)(viii)					
		261.4(b)(7)(ix)					
		261.4(b)(7)(x)					
		261.4(b)(7)(xi)					
		261.4(b)(7)(xii)					
		261.4(b)(7)(xiii)					
		261.4(b)(7)(xiv)					
		261.4(b)(7)(xv)					
		261.4(b)(7)(xvi)					
		261.4(b)(7)(xvii)					
		261.4(b)(7)(xviii)					
		261.4(b)(7)(xix)					
specific solid wastes from the processing of ores and minerals	71	261.4(b)(7)(xx)					
SUBPART D - LISTS OF HAZARDOUS WASTES							
HAZARDOUS WASTES FROM SPECIFIC SOURCES							
add, after entries for "iron and steel" and before entries for "Secondary lead," the following:	53	261.32					

CONSOLIDATED CHECKLIST: Bevill Exclusion for Mining Wastes as of June 30, 1993 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	B II
Industry and EPA hazardous waste No.		Hazardous waste				Hazard code	
* * * * * * * * * *							
Primary aluminium:							
K088		Spent potliners from primary aluminum reduction				(T)	
* * * * * * * * * *							

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add the following in the appropriate numerical sequence:	53	Appendix VII				
EPA hazardous waste No.		Hazardous constituents for which listed				
* * * * * * * * * *						
K088		Cyanide (complexes).				
* * * * * * * * * *						

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART B - THE MANIFEST

USE OF MANIFEST

add new paragraph stating requirements when shipping hazardous waste to a designated facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous	71	262.23(e)				

CONSOLIDATED CHECKLIST: Bevill Exclusion for Mining Wastes
as of June 30, 1993 (cont'd)

1 Note that this definition in the Federal Register (55 FR 2353, January 23, 1990) and in the July 1, 1990, 1991and 1992 CFRs contains a typographical error. The reference to 260.20 should be to 262.20.

2 Note that on March 29, 1990 (55 FR 11798; Revision Checklist 74), EPA promulgated the Toxity Characterictic (TC) Rule which replaced the EP Toxicity Characteristic with the Toxicity Characteristic Leaching Procedure. However, the March 29, 1990 rule and subsequent revisions to the TC Rule failed to correct the reference to the EP Toxicity characteristic at 261.3(a)(2)(i). This error has been corrected by the June 1, 1992 interim final rule (56 FR 23062; Revision Checklist 117B). Thus, States that have adopted the TC Rule must replace the reference to the EP Toxicity characteristic with a reference to the Toxicity Characteristic.

3 Note that the BIF Rule as addressed by Revision Checklist 85 (56 FR 7134; February 21, 1991) amended this paragraph by exempting facilities that burn or process hazardous waste, as provided by 266.112, from the exclusion. States which have adopted the Revision Checklist 85 provisions must also adopt the changes addressed by that checklist for this paragraph.

4 The list of excluded wastes from the processing of ores and minerals, currently represented by 261.4(b)(7)(i)-(xx) as per Revision Checklist 71, has undergone extensive formatting changes over time. Revision Checklist 53 addressed a fairly short list of wastes numbered 261.4(b)(7)(i)-(vi). Revision Checklist 65 made significant changes in that 261.4(b)(7)(i)(A)-(E) represented five wastes retained under the exclusion, and 261.4(b)(7)(ii)(A)-(T) represented twenty wastes conditionally retained under the exclusion. Citations numbered (b)(7)(iii)-(vi) were omitted at that point in time. Finally, Revision Checklist 71 resulted in a list of 20 wastes retained under the exclusion, numbered 261.4(b)(7)(i)(-(xx). Therefore, the references to Checklists 53 and 65 in the "Checklist reference" column are relevant only insofar as the numbering format on the Federal RCRA citations are concerned, as opposed to the text of the citations. Many of the wastes addressed by Revision Checklist 65 under paragraphs (i) and (ii) are addressed in paragraphs (i)-(xx) in Revision Checklist 71.