



DIRECTIVE NUMBER: 9541.00-16

TITLE: State Program Advisory #10

APPROVAL DATE: July 28, 1992

EFFECTIVE DATE: July 28, 1992

ORIGINATING OFFICE: Office of Solid Waste



FINAL



DRAFT

STATUS:



A - Pending OMB Approval



B - Pending AA-OSWER Approval

REFERENCE (Other Documents):

OSWER Directive #9540.00-09A

OSWER OSWER OSWER OSWER
DIRECTIVE DIRECTIVE DIRECTIVE



United States Environmental Protection Agency
Washington, DC 20460

OSWER Directive Initiation Request

1. Directive Number

9541.00-16

2. Originator Information

Name of Contact Person

Keely Clifford

Mail Code

5303W

Office

OSW/PSPD/SRPB

Telephone Number

703-308-8763

3. Title

State Program Advisory #10

4. Summary of Directive (include brief statement of purpose)

This Directive updates the State Authorization Manual (SAM), covering RCRA program changes for the period of July 1 - December 31, 1990. SPA 10 contains three new revision checklists and four revised existing checklists. A revised Model Attorney General's Statement and other revised SAM materials are also included.

5. Keywords

State Authorization / RCRA / State Program / Guidance

6a. Does This Directive Supersede Previous Directive(s)?



No



Yes

What directive (number, title)

b. Does it Supplement Previous Directive(s)?



No



Yes

What directive (number, title)

Supplements OSWER
Directive #9540.00-09A

7. Draft Level



A - Signed by AADAA



B - Signed by Office Director



C - For Review & Comment



D - In Development

8. Document to be distributed to States by Headquarters?



Yes



No

This Request Meets OSWER Directives System Format Standards.

9. Signature of Lead Office Directives Coordinator

Jennifer A. Barker

Date

7/28/92

Jennifer A. Barker, OSW Policy Directives Coordinator

10. Name and Title of Approving Official

Date

7/28/92

Sylvia K. Lowrance, Director, OSW

EPA Form 1315-17 (Rev. 5-87) Previous editions are obsolete.

OSWER OSWER OSWER OSWER
DIRECTIVE DIRECTIVE DIRECTIVE



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

JUL 28 1992

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: State Programs Advisory Number Ten

FROM: Sylvia K. Lovrance, Director
Office of Solid Waste

TO: Regional Waste Management Division Directors
Regions I - X

The State and Regional Programs Branch (SRPB) periodically issues State Programs Advisories (SPAs) as new RCRA program policies, regulations, and self-implementing statutory provisions come into effect. These SPAs update the State Authorization Manual (SAM), which assists States and Regions in authorizing States for the RCRA program.

The attached SPA 10 covers RCRA program changes for the period July 1 through December 31, 1990. Included in this SPA are three new revision checklists and four revised existing checklists. A revised Model Attorney General's Statement and other revised SAM materials are also included.

Beginning with this SPA, the Base Program Consolidated Checklists will not be included in the general distribution of SPAs. However, these Consolidated Checklists are available on request, both in hard copy and electronic formats. This change is a result of suggestions by a Quality Action Team which has been assessing how we can issue SPAs with the most pertinent information in a more timely manner. A memo from the State and Regional Programs Branch transmitting all the changes in SPA content as well as procedures for its distribution will be sent to you shortly.

Each Region is asked to distribute the SPA to their States. Besides the attached hard copy, this SPA is available on diskette, and is also on the SRPB Bulletin Board Service which is available to Regions and States at no charge by calling 1-800-243-2792.

2

If you have questions about these materials, please contact Richard Lashier, Chief of the Regional Coordination and Implementation Section, at FTS 260-2210.

Attachments

cc: Bruce Diamond, ONPE
RCRA Branch Chiefs, Regions I - X
State Program Section Chiefs, Regions I - X
ASTSWMO
SRPB Authorization Liaisons

Summary for State Program Advisory Ten

The following points briefly highlight the content of SPA 10. These points are organized by topic.

Checklists

a. New

- This SPA provides three new Revision Checklists (Numbers 80 through 82) for the period July 1, 1990 through December 31, 1990. All checklists were placed in RCRA Cluster I. Revision Checklists 80 and 81 contain only HSWA provisions, while Revision Checklist 82 contains both HSWA and non-HSWA provisions.
- Also included in SPA 10 is a Consolidated Toxicity Characteristics Checklist for the rules addressing the toxicity characteristics requirements.

b. Old

- Revised Checklists 17 M, 44 C, 45 and 76 are included in this SPA.

Cluster Information

- SPA 10 delineates timeframes by which states must obtain authorization for RCRA Cluster I. Revision Checklists 80, 81 and 82 open this cluster, with this cluster's due date being July 1, 1992. 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.

STATE PROGRAM ADVISORY #10

A. STATE PROGRAM CHANGES FOR JULY 1, 1990 - DECEMBER 31, 1990

1. Toxicity Characteristic; Hydrocarbon Recovery Operations

Date: October 5, 1990 Reference: 55 FR 40834-40837
 February 1, 1991 56 FR 3978
 April 2, 1991 56 FR 13406-13411

Effective: September 25, 1990
 February 1, 1991
 March 25, 1991

Summary: This interim final rule extended, for 120 days, the compliance date of the Toxicity Characteristic (TC) rule for petroleum refineries and marketing terminals or bulk plants currently engaged in hydrocarbon recovery and remediation operations stemming from handling crude petroleum and immediate products of petroleum refining. The hydrocarbon recovery and remediation activities affected are those that recover free-floating hydrocarbons from a contaminated aquifer and include, as part of recovery, reinjection of contaminated ground water via underground injection wells, or reinfiltration via an infiltration gallery into the same aquifer from which it was withdrawn. Facilities with existing contracts for construction of these operations are also included in the extension. After promulgation of the TC rule (55 FR 11798, March 29, 1990), the Agency obtained new information that this rule could prevent the continued operation of these hydrocarbon recovery and remediation activities, and this cessation may pose a substantially greater risk to human health and the environment than their continued operation. The 120-day extension is to allow the Agency to solicit further public comment and to consider all available, pertinent information and to develop the best solution to protect human health and the environment. This immediate final rule adds the 120-day exclusion (i.e., until January 25, 1991) to 40 CFR 261.4(b). A second interim final rule on February 1, 1991 further extended the compliance date to March 25, 1991. A final rule on April 2, 1991 broadened the scope of the facilities affected by this extension to also include free hydrocarbon recovery operations at petroleum pipeline and transportation sector spill sites, as well as at petroleum refineries, marketing terminals and bulk plants. Free phase hydrocarbon recovery operations involving infiltration galleries were excluded from the scope of the extension. The April final rule further extended the compliance date to January 25, 1993 for all included operations existing on or before March 25, 1991. New operations with injection wells qualify for this compliance extension only if they meet certain criteria.

State Authorization: This is a HSWA rule and will be included in RCRA Cluster I. Until January 23, 1993, a less stringent standard than that imposed by the Toxicity Characteristic rule is in effect for certain hydrocarbon recovery and remediation operations. Therefore, States are not required to mandate the management of the wastes addressed by this rule in order to retain RCRA authorization. States may, however, under Section 3009 of RCRA,

impose more stringent requirements than those imposed by Federal regulations. The modification deadline, for states wishing to adopt these less stringent provisions, is July 1, 1992 (or July 1, 1993, if a state statutory change is needed). Both interim authorization and final authorization are available. The state revision application must include a revised program description, an Attorney General's statement addendum, an addendum to the MOA (if appropriate), Revision Checklist 80, and associated state regulations.

SAM Update: Updates to Tables G-1 and G-2 of Appendix G, the Model Revision Attorney General's Statement of Appendix E and the Checklist Linkage Table of Appendix H are necessary to reflect the addition of this checklist. These revisions are addressed in Section B of this SPA. A copy of Revision Checklist 80 and its associated FR notice may be found in Attachment A.

2. Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038)

Date: November 2, 1990 Reference: 55 FR 46354-46397
December 17, 1990 55 FR 51707

Effective: May 2, 1991

Summary: The November 2, 1990 (55 FR 46354) rule adds two wastes to the list of hazardous wastes from non-specific sources under 40 CFR 261.31. These wastes, designated as F037 and F038, are generated in the separation of oil/water/solids from petroleum refinery process wastewaters and oily cooling wastewaters. The rule also amends Appendix VII of 40 CFR 261 by adding the organic and inorganic constituents for which these wastes are listed. In addition, the wastes are added to the list of hazardous substances under CERCLA, setting their reportable quantities at 1 pound. The December 17, 1990 rule (55 FR 51707) makes corrections to the November 2, 1990 rule.

The EPA has determined that the F037 and F038 wastes, when improperly treated, stored, transported, disposed of, or otherwise managed, are potentially capable of posing a substantial hazard to human health or the environment. This rule will thus extend RCRA and CERCLA coverage to all oil/water/solids separation sludges and floats generated from petroleum refineries, regardless of the type of device used to separate the wastes from the process wastewaters and oily cooling wastewaters and regardless of where the treatment takes place. The effect of listing these wastes will be to subject them to the hazardous waste regulations of 40 CFR 124, 262 through 266, 270 and 271; RCRA §3001 notification requirements; and CERCLA §103 notification requirements. (Note, the CERCLA requirements are not part of the RCRA authorization program and are not included in the checklist for this rule.)

(Note, a May 13, 1991 (56 FR 21955; Revision Checklist 89) interim final rule narrowed the scope of the F037 and F038 listings. This rule is addressed in SPA 11.)

State Authorization: This is a HSWA rule and will be included in RCRA Cluster I. Both interim and final authorization are available; interim authorization expires January 1, 1993. The State modification deadline is July 1, 1992 (or July 1, 1993, if a State statutory change is needed). The State revision application must include a revised program description, an AG Statement addendum, an addendum to the MOA (if appropriate), Revision Checklist 81, and associated State regulations.

SAM Update: Updates to Tables G-1 and G-2 of Appendix G, the Model Revision Attorney General's Statement of Appendix E and the Checklist Linkage Table of Appendix H are necessary to reflect the addition of this checklist. These revisions are addressed in Section B of this SPA. A copy of Revision Checklist 81 and its associated FR notice may be found in Attachment A.

3. Wood Preserving Listings

Date: December 6, 1990

Reference: 55 FR 50450-50490

Effective: June 6, 1991

Summary: This rule lists as hazardous three categories of wastes, F032, F034 and F035, from wood preserving operations, and finalizes portions of a proposed rule published by EPA on December 30, 1988 (53 FR 53282). The listings finalized by this rule include wastewaters, process residuals, preservative drippage, and spent preservatives from wood preserving processes at facilities that use or have previously used chlorophenolic formulations, facilities that use creosote formulations, and facilities that use inorganic preservatives containing arsenic or chromium. EPA is deferring a final listing with respect to wastes from surface protection processes that use chlorophenolic formulations (proposed waste F033) until more information can be collected on which to support a decision. Note, however, these wastes may exhibit the Toxicity Characteristics and may already be regulated under Subtitle C.

The rule includes permitting and interim status standards for drip pads used to assist in the collection of treated wood drippage, including requirements for drip pad design and operation, inspections and closure. Under the rule, generators may be eligible for a 90-day accumulation exemption from permitting if their pads meet all of the technical standards for drip pads.

(Note, a June 13, 1991 (56 FR 27332; Revision Checklist 91) notice administratively stayed the F032, F034 and F035 waste listings. This administrative stay is addressed in SPA 11. On July 1, 1991 (56 FR 30192; Revision Checklist 92) a notice made technical corrections to the December 6, 1990 Wood Preserving Listings rule. These technical corrections are addressed by SPA 12. Both SPA 11 and SPA 12 are available in draft form from the SRPB Bulletin Board System.

State Authorization: The listing of F032 and the permitting and interim status drip pad standards necessary to provide regulatory standards applicable to F032 drippage are

promulgated pursuant to HSWA while the remaining portions of the rule (the listing 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 promulgated pursuant to non-HSWA provisions. The rule will be included in RCRA Cluster I. Both interim and final authorization for the HSWA provisions are available; interim authorization expires January 1, 1993. Only final authorization is available for the non-HSWA provisions. The non-HSWA requirements will be applicable only in those States that do not have final authorization. In authorized States, the non-HSWA provision will not be applicable until these States revise their programs to adopt equivalent requirements under State law, unless the wastes are designated as hazardous due to the Toxicity Characteristic. In this latter case, these wastes came under regulation on June 6, 1991, even in authorized states because the Toxicity Characteristic was promulgated under HSWA authority.

The State modification deadline for this present rule is July 1, 1992 (or July 1, 1993, if a State statutory change is needed) for all provisions, both HSWA and non-HSWA. The State revision application must include a revised program description, an AG Statement addendum, an addendum to the MOA (if appropriate), Revision Checklist 82, and associated State regulations.

SAM Update: Updates to Tables G-1 and G-2 of Appendix G, the Model Revision Attorney General's Statement of Appendix E and the Checklist Linkage Table of Appendix H are necessary to reflect the addition of this checklist. These revisions are addressed in Section B of this SPA. A copy of Revision Checklist 82 and its associated FR notice may be found in Attachment A.

B. REVISIONS TO SAM

The addition of three new checklists necessitated revisions to Tables G-1 and G-2 of Appendix G, the Model Revision Attorney General's Statement in Appendix D, and the Checklist Linkage Table in Appendix H. These revised tables and model are included in Attachment B and should replace the relevant parts in the SAM Manual. Specific revisions are detailed below.

- The revised Tables G-1 and G-2 (pp. 4-27) should replace pages 4 through 24 of SAM, Appendix G.
- The Revised Attorney General's Statement (pp. 9-50) should replace pages 9 through 47 of SAM, Appendix E. New entries were added at I O, I A(18)&(19), I P, I Q, I R, XV L and XVI W.
- The Revised Checklist Linkage Table should replace pages 3 through 6 of SAM, Appendix H.

Four revised checklists--Revision Checklists 17 M, 44 C, 45 and 76--are also included in this SPA. Additional guidance has been added to Revision Checklist 17 M to make clear which portions of it are necessary, particularly in the situation where a State chooses not to adopt the provision addressing new TSCA PCB incineration facilities. For a short period of time this checklist was incorrectly listed as optional in StATS and in the Draft SPA 10-12 Tables G-1 & G-2 on the SRPB Bulletin Board System (BBS). This error was corrected in

this SPA and in SPAs 11 and 12, on the SRPB-BBS, and it will be corrected in the next version of StATS which is sent to you.

Prenotes were added to Revision Checklists 44 C and 45 concerning the Part 144 revisions contained in the rules addressed by these checklists. In the case of Revision Checklist 45, the Part 144 changes were also removed from that checklist.

Revised Revision Checklist 76 includes two new prenotes. The first explains the relationship of this checklist to the final rule promulgated on January 2, 1992 (57 FR 12). That January 2 rule was a reissuance of the May 4, 1990 rule addressed by Revision Checklist 76 and, as such, does not need a separate checklist. States need not apply for that rule if they are authorized for the May 4, 1990 rule, as no change to the code was made. The second prenote indicates that the checklist has been designated as optional, because not all States have analogs to 261.11. Only States with an analog would need to adopt the amendments addressed by this Revision Checklist 76. Previously, this checklist had been designated as non-optional. This change in status has been made in Tables G-1 & G-2 contained in this SPA.

C. CONSOLIDATED TOXICITY CHARACTERISTICS CHECKLIST

Also included in this SPA is a consolidated checklist for the rules addressing the toxicity characteristics requirements. The attached checklist includes changes addressed by Revision Checklist 74 (SPA 9) and Revision Checklist 80 (SPA 10). The date at the top of this consolidated checklist indicates that changes through June 30, 1991 are included, even through this present SPA is inclusive through December 31, 1991. The June 30, 1991 date was used because Revision Checklist 80 addresses all of the changes to the Toxicity characteristics rule from October 5, 1990, through June 30, 1991. The Consolidated Characteristics Checklist may be found in Attachment C.

RCRA REVISION CHECKLIST 80

Toxicity Characteristic; Hydrocarbon Recovery Operations
55 FR 40834-40837
October 5, 1990
as amended on February 1, 1991, at 56 FR 3978
and April 2, 1991, at 56 FR 13406-13411
(RCRA Cluster I, HSWA Rule)

This revision checklist addresses an interim final rule which extended, for 120 days (until January 25, 1991), the compliance date for requirements imposed in the Toxicity Characteristic final rule (see 55 FR 11798; March 29, 1990; Revision Checklist 74) for groundwater that is reinjected or reinfiltrated during existing hydrocarbon recovery operations at petroleum refining facilities, marketing terminals, and bulk plants engaged in hydrocarbon recovery and remediation operations. A second interim final rule on February 1, 1991 further extended the compliance date to March 25, 1991. A final rule on April 2, 1991 broadened the scope of the facilities affected by this extension to also include free hydrocarbon recovery operations at petroleum pipeline and transportation sector spill sites as well as at petroleum refineries, marketing terminals and bulk plants. Free phase hydrocarbon recovery operations involving infiltration galleries were excluded from the scope of the extension. The April final rule further extended the compliance date to January 25, 1993 for all included operations existing on or before March 25, 1991. New operations with injection wells qualify for this compliance extension only if they meet certain criteria.

Until January 25, 1993, a less stringent standard than that imposed by the Toxicity Characteristic rule is in effect for certain hydrocarbon recovery and remediation operations. Thus, States will not be required to mandate this less stringent standard in order to retain RCRA authorization. Under Section 3009 of RCRA, States may impose more stringent requirements than those imposed under Federal regulations.

**RCRA REVISION CHECKLIST 80: Toxicity Characteristic;
Hydrocarbon Recovery Operations (Cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

†,1 EXCLUSIONS

until January 25, 1993, exclusion for injected groundwater exhibiting the 261.24 Toxicity Characteristic that is infiltrated or re-injected 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:	261.4(b)(11)				
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	261.4(b)(11)(i)				

**RCRA REVISION CHECKLIST 80: Toxicity Characteristic;
Hydrocarbon Recovery Operations (Cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
2 copy of written agreement has been submitted to Characteristics Section, U.S. Environmental Protection Agency	261.4(b)(11)(ii)				

¹ The October 5, 1990 interim final rule extended the compliance date to January 25, 1991 (see 55 FR 40834). The compliance date was further extended to March 25, 1991 by the February 1, 1991 interim final rule (see 56 FR 3978) and then to January 25, 1993 by the April 2, 1991 final rule (see 56 FR 13406).

² A copy of the agreement should be sent to the U.S. Environmental Protection Agency, Office of Solid Waste, Characterization and Assessment Division, Waste Identification Branch, Characteristics Section (OS-333); thus, the reference to the Characteristics Section found at 261.4(b)(11)(ii) 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.

RCRA REVISION CHECKLIST 81

Petroleum Refinery Primary and Secondary
 Oil/Water/Solids Separation Sludge Listings (F037 and F038)
 55 FR 46354-46397
 November 2, 1990
 as amended on December 17, 1990, at 55 FR 51707
 (RCRA Cluster I, HSWA)

Following the promulgation of the two rules addressed by this checklist, an interim final rule (56 FR 21955; May 13, 1991; Revision Checklist 89) revised the definition of wastes subject to the F037 and F038 listings. That rule also clarified that, with regard to F038, floats generated in aggressive biological treatment units are not included in the listing description of that waste stream. Because these changes narrow the scope of the F037 and F038 listings, they are considered optional. States wishing to adopt the optional changes addressed by Revision Checklist 89 are strongly encouraged to adopt them at the same time the Revision Checklist 81 provisions are adopted.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

1,2	add the waste codes "F037" and "F038" to list in alphanumeric order as shown below; redesignate the introductory paragraph and the table as paragraph (a)	261.31(a)				
-----	---	-----------	--	--	--	--

**RCRA REVISION CHECKLIST 81: Petroleum Refinery
Primary and Secondary Oil/Water/Solids
Separation Sludge Listings (F037 and F038) (Cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
---	-----------------	----------------

* * * * *

F037 . . Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in §261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. (T)

F038 . . Petroleum refinery secondary (emulsified) oil/water/solids separation sludge--Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in §261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing. (T)

* * * * *

add new paragraph entitled "Listing Specific Definitions:"	261.31(b)				
definition of oil/water/ solids for the purposes of F037 and F038 listings	261.31(b)(1)				

**RCRA REVISION CHECKLIST 81: Petroleum Refinery
Primary and Secondary Oil/Water/Solids
Separation Sludge Listings (F037 and F038) (Cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
for the purposes of F037 and F038, aggressive biological treatment units are defined as units which employ one of four specified treatment methods; specific requirements for high-rate aeration:	261.31(b)(2)(i)				
units employ a minimum of 6 hp per million gallons of treatment volume and either:	261.31(b)(2)(i)(A)				
the hydraulic retention time of the unit is no longer than 5 days	261.31(b)(2)(i)(B)				
the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is hazardous waste by the Toxicity Characteristic	261.31(b)(2)(i)(C)				
generators and treatment, storage and disposal facilities must prove their sludges are exempt from listing as F037 and F038 wastes; maintenance of documents and data sufficient to prove that:	261.31(b)(2)(ii)				
unit is an aggressive biological treatment unit as defined in 261.31(b)(2)	261.31(b)(2)(ii)(A)				

**RCRA REVISION CHECKLIST 81: Petroleum Refinery
Primary and Secondary Oil/Water/Solids
Separation Sludge Listings (F037 and F038) (Cont'd)**

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
2 sludges were actually generated in the aggressive biological treatment unit	261.31(b)(2)(ii)(B)				
sludges are considered to be generated at the moment of deposition in the unit for the purposes of the F037 listing; deposition defined	261.31(b)(3)(i)				
for the purposes of the F038 listing	261.31(b)(3)(ii)				
sludges are considered to be generated at the moment of deposition in the unit; deposition defined	261.31(b)(3)(ii)(A)				
floats are considered to be generated at the moment they are formed in the top of the unit	261.31(b)(3)(ii)(B)				

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add the waste codes "F037" and "F038" in alphanumeric order to list as shown below:	Appendix VII				
---	--------------	--	--	--	--

RCRA REVISION CHECKLIST 81: Petroleum Refinery
Primary and Secondary Oil/Water/Solids
Separation Sludge Listings (F037 and F038) (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

APPENDIX VII.--BASIS FOR LISTING
HAZARDOUS WASTE

EPA hazardous waste No.	Hazardous constituents for which listed
* * * * *	* * * * *
F037	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F038	Benzene, benzo(a)pyrene chry- sene, lead, chromium.
* * * * *	* * * * *

¹ The introductory paragraph and table were originally introduced into the code as 261.31. The final rule for this checklist has redesignated the old 261.31 as 261.31(a) and added a new paragraph, 261.31(b).

² See the technical correction to the rule at 55 FR 51707 (December 17, 1990).

RCRA REVISION CHECKLIST 82

Wood Preserving Listings

55 FR 50450-50490

December 6, 1990

(RCRA Cluster I, HSWA and Non-HSWA Provisions)

1) This Revision Checklist adds three broad categories of wastes from wood preserving processes that use chlorophenolic, creosote, and/or inorganic (arsenical and chromium) preservatives to the list of wastes from non-specific sources. 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.

2) Note that on June 13, 1991 (56 FR 27332), an administrative stay was published affecting this final rule. Because the Federal code was changed, a checklist was developed, Revision Checklist 91. The changes addressed by that checklist are all optional.

3) Technical corrections were made to this rule on July 1, 1991 (56 FR 30192; Revision Checklist 92). States are strongly encouraged to adopt those technical corrections at the same time that Revision Checklist 82 provisions are adopted.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

DEFINITIONS

add "drip pad" in alphabetical order	260.10				
---	--------	--	--	--	--

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROA IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

† add new paragraph which excludes as a solid waste spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose	261.4(a)(9)				
--	-------------	--	--	--	--

SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

add the waste codes "F032", "F034" and "F035" in alpha-numeric order to list as shown below	261.31(a)				
---	-----------	--	--	--	--

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
Industry and EPA hazardous waste No.	Hazardous waste			Hazard code	
*	*	*	*	*	*
F032 . . .	Wastewaters, process residuals, preservative drippage, and spent formula- tions 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 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, process residuals, preservative drippage, and spent formula- tions 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, process residuals, preservative drippage, and spent formula- tions 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)	
*	*	*	*	*	*

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING AND 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	261.35(a)				
generators must either clean or replace all specified process equipment that may have come into contact with chlorophenolic formulations or constituents; generators must either:	261.35(b)				
prepare and sign a written equipment cleaning or replacement plan and conduct cleaning and/or replacement of equipment in accordance with plan; manage discarded equipment as F032 waste	261.35(b)(1)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
removal of all visible residues from process equipment and rinsing process equipment with appropriate solvent to meet specified criteria when tested in accordance with SW-846 Method 8290; management of all residues as F032 waste	261.35(b)(2)				
document that previous equipment cleaning or replacement was performed in accordance with 261.35 requirements and occurred after a change in preservative	261.35(b)(3)				
documentation that must be maintained as part of the facility's operating record	261.35(c)				
name and address of the facility	261.35(c)(1)				
formulations previously used and the date on which their use ceased in each process at the plant	261.35(c)(2)				
formulations currently used in each process at the plant	261.35(c)(3)				
equipment cleaning or replacement plan	261.35(c)(4)				
name and address of any persons who conducted the cleaning and replacement	261.35(c)(5)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUI- VALENT	MORE STRINGENT	BROADER IN SCOPE
dates on which cleaning and replacement were accomplished	261.35(c)(6)				
dates of sampling and testing	261.35(c)(7)				
description of sample handling and prep- aration techniques	261.35(c)(8)				
description of the tests performed, the date, and the results of the tests	261.35(c)(9)				
name and model numbers of the instrument(s) used in performing the tests	261.35(c)(10)				
QA/QC documentation	261.35(c)(11)				
signed certification statement	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	Table 1, Appendix III				
--	-----------------------	--	--	--	--

TABLE 1. --ANALYSIS METHODS FOR
ORGANIC CHEMICALS CONTAINED IN SW-846

Compound	Method Nos.
* * * * *	
Benzo(k) fluoranthene	8100,8250, 8270,8310
* * * * *	

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add "F032", "F034",
and "F035" to list
in alphanumeric order
as shown below:

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, pentachloro- phenol, 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, naphtha- lene, arsenic, chromium.
F035.....	Arsenic, chromium, lead.

APPENDIX VIII TO PART 261

HAZARDOUS CONSTITUENTS

add the specified
hazardous
constituents in
alphabetical order
as shown below:

Appendix VIII

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

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

ACCUMULATION TIME

† redesignate paragraph (a)(2) as (a)(3); add new paragraph requiring placement of waste on drip pads, generator compliance with Subpart W of Part 265 and maintenance of the following records at the facility:	262.34(a)(2)				
† description of procedures to ensure wastes are removed from drip pad and associated collection system at least once every 90 days	262.34(a)(2)(i)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
† documentation of each waste removal, including quantity, date and time of removal; generator exemption from Subparts G and H of Part 265 requirements, except for 265.111 and 265.114	262.34(a)(2)(ii)				
redesignate "262.34(a)(2)" as "262.34(a)(3)"	262.34(a)(3)				
redesignate "262.34(a)(3)" as "262.34(a)(4)"	262.34(a)(4)				
redesignate "262.34(a)(4)" as "262.34(a)(5)"	262.34(a)(5)				

**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)	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	264.190(c)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

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 to an associated collection system; existing drip pads defined	264.570(a)				
owner or operator of certain drip pads inside or under a structure not subject to 264.572(e) or 264.572(f) regulations, as appropriate	264.570(b)				

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 264.572 standards are met, except 264.572(b) standards for liners and leak detection systems; documentation of drip pad age	264.571(a)				
---	------------	--	--	--	--

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
development of written plan for up-grading, repairing and modifying drip pad to meet 264.572(b) requirements; submittal of plan to Regional Administrator no later than 2 years before completion of modifications; written plan documentation, review and certification requirements; conditions for completion of upgrades, repairs and modifications	264.571(b)				
for existing drip pads of known and documentable age, upgrades, repairs and modifications completed within two years of June 6, 1991, or when the drip pad has reached 15 years of age, whichever comes later	264.571(b)(1)				
for existing drip pads with no documentable age, upgrades, repairs and modifications must be completed within 8 years of June 6, 1991; if facility is over 7 years old, completion by the time facility reaches 15 years or by two years after June 6, 1991, whichever comes later	264.571(b)(2)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
conditions under which owner or operator may petition Regional Administrator for extension of deadline; petition granted if drip pad meets all 264.572 requirements, except those for liners and leak detection systems specified in 264.572(b)	264.571(b)(3)				
submittal of required drawings and certification to Regional Administrator or State Director upon completion of all repairs and modifications	264.571(c)				
if drip pad found to be leaking or unfit for use, compliance with 264.572(m) provisions or close drip pad in accordance with 264.574	264.571(d)				

DESIGN AND OPERATING REQUIREMENTS

drip pads must:	264.572(a)				
be constructed of non-earthen materials, excluding wood and non-structurally supported asphalt	264.572(a)(1)				
be sloped for free-drainage to the associated collection system	264.572(a)(2)				
have a curb or berm around the perimeter	264.572(a)(3)				
be impermeable as specified	264.572(a)(4)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
be of sufficient structural strength and thickness to meet specified conditions	264.572(a)(5)				
a drip pad must have:	264.572(b)				
a synthetic liner that meets certain design, construction and installation specifications	264.572(b)(1)				
specific requirements for liner construction materials	264.572(b)(1)(i)				
foundation or base requirements	264.572(b)(1)(ii)				
liner must cover all surrounding earth that could come into contact with the waste or leakage	264.572(b)(1)(iii)				
leakage detection system immediately above the liner; detection system must be:	264.572(b)(2)				
constructed of materials that are:	264.572(b)(2)(i)				
chemically resistant to relevant waste and leakage	264.572(b)(2)(i)(A)				
of sufficient strength and thickness to prevent collapse	264.572(b)(2)(i)(B)				
designed and operated to function without clogging through the scheduled closure of the drip pad	264.572(b)(2)(ii)				
designed to detect drip pad failure or the release of hazardous waste or accumulated liquid at the earliest practicable time	264.572(b)(2)(iii)				
maintenance of drip pads; note regarding remedial action	264.572(c)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off	264.572(d)				
run-on control system requirements, unless control system is protected by a structure, as described in 264.570(b)	264.572(e)				
run-off management system requirements, unless system is protected by a structure, as described in 264.570(b)	264.572(f)				
evaluation of drip pad for compliance with 264.572(a) - (f) requirements; design certification required	264.572(g)				
removal of drippage and accumulated precipitation from associated collection system as necessary to prevent overflow onto the drip pad	264.572(h)				
thorough cleaning of drip pad surface at least once every seven days to meet specified conditions; documentation of date, time and cleaning procedure in facility's operating log	264.572(i)				
minimize tracking of hazardous waste or constituents off the drip pad	264.572(j)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
after removal from treatment vessel, treated wood from pressure and non-pressure processes must be held on pad until drippage has ceased; documentation required	264.572(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	264.572(l)				
throughout the active life of the drip pad and as specified in the permit, repair of detected condition that could lead to or has caused a release of hazardous waste within a reasonable period of time, in accordance with the following procedures:	264.572(m)				
upon detection of a condition that has led or could lead to a release of hazardous waste, the owner must:	264.572(m)(1)				
enter discovery in the facility operating log	264.572(m)(1)(i)				
immediately remove from service affected portion of drip pad	264.572(m)(1)(ii)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
determine steps to repair drip pad and clean up any leakage; establish schedule for repairs	264.572(m)(1)(iii)				
notify Regional Administrator within 24 hours after discovery; provide written notice as specified within 10 working days	264.572(m)(1)(iv)				
review, determination and notification by Regional Administrator	264.572(m)(2)				
1 written notification to Regional Administrator and certification of compliance with 264.572(m)(1)(iv) after repairs and clean up	264.572(m)(3)				
should a permit be necessary, Regional Administrator will specify in the permit all design and operating practices necessary to ensure that 264.572 requirements are met	264.572(n)				
documentation in operating log, as specified, of past operating and waste handling practices	264.572(o)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
INSPECTIONS					
inspection of liners and cover systems for uniformity, damage and imperfections during construction or installation; inspection and certification of liners to meet 264.572 requirements; maintenance of certification as part of the facility operating record; inspection of liners and covers after installation	264.573(a)				
drip pad must be inspected weekly and after storms to detect evidence of any of the following:	264.573(b)				
deterioration, malfunctions or improper operation of run-on and run-off control systems	264.573(b)(1)				
presence of leakage in and proper functioning of leak detection system	264.573(b)(2)				
deterioration or cracking of drip pad surface; note regarding remedial action	264.573(b)(3)				
CLOSURE					
at closure, removal and decontamination requirements; management as hazardous waste	264.574(a)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
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	264.574(b)				
owner or operator of an existing drip pad that does not comply with the 264.572(b)(1) liner requirements must:	264.574(c)(1)				
include in closure plans for drip pad under 264.112, a plan for 264.574(a) compliance and a contingent plan for 264.574(b) compliance	264.574(c)(1)(i)				
prepare a contingent post-closure plan under 264.118 for complying with 264.574(b) in case not all contaminated subsoils can be practicably removed at closure	264.574(c)(1)(ii)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
cost estimates calculated under 264.112 and 264.144 for closure and post-closure care of drip pad subject to 264.574 must include the cost of complying with the contingent closure plan and the contingent post-closure plan; cost of expected closure under 264.574(a) need not be included	264.574(c)(2)				

DESIGN AND INSTALLATION OF NEW DRIP PADS

owners and operators of drip pads must ensure that the pads are designed, installed and operated in accordance with all applicable 264.572, 264.573 and 264.574 requirements	264.575				
--	---------	--	--	--	--

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)	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	265.190(c)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

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 to an associated collection system; existing drip pads defined	265.440(a)				
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	265.440(b)				

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; documentation of drip pad age	265.441(a)				
---	------------	--	--	--	--

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
development of written plan for up- grading, repairing and modifying drip pad to meet 265.443(b) requirements; submittal of plan to Regional Adminis- trator no later than 2 years before completion of modi- fications; written plan docu- mentation, review and certification require- ments; conditions for completion of upgrades, repairs and modifications	265.441(b)				
for existing drip pads of known and documentable age, upgrades, repairs and modifications com- pleted within two years of June 6, 1991; or when the drip pad has reached 15 years of age, whichever comes later	265.441(b)(1)				
for existing drip pads with no documentable age, upgrades, repairs and modifications must be completed within 8 years of June June 6, 1991; if facility is over 7 years old, completion by the time facility reaches 15 years or by two years after June 6, 1991, whichever comes later	265.441(b)(2)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUI- VALENT	MORE STRINGENT	BROADER IN SCOPE
conditions under which owner or operator may petition Regional Administrator for extension of deadline; petition granted if drip pad meets all 265.443 requirements, except those for liners and leak detection systems specified in 265.443(b)	265.441(b)(3)				
submittal of required drawings and certification to Regional Administrator or State Director upon completion of all repairs and modifications	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	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 all applicable 265.443, 265.444 and 265.445 requirements	265.442				
DESIGN AND OPERATING REQUIREMENTS					
drip pads must:	265.443(a)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
be constructed of non-earthen materials, excluding wood and non-structurally supported asphalt	265.443(a)(1)				
be sloped to free-drain wastes to the associated collection system	265.443(a)(2)				
have a curb or berm around the perimeter	265.443(a)(3)				
be impermeable as specified	265.443(a)(4)				
be of sufficient structural strength and thickness to meet specified conditions; note regarding structural integrity standards	265.443(a)(5)				
a new drip pad or an existing drip pad, after the 265.441(b) deadline, must have:	265.443(b)				
a synthetic liner that meets certain specifications	265.443(b)(1)				
specific requirements for liner construction materials	265.443(b)(1)(i)				
foundation or base requirements	265.443(b)(1)(ii)				
liner must cover all surrounding earth that could come into contact with the waste or leakage	265.443(b)(1)(iii)				
leakage detection system immediately above the liner; detection system must be:	265.443(b)(2)				
constructed of materials that are:	265.443(b)(2)(i)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
chemically resistant to relevant waste and leakage	265.443(b)(2)(i)(A)				
of sufficient strength and thickness to prevent collapse	265.443(b)(2)(i)(B)				
designed to detect the failure of the drip pad or the presence of hazardous waste release or accumulated liquid at the earliest practicable time	265.443(b)(2)(ii)				
maintenance of drip pads; note regarding remedial action	265.443(c)				
convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off	265.443(d)				
run-on control system requirements, unless drip pad is protected by a structure, as described in 265.440(b)	265.443(e)				
run-off management system requirements, unless drip pad is protected by a structure, as described in 265.440(b)	265.443(f)				
evaluation of drip pad for compliance with 265.443(a) - (f) requirements; design certification required	265.443(g)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
removal of drippage and accumulated precipitation from associated collection system as necessary to prevent overflow onto the drip pad	265.443(h)				
thorough cleaning of drip pad surface at least once every seven days to meet specified conditions; documentation of date, time and cleaning procedure in facility's operating log	265.443(i)				
minimize tracking of hazardous waste or constituents off the drip pad	265.443(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	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	265.443(l)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
throughout the active life of the drip pad and as specified in the permit, repair of detected condition that could lead to or has caused a release of hazardous waste within a reasonable period of time, in accordance with the following procedures:	265.443(m)				
upon detection of a condition that has led or could lead to a release of hazardous waste, the owner must:	265.443(m)(1)				
entry of discovery in the facility operating log	265.443(m)(1)(i)				
immediate removal from service of affected portion of drip pad	265.443(m)(1)(ii)				
determination of steps to repair drip pad, remove any leakage, and establish schedule for clean up and repairs	265.443(m)(1)(iii)				
notify Regional Administrator within 24 hours after discovery; provide written notice as specified within 10 working days	265.443(m)(1)(iv)				
review, determination and notification by Regional Administrator	265.443(m)(2)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
2 written notification to Regional Administrator and certification of compliance with 265.443(m)(1)(iv) after repairs and clean up	265.443(m)(3)				
documentation in operating log, as specified, of past operating and waste handling practices	265.443(n)				

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	265.444(a)				
drip pad must be inspected weekly and after storms to detect evidence of any of the following:	265.444(b)				
deterioration, malfunctions or improper operation of run-on and run-off control systems	265.444(b)(1)				
presence of leakage in and proper functioning of leak detection system	265.444(b)(2)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
deterioration or cracking of drip pad surface; note regarding remedial action	265.444(b)(3)				
CLOSURE					
at closure, removal and decontamination requirements; management as hazardous waste	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	265.445(b)				
owner or operator of an existing drip pad not in compliance with the 265.443(b)(1) liner requirements must:	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	265.445(c)(1)(i)				
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	265.445(c)(1)(ii)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
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	265.445(c)(2)				

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

SUBPART B - PERMIT APPLICATION

3 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	270.22				
list of hazardous wastes placed or to be placed on each drip pad	270.22(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	270.22(b)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
detailed plans and an engineering report describing the design, construction, operation and maintenance of drip pad to meet 264.572 requirements; submission must address 264.571 items	270.22(c)				
design characteristics of the drip pad	270.22(c)(1)				
liner system	270.22(c)(2)				
leakage detection system	270.22(c)(3)				
practices designed to maintain drip pads	270.22(c)(4)				
associated collection system	270.22(c)(5)				
control of run-on to the drip pad	270.22(c)(6)				
control of run-off from the drip pad	270.22(c)(7)				
removal intervals and demonstration of sufficiency to prevent overflow	270.22(c)(8)				
procedures for cleaning drip pad at least once every seven days; provisions for documentation of date, time and cleaning procedure	270.22(c)(9)				
operating practices and procedures to minimize tracking of hazardous waste or waste constituents off the drip pad	270.22(c)(10)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	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	270.22(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	270.22(c)(12)				
if treatment is carried out on the drip pad, details of process equipment used, and the nature and quality of residuals	270.22(c)(13)				
description of drip pad inspections to meet 264.572 requirements; include in 270.14(b)(5) inspection plan	270.22(c)(14)				
certification that drip pad design meets 264.571(a) - (f) requirements	270.22(c)(15)				

RCRA REVISION CHECKLIST 82: Wood Preserving Listings (Cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
description of removal procedures at closure under 264.573(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	270.22(c)(16)				

- ¹ Note that paragraph 264.572(m)(3) in the Federal Register (55 FR 50486, December 6, 1990), 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 is addressed by the July 1, 1991 technical corrections to the rule (56 FR 30192).
- ² Note that paragraph 265.443(m)(3) in the Federal Register (55 FR 50488, December 6, 1990) 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 is addressed by the July 1, 1991 technical corrections to the rule (56 FR 30192).
- ³ Note that the Boilers and Industrial Furnaces Rule (56 FR 7134; February 21, 1991; Revision Checklist 85) inadvertently removed these requirements from the code. The July 1, 1991 (56 FR 30192; Revision Checklist 92) Wood Preserving technical corrections notice rectified this problem by redesignating this section as 270.26.

CONSOLIDATED CHECKLIST
for the
Toxicity Characteristics Revisions as of June 30, 1991

1) This checklist consolidates the changes to the Federal code addressed by the Toxicity Characteristic (TC) Rule [55 FR 11798 (March 29, 1990)] and subsequent revisions [55 FR 26986 (June 29, 1990), 55 FR 40834 (October 5, 1990), 56 FR 3978 (February 1, 1991), and 56 FR 13406 (April 2, 1991)] which have occurred through June 30, 1991. 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.

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 is in effect until January 23, 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.

FEDERAL REQUIREMENT	TC CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
				EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

replace "characteristic of EP toxicity" with "Toxicity Characteristic"	74	261.4(b)(6)(i)				
replace "characteristic of EP toxicity" with "Toxicity Characteristic solely for arsenic"	74	261.4(b)(9)				

CONSOLIDATED CHECKLIST: Toxicity Characteristics (cont'd)

FEDERAL REQUIREMENT	TC CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
				EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
1 add new paragraph regulating 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						
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)				
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)				

CONSOLIDATED CHECKLIST: Toxicity Characteristics (cont'd)

FEDERAL REQUIREMENT	TC CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
				EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
3 copy of written agreement has been submitted to the Characteristics Section, U.S. Environmental Protection Agency	80	261.4(b)(11)(ii)				

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				
--	----	-------	--	--	--	--

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; add new column with CAS numbers	74	261.24(b)				

CONSOLIDATED CHECKLIST: Toxicity Characteristics (cont'd)

FEDERAL REQUIREMENT	TC CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
				EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

TABLE 1.—MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

EPA HW No. ¹	Contaminant	CAS No. ²	Regula- tory 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	* 200.0
D024	m-Cresol.....	108-39-4	* 200.0
D025	p-Cresol.....	106-44-5	* 200.0
D026	Cresol.....		* 200.0
D016	2,4-D.....	94-75-7	10.0
D027	1,4- Dichloroben- zene.....	106-46-7	7.5
D028	1,2- Dichloroeth- ane.....	107-06-2	0.5
D029	1,1- Dichloroethy- lene.....	75-35-4	0.7
D030	2,4- Dinitrotoluene.....	121-14-2	* 0.13
D012	Endrin.....	72-20-8	0.02
D031	Heptachlor (and its hydrazide).....	76-44-6	0.008
D032	Hexachloroben- zene.....	118-74-1	* 0.13

D033	Hexachlorobuta- diene.....	67-68-3	0.5
D034	Hexachloroeth- ane.....	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	Pentachloro- phenol.....	87-86-5	100.0
D038	Pyridine.....	110-86-1	* 5.0
D010	Selenium.....	7782-49-2	1.0
D011	Silver.....	7440-22-4	5.0
D039	Tetrachloroethyl- ene.....	127-18-4	0.7
D015	Toxaphene.....	8001-35-2	0.5
D040	Trichloroethyl- ene.....	79-01-6	0.5
D041	2,4,5- Trichloro- phenol.....	95-95-4	400.0
D042	2,4,6- Trichloro- phenol.....	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 level of total cresol is 200 mg/L.

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)				
--	----	-----------	--	--	--	--

CONSOLIDATED CHECKLIST: Toxicity Characteristics (cont'd)

FEDERAL REQUIREMENT	TC CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
				EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

APPENDIX II TO PART 261

METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)

4 EP toxicity test procedures are replaced by Method 1311 Toxicity Characteristic Leaching Procedures (TCLP)	74	Appendix II				
--	----	-------------	--	--	--	--

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 Characteristics"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	74	264.301(e)(1)				
--	----	---------------	--	--	--	--

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 Characteristics"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	74	265.221(d)(1)				
--	----	---------------	--	--	--	--

CONSOLIDATED CHECKLIST: Toxicity Characteristics (cont'd)

FEDERAL REQUIREMENT	TC CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
				EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

SUBPART M - LAND TREATMENT

WASTE ANALYSIS

replace "exceed" with
"equal or exceed";
replace "EP Toxicity
Characteristic" with
"Toxicity Charac-
teristic"

74

265.273(a)

PART 268 - LAND DISPOSAL RESTRICTIONS

APPENDIX I TO PART 268

TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)

5 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 1, 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 reference 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 Because the June 29, 1990 (55 FR 26986) notice made extensive corrections to Appendix II, Part 261, the Appendix in that notice should be used instead of the one in the March 29, 1990 (55 FR 11798) notice.

RCRA REVISION CHECKLIST 17 M

Pre-construction Ban

Note: States must delete the old pre-July 15, 1985 version of 270.10(f)(3), that allows construction without a permit under limited circumstances. This language must be removed, whether or not the State chooses to adopt the provision regarding the construction of TSCA PCB facilities. The change made to 270.10(f)(1) is considered trivial, however, as it does not alter the meaning of that paragraph.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

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

SUBPART B - PERMIT APPLICATION

GENERAL APPLICATION REQUIREMENTS

new HWM facilities	270.10(f)(1)				
delete old pre-construction provision	270.10(f)(3)				
† NEW: TSCA PCB facilities	270.10(f)(3)				

RCRA REVISION CHECKLIST 44 C

Corrective Action for Injection Wells

Note: For the Part 144 entries on this checklist, States authorized for a UIC program need only cite the corresponding authorized provision and indicate that the State is already authorized for this provision under the UIC program. If a State is not authorized under the UIC program for Class I wells, (i.e., EPA retains primary enforcement responsibility) or the State has demonstrated to EPA's satisfaction that there are no underground injections within the State for Class I wells pursuant to 40 CFR 145.21(e), then the State does not have to complete the portion of the checklist for the Part 144 provisions.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 144 - REQUIREMENTS FOR THE UNDERGROUND INJECTION CONTROL PROGRAM

SUBPART A - GENERAL PROVISIONS

PURPOSE AND SCOPE OF PART 144

interim status for Class I wells	144.1(h)				
-------------------------------------	----------	--	--	--	--

SUBPART D - AUTHORIZATION BY PERMIT

APPLICATION FOR A PERMIT, AUTHORIZATION BY PERMIT

information requirements	144.31(g)(1)				
information on hazardous waste releases	144.31(g)(2)				
preliminary site investigations	144.31(g)(3)				

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

remove (c)(2)	265.1(c)(2)				
---------------	-------------	--	--	--	--

RCRA REVISION CHECKLIST 44C: Corrective Action for Injection Wells (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

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

SUBPART F - SPECIAL FORMS OF PERMITS

PERMITS BY RULE

complies with 264.101	270.60(b)(3)(i)				
UIC well is the only unit	270.60(b)(3)(ii)				

RCRA REVISION CHECKLIST 45

Hazardous Waste Miscellaneous Units
 52 FR 46946-46965
 December 10, 1987
 (Non-HSWA Cluster IV)

Note: 1) Note Revision Checklist 59 (January 9, 1989, 54 FR 615) contains technical corrections to the final rule addressed by Revision Checklist 45. States are encouraged to make the Revision Checklist 59 corrections when adopting the requirements addressed by Revision Checklist 45.

2) Note, the revision made to 141.31(a) by the rule addressed by this checklist is not included in this checklist, because it is not necessary for States to adopt this change to have RCRA authorization for this rule. Effectively, this paragraph states that the 40 CFR 264, Subpart X standards will suffice for the technical standards under the UIC program where the Part 146 technical standards are not generally appropriate. Note, however, such units may have other requirements under the UIC program, with which they also must comply.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

DEFINITIONS

revise "landfill"	260.10				
add "miscellaneous unit"	260.10				

PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART B - GENERAL FACILITY STANDARDS

APPLICABILITY

reference to Subpart X	264.10(b)				
------------------------	-----------	--	--	--	--

GENERAL INSPECTION REQUIREMENTS

addition and omission of specific citations	264.15(b)(4)				
---	--------------	--	--	--	--

RCRA REVISION CHECKLIST 45: Hazardous Waste Miscellaneous Units (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

LOCATION STANDARDS

add reference to "miscellaneous units"	264.18(b)(1)(ii)				
--	------------------	--	--	--	--

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

OPERATING RECORD

corrective action; change references	264.73(b)(6)				
---	--------------	--	--	--	--

SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS

APPLICABILITY

add new paragraph on miscellaneous units	264.90(d)				
---	-----------	--	--	--	--

SUBPART G - CLOSURE AND POST-CLOSURE

CLOSURE PERFORMANCE STANDARD

addition of specific references	264.111(c)				
------------------------------------	------------	--	--	--	--

CLOSURE PLAN; AMENDMENT OF PLAN

Director; add reference	264.112(a)(2)				
----------------------------	---------------	--	--	--	--

DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES, AND SOILS

addition of specific references	264.114				
------------------------------------	---------	--	--	--	--

POST-CLOSURE CARE AND USE OF PROPERTY

addition of Subpart "X"	264.117(a)(1)(i)				
addition of Subpart "X"	264.117(a)(1)(ii)				

POST-CLOSURE PLAN; AMENDMENT OF PLAN

addition of Subpart "X"	264.118(b)(1)				
----------------------------	---------------	--	--	--	--

RCRA REVISION CHECKLIST 45: Hazardous Waste Miscellaneous Units (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
addition of Subpart "X"	264.118(b)(2)(i)				
addition of Subpart "X"	264.118(b)(2)(ii)				

SUBPART H - FINANCIAL REQUIREMENTS

COST ESTIMATE FOR CLOSURE

addition of specific references	264.142(a)				
------------------------------------	------------	--	--	--	--

COST ESTIMATE FOR POST-CLOSURE CARE

disposal miscellaneous unit; add references	264.144(a)				
--	------------	--	--	--	--

LIABILITY REQUIREMENTS

miscellaneous disposal unit	264.147(b)				
--------------------------------	------------	--	--	--	--

SUBPART X - MISCELLANEOUS UNITS

APPLICABILITY

to whom requirements apply	264.600				
-------------------------------	---------	--	--	--	--

ENVIRONMENTAL PERFORMANCE STANDARDS

introductory paragraph regarding human health and the environment	264.601				
prevention of releases to ground water	264.601(a)				
characteristics of waste	264.601(a)(1)				
characteristics of unit	264.601(a)(2)				
existing quality of ground water	264.601(a)(3)				
ground-water flow	264.601(a)(4)				
ground-water users	264.601(a)(5)				

RCRA REVISION CHECKLIST 45: Hazardous Waste Miscellaneous Units (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
patterns of land use	264.601(a)(6)				
deposition or migration of wastes	264.601(a)(7)				
potential for health risks	264.601(a)(8)				
potential for damage caused by exposure	264.601(a)(9)				
prevention of releases to surface waters and soil	264.601(b)				
characteristics of waste	264.601(b)(1)				
migration prevention systems and structures	264.601(b)(2)				
hydrologic characteristics	264.601(b)(3)				
precipitation patterns	264.601(b)(4)				
ground-water flow	264.601(b)(5)				
proximity to surface waters	264.601(b)(6)				
current and potential uses	264.601(b)(7)				
existing quality of surface waters and soils	264.601(b)(8)				
patterns of land use	264.601(b)(9)				
potential for health risks	264.601(b)(10)				
potential for damage caused by exposure	264.601(b)(11)				
prevention of releases to the air	264.601(c)				
characteristics of waste	264.601(c)(1)				
emission prevention systems and structures	264.601(c)(2)				
operating characteristics	264.601(c)(3)				
characteristics of unit and area	264.601(c)(4)				

RCRA REVISION CHECKLIST 45: Hazardous Waste Miscellaneous Units (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
existing quality of air	264.601(c)(5)				
potential for health risks	264.601(c)(6)				
potential for damage caused by exposure	264.601(c)(7)				

MONITORING, ANALYSIS, INSPECTION, RESPONSE, REPORTING, AND CORRECTIVE ACTION					
compliance requirements	264.602				

POST-CLOSURE CARE

post-closure requirements	264.603				
------------------------------	---------	--	--	--	--

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

SUBPART B - PERMIT APPLICATION

CONTENTS OF PART B: GENERAL REQUIREMENTS

changes in specific citations	270.14(b)(5)				
changes in specific citations	270.14(b)(13)				

SPECIFIC PART B INFORMATION REQUIREMENTS FOR MISCELLANEOUS UNITS

introductory paragraph regarding what owners/operators must provide	270.23				
detailed description	270.23(a)				
unit's physical characteristics	270.23(a)(1)				
descriptions for compliance	270.23(a)(2)				
description for post- closure requirements	270.23(a)(3)				
environmental performance standards	270.23(b)				
potential exposure pathways	270.23(c)				

RCRA REVISION CHECKLIST 45: Hazardous Waste Miscellaneous Units (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
effectiveness of treatment	270.23(d)				
additional information	270.23(e)				

RCRA REVISION CHECKLIST 76

Criteria for Listing Toxic Wastes; Technical Amendment

55 FR 18726

May 4, 1990

(Non-HSWA Cluster VI)

Note: 1) Because the rule addressed by this checklist did not represent a change in EPA testing policy, it was viewed as a technical amendment and promulgated without allowing public notice and comment. EPA learned that some organizations opposed EPA's interpretation and favored the language prior to the May 4, 1990 revision. In the interest of a full public airing of the issue, the Agency obtained a judicial remand of the May 4, 1990 amendment (EDF V. EPA, No. 90-1387 (D.C. Cir.)) on May 20 1991. On January 2, 1992 (57 FR 12), EPA reissued the May 4, 1990 amendment. Because these changes were already addressed by this present checklist, a checklist was not developed for the January 2, 1992 final rule nor was this rule added to this checklist (i.e., this rule was not added to StATS).

2) This checklist has been designated as optional because not all States have analogs to 261.11 and would only need to adopt the amendments addressed by this checklist if the State has an analog.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART B - CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF
HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTE

† CRITERIA FOR LISTING HAZARDOUS WASTE

replace "unless" after "Appendix VIII" with "and"; delete "any of" after "considering"; delete "not" after "waste is"	261.11(a)(3)				
--	--------------	--	--	--	--

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER
Through December 31, 1990

<u>StATS^{1/}</u> <u>Rule</u> <u>Code</u>	<u>Revision</u> <u>Checklist</u> <u>Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR</u> <u>Reference</u>	<u>Promulga-</u> <u>tion or</u> <u>HSWA Date</u>
<u>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/})</u>				
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
<u>Non-HSWA Cluster I (July 1, 1984 - June 30 1985; Due Date - July 1, 1986^{2/})</u>				
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

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>STATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>Non-HSWA Cluster I (cont'd)</u>				
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
<u>Non-HSWA Cluster II (July 1, 1985 - June 30, 1986; Due Date - July 1, 1987^{2/})</u>				
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
<u>Non-HSWA Cluster III (July 1, 1986 - June 30, 1987; Due Date - July 1, 1988^{2/})</u>				
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

**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990**

<u>STATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>Non-HSWA Cluster III (cont'd)</u>				
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
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
<u>Non-HSWA Cluster IV (July 1, 1987 - June 30, 1988; Due Date - July 1, 1989^{2/})</u>				
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

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>StATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>Non-HSWA Cluster IV (cont'd)</u>				
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
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
<u>Non-HSWA Cluster V (July 1, 1988 - June 30, 1989; Due Date - July 1, 1990^{2/})</u>				
49	†49	Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption	53 FR 27290	7/19/88
51	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)	53 FR 33938	9/1/88

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>STATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>Non-HSWA Cluster V (cont'd)</u>				
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
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

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>STATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>Non-HSWA Cluster V (cont'd)</u>				
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
<u>Non-HSWA Cluster VI (July 1, 1989 - June 30, 1990; Due Date - July 1, 1991²)</u>				
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
	(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

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>STATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>Non-HSWA Cluster VI (cont'd)</u>				
	(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
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

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>STATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>HSWA Cluster I (November 8, 1984 - June 30, 1987; Due Date - July 1, 1989²)</u>				
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 19781/14/85	
		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

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>STATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>HSWA Cluster I (cont'd)</u>				
		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
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		

Continued . . .
DLIST10 - 6/19/92

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>StATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>HSWA Cluster I (cont'd)</u>				
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	10/23/85
19	19	Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces	50 FR 49164	11/29/85
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 27021/21/86		
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

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>STATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>HSWA Cluster I (cont'd)</u>				
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
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
<u>HSWA Cluster II (July 1, 1987 - June 30, 1990; Due Date - July 1, 1991²)</u>				
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

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>STATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>HSWA Cluster II (cont'd)</u>				
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
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

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>StATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>HSWA Cluster II (cont'd)</u>				
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
66.1	(66)	[Land Disposal Restrictions; Correction (Included on Revision Checklist 66 in HSWA Cluster II)]	55 FR 23935	6/13/90
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 . . .
DLIST10 - 6/19/92

TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990

<u>StATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
<u>HSWA Cluster II (cont'd)</u>				
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	6/21/90
74.1	(74)	[Toxicity Characteristics Revisions; Correction (Included on Revision Checklist 74 in HSWA Cluster II)]	55 FR 26986	6/29/90
<u>RCRA Cluster I (July 1, 1990 - June 30, 1991; Due Date - July 1 1992^{2/})</u>				
80	†80	Toxicity Characteristic; Hydrocarbon Recovery Operations (HSWA)	55 FR 40834	10/5/90
81	81	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038) (See Revision Checklist 81) (HSWA)	55 <u>FR</u> 46354	11/2/90
82	82	Wood Preserving Listings (HSWA/Non-HSWA)	55 <u>FR</u> 50450	12/6/90
81.1	(81)	[Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings; Correction (Included on Revision Checklist 81, RCRA Cluster I)]	55 <u>FR</u> 51707	12/17/90

† Optional.

¹StATS 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 to represent a particular rule or non-checklist item, e.g., State Availability of Information or Radioactive Mixed Waste.

²States have an additional year if statutory changes are required.

**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)
Through December 31, 1990**

<u>StATS Rule Code</u>	<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>HSWA or FR Reference</u>	<u>Promulga- tion or HSWA Date</u>
--------------------------------	--	----------------------------	---------------------------------	--

³A 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 the initial final rule that the correction was included on the checklist for the initial rule, rather than developing a new checklist for the correction.

⁴While 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.

⁵The 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 6.

⁶Note that, unlike other checklists which address more than one final rule, Revision Checklist 70 is not represented by each of its rules in StATS. Instead, it is represented only once as Revision Checklist 70, rather than five separate rules. The rationale for this representation is that this checklist is very different from the others in the program, because it represents an accumulation of small changes to Part 124, relating to the RCRA program, spanning the six-year period from 1983 to 1989.

⁷Only 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.

⁸Revision 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.

⁹Direct 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.

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS
AND CORRESPONDING CLUSTER
Through December 31, 1990**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
	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 DELE- GABLE ^{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

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS
AND CORRESPONDING CLUSTER (cont'd)
Through December 31, 1990**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
†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
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	

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS
AND CORRESPONDING CLUSTER (cont'd)
Through December 31, 1990**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
	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
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

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS
AND CORRESPONDING CLUSTER (cont'd)
Through December 31, 1990**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
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
†43 ^{3/}	Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee	Non-HSWA Cluster IV

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS
AND CORRESPONDING CLUSTER (cont'd)
Through December 31, 1990**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
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

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS
AND CORRESPONDING CLUSTER (cont'd)
Through December 31, 1990**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
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
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

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS
AND CORRESPONDING CLUSTER (cont'd)
Through December 31, 1990**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
†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
†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

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS
AND CORRESPONDING CLUSTER (cont'd)
Through December 31, 1990**

Revision Checklist Number	Federal Requirement	Cluster
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

† Optional.

¹Direct 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.

²Only 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.

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS
AND CORRESPONDING CLUSTER (cont'd)
Through December 31, 1990**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
--	----------------------------	----------------

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.

³While 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.

⁴The 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.

⁵Revision 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.

MODEL REVISION ATTORNEY GENERAL'S STATEMENT FOR FINAL
AUTHORIZATION FOR CHANGES TO THE FEDERAL
RCRA PROGRAM FROM JANUARY 1983 THROUGH
DECEMBER 1990

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.

¹The 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.

- (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.
- (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], Revision Checklist 57.
- (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], Revision Checklist 78.
- (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.

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).

- (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 Checklist 71.

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).

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 Checklist 74. 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), and June 29, 1990 (55 FR 26986).

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)(II) 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 Checklist 82.

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

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 Checklist 82.

Federal Authority: RCRA §3001; 40 CFR 261.35 as amended December 6, 1990 (55 FR 50450).

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

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

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

²Note 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.

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.

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

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

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, and 48 (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), and July 19, 1988 (53 FR 27164).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

XV. STANDARDS FOR FACILITIES³

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 7010(a) of RCRA applies.

³This 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.

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 ignitable 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

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 Checklist 79.

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).

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 Checklist 82.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 262.34(a)(2)-(5), 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).

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 Checklist 82.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(I); 40 CFR 270.22 as amended December 6, 1990 (55 FR 50450).

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).

- (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).

- (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

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. BURNING OF WASTE FUEL AND USED OIL FUEL 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

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"

provisions⁴ 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" wastes⁴ 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 wastes⁴, 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 Checklist 78.

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).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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.

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 Checklist 78.

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).

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 E
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
17 A. Small Quantity Generators (Superceded: See Checklist 23)	I B
17 B. Delisting	I C(1)&(2)
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

**I. Index to the checklist entries found in the
Model Revision Attorney General's Statement (cont'd)**

SPA 10

Revision checklist number/name	Subsections pertaining to checklist
17 J. Cement Kilns	XII A(1)&(2)
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; 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
37. Definition of Solid Wastes; Technical Corrections	II A

**I. Index to the checklist entries found in the
Model Revision Attorney General's Statement (cont'd)**

SPA 10

Revision checklist number/name	Subsections pertaining to checklist
38. Amendments, Part B - Information Requirements for Disposal Facilities . . .	XIII B
39. California List Waste Restrictions	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
51. Liability Coverage for Owners/ Operators of Treatment, Storage, and Disposal Facilities	Withheld, no entry as yet

**I. Index to the checklist entries found in the
Model Revision Attorney General's Statement (cont'd)**

SPA 10

Revision checklist number/name	Subsections pertaining to checklist
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
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 C

**I. Index to the checklist entries found in the
Model Revision Attorney General's Statement (cont'd)**

SPA 10

Revision checklist number/name	Subsections pertaining to checklist
<hr/>	
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

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.

Revision Checklist Linkage Table
as of December 31, 1990

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	---	Liquids in Landfills
17 G	---	Dust Suppression
17 H	77	Double Liners
17 I	---	Ground-Water Monitoring
17 J	---	Cement Kilns
17 K ³	---	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 ⁴	31,48	Hazardous Waste Exports
17 S	---	Exposure Information

Continued...

Revision Checklist Linkage Table (cont'd)

Revision Checklist Number	Linked Checklists	Topic or Explanation
* 18	---	TDI, TDA, & DNT Listing
19	---	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 ⁵	52	Hazardous Waste Tank Systems
* 29 ⁶	46	Listings - 261.33(e)&(f) and Associated Appendices
30	1,17 D	Biennial Report
31	17 R,48	Exports of Hazardous Waste
32	5,17 D,58	National Uniform Hazardous Waste Manifest
* 33	---	EDBC Listing
34	39,50,62,63,66,78	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	34,50,62,63,66,78	Land Disposal Restrictions
40	---	List of Hazardous Constituents for Ground-Water Monitoring
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

Revision Checklist Linkage Table (cont'd)

Revision Checklist Number	Linked Checklists	Topic or Explanation
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	Hazardous Waste Exports
49	---	Sample Exemption
50	34,39,62,63,66,78	Land Disposal Restrictions
51	---	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	---	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
	---	Procedures for Post-closure Permitting
62	34,39,50,63,66,78	Land Disposal Restrictions
63	34,39,50,62,66,78	Land Disposal Restrictions
64	24	Delay of Closure Period for Hazardous Waste Management Facilities
65	71	Mining Waste Exclusion I
66	34,39,50,62,63,78	Land Disposal Restrictions
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	Mining Waste Exclusion II
* 72	---	Modification of F019 Listing
73	11,35,67	Analytical Test Methods
74	80	Revision of Toxicity Characteristics

Continued...

Revision Checklist Linkage Table (cont'd)

Revision Checklist Number	Linked Checklists	Topic or Explanation
* 75	---	1,1-Dimethylhydrazine Production Wastes Listing
76	---	Criteria for Listing Toxic Wastes
77	17 H	Corrections - Double Liners
* 78	34,39,50,62,66	Land Disposal Restrictions
79	---	Organic Air Emission Standards for Process Vents and Equipment Leaks
80	74	Toxicity Characteristic; Hydrocarbon Recovery Operations
* 81	---	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038)
* 82	---	Wood Preserving Listings

*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 Contains sections superseded by Revision Checklist 52.

⁶ Superseded by Revision Checklist 46.