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TITLE: **State Program Advisory #13**

APPROVAL DATE: **April 7, 1994**

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ORIGINATING OFFICE: **Office of Solid Waste**

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STATUS: ☐ A - Pending OMB Approval  
☐ B - Pending AA-OSWER Approval

REFERENCE (Other Documents):

**OSWER Directive #9540.00-09A**

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United States Environmental Protection Agency  
Washington, DC 20460

## OSWER Directive Initiation Request

1. Directive Number

**9541.00-19**

### 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 #13**

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 January 1 - June 30, 1992. SPA 13 contains seven new revision checklists, Model Attorney General's Statement language for the changes covered in the SPA, and all the Special Consolidated Checklists as of June 30, 1992.**

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**

Draft Level



A - Signed by AA/DAA



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*

**Jennifer A. Barker, OSW Policy Directives Coordinator**

Date

**4/28/94**

10. Name and Title of Approving Official

**Michael Shapiro, Director, OSW**

Date

**4/7/94**

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

APR - 7 1994

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

**MEMORANDUM**

**SUBJECT:** State Program Advisory Number Thirteen

**FROM:** Michael Shapiro, Director  
Office of Solid Waste

**TO:** Regional Division Directors, Regions I-X

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

With this memorandum, I am transmitting SPA 13, which covers RCRA program changes for the period of January 1, 1992 through June 30, 1992. SPA 13 contains seven new revision checklists, Model Attorney General's Statement language for the changes covered in the SPA, and all the Special Consolidated Checklists as of June 30, 1992.

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

**Attachments**

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



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## **Summary for State Program Advisory Thirteen**

SPA 13, unlike previous SPAs, does not contain one section which summarizes all of the regulatory changes for the period covered by the SPA. Instead, stand-alone summaries, including model Attorney General language, have been developed for each checklist, so that this information can be filed in your State authorization Manual (SAM) with its corresponding checklist and Federal Register (FR) article. The SPA itself consists of this summary plus three attachments. The first, Attachment A, contains each checklist in SPA 13 with its corresponding summary and FR article. Attachment B contains updates to the State Authorization Manual including Tables G-1 & G-2, the Model Revision Attorney General's Statement and the Checklist Linkage Table. This attachment also contains revised versions of Revision Checklists 17 H and 77. Attachment C contains all the Special Consolidated Checklists as of June 30, 1993.

The following points briefly highlight the content of SPA 13. These points are organized by topic.

### **Checklists**

#### **New**

- This SPA provides seven new checklists (Numbers 100 through 106) covering RCRA regulatory changes for the period January 1, 1992 through June 30, 1992. Revision Checklists 100 through 106 are in RCRA Cluster II. Revision Checklists 102 through 106 contain HSWA provisions only; Revision Checklists 100 and 101 contain both HSWA and non-HSWA provisions.
- The checklists in SPA 13 address the following:
  - Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units,
  - Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable,
  - Second Correction to the Third Third Land Disposal Restrictions,
  - Hazardous Debris Case-by-Case Capacity Variance,
  - Used Oil Filter Exclusion,
  - Recycled Coke By-Product Exclusion, and
  - Lead-bearing Hazardous Materials Case-by-Case Capacity Variance.
- SPA 13 includes Consolidated Checklists updated as of June 30, 1992, for Boilers and Industrial Furnaces, the Bevill Exclusion for Mining Wastes, Land Disposal Restrictions, Toxicity Characteristics Revisions, and Wood Preserving Listings.



**Existing**

- Revision Checklists 17H and 77 have been revised so that they each contain a prenote that explains their relationship to Revision Checklist 100.

**Cluster Information**

- SPA 13 delineates timeframes by which States must obtain authorization for RCRA Cluster II. The due date is July 1, 1993 (July 1, 1994 if a statutory change is necessary). For further information on the Cluster Rule, see September 26, 1986 (51 FR 33712).

**SAM**

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

**ATTACHMENT A**

**New Revision Checklists and  
Corresponding Federal Register Articles**

## Revision Checklist 100 Summary

**Rule Title:** Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units; Final Rule  
**Checklist Title:** Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units  
**Reference:** 57 FR 3462-3497  
**Promulgation Date:** January 29, 1992  
**Effective Date:** July 29, 1992  
**Cluster:** RCRA II  
**Provision Type:** HSWA/Non-HSWA  
**Linkage:** Checklists 17 H and 77  
**Optional:** No

**Summary:** This final rule modifies the existing regulations concerning double-liner and leachate collection and removal systems for hazardous waste surface impoundments, landfills and waste piles. The rule also requires owners and operators of hazardous waste surface impoundments, landfills and waste piles to install and operate leak detection systems at such time as these units are added, laterally expanded, or replaced. The January 29, 1992 final rule applies to such units regardless of their permit status, including facilities that were issued permits prior to November 8, 1984. The rule replaces the double-liner and leachate collection system standards codified on July 15, 1985 (Revision Checklist 17H), and amended on May 9, 1990 (Revision Checklist 77). EPA has not included additional leak detection standards for permitted land treatment units in this final rule because existing unsaturated zone monitoring requirements in 40 CFR 264.278 and 265.278 for such units are sufficient to ensure the detection of leaks at the earliest practicable time. The January 29, 1992 rule finalizes EPA's proposed actions of March 28, 1986 and May 29, 1987, and completes the Agency's statutory rulemaking responsibilities imposed by RCRA §§3004(o)(4) and 3004(o)(5)(A).

The Agency is requiring owners and operators of units affected by this rule to develop a construction quality assurance (CQA) program for various components of surface impoundments, waste piles, and landfills. The program will be implemented through a construction quality assurance plan that the owner or operator will prepare to ensure that the constructed unit meets or exceeds all design criteria, plans and specifications.

**State Authorization:** EPA promulgated most of this rule in response to the requirements of HSWA, with the exception of the Construction Quality Assurance Program (CQA) as it applies to final cover requirements. EPA will implement the HSWA provisions in authorized States until States modify their programs and such modifications are approved by EPA. The non-HSWA provisions are applicable in only those States that are unauthorized. In authorized States, the non-HSWA requirements will not be applicable until the States revise their programs to adopt equivalent requirements under State law.

Both the HSWA and non-HSWA provisions are included in RCRA Cluster II. States may apply for either interim or final authorization for the HSWA provisions; only final authorization is available for the non-HSWA provisions. An interim final rule was published in mid December, 1992, extending interim authorization for HSWA provisions until January 1, 2003. The State modification deadline is July 1, 1993 (or July 1, 1994 if a State statutory change is

**Revision Checklist 100 Summary (cont'd)**

necessary). The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 100, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

**Attorney General's Statement Entry:** The following entry should be placed at Subsection XVI Y in the Model Attorney General's Statement.

Y. State statutes and regulations include specific Part B information requirements for surface impoundments, waste piles and landfills regarding liners; leachate collection, detection, and removal systems; and the construction quality assurance program requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 270.4(a), 270.17(b)&(c), 270.18(c)&(d), and 270.21(b)&(c) as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

C. State statutes and regulations require owners and operators of new units, expansions, and replacement units at surface impoundments, waste piles, and landfills to meet the monitoring and inspection Construction Quality Assurance (CQA) program, double liner, leachate collection and removal systems, leak detection systems, action leakage, response action plan and closure/post-closure care requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 264.19, 264.221-223, 264.226, 264.228, 264.251-264.254, 264.301-264.304, 264.310, 265.19, 265.221-265.223, 265.226-265.228, 265.254, 265.255, 265.259, 265.260, 265.301-265.304 and 265.310 as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

## RCRA REVISION CHECKLIST 100

## Liners and Leak Detection Systems for Hazardous Waste

Land Disposal Units

57 FR 3462-3497

January 29, 1992

(RCRA Cluster II, Both HWSA and Non-HWSA provisions)

Notes: 1) As is explained in the preamble (57 FR 3480 & 3481), EPA considers all of this rule to be promulgated pursuant to HSWA, with the exception of the Construction Quality Assurance Program (CQA) as it applies to final cover requirements.

2) The final rule addressed by this checklist completely modifies the existing 264.221(c) and 264.301(c) regulations as promulgated by Revision Checklist 17 H (June 15, 1985; 50 FR 28702) and amended by Revision Checklist 77 (May 9, 1990; 55 FR 19262). Revision Checklist 100 supercedes Revision Checklist 77 and expands the provisions of Revision Checklist 17 H. States not yet authorized for Revision Checklist 77 should adopt this present checklist rather than Revision Checklist 77. Note that States must either be authorized for Revision Checklist 17 H before they can be authorized for the Revision Checklist 100 changes. The State must be authorized for the Revision Checklist 17 H and the Revision Checklist 100 changes at the same time. Thus, States which have not yet adopted Revision Checklist 17 H should adopt that checklist when adopting the requirements addressed by Revision Checklist 100. Such States should also submit Revision Checklist 77, when seeking authorization for Checklist 100, to receive "credit" for Revision Checklist 77 in StATS, even though that checklist was superceded by Revision Checklist 100.

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



## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN GENT	BROADER IN SCOPE
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART B - GENERAL FACILITY STANDARDS						
GENERAL INSPECTION REQUIREMENTS						
change "terms" to "items"; replace "264.194" with "264.193, 264.195"; remove "264.253"; add "264.278	264.15(b)(4)					
CONSTRUCTION QUALITY ASSURANCE PROGRAM						
CQA program	264.19(a)					
required for all surface impoundment, wastepile and landfill units that must comply with 264.221(c)&(d), 264.251(c)&(d), and 264.301(c)&(d); program must ensure constructed unit meets or exceeds all permit design criteria and specifications; program must be developed and implemented under a CQA officer who is a registered professional engineer	264.19(a)(1)					
the physical components the CQA program must address	264.19(a)(2)					
	264.19(a)(2)(i)					
	264.19(a)(2)(ii)					
	264.19(a)(2)(iii)					
	264.19(a)(2)(iv)					
	264.19(a)(2)(v)					
	264.19(a)(2)(vi)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
before construction begins, owner/operator must develop a written CQA plan; must identify steps that will be used to monitor and document quality of materials and condition and manner of their installation; what the CQA plan must include:	264.19(b)					
identification of applicable units and how they will be constructed	264.19(b)(1)					
identification of key CQA plan development and implementation personnel; CQA officer qualifications	264.19(b)(2)					
inspection and sampling activities' description; what must be described	264.19(b)(3)					
contents of program	264.19(c)					
must include observations, inspections, tests, and measurements sufficient to ensure.	264.19(c)(1)					
structural stability and integrity of 264.19(a)(2) units	264.19(c)(1)(i)					
proper construction according to permit specifications and good engineering practices, and proper installation according to design specifications	264.19(c)(1)(ii)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN GENT	BROADER IN SCOPE
material conformity with design and other material specifications	264.19(c)(1)(iii)					
test fills for compacted soils liners, using full scale compaction methods to ensure liners are constructed to meet specific hydraulic conductivity requirements; compliance verified by in-situ testing on constructed test fill; conditions under which alternate may be accepted	264.19(c)(2)					
certification to Regional Administrator before waste received; signed by CQA officer stating that approved CQA plan successfully carried out and units meet specific requirements; 270.30(l)(2)(ii) procedure complete; documentation furnished upon request	264.19(d)					

## SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

## OPERATING RECORD

insert "264.19, 264.191, 264.193, 246.195, 264.222, 264.223"; replace "264.253, 264.254" with "264.252 - 264.254" and "264.303" with "264.302 - 264.304"	264.73(b)(6)					
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## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART K - SURFACE IMPOUNDMENTS						
DESIGN AND OPERATING REQUIREMENTS						
completely revise paragraph; surface impoundments which must install two or more liners and a leachate collection and removal system between such liners; "construction commences" defined under "existing facility"	264.221(c)					
liner system must include:	264.221(c)(1)(i)					
top liner designed and constructed to prevent migration of hazardous constituents into liner for specified period	264.221(c)(1)(i)(A)					
composite bottom liner consisting of at least two components; upper component to prevent migration of hazardous constituents into this component during specified period; lower component designed and constructed to minimize such migration if upper component is breached; specified thickness and hydraulic conductivity	264.221(c)(1)(i)(B)					
liners must comply with 264.221(a)(1),(2)&(3)	264.221(c)(1)(ii)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN GENT	BROADER IN SCOPE
relationship between leachate collection and removal system and a "leak detection system"; what system must be capable of; minimum requirements	264.221(c)(2)					
bottom slope of 1 percent or more	264.221(c)(2)(i)					
4 constructed of: 1) granular drainage materials with $1 \times 10^{-1}$ cm/sec or more hydraulic conductivity and 12 in. (30.5 cm) or more thickness, or 2) synthetic or geonet drainage materials with $3 \times 10^{-4}$ m <sup>2</sup> /sec or more transmissivity	264.221(c)(2)(ii)					
construction material specifications	264.221(c)(2)(iii)					
designed and operated to minimize clogging during active life and post-closure care period	264.221(c)(2)(iv)					
specifications for sumps and liquid removal methods	264.221(c)(2)(v)					
collect and remove pumpable liquids in sumps to minimize head on bottom liner	264.221(c)(3)					
what must be demonstrated if leak detection system is not located completely above seasonal high water table	264.221(c)(4)					



## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN GENT	BROADER IN SCOPE
Regional Administrator may approve alternate design or operating practices if owner or operator can demonstrate that design/practices will:	264.221(d)					
prevent hazardous constituent migration into ground or surface water as effectively as system specified in 264.221(c), and	264.221(d)(1)					
allow detection of hazardous constituent leaks through top liner at least as effectively	264.221(d)(2)					
redesignate old 264.221(f) as 264.221(g); add new paragraph on exemption from 264.221(c) for replacement surface impoundment unit	264.221(f)					
meets RCRA 3004(o)(1)(A)(i) and (o)(5) design standards	264.221(f)(1)					
no reason to believe liner is not functioning as designed	264.221(f)(2)					
old 264.221(f),(g)&(h) become 264.221(g),(h)&(i)	264.221(g)-(i)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
ACTION LEAKAGE RATE						
Regional Administrator approval of action leakage rate for surface impoundment units subject to 264.221(c) or (d); definition of action leakage rate; adequate safety margin	264.222(a)					
how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly, during active life and closure period and monthly during post-closure care period	264.222(b)					
RESPONSE ACTIONS						
approved response action plan before receipt of waste for surface impoundments subject to 264.221(c) or (d); address actions if action leakage rate exceeded; at a minimum plan must describe actions in 264.223(b)	264.223(a)					
responsibilities if flow rate into leak detection system exceeds the action leakage rate for any sump:	264.223(b)					
notify Regional Administrator in writing within seven days of determination	264.223(b)(1)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	264.223(b)(2)					
determine location, size and cause of any leak	264.223(b)(3)					
determine whether 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, or 3) unit should be closed	264.223(b)(4)					
determine short- and longer-term actions to mitigate or stop any leaks	264.223(b)(5)					
within 30 days after Regional Administrator notification, submit the results of 264.223(b)(3)-(5) analyses, the results of actions taken, and actions planned; thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	264.223(b)(6)					
how the 264.223(b)(3)-(5) determinations must be made:	264.223(c)					
assess the source of liquids and amounts by source	264.223(c)(1)(i)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	264.223(c)(1)(ii)					
assess seriousness of leaks	264.223(c)(1)(iii)					
document why assessments not needed	264.223(c)(2)					
<b>MONITORING AND INSPECTION</b>						
if leak detection system required under 264.221(c) or (d), record amount of liquids removed from each sump, at least weekly during active life and closure period	264.226(d)(1)					
after final cover installed, at least monthly record the amount of liquids removed from each leak detection sump; when quarterly and semi-annual recording allowed; when monthly recording must resume	264.226(d)(2)					
definition of "pump operating level"	264.226(d)(3)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

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

## CLOSURE AND POST-CLOSURE CARE

6 redesignate old 264.228(b)(2) as 264.228(b)(3); add new paragraph addressing maintaining and monitoring leak detection system in accordance with 264.221(c)(2)(iv)&(3) and 264.226(d); comply with other applicable Part 264 leak detection requirements	264.228(b)(2)					
redesignated 264.228(b)(2) becomes new 264.228(b)(3)	264.228(b)(3)					
redesignated 264.228(b)(3) becomes new 264.228(b)(4)	264.228(b)(4)					

## SUBPART L - WASTE PILES

## DESIGN AND OPERATING REQUIREMENTS

redesignate old 264.251(c) as 264.251(g); add new paragraph addressing waste piles that must install two or more liners and a leachate collection and removal system above and between these liners; "construction commences" defined under "existing facility"	264.251(c)					
liner system must include:	264.251(c)(1)(i)					
top liner designed and constructed to prevent migration of hazardous constituents into liner for specified period	264.251(c)(1)(i)(A)					



## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV. ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
composite bottom liner consisting of at least two components; upper component to prevent migration of hazardous constituents into this component during specified period; lower component designed and constructed to minimize such migration if upper component is breached; specified thickness and hydraulic conductivity	264.251(c)(1)(i)(B)					
liners must comply with 264.251(a)(1)(i)-(iii)	264.251(c)(1)(ii)					
leachate collection and removal system must collect and remove leachate from the waste pile during the active life and post-closure care period; Regional Administrator to specify permit conditions to ensure leachate depth over liner does not exceed 30 cm (1 ft); leachate collection and removal system must comply with 264.251(c)(3)(iii)&(iv)	264.251(c)(2)					
relationship between leachate collection and removal system and the leak detection system; what the leak detection system must be capable of; minimum requirements:	264.251(c)(3)					
bottom slope of 1 percent or more	264.251(c)(3)(i)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
constructed of: 1) granular drainage materials with hydraulic conductivity of $1 \times 10^{-2}$ cm/sec or more, and 12 in. (30.5 cm) or more thickness; or 2) synthetic or geonet drainage materials with $3 \times 10^{-5}$ m <sup>2</sup> /sec or more transmissivity	264.251(c)(3)(ii)					
construction material specifications	264.251(c)(3)(iii)					
designed/operated to minimize clogging during active life and post-closure care period	264.251(c)(3)(iv)					
specifications for sumps and liquid removal methods	264.251(c)(3)(v)					
collect and remove pumpable liquids in leak detection system sumps to minimize head on the bottom liner	264.251(c)(4)					
what must be demonstrated if leak detection system not located completely above seasonal high water table	264.251(c)(5)					
redesignate old 264.251(d) as 264.251(h); add new paragraph addressing circumstances under which Regional Administrator may approve alternate design or operating practices if owner/operator can demonstrate that design/practices will:	264.251(d)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
prevent hazardous constituent migration into ground or surface water as effectively as system specified in 264.251(c), and	264.251(d)(1)					
allow detection of hazardous constituent leaks through top liner at least as effectively	264.251(d)(2)					
redesignate old 264.251(e) as 264.251(i); add new paragraph addressing monofills granted a 264.221(e) waiver by Regional Administrator	264.251(e)					
redesignate old 264.251(f) as 264.251(j); add new paragraph addressing when a replacement waste pile owner/operator is exempt from 264.251(c)	264.251(f)					
meets RCRA 3004(o)(1)(A)(i) and (o)(5) design standards	264.251(f)(1)					
no reason to believe liner is not functioning as designed	264.251(f)(2)					
old 264.251(c)-(g) become new 264.251(g)-(k)	264.251(g)-(k)					
<b>ACTION LEAKAGE RATE</b>						
7 Regional Administrator approval of action leakage rate for waste pile units subject to 264.251(c) or (d); definition of action leakage rate; adequate safety margin	264.252(a)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly, during active life and closure period	264.252(b)					
<b>RESPONSE ACTIONS</b>						
approved response action plan before receipt of waste for waste piles subject to 264.251(c) or (d); address actions if action leakage rate exceeded; plan must describe actions in 264.253(b)	264.253(a)					
responsibilities if flow rate into leak system exceeds the action leakage rate for any sump:	264.253(b)					
notify Regional Administrator in writing within seven days of determination	264.253(b)(1)					
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	264.253(b)(2)					
determine location, size and cause of any leak	264.253(b)(3)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
determine if 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, and 3) unit should be closed	264.253(b)(4)					
determine short- and longer-term actions to mitigate or stop <u>any leaks</u>	264.253(b)(5)					
within 30 days after Regional Administrator notification, submit the results of 264.253(b)(3)-(5) analyses, the results of actions taken and actions planned; thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	264.253(b)(6)					
how the 264.253(b)(3), (4), & (5) determinations must be made	264.253(c)					
assess the source of liquids and amounts by source	264.253(c)(1)(i)					
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	264.253(c)(1)(ii)					
assess seriousness of leaks	264.253(c)(1)(iii)					
document why assessments not needed	264.253(c)(2)					



## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
MONITORING AND INSPECTION						
if leak detection system required under 264.251(c), record amount of liquids removed from each sump, at least weekly during active life and closure period	264.254(c)					
SUBPART N - LANDFILLS						
DESIGN AND OPERATING REQUIREMENTS						
completely revise paragraph; landfills that must install two or more liners and a leachate collection and removal system above and between such liners; "construction commences" defined under "existing facility"	264.301(c)					
the liner system must include:	264.301(c)(1)(i)					
top liner designed and constructed to prevent migration of hazardous constituents into liner for specified period	264.301(c)(1)(i)(A)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
composite bottom liner consisting of at least two components; upper component to prevent migration of hazardous constituents into this component during specified period; lower component designed and constructed to minimize such migration if upper component is breached; specified thickness and hydraulic conductivity	264.301(c)(1)(i)(B)					
liners must comply with 264.301(a)(1)(i)-(iii)	264.301(c)(1)(ii)					
8 leachate collection and removal system must collect and remove leachate from the landfill during the active life and post-closure care period; Regional Administrator to specify permit conditions to ensure leachate depth over liner does not exceed 30 cm (1 ft); leachate collection and removal system must comply with 264.301(c)(3)(iii)&(iv)	264.301(c)(2)					
relationship between leachate collection and removal system and the leak detection system; what the leak detection system must be capable of; minimum requirements:	264.301(c)(3)					
bottom slope of 1 percent or more	264.301(c)(3)(i)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
constructed of: 1) granular drainage materials with hydraulic conductivity of $1 \times 10^{-2}$ cm/sec or more, and 12 in. (30.5 cm) or more thickness; or 2) synthetic or geonet drainage materials with $3 \times 10^{-5}$ m <sup>2</sup> /sec or more transmissivity	264.301(c)(3)(ii)					
construction material specifications	264.301(c)(3)(iii)					
designed/operated to minimize clogging during active life and post-closure care period	264.301(c)(3)(iv)					
specifications for sumps and liquid removal methods	264.301(c)(3)(v)					
collect and remove pumpable liquids in leak detection system sumps to minimize head on the bottom liner	264.301(c)(4)					
what must be demonstrated if leak detection system not located completely above seasonal high water table	264.301(c)(5)					
completely revise paragraph; Regional Administrator may approve alternate design or operating practices if owner/operator can demonstrate that design/practices will:	264.301(d)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
prevent hazardous constituent migration into ground or surface water as effectively as system specified in 264.301(c), and	264.301(d)(1)					
allow detection of hazardous constituent leaks through top liner at least as effectively	264.301(d)(2)					
redesignate old paragraph 264.301(f) as 264.301(g); add new paragraph addressing when a replacement landfill owner/operator is exempt from 264.301(c)	264.301(f)					
meets RCRA 3004(o)(1)(A)(i) and (o)(5) design standards	264.301(f)(1)					
no reason to believe liner is not functioning as designed	264.301(f)(2)					
old 264.301(f)-(k) become new 264.301(g)-(l)	264.301(g)-(l)					
<b>ACTION LEAKAGE RATE</b>						
9 Regional Administrator approval of action leakage rate for landfill units subject to 264.301(c) or (d); definition of action leakage rate; adequate safety margin	264.302(a)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly, during active and closure period	264.302(b)					
<b>MONITORING AND INSPECTION</b>						
if leak detection system required 264.301(c) or (d), record amount of liquids removed from each sump at least weekly during the active life and closure period	264.303(c)(1)					
after final cover installed, at least monthly record the amount of liquids removed from each leak detection sump; when quarterly and semi-annual recording allowed; when monthly recording must resume	264.303(c)(2)					
definition of "pump operating level"	264.303(c)(3)					
<b>RESPONSE ACTIONS</b>						
approved response action plan before receipt of waste for landfills subject to 264.301(c) or (d); address actions if action leakage rate exceeded; at a minimum, plan must describe actions in 264.304(b)	264.304(a)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
responsibilities if flow rate into leak detection system exceeds the section leakage rate for any sump	264.304(b)					
notify Regional Administrator in writing within seven days of determination	264.304(b)(1)					
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	264.304(b)(2)					
determine location, size and cause of any leak	264.304(b)(3)					
determine if 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, and 3) unit should be closed	264.304(b)(4)					
determine short- and longer-term actions to mitigate or stop any leaks	264.304(b)(5)					
within 30 days after Regional Administrator notification, submit the results of 264.304(b)(3)-(5) analyses, the results of actions taken and actions planned; thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	264.304(b)(6)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
how the 264.304(b)(3)-(5) determinations must be made	264.304(c)					
assess the source of liquids and amounts by source	264.304(c)(1)(i)					
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	264.304(c)(1)(ii)					
assess seriousness of leaks	264.304(c)(1)(iii)					
document why assessments not needed	264.304(c)(2)					
<b>CLOSURE AND POST-CLOSURE CARE</b>						
redesignate old 264.310(b)(3) as 264.310(b)(4); add new paragraph addressing maintaining and monitoring leak detection system according to 264.301(c)(3)(iv)&(4) and 264.303(c); comply with other applicable Part 264 leak detection requirements	264.310(b)(3)					
old 264.310(b)(3)-(5) become 264.310(b)(4)-(6)	264.310(b)(4)-(6)					
<b>PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>						
<b>SUBPART B - GENERAL FACILITY STANDARDS</b>						
<b>GENERAL INSPECTION REQUIREMENTS</b>						
insert "265.260, 265.278, 265.304"	265.15(b)(4)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
CONSTRUCTION QUALITY ASSURANCE PROGRAM						
CQA program	265.19(a)					
required for all surface impoundment, waste pile and landfill units that must comply with 265.221(a), 265.254 and 265.301(a); program must ensure constructed unit meets or exceeds all permit design criteria and specifications; program must be developed and implemented under a CQA officer who is a registered professional engineer	265.19(a)(1)					
the physical components the CQA program must address	265.19(a)(2)					
	265.19(a)(2)(i)					
	265.19(a)(2)(ii)					
	265.19(a)(2)(iii)					
	265.19(a)(2)(iv)					
	265.19(a)(2)(v)					
	265.19(a)(2)(vi)					
before construction begins, owner/operator must develop a written CQA plan; identify steps that will be used to monitor and document the quality of materials and condition and manner of their installation; the CQA plan must include:	265.19(b)					



## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
identification of applicable units and how they will be constructed	265.19(b)(1)					
identification of key CQA plan development and implementation personnel; CQA officer qualifications	265.19(b)(2)					
inspection and sampling activities' description; what must be described	265.19(b)(3)					
contents of program	265.19(c)					
must include observations, inspections, tests, and measurements sufficient to ensure:	265.19(c)(1)					
structural stability and integrity of 265.19(a)(2) units	265.19(c)(1)(i)					
proper construction according to permit specifications and good engineering practices, and proper installation according to design specifications	265.19(c)(1)(ii)					
material conformity with design and other material specifications under 264.221, 264.251, and 264.301	265.19(c)(1)(iii)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN GENT	BROADER IN SCOPE
test fills for compacted soils liners, using full scale compaction methods to ensure liners are constructed to meet specific hydraulic conductivity requirements; compliance verified by in-situ testing on constructed test fill; conditions under which test fill requirement may be waived	265.19(c)(2)					
certification to Regional Administrator at least 30 days before receiving waste; signed by CQA officer stating that CQA plan has been successfully carried out and that the unit meets specific requirements; may receive wastes in unit after 30 days from the Regional Administrator's receipt of the CQA, unless Regional Administrator determines in writing that construction is not acceptable or extends review period for 30 days or seeks additional information; CQA documentation	265.19(d)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART E - MANIFEST SYSTEM, RECORDKEEPING AND REPORTING						
OPERATING RECORD						
replace "when required by" with ", and corrective action where required by subpart F and"; insert "265.19" before "265.90"; insert "265.222, 265.223, 265.226, 265.255, 265.259, 265.260" after "265.195" and "265.302 - 265.304" after "265.280(d)(1)"	265.73(b)(6)					
SUBPART K - SURFACE IMPOUNDMENTS						
DESIGN AND OPERATING REQUIREMENTS						
completely revise paragraph; surface impoundment units that must install two or more liners and a leachate collection and removal system between such liners and operate leachate collection and removal systems in accordance with 264.221(c), "construction commences" defined under "existing facility"	265.221(a)					
revise paragraph; when a replacement surface impoundment unit is exempt from 265.221(a):	265.221(c)					
constructed in compliance with RCRA 3004(o)(1)(A)(i) and (o)(5) design standards	265.221(c)(1)					
no reason to believe liner is not functioning as designed	265.221(c)(2)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN GENT	BROADER IN SCOPE
redesignate old paragraph 265.222(a) as 265.221(f)	265.221(f)					
redesignate old paragraph 265.222(b) as 265.221(g)	265.221(g)					
<b>ACTION LEAKAGE RATE</b>						
redesignate old 265.222(a) as 265.221(f); add new paragraph addressing proposed action leakage rate to Regional Administrator when submitting 265.221(b) notice; within 60 days of receipt, Regional Administrator will establish action leakage rate or extend review period; when the proposed rate will be approved	265.222(a)					
redesignate old 265.222(b) as 265.221(g); add new paragraph addressing Regional Administrator approval of action leakage rate for 265.221(a) units; definition of action leakage rate; adequate safety margin	265.222(b)					
how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly during active life and closure period, and monthly during post-closure care period	265.222(c)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
RESPONSE ACTIONS						
if unit subject to 265.221(a), then must submit a response action plan to the Regional Administrator when submitting 265.222 proposed action leakage rate; must set forth actions to be taken if action leakage rate is exceeded; content as specified in 265.223(b)	265.223(a)					
responsibilities if flow rate into leak detection system exceeds the action leakage rate for any sump:	265.223(b)					
notify Regional Administrator in writing within seven days of determination	265.223(b)(1)					
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	265.223(b)(2)					
determine location, size and cause of any leak	265.223(b)(3)					
determine whether 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, and 3) unit should be closed	265.223(b)(4)					
determine short- and longer-term actions to mitigate or stop any leaks	265.223(b)(5)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
within 30 days after Regional Administrator notification, submit the results of 265.223(b)(3)-(5) analyses, the results of actions taken, and actions planned; thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	265.223(b)(6)					
how the 265.223(b)(3), (4) & (5) determinations must be made	265.223(c)					
assess the source of liquids and amounts by source	265.223(c)(1)(i)					
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	265.223(c)(1)(ii)					
assess seriousness of leaks	265.223(c)(1)(iii)					
document why assessments not needed	265.223(c)(2)					
<b>MONITORING AND INSPECTION</b>						
if leak detection system required under 265.221(a), record amount of liquid removed from each sump, at least weekly during active life and closure period	265.226(b)(1)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN GENT	BROADER IN SCOPE
after final cover installed, record amount of liquids at least monthly; when quarterly and semi-annual recording allowed; when monthly recording must resume	265.226(b)(2)					
"pump operating level" defined	265.226(b)(3)					

## CLOSURE AND POST-CLOSURE CARE

redesignate old 265.228(b)(2) as 265.228(b)(3); add new paragraph regarding maintaining and monitoring the leak detection system in accordance with 265.221(c)(2)(iv) and (3) and 265.226(b) and comply with other applicable Part 265 leak detection system requirements	265.228(b)(2)					
redesignated 265.228(b)(2) becomes new 265.228(b)(3)	265.228(b)(3)					
redesignated 265.228(b)(3) becomes new 265.228(b)(4)	265.228(b)(4)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART L - WASTE PILES						
DESIGN AND OPERATING REQUIREMENTS						
completely revise section; waste piles which must install two or more liners and a leachate collection and removal system in accordance with 264.251(c) unless exempt under 264.251(d), (e) or (f); compliance with 265.221(b) procedures; "construction commences" defined under "existing facility"	265.254					
ACTION LEAKAGE RATES						
proposed action leakage rate to Regional Administrator when submitting 265.254 notice; within 60 days of receipt, Regional Administrator will establish action leakage rate or extend review period; when the proposed rate will be approved	265.255(a)					
Regional Administrator approval of action leakage rate for 265.254 units; definition of action leakage rate; adequate safety margin	265.255(b)					



## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly during active life and closure period	265.255(c)					
<b>RESPONSE ACTIONS</b>						
if unit subject to 265.254, then must submit a response action plan to the Regional Administrator when submitting 265.255 proposed action leakage rate; must set forth actions to be taken if action leakage rate is exceeded; content as specified in 265.259(b)	265.259.(a)					
responsibilities if flow rate into leak detection system exceeds the action leakage rate for any sump:	265.259(b)					
notify Regional Administrator in writing within seven days of determination	265.259(b)(1)					
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	265.259(b)(2)					
determine location, size and cause of any leak	265.259(b)(3)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN GENT	BROADER IN SCOPE
determine whether 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, and 3) unit should be closed	265.259(b)(4)					
determine short- and longer-term actions to mitigate or stop any leaks	265.259(b)(5)					
within 30 days after Regional Administrator notification, submit the results of 265.259(b)(3)-(5) analyses, the results of actions taken and actions planned thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	265.259(b)(6)					
how the 265.259(b)(3),(4) & (5) determinations must be made:	265.259(c)					
assess the source of liquids and amounts by source	265.259(c)(1)(i)					
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	265.259(c)(1)(ii)					
assess seriousness of leaks	265.259(c)(1)(iii)					
document why assessments not needed	265.259(c)(2)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
MONITORING AND INSPECTION						
if leak detection system required under 265.254, record amount of liquids removed from each sump, at least weekly during active life and closure period	265.260					
SUBPART N -- LANDFILLS						
DESIGN AND OPERATING REQUIREMENTS						
(see Endnote 11, there is an error in this paragraph); completely revise paragraph; landfills which must install two or more liners and a leachate collection and removal system above and between such liners, and operate in accordance with 264.301(c) unless exempted under 264.301(d), (e) or (f); "construction commences" defined under "existing facility"	265.301(a)					
revise paragraph; when a landfill owner/operator is exempt from 265.301(a)	265.301(c)					
meets RCRA 3004(o)(1)(A)(i) and (o)(5) design standards	265.301(c)(1)					
no reason to believe liner is not functioning as designed	265.301(c)(2)					
redesignated 265.302(a), (b), (c) & (d) became new 265.301(f), (g), (h) and (i)	265.301(f)-(i)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
ACTION LEAKAGE RATE						
redesignate old 265.302(a) as 265.301(f); add new paragraph addressing proposed action leakage rate to Regional Administrator when submitting 265.301(b) notice; within 60 days of receipt Regional Administrator will establish action leakage rate or extend the review period; when the proposed rate will be approved	265.302(a)					
redesignate old 265.302(b) as 254.301(g); add new paragraph addressing Regional Administrator approval of action leakage rate for 265.301(a) units; definition of action leakage rates; adequate safety margin	265.302(b)					
redesignate old 265.302(c) as 265.301(h); add new paragraph addressing how to determine if action leakage rate has been exceeded; unless another calculation approved, average daily flow rate calculated weekly during active life and closure period, and monthly during post-closure care period	265.302(c)					
old 265.302(d) becomes 265.301(i)	265.302(d)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
RESPONSE ACTIONS						
if unit subject to 265.301(a), then must submit a response action plan to the Regional Administrator when submitting 265.302 proposed action leakage rate; must set forth actions to be taken if action leakage rate is exceeded; content as specified in 265.303(b)	265.303(a)					
responsibilities if flow rate into leak detection system exceeds the action leakage rate for any sump:	265.303(b)					
notify Regional Administrator in writing within seven days of determination	265.303(b)(1)					
preliminary assessment to Regional Administrator within 14 days of determination; what assessment must address	265.303(b)(2)					
determine location, size and cause of any leak	265.303(b)(3)					
determine whether 1) waste receipt should cease or be curtailed, 2) waste should be removed for inspection, repairs, or controls, and 3) unit should be closed	265.303(b)(4)					
determine short- and longer-term actions to mitigate or stop any leaks	265.303(b)(5)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
within 30 days after Regional Administrator notification, submit the results of 265.303(b)(3)-(5) analyses, the results of actions taken and actions planned; thereafter, as long as flow rate exceeds action leakage rate, monthly report to Regional Administrator summarizing results of remedial actions taken and actions planned	265.303(b)(6)					
how the 265.303(b)(3), (4) & (5) determinations must be made:	265.303(c)					
assess the source of liquids and amounts by source	265.303(c)(1)(i)					
conduct analyses of liquids in leak detection system to identify sources of liquids and location of leaks, and the hazard and mobility of the liquid	265.303(c)(1)(ii)					
assess seriousness of leaks	265.303(c)(1)(iii)					
document why assessments not needed	265.303(c)(2)					
<b>MONITORING AND INSPECTION</b>						
if leak detection system required under 265.301(a), record amount of liquids removed from each sump, at least weekly during active life and closure period	265.304(a)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
after final cover installed, record amount of liquid at least monthly; when quarterly and semiannual recording allowed; when monthly recording must resume	265.304(b)					
definition of "pump operating level"	265.304(c)					
<b>CLOSURE AND POST-CLOSURE CARE</b>						
redesignate old 265.310(b)(2) as 265.310(b)(3); add new paragraph addressing maintaining and monitoring the leak detection system in accordance with 264.301(c)(3)(iv) & (4), and 265.304(b); comply with other applicable Part 265 leak detection system requirements	265.310(b)(2)					
redesignated 265.310(b)(2), (3) & (4) become 265.310(b)(3), (4) & (5)	265.310(b)(3)-(5)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
<b>PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM</b>								
<b>SUBPART A - GENERAL INFORMATION</b>								
<b>EFFECT OF A PERMIT</b>								
paragraph is reorganized so that requirements not included in a permit are subparagraphs (a)(1)&(2); add a third subparagraph addressing Part 264 requirements regarding leak detection systems for new and replacement surface impoundments, waste piles, landfills and lateral expansion of such units; what the leak detection system requirements include	270.4(a)							
	270.4(a)(1)							
	270.4(a)(2)							
	270.4(a)(3)							
<b>SUBPART B - PERMIT APPLICATION</b>								
<b>SPECIFIC PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS</b>								
remove "or will be" after "impoundment is" and insert "and is or will be" after "designed"; insert "264.19," "264.222," and "264.223 of this chapter"; replace the last sentence with the following clause: ", addressing the following items:"	270.17(b)							



## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN GENT	BROADER IN SCOPE
redesignate old 270.17(b)(2) as 270.17(b)(6); add new paragraph addressing double liner and leak (leachate) detection, collection and removal system if unit must meet 264.221(c) requirements; submission if seeking 264.221(d), (e) or (f) exemption	270.17(b)(2)					
redesignate old 270.17(b)(3) as 270.17(b)(7); add new paragraph addressing information required if surface impoundment is located in a saturated zone	270.17(b)(3)					
construction quality assurance plan, if required	270.17(b)(4)					
proposed action leakage rate with rationale and response action plan if required	270.17(b)(5)					
redesignated 270.17(b)(2)&(3) became new 270.17(b)(6)&(7)	270.17(b)(6)&(7)					
replace "liner and" with "double liner system, leak detection system"; replace "§ 264.226(a) and (b)" with "§ 264.226(a), (b) and (d) of this chapter"	270.17(c)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SPECIFIC PART B INFORMATION REQUIREMENTS FOR WASTE PILES						
insert "waste" before "pile"; remove "or will be" after pile is"; insert "and is or will be" after "designed"; insert "264.19" "264.252" and "264.253 of this chapter"; replace last sentence with following clause: "addressing the following items:"	270.18(c)					
redesignate old 270.18(c)(1) as 270.18(c)(1)(i); after parenthetical clause addressing existing portion, insert "if the waste pile must meet the requirements of § 264.251(a) of this chapter"; replace " § 264.252(b), the owner or operator must submit" with " § 264.251(b) of this chapter, submit"	270.18(c)(1)(i)					
double liner and leak (leachate) detection, collection, and removal system if must meet 264.251(c) requirements; submission if seeking a 264.251(d), (e) or (f) exemption	270.18(c)(1)(ii)					
information required if leak detection system is located in a saturated zone	270.18(c)(1)(iii)					
construction quality assurance plan if required	270.18(c)(1)(iv)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
proposed action leakage rate with rationale and response action plan if required	270.18(c)(1)(v)					
replace "liner" with "double liner system, leachate collection and removal system, leak detection system, cover system"; replace "264.254(a) and (b)" with "264.254(a), (b) and (c) of this chapter"	270.18(d)					
<b>SPECIFIC PART B INFORMATION REQUIREMENTS FOR LANDFILLS</b>						
remove "or will be" after "landfill is" and insert "and is or will be" after "designed"; insert "264.19" and "264.302 and 264.303 of this chapter"; replace the last sentence with the following clause: ", addressing the following items:"	270.21(b)					
redesignate old 270.21(b)(1) as 270.21(b)(1)(i); remove "and leachate collection and removal system"; add "if the landfill must meet the requirements of §264.301(a) of this chapter" to first sentence; add "of this chapter" after "264.301(b)"; after "alternate" change "design" to "designs"; after "any hazardous" change "constituent" to "constituents"	270.21(b)(1)(i)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
double liner and leak (leachate) detection, collection, and removal system if must meet 264.301(c) requirements; submission if seeking exemption under 264.301(d), (e) or (f)	270.21(b)(1)(ii)					
information required if leak detection system located in a saturation zone	270.21(b)(1)(iii)					
construction quality assurance plan if required	270.21(b)(1)(iv)					
proposed action leakage rate, with rationale and response action plan if required	270.21(b)(1)(v)					
12 remove "liner and" and insert "double liner system, leachate collection and removal system,"; after "cover system" insert "and appurtenances for control or run-on and run-off,"; replace "264.303(a) and (b)" with "264.303(a), (b), and (c) of this chapter"; in last sentence, replace "should" with "must"	270.21(d)					

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART D - CHANGES TO PERMIT						
PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE						
add the "7. a. & b." entries under "B. General Facility Standards"; add the "6., and 7. a., b. & c." entries under "H. Surface Impoundments"; add the entries "7., and 8. a., b. & c." entries under "J. Landfills and Unenclosed Waste 270.42/Piles"	270.42/Appendix I					

- <sup>1</sup> This section is considered to be both a HSWA and a Non-HSWA provision. It is Non-HSWA only to the extent that it applies to the final cover requirements for the Construction Quality Assurance Program.
- <sup>2</sup> Note that there is a typographical error in the Federal Register; "COA" should be "CQA."
- <sup>3</sup> Note that there is a technical error in the Federal Register; " $1 \times 10^{-7}$ /cm/sec" should be " $1 \times 10^{-7}$ cm/sec."
- <sup>4</sup> Note that there are two technical errors in the Federal Register; " $1 \times 10^{-1}$ /cm/sec" should be " $1 \times 10^{-1}$ cm/sec" and " $3 \times 10^{-4}$ /m<sup>2</sup>sec" should be " $3 \times 10^{-4}$ m<sup>2</sup>/sec."
- <sup>5</sup> Note that there is an error in the Federal Register addressed by this checklist. Revision Checklist 100, at 57 FR 3492, January 29, 1992, added a new section 265.223 without redesignating an existing 265.223 already in the code. Thus, both sections appear in the July 1, 1992 CFR. A technical correction will be published in the near future to correct this error.
- <sup>6</sup> Note that there is a technical error in the Federal Register addressed by this checklist; the internal reference "265.221(c)(2)(iv)" should be "264.221(c)(2)(iv)".
- <sup>7</sup> Note that there is a typographical error in the Federal Register; "surface impoundment" should be "waste pile."
- <sup>8</sup> Note that there is a technical error in the Federal Register; "paragraphs (3)(c)(iii) and (iv)" should be "paragraphs (c)(3)(iii) and (iv)."

## Revision Checklist 100: Hazardous Waste Land Disposal Units (cont'd)

- 9 Note that there is a typographical error in the Federal Register; "surface impoundment" should be "landfill."
- 10 Note that there is a typographical error in the Federal Register; "surface impoundment" should be "waste pile."
- 11 The wording in 265.301(a) is incorrect--"and operate the leachate collection and removal systems in accordance with § 264.301(d), (e) or (f) of this Chapter" should read "and operate the leachate collection and removal systems in accordance with 264.301(c), unless exempted under 264.103(d), (e) or (f) of this chapter." This error will be corrected in a future Federal Register article.
- 12 Note that in the Federal Register addressed by Revision Checklist 100, this section is incorrectly designated as 270.21(c) (see 57 FR 3496; January 29, 1992); the correct designation is 270.21(d). Because of this error, paragraph 270.21(c), as introduced by Base Program Checklist V, has erroneously been deleted from the Federal code. In the 1992 CFR, the language at 270.21(c) is the revised language intended for 270.21(d) by Revision Checklist 100. 270.21(d), as found in the 1992 CFR is the version without the Revision Checklist 100 amendment (i.e., 270.21(d) as introduced into the Federal code by Base Program Checklist V). States are advised to retain the 270.21(c) language as found in the 1991 CFR and make the Revision Checklist 100 changes in their analogs to 270.21(d).

## Revision Checklist 101 Summary

**Rule Title:** Wood Preserving; Standards and Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

**Checklist Title:** Administrative Stay For the Requirement that Existing Drip Pads be Impermeable

**Reference:** 57 FR 5859-5861

**Promulgation Date:** February 18, 1992

**Effective Date:** February 6, 1992

**Cluster:** RCRA II

**Provision Type:** HSWA/Non-HSWA

**Linkage:** Checklists 82, 91 and 92

**Optional:** Yes

**Summary:** This rule addresses an administrative stay of the requirements for drip pad coatings, sealers, or covers for existing drip pads at wood preserving plants until October 30, 1992. A previous administrative stay at 56 FR 27332 (June 13, 1991; Revision Checklist 91) affected these same requirements for new drip pads. That stay has no ending date. Note that due to confusion over the renumbering of 264.572(a)(4) to 264.573(a)(4) by the 56 FR 30192 (July 1, 1991; Revision Checklist 92) rule, the administrative stay for new drip pads does not appear in the July 1, 1991 CFR.

**State Authorization:** This rule is placed in RCRA Cluster II. The State modification deadline is July 1, 1993 (or July 1, 1994 if a State statutory change is necessary). States are not required to adopt this stay as it makes existing code less stringent. This stay goes into effect immediately for drip pads used in connection with F032, as that waste was listed under HSWA authority. For the F034 and F035 listings, this administrative stay does not go into effect in authorized States until the State adopts it, as these wastes were listed relative to non-HSWA authority. Both interim and final authorization are available for the HSWA provisions. An interim final rule was published in mid December, 1992, extending interim authorization for HSWA provisions until January 1, 2003. Only final authorization is available for the non-HSWA provisions. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 101, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

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

N. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations contain an administrative stay, until October 30, 1992, for the requirement that existing drip pads be impermeable as indicated in Revision Checklist 101.

**Revision Checklist 101 Summary (cont'd)**

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b) & (e)(1); 40 CFR 264.573(a)(4), and 265.443(a)(4) as amended February 18, 1992 (57 FR 5859).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General



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## RCRA REVISION CHECKLIST 101

Administrative Stay for the  
Requirement that Existing Drip Pads Be Impermeable

57 FR 5859-5861

February 18, 1992

(RCRA Cluster II, Both HWSA and Non-HWSA provisions)

Note: This Revision Checklist addresses an administrative stay of the requirements for drip pad coating, sealers, or covers for existing drip pads at wood preserving plants until October 31, 1992. A previous administrative stay addressed by Revision Checklist 91 (56 FR 27332; June 13, 1991) affected new drip pads and has no ending date. Note that in the Federal Register the stay was placed at 264.572(a)(4). The rule (56 FR 30192; July 1, 1991) addressed by Revision Checklist 92 redesignated 264.572(a)(4) as 264.573(a)(4). Because of this redesignation, the administrative stay for new drip pads, unfortunately, does not appear in the July 1, 1991 CFR.

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

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

**SUBPART W - DRIP PADS**

† **DESIGN AND OPERATING REQUIREMENTS**

add note addressing administrative stay until October 30, 1992, for the coating, sealer, or cover requirements for existing drip pads	264.573(a)(4)/note					
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**RCRA REVISION CHECKLIST 101: Administrative Stay for the  
Requirement that Existing Drip Pads be Impermeable (cont'd)**

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

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

**SUBPART W - DRIP PADS**

**† DESIGN AND OPERATING REQUIREMENTS**

add note addressing administrative stay until October 30, 1992, for the coating, sealer, or cover requirements for existing drip pads	265.443(a)(4)/note					
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**Revision Checklist 102 Summary**

**Rule Title:** Land Disposal Restrictions for Third Third Scheduled Wastes  
**Checklist Title:** Second Correction to the Third Third Land Disposal Restrictions  
**Reference:** 57 FR 8086-8089  
**Promulgation Date:** March 6, 1992  
**Effective Date:** March 6, 1992  
**Cluster:** RCRA II  
**Provision Type:** HSWA  
**Linkage:** Checklists 78 and 83  
**Optional:** No

**Summary:** This rule corrects errors and clarifies the language in the preamble and regulations of the June 1, 1990 Third Third final rule (55 FR 22520; Revision Checklist 78). This rule is the second correction to the Third Third rule, preceded by a January 31, 1991 rule (56 FR 3864; Revision Checklist 83) that made extensive amendments to the Third Third rule. Specific sections of code affected include 264.13 and 265.13, 268.3, 268.41, and Table 2 in 268.42.

**State Authorization:** This rule is placed in RCRA Cluster II. The State modification deadline is July 1, 1993 (or July 1, 1994 if a State statutory change is necessary). States which have not adopted the Third Third Land Disposal Restrictions are strongly encouraged to adopt the changes addressed by this March 6, 1992 rule at the same time the other Third Third provisions (55 FR 22520 and 56 FR 3864) are adopted. Both interim and final authorizations are available. An interim final rule was published in mid December, 1992, extending interim authorization for HSWA provisions until January 1, 2003. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 102, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

**Attorney General's Statement Entry:** The following entry should replace the entry at XXI F in the Model Revision Attorney General's Statement:

F. State statutes and regulations provide specific treatment standards and effective dates for the "Third Third" wastes, "soft hammer" First and Second Third wastes, five newly listed wastes, four wastes that fall into the F002 and F005 (spent solvent) waste codes, F025, mixed radioactive/hazardous wastes, characteristic wastes, and multi-source leachate, as well as establish revised treatment standards for petroleum refining hazardous wastes (K048-K052) as indicated in Revision Checklists 78, 83 and 102.

**Revision Checklist 102 Summary (cont'd)**

Federal Authority: RCRA §§3001 and 3004 (d)-(k) and (m); 40 CFR 261, 262, 264, 265, 268, and 270 as amended June 1, 1990 (55 FR 22520), January 31, 1991 (56 FR 3864) and March 6, 1992 (57 FR 8086).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

SPA 13

## RCRA REVISION CHECKLIST 102

Second Correction to the Third Third  
Land Disposal Restrictions57 FR 8086-8089

March 6, 1992

(RCRA Cluster II, HSWA provisions)

Note: 1) The rule addressed by this checklist corrects errors and clarifies the language in the preamble and regulations of the June 1, 1990 (55 FR 22520; Revision Checklist 78) Third Third Land Disposal Restrictions rule. This rule was also modified by a January 31, 1991 (56 FR 3864; Revision Checklist 83) final rule. States that have already adopted Revision Checklists 78 and 83 are strongly encouraged to apply for the changes addressed by this checklist as soon as possible. Those that have not yet adopted the Third Third Land Disposal Restrictions are strongly encouraged to apply for the provisions in Revision Checklists 78, 83 and 102 at the same time.

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

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

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

**SUBPART B - GENERAL FACILITY STANDARDS**

**GENERAL WASTE ANALYSIS**

add sentence regarding what information, at a minimum, the waste analysis must contain	264.13(a)(1)					
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**RCRA REVISION CHECKLIST 102: Second Correction to the Third Third  
Land Disposal Restrictions (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
<b>PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>								
<b>SUBPART B - GENERAL FACILITY STANDARDS</b>								
<b>GENERAL WASTE ANALYSIS</b>								
add sentence regarding what information, at a minimum, the waste analysis must contain	265.13(a)(1)							
<b>PART 268 - LAND DISPOSAL RESTRICTIONS</b>								
<b>SUBPART A - GENERAL</b>								
<b>DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT</b>								
after reference to 268.42, add the following clause: ", or unless the waste is a D003 reactive cyanide wastewater or nonwastewater"	268.3(b)							

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**RCRA REVISION CHECKLIST 102: Second Correction to the Third Third  
Land Disposal Restrictions (cont'd)**

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

**SUBPART D - TREATMENT STANDARDS**

**TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT**

<sup>1</sup> change "K031" to "D031" and remove "P038"; remove ". Table CCWE identifies the restricted wastes D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038, and U136"; also change "method" to "methods" before "in Appendix I"; remove "Appendix I of this part or" before "Appendix II of 40 CFR part 261"; add to the last sentence: ", unless otherwise noted in the following Table CCW"

268.41(a)

**TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES**

revise the entry for "Reactive Sulfides based on 261.23(a)(5)" under D003

268.42(a)/Table 2

<sup>1</sup> Note that there are typographical errors in the Federal Register addressed by this checklist. The change from K031 to D031 appears to be incorrect; "D031" should be "K031." There will be a technical correction in the future. Also, after "Appendix I of this part" in column 2 of page 57 FR 8089 of 268.41(a), "for the allowable" appears to have been incorrectly changed to "of the allowable."

**Revision Checklist 103 Summary**

**Rule Title:** Hazardous Waste Management System: Land Disposal Restrictions  
**Checklist Title:** Hazardous Debris Case-by-Case Capacity Variance  
**Reference:** 57 FR 20766-20770  
**Promulgation Date:** May 15, 1992  
**Effective Date:** May 8, 1992  
**Cluster:** RCRA II  
**Provision Type:** HSWA  
**Linkage:** Revision Checklists 78 and 83  
**Optional:** No

**Summary:** On June 1, 1990 (55 FR 22520; Revision Checklist 78), EPA promulgated a final rule establishing prohibitions and treatment standards for "Third Third" wastes. Because of a lack of treatment capacity, EPA granted a two-year national capacity variance for most hazardous debris. As such, these wastes are prohibited from land disposal on May 8, 1992, unless the treatment standards are met. On January 9, 1992, proposed hazardous debris treatment standards were published which would replace the existing standards published as part of the Third Third rule. While the final rule has been delayed by the review process, it should be issued by June 30, 1992. This May 15, 1992 rule provides, under 40 CFR 268.5, a one-year extension of the Land Disposal Restrictions (LDRs) effective date for hazardous waste debris. The action is taken because EPA recognizes that owners and operators of treatment, storage and disposal facilities will have difficulty in obtaining treatment capacity that meets the January 9, 1992 proposed standards for hazardous debris, or that could meet the existing treatment standards by May 8, 1992, when the national capacity variance for most debris expires.

The extension adopted by this rule includes more types of debris than were granted a national capacity extension in the June 1, 1990 final rule (55 FR 22520, Revision Checklist 78). In the June 1, 1990 rule, only inorganic solid debris and other debris contaminated with a waste whose treatment standard was based on incineration, mercury retorting, or vitrification received a variance. In this rule, all debris (both organic debris and inorganic solid debris) that is hazardous, with several exceptions, is receiving an extension. The exceptions include debris contaminated with listed solvent or dioxin waste covered in the RCRA §3004(e) prohibition and debris contaminated with non-liquid "California List Waste", pursuant to RCRA §3004(d), because the time for granting national and case-by-case capacity variance for these waste has expired and further extension is not possible.

The final rule that EPA plans to issue on June 30, 1992 is likely to amend the definition of debris in response to comments received on the January 9, 1992 proposed rule. At that time, EPA will explain how any such change would affect the case-by-case extension promulgated by the May 15, 1992 rule.

**State Authorization:** This rule is placed in RCRA Cluster II. The State modification deadline is July 1, 1993 (or July 1, 1994 if a State statutory change is necessary). All changes go into effect immediately because this rule was promulgated under HSWA authorities. Both interim and final authorization are available. An interim final rule was published in mid



**Revision Checklist 103 Summary (cont'd)**

December, 1992, extending interim authorization for HSWA provisions until January 1, 2003. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 103, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

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

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

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

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General

SPA 13

## RCRA REVISION CHECKLIST 103

## Hazardous Debris Case-by-Case Capacity Variance

57 FR 20766-20770

May 15, 1992

(RCRA Cluster II, HSWA provisions)

Note: This rule provides an extension of the Land Disposal Restrictions effective date until May 8, 1993 for hazardous waste debris. The extension adopted by the rule includes more types of debris than granted a national capacity extension in the Third Third Land Disposal Restriction rule promulgated on June 1, 1990 (55 FR 22520, Revision Checklist 78). In that rule only inorganic solid debris and other debris contaminated with a waste whose treatment standard was based on incineration, mercury retorting or vitrification received a variance. Debris not covered by this variance includes debris contaminated with listed solvent or dioxin waste covered by the RCRA §3004(e) prohibition and debris contaminated with non-liquid "California List Wastes" pursuant to RCRA §3004(d) because the limit for granting national and case-by-case capacity extensions for these wastes has expired.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART C - PROHIBITIONS ON LAND DISPOSAL						
WASTE SPECIFIC PROHIBITIONS-THIRD THIRD WASTES						
effective May 8, 1993, prohibition from land disposal of debris contaminated with 268.10, 268.11 and 268.12 wastes and debris contaminated with any characteristic waste having Subpart D, Part 268 treatment standards	268.35(e)					

## Revision Checklist 104 Summary

**Rule Title:** Identification and Listing of Hazardous Waste: Used Oil  
**Checklist Title:** Used Oil Filter Exclusion  
**Reference:** 57 FR 21524-21534  
**Promulgation Date:** May 20, 1992  
**Effective Date:** June 19, 1992  
**Cluster:** RCRA II  
**Provision Type:** HSWA  
**Linkage:** None  
**Optional:** Yes

**Summary:** This rule promulgates a final listing decision for used oils based upon RCRA §§ 1004 and 3001, and 40 CFR 261.11(a)(1)&(a)(3). Because all used oils do not typically and frequently meet the technical criteria for listing a waste as hazardous, EPA has chosen to not list as hazardous used oils destined for disposal. This rule does provide an exemption from the definition of hazardous waste, for certain types of used oil filters. This rule also provides public notice of the EPA deferral on a decision whether to list residuals from the reprocessing and re-refining of used oil. Additionally, the Agency is not, at this time, taking final action on a listing determination and/or management standards for used oils that are recycled as proposed in 1985 and 1991. EPA will make a decision on these issues in the near future.

**State Authorization:** This rule is placed in RCRA Cluster II. Because the standards addressed by this checklist narrow the scope of TC rule and the EP toxicity regulation which preceded it, the checklist is considered optional. For States that choose to adopt it, the due date is July 1, 1993 (or July 1, 1994 if a statutory change is necessary). Both interim and final authorization are available. An interim final rule was published in mid December, 1992, extending interim authorization for HSWA provisions until January 1, 2003. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 104, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

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

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

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

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General

SPA 13

## RCRA REVISION CHECKLIST 104

Used Oil Filter Exclusion

57 FR 21524-21534

May 20, 1992

(RCRA Cluster II, HSWA provisions)

Note: The final rule addressed by this Revision Checklist preserves the status quo for used oil destined for disposal and exempts, from the definition of hazardous waste, certain types of used oil filters. The Agency is not taking final action, at this time, on a listing determination and/or management standards for used oils that are recycled as proposed in 1985 and 1991. It will, in the near future, make a final decision on such a listing under the authority of RCRA section 3014. The Agency may also propose standards controlling the burning of used oil in boilers and furnaces at a later date.

The standards addressed by this checklist narrow the scope of the Toxicity Characteristic (TC) rule promulgated pursuant to HSWA authority, as well as the characteristics of EP toxicity regulations promulgated under non-HSWA authority; thus, authorized States are not required to adopt them.

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

## PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

## SUBPART A - GENERAL

## † EXCLUSIONS

non-terne plated used oil filters not mixed with waste listed in Part 261, subpart C if oil filters have been gravity hot-drained using one of the following methods:	261.4(b)(15)					
puncturing the filter anti-drain back valve of the filter dome end and hot-draining	261.4(b)(15)(i)					
hot-draining and crushing	261.4(b)(15)(ii)					

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## RCRA REVISION CHECKLIST 104: Used Oil Filter Exclusion (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	MORE STRIN- GENT	LESS STRIN- GENT	BROADER IN SCOPE
dismantling and hot-draining	261.4(b)(15)(iii)					
any other equivalent hot-draining method which will remove used oil	261.4(b)(15)(iv)					

## Revision Checklist 105 Summary

**Rule Title:** Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Exclusions  
**Checklist Title:** Recycled Coke By-Product Exclusion  
**Reference:** 57 FR 27880-27888  
**Promulgation Date:** June 22, 1992  
**Effective Date:** June 22, 1992  
**Cluster:** RCRA II  
**Provision Type:** HSWA  
**Linkage:** Revision Checklist 98 and affects 261.4(a)(10) which was added by Revision Checklist 85  
**Optional:** Yes

**Summary:** This final rule excludes from the definition of solid waste those coke by-product residues that are recycled by being (1) returned to coke ovens as feedstock to produce coke; (2) returned to the tar recovery process as a feedstock to produce coal tar; or (3) mixed with coal tar prior to coal tar refining or sale. These residues are hazardous because they exhibit the Toxicity Characteristic (TC) of 40 CFR 261.24. The exclusion also includes similarly-situated hazardous waste K087 when recycled in this way. These exclusions are conditioned on there being no land disposal of the recycled material. The exclusion was proposed on July 26, 1991 (56 FR 35758). At that time, EPA also proposed to list as hazardous seven wastes from the production, recovery and refining of coke by-products. EPA will address these listings in a separate final rule to be issued at a later date.

The June 22, 1992 rule differs from two previous rules affecting coke by-product plant residues returned to coke ovens. First, the final BIF rule's (February 21, 1991, 56 FR 7134; Revision Checklist 85) exclusion from the definition of solid waste applied to only coke and coal tar produced from hazardous waste K087 and, unlike the present rule, did not extend to coke or coal tar produced from non-K087 wastes. Second, an Administrative Stay was issued on September 5, 1991 (56 FR 43874; Revision Checklist 98) to halt the application of RCRA air emission standards to coke ovens when they reprocess non-K087 coke by-products residues. The June 22, 1992 final rule differs from the stay in that it does not just apply to the coke production process but instead excludes from the definition of solid waste coke by-product plant residues that exhibit the TC, when they are recycled by being returned to coke ovens or mixed with coal tar. This present rule (57 FR 27880) removes the administrative stay from the code that was introduced by the September 5, 1991 rule (56 FR 43874).

**State Authorization:** This rule is placed in RCRA Cluster II. The exclusion reduces the scope of the Federal program, therefore, States are not required to adopt the changes addressed by this rule. States may, however, impose requirements that are broader in scope or more stringent than those imposed under Federal regulations. As such, the checklist developed for this rule has been designated as optional. However, EPA strongly encourages States to adopt the checklist as quickly as possible in order to minimize disruption to legitimate recycling practices currently taking place in the coking industry. The State modification deadline is July 1, 1993 (or July 1, 1994 if a State statutory change is necessary). All changes go into effect immediately as this rule was promulgated under HSWA authorities. Both interim and final authorization are available. An interim final rule was published in mid December, 1992,

## Revision Checklist 105 Summary (cont'd)

extending interim authorization for HSWA provisions until January 1, 2003. If a State chooses to adopt these provisions, it must include in its application, applicable regulations, AG statement addendum, Revision Checklist 105, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

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

Y. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations exclude from being a solid waste K087 and those coke by-product residues that are hazardous only because they exhibit the Toxicity Characteristic when, subsequent to generation, these materials are recycled by being returned to coke ovens, to the tar recovery process as a fuel stock to produce coal tar, or mixed with coal tar as indicated in Revision Checklist 105.

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

The following entry should replace the current Subsection XX D entry:

D. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations contain an administrative stay, until June 22, 1992, of the permitting standards for boilers and industrial furnaces as they apply to coke ovens burning certain hazardous wastes from the coke by-products recovery process as indicated in Revision Checklists 98 and 105.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 266.100(a) as amended September 5, 1991 (56 FR 43874) and June 22, 1992 (57 FR 27880).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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## RCRA REVISION CHECKLIST 105

## Recycled Coke By-Product Exclusion

57 FR 27880-27888

June 22, 1992

(RCRA Cluster II, HSWA provisions)

**Note:** This Revision Checklist excludes from the definition of solid waste certain coke by-product plant residues that exhibit the Toxicity Characteristic (TC). The final rule reduces the scope of the Federal program; therefore, authorized States are not required to modify their programs to adopt this checklist. Although States are not required to adopt this checklist, EPA strongly encourages States to do so as quickly as possible in order to minimize disruption to legitimate recycling practices currently taking place in the coking industry.

**Special Note:** While this checklist is considered an optional checklist, States that adopt the Coke Oven Administrative Stay introduced by Revision Checklist 98 (56 FR 43874) should either remove their analog to the note that follows 266.100(a) or state in their regulations that this stay ends on June 22, 1992.

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

## PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

## SUBPART A - GENERAL

## † EXCLUSIONS

replace existing paragraph with new paragraph excluding from definition of solid waste K087 and other wastes from coke by-products that are hazardous only because they exhibit the Toxicity Characteristic when recycled as specified; exclusion is conditioned on there being no land disposal of the wastes from point of generation to recycling point	261.4(a)(10)					
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## RCRA REVISION CHECKLIST 105: Recycled Coke By-Product Exclusion (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES						
SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES						

## †,1 APPLICABILITY

remove note addressing the Administrative Stay for coke ovens processing coke by-product wastes exhibiting the toxicity characteristic identified in 266.100(a)	266.100(a),note					
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- <sup>1</sup> This change is conditionally optional. States that adopted the Coke Oven Administrative Stay introduced by Revision Checklist 98 (September 5, 1991; 56 FR 43874) should make this change to assure that their code remains at least as stringent as the Federal code.

**Revision Checklist 106 Summary**

**Rule Title:** Hazardous Waste Management System: Land Disposal Restrictions  
**Checklist Title:** Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance  
**Reference:** 57 FR 28628-28632  
**Promulgation Date:** June 26, 1992  
**Effective Date:** June 5, 1992  
**Cluster:** RCRA II  
**Provision Type:** HSWA  
**Linkage:** Checklists 78 and 83  
**Optional:** No

**Summary:** In the final rule establishing land disposal restrictions for "Third Third" hazardous wastes (June 1, 1990; 55 FR 22520; Revision Checklist 78), EPA granted a two-year national capacity variance to allow the continued storage of lead-bearing hazardous materials in waste piles prior to smelting. The variance has now expired and these untreated wastes became prohibited from land disposal on May 8, 1992. On January 9, 1992, EPA proposed a rule allowing the use of a management unit--referred to as containment buildings--for the accumulation for up to 90 days of D008 lead-bearing hazardous materials that are not in liquid form, at secondary smelters without accumulation at such a unit being defined as land disposal. EPA is now considering public comment on the proposal and anticipates promulgating a final rule by June 30, 1992. This June 26, 1992 rule provides a one-year extension of the LDR effective date for owners and operators of secondary lead smelters who are engaged in the reclamation of lead-bearing hazardous materials. The extension applied only to lead-bearing hazardous wastes placed in a staging area immediately prior to being introduced into a lead smelter. This action is taken because EPA believes that the continued storage of lead-bearing hazardous materials in piles at smelting facilities prior to recovery is preferable to any alternative management available and consistent with the Agency's goal of waste minimization.

**State Authorization:** This rule is placed in RCRA Cluster II. The State modification deadline is July 1, 1993 (or July 1, 1994 if a State statutory change is necessary). All changes go into effect immediately. Both interim and final authorization are available. An interim final rule was published in mid December, 1992, extending interim authorization for HSWA provisions until January 1, 2003. The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 106, other associated checklists and other application materials, i.e. a program description and an MOA, as determined by the Regional office.

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

J. State statutes and regulations provide an extension of the land disposal restriction effective date, until May 8, 1993, for D008 lead-bearing hazardous materials stored before secondary smelting, provided the

**Revision Checklist 106 Summary (cont'd)**

owner/operator meets the requirements specified at 40 CFR 268.35(k), as indicated in Revision Checklist 106.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c) and (k) as amended June 26, 1992 (57 FR 28628).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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## RCRA REVISION CHECKLIST 106

Lead-bearing Hazardous Materials  
Case-by-Case Capacity Variance

57 FR 28628-28632

June 26, 1992

(RCRA Cluster II, HSWA provisions)

Note: This Revision Checklist is the third checklist affecting the prohibitions on land disposal of lead-bearing hazardous wastes. The two previous checklists include Revision Checklists 78 and 83. The final rule addressed by this checklist provides a one-year extension (until May 8, 1993) to the LDR effective date for owners and operators of secondary lead smelters who are engaged in the reclamation of lead-bearing hazardous materials. States adopting Revision Checklists 78 and 83 are encouraged to adopt the provisions of this checklist simultaneously. States which have already adopted the Revision Checklists 78 and 83 provisions are encouraged to adopt Revision Checklist 106 as soon as possible.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 268 - LAND DISPOSAL RESTRICTIONS						
SUBPART C - PROHIBITIONS ON LAND DISPOSAL						
WASTE SPECIFIC PROHIBITIONS - THIRD THIRD WASTES						
remove "D008 (lead materials stored before secondary smelting);" before "and D009"	268.35(c)					

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**RCRA REVISION CHECKLIST 106: Lead-bearing Hazardous Materials  
Case-by-case Capacity Variance (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
effective May 8, 1993, prohibition from land disposal of D008 lead materials stored before secondary smelting; submission of binding contractual commitment, documentation and detailed schedule for specified construction, and providing specified capacity, by March 1, 1993; D008 prohibited from land disposal by failure to submit documentation; placed in facility record by July 27, 1992, documentation demonstrating that such management capacity will be adequate and complies with all applicable Subtitle C requirements	268.35(k)					

**ATTACHMENT B**

**Updates to the  
State Authorization Manual (SAM)**

**Model Revision Attorney General's Statement**

**The following pages (numbered 9 through 58)  
should replace pages 9 through 54 of  
SAM Appendix E**

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**MODEL REVISION ATTORNEY GENERAL'S STATEMENT FOR FINAL  
AUTHORIZATION FOR CHANGES TO THE FEDERAL  
RCRA PROGRAM FROM JANUARY 1983 THROUGH  
JUNE 1992**

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.
- <sup>1</sup> (2) [OPTIONAL: This is a reduced requirement.] Warfarin and zinc phosphide listing, 40 CFR 261.33(e) and (f), as amended May 10, 1984 [49 FR 19923], Revision Checklist 7.
- (3) TDI, DNT and TDA wastes, 40 CFR 261.32, 261.33(f), and Part 261 Appendices III, VII and VIII as amended October 23, 1985 [50 FR 42936], Revision Checklist 18.
- (4) Spent solvents, 40 CFR 261.31, as amended December 31, 1985 [50 FR 53319] and January 21, 1986 [51 FR 2702], Revision Checklist 20.
- (5) EDB wastes, 40 CFR 261.32 and Part 261 Appendices II, III and VIII, as amended February 13, 1986 [51 FR 5330], Revision Checklist 21.

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



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- (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] and February 25, 1991 [56 FR 7567], Revision Checklists 57 and 86.
- (13) Listing of two wastes (K131 and K132) generated during the production of methyl bromide, 40 CFR 261.32 and 261 Appendices III and VII, as amended October 6, 1989 [54 FR 41402], Revision Checklist 68.
- (14) Listing of one generic category (F025) of waste generated during the manufacture of chlorinated aliphatic hydrocarbons by free radical catalyzed processes and amending F024, 40 CFR 261.31 and 261 Appendix VII; adding one toxicant to 261 Appendix VIII; as amended December 11, 1989 [54 FR 50968], Revision Checklist 69.
- (15) [OPTIONAL: This is a reduced requirement.] Amendments to the F019 hazardous waste listing to exclude wastewater treatment sludges from zirconium phosphating in aluminum can washing, when such phosphating is an exclusive conversion coating process, 40 CFR 261.31, as amended February 14, 1990 [55 FR 5340], Revision Checklist 72.

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- (16) Listing of four wastes (K107-K110) generated during the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides, 40 CFR 261.31 and Part 261 Appendices III and VII, as amended May 2, 1990 [55 FR 18496], Revision Checklist 75.
- (17) Listing of one waste (F039), 40 CFR 261.31 and Part 261 Appendix VII, as amended June 1, 1990 [55 FR 22520] and January 31, 1991 [56 FR 3864], Revision Checklists 78 and 83.
- (18) Listing of two wastes (F037 and F038) generated in the separation of oil/water/solids from petroleum refinery process wastewaters and oily cooling wastewaters, 40 CFR 261.31 and Part 261 Appendix VII, as amended November 2, 1990 [55 FR 46354] and December 17, 1990 [55 FR 51707], Revision Checklist 81.
- (19) Listing of three wastes (F032, F034 and F035) from wood preserving operations that use chlorophenolic, creosote and/or inorganic (arsenical and chromium) preservatives, 40 CFR 261.31, and 261 Appendices III, VII and VIII, as amended December 6, 1990 [55 FR 50450], Revision Checklist 82.
- (20) OPTIONAL: This is a reduced requirement.] Administrative stay removing, from the K069 listing, slurries generated from air pollution control devices that are intended to capture acid gases and are not dedicated chiefly to control particulate air emissions, 40 CFR 261.32, as amended May 1, 1991 [56 FR 19951], Revision Checklist 88.
- (21) OPTIONAL: This is a reduced requirement.] Redefinition of F037 and F038 listings to exclude 1) sludges from non-contact once-through cooling waters from both listings and 2) floats generated in aggressive biological treatment units from the F038 listing, 40 CFR 261.31 as amended May 13, 1991 [56 FR 21955], Revision Checklist 89.
- (22) OPTIONAL: This is a reduced requirement.] Administrative stay of F032, F034 and F035 listings regarding 1) wastewaters that have not come into contact with process contaminants and 2) plants that have previously used chlorophenolic formulations, 40 CFR 261.31 as amended June 13, 1991 [56 FR 27332], Revision Checklist 91.

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

## SPA 13

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.

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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.

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

J. State statutes and regulations that:

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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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.

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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 Checklists 82 and 92.

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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



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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Y. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exclude from being a solid waste K087 and those coke by-product residues that are hazardous only

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because they exhibit the Toxicity Characteristic when, subsequent to generation, these materials are recycled by being returned to coke ovens, to the tar recovery process as a fuel stock to produce coal tar, or mixed with coal tar as indicated in Revision Checklist 105.

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

## **II. DEFINITION OF SOLID WASTE**

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

Federal Authority: RCRA §3001; 40 CFR Parts 261.2(d)(2) as amended February 21, 1991 (56 FR 7134) and August 27, 1991 (56 FR 42504).

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.

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- (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.

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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

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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

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**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.

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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).<sup>2</sup>

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

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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

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

Federal Authority: RCRA §§1006, 2002(a), 3001, 3004, 3005 and 3015; 40 CFR 260.10, and 265.91(a)(3) as amended December 23, 1991 (56 FR 66365).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

## **XII. BURNING AND BLENDING OF HAZARDOUS WASTES**

A. State statutes and regulations provide the following requirements:

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General



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- (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.)

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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) State statutes and regulations provide for the submission of 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.

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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.

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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, 48, and 97 (with the latter two providing technical corrections to Checklist 31).

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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**XV. STANDARDS FOR FACILITIES<sup>3</sup>**

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. Effective on November 8, 1984, State statutes and regulations prohibit the placement of any non-containerized or bulk liquid hazardous waste in any salt dome or salt bed formation any underground mine or cave except as provided in 40 CFR §§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

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

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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

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H. State statutes and regulations require companies that generate, treat or store hazardous waste in tanks to comply with tank standards equivalent to those indicated in Revision Checklists 28 and 52.

Federal Authority: RCRA §§1006, 2002, 3001 - 3007, 3010, 3014, 3017 - 3019 and 7004; 40 CFR Parts 260, 261, 262, 264, 265, and 270 as amended July 14, 1986 (51 FR 25422), August 15, 1986 (51 FR 29430) and September 2, 1988 (53 FR 34079).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General

I. State statutes and regulations require environmental performance standards; monitoring, testing, analytical data, inspection, response and reporting procedures; and post-closure care for miscellaneous units as indicated in Revision Checklist 45.

Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.600, 264.601, 264.602, and 264.603 as amended December 10, 1987 (52 FR 46946).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General

J. [OPTIONAL]: This is a reduced requirement.] State statutes and regulations allow owners and operators of landfills, surface impoundments, or land treatment units, under limited circumstances, to remain open after the final receipt of hazardous wastes in order to receive non-hazardous wastes in that unit as indicated in Revision Checklist 64.

Federal Authority: RCRA §§1006, 2002(a), 3004, 3005 and 3006; 40 CFR 264.13, 264.112, 264.113, 264.142, 265.13, 265.112, 265.113, 265.142 and Appendix I to 270.42 as amended August 14, 1989 (54 FR 33376).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General

K. State statutes and regulations require new and existing hazardous waste treatment, storage or disposal facilities to control organic air emissions from process vents and equipment leaks as indicated in Revision Checklists 79 and 87.

## SPA 13

Federal Authority: RCRA §§1006, 2002, 3001-3007, 3010, 3014 and 7004; 40 CFR Parts 261, 264, 265 and 270 as amended June 21, 1990 (55 FR 25454) and April 26, 1991 (56 FR 19290).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

M. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain an administrative stay for the requirement that new drip pads be impermeable as indicated in Revision Checklist 91.

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

N. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain an administrative stay, until October 30, 1992, for the requirement that existing drip pads be impermeable as indicated in Revision Checklist 101.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 264.573(a)(4), and 265.443(a)(4) as amended February 18, 1992 (57 FR 5859).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General



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**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.

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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

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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.

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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

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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

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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.

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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.

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Federal Authority: RCRA §§2002(a), 3004, 3005 and 3006; 40 CFR 270.42 as amended March 7, 1989 (54 FR 9596).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

V. State statutes and regulations incorporate updates to 40 CFR Part 124 as indicated in Revision Checklist 70.

Federal Authority: RCRA §§6901 and 6902; 40 CFR 124.3, 124.5, 124.6, 124.10 and 124.12 as amended April 1, 1983 (48 FR 14146), June 30, 1983 (48 FR 30113), July 26, 1988 (53 FR 28118), September 26, 1988 (53 FR 37396) and January 4, 1989 (54 FR 246).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

W. State statutes and regulations contain Special Part B information requirements for drip pads as indicated in Revision Checklists 82 and 92.

Federal Authority: RCRA §§2002(a) and 3001(b)&(e)(I); 40 CFR 270.22 as amended December 6, 1990 (55 FR 50450) and July 1, 1991 (56 FR 30192).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

X. State statutes and regulations include permitting requirements for boilers and industrial furnaces burning hazardous waste as indicated in Revision Checklists 85 and 94.

Federal Authority: RCRA §§1006, 2002, 3001 through 3007; 40 CFR 270.22, 270.42(g), 270.42 Appendix I, 270.66, 270.72(a)(6)&(b)(7) and 270.73(f)&(g) as amended February 21, 1991 (56 FR 7134) and July 17, 1991 (56 FR 32688).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

Y. State statutes and regulations include specific Part B information requirements for surface impoundments, waste piles and landfills regarding liners; leachate collection, detection, and removal systems; and the construction quality assurance program requirements as indicated in Revision Checklist 100.



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Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 270.4(a), 270.17(b)&(c), 270.18(c)&(d), and 270.21(b)&(c) as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

## **XVII. MINIMUM TECHNOLOGICAL REQUIREMENTS**

A. State statutes and regulations require that new units, expansions, and replacements of interim status waste piles meet the requirements for a single liner and leachate collection system in regulations applicable to permitted waste piles as indicated in the Revision Checklist 17 H.

Federal Authority: RCRA §3015(a); 40 CFR 265.254 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State statutes and regulation require:

- (1) New units, expansions, and replacement units at interim status landfills and surface impoundments and landfills and surface impoundments for which Part B of the permit application is received by the proper authority after November 8, 1984, meet the requirements for double liners and leachate collection systems applicable to new permitted landfills and surface impoundments in 40 CFR 264.221 and 264.301 and 265.221 and 265.301 as indicated in Revision Checklists 17 H and 77.

Federal Authority: RCRA §§1006, 2002(a), 3004, 3005 and 3015(b); 40 CFR 264.221, 265.221, 264.301 and 265.301 as amended July 15, 1985 (50 FR 28702) and May 9, 1990 (55 FR 19262).

- (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.

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Federal Authority: RCRA §3015(b); 40 CFR 264.221, 265.221 and 265.301 as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. State statutes and regulations require owners and operators of new units, expansions, and replacement units at surface impoundments, waste piles, and landfills to meet the monitoring and inspection Construction Quality Assurance (CQA) program, double liner, leachate collection and removal systems, leak detection systems, action leakage, response action plan and closure/post-closure care requirements as indicated in Revision Checklist 100.

Federal Authority: RCRA §§3004, 3005, 3006 and 3015; 40 CFR 264.19, 264.221-264.223, 264.226, 264.228, 264.251-264.254, 264.301-264.304, 264.310, 265.19, 265.221-265.223, 265.226-265.228, 265.254, 265.255, 265.259, 265.260, 265.301-265.304 and 265.310 as amended January 29, 1992 (57 FR 3462).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

**XVIII. EXPOSURE ASSESSMENTS**

A. State laws and regulations require permit applicants for landfills or surface impoundments to submit exposure information as indicated in Revision Checklist 17 S.

Federal Authority: RCRA §3019(a); 40 CFR 270.10(j) as amended July 15, 1985 (50 FR 28702).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

B. State laws and regulations allow the State to make assessment information available to the Agency for Toxic Substances and Disease Registry. [See CERCLA §104(i).]

Federal Authority: RCRA §3019(b).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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**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

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**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

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

D. [OPTIONAL: This is a reduced requirement.] State statutes and regulations contain an administrative stay until June 22, 1992, of the permitting standards for boilers and industrial furnaces as they apply to coke ovens burning certain hazardous wastes from the coke by-products recovery process as indicated in Revision Checklists 98 and 105.

Federal Authority: 5 U.S.C. 705; RCRA §§2002(a) and 3001(b)&(e)(1); 40 CFR 266.100(a) as amended September 5, 1991 (56 FR 43874) and June 22, 1992 (57 FR 27880).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

## **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.

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Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR Parts 262, 264, 265, 268 and 270 as amended on July 8, 1987 (52 FR 25760), October 27, 1987 (52 FR 41295), August 17, 1988 (53 FR 31138), and September 6, 1989 (54 FR 36967).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

C. State statutes and regulations for specific treatment standards and effective dates for certain wastes from the "First Third" of the schedule of restricted wastes listed in 40 CFR 268.10 as well as land disposal restrictions for those First Third wastes for which a treatment standard is not established as indicated in Revision Checklists 50, 62 and 66.

Federal Authority: RCRA §3004 (d)-(k) and (m); 40 CFR Parts 264, 265, 266, and 268 as amended on August 17, 1988 (53 FR 31138), February 27, 1989 (54 FR 8264), May 2, 1989 (54 FR 18836), September 6, 1989 (54 FR 36967) and June 13, 1990 (55 FR 23935).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

D. State statutes and regulations for certain treatment standards and prohibition effective dates for certain Second Third wastes and for imposing the "soft hammer" provisions<sup>4</sup> 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

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<sup>4</sup> "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.

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E. State statutes and standards for treatment standards and effective dates for certain First Third "soft hammer" wastes<sup>5</sup> as well as for certain wastes originally contained in the Third Third of the Schedule as indicated in Revision Checklist 63.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR Parts 264, 265 and 268 as amended June 23, 1989 (54 FR 26594).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General

F. State statutes and regulations provide specific treatment standards and effective dates for the "Third Third" wastes, "soft hammer" First and Second Third wastes<sup>5</sup>, five newly listed wastes, four wastes that fall into the F002 and F005 (spent solvent) waste codes, F025, mixed radioactive/hazardous wastes, characteristic wastes, and multi-source leachate, as well as establish revised treatment standards for petroleum refining hazardous wastes (K048-K052) as indicated in Revision Checklists 78, 83 and 102.

Federal Authority: RCRA §§3001 and 3004 (d)-(k) and (m); 40 CFR 261, 262, 264, 265, 268, and 270 as amended June 1, 1990 (55 FR 22520), January 31, 1991 (56 FR 3864) and March 6, 1992 (57 FR 8086).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General

G. [OPTIONAL: This is a reduced requirement.] State statutes and regulations provide for alternate treatment standards for lab packs meeting certain criteria as indicated in Revision Checklists 78 and 83.

Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 264.316(f), 265.316(f), 268.7(a)(7), 268.7(a)(8), 268.42(c), 268.42(c)(1)-(4), and Part 268 Appendices IV and V, as amended June 1, 1990 (55 FR 22520) and January 31, 1991, (56 FR 3864).

Citation of Laws and Regulations: Date of Enactment and Adoption

Remarks of the Attorney General

H. State statutes and regulations contain treatment standards under the land disposal restrictions program for K061 as indicated in Revision Checklist 95.

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<sup>5</sup>See Footnote 4.

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Federal Authority: RCRA §3004(d)-(k) and (m); 40 CFR 268.41 and 268.42 as amended August 19, 1991 (56 FR 41164).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

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

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

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

J. State statutes and regulations provide an extension of the land disposal restriction effective date, until May 8, 1993, for D008 lead-bearing hazardous materials stored before secondary smelting, provided the owner/operator meets the requirements specified at 40 CFR 268.35(k), as indicated in Revision Checklist 106.

Federal Authority: RCRA §3004(h)(3); 40 CFR 268.35(c) and (k) as amended June 26, 1992 (57 FR 28628).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

**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.]



**SPA 13**

**Seal of Office**

\_\_\_\_\_  
**Signature**

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**Name (Type or Print)**

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**Title**

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**Date**

## SPA 13

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

Revision checklist number/name	Subsections pertaining to checklist
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2. Permit Rule: Settlement Agreement . . . . .	XV D
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6. Permit Rule - Deficient Part A Applications . . . . .	XVI J
7. Listing Warfarin & Zinc Phosphide . . . . .	I A(2)
8. Lime Stabilized Pickle Liquor Sludge . . . . .	I D
9. Exclusion of Household Waste . . . . .	I E
10. Interim Status Standards - Applicability . . . . .	V A
11. Corrections to Test Methods Manual . . . . .	I F
12. Satellite Accumulation Standards . . . . .	IV A
13. Definition of Solid Wastes . . . . .	II A
14. Dioxin Listing and Management Standards . . . . .	III A
15. Interim Status Standards for Treatment, Storage, and Disposal Facilities . . . . .	XV E
16. Paint Filter Test . . . . .	VI
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)

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

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Revision checklist number/name	Subsections pertaining to checklist
17 I. Ground-water Monitoring . . . . .	XI A & B
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

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

**SPA 13**

Revision checklist number/name	Subsections pertaining to checklist
36. Closure/Post-closure Care for Interim Status Surface Impoundments . . .	XV F
37. Definition of Solid Wastes; Technical Corrections . . . . .	II A
38. Amendments, Part B - Information Requirements for Disposal Facilities . . . .	XIII B
39. California List Waste Restrictions . . . . .	XXI 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

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

SPA 13

Revision checklist number/name	Subsections pertaining to checklist
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
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; . . . . . Modifications of Hazardous Waste Management Permits; . . . . . Procedures for Post-Closure Permitting . . . . .	XVI R & S XVI U XVI T

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

SPA 13

Revision checklist number/name	Subsections pertaining to checklist
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
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

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

**SPA 13**

Revision checklist number/name	Subsections pertaining to checklist
82. Wood Preserving Listings . . . . .	I A(19); I Q & R, XV L, XVI W
83. Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments . . . . .	I A(17); XXI F & G
84. Toxicity Characteristic; Chlorofluorocarbon Refrigerants . . . . .	I S
85. Burning of Hazardous Waste in Boilers and Industrial Furnaces . . . . .	I T & U; II B; XVI X; XX C
86. Removal of Strontium Sulfide from the List of Hazardous Waste; Technical Amendment . . . . .	I A(12)
87. Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment . . . . .	XV K
88. Administrative Stay for K069 Listing . . . .	I A(20)
89. Revision to F037 and F038 Listings . . . .	I A(21)
90. Mining Exclusion III . . . . .	I J(2)
91. Administrative Stay for F032, F034 and F035 Listings . . . . .	I A(22); XV M
92. Wood Preserving Corrections . . . . .	I Q & R; XV L; XVI W
93. Liability Requirements; Technical Amendments . . . . .	Withheld, no entry as yet
94. Boilers and Industrial Furnaces Correction/Technical Amendment I . . . . .	XVI X; XX C
95. Land Disposal Restrictions for Electric Arc Furnace Dust (K061) . . . . .	I V & W; XXI H
96. Boilers and Industrial Furnaces Technical Amendments II . . . . .	II B; XX C
97. Exports of Hazardous Waste; Technical Correction . . . . .	XIV A
98. Administrative Stay for Certain Coke Ovens . . . . .	XX D
99. Amendments to Interim Status Standards for Downgradient Ground- Water Monitoring Well Locations . . . . .	XI E
100. Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units . . . . .	XVI Y; XVII C

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

**SPA 13**


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Revision checklist number/name	Subsections pertaining to checklist
<hr/>	
101. Administrative Stay for the Requirement that Existing Drip Pads be Impermeable . . . . .	XV N
102. Second Correction to the Third Third Land Disposal Restrictions . . . . .	XXI F
103. Hazardous Debris Case-by-Case Capacity Variance . . . . .	XXI I
104. Used Oil Filter Exclusion . . . . .	I X
105. Recycled Coke By-Product Exclusion . . . . .	I Y, XX D
106. Lead-Bearing Hazardous Materials Case-by-Case Capacity . . . . .	XXI J

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**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 <sup>1/</sup>
3. variance under RCRA §3005(j)(2-9) and (13) . . . . .	XVI I(2)
Third party direct action against financial responsibility insurer or grantor . . . . .	Not Delegable

<sup>1/</sup> These requirements are taken care of when State adopts an analog to 40 CFR 268.4, per the Land Disposal Restriction checklists.

**Tables G-1 and G-2**

**The following pages (numbered 4 through 32)  
should replace pages 4 through 30 of  
SAM Appendix G**

**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER**  
**Through June 30, 1992**

<u>StATS<sup>1/</sup></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<sup>2/</sup>)</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<sup>2/</sup>)</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

Continued . . .

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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) <sup>3/</sup>	[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<sup>2/</sup>)</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<sup>2/</sup>)</u>				
MW		Radioactive Mixed Waste (See SPA 2)	51 FR 24504	7/3/86
27	†27 <sup>4/</sup>	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

Continued . . .

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)  
Through June 30, 1992**

<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<sup>2/</sup>)</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

Continued . . .

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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 <sup>4/</sup>	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<sup>2/</sup>)</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 (will be consolidated into Revision Checklist 113 with two other rules addressing liability coverage; that checklist will be in RCRA Cluster III)	53 FR 33938	9/1/88

Continued . . .

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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	154	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	156	Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes	53 FR 43878	10/31/88
57	157	Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes	53 FR 43881	10/31/88
58	158	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

Continued . . .

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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, 1991<sup>2/</sup>)</u>				
64	†64 <sup>5/</sup>	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 <sup>6/</sup>	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



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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)  
Through June 30, 1992**

<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 <sup>2/</sup> (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 <sup>B/</sup>	Land Disposal Restrictions for Third Third Scheduled Wastes (See Revision Checklist 78 in HSWA Cluster II)	55 FR 22520	6/1/90

Continued . . .

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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, 1989<sup>2/</sup>)</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	11/8/8
NOT DELEGABLE <sup>2/</sup>		Direct Action Against Insurers	HSWA §3004(t)	11/8/84
14	14	Dioxin Waste Listing and Management Standards	50 FR 1978 1/14/85	
		Fuel Labeling (See Revision Checklist 17 K in HSWA Cluster I)	HSWA §3004 (r)(1)	2/7/85
16	16	Paint Filter Test (See Revision Checklist 25 in HSWA Cluster I)	50 FR 18370	4/30/85
		Prohibition of Liquids in Landfills (See Revision Checklist 17 F in HSWA Cluster I)	HSWA §3004(c)	5/8/85

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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		

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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 17R	†	17 Q - Research and Development Permits 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

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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, 1991<sup>2</sup>)</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

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)  
Through June 30, 1992**

<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
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

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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>				
78H	78 <sup>g/</sup>	Land Disposal Restrictions for Third Third Scheduled Wastes (See Revision Checklist 78 in Non-HSWA Cluster VI)	55 FR 22520	6/1/90
66.1	(66)	[Land Disposal Restrictions; Correction (Included on Revision Checklist 66 in HSWA Cluster II)]	55 FR 23935	6/13/90
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<sup>2/</sup>)</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 FR 46354	11/2/90
82	82	Wood Preserving Listings (HSWA/Non-HSWA)	55 FR 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 FR 51707	12/17/90
83	83	Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendment (HSWA)	56 FR 3864	01/31/91

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)  
Through June 30, 1992**

<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>RCRA Cluster I (cont'd)</u>				
80.1	(80)	[Toxicity Characteristic; Hydrocarbon Recovery Operations (Included on Revision Checklist 80 in RCRA Cluster I)]	56 FR 3978	02/01/91
84	184	Toxicity Characteristic; Chlorofluoro-carbon Refrigerants (HSWA)	56 FR 5910	02/13/91
85	85	Burning of Hazardous Waste in Boilers and Industrial Furnaces (HSWA/Non-HSWA)	56 FR 7134	02/21/91
86	86 <sup>g/</sup>	Removal of Strontium Sulfide From the List of Hazardous Waste; Technical Amendment (Non-HSWA)	56 FR 7567	02/25/91
80.2	(80)	(Toxicity Characteristic; Hydrocarbon Recovery Operations (See Revision Checklist 80 in RCRA Cluster I))	56 FR 13406	04/02/91
87	87	Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment (See Revision Checklist 79 in HSWA Cluster II) (HSWA)	56 FR 19290	04/26/91
88	188	Administrative Stay for K069 Listing (Non-HSWA)	56 FR 19951	05/01/91
89	189	Revision to F037 and F038 Listings (See Revision Checklist 81 in RCRA Cluster I) (HSWA)	56 FR 21955	05/13/91
90	90	Mining Exclusion III (Non-HSWA)	56 FR 27300	06/13/91
91	191	Administrative Stay for F032, F034, and F035 Listings (HSWA/Non-HSWA)	56 FR 27332	06/13/91
<u>RCRA Cluster II (July 1, 1991 - June 30, 1992; Due Date - July 1, 1993<sup>2/</sup>)</u>				
92	92	Wood Preserving Listings; Technical Corrections (HSWA/Non-HSWA)	56 FR 30192	07/01/91

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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>RCRA Cluster II (cont'd)</u>				
93	93	Liability Requirements; Technical Amendment (Non-HSWA) (will be consolidated into Revision Checklist 113 with two other rules addressing liability coverage; that checklist will be in RCRA Cluster III)	56 FR 30200	07/01/91
94	94	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I (HSWA/Non-HSWA)	56 FR 32688	07/17/91
95	95	Land Disposal Restrictions for Electric Arc Furnace Dust (K061) (HSWA)	56 FR 41164	08/19/91
96	96	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (HSWA/Non-HSWA)	56 FR 42504	08/27/91
97	97	Exports of Hazardous Waste; Technical Correction (HSWA)	56 FR 43704	09/04/91
98	†98	Coke Ovens Administrative Stay (HSWA)	56 FR 43874	09/05/91
99	†99	Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations (Non-HSWA)	56 FR 66365	12/23/91
100	100	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units (HSWA/Non-HSWA)	57 FR 3462	01/29/92
101	†101	Administrative Stay for the Requirement that Existing Drip Pads be Impermeable (HSWA/Non-HSWA)	57 FR 5859	02/18/92
102	102	Second Correction to the Third Third Land Disposal Restrictions (HSWA)	57 FR 8086	03/06/92

Continued...

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**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)**  
**Through June 30, 1992**

<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>RCRA Cluster II (cont'd)</u>				
103	103	Hazardous Debris Case-by-Case Capacity Variance (HSWA)	57 FR 20766	05/15/92
104	†104	Used Oil Filter Exclusion (HSWA)	57 FR 21524	05/20/92
105	†105	Recycled Coke By-Product Exclusion (HSWA)	57 FR 27880	06/22/92
106	106	Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance (HSWA)	57 FR 28628	06/26/92

† Optional.

<sup>1</sup>StATS is the State Authorization Tracking System which tracks States' progress in becoming authorized for each checklist. This column was added to help the Regions and States relate data entered in that system with the information included in this table. The "rule code" is the symbol used in StATS to represent a particular rule or non-checklist item, e.g., State Availability of Information or Radioactive Mixed Waste.

<sup>2</sup>States have an additional year if statutory changes are required.

<sup>3</sup>A parenthesized number implies that this is not the main rule for the indicated checklist. However, the rule is included on the indicated checklist. Rules with parenthesized numbers are typically technical corrections or amendments to a major final rule. These corrections are usually close enough in time to 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.

<sup>4</sup>While Revision Checklists 27 and 43 are optional, States which have adopted or choose to adopt the changes addressed by Revision Checklist 27 must adopt Revision Checklist 43's changes.

<sup>5</sup>The May 2, 1986 amendments to 40 CFR 264.113 and 265.113, addressed by Revision Checklist 24, must be adopted before or simultaneous with adopting the provisions addressed by Revision Checklist 64. Also see Footnote 7.

<sup>6</sup>Note that, unlike other checklists which address more than one final rule, Revision Checklist 70 is not presented by each of these rules individually in StATS. Instead, it is represented only once as Revision Checklist 70. This checklist is different from other checklists because it represents an accumulation of small changes to Part 124, relating to the RCRA program, which were missed because they were often presented as relating to other permit programs. Effectively, this checklist is a "catch-up" checklist, with

Continued . . .

**TABLE G-1. LIST OF REVISION CHECKLISTS BY CLUSTER (cont'd)  
Through June 30, 1992**

<u>STATS</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>
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the many rules it represents spanning a six-year period from 1983 to 1989. To simplify an already complicated and confusing matter, it was decided to only represent this checklist as one entry, rather than five separate entries.

<sup>7</sup>Only those sections, i.e., 40 CFR 264.113 and 265.113, of Revision Checklist 24 (Amended) recharacterized as more stringent by the June 26, 1990 correction are included in Non-HSWA Cluster VI. All other Revision Checklist 24 provisions continue to be included in Non-HSWA Cluster II. States which have already adopted the 264.113 and 265.113 amendments as part of their authorization for Revision Checklist 24 in Non-HSWA Cluster II, are not affected by this correction and do not have to submit an amended Revision Checklist 24.

<sup>8</sup>Revision Checklist 78 is in HSWA Cluster II, with the exception of the clarifying amendment to §268.33(c) which is in Non-HSWA Cluster VI. This clarification is not immediately effective in authorized States since the requirements are not imposed pursuant to HSWA. Thus, these requirements are applicable only in those States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements under State law.

<sup>9</sup>The rule addressed by this checklist is a technical amendment to the final rule (53 FR 43881; October 31, 1988; Revision Checklist 57)) that removed strontium sulfide from 40 CFR 261.33, the list of commercial chemical products which are hazardous wastes when discarded or intended to be discarded. States which intend to remove strontium sulfide from their hazardous wastes lists, but have not yet adopted the changes made by Revision Checklist 57 are strongly encouraged to adopt the changes addressed by Revision Checklists 57 and 86 at the same time. Those States that have already adopted the Revision Checklist 57 provisions should adopt that Revision Checklist 86 amendments as soon as possible. States should note that Revision Checklist 86 is a conditionally optional checklist. States choosing not to adopt the removal of strontium sulfide (i.e. Revision Checklist 57) should not adopt the Revision Checklist 86 provisions. However, States which choose to remove strontium sulfide must adopt the provisions addressed by Revision checklist 86 to be sure that the material has been properly removed from the State's lists and appendices.

<sup>10</sup>Direct Action against insurers in RCRA §3004(t) is not delegable to the States. EPA realizes that six States are currently "authorized" for this provision. Several States have included this provision in their pending HSWA I revision applications. The Regions should review these provisions and clarify with their States that, by virtue of the statute, the Federal cause of action ensured by RCRA §3004(t) remains in effect in authorized States. This provision is not delegable because authorized provisions of State law must operate in lieu of the Federal counterpart and, in this situation, State law providing for a direct cause of action against insurers may augment the Federal Action, but not supersede it.

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS  
AND CORRESPONDING CLUSTER  
Through June 30, 1992**

<b>Revision Checklist Number</b>	<b>Federal Requirement</b>	<b>Cluster</b>
	State Availability of Information (See Appendix N)	Non-HSWA Cluster I
	Radioactive Mixed Waste (See SPA 2 and Appendix N)	Non-HSWA Cluster III
<b>NOT DELE- GABLE<sup>1/</sup></b>	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
<b>1</b>	Biennial Report	Non-HSWA Requirements Prior to Non-HSWA Cluster I
<b>2</b>	Permit Rules - Settlement Agreement	Non-HSWA Requirements Prior to Non-HSWA Cluster I
<b>3</b>	Interim Status Standards - Applicability	Non-HSWA Requirements Prior to Non-HSWA Cluster I
<b>4</b>	Chlorinated Aliphatic Hydrocarbon Listing (F024)	Non-HSWA Requirements Prior to Non-HSWA Cluster I
<b>5</b>	National Uniform Manifest	Non-HSWA Requirements Prior to Non-HSWA Cluster I

Continued . . .

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**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS  
AND CORRESPONDING CLUSTER (cont'd)  
Through June 30, 1992**

<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	

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**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS  
AND CORRESPONDING CLUSTER (cont'd)  
Through June 30, 1992**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
	17 K - Fuel Labeling	
	17 L - Corrective Action	
	17 M - Pre-construction Ban	
	17 N - Permit Life	
	17 O - Omnibus Provision	
	17 P - Interim Status	
†	17 Q - Research and Development Permits	
	17 R - Hazardous Waste Exports	
	17 S - Exposure Information	
18	Listing of TDI, TDA, DNT	HSWA Cluster I
19	Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces	HSWA Cluster I
20	Listing of Spent Solvents	HSWA Cluster I
21	Listing of EDB Waste	HSWA Cluster I
22	Listing of Four Spent Solvents	HSWA Cluster I
23	Generators of 100 to 1000 kg Hazardous Waste	HSWA Cluster I
24 <sup>2/</sup>	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 <sup>3/</sup>	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

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS  
AND CORRESPONDING CLUSTER (cont'd)  
Through June 30, 1992**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
30	Biennial Report; Correction	HSWA Cluster I
31	Exports of Hazardous Waste	HSWA Cluster I
32	Standards for Generators - Waste Minimization Certifications	HSWA Cluster I
33	Listing of EBDC	HSWA Cluster I
34	Land Disposal Restrictions	HSWA Cluster I
35	Revised Manual SW-846; Amended Incorporation by Reference	Non-HSWA Cluster III
36	Closure/Post-closure Care for Interim Status Surface Impoundments	Non-HSWA Cluster III
37	Definition of Solid Waste; Technical Corrections	Non-HSWA Cluster III
38	Amendments to Part B Information Requirements for Land Disposal Facilities	Non-HSWA Cluster III
39	California List Waste Restrictions	HSWA Cluster II
40	List (Phase 1) of Hazardous Constituents for Ground-Water Monitoring	Non-HSWA Cluster IV
41	Identification and Listing of Hazardous Waste	Non-HSWA Cluster IV
42	Exception Reporting for Small Quantity Generators of Hazardous Waste	HSWA Cluster II
†43 <sup>3/</sup>	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 June 30, 1992**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
44	HSWA Codification Rule 2	HSWA Cluster II
	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	
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
149	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
113 (51)	Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; Liability Coverage (will be made part of Revision Checklist 113)	RCRA Cluster III

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS  
AND CORRESPONDING CLUSTER (cont'd)  
Through June 30, 1992**

<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

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**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS  
AND CORRESPONDING CLUSTER (cont'd)  
Through June 30, 1992**

<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 <sup>4/</sup>	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 June 30, 1992**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
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 <sup>5/</sup>	Land Disposal Restrictions for Third Third Scheduled Wastes	Non-HSWA Cluster VI and HWSA CLuster II
79	Hazardous Waste Treatment, Storage, and Disposal Facilities--Organic Air Emission Standards For Process Vents and Equipment Leaks	HSWA Cluster II
†80	Toxicity Characteristic; Hydrocarbon Recovery Operations	RCRA I, HSWA
81	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038)	RCRA I, HSWA
82	Wood Preserving Listings	RCRA I, HSWA/Non-HSWA
83	Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendment	RCRA I, HSWA
†84	Toxicity Characteristic; Chlorofluoro-carbon Refrigerants	RCRA I, HSWA
85	Burning of Hazardous Waste in Boilers and Industrial Furnaces	RCRA I, HSWA/Non-HSWA
86 <sup>6/</sup>	Removal of Strontium Sulfide From the List of Hazardous Waste; Technical Amendment	RCRA I, Non-HSWA

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**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS  
AND CORRESPONDING CLUSTER (cont'd)  
Through June 30, 1992**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
87	Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment	RCRA I, HSWA
†88	Administrative Stay for K069 Listing	RCRA I, Non-HSWA
†89	Revision to F037 and F038 Listings	RCRA I, HSWA
90	Mining Exclusion III	RCRA I, Non-HSWA
91	Administrative Stay for F032, F034, and F035 Listings	RCRA I, HSWA/Non-HSWA
92	Wood Preserving Listings; Technical Corrections	RCRA II, HSWA/Non-HSWA
93	Liability Requirements; Technical Amendment [will be made part of Revision Checklist 113]	RCRA III, Non-HSWA
94	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I	RCRA II, HSWA/Non-HSWA
95	Land Disposal Restrictions for Electric Arc Furnace Dust (K061)	RCRA II, HSWA
96	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II	RCRA II, HSWA/Non-HSWA
97	Exports of Hazardous Waste; Technical Correction	RCRA II, HSWA
†98	Coke Ovens Administrative Stay	RCRA II, HSWA
†99	Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations	RCRA II, Non-HSWA

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS  
AND CORRESPONDING CLUSTER (cont'd)  
Through June 30, 1992**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
100	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units	RCRA II, HSWA/Non-HSWA
†101	Administrative Stay for the Requirement That Existing Drip Pads be Impermeable	RCRA II, HSWA/Non-HSWA
102	Second Correction to the Third Third Land Disposal Restrictions	RCRA II, HSWA
103	Hazardous Debris Case-by-Case Capacity Variance	RCRA II, HSWA
†104	Used Oil Filter Exclusion	RCRA II, HSWA
†105	Recycled Coke By-Product Exclusion	RCRA II, HSWA
106	Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance	RCRA II, HSWA

† Optional.

<sup>1</sup>Direct Action against insurers in RCRA §3004(t) is not delegable to the States. EPA realizes that six States are currently "authorized" for this provision. Several States have included this provision in their pending HSWA I revision applications. The Regions should review these provisions and clarify with their States that, by virtue of the statute, the Federal cause of action ensured by RCRA §3004(t) remains in effect in authorized States. This provision is not delegable because authorized provisions of State law must operate in lieu of the Federal counterpart and, in this situation, State law providing for a direct cause of action against insurers may augment the Federal Action, but not supersede it.

<sup>2</sup>Only those sections, i.e., 40 CFR 264.113 and 265.113, of Revision Checklist 24 (Amended) recharacterized as more stringent by the June 26, 1990 correction are included in Non-HSWA Cluster VI. All other Revision Checklist 24 provisions continue to be included in Non-HSWA Cluster II. States which have already adopted the 264.113 and 265.113 amendments as part of their authorization for Revision Checklist 24 in Non-HSWA Cluster II, are not affected by this correction and do not have to submit an amended Revision Checklist 24.

<sup>3</sup>While Revision Checklists 27 and 43 are optional, states which have adopted or choose to adopt the changes addressed by Revision Checklist 27, must adopt Revision Checklist 43's changes.

**TABLE G-2. NUMERICAL LISTING OF REVISION CHECKLISTS  
AND CORRESPONDING CLUSTER (cont'd)  
Through June 30, 1992**

<u>Revision Checklist Number</u>	<u>Federal Requirement</u>	<u>Cluster</u>
<p><sup>4</sup>The May 2, 1986 amendments to 40 <u>CFR</u> 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.</p>		
<p><sup>5</sup>Revision Checklist 78 is in HSWA Cluster II, with the exception of the clarifying amendment to §268.33(c) which is in Non-HSWA Cluster VI. This clarification is not immediately effective in authorized States since the requirements are not imposed pursuant to HSWA. Thus, these requirements are applicable only in those States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements under State law.</p>		
<p><sup>6</sup>The rule addressed by this checklist is a technical amendment to the final rule (53 <u>FR</u> 43881; October 31, 1988; Revision Checklist 57)) that removed strontium sulfide from 40 <u>CFR</u> 261.33, the list of commercial chemical products which are hazardous wastes when discarded or intended to be discarded. States which intend to remove strontium sulfide from their hazardous wastes lists, but have not yet adopted the changes made by Revision Checklist 57 are strongly encouraged to adopt the changes addressed by Revision Checklists 57 and 86 at the same time. Those States that have already adopted the Revision Checklist 57 provisions should adopt the Revision Checklist 86 amendments as soon as possible. States should note that Revision Checklist 86 is a <u>conditionally optional</u> checklist. States choosing not to adopt the removal of strontium sulfide (i.e. Revision Checklist 57) should not adopt the Revision Checklist 86 provisions. However, States which choose to remove strontium sulfide <u>must</u> adopt the provisions addressed by Revision checklist 86 to be sure that material has been properly removed from the State's lists and appendices.</p>		

**Checklist Linkage Table**

**The following pages (numbered 3 through 8)  
should replace pages 3 through 7 of  
SAM Appendix H**



## SPA 13

Revision Checklist Linkage Table  
as of June 30, 1992

Revision Checklist Number	Linked Checklists	Topic or Explanation
1	17 D, 30	Biennial Report
2	---	Permit - Settlement Agreement <sup>1</sup>
3	10	Interim Status - Applicability
* 4	---	Chlorinated Aliphatic Hydrocarbon Listing
5	17 D,32,58	National Uniform Manifest Requirements
6	---	Permit - Settlement Agreement <sup>1</sup>
* 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 <sup>2</sup>	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	77,100	Double Liners
17 I	---	Ground-Water Monitoring
17 J	---	Cement Kilns
17 K <sup>3</sup>	19	Fuel Labeling
17 L	---	Corrective Action
17 M	---	Pre-construction Ban

Continued...

## Revision Checklist Linkage Table (cont'd)

SPA 13

Revision Checklist Number	Linked Checklists	Topic or Explanation
17 N	---	Permit Life
17 O	---	Omnibus Provision
17 P	---	Interim Status
17 Q	---	Research and Development Permits
17 R <sup>4</sup>	31,48,97	Hazardous Waste Exports
17 S	---	Exposure Information
* 18	---	TDI, TDA, & DNT Listing
19 <sup>5</sup>	85,104	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 <sup>6</sup>	52	Hazardous Waste Tank Systems
* 29 <sup>7</sup>	46	Listings - 261.33(e)&(f) and Associated Appendices
30	1,17 D	Biennial Report
31	17 R,48,97	Exports of Hazardous Waste
32	5,17 D,58	National Uniform Hazardous Waste Manifest
* 33	---	EDBC Listing
34	39,50,63,78	Solvents & Dioxins Land Disposal Restrictions
35	11,67,73	Corrections - Test Methods Manual
36	---	Surface Impoundments: Closure/Post Closure Care
37	13	Definition of Solid Waste
38	---	Part B Information Requirements Amendment
39	34,50,63,78	California List Waste Land Disposal Restrictions

Continued...

## Revision Checklist Linkage Table (cont'd)

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Revision Checklist Number	Linked Checklists	Topic or Explanation
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
45	59	Miscellaneous Units
* 46	29	Listings 261.33(e),(f) and Associated Appendices
47	17 A,23,42	Small Quantity Generators
48	17 R,31,97	Hazardous Waste Exports
49	---	Sample Exemption
50	34,39,62,63,66,78,95	Third Third Land Disposal Restrictions
51	93	Liability Coverage
52	28	Hazardous Waste Tank Systems
- * 53	---	Smelting Waste Listing
54	44 D	Permit Modification
55	---	Ground-Water Monitoring Statistical Methods
* 56	---	Iron Dextran Listing Removal
* 57	86	Strontium Sulfide Listing Removal
58	5,17 D,32	National Uniform Manifest
59	45	Miscellaneous Units
60	---	Incinerator Permits
61	---	Changes to Interim Status Facilities
	---	Reconstruction Limits
	54	Modifications to Hazardous Waste Management Permits (270.42 Appendix)
	---	Procedures for Post-closure Permitting

Continued...

## Revision Checklist Linkage Table (cont'd)

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Revision Checklist Number	Linked Checklists	Topic or Explanation
62	50,66	First Third Land Disposal Restriction Correction
63	34,39,50,78	Second Third Land Disposal Restrictions
64	24	Delay of Closure Period for Hazardous Waste Management Facilities
65	71,90	Mining Waste Exclusion I
66	50,62	First Third Land Disposal Restriction Correction
67	11,35,73	Testing and Monitoring Activities
* 68	---	Methyl Bromide Production Wastes
* 69	---	Chlorinated Aliphatic Hydrocarbon Production Wastes
70	---	Updates to Part 124
71	65,90	Mining Waste Exclusion II
* 72	---	Modification of F019 Listing
73	11,35,67	Analytical Test Methods
74	80,84	Revision of Toxicity Characteristics
* 75	---	1,1-Dimethylhydrazine Production Wastes Listing
76	---	Criteria for Listing Toxic Wastes
77	17 H,100	Corrections - Double Liners
* 78	34,39,50,83,100,102,103,106	Third Third Land Disposal Restrictions
79	87	Organic Air Emission Standards for Process Vents and Equipment Leaks
80	74,84	Toxicity Characteristic; Hydrocarbon Recovery Operations
* 81	89	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038)
* 82	91,92,101	Wood Preserving Listings
83	78,102,103,106	Third Third Land Disposal Restriction Correction
84	74,80	Toxicity Characteristic
85	19,94,96,105	Burning of Hazardous Waste in Boilers and Industrial Furnaces

Continued...

## Revision Checklist Linkage Table (cont'd)

SPA 13

Revision Checklist Number	Linked Checklists	Topic or Explanation
86	57	Strontium Sulfide Listing Removal
87	79	Organic Air Emission Standards for Process Vents and Equipment Leaks
88	---	Administrative Stay for K069 Listing
89	81	Revision to F037 and F038 Listing
90	65,71	Mining Waste III
91	82,92,101	Administrative Stay for Wood Preserving Wastes
92	82,91,101	Wood Preserving Listings; Technical Corrections
93	51	Liability Requirements; Technical Amendment
94	19,85,96	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments
95	50	Finalization of treatment standards for the K061 nonwastewaters in the high zinc subcategory
96	85,94,98	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II
97	17 R,31,48	Exports of Hazardous Waste; Technical Correction
98	85,96,105	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Administrative Stay of Applicability and Technical Amendment
99	---	Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations
100	17 H,77	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units
101	82,91,92	Existing Drip Pad Administrative Stay
102	78,83	Second Correction to the Third Third Land Disposal Restrictions
103	78,83	Hazardous Debris Case-by-Case Capacity Variance
104	---	Used Oil Filter Exclusion

Continued...

## Revision Checklist Linkage Table (cont'd)

SPA 13

Revision Checklist Number	Linked Checklists	Topic or Explanation
105	85,98	Recycled Coke By-Product Exclusion
106	78,83	Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance

\* These are checklists affecting the lists of hazardous waste in 40 CFR 261, Subpart D.

<sup>1</sup> While Revision Checklists 2 and 6 address similar topics, they affect different sections of code.

<sup>2</sup> Superseded by Revision Checklist 23.

<sup>3</sup> Superseded by Revision Checklist 19.

<sup>4</sup> Superseded by Revision Checklist 31.

<sup>5</sup> Superseded by Revision Checklist 85.

<sup>6</sup> Contains sections superseded by Revision Checklist 52.

<sup>7</sup> Superseded by Revision Checklist 46.

**Revision Checklist 17 H**

**The following version of Revision Checklist 17 H  
should replace the current version  
of this checklist in SAM Appendix J**

SPA 13

## RCRA REVISION CHECKLIST 17H

## Double Liners

Note: Corrections were made to 264.221(c) and 264.301(c) by a May 9, 1990 (55 FR 19262; Revision Checklist 77). This correction was based on a United States Court of Appeals for the District of Columbia decision (June 23, 1987), concerning a lawsuit filed against EPA. On January 29, 1992, EPA issued a final rule (57 FR 3462; Revision Checklist 100) that superceded the Revision Checklist 77 changes and expanded the 264.221(c) and 264.301(c) requirements, as promulgated by Revision Checklist 17 H. States not yet authorized for Revision Checklist 17 H are encouraged to adopt either the Revision Checklist 77 corrections or the Revision Checklist 100 changes at the same time the Revision Checklist 17 H provisions are adopted. States seeking authorization for Revision Checklist 100, that are not yet authorized for Revision Checklist 77, should also submit Revision Checklist 77 to receive "credit" for Revision Checklist 77 in StATS, even though Revision Checklist 100 has superceded these changes.

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

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

**SUBPART K - SURFACE IMPOUNDMENTS**

**DESIGN AND OPERATING REQUIREMENTS**

apply to TSD facilities	254.221(a)					
two or more liners	254.221(c)					
† alternative design and operating practices	254.221(d)					
monofills	254.221(e)					
† redesignate old 264.221(c), (d) and (e) as 264.221(f), (g) and (h)	254.221(f)-(h)					

**SUBPART N - LANDFILLS**

**DESIGN AND OPERATING REQUIREMENTS**

introductory text	264.301(a)					
two or more liners	264.301(c)					



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## RCRA REVISION CHECKLIST 17H: Double Liners (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† alternative design and operating practices	264.301(d)					
† monofills	264.301(e)					
redesignate old 264.301(c), (d), (e), (f), and (g) as 264.301(f), (g), (h), (i) and (j)	264.301(f)-(i)					
1 landfills in Alabama	264.301(k)					

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

**SUBPART K - SURFACE IMPOUNDMENTS**

**DESIGN REQUIREMENTS**

two or more liners	265.221(a)					
notify Regional Administrator	265.221(b)					
† alternative design and operating practices	265.221(c)					
† monofills	265.221(d)					
† allows installed liner to be permitted liner	265.221(e)					

**SUBPART L - WASTE PILES**

**DESIGN REQUIREMENTS**

265.254 requirements for new units, expansions and replacements	265.254					
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**SUBPART N - LANDFILLS**

**DESIGN REQUIREMENTS**

two or more liners	265.301(a)					
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SPA 13

## RCRA REVISION CHECKLIST 17H: Double Liners (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
notify the RA	265.301(b)					
† alternative design and operating practices	265.301(c)					
† monofills	265.301(d)					
† allows installed liner to be permitted liner	265.301(e)					

<sup>1</sup> Applicable only to landfills in Alabama. States other than Alabama do not have to adopt this provision.

**Revision Checklist 77**

**The following version of Revision Checklist 77  
should replace the current version  
of this checklist in SAM Appendix J**

## RCRA REVISION CHECKLIST 77

HSWA Codification Rule, Double Liners, Correction

55 FR 19262-19264

May 09, 1990

(RCRA Cluster II, HSWA provisions)

Note: The final rule addressed by this checklist corrects 264.221(c) and 264.301(c) as promulgated on June 15, 1985 (50 FR 28702; Revision Checklist 17 H). This correction is based on a decision reached in the United States Court of Appeals for the District of Columbia (June 23, 1987), concerning a lawsuit filed against EPA. On January 29, 1992, EPA issued a final rule (57 FR 3462; Revision Checklist 100) that superceded the Revision Checklist 77 changes and expanded the 264.221(c) and 264.301(c) requirements, as promulgated by Revision Checklist 17 H. States not yet authorized for Revision Checklist 17 H are encouraged to adopt either the Revision Checklist 77 corrections or the Revision Checklist 100 changes at the same time the Revision Checklist 17 H provisions are adopted. States seeking authorization for Revision Checklist 100 rather than this checklist should also submit Revision Checklist 77 to receive "credit" for Revision Checklist 77 in StATS, even though Revision Checklist 100 has superceded these changes.

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

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

**SUBPART K - SURFACE IMPOUNDMENTS**

**DESIGN AND OPERATING REQUIREMENTS**

1- insert "for units where the Part B of the permit application is received by the Regional Administrator after November 8, 1984" after "permit"	264.221(c)					
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**RCRA REVISION CHECKLIST 77:**  
**HSWA Codification Rule, Double Liners, Correction (cont'd)**

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

**SUBPART N - LANDFILLS**

**DESIGN AND OPERATING REQUIREMENTS**

add sentence regarding applicability of 264.301(c) only where Part B of the permit application is received after November 8, 1984	264.301(c)					
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- <sup>1</sup> "Issuance" should not be changed to "insurance" in this paragraph; this is a typographical error in the FR for this correction notice (55 FR 19263).

**ATTACHMENT C**

**"Special" Consolidated Checklists  
updated as of June 30, 1993**

**CONSOLIDATED CHECKLIST**  
for the  
**Burning of Hazardous Waste in Boilers and Industrial Furnaces**  
as of June 30, 1992

**SPA 13**

Notes 1) This checklist consolidates changes to the Federal code addressed by the following Boilers and Industrial Furnaces (BIF) checklists that have occurred through June 30, 1992:

- Revision Checklist 85 (56 FR 7134; February 21, 1991)
- Revision Checklist 94 (56 FR 32688; July 17, 1991)
- Revision Checklist 96 (56 FR 42504; August 27, 1991)
- Revision Checklist 98 (56 FR 43874; September 5, 1991)
- Revision Checklist 105 (57 FR 27880; June 22, 1992)

Note that Revision Checklist 105, which addresses Coke-By-Products, is included in this consolidated checklist because it also affects the BIF rule.

2) Note that the regulations addressed by this checklist typically do not make a distinction between the various types of burning devices. However, the provisions in the regulations as they apply to sludge dryers, carbon regeneration units, infrared incinerators, and plasma arc incinerators are considered to be non-HSWA requirements, while the regulations as they apply to all other types of burning devices are HSWA provisions. EPA will implement the HSWA requirements in authorized States until the States modify their programs and such modifications are approved by EPA. The non-HSWA requirements are applicable only in those States which are unauthorized. In authorized States, the non-HSWA requirements will not be applicable until the States revise their programs to adopt equivalent requirements under State law.

3) Revision Checklist 98 addresses an administrative stay of the permitting standards for boilers and industrial furnaces (BIFs) adopted pursuant to the February 21, 1991 (56 FR 7134; Revision Checklist 85) final rule as it applies to coke ovens burning certain hazardous wastes from the coke by-products recovery process. This administrative stay has been removed by Revision Checklist 105 (57 FR 27880; June 22, 1992) and, therefore, should not be adopted by States.

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL							
SUBPART B - DEFINITIONS							
DEFINITIONS							
change "Parts 260 through 265 and 268" to "Parts 260 through 266 and 268"	85	260.10(intro)					
"carbon regeneration unit"	85	260.10					
revise "incinerator"	85	260.10(1)&(2)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
replace "controlled flame devices" with "thermal treatment" in introductory text of the definition for "industrial furnace"	85	260.10					
redesignate paragraph (12) in the definition for "industrial furnace" as paragraph (13); add new paragraph (12) that adds halogen acid furnaces to the list of devices considered industrial furnaces	85	260.10(12)& (13)					
"infrared incinerator"	85	260.10					
"plasma arc incinerator"	85	260.10					
"sludge dryer"	85	260.10					

**REFERENCES**

add to the first set of listings, in alphabetical order: "U.S. EPA, Screening Procedures for Estimating the Air Quality Impact of Stationary sources..."	85	260.11(a)					
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**PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE****SUBPART A - GENERAL****DEFINITION OF SOLID WASTE**

1 redesignate (d)(2) as (d)(3); add new paragraph regarding secondary materials fed to a halogen acid furnace that exhibit a characteristic or are a listed waste; exception for brominated material that meets certain criteria	85, 94,96	261.2(d)(2)					
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**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
material must contain a bromine concentration of at least 45%	96	261.2(d)(2)(i)					
material must contain less than a total of 1% of toxic organic compounds listed in Appendix VIII	96	261.2(d)(2)(ii)					
material is processed continually on-site in the halogen acid furnace via direct conveyance	96	261.2(d)(2)(iii)					
redesignate old 261.2(d)(2) as 261.2(d)(3)	85,94	261.2(d)(3)					
<b>DEFINITION OF HAZARDOUS WASTE</b>							
2 replace "261.6(a)(3)(v) through (ix)" with "261.6(a)(3)(v) through (viii)"	94,96	261.3(c)(2)(ii) (B)					
<b>EXCLUSIONS</b>							
† add exclusion for K087 and other wastes from coke by-products that are hazardous only because they exhibit the Toxicity Characteristic when recycled as specified; exclusion is conditioned on there being no land disposal of the wastes from point of generation to recycling point	85,105	261.4(a)(10)					
insert "except as provided by §266.112 of this chapter for facilities that burn or process hazardous waste" at end of paragraph	85	261.4(b)(4)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
revise first sentence to include phosphate rock and overburden from the mining of uranium ore in the existing parenthetical phrase; insert "except as provided by §266.112 of this chapter for facilities that burn or process hazardous waste" at end of first sentence	85	261.4(b)(7)					
add "except as provided by §266.112 of this chapter for facilities that burn or process hazardous waste" to end of paragraph	85	261.4(b)(8)					

**REQUIREMENTS FOR RECYCLABLE MATERIALS**

replace the letter "G" with "H"	94	261.6(a)(2)					
replace "Subpart D" with "Subpart H"	94	261.6(a)(2)(ii)					
remove existing paragraph 261.6(a)(3)(vii) and redesignate 261.6(a)(3)(viii) as 261.6(a)(3)(vii)	85	261.6(a)(3)(vii)					
redesignate 261.6(a)(3)(ix) as 261.6(a)(3)(viii)	85	261.6(a)(3)(viii)					

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

**SUBPART G - CLOSURE AND POST-CLOSURE****CLOSURE OF PLAN; AMENDMENT OF PLAN**

add sentence regarding written notification of Regional Administrator at least 45 days prior to partial or final closure of a boiler or industrial furnace	85	264.112(d)(1)					
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**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

SPA 13

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

**SUBPART O - INCINERATORS**

**APPLICABILITY**

regulations apply to owners and operators of hazardous waste incinerators (as defined in 260.10) except as 264.1 provides otherwise	85	264.340(a)					
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**PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF  
HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**SUBPART G - CLOSURE AND POST-CLOSURE**

**CLOSURE PLAN; AMENDMENT OF PLAN**

insert "or by six months after the effective date of the rule that first subjects a facility to provisions of this section" after "By May 19, 1981"	85	265.112(a)					
add sentence regarding submittal of closure plan at least 45 days prior to beginning partial or final closure of a boiler or industrial furnace; add sentence regarding written notification at least 45 days prior to beginning partial or final closure of a boiler or industrial furnace when the owner or operator has an approved closure plan	85	265.112(d)(1)					
3 date when owner or operator "expects to begin closure" must be either	85,96	265.112(d)(2)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			BROADER IN SCOPE
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	
3 compliance dates for hazardous waste units receiving final or most recent volume of hazardous wastes; extension by Regional Administrator, or	85,96	265.112(d)(2)(i)					
3 compliance dates for hazardous waste units meeting 265.113(d) requirements receiving final volume or most recent volume nonhazardous wastes; extension by Regional Administrator	85,96	265.112(d)(2)(ii)					
<b>CLOSURE; TIME ALLOWED FOR CLOSURE</b>							
3 within 90 days after receiving final volume of hazardous or non-hazardous wastes if owner/operator complies with 265.113(d)&(e) requirements or 90 days after approval of closure plan, whichever is later; criteria for extension by Regional Administrator	85,96	265.113(a)					
3 complete partial and final closure within 180 days after receiving final volume of hazardous or non-hazardous waste if owner/operator complies with 265.113(d)&(e) requirements or 180 days after approval of closure plan, whichever is later; extension by Regional Administrator	85,96	265.113(b)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

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

**SUBPART O - INCINERATORS****APPLICABILITY**

regulations apply to owners and operators of hazardous waste incinerators (as defined in 260.10) except as 264.1 provides otherwise	85	265.340(a)					
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**SUBPART P - THERMAL TREATMENT****OTHER THERMAL TREATMENT**

delete "." at the end and insert ", and Subpart H of Part 266, if the unit is a boiler or an industrial furnace as defined in §260.10."	94	265.370					
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**PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES  
AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES**

**SUBPART D - HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY**

remove and reserve Subpart D	85	266.30-266.35					
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**SUBPART E - USED OIL BURNED FOR ENERGY RECOVERY****APPLICABILITY**

4 replace "Subpart D of Part 266" with "Subpart H of Part 266"	94,96	266.40(c)					
4 replace "Subpart D" with "Subpart H"	94,96	266.40(d)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			BROADER IN SCOPE
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	
SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES							
APPLICABILITY							
regulations apply to hazardous waste burned or processed in a boiler or industrial furnace, irrespective of purpose, except as 266.100(b),(c), and (d) provide; definition of "burn"; 266.104-266.107 emissions standards apply to interim status or permitted facilities	85,96, †98,†105	266.100(a)					
hazardous wastes and facilities not subject to regulation under Subpart H:	85	266.100(b)					
used oil burned for energy recovery that is hazardous solely because it exhibits a characteristic; regulated under 266, Subpart E	85	266.100(b)(1)					
gas recovered from landfills and burned for energy recovery	85,94	266.100(b)(2)					
exempt hazardous wastes under 261.4 and 261.6(a)(3)(v)-(viii); CESQG hazardous wastes under 261.5	85,94	266.100(b)(3)					
coke ovens burning only K087	85	266.100(b)(4)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
owners and operators of smelting, melting and refining furnaces processing hazardous waste solely for metal recovery conditionally exempt, except for 266.101 and 266.112	85	266.100(c)					
requirements for exemption from 266.102 through 266.111 for owner or operator of metal recovery furnace; owner or operator of a lead or a nickel-chromium recovery furnace, or certain metal recovery furnaces subject to 266.100(c)(3) requirements	85,96	266.100(c)(1)					
one-time written notice indicating:	85	266.100(c)(1)(i)					
owner or operator claims 266.100(c) exemption	85	266.100(c)(1)(i)(A)					
metal recovery as per 266.100(c)(2) provisions	85	266.100(c)(1)(i)(B)					
recoverable levels of metals	85	266.100(c)(1)(i)(C)					
compliance with 266.100(c) sampling and analysis and recordkeeping requirements	85	266.100(c)(1)(i)(D)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
sample and analyze hazardous waste and other feedstocks as necessary using specified procedures or alternative methods that meet or exceed SW-846 method performance capabilities; situation where "best available method" is used	85,96	266.100(c)(1)(ii)					
maintain specified records at facility for at least three years	85	266.100(c)(1)(iii)					
criteria under which a hazardous waste is not processed solely for metal recovery	85	266.100(c)(2)					
total concentration of 261, Appendix VIII organic compounds exceeds 500 ppm by weight and are considered burned for destruction; reduction of organic compound concentration to the 500 ppm limit by bona fide treatment; blending for dilution to meet the 500 ppm limit is prohibited; retention of documentation in records required by 266.100(c)(1)(iii)	85,96	266.100(c)(2)(i)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
heating value of 5,000 Btu/lb or more and considered burned as fuel; reduction of the heating value to below 5,000 Btu/lb by bona fide treatment; blending for dilution to meet the 5,000 Btu/lb limit is prohibited; retention of documentation in records required by 266.100(c)(1)(iii)	85,96	266.100(c)(2)(ii)					
requirements for exemption from 266.102 through 266.111 for owner or operator of certain metal recovery furnaces; written notice to director; 266.100(c)(1) compliance	96	266.100(c)(3)					
exemption from 266.100(c)(1) requirements for hazardous wastes listed in Appendices XI and XII, Part 266, and baghouse bags used to capture metallic dusts emitted by steel manufacturing, provided:	96	266.100(c)(3)(i)					
waste contains recoverable levels of specified metals	96	266.100(c)(3)(i)(A)					
waste does not exhibit the Toxicity Characteristic of 261.24 for an organic constituent	96	266.100(c)(3)(i)(B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
waste is not a hazardous waste listed in Part 261 Subpart D because it is listed for an organic constituent as identified in Appendix VII of Part 261	96	266.100(c)(3)(i) (C)					
certification by owner or operator under 266.100(c)(3) regarding hazardous waste; sampling and analysis or other information to assure compliance; sampling and analysis conducted according to 266.100(c)(1)(ii); maintain records to document compliance with (c)(3) for at least three years	96	266.100(c)(3)(i) (D)					
basis for case-by-case decisions regarding toxic organic constituents; metal recovery furnace subject to Subpart H requirements after adequate notice and opportunity for comment; factors Director will consider:	96	266.100(c)(3)(ii)					
concentration and toxicity of organic constituents in the material	96	266.100(c)(3)(ii) (A)					
level of destruction of toxic constituents provided by the furnace	96	266.100(c)(3)(ii) (B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
acceptable ambient levels established in Appendices IV or V exceeded for any toxic organic compound that may be emitted based on certain conditions	96	266.100(c)(3)(ii)(C)					
266.111 direct transfer operation standards apply only to facilities subject to 266.102 or 266.103 standards	85	266.100(d)					
266.112 residue management standards apply to any boiler or industrial furnace burning hazardous waste	85	266.100(e)					
6 conditional exemption from Subpart H requirements for owners or operators of certain smelting, melting, and refining furnaces, except for 266.112; to be exempt from 266.101 through 266.111, an owner or operator must:	96	266.100(f)					
provide a one-time written notice indicating:	96	266.100(f)(1)					
owner or operator claims 266.100(f) exemption	96	266.100(f)(1)(i)					
hazardous waste is burned for legitimate recovery of precious metal	96	266.100(f)(1)(ii)					
compliance with 266.100(f) sampling and analysis and recordkeeping requirements	96	266.100(f)(1)(iii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			BROADER IN SCOPE
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	
sample and analyze hazardous waste as necessary using specified procedures	96	266.100(f)(2)					
maintain specified records at facility for at least three years	96	266.100(f)(3)					
<b>MANAGEMENT PRIOR TO BURNING</b>							
generators of hazardous waste that is burned in a boiler or industrial furnace subject to Part 262	85	266.101(a)					
transporters of hazardous waste that is burned in a boiler or industrial furnace subject to Part 263	85	266.101(b)					
owners and operators of facilities that store hazardous waste burned in a boiler or industrial furnace subject to 264 and 265, Subparts A through L, and 270, except as provided by 266.101(c)(2); standards applicable to storage by burners and intermediary facilities	85	266.101(c)(1)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
generators of hazardous waste who burn on-site in boilers or industrial furnaces exempt from regulation under 266.108 small quantity burner provisions are exempt from regulation under 264 and 265, Subparts A through L, and 270 with respect to storage of mixtures of hazardous waste and the primary fuel in tanks that feed mixture directly to burner; hazardous waste storage prior to mixing subject to 266.101(c)(1) regulation	85	266.101(c)(2)					
<b>PERMIT STANDARDS FOR BURNERS</b>							
owners and operators not operating under interim status and not exempt under 266.108 small quantity burner exemption are subject to 266.102, 270.22 and 270.66 requirements	85	266.102(a)(1)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		266.102(a)(2)					
		266.102(a)(2)(i)					
		266.102(a)(2)(ii)					
		266.102(a)(2)(iii)					
		266.102(a)(2)(iv)					
		266.102(a)(2)(v)					
		266.102(a)(2)(vi)					
		266.102(a)(2)(vii)					
		266.102(a)(2)(viii)					
		266.102(a)(2)(ix)					
applicable 264 provisions	85						

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
analysis to quantify concentration of any 261 Appendix VIII constituent at levels detectable by specified analytical procedures, alternative methods or best available method; identification; explanation of constituents excluded from analysis; analysis provides 266 Subpart H, 270.22 and 270.66 information to prescribe permit conditions; analysis included in Part B permit application or in trial burn plan for interim status facilities; owners/operators of units not operating under interim status include 270.22 or 270.66(c) information in Part B application, to extent possible	85, 94,96	266.102(b)(1)					
sampling and analysis throughout normal operation to ensure permit-specified physical and chemical composition limits are met	85	266.102(b)(2)					
compliance with 266.104 through 266.107 emissions standards	85	266.102(c)					
burn only hazardous wastes specified in permit under 266.102(e) operating conditions; exception for approved trial burns under 270.66 conditions	85	266.102(d)(1)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
new permit or permit modification necessary to burn hazardous waste not specified in permit; trial burn results or Part B alternative data form basis for new waste operating requirements	85	266.102(d)(2)					
266.103 interim status boilers and industrial furnaces permitted under 270.66(g) procedures	85	266.102(d)(3)					
permit for new boiler or industrial furnace must establish appropriate conditions for each applicable 266.102 requirement in order to comply with specified standards:	85	266.102(d)(4)					
for period beginning with initial introduction of hazardous waste and ending with initiation of trial burn; such period not to exceed 720 hours; operating requirements in compliance with 266.104-266.107 emissions standards; applicable provisions when seeking waiver from a trial burn; extension for up to 720 additional hours by Director based on good cause demonstration	85	266.102(d)(4)(i)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
during trial burn, operating requirements sufficient for 266.104- 266.107 emissions compliance and in accordance with approved trial burn plan	85	266.102(d)(4) (ii)					
immediately after trial burn, for minimum period needed to allow sample analysis, data computation, submission and review of trial burn results, and permit modification, operating requirements to ensure 266.104-266.107 emissions compliance	85	266.102(d)(4) (iii)					
7 for duration of permit, operating requirements based on trial burn or 270.22 alternative data, sufficient to ensure 266.104-266.107 emissions compliance	85,94	266.102(d)(4) (iv)					
operating requirements specified in the permit apply at all times where hazardous waste is in unit	85	266.102(e)(1)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
operating conditions, either case-by-case for each hazardous waste to ensure compliance with 266.104(a) DRE performance standard or special operating requirements provided by 266.104(a)(4) DRE trial burn waiver; when no waiver, each set of operating requirements will specify composition of hazardous waste to which they apply; permit-specified operating limits for each hazardous waste include:	85	266.102(e)(2)(i)					
feed rate of hazardous waste and other fuels as per 266.102(e)(6)	85	266.102(e)(2)(i) (A)					
minimum and maximum device production rate when producing normal product as per 266.102(e)(6)	85	266.102(e)(2)(i) (B)					
appropriate controls of hazardous waste firing system	85	266.102(e)(2)(i) (C)					
allowable variation in boiler and industrial furnace system design or operating procedures	85	266.102(e)(2)(i) (D)					
minimum combustion gas temperature measured at a location indicative of combustion chamber temperature as per 266.102(e)(6)	85	266.102(e)(2)(i) (E)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
appropriate indicator of combustion gas velocity as per 266.102(e)(6), unless 270.66 documentation	85	266.102(e)(2)(i) (F)					
other operating requirements to ensure 266.104(a) DRE compliance	85	266.102(e)(2)(i) (G)					
permit must incorporate carbon monoxide (CO) limit and, as appropriate, hydrocarbon (HC) limit as per 266.104(b)-(f); permit limits specified:	85	266.102(e)(2)(ii)					
when complying with 266.104(b)(1) CO standard, permit limit is 100 ppmv	85	266.102(e)(2)(ii) (A)					
when complying with 266.104(c) alternative CO standard, permit limit based on trial burn, established as specified average, and permit limit for HC is 20 ppmv, except as 266.104(f) provides	85	266.102(e)(2)(ii) (B)					
when complying with 266.104(f) alternative HC limit, permit limit for HC and CO is baseline level when hazardous waste is not burned	85	266.102(e)(2)(ii) (C)					
no hazardous waste as feed during start-up and shut-down, unless device is operating within permit conditions; exception	85	266.102(e)(2) (iii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
except as provided in 266.102(e)(3)(ii) and (iii), operating requirements the permit will specify to ensure 266.105 particulate standard compliance:	85	266.102(e)(3)(i)					
total ash feed rate from hazardous waste, other fuels, and industrial furnace feedstocks, as per 266.102(e)(6)	85	266.102(e)(3)(i) (A)					
maximum device production rate when producing normal product as per 266.102(e)(6)	85	266.102(e)(3)(i) (B)					
operation and maintenance controls for hazardous waste firing system and air pollution control system	85	266.102(e)(3)(i) (C)					
allowable variation in system design including air pollution control system or operating procedures	85	266.102(e)(3)(i) (D)					
8 other operating requirements to ensure 266.111(b) particulate standard compliance	85	266.102(e)(3)(i) (E)					
no permit conditions to ensure particulate standard compliance for 266.105(b) exempt facilities	85	266.102(e)(3)(ii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for cement kilns and light-weight aggregate kilns, permit conditions shall not limit ash content of hazardous waste or other feed materials	85	266.102(e)(3)(iii)					
operating requirements the permit will specify to conform with 266.106(b) or (e) Tier I or adjusted Tier I metals feed rate screening limits:	85	266.102(e)(4)(i)					
total feed rate of each metal in hazardous waste, other fuels, and industrial furnace feedstocks as per 266.102(e)(6)	85	266.102(e)(4)(i)(A)					
total feed rate of hazardous waste as per 266.102(e)(6)	85	266.102(e)(4)(i)(B)					
sampling and metals analysis program	85,94	266.102(e)(4)(i)(C)					
operating requirements the permit will specify to conform with 266.106(c) Tier II metals emission rate screening limits and 266.106(d) Tier III metals controls:	85	266.102(e)(4)(ii)					
maximum emission rate for each metal based on average rate during trial burn	85	266.102(e)(4)(ii)(A)					
feed rate of total and pumpable hazardous waste as per 266.102(e)(6)(i)	85	266.102(e)(4)(ii)(B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
9  feed rate of each metal in specified feedstreams, measured and specified as per 266.102(e)(6)	85	266.102(e)(4)(ii) (C)					
	85,96	266.102(e)(4)(ii) (C)(1)					
		266.102(e)(4)(ii) (C)(2)					
		266.102(e)(4)(ii) (C)(3)					
total feed rate of chlorine and chloride in total feedstreams as per 266.102(e)(6)	85	266.102(e)(4)(ii) (D)					
maximum combustion gas temperature measured at location indicative of combustion chamber temperature as per 266.102(e)(6)	85	266.102(e)(4)(ii) (E)					
maximum flue gas temperature at inlet to particulate matter air pollution control system as per 266.102(e)(6)	85	266.102(e)(4)(ii) (F)					
maximum device production rate when producing normal product as per 266.102(e)(6)	85	266.102(e)(4)(ii) (G)					
operation and maintenance controls of hazardous waste firing system and any air pollution control system	85	266.102(e)(4)(ii) (H)					
allowable variation in system design including air pollution control system or operating procedures	85	266.102(e)(4)(ii) (I)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
other operating requirements to ensure 266.106(c) or (d) metals standards compliance	85	266.102(e)(4)(ii)(J)					
operating requirements the permit will specify to conform with 266.106(f) alternative implementation approach:	85	266.102(e)(4)(iii)					
maximum emission rate for each metal based on average rate	85	266.102(e)(4)(iii)(A)					
feed rate of total and pumpable hazardous waste as per 266.102(e)(6)(i)	85	266.102(e)(4)(iii)(B)					
10 feed rate of each metal in specified feedstreams, measured and specified as per 266.102(e)(6)	85	266.102(e)(4)(iii)(C)					
	85,96	266.102(e)(4)(iii)(C)(1)					
		266.102(e)(4)(iii)(C)(2)					
total feed rate of chlorine and chloride in total feedstreams as per 266.102(e)(6)	85	266.102(e)(4)(iii)(D)					
maximum combustion gas temperature measured at location indicative of combustion chamber temperature as per 266.102(e)(6)	85	266.102(e)(4)(iii)(E)					
maximum flue gas temperature at inlet to particulate matter air pollution control system as per 266.102(e)(6)	85	266.102(e)(4)(iii)(F)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
maximum device production rate when producing normal product as per 266.102(e)(6)	85	266.102(e)(4) (iii)(G)					
operation and maintenance controls of hazardous waste firing system and any air pollution control system	85	266.102(e)(4) (iii)(H)					
allowable variation in system design including air pollution control system or operating procedures	85	266.102(e)(4) (iii)(I)					
other operating requirements to ensure 266.106(c) or (d) metals standards compliance	85	266.102(e)(4) (iii)(J)					
operating requirements the permit will specify to ensure 266.107(b)(1) Tier I total chloride and chlorine feed rate screening limits conformance:	85	266.102(e)(5)(i)					
feed rate of total chloride and chlorine in hazardous waste, other fuels, and industrial furnace feedstocks as per 266.102(e)(6)	85	266.102(e)(5)(i) (A)					
feed rate of total hazardous waste as per 266.102(e)(6)	85	266.102(e)(5)(i) (B)					
sampling and analysis program for total chloride and chlorine	85	266.102(e)(5)(i) (C)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

SPA 13

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
operating requirements the permit will specify for 266.107(b)(2) Tier II and 266.107(c) Tier III HCl and Cl <sub>2</sub> emission rate screening limits conformance:	85	266.102(e)(5)(ii)					
maximum emission rate for HCl and Cl <sub>2</sub> based on average rate	85	266.102(e)(5)(ii) (A)					
feed rate of total hazardous waste as per 266.102(e)(6)	85	266.102(e)(5)(ii) (B)					
total feed rate of chlorine and chloride in total feedstreams as per 266.102(e)(6)	85	266.102(e)(5)(ii) (C)					
maximum device production rate when producing normal product as per 266.102(e)(6)	85	266.102(e)(5)(ii) (D)					
operation and maintenance controls of hazardous waste firing system and any air pollution control system	85	266.102(e)(5)(ii) (E)					
allowable variation in system design including air pollution control system or operating procedures	85	266.102(e)(5)(ii) (F)					
other operating requirements to ensure 266.107(b)(2) or (c) HCl or Cl <sub>2</sub> standards compliance	85	266.102(e)(5)(ii) (G)					
measuring parameters and establishing limits based on trial burn data	85,94	266.102(e)(6)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
as specified in 266.102(e) (2)-(5), each operating parameter shall be measured and permit limits on the parameter established according to either of the following procedures:	85	266.102(e)(6)(i)					
measured and recorded on instantaneous basis and permit limit based on time-weighted average	85	266.102(e)(6)(i) (A)					
hourly rolling average basis as defined	85	266.102(e)(6)(i) (B)(1)					
		266.102(e)(6)(i) (B)(1)(i)					
	85,94	266.102(e)(6)(i) (B)(1)(ii)					
11 permit limit based on average over all valid test runs of highest hourly rolling average value per run	85,94	266.102(e)(6)(i) (B)(2)					
feed rate limits for carcinogenic metals and lead established on either an hourly rolling average basis or on (up to) to 24- hour rolling average basis; requirements for 2 to 24 hour average period:	85,94	266.102(e)(6)(ii)					
feed rate of each metal limited to ten times the allowable hourly rolling average basis feed rate	85	266.102(e)(6)(ii) (A)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
11 specifications the continuous monitor shall meet	85	266.102(e)(6)(ii) (B)					
		266.102(e)(6)(ii) (B)(1)					
	85,94	266.102(e)(6)(ii) (B)(2)					
feed rate permit limit based on specified average	85	266.102(e)(6)(ii) (C)					
feed rate limits for metals, total chloride and chlorine, and ash established and monitored based on feedstream concentration and flow rate; flow rate continuously monitored as per 266.102(e)(6)(i) and (ii)	85	266.102(e)(6) (iii)					
if no simultaneous demonstration of 266.104-266.107 compliance during a set of test runs, operating conditions of additional test runs as close as possible to original operating conditions	85	266.102(e)(6) (iv)(A)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
facility to operate under trial burn conditions and reach steady-state operations before obtaining test data to demonstrate 266.104-266.107 emissions standards compliance or establishing operating parameter limits; specific industrial furnaces need not reach steady-state conditions for flow of metals prior to beginning metals emissions compliance testing	85,94	266.102(e)(6)(iv)(B)					
trial burn data obtained during emissions sampling are used to establish operating parameter limits in the permit when parameter must be established as per 266.102(e)	85	266.102(e)(6)(iv)(C)					
requirements for controlling fugitive emissions	85	266.102(e)(7)(i)					
		266.102(e)(7)(i)(A)					
		266.102(e)(7)(i)(B)					
		266.102(e)(7)(i)(C)					
automatic waste feed cutoff required; Director may limit number of cutoffs per operating period; additional requirements include:	85	266.102(e)(7)(ii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
maintenance of permit limit for minimum combustion chamber temperature while hazardous waste or residues remain in chamber	85	266.102(e)(7)(ii) (A)					
exhaust gases ducted to air pollution control system while hazardous waste or residues remain in chamber	85	266.102(e)(7)(ii) (B)					
continued monitoring of parameters with limits during cutoff and hazardous waste feed not restarted until parameters comply with limits; for parameters monitored on instantaneous basis, conditions for restarting hazardous waste feed	85	266.102(e)(7)(ii) (C)					
cease burning hazardous waste when changes in combustion properties, feed rates, or design or operating conditions deviate from permit limits	85	266.102(e)(7) (iii)					
owner or operator, while burning hazardous waste, must monitor and record:	85	266.102(e)(8)(i)					
specified feed rates and composition of specified materials	85	266.102(e)(8)(i) (A)					
CO, HC, and oxygen on a continuous basis as specified; monitors installed, operated and maintained as per 266, Appendix IX methods	85	266.102(e)(8)(i) (B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
sampling and analysis as requested to verify that requirements established in permit achieve 266.104-266.107 standards	85	266.102(e)(8)(i)(C)					
monitors record data in permit limit units, unless permit allows otherwise	85	266.102(e)(8)(ii)					
daily visual inspection of boiler or industrial furnace and associated equipment when they contain hazardous waste	85	266.102(e)(8)(iii)					
test automatic feed cutoff system and associated alarms at least once every 7 days when hazardous waste is burned unless specified conditions are demonstrated; operational testing at least once every 30 days	85	266.102(e)(8)(iv)					
monitoring and inspection data recorded and placed in 264.73 operating record	85	266.102(e)(8)(v)					
compliance with 266.111 if direct transfer of hazardous waste to boiler or industrial furnace without use of storage unit	85	266.102(e)(9)					
all 266.102-required information and data in facility operating record until closure of the facility	85,96	266.102(e)(10)					
remove all hazardous waste and hazardous waste residues at closure	85	266.102(e)(11)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
INTERIM STATUS STANDARDS FOR BURNERS							
establish minimum national standards for owners and operators of existing boilers and industrial furnaces until permitted under 266.102(d) or closed	85	266.103(a)(1)(i)					
definition of "existing or in existence"; facility has commenced construction if all permits necessary to begin physical construction are obtained and either:	85,94	266.103(a)(1)(ii)					
continuous on-site, physical construction program has begun	85	266.103(a)(1)(ii) (A)					
contractual obligations cannot be cancelled or modified without substantial loss and physical construction is to be completed within reasonable time	85	266.103(a)(1)(ii) (B)					
if boiler or industrial furnace at facility with permit or interim status, then compliance with 270.42 permit modification or 270.72 interim status changes	85	266.103(a)(1) (iii)					
266.103 requirements not applicable to hazardous waste and facilities exempt under 266.100(b) or 266.108	85	266.103(a)(2)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
F020-F023, F026 or F027 hazardous waste listed for dioxin and hazardous waste derived from these wastes may not be burned in interim status boiler or industrial furnace	85,96	266.103(a)(3)					
interim status owners and operators subject to specified 265 provisions:	85	266.103(a)(4)					
		266.103(a)(4)(i)					
		266.103(a)(4)(ii)					
		266.103(a)(4)(iii)					
		266.103(a)(4)(iv)					
		266.103(a)(4)(v)					
		266.103(a)(4)(vi)					
		266.103(a)(4)(vii)					
		266.103(a)(4)(viii)					
controls that apply to interim status industrial furnaces that feed hazardous waste for a purpose other than solely as an ingredient at any location other than the hot end or where fuels are normally fired:	85,96	266.103(a)(5)					
fed at location where temperatures are at least 1800° F	85	266.103(a)(5)(i)(A)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
determination and documentation in facility record of adequate oxygen	85	266.103(a)(5)(i) (B)					
for cement kiln systems, hazardous waste fed into kiln	85	266.103(a)(5)(i) (C)					
applicability of 266.104(c) or 266.103(c)(5) hydrocarbon controls	85,96	266.103(a)(5)(i) (D)					
criteria for burning hazardous waste for a purpose other than solely as an ingredient:	85	266.103(a)(5)(ii)					
total concentration of 261, Appendix VIII nonmetal compounds exceed 500 ppm by weight as fired and considered burned for destruction; reduction of the concentration of nonmetal compounds to the 500 ppm limit by bona fide treatment; blending for dilution to meet the 500 ppm limit prohibited; retention of documentation in facility record	85,96	266.103(a)(5)(ii) (A)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
heating value of 5,000 Btu/lb or more, as fired, and considered burned as fuel; reduction of the heating value of a waste as-generated to below 5,000 Btu/lb limit by bona fide treatment; blending to augment heating value to meet the 5,000 Btu/lb limit prohibited; retention of documentation in facility record	85,96	266.103(a)(5)(ii)(B)					
burning hazardous waste with heating value less than 5,000 Btu/lb prohibited; situation where 5,000 Btu/lb limit can be exceeded; exceptions:	85,96	266.103(a)(6)					
hazardous waste burned solely as an ingredient	96	266.103(a)(6)(i)					
hazardous waste burned for purposes of compliance testing for a total period of time not to exceed 720 hours	96	266.103(a)(6)(ii)					
waste burned if Director has documentation to show that, prior to August 21, 1991:	96	266.103(a)(6)(iii)					
boiler or industrial furnace operating under Part 265, Subpart O or P requirements	96	266.103(a)(6)(iii)(A)					
boiler or industrial furnace met 270.70 interim status eligibility requirements for Part 265, Subpart O or Subpart P	96	266.103(a)(6)(iii)(B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
hazardous waste with a heating value less than 5,000 Btu/lb burned prior to August 21, 1991	96	266.103(a)(6)(iii)(C)					
such waste burned in halogen acid furnace if waste burned as an excluded ingredient under 261.2(e) prior to February 21, 1991 and documentation kept on file	96	266.103(a)(6)(iv)					
266.111 compliance if hazardous waste directly transferred from transport vehicle to boiler or industrial furnace without storage unit use	85	266.103(a)(7)					
August 21, 1991 submittal date for 266.103(b)(2) information; establish limits for 266.103(b)(3) parameters; certificate of precompliance; burning limited to 266.103(b)(3) conditions until 266.103(b)(8) revised certification of precompliance, or 266.103(c) certification of compliance, or permit is issued	85	266.103(b)(1)					
information to be submitted with certification of precompliance to support determination and compliance with operating parameter limits	85	266.103(b)(2)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
general facility information	85	266.103(b)(2)(i)					
		266.103(b)(2)(i) (A)					
		266.103(b)(2)(i) (B)					
		266.103(b)(2)(i) (C)					
		266.103(b)(2)(i) (D)					
		266.103(b)(2)(i) (E)					
except for facilities complying with Tier I feed rate screening limits provided by 266.106(b) or (e) and 266.107(b)(1) or (e), estimated uncontrolled emissions of particulate matter, each 266.106 metal, hydrogen chloride and chlorine, and following information to support determinations:	85	266.103(b)(2) (ii)					
feed rate of specified materials in each feedstream	85,94	266.103(b)(2) (ii)(A)					
estimated partitioning factor to combustion gas for 266.103(b)(2)(ii)(A) materials, basis for estimate, and estimate of partitioning to HCl and Cl <sub>2</sub> of total chloride and chlorine in feed materials; use best engineering judgment or 266, Appendix IX procedures	85,94	266.103(b)(2) (ii)(B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for industrial furnaces that recycle collected particulate matter and certify compliance with 266.103(c)(ii)(A) metals emissions standards, estimated enrichment factor for each metal, using best engineering judgment or specified Appendix IX procedures	85	266.103(b)(2)(ii)(C)					
basis for best engineering judgment; 270.11(d) certification of determinations included in certification of precompliance	85,94	266.103(b)(2)(ii)(D)					
for facilities complying with Tier I feed rate screening limits, the feed rate of specified materials in each feed stream	85	266.103(b)(2)(iii)					
for facilities complying with Tier II or III emission limits for metals or HCl or Cl <sub>2</sub> , estimated controlled emissions rates of particulate matter, each 266.106 metal, HCl and Cl <sub>2</sub> , and following information to support determinations:	85,94	266.103(b)(2)(iv)					
estimated air pollution control system (APCS) removal efficiency for specified materials	85	266.103(b)(2)(iv)(A)					
use best engineering judgment or 266, Appendix IX procedures	85	266.103(b)(2)(iv)(B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
basis for best engineering judgment in conformance with 266.103(b)(2)(ii)(D)	85	266.103(b)(2)(iv)(C)					
determination of allowable emissions rates for specified materials and information to support such determinations to include:	85	266.103(b)(2)(v)					
	85	266.103(b)(2)(v)(A)					
		266.103(b)(2)(v)(A)(1)					
		266.103(b)(2)(v)(A)(2)					
		266.103(b)(2)(v)(A)(3)					
		266.103(b)(2)(v)(A)(4)					
	85,94	266.103(b)(2)(v)(A)(5)					
		266.103(b)(2)(v)(A)(6)					
for all facilities:	85	266.103(b)(2)(v)(A)(7)					
for owners or operators using Tier III site specific dispersion modeling to determine 266.106(d) or 266.107(c) allowable levels, or adjusted Tier I feed rate screening limits under 266.106(e) or 266.107(e):	85	266.103(b)(2)(v)(B)					
		266.103(b)(2)(v)(B)(1)					
		266.103(b)(2)(v)(B)(2)					
		266.103(b)(2)(v)(B)(3)					
		266.103(b)(2)(v)(B)(4)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for facilities complying with Tier II or III emissions rate controls for metals or HCl and Cl <sub>2</sub> , comparison of 266.103(b)(2)(iv) estimated rates with 266.103(b)(2)(v) allowable rates	85,94	266.103(b)(2)(vi)					
for facilities complying with Tier I or adjusted Tier I feed rate screening limits for metals or total chloride and chlorine, comparison of actual feed rates determined under 266.103(b)(2)(iii) to Tier I allowable feed rates	85	266.103(b)(2)(vii)					
for industrial furnaces that feed hazardous waste for any purpose other than solely as an ingredient at any location other than product discharge end of device, documentation of 266.103(a)(5)(i)(A)-(C) compliance	85	266.103(b)(2)(viii)					
for industrial furnaces that recycle collected particulate matter back into the furnace and that will certify 266.103(c)(3)(ii)(A) metals emissions standards compliance, applicable particulate matter standard and precompliance limit on metal concentration	85	266.103(b)(2)(ix)					
		266.103(b)(2)(ix)(A)					
		266.103(b)(2)(ix)(B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
establish limits on 266.103(b)(3)(i)-(v) parameters consistent with 266.103(b)(2) determinations and certify the facility will operate within the limits during interim status when there is hazardous waste in the unit until certain conditions are met	85	266.103(b)(3)					
feed rate of total hazardous waste and pumpable hazardous waste	85	266.103(b)(3)(i)					
	85,94	266.103(b)(3)(ii)					
		266.103(b)(3)(ii)(A)					
		266.103(b)(3)(ii)(B)					
		266.103(b)(3)(ii)(C)					
feed rate of each metal in specified feedstreams	85	266.103(b)(3)(ii)(C)					
total feed rate of chlorine and chloride in total feedstreams	85	266.103(b)(3)(iii)					
total feed rate of ash in total feedstreams, except ash feed rate for cement kilns and light-weight aggregate kilns is not limited	85	266.103(b)(3)(iv)					
maximum production rate when producing normal product	85	266.103(b)(3)(v)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

SPA 13

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
special operating requirements under 266, Appendix IX for furnaces that recycle collected particulate matter back into furnace and that certify compliance with metals emissions controls under 266.103(c)(3)(ii)(A)	85	266.103(b)(4)					
limits on 266.103(b)(3) parameters established and continuously monitoring under:	85	266.103(b)(5)(i)					
instantaneous limits	85,96	266.103(b)(5)(i)(A)					
11	85	266.103(b)(5)(i)(B)					
		266.103(b)(5)(i)(B)(1)					
		266.103(b)(5)(i)(B)(2)					
hourly rolling average basis as defined	85,94						
feed rate limits for carcinogenic metals and lead established on either an hourly rolling average basis or on (up to) 24 hour rolling average basis; requirements for 2 to 24 hour average period:	85	266.103(b)(5)(ii)					
feed rate of each metal limited to ten times the allowable hourly rolling average basis feed rate	85	266.103(b)(5)(ii)(A)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
11 specifications the continuous monitor shall meet:	85	266.103(b)(5)(ii)(B)					
		266.103(b)(5)(ii)(B)(1)					
	85,94	266.103(b)(5)(ii)(B)(2)					
feed rate limits for metals, total chloride and chlorine, and ash established and monitored based on feedstream concentration and flow rate; flow rate continuously monitored as per 266.103(b)(5)(i) and (ii)	85	266.103(b)(5)(iii)					
on or before August 21, 1991, owner or operator submits notice to major local newspaper and sends copy of notice to State and local government units; provide evidence of notice submittal for publication with certification of pre-compliance to Director; notice must bear specified title and include:	85,94	266.103(b)(6)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	85	266.103(b)(6)(i)					
		266.103(b)(6)(ii)					
		266.103(b)(6)(iii)					
		266.103(b)(6)(iv)					
		266.103(b)(6)(v)					
		266.103(b)(6)(vi)					
		266.103(b)(6)(vii)					
	85,96	266.103(b)(6)(viii)					
		266.103(b)(6)(viii)(A)					
		266.103(b)(6)(viii)(B)					
information to include in public notice	85	266.103(b)(6)(ix)					
		266.103(b)(6)(x)					
when monitoring systems for 266.103(c)(1)(v)-(xiii) operating parameters are installed and operating in conformance with vendor or 266, Appendix IX specifications, continuous monitoring required and records maintained in operating record	85	266.103(b)(7)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
submittal of revised certification of pre-compliance under 266.103(b)(2)&(3) procedures	85	266.103(b)(8)					
266.103(b)(6) public notice requirements not applicable to recertifications	85	266.103(b)(8)(i)					
operation of facility within limits established for 266.103(b)(3) parameters until 266.103(b) revised certification or 266.103(c) certification of compliance is submitted	85	266.103(b)(8)(ii)					
language of signed statement that must be included with the certification of precompliance	85	266.103(b)(9)					
conduct emissions testing to document compliance with 266.104(b)-(e), 266.105-266.107 and 266.103(a)(5)(i)(D) emissions standards; submittal of certification of compliance on or before August 21, 1992	85,94	266.103(c)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

SPA 13

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
establish limits and all applicable emission standards on 266.103(c) (1)(i)-(xiii) parameters based on operations during compliance test and include with certification of compliance; device will be operated within these limits and applicable emission standards of 266.104(b)-(e), 266.105, 266.106, 266.107 and 266.103(a)(5)(i)(D) when hazardous waste is in the unit	85,94,96	266.103(c)(1)					
12 feed rate of total hazardous waste and pumpable hazardous waste	85	266.103(c)(1)(i)					
12 feed rate of each metal in specified feedstreams	85	266.103(c)(1)(ii)					
		266.103(c)(1)(ii) (A)					
		266.103(c)(1)(ii) (B)					
		266.103(c)(1)(ii) (C)					
12 total feed rate of chlorine and chloride in total feed streams	85	266.103(c)(1) (iii)					
12 total feed rate of ash in total feedstreams, except ash feed rate for cement kilns and light-weight aggregate kilns is not limited	85,94	266.103(c)(1) (iv)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
12 carbon monoxide concentration and, where required, hydrocarbon concentration in stack gas; CO and HC limits	85	266.103(c)(1)(v)					
12 maximum production rate when producing normal product	85	266.103(c)(1)(vi)					
12 maximum combustion chamber temperature with temperature measured where specified; exception	85	266.103(c)(1)(vii)					
12 maximum flue gas temperature entering a particulate matter control device; exception	85	266.103(c)(1)(viii)					
12 limits for systems using wet scrubbers, including wet ionizing scrubbers; exception:	85,94	266.103(c)(1)(ix)					
		266.103(c)(1)(ix)(A)					
		266.103(c)(1)(ix)(B)					
	85	266.103(c)(1)(ix)(C)					
12 systems using venturi scrubbers, the minimum differential gas pressure across the venturi; exception	85	266.103(c)(1)(x)					
12 limits for systems using dry scrubbers; exception:	85,94	266.103(c)(1)(xi)					
		266.103(c)(1)(xi)(A)					
	85	266.103(c)(1)(xi)(B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
2  limits for systems using wet ionizing scrubbers or electrostatic precipitators; exception	85,94	266.103(c)(1) (xii)					
	85	266.103(c)(1) (xii)(A)					
		266.103(c)(1) (xii)(B)					
2 systems using fabric filters, the minimum pressure drop; exception	85	266.103(c)(1) (xiii)					
at least 30 days prior to 266.103(c)(3) compliance testing, notify Director and submit required information:	85	266.103(c)(2)					
general facility information	85	266.103(c)(2)(i)					
		266.103(c)(2)(i) (A)					
		266.103(c)(2)(i) (B)					
		266.103(c)(2)(i) (C)					
		266.103(c)(2)(i) (D)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
specific information on each device to be tested	85	266.103(c)(2)(ii)					
		266.103(c)(2)(ii) (A)					
		266.103(c)(2)(ii) (B)					
		266.103(c)(2)(ii) (C)					
		266.103(c)(2)(ii) (D)					
		266.103(c)(2)(ii) (D)(1)					
		266.103(c)(2)(ii) (D)(2)					
		266.103(c)(2)(ii) (D)(3)					
		266.103(c)(2)(ii) (E)					
		266.103(c)(2)(ii) (F)					
information on testing planned, including complete copy of test protocol and QA/QC plan, and summary description for each test that provides specified information	85	266.103(c)(2) (iii)					
		266.103(c)(2) (iii)(A)					
		266.103(c)(2) (iii)(B)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
compliance testing under 266.103(b) and 266.103(c)(2) conditions; case by case approval to use compliance test data from one unit in lieu of testing a similar on-site unit; information required to support owner or operator request; approval based on 266.103(c) requirements	85,96	266.103(c)(3)(i)					
12 industrial furnaces that recycle collected particulate matter from air pollution control system must test to determine 266.106(c) or (d) metals standards compliance using one of the following procedures:	85	266.103(c)(3)(ii)					
12 266, Appendix IX testing requirements in "Alternative Method for Implementing Metals Controls"	85	266.103(c)(3)(ii)(A)					
12  stack emissions testing for 6 hrs/day while hazardous waste is burned during interim status; conditions for testing; analysis for metals content to assure 266.106(c) or (d) compliance; parameters for which operating limits must be established under 266.103(c)(3)	85	266.103(c)(3)(ii)(B)					
		266.103(c)(3)(ii)(B)(1)					
		266.103(c)(3)(ii)(B)(2)					
		266.103(c)(3)(ii)(B)(3)					
		266.103(c)(3)(ii)(B)(4)					
		266.103(c)(3)(ii)(B)(5)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
12 conduct compliance testing and establish limits on 266.103(c)(1) parameters after kiln system has been conditioned and has reached equilibrium with metals feed and metals emissions; conditions to be met during conditioning	85	266.103(c)(3)(ii)(C)					
12 if no simultaneous demonstration of 266.104-266.107 compliance during a set of test runs, operating conditions of additional test runs as close as possible to original operating conditions	85	266.103(c)(3)(iii)(A)					
12 facility to operate under compliance test conditions and reach steady-state operations before obtaining test data to demonstrate 266.104-266.107 emissions standards compliance or establishing operating parameter limits; specific industrial furnaces need not reach steady-state conditions prior to beginning metals compliance testing	85	266.103(c)(3)(iii)(B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
12 compliance test data obtained during emissions sampling are used to establish operating parameter limits in the certification of compliance when parameter must be established as per 266.103(c)(1)	85	266.103(c)(3) (iii)(C)					
within 90 days of completing compliance testing, certification to Director of compliance with 266.104(b),(c)&(e), 266.105-266.107 and 266.103(a)(5)(i)(D) emissions standards; certification must include:	85	266.103(c)(4)					
general facility and testing information	85	266.103(c)(4)(i)					
		266.103(c)(4)(i) (A)					
		266.103(c)(4)(i) (B)					
	85,94	266.103(c)(4)(i) (C)					
	85	266.103(c)(4)(i) (D)					
		266.103(c)(4)(i) (E)					
		266.103(c)(4)(i) (F)					
		266.103(c)(4)(i) (G)					
		266.103(c)(4)(i) (H)					
	85	266.103(c)(4)(i) (I)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	85	266.103(c)(4)(ii)					
		266.103(c)(4)(ii) (A)					
		266.103(c)(4)(ii) (B)					
		266.103(c)(4)(ii) (B)(1)					
		266.103(c)(4)(ii) (B)(2)					
		266.103(c)(4)(ii) (B)(3)					
		266.103(c)(4)(ii) (3)(4)					
	85,94	266.103(c)(4)(ii) (B)(5)					
		266.103(c)(4)(ii) (B)(6)					
		266.103(c)(4)(ii) (B)(7)					
		266.103(c)(4)(ii) (B)(8)					
		266.103(c)(4)(ii) (B)(9)					
specific information on each test	85						
comparison of actual emissions per test with emissions limits prescribed by 266.104(b),(c)&(e) and 266.105-266.107 and established in 266.103(b) certification of precompliance	85	266.103(c)(4) (iii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

SPA 13

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
determination of operating limits based on all valid runs for 266.103(c)(1) parameters using one of two procedures:	85	266.103(c)(4)(iv)					
instantaneous limits	85	266.103(c)(4)(iv)(A)					
hourly rolling average basis as defined	85	266.103(c)(4)(iv)(B)(1)					
		266.103(c)(4)(iv)(B)(1)(i)					
		266.103(c)(4)(iv)(B)(1)(ii)					
parameter operating limit based on compliance test data and specific average	85	266.103(c)(4)(iv)(B)(2)					
feed rate limits for carcinogenic metals and lead established on either an hourly rolling average basis or on (up to) 24 hour rolling average basis; requirements for 2 to 24 hour average period:	85	266.103(c)(4)(iv)(C)					
feed rate of each metal limited to ten times the allowable hourly rolling average basis feed rate	85	266.103(c)(4)(iv)(C)(1)					
specifications the continuous monitor shall meet	85	266.103(c)(4)(iv)(C)(2)					
		266.103(c)(4)(iv)(C)(2)(i)					
	85,94	266.103(c)(4)(iv)(C)(2)(ii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			BROADER IN SCOPE
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	
operating limit for feed rate of each metal established based on compliance test data as the specified average	85	266.103(c)(4)(iv)(C)(3)					
feed rate limits for metals, total chloride and chlorine, and ash established and monitored based on feedstream concentration and flow rate; flow rate continuously monitored as per 266.103(c)(4)(iv)(A)-(C)	85	266.103(c)(4)(iv)(D)					
language of statement to accompany the certification of compliance	85	266.103(c)(4)(v)					
if required to comply with 266.104(c) or 266.103(a)(5)(i)(D) HC controls, conditioned gas monitoring system may be used in conformance with 266, Appendix IX specifications, provided certification of compliance is submitted without 266.103(c)(7) time extension	85	266.103(c)(5)					
special operating requirements for industrial furnaces that recycle collected particulate matter from air pollution control system:	85	266.103(c)(6)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
266, Appendix IX operating requirements in "Alternative Method to Implement the Metals Controls" if complying with 266.103(c)(3)(ii)(A)	85	266.103(c)(6)(i)					
operating requirements of 266.103(c)(3)(ii)(B) if complying with that paragraph	85	266.103(c)(6)(ii)					
requirements if fail to submit complete certification of compliance for 266.104-266.107 emissions standards by August 21, 1992;	85	266.103(c)(7)(i)					
stop burning hazardous waste and begin 266.103(l) closure	85,94	266.103(c)(7)(i) (A)					
limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) to a total period of 720 hours beginning August 21, 1992; submit notification to Director by August 21, 1992, stating operation under restricted interim status and intention to resume hazardous waste burning; submit complete certification of compliance by August 23, 1993	85,94	266.103(c)(7)(i) (B)					
obtain case-by-case time extension under 266.103(c)(7)(ii)	85	266.103(c)(7)(i) (C)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
condition under which a case-by-case time extension may be requested for any 266.103(c) time limit	85	266.103(c)(7)(ii)					
in granting extension, Director may apply specified conditions	85	266.103(c)(7)(ii) (A)					
if time extension requested to obtain RCRA permit because 266.104(c) HC limit cannot be met:	85	266.103(c)(7)(ii) (B)					
what Director shall consider:	85	266.103(c)(7)(ii) (B)(1)					
determine if complete Part B permit application that includes 270.22(b) information has been submitted	85	266.103(c)(7)(ii) (B)(1)(i)					
consider if good faith effort to certify compliance with all other emission controls has been made	85,94	266.103(c)(7)(ii) (B)(1)(ii)					
11 if extension granted, require facility to operate under 266.104(f)(1) baseline CO and HC flue gas concentration limits	85,94	266.103(c)(7)(ii) (B)(2)					
submit at any time a revised certification of compliance under specific procedures:	85	266.103(c)(8)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
prior to submittal, may not burn hazardous waste for more than 720 hours under operating conditions that exceed those in current certification of compliance; such burning conducted only to determine if 266.104-266.107 emissions standards can be met under revised conditions	85	266.103(c)(8)(i)					
at least 30 days prior to first burning under revised conditions, notify Director and submit specific information:	85	266.103(c)(8)(ii)					
EPA facility ID number, facility name, contact person, telephone number and address	85	266.103(c)(8)(ii) (A)					
operating conditions owner/operator is seeking to revise and description of changes that prompted need to revise	85	266.103(c)(8)(ii) (B)					
determination that under revised operating conditions, 266.104-266.107 standards unlikely to be exceeded; 266.103(b)(2) information for documentation	85	266.103(c)(8)(ii) (C)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			BROADER IN SCOPE
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	
complete emissions testing protocol for pretesting and new compliance test, including schedule for 266.104-266.107 emission standards compliance; 30-day prior written notice if revision in compliance test date	85	266.103(c)(8)(ii) (D)					
conduct compliance test under revised operating conditions and submitted protocol to determine 266.104-266.107 emissions standards compliance	85	266.103(c)(8) (iii)					
submit revised certification of compliance under 266.103(c)(4)	85	266.103(c)(8) (iv)					
recertification of compliance within three years; if recertification under new operating conditions, 266.103(c)(8) compliance	85	266.103(d)					
if noncompliance with interim status compliance schedule, burning is to terminate on date deadline is missed, closure to begin under 266.103(l), and no resumption of burning except under 270.66 operating permit; criteria for compliance with 266.103(l), 266.112(d) (2) and 266.113 provisions	85,96	266.103(e)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
no hazardous waste as feed during start-up and shut-down unless device is operating within certification conditions	85	266.103(f)					
during 266.103(c)(3) compliance test and upon certification of compliance, automatic waste feed cutoff required; additional requirements include:	85	266.103(g)					
maintenance of minimum combustion chamber temperature while hazardous waste or residues remain in chamber to minimize emissions of organic compounds	85,94	266.103(g)(1)					
if compliance with combustion chamber temperature limit is based on hourly rolling average, minimum temperature during compliance test is averaged over all runs of the lowest hourly rolling average for each run	85	266.103(g)(1)(i)					
if compliance with combustion chamber temperature limit is based on instantaneous temperature measurement, minimum temperature during compliance test is time-weighted average during all test runs	85	266.103(g)(1)(ii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
continued monitoring of operating parameters with limits during cutoff; no restart of hazardous waste feed until parameters comply with limits established in compliance certification	85	266.103(g)(2)					
requirements for controlling fugitive emissions	85	266.103(h)					
		266.103(h)(1)					
		266.103(h)(2)					
		266.103(h)(3)					
cease burning hazardous waste when changes in combustion properties, feed rates, feed stocks/fuels or design or operating conditions deviate from limits specified in compliance certification	85	266.103(i)					
owner or operator, while burning hazardous waste, must monitor and record:	85	266.103(j)(1)					
specified feed rates and composition of specified materials to ensure conformance with certification	85	266.103(j)(1)(i)					
CO, HC and oxygen on a continuous basis as specified; monitors installed, operated and maintained as per 266, Appendix IX methods	85	266.103(j)(1)(ii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
sampling and analysis as requested by Director to verify compliance with 266.104-266.107 standards	85	266.103(j)(1)(iii)					
daily visual inspection of boiler or industrial furnace and associated equipment when they contain hazardous waste	85	266.103(j)(2)					
test automatic feed cutoff system and associated alarms at least once every 7 days when hazardous waste is burned unless specified conditions are demonstrated; operational testing at least once every 30 days	85	266.103(j)(3)					
monitoring and inspection data recorded and placed in operating log	85	266.103(j)(4)					
all 266.103-required information and data kept in facility operating record until closure of the boiler or industrial furnace unit	85,96	266.103(k)					
remove all hazardous waste and hazardous waste residues at closure and comply with 265.111-265.115	85	266.103(l)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
STANDARDS TO CONTROL ORGANIC EMISSIONS							
except as 266.104(a)(3) provides, DRE of 99.99% required for all organic hazardous constituents; demonstration during trial burn for each POHC in permit for each waste feed; DRE equation	85,94	266.104(a)(1)					
POHC compliance with DRE requirements to be demonstrated in trial burn in conformance with 270.66 procedures; designation of POHCs for each waste feed by Director based on degree of difficulty of destruction and on waste feed concentrations considering analyses submitted with Part B; 261, Appendix VIII compounds unless demonstration of other compound is suitable indicator of DRE requirements	85	266.104(a)(2)					
DRE of 99.9999% for F020-F023, F026 or F027 as determined from 266.104(a)(1) equation; notification of intent to burn such wastes	85,94	266.104(a)(3)					
owners and operators of boilers operating under 266.110 requirements are exempt from DRE trial burn	85	266.104(a)(4)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
owners and operators of boilers or industrial furnaces in compliance with 266.109(a) are exempt from DRE trial burn	85	266.104(a)(5)					
except as 266.104(c) provides, CO stack gas concentration cannot exceed 100 ppmv on an hourly rolling average basis, continuously corrected to 7% oxygen, dry gas basis	85	266.104(b)(1)					
continuous monitoring of CO and oxygen in conformance with 266, Appendix IX specifications	85,94	266.104(b)(2)					
demonstration of 100 ppmv CO compliance during trial burn or compliance test; highest hourly rolling average CO must not exceed 100 ppmv	85	266.104(b)(3)					
stack gas concentration of CO may exceed 100 ppmv if HC concentrations do not exceed 20 ppmv; exception under 266.104(f)	85	266.104(c)(1)					
HC limits established on hourly rolling average basis, reported as propane, continuously corrected to 7% oxygen, dry gas basis	85	266.104(c)(2)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
HC continuously monitored under 266, Appendix IX specifications; CO and oxygen continuously monitored under 266.104(b)(2)	85,94	266.104(c)(3)					
alternative CO standard based on trial burn data (new facility) and compliance test (interim status facility); definition and implementation	85	266.104(c)(4)					
industrial furnaces that feed hazardous waste for purpose other than solely as an ingredient at any location other than end where products are normally discharged and fuels are normally fired must comply with 266.104(c) or (f) hydrocarbon limits, irrespective of whether 266.104(b) standard is met	85	266.104(d)					
site-specific risk assessment for specific boilers and industrial furnaces to demonstrate that chlorinated dibenzo- <i>p</i> -dioxins and dibenzofurans emissions do not result in increased lifetime cancer risk exceeding 1 in 100,000 MEI; assessment requirements:	85	266.104(e)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

SPA 13

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
determine emission rates of certain tetraocta congeners during trial burn or compliance test using 266, Appendix IX Method 23	85,94	266.104(e)(1)					
estimate 2,3,7,8-TCDD toxicity equivalence of specified congeners using 266, Appendix IX procedures; formula for estimation of equivalent emission rate	85,94	266.104(e)(2)					
conduct dispersion modeling using recommended methods to predict maximum annual average off-site ground level concentrations of 2,3,7,8-TCDD equivalents; maximum annual average on-site concentration used when a person resides on-site	85	266.104(e)(3)					
specified 2,3,7,8-TCDD ratio shall not exceed 1.0	85,94,96	266.104(e)(4)					
for industrial furnaces that cannot meet the 20 ppmv HC limit because of organic matter in raw material, Director may establish alternative HC limit on case-by-case basis; cement kilns equipped with by-pass duct meeting 266.104(g) requirements not eligible for alternative limit	85	266.104(f)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
demonstrate that facility is designed and operated to minimize HC emissions from fuels and raw materials when baseline HC (and CO) level is determined; baseline level defined; may be multiple baseline levels	85	266.104(f)(1)					
develop approach to monitor over time changes in facility operation that could reduce baseline HC level	85	266.104(f)(2)					
conduct emissions testing during trial burn to:	85	266.104(f)(3)					
determine baseline HC (and CO) level	85	266.104(f)(3)(i)					
demonstrate that HC (and CO) levels do not exceed baseline level when hazardous waste is burned	85	266.104(f)(3)(ii)					
identify types and concentrations of 261, Appendix VIII organic compounds that are emitted; conduct dispersion modeling; on-site ground level concentrations evaluated if person resides on-site	85,94	266.104(f)(3)(iii)					
		266.104(f)(3)(iii)(A)					
	85	266.104(f)(3)(iii)(B)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
demonstrate that maximum annual average ground level concentrations of 266.104(f)(3)(iii) compounds do not exceed specified levels	85	266.104(f)(3)(iv)					
		266.104(f)(3)(iv)(A)					
		266.104(f)(3)(iv)(B)					
		266.104(f)(3)(iv)(C)					
monitor and report all 266.104(f) hydrocarbon levels as 266.104(c)(1)&(2) specify	85	266.104(f)(4)					
cement kilns may comply with CO and HC limits under 266.104(b)-(d) by monitoring in the by-pass duct provided:	85	266.104(g)					
fire hazardous waste only into the kiln	85	266.104(g)(1)					
13 by-pass duct diverts minimum of 10% of kiln off-gas into duct	85,94	266.104(g)(2)					
simultaneous demonstration of 266.104 compliance by emissions testing or during separate runs under identical operating conditions; data to demonstrate compliance with CO and HC limits or to establish alternative limits must be obtained during DRE testing, CDD/CDF testing and comprehensive organic emissions testing	85	266.104(h)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
compliance with permit operating requirements regarded as compliance with 266.104; if such compliance is insufficient, modification or revocation and reissuance of permit under 270.41	85	266.104(i)					
<b>STANDARDS TO CONTROL PARTICULATE MATTER</b>							
particulate matter emissions limited to 180 milligrams per dry standard cubic meter after specified correction using Part 60, Appendix A, Methods 1-5 and 266, Appendix IX procedures	85	266.105(a)					
owner or operator meeting 266.109(b) requirements for low risk waste exemption is exempt from particulate matter standard	85	266.105(b)					
compliance with permit operating requirements regarded as compliance with 266.105; if such compliance is insufficient, modification or revocation and reissuance of permit under 270.41	85	266.105(c)					
<b>STANDARDS TO CONTROL METALS EMISSIONS</b>							
compliance with 266.106(b), (c), (d), (e), or (f) for each 266.106(b) metal that is detectable in waste using specified procedures	85,94	266.106(a)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Tier I feed rate screening limits for metals specified in 266, Appendix I as a function of terrain-adjusted effective stack height and terrain and land use in facility vicinity; criteria for ineligible facilities in 266.107(b)(7)	85	266.106(b)					
feed rates of antimony, barium, lead, mercury, thallium and silver in all feedstreams shall not exceed 266, Appendix I screening limits	85	266.106(b)(1)					
what feed rate screening limits for antimony, barium, mercury, thallium, and silver are based on	85	266.106(b)(1)(i)					
		266.106(b)(1)(i)(A)					
		266.106(b)(1)(i)(B)					
what feed rate screening limit for lead is based on	85	266.106(b)(1)(ii)					
		266.106(b)(1)(ii)(A)					
		266.106(b)(1)(ii)(B)					
		266.106(b)(1)(ii)(C)					
feed rates of arsenic, cadmium, beryllium and chromium in all feedstreams shall not exceed values derived from 266, Appendix I screening limits; feed rate limit equation	85,94	266.106(b)(2)(i)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
what feed rate screening limits for carcinogenic metals are based on	85	266.106(b)(2) (ii)					
		266.106(b)(2) (ii)(A)					
	85,94	266.106(b)(2) (ii)(B)					
equation for terrain- adjusted effective stack height (TESH)	85	266.106(b)(3)(i)					
stack height may not exceed 40 CFR 51.100(ii) good engineering practice	85	266.106(b)(3) (ii)					
if TESH for a particular facility is not listed in table in appendices, nearest lower TESH to be used; if TESH $\leq$ 4 meters, a value of 4 meters shall be used	85	266.106(b)(3) (iii)					
screening limits function of noncomplex or complex terrain; criteria; use U.S. Geological Survey 7.5-minute topographic maps	85	266.106(b)(4)					
screening limits function of urban or rural land use; determination using 266, Appendices IX or X	85,94	266.106(b)(5)					
facilities with multiple stacks must comply with screening limits for all units assuming all hazardous waste is fed into device with worst- case stack; worst-case stack equation, with lowest K value the worst- case stack	85,94	266.106(b)(6)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
criteria under which Tier III standards apply instead of Tier I and Tier II screening limits	85	266.106(b)(7)					
		266.106(b)(7)(i)					
		266.106(b)(7) (ii)					
		266.106(b)(7) (iii)					
		266.106(b)(7) (iv)					
		266.106(b)(7) (v)					
monitor feed rate of metals in each feedstream to ensure screening limits are not exceeded	85	266.106(b)(8)					
Tier II emission rate screening limits function of stack height and terrain and land use in facility vicinity; ineligible facilities comply with 266.106(b) (7) criteria	85	266.106(c)					
emission rates of antimony, barium, lead, mercury, thallium and silver shall not exceed 266, Appendix I screening limits	85	266.106(c)(1)					
emission rates of arsenic, cadmium, beryllium and chromium shall not exceed values derived from 266, Appendix I screening limits; emission rate equation	85,94	266.106(c)(2)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
emission rate limits implemented by limiting individual metal feed rates to trial burn or compliance test levels; averaging periods; monitoring of metals feed rate in each feedstream to ensure compliance with 266.102 or 266.103 limits	85	266.106(c)(3)					
266.106(b) definitions and limitations for specified terms also apply to 266.106(c) Tier II emission rate screening limits	85	266.106(c)(4)					
facilities with multiple stacks must comply with emissions screening limits for any such stacks assuming all hazardous waste is fed into device with worst-case stack	85	266.106(c)(5)(i)					
worst-case stack determined by 266.106(b) (6) procedures	85	266.106(c)(5)(ii)					
for each metal, total emissions from those stacks shall not exceed worst-case stack screening limit	85	266.106(c)(5)(iii)					
conformance with Tier III metals control demonstrated by emissions testing, air dispersion modeling and demonstration that acceptable ambient levels are not exceeded	85	266.106(d)(1)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
266, Appendices IV and V list acceptable ambient levels; RACs listed for noncarcinogenic metals and $10^{-5}$ RSDs listed for carcinogenic metals; RSD defined	85	266.106(d)(2)					
sum of the ratios of predicted ambient concentrations to risk-specific dose for all carcinogenic metals emitted shall not exceed 1.0; equation	85,94	266.106(d)(3)					
for noncarcinogenic metals, predicted maximum annual average off-site ground level concentration shall not exceed the RAC	85	266.106(d)(4)					
owners/operators with multiple stacks must conduct emissions testing and dispersion modeling to demonstrate that aggregate emissions do not exceed acceptable ambient levels	85	266.106(d)(5)					
under Tier III, feed rates limited to trial burn or compliance test levels; averaging periods same as under 266.106(b)(1)(i)-(ii) and (b)(2)(ii); monitor metals feed rate in each feedstream to ensure 266.102 or 266.103 compliance	85	266.106(d)(6)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Adjusted Tier I feed rate screening limits to account for site-specific dispersion modeling; how to estimate adjusted feed rate; feed rate screening limits for carcinogenic metals implemented under 266.106(b)(2)	85,94	266.106(e)					
alternative implementation approaches approved by Director on a case-by-case basis for Tier II or III metals emission limits	85	266.106(f)(1)					
determination of 266.106(d) emissions limits for each noncarcinogenic and carcinogenic metal		266.106(f)(2)					
	85	266.106(f)(2)(i)					
	85,94	266.106(f)(2)(ii)					
	85	266.106(f)(2)(ii)(A)					
	85,94	266.106(f)(2)(ii)(B)					
use 266, Appendix IX Multiple Metals Train to conduct emissions testing	85	266.106(g)(1)					
chromium emissions assumed to be hexavalent chromium unless owner/operator determines otherwise	85	266.106(g)(2)					
dispersion modeling conducted according to specified methods to predict maximum annual average off-site ground level concentration; on-site concentrations when person resides on-site	85	266.106(h)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
compliance with 266.102 permit operating requirements regarded as 266.106 compliance unless evidence indicates otherwise; modification or revocation and re-issuance of permit under 270.41	85	266.106(i)					
<b>STANDARDS TO CONTROL HYDROGEN CHLORIDE (HCl) AND CHLORINE GAS (Cl<sub>2</sub>) EMISSIONS</b>							
compliance with HCl and Cl <sub>2</sub> controls under 266.107(b) or (c)	85,94	266.107(a)					
Tier I feed rate screening limits for total chlorine specified in 266, Appendix II as a function of stack height and terrain and land use in facility vicinity; feed rate of total chlorine and chloride in all feedstreams not to exceed specified levels	85	266.107(b)(1)					
Tier II emission rate screening limits for HCl and Cl <sub>2</sub> specified in 266, Appendix III as a function of terrain-adjusted effective stack height and terrain and land use in facility vicinity; stack emission rates not to exceed specified levels	85,94	266.107(b)(2)					
266.106(b) definitions and limitations for specified terms also apply to 266.107(b) screening limits	85,94	266.107(b)(3)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
facilities with multiple stacks subject to HCl or Cl <sub>2</sub> emissions controls must comply with Tier I and II screening limits assuming all hazardous waste is fed into device with worst-case stack	85	266.107(b)(4)					
worst-case stack determined by 266.106(b)(6) procedures	85	266.107(b)(4)(i)					
under Tier I, total feed rate of chlorine and chloride to all subject devices not to exceed worst-case stack screening limit	85	266.107(b)(4)(ii)					
under Tier II, total HCl and Cl <sub>2</sub> emissions from all subject stacks not to exceed worst-case stack screening limit	85	266.107(b)(4)(iii)					
conformance with Tier III controls demonstrated by HCl and Cl <sub>2</sub> emissions testing, air dispersion modeling, and demonstration that acceptable ambient levels are not exceeded	85	266.107(c)(1)					
266, Appendix IV lists RACs for HCl and Cl <sub>2</sub>	85	266.107(c)(2)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
facilities with multiple stacks subject to HCl or Cl <sub>2</sub> emissions controls must conduct emissions testing and dispersion modeling to demonstrate that aggregate emissions do not exceed acceptable ambient levels for HCl and Cl <sub>2</sub>	85	266.107(c)(3)					
14 HCl and Cl <sub>2</sub> controls implemented by limiting feed rate of total chlorine and chloride in all feedstreams; feed rate under Tier I limited to Tier I screening limits; feed rate under Tiers II and III limited to trial burn or compliance test feed rates; feed rate limits based on:	85	266.107(d)					
		266.107(d)(1)					
	85,94	266.107(d)(2)					
adjusted Tier I feed rate screening limits to account for site-specific dispersion modeling; how to determine these adjusted rates	85	266.107(e)					
emissions testing for HCl and Cl <sub>2</sub> conducted using 266, Appendix IX procedures	85	266.107(f)					
dispersion modeling conducted according to 266.106(h) provisions	85	266.107(g)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
compliance with 266.102 permit operating requirements regarded as 266.107 compliance unless evidence indicates otherwise; modification or revocation and re-issuance of permit under 270.41	85	266.107(h)					
<b>SMALL QUANTITY ON-SITE BURNER EXEMPTION</b>							
owners and operators that burn hazardous waste in on-site boiler or industrial furnace exempt from 266 Subpart H requirements provided:	85,94	266.108(a)					
quantity of hazardous waste burned for a calendar month does not exceed limits shown in table titled "Exempt Quantities for Small Quantity Burner Exemption" based on 266.106(b)(3) terrain-adjusted effective stack height; table	85,94	266.108(a)(1)					
maximum hazardous waste firing rate does not exceed 1% of total fuel requirements on a total heat input or mass input basis, whichever results in the lower mass feed rate of hazardous waste	85,96	266.108(a)(2)					
minimum heating value of 5,000 Btu/lb	85	266.108(a)(3)					
does not contain F020-F023, F026 or F027	85	266.108(a)(4)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if mixed with non-hazardous waste, compliance with 266.108(a) quantity before mixing	85	266.108(b)					
equation for implementing 266.108(a)(1) quantity limits if burning in more than one exempt on-site boiler or industrial furnace	85,94	266.108(c)					
one-time signed, written notification requirements for small quantity burner exemption	85	266.108(d)					
		266.108(d)(1)					
		266.108(d)(2)					
		266.108(d)(3)					
maintain for at least 3 years sufficient records documenting quantity firing rate and heating value limits compliance, including quantity burned per calendar month and heating value	85	266.108(e)					
<b>LOW RISK WASTE EXEMPTION</b>							
waiver of 266.104(a) DRE standard if device is operated in conformance with 266.109(a)(1) and burning will not result in unacceptable adverse health effects as per 266.109(a)(2) procedures	85	266.109(a)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
operating requirements for device	85	266.109(a)(1)					
	85,94,96	266.109(a)(1)(i)					
	85	266.109(a)(1)(ii)					
		266.109(a)(1)(iii)					
		266.109(a)(1)(iv)					
procedures to demonstrate that hazardous waste burning will not pose unacceptable adverse public health effects	85	266.109(a)(2)					
		266.109(a)(2)(i)					
		266.109(a)(2)(ii)					
		266.109(a)(2)(iii)					
		266.109(a)(2)(iii)(A)					
		266.109(a)(2)(iii)(B)					
	85,94	266.109(a)(2)(iv)					
		266.109(a)(2)(iv)(A)					
	85	266.109(a)(2)(iv)(B)					
conditions under which the 266.105 particulate matter standard is waived	85	266.109(b)					
		266.109(b)(1)					
	85,94	266.109(b)(2)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
WAIVER OF DRE TRIAL BURN FOR BOILERS							
boilers operating under 266.110 requirements and that do not burn F020-F023, F026 or F027 considered in compliance with 266.104(a) DRE standard, and trial burn to demonstrate DRE is waived; when burning hazardous waste:	85	266.110					
"primary fuel" defined; minimum of 50% primary fuel firing rate, determined on total heat or mass input basis, whichever results in the greater mass feed rate	85,96	266.110(a)					
boiler load defined and not less than 40%	85	266.110(b)					
minimum as-fired heating value of 8,000 Btu/lb	85	266.110(c)					
conformance with 266.104(b)(1) carbon monoxide standard; boilers subject to 266.110 DRE waiver not eligible for 266.104(c) alternative carbon monoxide standard	85	266.110(d)					
boiler must be water-tube type that does not feed fuel using a stoker or stoker type mechanism	85	266.110(e)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
conditions under which hazardous waste shall be fired directly into primary fuel flame zone of combustion chamber with an air or steam, mechanical or rotary cup atomization system	85	266.110(f)					
		266.110(f)(1)					
		266.110(f)(2)					
	85,94	266.110(f)(3)					
	85	266.110(f)(4)					

**STANDARDS FOR DIRECT TRANSFER**

266.111 regulations apply to boilers and industrial furnaces subject to 266.102 or 266.103 if direct transfer of hazardous waste from transport vehicle to boiler or industrial furnace without use of storage unit	85	266.111(a)					
for 266.111, terms have meanings given in 266.111(b)(1)	85	266.111(b)(1) intro					
"direct transfer equipment"	85	266.111(b)(1)					
"container"	85	266.111(b)(1)					
"tank systems" means direct transfer equipment when Subparts I and J of Parts 264 and 265 are referenced	85	266.111(b)(2)					
no direct transfer of pumpable hazardous waste from open-top container to boiler or industrial furnace	85	266.111(c)(1)					
direct transfer equipment requirements	85	266.111(c)(2)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
direct transfer of hazardous waste to boiler or industrial furnace conducted so that it does not result in any 266.111(c)(3)(i)-(vi) situation	85	266.111(c)(3)					
		266.111(c)(3)(i)					
		266.111(c)(3)(ii)					
		266.111(c)(3) (iii)					
		266.111(c)(3) (iv)					
		266.111(c)(3) (v)					
		266.111(c)(3) (vi)					
conditions under which hazardous waste shall not be placed in direct transfer equipment	85	266.111(c)(4)					
appropriate controls and practices to prevent spills and overflows from direct transfer equipment or its secondary containment system	85	266.111(c)(5)					
		266.111(c)(5)(i)					
		266.111(c)(5)(ii)					
applying 266.111(b)(1) definition of container, owners and operators must comply with:	85	266.111(d)					
264.175 containment requirements	85	266.111(d)(1)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			BROADER IN SCOPE
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	
use and management requirements of Subpart I, Part 265 requirements, except 265.170 and 265.174; compliance with specified maintenance and protective distances in lieu of 265.176 requirements; written certification by local fire marshall to be kept on file	85,96	266.111(d)(2)					
264.178 closure requirements	85	266.111(d)(3)					
direct transfer equipment must meet following requirements:	85	266.111(e)					
secondary containment requirements for new and existing equipment	85	266.111(e)(1)					
		266.111(e)(1)(i)					
		266.111(e)(1)(ii)					
for existing direct transfer equipment without secondary containment, determination whether leaking or unfit for use; written assessment, reviewed and certified by qualified, registered professional engineer in accordance with 270.11(d) by August 21, 1992	85	266.111(e)(2)(i)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
minimum considerations for assessment	85	266.111(e)(2)(ii)					
		266.111(e)(2)(ii) (A)					
		266.111(e)(2)(ii) (B)					
		266.111(e)(2)(ii) (C)					
		266.111(e)(2)(ii) (D)					
		266.111(e)(2)(ii) (E)					
if, due to 266.111(e)(2) (i)&(ii) assessment, direct transfer equipment found to be leaking or unfit for use, compliance with 265.196(a) and (b)	85	266.111(e)(2) (iii)					
inspection requirements at least once each operating hour when transferring hazardous waste from container to boiler or industrial furnace	85	266.111(e)(3)(i)					
		266.111(e)(3)(i) (A)					
		266.111(e)(3)(i) (B)					
		266.111(e)(3)(i) (C)					
inspect cathodic protection systems to ensure 265.195(b) compliance	85	266.111(e)(3)(ii)					
records of inspections maintained in operating record for at least 3 years	85	266.111(e)(3) (iii)					
265.192 compliance for design and installation of new ancillary equipment	85	266.111(e)(4)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
265.196 compliance for response to leaks or spills	85	266.111(e)(5)					
265.197 closure compliance, except 265.197(c)(2)-(4)	85	266.111(e)(6)					
<b>15 REGULATION OF RESIDUES</b>							
residue derived from burning or processing of hazardous waste is not excluded under 261.4(b) (4), (7) or (8) unless device and owner or operator meet the following requirements:	85,94	266.112					
<b>16</b>  criteria the device must meet:	85	266.112(a)					
	85,96	266.112(a)(1)					
		266.112(a)(2)					
	85	266.112(a)(3)					
demonstration by owner or operator that hazardous waste does not significantly affect residue by demonstrating conformance with either of two criteria:	85	266.112(b)					
comparison of waste-derived residue with normal residue for 261, Appendix VIII constituents; procedures to be used	85	266.112(b)(1)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
determination of concentrations of toxic constituents of concern in normal residue based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation; determine compositing period not to exceed 24 hours; upper tolerance limit (at 95% confidence with a 95% proportion of the sample distribution) for the statistically-derived concentration; when to revise; how to determine the upper tolerance limit	85,96	266.112(b)(1)(i)					
16 sampling and analysis of waste-derived residue to determine whether residue generated during each 24-hour period has concentrations of toxic constituents higher than 266.112(b)(1)(i) normal residue concentrations; if so, residue not excluded from definition of hazardous waste; toxic constituent concentrations based on analysis of samples obtained over 24-hour period; for multiple samples, concentration of toxic constituent is arithmetic mean; no results may be disregarded	85,96	266.112(b)(1)(ii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			BROADER IN SCOPE
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	
concentration of nonmetal toxic constituents of concern in waste-derived residue must not exceed health-based limits specified in 266, Appendix VII; if no limit in Appendix VII, limit is 0.002 mg/kg or level of detection, whichever is higher	85	266.112(b)(2)(i)					
for metal constituents, in extract concentration obtained using 261.24 TCLP not to exceed 266, Appendix VII limits	85	266.112(b)(2)(ii)					
sampling and analysis of waste-derived residue to determine whether residue generated during each 24-hour period has concentrations of toxic constituents higher than health-based levels; determination of toxic concentrations based on analysis of one or more samples obtained over 24-hour period; for multiple samples, concentration of toxic constituent is arithmetic mean of concentrations in samples; no results may be disregarded	96	266.112(b)(2)(iii)					
records to document 266.112 compliance to be retained until closure of boiler or industrial furnace unit; information to be recorded	85,96	266.112(c)					
	85	266.112(c)(1)					
		266.112(c)(2)					
		266.112(c)(2)(i)					
		266.112(c)(2)(ii)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
APPENDIX I TO PART 266							
TIER I AND TIER II FEED RATE AND EMISSIONS SCREENING LIMITS FOR METALS							
Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain (see 56 FR 7728 and 56 FR 32690, or the July 1, 1992 CFR)	85,94	Appendix I/ Table I-A					
Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain (see 56 FR 7229)	85	Appendix I/ Table I-B					
Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Complex Terrain (see 56 FR 7729)	85	Appendix I/ Table I-C					
Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Noncomplex Terrain (see 56 FR 7230 and 56 FR 32690, or the July 1, 1992 CFR)	85,94	Appendix I/ Table I-D					
Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Complex Terrain (see 56 FR 7230 and 56 FR 32690, or the July 1, 1992 CFR)	85,94	Appendix I/ Table I-E					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

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

**APPENDIX II TO PART 266****TIER I FEED RATE LIMITS FOR TOTAL CHLORINE**

17 Tier I feed rate screening limits for chlorine for facilities in noncomplex and complex terrain (see 56 FR 32690-32691 or the July 1, 1992 CFR)	85,94	Appendix II					
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**APPENDIX III TO PART 266****TIER II EMISSION RATE SCREENING LIMITS FOR FREE CHLORINE AND HYDROGEN CHLORIDE**

17 Tier II emissions screening limits for Cl <sub>2</sub> and HCl in noncomplex and complex terrain (see 56 FR 32691 or the July 1, 1992 CFR)	85,94	Appendix III					
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**APPENDIX IV TO PART 266****REFERENCE AIR CONCENTRATIONS**

Constituents, CAS Nos. and RAC (see 56 FR 7232 and 56 FR 32691 or the July 1, 1992 CFR)	85,94	Appendix IV					
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**APPENDIX V TO PART 266****RISK SPECIFIC DOSES**

Constituents, CAS Nos., Unit risk and RsD (see 56 FR 7232-7233 or the July 1, 1992 CFR)	85	Appendix V					
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**APPENDIX VI TO PART 266****STACK PLUME RISE**

flow rates and exhaust temperatures (see 56 FR 7233-7234 or the July 1, 1992 CFR)	85	Appendix VI					
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**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

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

**APPENDIX VII TO PART 266****HEALTH-BASED LIMITS FOR EXCLUSION OF WASTE-DERIVED RESIDUES**

Metals--TCLP Extract Concentration Limits (56 <u>FR</u> 7234 and 56 <u>FR</u> 32691 or the July 1, 1992 CFR)	85,94	Appendix VII					
Nonmetals--Residue Concentration Limits (see 56 <u>FR</u> 7234 and 56 <u>FR</u> 32691 or the July 1, 1992 CFR)	85,94	Appendix VII					

**APPENDIX VIII TO PART 266****POTENTIAL PICs FOR DETERMINATION OF EXCLUSION OF WASTE-DERIVED RESIDUES**

PICs Found in Stack Effluents (see 56 <u>FR</u> 7235 and 56 <u>FR</u> 32691 or the July 1, 1992 CFR)	85,94	Appendix VIII					
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**APPENDIX IX TO PART 266****METHODS MANUAL FOR COMPLIANCE WITH BIF REGULATIONS**

18 Burning Hazardous Waste 19 in Boilers and Industrial Furnaces (see 56 <u>FR</u> 32692-32795 or the July 1, 1992 CFR)	85,94	Appendix IX					
18 Statistical Methodology 20 for Bevill Residue Determinations (see 56 <u>FR</u> 42516 & 42517)	85,94,96	Appendix IX/ Section 7.0					
18 Special procedures for chlorine, HCl and CL <sub>2</sub> (see 56 <u>FR</u> 32786-32787 and 56 <u>FR</u> 42512, Corrections 6 and 7 under Part 270; note these corrections should have been placed under Part 266)	85,94,96	Appendix IX/ Section 9.2					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
21 Statistics (see 56 FR 32796 or the July 1, 1992 CFR)	85,94	Appendix A to Appendix IX					

**21 APPENDIX X TO PART 266**

**GUIDELINE ON AIR QUALITY MODELS (REVISED)**

Guideline on Air Quality Models (see 56 FR 32796-32819 or the July 1, 1992 CFR)	85,94	Appendix X					
Summaries of Preferred Air Quality Models (see 56 FR 32819-32828 or the July 1, 1992 CFR)	85,94	Appendix A to Appendix X					
Summaries of Alternative Air Quality Models (see 56 FR 32828-32849) or the July 1, 1992 CFR	85,94	Appendix B to Appendix X					
Example Air Quality Analysis Checklist (see 56 FR 32849-32852 of the July 1, 1992 CFR)	85,94	Appendix C to Appendix X					

**APPENDIX XI TO PART 266**

**LEAD-BEARING MATERIALS THAT MAY BE PROCESSED IN EXEMPT LEAD SMELTERS**

add new appendix addressing lead-bearing materials that may be processed in exempt lead smelters, (see 56 FR 42517)	96	Appendix XI					
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**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

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

**APPENDIX XII TO PART 266**

**NICKEL- OR CHROMIUM-BEARING MATERIALS THAT MAY BE PROCESSED IN EXEMPT NICKEL-CHROMIUM RECOVERY FURNACES**

add new appendix addressing nickel or chromium-bearing materials that may be processed in exempt nickel-chromium recovery furnaces (see 56 FR 42517)	96	Appendix XII					
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**PART 270 - EPA ADMINISTERED PERMIT PROGRAMS:  
THE HAZARDOUS WASTE PERMIT PROGRAM**

**SUBPART B - PERMIT APPLICATION**

**22 SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE**

owners and operators subject to 266.104-266.107 must conduct a trial burn and must submit a trial burn plan or results in accordance with 270.66	85	270.22(a)(1)					
waiver of trial burn to demonstrate conformance with a particular emission standard under 266.104-266.107 and 270.22(a)(2)-(a)(5)	85	270.22(a)(1)(i)					
data in lieu of a trial burn as 270.22(a)(6) specifies	85	270.22(a)(1)(ii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
boiler owners and operators seeking to be permitted under 266.104(a)(4) and 266.110, must submit documentation showing boiler compliance with special operating requirements at 266.110; trial burn waived	85	270.22(a)(2)(i)					
information that must be submitted for boilers and industrial furnaces seeking to be permitted under the low risk waste provisions of 266.104(a)(5) and 266.109(a) without a trial burn	85	270.22(a)(2)(ii)					
		270.22(a)(2)(ii) (A)					
	85,94	270.22(a)(2)(ii) (B)					
		270.22(a)(2)(ii) (C)					
	85	270.22(a)(2)(ii) (D)					
		270.22(a)(2)(ii) (E)					
information that must be submitted when seeking to be permitted under Tier I metals feed rate screening limits at 266.106(b)&(e) without a trial burn	85	270.22(a)(3)					
		270.22(a)(3)(i)					
		270.22(a)(3)(ii)					
		270.22(a)(3)(iii)					
		270.22(a)(3)(iv)					
		270.22(a)(3)(v)					
		270.22(a)(3)(vi)					
		270.22(a)(3)(vii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
when seeking to be permitted under the low risk waste provisions of 266.109(b) which waives the particulate standard, submit documentation supporting 270.22(a)(2)(ii) and (a)(3) conformance	85	270.22(a)(4)					
information to be submitted when seeking to be permitted under Tier I feed rate screening limits for total chloride and chlorine under 266.107(b)(1) and (e) provisions without a trial burn	85	270.22(a)(5)					
		270.22(a)(5)(i)					
		270.22(a)(5)(ii)					
		270.22(a)(5)(iii)					
		270.22(a)(5)(iv)					
		270.22(a)(5)(v)					
	85,94	270.22(a)(5)(vi)					
	85,94	270.22(a)(5)(vii)					
owner or operator may seek exemption from trial burn requirements demonstrating 266.104-266.107 conformance, by providing information from previous compliance testing of the device or compliance testing or trial burns of similar boilers or industrial furnaces; burning similar wastes under similar conditions 270.66 design and operation information required; conditions under which Director shall approve a permit application in lieu of a trial burn; additional information to be submitted	85,94	270.22(a)(6)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for a waiver from any trial burn:	85	270.22(a)(6)(i)					
		270.22(a)(6)(i) (A)					
		270.22(a)(6)(i) (B)					
		270.22(a)(6)(i) (C)					
DRE trial burn, basis for selection of for a waiver of the POHCs used in other burns which demonstrate 266.104(a) compliance; analysis should specify 261,Appendix VIII constituents in hazardous waste for which a permit is sought and any differences from POHCs for which data are provided	85	270.22(a)(6)(ii)					
minimum information to be submitted for industrial furnaces with organic matter in raw materials requesting an alternative HC limit under 266.104(f)	85	270.22(b)					
	85,94	270.22(b)(1)					
	85	270.22(b)(2)					
		270.22(b)(3)					
		270.22(b)(4)					
		270.22(b)(4)(i)					
		270.22(b)(4)(ii)					
		270.22(b)(5)					
		270.22(b)(6)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
when seeking to be permitted under 266.106(f) alternative metals implementation approach, submit documentation that ensures 266.106(c) or (d) compliance and how approach can be implemented and monitored; provide other information as Director finds necessary	85	270.22(c)					
describe automatic waste feed cutoff system, including any pre-alarm systems	85	270.22(d)					
use of direct transfer operations requires submittal of information supporting 266.111 conformance	85	270.22(e)					
demonstration of 266.112 conformance if claim is made that residues are excluded from regulation	85	270.22(f)					

**SUBPART D - CHANGES TO PERMITS****23 PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE**

replace "270.21" with "270.22" and "and 270.63" with "270.63 and 270.66"	94	270.42(c)(1)(iv)					
paragraph heading is changed to "Newly regulated wastes and units"	85	270.42(g)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add wording at end of paragraph regarding the continued management of hazardous waste in units newly regulated as hazardous waste management units; change "wates" to "wastes"	85,94	270.42(g)(1)					
insert "The unit" before "was in existence"; add "or newly regulated waste management unit" after "characterized waste"; add "or regulating the unit" at end of paragraph; change "effetive" to "effective"	85,94	270.42(g)(1)(i)					
insert "The permittee" before "submits"; insert "or unit" after "waste"	85	270.42(g)(1)(ii)					
insert "The permittee" before "is"; insert "applicable" before "standards"; change "Part 265" to "Parts 265 and 266 of this chapter"	85	270.42(g)(1)(iii)					
delete "In the case of Classes 2 and 3 modifications,"; insert "The permittee" before "also"; replace "permit modification" with "Class 2 or 3 modification"; change "180 days after" to "180 days of"; add "or subjecting the unit to RCRA Subtitle C management standards" to end of paragraph	85,94	270.42(g)(1)(iv)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
24 insert "the permittee" before "certifies"; insert "each" before "such unit"; change "Part 265" to "requirements of Part 265 of this chapter for"; add ", or regulating the unit as a hazardous waste management unit" after "hazardous"; change "clarify" to "certify"; insert "all" before "these requirements"; change "shall lose" to "will lose"	85	270.42(g)(1)(v)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
change heading of "L." to "Incinerators, Boilers, and Industrial Furnaces"; in "L.1." & "L.2." replace "a waste feed rate limit, or an organic feed rate limit" with "a feed-stream feed rate limit, a chlorine/ chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit"; in "L.3." replace "HCL" with "HCL/CL <sub>2</sub> metals,"; in "L.3." & "L.4." insert ", boiler, or industrial furnace" after "incinera- tor"; in "L.5." replace "." after "requirements" with ":"; in "L.5.a." insert "or maximum" before "com- bustion gas temperature" & add "flue gas carbon monoxide and hydro- carbon concentration, maximum temperature at the inlet to the particulate matter emission control system, or operating parameters for the air pollution control system" after "chamber"; change "L.6." heading to "Burn- ing different wastes:"; in "L.6.a." change "incine- ration" to "burning"; in "L.6.a. & b." change all "to incinerate" to "to burn"; in "7.b." change "waste incineration" to "waste burning"; in "L.8." insert "non-hazardous waste before "fuel"	85,94	270.42/ Appendix I					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

SPA 13

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART F --SPECIAL FORMS OF PERMITS							
PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE							
new boilers and industrial furnaces subject to 270.66(b)-(f); those under interim status standards of 266.103 subject to 270.66(g)	85	270.66(a)					
permit for new boiler or industrial furnace shall specify appropriate conditions for the following operating periods:	85	270.66(b)					
pretrial burn period described; Director must establish in Pretrial Burn Period of permit conditions, allowable hazardous waste feed rates and operating conditions; extension of period for up to 720 additional hours; permit may be modified to reflect extension as per 270.42	85	270.66(b)(1)					
submittal of statement with Part B that suggests operating conditions for 266.104-266.107 compliance during period, including restrictions on 266.102(e) operating requirements	85	270.66(b)(1)(i)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
review of Part B materials and specification by Director of requirements sufficient to meet 266.104-266.107 performance standards based on engineering judgment	85	270.66(b)(1)(ii)					
for duration of trial burn, Director establishes conditions in permit to determine feasibility of compliance with 266.104-266.107 standards and to determine adequate 266.102(e) operating conditions; applicants must propose a trial burn plan as per 270.66(c) and submit with Part B	85	270.66(b)(2)					
for defined minimum period immediately following trial burn, during which submission and review of trial burn results and modification of permit by Director occurs, Director establishes operating requirements most likely to ensure compliance with 266.104-266.107 standards	85	270.66(b)(3)(i)					
submittal of statement with Part B that identifies operating conditions for 266.104-266.107 compliance during period, including restrictions on 266.102(e) operating requirements	85	270.66(b)(3)(ii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
review and specification by Director of requirements sufficient to meet 266.104-266.107 performance standards based on engineering judgment	85	270.66(b)(3)(iii)					
for final period of operation, Director develops operating requirements in conformance with 266.102(e) and 266.104- 266.107 standards; Director shall make necessary modifications to permit as per 270.42 based on trial burn results to ensure compliance	85,94	270.66(b)(4)					
information the trial burn plan must include; Director may require supplemental information	85	270.66(c)					
analysis of each feedstream, as fired	85	270.66(c)(1)					
		270.66(c)(1)(i)					
		270.66(c)(1)(ii)					
analysis of each hazardous waste, as fired	85	270.66(c)(2)					
	85,94	270.66(c)(2)(i)					
		270.66(c)(2)(ii)					
	85	270.66(c)(2)(iii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
detailed engineering description of boiler or industrial furnace	85	270.66(c)(3)					
		270.66(c)(3)(i)					
		270.66(c)(3)(ii)					
		270.66(c)(3)(iii)					
		270.66(c)(3)(iv)					
		270.66(c)(3)(v)					
	85,94	270.66(c)(3)(vi)					
		270.66(c)(3)(vii)					
	85	270.66(c)(3)(viii)					
detailed description of sampling and monitoring procedures	85	270.66(c)(4)					
detailed test schedule for each hazardous waste for which the trial burn is planned	85	270.66(c)(5)					
detailed test protocol	85	270.66(c)(6)					
description of, and planned operating conditions for, any emission control equipment to be used	85	270.66(c)(7)					
procedures for rapid stopping of hazardous waste feed and emissions control if an equipment malfunction	85	270.66(c)(8)					
other information Director finds necessary	85	270.66(c)(9)					
trial burn conducted to demonstrate conformance with 266.104-266.107 standards under an approved trial burn plan	85	270.66(d)(1)					



**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
findings under which the Director shall approve a trial burn plan	85	270.66(d)(2)					
		270.66(d)(2)(i)					
		270.66(d)(2)(ii)					
		270.66(d)(2)(iii)					
		270.66(d)(2)(iv)					
submit to Director within 90 days of trial burn completion a certification that trial burn was carried out in accordance with approved plan and results of all 270.66(c) required determinations	85	270.66(d)(3)					
submit all data collected during any trial burn	85	270.66(d)(4)					
270.66(d) submissions must be certified by signature of person authorized to sign permit application or 270.11 report	85	270.66(d)(5)					
for DRE trial burn under 266.104(a), Director will specify trial POHCs; basis for specification	85	270.66(e)					
determinations to be made based on each trial burn:	85	270.66(f)					
quantitative analysis of specified materials in the feedstreams	85	270.66(f)(1)					
determinations needed when a DRE trial burn is required under 266.104(a)	85	270.66(f)(2)					
		270.66(f)(2)(i)					
		270.66(f)(2)(ii)					
		270.66(f)(2)(iii)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
quantitative analysis of stack gas and a computation showing conformance with the emission standard when a trial burn is required for chlorinated dioxins and furans under 266.104(e)	85,94	270.66(f)(3)					
quantitative analysis of stack gas and computations showing conformance with applicable emission standards when a trial burn is required for particulate matter, metals, or HCl/Cl <sub>2</sub> under 266.105, 266.106(c) or (d), or 266.107(b)(2) or (c)	85	270.66(f)(4)					
quantitative analysis of scrubber water, ash residues, other residues and products to estimate fate of trial POHCs, metals, and chlorine/chloride when a trial burn is required for DRE, metals or HCl/Cl <sub>2</sub> under 266.104(a), 266.106(c) or (d), or 266.107(b)(2) or (c)	85	270.66(f)(5)					
identification of sources of fugitive emissions and their means of control	85	270.66(f)(6)					
continuous measurement of CO, oxygen, and HC in stack gas	85	270.66(f)(7)					
such other information as Director specifies	85,94	270.66(f)(8)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
to determine feasibility of compliance with 266.104-266.107 performance standards and adequate operating conditions under 266.103, applicants of existing devices operated under interim status must either prepare and submit a trial burn plan and perform a trial burn or submit 270.22(a)(6) information; submit trial burn results with Part B application if plan approved before Part B submission; date for submission; requirements if submitting trial burn plan with Part B application	85	270.66(g)					

**SUBPART G - INTERIM STATUS****CHANGES DURING INTERIM STATUS**

add new paragraph regarding the addition of newly regulated units if a revised Part A permit application is submitted on or before the date the unit becomes subject to the new requirements	85	270.72(a)(6)					
add new paragraph regarding the addition of newly regulated units under 270.72(a)(6)	85	270.72(b)(7)					

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

**SPA 13**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			BROADER IN SCOPE
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	
TERMINATION OF INTERIM STATUS							
insert "which has achieved interim status prior to November 8, 1984, interim status terminates" before "on November 8, 1989"	85,94	270.73(f)					
insert "which has achieved interim status prior to November 8, 1984, interim status terminates" before "on November 8, 1992"	85,94	270.73(g)					

- <sup>1</sup> Revision Checklist 85 (February 21, 1991; 56 FR 7134) redesignated the old paragraph (d)(2) as (d)(3) and introduced a new paragraph (d)(2) into the code. Revision Checklist 94 (July 17, 1991; 56 FR 32688) made technical corrections to the February 21, 1991 amendatory language for 261.2 and incorrectly redesignated paragraph (d)(3) as (d)(4) and paragraph (d)(4) as (d)(5). The Federal code, as of February 21, 1991, did not include 261.2(d)(3) or 261.2(d)(4). The technical correction addressed by Revision Checklist 96 (August 27, 1991; 56 FR 42504) fixed this error.
- <sup>2</sup> The Federal Register addressed by Revision Checklist 94 designated this paragraph as "261.3(c)(2)(ii)(8)." This is a typographical error; the correct paragraph designation is "261.3(c)(2)(ii)(B)." This error was ultimately corrected by Revision Checklist 96.
- <sup>3</sup> Note that Revision Checklist 85 made revisions to paragraphs 265.112(d)(2), 265.112(d)(2)(i), 265.112(d)(2)(ii), 265.113(a) and 265.113(b). However, the technical correction addressed by Revision Checklist 96 reversed the revisions made by Revision Checklist 85 and retained the July 1990 CFR language. Thus, States should not make any changes to paragraphs 265.112(d)(2), 265.113(a) or 265.113(b).
- <sup>4</sup> Note that there is a typographical error in the Federal Register addressed by Revision Checklist 94 (56 FR 32692; July 17, 1991). The "\$266.4" in the heading should be "\$266.40." This error was corrected by Revision Checklist 96 at 56 FR 42512 (August 27, 1991).
- <sup>5</sup> This paragraph was entered into the code by Revision Checklist 85 and was modified by Revision Checklist 96. Subsequently, Revision Checklist 98 issued an administrative stay of the BIF rule as it applies to coke ovens burning certain hazardous wastes from the coke by-products recovery process. This administrative stay was removed by Revision Checklist 105 (57 FR 27880; June 22, 1992). Note also that Revision Checklist 98 incorrectly changed the reference "266.100(b), (c), (d) and (f)" to "266.100(b), (c) and (d)." It should read

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**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

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- 266.100(b), (c), (d) and (f). This error was corrected by Revision Checklist 111 at 57 FR 38564 (August 25, 1992).
- 6 Note that there is a typographical error in the August 27, 1991 Federal Register (Revision Checklist 96; 56 FR 42504). The reference to "261.111" should be "266.111." Revision Checklist 111 (57 FR 38558; August 25, 1992) fixes this error.
  - 7 Note that the Federal Register addressed by Revision Checklist 85 designated this paragraph as "266.102(d)(4)(D)." This is a typographical error; the correct designation is "266.102(d)(4)(iv)." See technical correction at 56 FR 32688 (July 17, 1991; Revision Checklist 94).
  - 8 There seems to be an error in the Federal Register addressed by Revision Checklist 85. Federal code refers to "particulate matter standard in § 266.111(b)," but 266.111(b) addresses definitions of "direct transfer equipment" and "container," not particulate matter standards. It appears that the Federal code should likely reference 266.105(a) as it does contain a particulate matter standard.
  - 9 Note that in the February 21, 1991 rule addressed by Revision Checklist 85, the subparagraph designation was not italicized. This is a typographical error. The August 27, 1991 (56 FR 42504; Revision Checklist 96) technical correction fixes this error.
  - 10 Note that the August 27, 1991 Federal Register, which addressed the technical correction for this citation, has a typographical error; the reference to "266.102(e)(4)(iii)(c)(1) and (2)" in this citation should be "266.102(e)(4)(iii)(C)(1) and (2)."
  - 11 Note that in the Federal Register for Revision Checklist 85, the subparagraph designation was not italicized. This is a typographical error. The 56 FR 32688 (July 17, 1991; Revision Checklist 94) technical correction fixes this error.
  - 12 Note that the July 1, 1992 CFR inadvertently omitted the text to 266.103(c)(1)(i)-(xiii) and 266.103(c)(3)(ii)-(iii)(C) from the Federal code. States should incorporate these paragraphs, as found in the Federal Register addressed by Revision Checklist 85 (56 FR 7134; February 21, 1991), and amended by Revision Checklist 94 (56 FR 32688; July 17, 1991).
  - 13 In the Federal Register addressed by Revision Checklist 85, the designation for this subparagraph is 266.104(g)2. This is a typographical error; the correct designation is 266.104(g)(2). See the technical correction at 56 FR 32689 (July 17, 1991; Revision Checklist 94).
  - 14 In the Federal Register addressed by Revision Checklist 85, the designations for these subparagraphs are 266.107(d)(i) and 266.107(d)(ii) (see 56 FR 7225). These are typographical errors. The subparagraphs should be designated 266.107(d)(1) and 266.107(d)(2). See technical corrections at 56 FR 32690 (July 17, 1991; Revision Checklist 94).
  - 15 In the Federal Register addressed by Revision Checklist 85, the section designation for regulation of residues is 266.122 (see 56 FR 7227). This is a typographical error and the

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

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section should be designated 266.112. Revision Checklist 94 corrects this error at 56 FR 32688 (July 17, 1991).

- 16 Note that Revision Checklist 96 replaced the old paragraph introduced into the code by Revision Checklist 85.
- 17 Note that Revision Checklist 94 replaced the old Table introduced into the code by Revision Checklist 85.
- 18 Note that Revision Checklist 85 simply makes an announcement concerning the publishing of the Appendix at a future time. The Appendix was actually entered into the code by Revision Checklist 94 and then sections 7.0 and 9.2 were modified by Revision Checklist 96.
- 19 Note that there are several errors in the Federal Register addressed by Revision Checklist 94 (56 FR 32688; July 17, 1991) and the July 1, 1991 CFR for this Appendix.
  - In the titles for Appendix IX/Section 5.0/Tables 5.0-4 and 5.0-5, the " $\mu\text{G}/\text{m}^3$ " that appears in the July 17, 1991 Federal Register and the " $8\text{G}/\text{m}^3$ " in the 1991 CFR should read " $\mu\text{g}/\text{m}^3$ ." The July 17, 1991 errors were ultimately corrected by Revision Checklist 114 (57 FR 44999; September 30, 1992).
  - In Appendix IX/Section 6.1, footnote 1, "EPA-450/2-78-027" should be "EPA-450/2-78-027R" and in the third paragraph "Auer 3978" should be "Auer 1978." This error was corrected by Revision Checklist 111 (57 FR 38558; August 25, 1992).
  - In Appendix IX/Section 5.0/Table 5.0-3, footnote 1, "EPA-450/2-78-027" should be "EPA-450/2-78-027R." This error was corrected by Revision Checklist 111 (57 FR 38558; August 25, 1992).
  - In the titles of Appendix IX/Section 5.0/Tables 5.0-4 and 5.0-5, "ISCT PREDICATED" should be "ISCST PREDICTED." This error was corrected by Revision Checklist 111 (57 FR 38558; August 25, 1992).
- 20 Note that Revision Checklist 96 replaced the old section 7.0 introduced into the code by Revision Checklist 94.
- 21 Note that Revision Checklist 85 simply makes an announcement concerning the publishing of the Appendix at a future date. The Appendix was actually entered into the code by Revision Checklist 94.
- 22 Note that this is the same section of code which contained the specific Part B information requirements for the Wood Preserving listing (55 FR 50450). Thus, the Part B boilers/ industrial furnace requirements were added so that the Part B information requirements for drip pads were inadvertently removed by the rule addressed by Revision Checklist 85 (56 FR 7134; February 21, 1991). On July 1, 1991 (56 FR 30192; Revision Checklist 92) a technical correction was published moving the wood preserving requirements to 270.26.
- 23 States only need to make changes if they have adopted, or plan to adopt, the provisions

**CONSOLIDATED CHECKLIST: Burning of Hazardous Waste in  
Boilers and Industrial Furnaces (cont'd)**

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addressed by Revision Checklist 54 (53 FR 37912), because 270.42 is not required by 271.14 to be part of a State's permitting program.

- <sup>24</sup> The paragraph following 270.42(g)(1)(v) in Federal code, i.e., 270.42(g)(2), is included in the Federal Register for Revision Checklist 85 (56 FR 7237, February 21, 1991). However, no changes were made to the paragraph by the February 21, 1991 rule, so it has not been included in this consolidated checklist.

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**CONSOLIDATED CHECKLIST**  
for the  
**Wood Preserving Listings**  
as of June 30, 1992

Note: 1) This checklist consolidates the changes to the Federal code addressed by the following Wood Preserving Listings checklists:

- Revision Checklist 82 [55 FR 50450 (December 6, 1990)];
- Revision Checklist 91 [56 FR 27332 (June 13, 1991)];
- Revision Checklist 92 [56 FR 30192 (July 1, 1991)]; and
- Revision Checklist 101 [57 FR 5859 (February 18, 1992)].

2) This consolidated 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.

3) Note that double lines are used on the checklists to indicate the beginning and ending of optional provisions with subparagraphs or requirements that must all be adopted if the optional provision is adopted.

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL							
SUBPART B - DEFINITIONS							
DEFINITIONS							
add "drip pad" in alphabetical order	82	260.10					



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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

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

## PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

## SUBPART A - GENERAL

## 1 EXCLUSIONS

## † Spent Wood Preserving Solutions and Wastewaters

add new paragraph which excludes as a solid waste spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose	82,92	261.4(a)(9)(i)					
add new paragraph which excludes as a solid waste wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood	92	261.4(a)(9)(ii)					

## 2 HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

add the waste codes "F032", "F034" and "F035" in alphanumeric order to list as shown below; include parenthetical note concerning administrative stay	82,191	261.31(a)					
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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Industry and EPA hazardous waste No.			Hazardous waste				Hazard code
F032			Wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with § 261.35 of this chapter 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. (NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. The listing for plants that have previously used chlorophenolic formulations is administratively stayed whenever these wastes are covered by the F034 or F035 listings. These stays will remain in effect until further administrative action is taken.)				(T)
F034			Wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. The stay will remain in effect until further administrative action is taken.)				(T)
F035			Wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. The stay will remain in effect until further administrative action is taken.)				(T)

## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
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	82	261.35(a)					
generators must either clean or replace all specified process equipment that may have come into contact with chlorophenolic formulations or constituents	82,92	261.35(b)					
generators shall do one of the following:	82,92	261.35(b)(1)					
prepare and follow an equipment cleaning plan; clean equipment in accordance with 261.35	92	261.35(b)(1)(i)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
prepare and follow an equipment replacement plan; replace equipment in accordance with 261.35	92	261.35(b)(1)(ii)					
document cleaning and replacement in accordance with 261.35, carried out after termination of use of chlorophenolic preservations	92	261.35(b)(1)(iii)					
cleaning requirements	82,92	261.35(b)(2)					
prepare and sign a written equipment cleaning plan that describes:	92	261.35(b)(2)(i)					
equipment to be cleaned	92	261.35(b)(2)(i)(A)					
how equipment will be cleaned	92	261.35(b)(2)(i)(B)					
solvent to be used in cleaning	92	261.35(b)(2)(i)(C)					
how solvent rinses will be tested	92	261.35(b)(2)(i)(D)					
how cleaning residues will be disposed	92	261.35(b)(2)(i)(E)					
equipment must be cleaned as follows:	92	261.35(b)(2)(ii)					
remove all visible residues from process equipment	92	261.35(b)(2)(ii)(A)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
rinse with appropriate solvent until no dioxin or dibenzofuran detection in final solvent rinse	92	261.35(b)(2)(ii)(B)					
analytical requirements	92	261.35(b)(2)(iii)					
test rinses as per SW-846, Method 8290	92	261.35(b)(2)(iii)(A)					
"not detected" defined	92	261.35(b)(2)(iii)(B)					
generator manages cleaning process residues as F032 waste	92	261.35(b)(2)(iv)					
replacement requirements	82,92	261.35(b)(3)					
prepare and sign written equipment replacement plan that describes:	92	261.35(b)(3)(i)					
equipment to be replaced	92	261.35(b)(3)(i)(A)					
how equipment will be replaced	92	261.35(b)(3)(i)(B)					
how equipment will be disposed	92	261.35(b)(3)(i)(C)					
generator must manage discarded equipment as F032 waste	92	261.35(b)(3)(ii)					
documentation requirements	92	261.35(b)(4)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
document previous equipment cleaning and/or replacement performed in accordance with 261.35 and occurred after cessation of chlorophenolic preservative use	92	261.35(b)(4)(i)					
documentation that must be maintained as part of the facility's operating record	82	261.35(c)					
name and address of the facility	82	261.35(c)(1)					
formulations previously used and the date on which their use ceased in each process at the plant	82	261.35(c)(2)					
formulations currently used in each process at the plant	82	261.35(c)(3)					
equipment cleaning or replacement plan	82	261.35(c)(4)					
name and address of any persons who conducted the cleaning and replacement	82	261.35(c)(5)					
dates on which cleaning and replacement were accomplished	82	261.35(c)(6)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
dates of sampling and testing	82	261.35(c)(7)					
description of sample handling and preparation techniques	82	261.35(c)(8)					
description of the tests performed, the date, and the results of the tests	82	261.35(c)(9)					
name and model numbers of the instrument(s) used in performing the tests	82	261.35(c)(10)					
QA/QC documentation	82	261.35(c)(11)					
signed certification statement	82	261.35(c)(12)					

## APPENDIX III TO PART 261

## CHEMICAL ANALYSIS TEST METHODS

add the compound, "Benzo(k) fluoranthene", in alphabetical order, to Table 1	82	Table 1, Appendix III					
--	----	--------------------------	--	--	--	--	--

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

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

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

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

## APPENDIX VII TO PART 261

## BASIS FOR LISTING HAZARDOUS WASTE

add "F032", "F034", and "F035" to list in alphanumeric order as shown below:	82	Appendix VII					
---	----	--------------	--	--	--	--	--

EPA hazardous waste No.	Hazardous constituents for which listed
F032	Benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)-anthracene, indeno(1,2,3-cd)pyrene, pentachlorophenol, arsenic, chromium, tetra-, penta-, hexa-, heptachlorodibenzo-p-dioxins, tetra-, penta-, hexa-, heptachlorodibenzofurans.
F034	Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphthalene, arsenic, chromium.
F035	Arsenic, chromium, lead.

## APPENDIX VIII TO PART 261

## HAZARDOUS CONSTITUENTS

add the specified hazardous constituents in alphabetical order as shown below:	82	Appendix VIII					
--	----	---------------	--	--	--	--	--

Common Name	Chemical abstracts name	Chemical abstracts No.	Hazardous waste No.
Benzo(k)fluoranthene	Same	207-08-9	.....
Heptachlorodibenzofurans	.....	.....	.....
Heptachlorodibenzo-p-dioxins	.....	.....	.....



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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

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

## PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

## SUBPART C - PRE-TRANSPORT REQUIREMENTS

## 4 ACCUMULATION TIME

5 the waste is placed:	92	262.34(a)(1)					
in containers and generator complies with Subpart I of Part 265; and/or	92	262.34(a)(1)(i)					
in tanks and generator complies with Subpart J of Part 265, except 265.197(c) and 265.200; and/or	92	262.34(a)(1)(ii)					
6 on drip pads and generator complies with Subpart W of Part 265 and maintains following records:	†82,92	262.34(a)(1)(iii)					
6 description of procedures to ensure all wastes are removed from drip pad and associated collection system at least once every 90 days	†82,92	262.34(a)(1)(iii) (A)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
6 documentation of each waste removal, including quantity, date and time of removal; generator exempt from Subparts G and H of Part 265, except 265.111 and 265.114	†82,92	262.34(a)(1)(iii) (B)					
6 date each period of accumulation begins is marked and visible	82,92	262.34(a)(2)					

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

**SUBPART J - TANK SYSTEMS**

**APPLICABILITY**

add reference to paragraph (c)	82	264.190					
add new paragraph subjecting tanks, sumps and other collection devices used in conjunction with Subpart W-regulated drip pads to Part 264, Subpart J requirements	82	264.190(c)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

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

7

## SUBPART W - DRIP PADS

## APPLICABILITY

Subpart W applies to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water run-on to an associated collection system; existing drip pads defined	82,92	264.570(a)					
owner or operator of certain drip pads inside or under a structure not subject to 264.573(e) or 264.573(f) regulations, as appropriate	82,92	264.570(b)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
ASSESSMENT OF EXISTING DRIP PAD INTEGRITY							
evaluation of existing drip pads; by June 6, 1991, written assessment obtained and kept on file; annual review, update and recertification required until 264.573 standards are met, except 264.573(b) standards for liners and leak detection systems; documentation of drip pad age	82,92	264.571(a)					
development of written plan for upgrading, repairing and modifying drip pad to meet 264.573(b) requirements; submittal of plan to Regional Administrator no later than 2 years before completion of modifications; written plan documentation, review and certification requirements; conditions for completion of upgrades, repairs and modifications	82,92	264.571(b)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for existing 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	82	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	82	264.571(b)(2)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
9 conditions under which owner or operator may petition Regional Administrator for extension of deadline; petition granted if drip pad meets all 264.573 requirements, except those for liners and leak detection systems specified in 264.573(b)	82,92	264.571(b)(3)					
submittal of required drawings and certification to Regional Administrator or State Director upon completion of all upgrades, repairs, and modifications	82,92	264.571(c)					
if drip pad found to be leaking or unfit for use, compliance with 264.573(m) provisions or close drip pad in accordance with 264.575	82,92	264.571(d)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
10 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 264.573, 264.574 and 264.575 requirements	82,92	264.572					
10 DESIGN AND OPERATING REQUIREMENTS							
drip pads must:	82,92	264.573(a)					
be constructed of non-earthen materials, excluding wood and non-structurally supported asphalt	82,92	264.573(a)(1)					
be sloped for free-drainage to the associated collection system	82,92	264.573(a)(2)					
have a curb or berm around the perimeter	82,92	264.573(a)(3)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
11 be impermeable as specified; add note stating that the 264.573(a)(4) requirements for new drip pads are administratively stayed until further action is taken; add note addressing administrative stay until October 30, 1992, for the coating, sealer, or cover requirements for existing drip pads	82,†91, 92,†101	264.573(a)(4)					
12 be of sufficient structural strength and thickness to meet specified conditions	82,92	264.573(a)(5)					
a new drip pad or an existing drip pad, after the deadline established in §264.571(b) of this subpart, must have:	82,92	264.573(b)					
a synthetic liner that meets certain design, construction and installation specifications	82,92	264.573(b)(1)					
specific requirements for liner construction materials	82,92	264.573(b)(1)(i)					
foundation or base requirements	82,92	264.573(b)(1)(ii)					



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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
liner must cover all surrounding earth that could come into contact with the waste or leakage	82,92	264.573(b)(1)(iii)					
leakage detection system immediately above the liner; detection system must be:	82,92	264.573(b)(2)					
constructed of materials that are:	82,92	264.573(b)(2)(i)					
chemically resistant to relevant waste and leakage	82,92	264.573(b)(2)(i) (A)					
of sufficient strength and thickness to prevent collapse	82,92	264.573(b)(2)(i) (B)					
designed and operated to function without clogging through the scheduled closure of the drip pad; and	82,92	264.573(b)(2)(ii)					
designed to detect drip pad failure or the release of hazardous waste or accumulated liquid at the earliest practicable time	82,92	264.573(b)(2)(iii)					
maintenance of drip pads; note regarding remedial action	82,92	264.573(c)					

## SPA 13

## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off	82,92	264.573(d)					
run-on control system requirements	82,92	264.573(e)					
run-off management system requirements, unless system is protected by a structure, as described in 264.570(b)	82,92	264.573(f)					
evaluation of drip pad for compliance with 264.573(a)-(f) requirements; design certification required	82,92	264.573(g)					
removal of drippage and accumulated precipitation from associated collection system as necessary to prevent overflow onto the drip pad	82,92	264.573(h)					
thorough cleaning of drip pad surface at least once every seven days to meet specified conditions; documentation of date, time and cleaning procedure in facility's operating log	82,92	264.573(i)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
minimize tracking of hazardous waste or constituents off the drip pad	82,92	264.573(j)					
after removal from treatment vessel, treated wood from pressure and non-pressure processes must be held on pad until drippage has ceased; documentation required	82,92	264.573(k)					
collection and holding units for run-on and run-off control systems emptied or otherwise managed as soon as possible after storms to maintain design capacity	82,92	264.573(l)					
throughout the active life of the drip pad and as specified in the permit, repair of detected condition that may have caused or has caused a release of hazardous waste within a reasonable period of time, in accordance with the following procedures:	82,92	264.573(m)					

## SPA 13

## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
upon detection of a condition that may have caused or has caused a release of hazardous waste, the owner must:	82,92	264.573(m)(1)					
enter discovery in the facility operating log	82,92	264.573(m)(1)(i)					
immediately remove from service affected portion of drip pad	82,92	264.573(m)(1)(ii)					
determine steps to repair drip pad and clean up any leakage; establish schedule for repairs	82,92	264.573(m)(1)(iii)					
notify Regional Administrator within 24 hours after discovery; provide written notice as specified within 10 working days	82,92	264.573(m)(1)(iv)					
review, determination and notification by Regional Administrator	82,92	264.573(m)(2)					
13 written notification to Regional Administrator and certification of compliance with 264.573(m)(1)(iv) after repairs and clean up	82,92	264.573(m)(3)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
should a permit be necessary, Regional Administrator will specify in the permit all design and operating practices necessary to ensure that 264.573 requirements are met	82,92	264.573(n)					
documentation in operating log, as specified, of past operating and waste handling practices	82,92	264.573(o)					

## 10 INSPECTIONS

inspection of liners and cover systems for uniformity, damage and imperfections during construction or installation; inspection and certification of liners to meet 264.573 requirements; maintenance of certification as part of the facility operating record; inspection of liners and covers after installation	82,92	264.574(a)					
drip pad must be inspected weekly and after storms to detect evidence of any of the following:	82,92	264.574(b)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
deterioration, malfunctions or improper operation of run-on and run-off control systems	82,92	264.574(b)(1)					
presence of leakage in and proper functioning of leak detection system	82,92	264.574(b)(2)					
deterioration or cracking of drip pad surface; note regarding remedial action	82,92	264.574(b)(3)					

## 10 CLOSURE

at closure, removal and decontamination requirements; management as hazardous waste	82,92	264.575(a)					
conditions under which owner or operator must close facility and perform post-closure care in accordance with 264.310 requirements; for permitted units, permit requirement continues throughout post-closure period; drip pad is considered a landfill and must meet Subparts G and H requirements of Part 264	82,92	264.575(b)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
owner or operator of an existing drip pad that does not comply with the 264.573(b) (1) liner requirements must:	82,92	264.575(c)(1)					
include in closure plans for drip pad under 264.112, a plan for 264.575(a) compliance and a contingent plan for 264.575(b) compliance	82,92	264.575(c)(1)(i)					
prepare a contingent post-closure plan under 264.118 for complying with 264.575(b) in case not all contaminated subsoils can be practicably removed at closure	82,92	264.575(c)(1)(ii)					
cost estimates calculated under 264.112 and 264.144 for closure and post-closure care of drip pad subject to 264.575(c) must include the cost of complying with the contingent closure plan and the contingent post-closure plan; cost of expected closure under 264.575(a) need not be included	82,92	264.575(c)(2)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

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

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

**SUBPART J - TANK SYSTEMS**

**APPLICABILITY**

add reference to paragraph (c)	82	265.190					
add new paragraph subjecting tanks, sumps and other collection devices used in conjunction with Subpart W-regulated drip pads to Part 265, Subpart J requirements	82	265.190(c)					

**SUBPART W - DRIP PADS**

**APPLICABILITY**

Subpart W applies to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water run-on to an associated collection system; existing drip pads defined	82,92	265.440(a)					
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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
owner or operator of certain drip pads inside or under a structure not subject to 265.443(e) or 265.443(f) regulations, as appropriate	82	265.440(b)					

## 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	82	265.441(a)					
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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
development of written plan for upgrading, repairing and modifying drip pad to meet 265.443(b) requirements; submittal of plan to Regional Administrator no later than 2 years before completion of modifications; written plan documentation, review and certification requirements; conditions for completion of upgrades, repairs and modifications	82	265.441(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	82	265.441(b)(1)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for existing 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	82	265.441(b)(2)					
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)	82	265.441(b)(3)					
submittal of required drawings and certification to Regional Administrator or State Director upon completion of all repairs and modifications	82	265.441(c)					

## SPA 13

## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if drip pad found to be leaking or unfit for use, comply with 265.443(m) provisions or close drip pad in accordance with 265.445	82	265.441(d)					
<b>DESIGN AND INSTALLATION OF NEW DRIP PADS</b>							
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	82	265.442					
<b>DESIGN AND OPERATING REQUIREMENTS</b>							
drip pads must:	82	265.443(a)					
be constructed of non-earthen materials, excluding wood and non-structurally supported asphalt	82	265.443(a)(1)					
be sloped to free-drain wastes to the associated collection system	82	265.443(a)(2)					
have a curb or berm around the perimeter	82	265.443(a)(3)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
be impermeable as specified; add a note stating that the 265.443(a)(4) requirements for new drip pads are administratively stayed until further administrative action is taken; add note addressing administrative stay until October 30, 1992, for the coating, sealer, or cover requirements for existing drip pads	82,†91, †101	265.443(a)(4)					
be of sufficient structural strength and thickness to meet specified conditions; note regarding structural integrity standards	82	265.443(a)(5)					
a new drip pad or an existing drip pad, after the 265.441(b) deadline, must have:	82	265.443(b)					
a synthetic liner that meets certain specifications	82	265.443(b)(1)					
specific requirements for liner construction materials	82	265.443(b)(1)(i)					
foundation or base requirements	82	265.443(b)(1)(ii)					

## SPA 13

## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
liner must cover all surrounding earth that could come into contact with the waste or leakage	82	265.443(b)(1)(iii)					
leakage detection system immediately above the liner; detection system must be:	82	265.443(b)(2)					
constructed of materials that are:	82	265.443(b)(2)(i)					
chemically resistant to relevant waste and leakage	82	265.443(b)(2)(i) (A)					
of sufficient strength and thickness to prevent collapse	82	265.443(b)(2)(i) (B)					
14 add a new paragraph regarding design and operation to function without clogging through scheduled drip pad closure	92	265.443(b)(2)(ii)					
14 designed to detect the failure of the drip pad or the presence of hazardous waste release or accumulated liquid at the earliest practicable time	82,92	265.443(b)(2)(iii)					
maintenance of drip pads; note regarding remedial action	82	265.443(c)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off	82	265.443(d)					
run-on control system requirements, unless drip pad is protected by a structure, as described in 265.440(b)	82	265.443(e)					
run-off management system requirements, unless drip pad is protected by a structure, as described in 265.440(b)	82	265.443(f)					
evaluation of drip pad for compliance with 265.443(a)-(f) requirements; design certification required	82	265.443(g)					
removal of drippage and accumulated precipitation from associated collection system as necessary to prevent overflow onto the drip pad	82	265.443(h)					

## SPA 13

## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
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	82	265.443(i)					
minimize tracking of hazardous waste or constituents off the drip pad	82	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	82	265.443(k)					
collection and holding units for run-on and run-off control systems emptied or otherwise managed as soon as possible after storms to maintain design capacity	82	265.443(l)					



**SPA 13****CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
throughout the active life of the drip pad and as specified in the permit, repair of detected condition that may have caused or has caused a release of hazardous waste within a reasonable period of time, in accordance with the following procedures:	82,92	265.443(m)					
upon detection of a condition that may have caused or has caused a release of hazardous waste, the owner must:	82,92	265.443(m)(1)					
entry of discovery in the facility operating log	82	265.443(m)(1)(i)					
immediate removal from service of affected portion of drip pad	82	265.443(m)(1)(ii)					
determination of steps to repair drip pad, remove any leakage, and establish schedule for clean up and repairs	82	265.443(m)(1)(iii)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
notify Regional Administrator within 24 hours after discovery; provide written notice as specified within 10 working days	82	265.443(m)(1)(iv)					
review, determination and notification by Regional Administrator	82	265.443(m)(2)					
15 written notification to Regional Administrator and certification of compliance with 265.443(m)(1)(iv) after repairs and clean up	82,92	265.443(m)(3)					
documentation in operating log, as specified, of past operating and waste handling practices	82	265.443(n)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
INSPECTIONS							
inspection of liners and cover systems for uniformity, damage and imperfections during construction or installation; inspection and certification of liners to meet 265.443 requirements; maintenance of certification as part of the facility operating record; inspection of liners and covers after installation	82	265.444(a)					
drip pad must be inspected weekly and after storms to detect evidence of any of the following:	82	265.444(b)					
deterioration, malfunctions or improper operation of run-on and run-off control systems	82	265.444(b)(1)					
presence of leakage in and proper functioning of leak detection system	82	265.444(b)(2)					
deterioration or cracking of drip pad surface; note regarding remedial action	82	265.444(b)(3)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
CLOSURE							
at closure, removal and decontamination requirements; management as hazardous waste	82	265.445(a)					
closure and post-closure care of drip pad as a landfill under 265.310, if some contaminated subsoils cannot be removed or decontaminated; for permitted units, permit requirement continues throughout post-closure period	82	265.445(b)					
owner or operator of an existing drip pad not in compliance with the 265.443(b) (1) liner requirements must:	82	265.445(c)(1)					
include in the closure plan for the drip pad under 265.112, a plan for 265.445(a) compliance and a contingent plan for 265.445(b) compliance	82	265.445(c)(1)(i)					

**SPA 13****CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
prepare contingent post-closure plan under 265.118 for complying with 265.445(b) in case not all contaminated subsoils can be practicably removed at closure	82	265.445(c)(1)(ii)					
cost estimates calculated under 265.112 and 265.144 for closure and post-closure care of drip pad subject to 265.445(c) must include cost of complying with contingent closure plan and contingent post-closure plan; cost of expected closure under 265.445(a) need not be included	82	265.445(c)(2)					

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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

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

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

**SUBPART B - PERMIT APPLICATION**

**16 SPECIAL PART B INFORMATION REQUIREMENTS FOR DRIP PADS**

additional information to be provided by owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads, except as otherwise provided by 264.1	82	270.26					
list of hazardous wastes placed or to be placed on each drip pad	82	270.26(a)					
detailed plans and an engineering report describing how 264.90(b)(2) will be met, if an exemption is sought to Subpart F of Part 264	82	270.26(b)					
detailed plans and an engineering report describing the design, construction, operation and maintenance of drip pad to meet 264.573 requirements; submission must address 264.571 items	82,92	270.26(c)					

## SPA 13

## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
design characteristics of the drip pad	82	270.26(c)(1)					
liner system	82	270.26(c)(2)					
leakage detection system	82	270.26(c)(3)					
practices designed to maintain drip pads	82	270.26(c)(4)					
associated collection system	82	270.26(c)(5)					
control of run-on to the drip pad	82	270.26(c)(6)					
control of run-off from the drip pad	82	270.26(c)(7)					
removal intervals and demonstration of sufficiency to prevent overflow	82	270.26(c)(8)					
procedures for cleaning drip pad at least once every seven days; provisions for documentation of date, time and cleaning procedure	82	270.26(c)(9)					
operating practices and procedures to minimize tracking of hazardous waste or waste constituents off the drip pad	82	270.26(c)(10)					

## SPA 13

## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
procedures for ensuring that treated wood from pressure and non-pressure processes is held on the drip pad until drippage has ceased; recordkeeping practices	82	270.26(c)(11)					
provisions for ensuring that collection and holding units for run-on and run-off control systems are emptied or managed as soon as possible after storms to maintain design capacity	82	270.26(c)(12)					
if treatment is carried out on the drip pad, details of process equipment used, and the nature and quality of residuals	82	270.26(c)(13)					
description of drip pad inspections to meet 264.573 requirements; include in 270.14(b)(5) inspection plan	82,92	270.26(c)(14)					
certification that drip pad design meets 264.573(a)-(f) requirements	82,92	270.26(c)(15)					



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## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
description of removal procedures at closure under 264.575(a); for waste not removed at closure, submittal of detailed plan and engineering report to describe compliance with 264.310(a) and (b); information should be included in closure plan and, where applicable, 270.14(b)(13) post-closure plan	82,92	270.26(c)(16)					

- <sup>1</sup> 261.4(a)(9)(i) was originally 261.4(a)(9) on Revision Checklist 82. Revision Checklist 92 redesignated it as 261.4(a)(9)(i) and added a new paragraph designated as 261.4(a)(9)(ii).
- <sup>2</sup> Note the Federal Register 56 FR 27732 (June 13, 1991; Revision Checklist 91) incorrectly refers to 261.31 rather than to 261.31(a) as the place where the list of hazardous wastes from non-specific sources can be found. Revision Checklist 81 redesignated 261.31 as 261.31(a) and added 261.31(b).
- <sup>3</sup> Revision Checklist 82 originally introduced §261.35 into the code. Revision Checklist 92 made extensive formatting and word changes to 261.35(b).
- <sup>4</sup> Note Revision Checklist 82 redesignated 262.34(a)(2)-(4) as 262.34(a)(3)-(5). Revision Checklist 92 changed these paragraphs back to their original numbering, i.e., 262.34(a)(2)-(4). Because these two changes cancelled each other out, they were not directly addressed by this checklist.
- <sup>5</sup> The technical correction for §264.34 in the Federal Register 56 FR 30192 (July 1, 1991), contains the text of the introductory paragraph, 264.34(a). Since no revisions were made to this paragraph, it has not been included in this consolidated checklist. Also, as this technical correction made extensive changes to this section of the code, the Federal requirement summarizes the requirement rather than the changes.

## CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)

- 6 An error in the July 1, 1991 CFR makes it appear that there are two paragraphs designated as 262.34(a)(2) (see the editorial note in the CFR). Revision Checklist 82 originally inserted the first 262.34(a)(2), 262.34(a)(2)(i), 262.34(a)(2)(ii) and redesignated the old 262.34(a)(2)-(4) as 262.34(a)(3)-(5). However, Revision Checklist 92 redesignated 262.34(a)(3) as 262.34(a)(2), effectively removing the first 262.34(a)(2) and incorporating these requirements into 262.34(a)(1) at 262.34(a)(1)(iii) and (iii)(A)&(B). It was not the Agency's intent to include these requirements both at 262.34(a)(1)(iii)(A)&(B) and at 262.34(a)(2) as is indicated in the July 1, 1991 CFR. The first 262.34(a)(2) in that CFR should not be in the code. Revision Checklist 92 also redesignated 262.34(a)(3)-(5) as 262.34(a)(2)-(4), i.e., returned these subparagraphs to their original numbering prior to the redesignation by Revision Checklist 82.
- 7 The entire text of Subpart W of Part 264 was printed in the Federal Register (56 FR 30192) for Revision Checklist 92. This was done to demonstrate the numeration of each citation following the redesignation of sections to correspond with Subpart W, Part 265. Numerous paragraphs within the redesignated sections had no revisions made to them; paragraphs in this consolidated checklist, where Revision Checklist 92 is indicated in the checklist reference column, reflect revisions to wording, internal references, or numbering that were addressed in Revision Checklist 92.
- 8 Note that a typographical error occurs in the text of 264.571(b) in the Federal Register 56 FR 30196 (July 1, 1991; Revision Checklist 92); "in sufficient detail" should not be changed to "insufficient detail."
- 9 Note that a typographical error occurs in the text of 264.571(b)(3) in the Federal Register 56 FR 30196 (July 1, 1991; Revision Checklist 92); "leak detection systems" should not be changed to "lead detection systems."
- 10 Revision Checklist 92 redesignated the original 264.575 (as introduced by Revision Checklist 82) as 264.572. Subsequently, the original 264.572, 264.573 and 264.574 were redesignated as 264.573, 264.574 and 264.575, respectively, by Revision Checklist 92.
- 11 This paragraph was originally 264.572(a)(4) in Revision Checklist 82. Revision Checklist 91 added a note on administrative stay with no ending date for new drip pads at 264.572(a)(4). However, 264.572(a)(4) was redesignated as 264.573(a)(4) by Revision Checklist 92. Because of this redesignation, the Revision Checklist 91 administrative stay was incorrectly omitted in the July 1, 1991 and July 1, 1992 CFRs. Note that Revision Checklist 101 added a second note addressing an administrative stay for existing drip pads at wood preserving plants until October 31, 1992.
- 12 Note that a typographical error occurs in the text of 264.573(a)(5) in the Federal Register 56 FR 30196 (July 1, 1991; Revision Checklist 92); "daily perations" should be "daily operations" as introduced into the code by Revision Checklist 82 (55 FR 50450; December 6, 1990).

**CONSOLIDATED CHECKLIST: Wood Preserving Listings (cont'd)**

- 13 Note that paragraph 264.573(m)(3) was originally 564.572(m)(3) in the Federal Register 55 FR 50450 (December 6, 1990; Revision Checklist 82). This paragraph had an incorrect reference; "paragraph (m)(3) of this section" should be "paragraph (m)(1)(iv) of this section." This error was addressed by the July 1, 1991 technical corrections to the rule (56 FR 30192; Revision Checklist 92).
- 14 Revision Checklist 92 added a new paragraph to the code and designated it as 264.443(b)(2)(ii). The original 264.443(b)(2)(ii) (as introduced by Revision Checklist 82) was subsequently redesignated as 264.443(b)(2)(iii) by Revision Checklist 92.
- 15 Note that 265.443(m)(3) in the Federal Register 55 FR 50450 (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 was addressed by the July 1, 1990 technical corrections to the rule (56 FR 30192; Revision Checklist 92).
- 16 Note that the "Special Part B Information Required for Drip Pads" was originally at 270.22 as introduced into the code by Revision Checklist 82. The Boilers and Industrial Furnaces rule (56 FR 7134; February 21, 1991; Revision Checklist 85) inadvertently removed section 270.22 from the code. The July 1, 1991 (56 FR 30192; Revision Checklist 92) Wood Preserving technical corrections notice rectified this problem by redesignating that section, as introduced by Revision Checklist 82, as 270.26.

**CONSOLIDATED CHECKLIST**  
for the  
Toxicity Characteristics Revisions as of June 30, 1992

Note: 1) This checklist consolidates the changes to the Federal code addressed by the Toxicity Characteristic (TC) Rule [55 FR 11798; March 29, 1990; Revision Checklist 74] and subsequent revisions which have occurred through June 30, 1992, as follows:

- Revision Checklist 74 [55 FR 11748 (March 29, 1990), 55 FR 26986 (June 29, 1990)];
- Revision Checklist 80 [55 FR 40834 (October 5, 1990), 56 FR 3978 (February 1, 1991), 56 FR 13406 (April 2, 1991)]; and
- Revision Checklist 84 [56 FR 5910 (February 13, 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 was in effect until January 25, 1993, the incorporation by States of this extension is optional.

3) States are strongly encouraged to adopt the Permit Modifications Rule (53 FR 37912; September 28, 1988; Revision Checklist 54) and the "Christmas Tree Rule" (54 FR 9596; March 7, 1989; Revision Checklist 61) to ease implementation of the Toxicity Characteristic Rule and future waste listings. While both of these rules are optional, they will greatly reduce the immediate permit burden resulting from the TC Rule.

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**CONSOLIDATED CHECKLIST : Consolidated Checklist for the  
Toxicity Characteristics Revisions as of June 30, 1992 (cont'd)**

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

**PART 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)					
1 add new paragraph regarding petroleum- contaminated media and debris that fail the 261.24 Toxicity Characteristic test (D018 through D043 only) and are subject to Part 280 corrective action	74	261.4(b)(10)					

**CONSOLIDATED CHECKLIST : Consolidated Checklist for the  
Toxicity Characteristics Revisions as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Extension for Specified Hydrocarbon Recovery Operations							
add new paragraph; until January 25, 1993, exclusion for injected groundwater exhibiting the 261.24 Toxicity Characteristic that is infiltrated or reinjectd 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)					

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**CONSOLIDATED CHECKLIST : Consolidated Checklist for the  
Toxicity Characteristics Revisions as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
3 copy of written agreement has been submitted to the Characteristics Section, U.S. Environmental Protection Agency	80	261.4(b)(11)(ii)					
t,4 add new paragraph; used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, provided the refrigerant is reclaimed for further use	84	261.4(b)(12)					

**PCB WASTES REGULATED UNDER TOXIC SUBSTANCE CONTROL ACT**

exemption for PCB-containing wastes, already regulated under Part 761 (TSCA), that fail the 261.24 Toxicity Characteristic test (D018 through D043 only)	74	261.8					
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**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)					
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SPA 13

**CONSOLIDATED CHECKLIST : Consolidated Checklist for the  
Toxicity Characteristics Revisions as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
1 remove "EP" before "toxicity"; add D018 through D043 to Table 1; as per technical correction, change the word "hydroxide" in the contaminant for D031 to "epoxide"; add new column with CAS numbers	74	261.24(b)					



**CONSOLIDATED CHECKLIST : Consolidated Checklist for the  
Toxicity Characteristics Revisions as of June 30, 1992 (cont'd)**

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

**TABLE 1. - MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE  
TOXICITY CHARACTERISTIC**

EPA HW No. <sup>1</sup>	Contaminant	CAS No. <sup>2</sup>	Regulatory Level (mg/L)
D004	Arsenic .....	7440-38-2	5.0
D005	Barium .....	7440-39-3	100.0
D018	Benzene .....	71-43-2	0.5
D006	Cadmium .....	7440-43-9	1.0
D019	Carbon tetrachloride .....	56-23-5	0.5
D020	Chlordane .....	57-74-9	0.03
D021	Chlorobenzene .....	108-90-7	100.0
D022	Chloroform .....	67-66-3	6.0
D007	Chromium .....	7440-47-3	5.0
D023	o-Cresol .....	95-48-7	<sup>4</sup> 200.0
D024	m-Cresol .....	108-39-4	<sup>4</sup> 200.0
D025	p-Cresol .....	106-44-5	<sup>4</sup> 200.0
D026	Cresol .....	--	<sup>4</sup> 200.0
D016	2,4-D .....	94-75-7	10.0
D027	1,4-Dichlo.-benzene .....	106-46-7	7.5
D028	1,2-Dichloroethane .....	107-06-2	0.5
D029	1,1-Dichloroethylene .....	75-35-4	0.7
D030	2,4-Dinitrotoluene .....	121-14-2	<sup>3</sup> 0.13
D012	Endrin .....	72-20-8	0.02
D031	Heptachlor (and its epoxide) .	76-44-8	0.008
D032	Hexachlorobenzene .....	118-74-1	<sup>3</sup> 0.13
D033	Hexachlorobutadiene .....	87-68-3	0.5
D034	Hexachloroethane .....	67-72-1	3.0
D008	Lead .....	7439-92-1	5.0
D013	Lindane .....	58-89-9	0.4
D009	Mercury .....	7439-97-6	0.2
D014	Methoxychlor .....	72-43-5	10.0
D035	Methyl ethyl ketone .....	78-93-3	200.0
D036	Nitrobenzene .....	98-95-3	2.0
D037	Pentachlorophenol .....	87-86-5	100.0
D038	Pyridine .....	110-86-1	<sup>3</sup> 5.0
D010	Selenium .....	7782-49-2	1.0
D011	Silver .....	7440-22-4	5.0
D039	Tetrachloroethylene .....	127-18-4	0.7
D015	Toxaphene .....	8001-35-2	0.5
D040	Trichloroethylene .....	79-01-6	0.5
D041	2,4,5-Trichlorophenol .....	95-95-4	400.0
D042	2,4,6-Trichlorophenol .....	88-06-2	2.0
D017	2,4,5-TP (Silvex) .....	93-72-1	1.0
D043	Vinyl chloride .....	75-01-4	0.2

<sup>1</sup> Hazardous waste number.

<sup>2</sup> Chemical abstracts service number.

<sup>3</sup> Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

<sup>4</sup> 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.

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**CONSOLIDATED CHECKLIST : Consolidated Checklist for the  
Toxicity Characteristics Revisions as of June 30, 1992 (cont'd)**

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

**SUBPART D - LISTS OF HAZARDOUS WASTES**

**GENERAL**

replace "EP Toxic Waste" in the hazard codes and in the text following the hazard codes with "Toxicity Characteristic Waste"	74	261.30(b)					
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**APPENDIX II TO PART 261**

**METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)**

5 EP toxicity test procedures are replaced by Method 1311 Toxicity Characteristic Leaching Procedures (TCLP)	74	Appendix II					
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**PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS  
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

**SUBPART N - LANDFILLS**

**DESIGN AND OPERATING REQUIREMENTS**

replace "EP toxicity characteristics" with "Toxicity Characteristic"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	74	264.301(e)(1)					
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**CONSOLIDATED CHECKLIST : Consolidated Checklist for the  
Toxicity Characteristics Revisions as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES							
SUBPART K - SURFACE IMPOUNDMENTS							
DESIGN REQUIREMENTS							
replace "EP toxicity characteristics" with "Toxicity Characteristic"; insert "with EPA Hazardous Waste Numbers D004 through D017" after "chapter"	74	265.221(d)(1)					
SUBPART M - LAND TREATMENT							
WASTE ANALYSIS							
replace "exceed" with "equal or exceed"; replace "EP toxicity characteristic" with "Toxicity Characteristic"	74	265.273(a)					
PART 268 - LAND DISPOSAL RESTRICTIONS							
APPENDIX I TO PART 268							
TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)							
replace Appendix with note stating the TCLP is located in Appendix II of Part 261	74	Appendix I					

<sup>1</sup> Also see technical corrections to the rule at 55 FR 26986 (June 29, 1990).

<sup>2</sup> 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).

<sup>3</sup> A copy of the agreement should be sent to EPA's Characteristics Section; thus, this reference

**CONSOLIDATED CHECKLIST : Consolidated Checklist for the  
Toxicity Characteristics Revisions as of June 30, 1992 (cont'd)**

should remain in a State's code. A copy of the written agreement may also be sent to the State, if the State chooses to include this requirement.

- 4 The final rule (56 FR 5910, February 13, 1991) which introduced this paragraph into the Federal code is considered "narrower in scope" because it narrows the wastes which are regulated, by excluding from regulation certain chlorofluorocarbon refrigerants as specified at 261.4(b)(12).
- 5 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.
- 6 As background, the TCLP was originally promulgated in 268, Appendix I, on November 7, 1986 (51 FR 40572; Revision Checklist 34) for use in the Land Disposal Restrictions (LDR) program to determine whether certain wastes require treatment prior to land disposal and to determine whether certain treated wastes meet the applicable treatment standards. The TC rule and its June 29, 1990 modification promulgated a revised TCLP at 261, Appendix II, with modifications based on the Agency's own research and public comment. This TCLP is to be used in both the TC and the LDR programs. The objective of the above footnoted revision to 268, Appendix I, is to assure that the TCLP entered into the code by the November 7, 1986 notice (51 FR 40572; Revision Checklist 34) is removed and replaced by the TCLP entered into the code and amended by the final rules (55 FR 11798 and 55 FR 26986) addressed by Revision Checklist 74. The actual placement of the TCLP within a State's code is not that important, per se; what is important is that a State's code contains only the Revision Checklist 74 TCLP. States that have not yet adopted Revision Checklist 34 (the first of the LDR restrictions) need not make this particular revision to 268, Appendix I, as they would not yet have entered the original Part 268 TCLP into their code. Also, the change on page 7 of this checklist for 261, Appendix II, assures that they add the Revision Checklist 74 TCLP to their code. However, such States must be careful when adding the LDR restrictions to their code, i.e., the Revision Checklist 34 TCLP should not be added at that time--rather, the Revision Checklist 74 TCLP should remain the only TCLP in their code. States using the Consolidated LDR Checklist should be sure to read the relevant footnote on that checklist regarding this issue.

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**CONSOLIDATED CHECKLIST**  
for  
**Bevill Exclusion for Mining Wastes as of June 30, 1992**

1) This checklist consolidates the changes to the Federal code addressed by the Bevill exclusion for mining wastes and subsequent revisions that have occurred through June 30, 1992 by the following checklists:

- Revision Checklist 53 (53 FR 35412; September 13, 1988)
- Revision Checklist 65 (54 FR 36952; September 1, 1989)
- Revision Checklist 71 (55 FR 2322; January 23, 1990)
- Revision Checklist 90 (56 FR 27300, June 13, 1991).

The "Checklist Reference" column indicates which of these checklists have affected each listed citation.

2) Note that in the Federal Register notice addressed by Revision Checklist 90, a series of appendices follows the change made to 40 CFR 261.4(b)(7). These appendices were not included in this consolidated checklist because they will not appear in the Code of Federal Regulations and because the subjects of these appendices are the Public Comments on EPA's Report to Congress and the Notice of Data Availability.

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOG OUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL							
SUBPART B - DEFINITIONS							
DEFINITIONS							
revise "designated facility"	71	260.10					

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## CONSOLIDATED CHECKLIST: Bevill Exclusion for Mining Wastes (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOG OUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTES							
SUBPART A - GENERAL							
DEFINITION OF HAZARDOUS WASTE							
add exception for mixture of a 261.4(b)(7) waste and a solid waste exhibiting a Subpart C characteristic unless resultant mixture meets certain characteristic conditions; mixture is hazardous relative to the EP toxicity characteristic	65	261.3(a)(2)(i)					
add "of this part" after "Subpart D"; add language excepting mixtures of hazardous waste and solid waste excluded under 261.4(b)(7) and the mixture no longer exhibits hazardous characteristics for which the hazardous waste was listed in Subpart D	65	261.3(a)(2)(iii)					
EXCLUSIONS							
define beneficiation; for purpose of 261.4(b)(7), solid waste from the processing of ores includes:	53,65,71, 90	261.4(b)(7)					

SPA 13

## CONSOLIDATED CHECKLIST: Bevill Exclusion for Mining Wastes (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOG OUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
4  							

## SUBPART D - LISTS OF HAZARDOUS WASTES

## HAZARDOUS WASTES FROM SPECIFIC SOURCES

add, after entries for "iron and steel" and before entries for "Secondary lead," the following:	53	261.32					
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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOG OUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>Industry and EPA hazardous waste</b>							
<b>No.</b>	<b>Hazardous waste</b>						<b>Hazard code</b>
.	.	.	.	.	.	.	.
<b>Primary aluminium:</b>							
<b>K088</b>	<b>Spent potliners from primary aluminum reduction</b>						<b>(T)</b>
.	.	.	.	.	.	.	.

add the following in the appropriate numerical sequence:	53	Appendix VII						
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EPA hazardous waste No.	Hazardous constituents for which listed
K088	Cyanide (complexes).

add new paragraph setting requirements when shipping hazardous waste to a designated facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous	71	262.23(e)					
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## CONSOLIDATED CHECKLIST: Bevill Exclusion for Mining Wastes (cont'd)

- <sup>1</sup> Note that this definition in the Federal Register (55 FR 2353, January 23, 1990) and in the July 1, 1990, 1991 and 1992 CFRs contains a typographical error. The reference to 260.20 should be 262.20.
- <sup>2</sup> Note that on March 29, 1990 (55 FR 11798; Revision Checklist 74), EPA promulgated the Toxicity Characteristic (TC) Rule which replaced the EP Toxicity Characteristic with the Toxicity Characteristic Leaching Procedure. However, the March 29, 1990 rule and subsequent revisions to the TC Rule failed to correct the reference to the EP Toxicity characteristic at 261.3(a)(2)(i). This error has been corrected by the June 1, 1992 interim final rule (56 FR 23062). Thus, States which have adopted the TC Rule must replace the reference to the EP Toxicity characteristic with a reference to the Toxicity Characteristic.
- <sup>3</sup> Note that the BIF Rule as addressed by Revision Checklist 85 (56 FR 7134; February 21, 1991) amended this paragraph by exempting facilities that burn or process hazardous waste, as provided by 266.112, from the exclusion. States which have adopted the Revision Checklist 85 provisions must also adopt the changes addressed by that checklist for this paragraph.
- <sup>4</sup> The list of excluded wastes from the processing of ores and minerals, currently represented by 261.4(b)(7)(i)-(xx) as per Revision Checklist 71, has undergone extensive formatting changes over time. Revision Checklist 53 addressed a fairly short list of wastes numbered 261.4(b)(7)(i)-(vi). Revision Checklist 65 made significant changes in that 261.4(b)(7)(i)(A)-(E) represented five wastes retained under the exclusion, and 261.4(b)(7)(ii)(A)-(T) represented twenty wastes conditionally retained under the exclusion. Citations numbered (b)(7)(iii)-(vi) were omitted at that point in time. Finally, Revision Checklist 71 resulted in a list of 20 wastes retained under the exclusion, numbered 261.4(b)(7)(i)-(xx). Therefore, the references to Checklists 53 and 65 in the "Checklist reference" column are relevant only insofar as the numbering format on the Federal RCRA citations are concerned, as opposed to the text of the citations. Many of the wastes addressed by Revision Checklist 65 under paragraphs (i) and (ii) are addressed in paragraphs (i)-(xx) in Revision Checklist 71.

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**CONSOLIDATED CHECKLIST**  
for the  
Land Disposal Restrictions as of June 30, 1992

Note: 1) This checklist consolidates the changes to Federal code addressed by the following Land Disposal Restrictions (LDR) checklists:

- Revision Checklist 34 [51 FR 40572 (November 7, 1986), 52 FR 21010 (June 4, 1987)];
- Revision Checklist 39 [52 FR 25760 (July 8, 1987), 52 FR 41295 (October 27, 1987)];
- Revision Checklist 50 [53 FR 31138 (August 17, 1988), 54 FR 8264 (February 27, 1989)];
- Revision Checklist 62 [54 FR 18836 (May 2, 1989)];
- Revision Checklist 63 [54 FR 26594 (June 23, 1989)];
- Revision Checklist 66 [54 FR 36967 (September 6, 1989), 55 FR 23935 (June 13, 1990)];
- Revision Checklist 78 [55 FR 22520 (June 1, 1990)];
- Revision Checklist 83 [56 FR 3864 (January 31, 1991)];
- Revision Checklist 95 [56 FR 41164 (August 19, 1991)];
- Revision Checklist 102 [57 FR 8086 (March 6, 1992)];
- Revision Checklist 103 [57 FR 20766 (May 15, 1992)];
- Revision Checklist 106 [57 FR 28628 (June 26, 1992)];

The LDR "Checklist Reference" column indicates which of these checklists have affected each listed citation. Subsequent to promulgation of the first LDR rule (i.e., the rule addressed by Revision Checklist 34), checklists other than the LDR checklists have also affected certain sections of code addressed by the LDR checklists. The effects of these subsequent checklists are indicated in footnotes. Of special note are 270.42(o)&(p) and 270.72(e). In both cases, subsequent checklists either removed or redesignated these sections of code. The section numbering found in the associated LDR final rule for these paragraphs is used, rather than the new numbering found in the subsequent checklists.

An exception to the footnoting procedure is the effect which the Toxicity Characteristics Rule had on the TCLP procedure. Because the new TCLP procedure is integral to the Third Third Rule requirements (see Note 6 below), this change made by Revision Checklist 74, a non-LDR checklist, is noted in the LDR checklist reference column. An explanatory footnote is also included.

2) The following Part 268 sections are not delegable to States because of the national concerns which must be examined when decisions are made relative to them: 268.5 (case-by-case effective date extensions); 268.42(b) (application for alternate treatment method); and 268.44 (variance from a treatment standard). "No migration" petitions under 268.6 will be handled by EPA, even though States may be authorized to grant such petitions in the future. States have the authority to grant such petitions under RCRA Section 3006 because such decisions do not require a national perspective, as is the case for decisions under 268.5, 268.42(b) or 268.44. However, EPA has had few opportunities to implement the land disposal restrictions and expects to gain valuable experience and information from reviewing "no-migration" petitions.

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

3) In the past, the nondelegable sections/paragraphs of the LDR regulations have been omitted from the LDR checklists because States could not assume the authority for them. However, this procedure has led to confusion among the States on how to handle the sections/paragraphs in their code. For this reason, the Agency has decided to include these nondelegable sections on the LDR checklists. To differentiate these sections from the delegable portions of the LDR restrictions, asterisks precede (a single row) and follow (a double row) each nondelegable section. If States have already filled out a version of this Consolidated Land Disposal Restriction Checklist which does not include the nondelegable sections, they need not fill out a revised version containing these sections. This change in format was made only to improve clarity.

The Agency suggests that States incorporate the nondelegable portions of the LDR regulations into their regulations because this incorporation aids the regulated community in knowing that the extensions, exemptions and variances addressed by the nondelegable sections of code are available to them. It is essential, however, that States leave the terms "Administrator", "Federal Register" and "Agency" unchanged, i.e., States may not substitute analogous State terms for these Federal terms. Similarly, States incorporating by reference must be careful to exclude these sections from blanket substitutions of State terms for Federal terms. For a more complete discussion of issues surrounding nondelegable sections, see Appendix J of the State Authorization Manual (SAM).

4) Note that while 268.40 is delegable to States, "Administrator" in the following phrase "approved by the Administrator under the procedures set forth in 268.42(b)" should not be replaced in 268.40(b) with an analogous State term because it is referring to decisions under 268.42(b). Such decisions will be made by the EPA Administrator.

5) States do not need to adopt requirements equivalent to 40 CFR 268.10, 268.11, 268.12 and 268.13 because these sections of code contain the schedule by which EPA must evaluate wastes for land disposal restrictions. As such, these sections of code are not included in this consolidated checklist.

6) Note that the Toxicity Characteristic Leaching Procedure (TCLP) referred to by the Third Third Scheduled Waste Rule is the TCLP entered into the Federal code at 40 CFR 261 Appendix II by the Toxicity Characteristic Rule (55 FR 11798, March 29, 1990) and amended at 55 FR 26986 (June 29, 1990). (Both the Toxicity Characteristic Rule and the June amendment are addressed by Revision Checklist 74.) The TCLP procedure previously located at 40 CFR Part 268, Appendix I and introduced by the Solvents and Dioxins Land Disposal Restrictions Rule (51 FR 40572; November 7, 1986; Revision Checklist 34) is the outdated version of the TCLP. Thus, States adopting the Third Third Scheduled Waste Rule must also adopt the new version of the TCLP. If a State has already adopted the Revision Checklist 34 TCLP, this version must be replaced with the Revision Checklist 74 TCLP. See Footnote 42 of this checklist.

7) Guidance regarding the use of the new TCLP versus the EP Toxicity Test may be found at 55 FR 22660 (June 1, 1990).

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

8) Adopting the alternate treatment standards for lab packs is optional. However, if a State chooses to adopt these alternate standards, all of the requirements related to these standards must be adopted, including all of the provisions added by the Third Third Scheduled Waste Rule (i.e., Revision Checklist 78) at 264.316(f), 265.316(f), 268.7(a)(8), 268.7(a)(9), 268.42(c), 268.42(c)(1)-(4), and Appendices IV and V to Part 268.

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL							
SUBPART A - GENERAL							
PURPOSE, SCOPE, AND APPLICABILITY							
insert "and 268"	34	260.1(a)					
insert "and 268"	34	260.1(b)(1)					
insert "and 268"	34	260.1(b)(2)					
insert "and 268"	34	260.1(b)(3)					
insert "and 268"	34	260.1(b)(4)					
AVAILABILITY OF INFORMATION; CONFIDENTIALITY OF INFORMATION							
insert "and 268"	34	260.2(a)					
insert "and 268"	34	260.2(b)					
USE OF NUMBER AND GENDER							
insert "and 268"	34	260.3					
SUBPART B - DEFINITIONS							
DEFINITIONS							
insert "and 268" to introductory text	34	260.10					
REFERENCES							
Parts 260 through 270	39	260.11(a)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

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

**SUBPART C - RULEMAKING PETITIONS**

**GENERAL**

insert "and 268"	†34	260.20(a)					
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**PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

**SUBPART A - GENERAL**

**PURPOSE AND SCOPE**

insert "268,"	34	261.1(a)					
insert ", 268"	34	261.1(a)(1)					

**DEFINITION OF HAZARDOUS WASTE**

† add new paragraph which excludes as hazardous waste certain nonwastewater residues resulting from high temperature metals recovery processing of K061 waste; generic exclusion levels; testing requirements; notification and certification requirements for each shipment of certain K061 HTMR residues sent to a subtitle D unit	95	261.3(c)(2)(ii)(C)					
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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add parenthetical phrase regarding characteristic waste, no longer exhibiting a characteristic, that still may be subject to 268 requirements	83	261.3(d)(1)					

**EXCLUSIONS**

† add new paragraph which excludes as solid waste nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums and not land disposed before recovery	95	261.4(a)(11)					
insert "268,"	34	261.4(c)					
remove "267" and insert "268"	34	261.4(d)(1)					

**SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT  
SMALL QUANTITY GENERATORS**

insert ", 268,"	34	261.5(b)					
insert ", 268,"	34	261.5(c)					
insert ", 268,"	34	261.5(e)					
3 insert ", 268,"	34	261.5(f)(2)					
insert ", 268,"	34	261.5(g)(2)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
REQUIREMENTS FOR RECYCLABLE MATERIALS							
insert "268,"	34	261.6(a)(3)					
insert "268,"	34	261.6(c)(1)					
RESIDUES OF HAZARDOUS WASTE IN EMPTY CONTAINERS							
insert "268,"	34	261.7(a)(1)(ii)					
insert "268,"	34	261.7(a)(2)(ii)					
SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE							
GENERAL							
insert "268,"; remove ", but is not listed as a hazardous waste in Subpart D"; change "the EPA" to "every EPA"; insert "that is applicable as" before "set forth"; remove "in the respective characteristic" before "in this Subpart"; insert "used" after "This number must be"; before "recordkeeping" change "certain" to "all applicable"	34, 78,83	261.20(b)					
CHARACTERISTIC OF IGNITABILITY							
remove ", but is not listed as a hazardous waste in Subpart D,"	78	261.21(b)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>CHARACTERISTIC OF CORROSIVITY</b>							
remove ", but is not listed as a hazardous waste in Subpart D,"	78	261.22(b)					
<b>CHARACTERISTIC OF REACTIVITY</b>							
remove ", but is not listed as a hazardous waste in Subpart D,"	78	261.23(b)					
<b>TOXICITY CHARACTERISTIC</b>							
4 remove ", but is not listed as a hazardous waste in Subpart D,"	78	261.24(b)					
<b>SUBPART D - LISTS OF HAZARDOUS WASTES</b>							
<b>GENERAL</b>							
insert "268,"	34	261.30(c)					
<b>HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES</b>							
add the waste "F039" in alphanumeric order to list	78,83	261.31(a)					
<b>DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF</b>							
5 insert "or (f)" after "(e)"; change "261.7(b)(3)" to "261.7(b)"	78	261.33(c)					
<b>APPENDIX VII, PART 261</b>							
<b>BASIS FOR LISTING HAZARDOUS WASTE</b>							
add "F039" to list in alphanumeric order	78	Appendix VII					



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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE							
SUBPART A - GENERAL							
HAZARDOUS WASTE DETERMINATION							
in the first sentence, replace "If" with "For purposes of compliance with 40 CFR Part 268, or if"; remove "as a hazardous waste" after "listed"; replace "he must determine" with "the generator must then determine"	78,83	262.11(c)					
add new paragraph regarding possible exclusions or restrictions in Parts 264, 265 or 268	34	262.11(d)					
SUBPART C - PRE-TRANSPORT REQUIREMENTS							
ACCUMULATION TIME							
replace "and with §265.16" with ", with §265.16, and with 40 CFR 268.7(a)(4)"	78	262.34(a)(4)					
replace "and" between "section" and "the requirements" with ";" and add "the requirements of 40 CFR 268.7(a)(4)"	83	262.34(d)(4)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

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

**SUBPART G - FARMERS**

**FARMERS**

6 pesticide disposal by farmers	139	262.70					
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**PART 263 - STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE**

**SUBPART A - GENERAL**

**TRANSFER FACILITY REQUIREMENTS**

insert ",268"	34	263.12					
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**PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE  
TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

**SUBPART A - GENERAL**

**PURPOSE, SCOPE AND APPLICABILITY**

7 add new paragraph regarding facilities to which Part 264 applies	34	264.1(h)					
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**SUBPART B - GENERAL FACILITY STANDARDS**

**GENERAL WASTE ANALYSIS**

7,8 insert "Part 268"; add sentence regarding what information, at a minimum, the waste analysis must contain	34,102	264.13(a)(1)					
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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
revise comment following paragraph (a)(2) as follows: remove "or all" after "supply part"; add ", except as otherwise specified in 40 CFR 268.7(b) and (c)." to the second sentence	78	264.13(a)(2)					
insert "268.7"	34	264.13(b)(6)					
add new paragraph and subparagraphs regarding exempted surface impoundment plan specifications	34	264.13(b)(7)					
sampling impoundment contents	34	264.13(b)(7)(i)					
analysis procedures	34	264.13(b)(7)(ii)					
annual removal of specific residues; criteria:	34, 39,50	264.13(b)(7)(iii)					
do not meet treatment standards of Part 268, Subpart D	50	264.13(b)(7)(iii) (A)					
where no treatment standards have been established	50	264.13(b)(7)(iii) (B)					
prohibited disposal of residues under 268.32 or RCRA 3004(d)	50	264.13(b)(7)(iii) (B)(1)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
prohibited disposal of residues under 268.33(f)	50	264.13(b)(7)(iii) (B)(2)					

**SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING**

**OPERATING RECORD**

add "268.4(a)" and "268.7"	34	264.73(b)(3)					
add new paragraph; records for each shipment placed in units under a 268.5 extension, a 268.6 petition, or a 268.8 certification; 268.7(a) generator notice	34,50	264.73(b)(10)					
add new paragraph; off-site treatment facility requirements	34,50	264.73(b)(11)					
add new paragraph; on-site treatment facility requirements	34,50	264.73(b)(12)					
add new paragraph; off-site land disposal facility requirements	34,50	264.73(b)(13)					
7 add new paragraph; on-site land disposal facility requirements	34,50	264.73(b)(14)					
add new paragraph; off-site storage facility requirements	50	264.73(b)(15)					
add new paragraph; on-site storage facility requirements	50	264.73(b)(16)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:						
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE			
<b>SUBPART K - SURFACE IMPOUNDMENTS</b>										
<b>SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE</b>										
insert "the waste and impoundment satisfy all applicable requirements of 40 CFR Part 268, and" after "unless"	78	264.229								
<b>SUBPART L - WASTE PILES</b>										
<b>SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE</b>										
insert "the waste and waste pile satisfy all applicable requirements of 40 CFR Part 268, and" after "unless"	78	264.256								
<b>SUBPART M - LAND TREATMENT</b>										
<b>SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE</b>										
insert "the waste and the treatment zone meet all applicable requirements of 40 CFR Part 268, and" after "unless"	78	264.281								

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART N - LANDFILLS							
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
replace "in treated, rendered, or mixed before or immediately after placement in a landfill so that:" with "and landfill meet all applicable requirements of Part 268, and:"	78	264.312(a)					
begin the first sentence with "Except for prohibited wastes which remain subject to treatment standards in Subpart D of Part 268,"	78	264.312(b)					
DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS (LAB PACKS)							
add new paragraph regarding disposal in compliance with Part 268; requirement for fiber drums to meet DOT specifications and 264.316(b) requirements if incinerate lab packs	78	264.316(f)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

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

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

**SUBPART A - GENERAL**

**PURPOSE, SCOPE, AND APPLICABILITY**

7	add new paragraph regarding facilities to which Part 265 applies; Part 268 standards are material conditions of the 265 standards	34,78	265.1(e)				
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**SUBPART B - GENERAL FACILITY STANDARDS**

**GENERAL WASTE ANALYSIS**

8	insert "Part 268"; add sentence regarding what information, at a minimum, the waste analysis must contain	34,102	265.13(a)(1)				
	revise comment following subparagraph (a)(2) as follows: remove "or all" after "supply part"; add ", except as otherwise specified in 40 CFR 268.7(b) and (c)." to the second sentence	78	265.13(a)(2)				
	insert "268.7"	34	265.13(b)(6)				

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph and subparagraphs regarding exempt surface impoundment plan specifications	34	265.13(b)(7)					
sampling impoundment contents	34	265.13(b)(7)(i)					
analysis procedures	34	265.13(b)(7)(ii)					
annual removal of specific residues; criteria:	34, 39,50	265.13(b)(7)(iii)					
do not meet treatment standards of Part 268, Subpart D	50	265.13(b)(7)(iii) (A)					
where no treatment standards have been established	50	265.13(b)(7)(iii) (B)					
prohibited disposal of residues under 268.32 or RCRA 3004(d)	50	265.13(b)(7)(iii) (B)(1)					
prohibited disposal of residues under 268.33(f)	50	265.13(b)(7)(iii) (B)(2)					

**SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING**

**OPERATING RECORD**

add "268.4(a)" and "268.7"	34	265.73(b)(3)					
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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph; records for each shipment placed in units under a 268.5 extension, a 268.6 petition, or a 268.8 certification; 268.7(a) generation notice	34,50	265.73(b)(8)					
add new paragraph; off-site treatment facility requirements	34,50	265.73(b)(9)					
add new paragraph; on-site treatment facility requirements	34,50	265.73(b)(10)					
add new paragraph; off-site land disposal facility requirements	34,50	265.73(b)(11)					
add new paragraph; on-site land disposal facility requirements	34,50	265.73(b)(12)					
add new paragraph; off-site storage facility requirements	50	265.73(b)(13)					
add new paragraph; on-site storage facility requirements	50	265.73(b)(14)					

**SUBPART K - SURFACE IMPOUNDMENTS**

**SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE**

insert "the waste and impoundment satisfy all applicable requirements of 40 CFR Part 268, and" after "unless"	78	265.229					
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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:						
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE			
<b>SUBPART L - WASTE PILES</b>										
<b>SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE</b>										
insert "the waste and pile satisfy all applicable requirements of 40 CFR Part 268, and" after "unless"	78	265.256								
<b>SUBPART M - LAND TREATMENT</b>										
<b>SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE</b>										
insert "the waste and treatment zone meet all applicable requirements of 40 CFR Part 268, and" after "unless"	78	265.281								
<b>SUBPART N - LANDFILLS</b>										
<b>SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE</b>										
replace "is treated, rendered, or mixed before or immediately after placement in a landfill so that:" with "and landfill meets all applicable requirements of 40 CFR Part 268, and:"	78	265.312(a)								
begin the first sentence with "Except for prohibited wastes which remain subject to treatment standards in Subpart D of Part 268,"	78	265.312(b)								

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS (LAB PACKS)							
add new paragraph regarding disposal in compliance with Part 268; requirement for fiber drums to meet DOT specifications and 265.316(b) requirements if incinerate lab packs	78	265.316(f)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES							
SUBPART C - RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL							
APPLICABILITY							
add language to reflect that products for general public's use are not subject to regulation if they meet treatment requirements of 268 Subpart D or prohibition levels of 268.32 or 3004(d) where no treatment standards; delete the word "constituent" from the parenthetical phrase following "recyclable material"; add sentence exempting from regulation commercial fertilizers produced for the general public's use that contain recyclable materials; zinc-containing fertilizers using K061 not subject to this requirement	50,66	266.20(b)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 268 - LAND DISPOSAL RESTRICTIONS							
SUBPART A - GENERAL							
PURPOSE, SCOPE AND APPLICABILITY							
purpose	34	268.1(a)					
applicability	34	268.1(b)					
conditions for continued land disposal:	34,66	268.1(c)					
persons with an extension	34	268.1(c)(1)					
persons with an exemption	34	268.1(c)(2)					
wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited from land disposal, are not prohibited from land disposal if the wastes:	34, 39,50, 66,78	268.1(c)(3)					
disposed into a nonhazardous or hazardous injection well as defined in 40 CFR 144.6(a)	78	268.1(c)(3)(i)					
do not exhibit any prohibited characteristic of hazardous waste at the point of injection	78	268.1(c)(3)(ii)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
					EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
11	removed	34,39, 50,66	268.1(c)(4)					
12	removed	39,48, 50,78	268.1(c)(5)					
	preserve waiver availability under 121(d)(4) of CERCLA	50	268.1(d)					
	wastes which are not subject to any provisions of Part 268:	66	268.1(e)					
	wastes generated by generators of less than 100 kg of hazardous waste or less than 1 kg of acute hazardous waste, as defined in 261.5	66	268.1(e)(1)					
	waste pesticides that a farmer disposes pursuant to 262.70	66	268.1(e)(2)					
	wastes identified or listed as hazardous after November 8, 1984 for which EPA has not promulgated land disposal prohibitions or treatment standards	66	268.1(e)(3)					
<b>DEFINITIONS APPLICABLE TO THIS PART</b>								
	introductory paragraph regarding definitions	78	268.2					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
"halogenated organic compounds" or "HOCs"	39,78	268.2(a)					
13 "hazardous constituent or constituents"	34,78	268.2(b)					
13 "land disposal"	34, 39,78	268.2(c)					
"nonwastewaters"	78,83	268.2(d)					
14 "polychlorinated biphenyls" or "PCBs"	39,78	268.2(e)					
"wastewaters"	78	268.2(f)					
"F001, F002, F003, F004, F005 solvent-water mixtures"	78,83	268.2(f)(1)					
"K011, K013, K014 wastewaters"	78,83	268.2(f)(2)					
"K103 and K104 wastewaters"	78	268.2(f)(3)					
"inorganic solid debris"; specific inorganic or metal materials:	78,83	268.2(g)					
metal slags	78,83	268.2(g)(1)					
classified slag	78,83	268.2(g)(2)					
glass	78,83	268.2(g)(3)					
concrete	78,83	268.2(g)(4)					
masonry and refractory bricks	78,83	268.2(g)(5)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
metal cans, containers, drums or tanks	78,83	268.2(g)(6)					
metal nuts, bolts, pipes, pumps, valves, appliances or industrial equipment	78,83	268.2(g)(7)					
scrap metal as defined in 40 CFR 261.1(c)(6)	78	268.2(g)(8)					
<b>DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT</b>							
15 except as provided in 268.3(b), dilution not substitute for treatment; restriction regarding circumvention of effective dates and avoidance of prohibition of Subpart C or RCRA 3004	34, 39,78	268.3(a)					
permissible forms of dilution related to Sections 307 or 402 of the CWA; exception for D003 reactive cyanide wastewater or nonwastewater	78,102	268.3(b)					
<b>† TREATMENT SURFACE IMPOUNDMENT EXEMPTION</b>							
when prohibited wastes may be treated in a surface impoundment	34	268.4(a)					



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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
treatment occurs in impoundments	34	268.4(a)(1)					
soft hammer wastes in treatment surface impoundments that meet a list of conditions:	34, 39,50	268.4(a)(2)					
sampling and testing requirements for wastes with and without treatment standards; supernatant and sludge samples tested separately	50	268.4(a)(2)(i)					
annual removal of specific residues; residues subject to valid certification; flow-through standard of removal for supernatant	50	268.4(a)(2)(ii)					
requirements for subsequent management of treatment residues in another impoundment; prohibited unless certification under 268.8 and standards of 268.8(a) are met	50	268.4(a)(2)(iii)					
recordkeeping requirements must be specified in the facility's waste analysis plan	50	268.4(a)(2)(iv)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
7 design requirements/ exemptions	34	268.4(a)(3)					
exempt under 264.221(d) or (e) or 265.221(c) or (d)	34	268.4(a)(3)(i)					
7 conditions under which Administrator grants waiver of requirements; meets §3005(j)(2)	34	268.4(a)(3)(ii)					
		268.4(a)(3)(ii)(A)					
		268.4(a)(3)(ii)(B)					
		268.4(a)(3)(ii)(C)					
7 modification granted on basis of a demonstration of no migration into groundwater or surface water at any future time; satisfies §3005(j)(11) no migration	34	268.4(a)(3)(iii)					
7 submittal of written certification and waste analysis plan	34	268.4(a)(4)					
evaporation of hazardous constituents not considered treatment for exemption purposes	39	268.4(b)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

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

\*\*\*\*\*

Guidance note: 268.5 is **NOT DELEGABLE**. States should see Note 3 at the beginning of this checklist regarding how to incorporate this section into their code.

**PROCEDURES FOR CASE-BY-CASE EXTENSIONS TO AN EFFECTIVE DATE**

application to EPA Administrator for an extension to effective date of any Part 268, Subpart C restriction; what the applicant must demonstrate:	34	268.5(a)					
good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage waste according to Subpart C effective date	34	268.5(a)(1)					
binding contractual commitment to construct or provide alternate treatment, recovery (e.g., recycling), or disposal capacity that meets Subpart D treatment standards; requirements when no treatment standards	34,39	268.5(a)(2)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
demonstration that alternative capacity cannot reasonably be available by effective date due to circumstances beyond applicant's control; how this must be demonstrated	34	268.5(a)(3)					
capacity being constructed or provided by applicant must be sufficient to manage entire quantity of waste	34	268.5(a)(4)					
detailed schedule for obtaining required permits or outline of how and when alternate capacity will be available	34	268.5(a)(5)					
arranged for adequate capacity during extension and documented in all site locations where wastes will be managed	34	268.5(a)(6)					
surface impoundment or landfill used must meet 268.5(h)(2) requirements	34	268.5(a)(7)					
certification by authorized representative signing an application	34	268.5(b)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Administrator may request additional information	34	268.5(c)					
extension applies only to waste generated at individual facility covered by extension	34	268.5(d)					
Administrator may grant extension of up to 1 year from effective date; extension for 1 additional year if 268.5(a) demonstration can still be made; no extension beyond 24 months from 268, Subpart C effective date; length of extension determined by Administrator and basis; public notice and comment; final decision published in <u>Federal Register</u>	34	268.5(e)					
notify Administrator of change in certified conditions	34	268.5(f)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
written progress reports at intervals designated by Administrator; what progress reports must include; conditions for revocation of extension by Administrator	34	268.5(g)					
during period established by Administrator for which extension is in effect:	34	268.5(h)					
268.5(a) storage restrictions do not apply	34,39	268.5(h)(1)					
conditions for disposal in landfill or surface impoundment regardless of whether unit is existing, new, replacement or lateral extension	34,50,66	268.5(h)(2)					
interim status landfill requirements	34	268.5(h)(2)(i)					
permitted landfill requirements	34	268.5(h)(2)(ii)					
interim status surface impoundment requirements	34,39	268.5(h)(2)(iii)					
permitted surface impoundment requirements	34	268.5(h)(2)(iv)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
requirements for landfills disposing of specified PCB waste	39	268.5(h)(2)(v)					
pending decision on application, compliance with all legal disposal restrictions once effective date has been reached	34	268.5(i)					

\*\*\*\*\*  
 Guidance note: 268.6 is **NOT DELEGABLE**. States should see Note 3 at the beginning of this  
 checklist regarding how to incorporate this section into their code.

**PETITIONS TO ALLOW LAND DISPOSAL OF A WASTE PROHIBITED UNDER SUBPART C OF PART 268**

submit petition to Administrator; demonstration of no waste migration; demonstration components	34	268.6(a)					
identify specific unit and waste	34	268.6(a)(1)					
waste analysis	34	268.6(a)(2)					
comprehensive disposal unit characterization	34	268.6(a)(3)					
monitoring plan detecting migration at the earliest time	50	268.6(a)(4)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
sufficient information to assure Administrator that owner/operator is in compliance with other applicable Federal, State and local laws	50	268.6(a)(5)					
demonstration criteria:	50	268.6(b)					
data must be accurate and reproducible	50	268.6(b)(1)					
Administrator approved sampling, testing and estimation techniques	34	268.6(b)(2)					
model calibration; models verified with actual data	34	268.6(b)(3)					
quality assurance/control plan approved by Administrator	34	268.6(b)(4)					
uncertainty analysis	34	268.6(b)(5)					
16 what each petition must include:	50	268.6(c)					
monitoring plan including description of monitoring program to verify continued compliance with variance; information which must be included	50	268.6(c)(1)					



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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
media monitored	50	268.6(c)(1)(i)					
type of monitoring	50	268.6(c)(1)(ii)					
monitoring station location	50	268.6(c)(1)(iii)					
monitoring interval	50	268.6(c)(1)(iv)					
specific hazardous constituents to be monitored	50	268.6(c)(1)(v)					
monitoring program implementation schedule	50	268.6(c)(1)(vi)					
monitoring station equipment	50	268.6(c)(1)(vii)					
sampling and analytical techniques employed	50	268.6(c)(1)(viii)					
data recording/reporting procedures	50	268.6(c)(1)(ix)					
268.6(c)(1) monitoring program must be in place by Administrator specified time period, as part of approval of the petition, prior to prohibited waste receipt at unit	50	268.6(c)(2)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
268.6(c)(1) monitoring data sent to Administrator according to monitoring plan must be according to approved format and schedule	50	268.6(c)(3)					
monitoring data as per 268.6(c)(1) monitoring plan must be kept in on-site operating record	50	268.6(c)(4)					
criteria the 268.6(c) (1) monitoring program must meet:	50	268.6(c)(5)					
Administrator approval for all sampling, testing, and analytical data; data accurate and reproducible	50	268.6(c)(5)(i)					
Administrator approval of all estimation and monitoring techniques	50	268.6(c)(5)(ii)					
QA/QC plan for all aspects of monitoring program provided to and approved by Administrator	50	268.6(c)(5)(iii)					
16 petition submitted to 17 Administrator	34,50	268.6(d)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
18 reporting of changes at unit and/or surrounding environment that significantly depart from variances and affect migration potential	50	268.6(e)					
changes to unit design, construction or operation proposed in writing and a demonstration to Administrator 30 days prior to change; Administrator makes determination if petition is invalidated and determines appropriate response; Administrator approval before changes can be made	50	268.6(e)(1)					
within 10 days of discovering change, written notification to Administrator if condition is not as predicted or modeled in petition; Administrator decides if change requires further action	50	268.6(e)(2)					
19 owner/operator responsibilities if hazardous waste migration:	50	268.6(f)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
immediate suspension of prohibited waste receipt	50,66	268.6(f)(1)					
within 10 days written notification to Administrator	50	268.6(f)(2)					
Administrator decision within 60 days as to continued receipt of prohibited waste; Administrator determines if further examination of any migration warranted	50	268.6(f)(3)					
20 signed statement	34,50	268.6(g)					
20 Administrator may request additional information	34,50	268.6(h)					
20 waste unit to which petition applies	34,50	268.6(i)					
20 Administrator gives public notice in <u>Federal Register</u> ; final decision in <u>Federal Register</u>	34,50	268.6(j)					
20 term of petition	34,50	268.6(k)					
20 requirements prior to Administrator's decision	34,50	268.6(l)					
20 petition granted by Administrator does not relieve responsibilities under RCRA	34,50	268.6(m)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
21 noneligibility of certain liquid PCB wastes for "no migration" petitions under 268.6	39,50	268.6(n)					

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\*\*\*\*\*

**WASTE ANALYSIS AND RECORDKEEPING**

7 generator determines if listed waste is a restricted waste; 268.32 exception; if characteristic is exhibited, test extract using 268, Appendix IX methods or use knowledge of waste to determine if restricted from land disposal	34,39,50,83	268.7(a)					
if generator is managing restricted waste that does not meet applicable treatment standards, must notify treatment or storage facility of appropriate treatment standards	34,39,50	268.7(a)(1)					
information the notice must include	34	268.7(a)(1)(i)					
	34,39,78,83	268.7(a)(1)(ii)					
		268.7(a)(1)(iii)					
	34	268.7(a)(1)(iv)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
7 if managing restricted waste that can be land disposed without further treatment, notice and certification to treatment, storage, or land disposal facility;	34,39,50	268.7(a)(2)					
information required in notice to treatment, storage or land disposal facility		268.7(a)(2)(i)					
	34	268.7(a)(2)(i)(A)					
	34,39,78,83	268.7(a)(2)(i)(B)					
		268.7(a)(2)(i)(C)					
	34	268.7(a)(2)(i)(D)					
certification signature/statement	34,39	268.7(a)(2)(ii)					
7 for waste subject to exemption from prohibition (such as a case-by-case 268.5 extension, 268.6 exemption or Subpart C nationwide capacity variance) on land disposal method used for the waste, notice to receiving facility that waste is not prohibited from land disposal	34,50,66	268.7(a)(3)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
22 information the notice must include	50	268.7(a)(3)(i)					
	50, 78,83	268.7(a)(3)(ii)					
	50	268.7(a)(3)(iii)					
		268.7(a)(3)(iv)					
		268.7(a)(3)(v)					
for prohibited waste managed in tanks or under 262.34 and treated to meet 268 Subpart D standards, waste analysis plan to be developed, followed and kept on-site	50,66, 78	268.7(a)(4)					
23 waste analysis plan based on detailed chemical and physical analysis of representative sample; contain information necessary to treat waste in accordance with 268 requirements	50,78	268.7(a)(4)(i)					
23 file plan with EPA Regional Administrator or authorized State 30 days prior to treatment; delivery verified	50,78	268.7(a)(4)(ii)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
23 compliance with 268.7(a)(2) notification requirements for wastes shipped off- site	50,78	268.7(a)(4)(iii)					
23 removed	50,78	268.7(a)(4)(iv)					
7,24 maintenance of data supporting knowledge of waste; retention of waste analysis data on-site in files	34,50	268.7(a)(5)					
conditions under which a generator, managing a restricted waste excluded from the definition of hazardous or solid waste, must place a one-time notice in the facility's file containing specified information	83	268.7(a)(6)					



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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
25 five-year retention period for notices, certifications, demonstrations, etc., produced relative to 268.7; extensions during enforcement actions; requirements apply to solid wastes even when hazard characteristic is removed prior to disposal or when waste excluded from definition of hazardous or solid waste in 261.2-261.6 or exempted from Subtitle C regulation subsequent to the point of generation	50,83	268.7(a)(7)					
† 9 notice for a generator 25 managing a lab pack that contains wastes identified in Appendix IV if use alternative treatment standards under 268.42; 268.7(a)(5)&(6) compliance; certification	78,83	268.7(a)(8)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† notice for a generator 9 managing a lab pack 25 that contains organic wastes specified in Appendix V if use alternate treatment standard under 268.42; 268.7(a) (5)&(6) compliance; certification	78,83	268.7(a)(9)					
25 notification and certification requirements for small quantity generators with tolling agreements pursuant to 40 CFR 262.20(e)	78,83	268.7(a)(10)					
treatment facility testing at frequency specified in waste analysis plan	34, 39,50	268.7(b)					
testing when standards are expressed as concentrations in waste extract	50	268.7(b)(1)					
testing of 268.32 or 3004(d) prohibited wastes not subject to Subpart D treatment standards	50	268.7(b)(2)					
testing for wastes with treatment standards expressed as concentrations in waste	50	268.7(b)(3)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
26 notice with each shipment by treatment facility to land disposal facility	34,50	268.7(b)(4)					
26 information the notice must include	34,50	268.7(b)(4)(i)					
	34,39,50,78,83	268.7(b)(4)(ii)					
		268.7(b)(4)(iii)					
	34,50	268.7(b)(4)(iv)					
27 certification of each shipment	34,39,50	268.7(b)(5)					
27 certification requirements for wastes with treatment standards expressed as concentrations in the waste extract or in the waste, or for wastes prohibited under 268.32 or RCRA Section 3004(d) which do not have 268, Subpart D treatment standards	34,39,50,78	268.7(b)(5)(i)					
27 certification requirements for wastes with treatment standards expressed as technologies	34,50	268.7(b)(5)(ii)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
certification requirements for wastes with treatment standards expressed as concentrations in the waste pursuant to 268.43	78	268.7(b)(5)(iii)					
compliance with generator notice and certification requirements if waste sent offsite	50	268.7(b)(6)					
28 no 268.7(b)(4) notification for recyclable materials used in a manner constituting disposal and subject to 266.20(b); with each shipment 268.7(b)(5) certification and 268.7(b)(4) notice to Regional Administrator; records of recipients of waste-derived products	50, 66,78	268.7(b)(7)					
29 requirements for land disposal facility except where the owner or operator is disposing recyclable wastes pursuant to 266.20(b):	34,39, 50,78	268.7(c)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
29 have copies of notice and certifications under 268.7(a) or (b) and certifications in 268.8 if applicable	34, 39,50	268.7(c)(1)					
29 test of waste or extract; applicable treatment standards to be met; frequency of testing	39,50	268.7(c)(2)					
30 removed	50,78	268.7(c)(3)					
30 removed	66,78	268.7(c)(4)					

**LANDFILL AND SURFACE IMPOUNDMENT DISPOSAL RESTRICTIONS**

disposal of 268.33(f) prohibited wastes in landfills or surface impoundments in compliance with 268.5(h)(2) if requirements of 268.8 are met; section not in effect as of May 8, 1990	50,78	268.8(a)					
good faith generator effort to contract with treatment and recovery facilities providing greatest environmental benefit	50	268.8(a)(1)					
specific requirements for generator if no practically available treatment for waste:	50,66	268.8(a)(2)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
prior to initial shipment, demonstration to Regional Administrator containing specified lists and written discussion; certification; waste shipment	50,66	268.8(a)(2)(i)					
for initial shipment, demonstration and certification sent to receiving facilities; certification only for subsequent shipments; generator recordkeeping and five-year retention	50,66	268.8(a)(2)(ii)					
specific requirements for generator if there are practically available treatments for waste:	50,66	268.8(a)(3)					
prior to initial shipment, demonstration to Regional Administrator containing specified lists and written discussion; certification; waste shipment	66	268.8(a)(3)(i)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
with initial shipment copy of demonstration and certification sent to receiving facilities; certification only for subsequent shipments; generator recordkeeping and five-year retention	66	268.8(a)(3)(ii)					
31 where there is practically available treatment for waste prior to disposal, copy of demonstration and certification submitted to receiving facility with initial shipment; certification only for subsequent shipments; generator recordkeeping and five-year retention	50	268.8(a)(4)					
additional information for certification if requested by Regional Administrator; submittal of new demonstration and certification as provided in 268.8(a) to the receiving facility	50	268.8(b)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
notification when any change in conditions forming basis of certification occurs	50,66	268.8(b)(1)					
invalidation when Regional Administrator finds practically available treatment method or a method yielding greater environmental benefit than certified	50	268.8(b)(2)					
when certification is invalidated, generator must cease shipment, communicate with facilities receiving waste, and keep records of communication	50	268.8(b)(3)					
receiving treatment, recovery or storage facilities keep copy of generator's demonstration and certification	50	268.8(c)					
receiving treatment, storage or recovery facility certify waste treated according to generator's demonstration	50	268.8(c)(1)					



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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for initial shipment, treatment, recovery or storage facility must send copy of generator's demonstration and certification(s) to facility receiving waste or treatment residues; certification only for subsequent shipments, if certification conditions remain unchanged	50,66	268.8(c)(2)					
disposal facility must assure certification prior to disposal in landfill or surface impoundment unit and units in accordance with 268.5(h)(2) for wastes prohibited under 268.33(f)	50,66	268.8(d)					
wastes may be disposed in landfill or surface impoundment meeting 268.5(h)(2) requirements if certified and treated	50	268.8(e)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC							
determination of applicable treatment standards under Subpart D, Part 268 by initial generator of a solid waste; code designation and exceptions	78,83	268.9(a)					
the treatment standard for the waste code listed in 40 CFR Part 261, Subpart D will operate for wastes both listed under Subpart D, Part 261 and exhibit a characteristic under Subpart C, Part 261; conditions under which treatment standards for all applicable listed and characteristic waste codes must be met	78	268.9(b)					
no prohibited waste which exhibits a characteristic under 40 CFR Part 261, Subpart C may be land disposed unless waste complies with Part 268, Subpart D treatment standards	78	268.9(c)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
wastes that exhibit a characteristic are subject to all 268.7 requirements, but no notification once the wastes are no longer hazardous; if not hazardous, notification/certification sent to EPA Regional Administrator or authorized State	78	268.9(d)					
information needed with each notification		268.9(d)(1)					
	78	268.9(d)(1)(i)					
	78,83	268.9(d)(1)(ii)					
	78	268.9(d)(1)(iii)					
certification signed by authorized representative stating language found in 268.7(b)(5)(i)	78	268.9(d)(2)					

**SUBPART C - PROHIBITIONS ON LAND DISPOSAL**

**WASTE SPECIFIC PROHIBITIONS - SOLVENT WASTES**

32 effective November 8, 1986, F001-F005 spent solvent wastes, as specified in 261.31, are prohibited from land disposal unless one or more conditions apply:	34	268.30(a)					
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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
generated by an SQG of 100-1000 kg/mo	34	268.30(a)(1)					
generated by a CERCLA response action/corrective action except where waste is contaminated soil or debris	34,50	268.30(a)(2)					
7 concentration-specific exemption (solvent waste with less than 1% total solvent constituent)	34,50	268.30(a)(3)					
solvent waste residue from treating a 268.30(a)(1), (a)(2), or (a)(3) waste or residue from other wastes meeting specific requirements	39	268.30(a)(4)					
effective November 8, 1988, the F001- F005 solvent exemptions of 268.30(a)(1)-(4) are prohibited from land disposal	34,50	268.30(b)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
land disposal of F001-F005 solvent wastes that are contaminated soil and debris (and their treatment residues) resulting from CERCLA action or RCRA corrective action prohibited after November 8, 1990; permitted disposal in landfill or surface impoundment unit in compliance with 268.5(h)(2) prior to November 8, 1990	50	268.30(c)					
33 situations where 268.30(a), (b) and (c) do not apply:	34,50	268.30(d)					
33 wastes treated to meet Subpart D of Part 268	34,50	268.30(d)(1)					
33 disposal at facility with successful no-migration petition	34,50	268.30(d)(2)					
33 wastes and units for which case-by-case extensions have been granted	34,50	268.30(d)(3)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
WASTE SPECIFIC PROHIBITIONS - DIOXIN-CONTAINING WASTES							
effective November 8, 1988, the dioxin-containing wastes, F020-F023 and F026-F028, are prohibited from land disposal unless a specific condition applies:	34,50	268.31(a)					
these wastes are contaminated soil and debris waste resulting from response action under CERCLA or from a RCRA corrective action	50	268.31(a)(1)					
prohibit land disposal of F020-F023 and F026-F028 dioxin-containing wastes of 268.31(a)(1) effective November 8, 1990	50	268.31(b)					
between November 8, 1988, and November 8, 1990, wastes of 268.31(a) (1) disposed in landfill or surface impoundment must meet 268.5(h)(2) and applicable 264 and 265 requirements	34,50	268.31(c)					
situations where 268.31(a) and (b) do not apply	34,50	268.31(d)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
7,34 wastes treated to meet Subpart D, Part 268 standards	34,50	268.31(d)(1)					
7,34 disposal at facility with successful no-migration petition	34,50	268.31(d)(2)					
7,34 extension to effective date of a prohibition	34,50	268.31(d)(3)					
<b>WASTE SPECIFIC PROHIBITIONS - CALIFORNIA LIST WASTES</b>							
prohibitions effective July 8, 1987, except in injection wells:	39	268.32(a)					
liquids having pH less than or equal to 2.0	39	268.32(a)(1)					
liquids containing PCBs greater than or equal to 50 ppm	39	268.32(a)(2)					
liquids containing HOCs greater than or equal to 1,000 mg/l and less than 10,000 mg/l	39	268.32(a)(3)					
reserved	39	268.32(b)					
reserved	39	268.32(c)					
268.32(a) and (e) requirements do not apply until specific calendar dates:	39,50	268.32(d)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
July 8, 1989 for contaminated soil or debris <u>not</u> resulting from a 104 or 106 CERCLA response or a RCRA corrective action; disposal allowed between July 8, 1987, and July 8, 1989, in landfill or surface impoundment in compliance with 268.5(h)(2)	50	268.32(d)(1)					
November 8, 1990 for contaminated soil or debris resulting from a CERCLA 104 or 106 response or a RCRA corrective action; disposal between November 8, 1988, and November 8, 1990, permitted in landfill or surface impoundment in compliance with 268.5(h)(2)	50	268.32(d)(2)					
land disposal prohibitions effective November 8, 1988:	39,50	268.32(e)					
35 liquids containing HOCs greater than or equal to 1,000 mg/l and not prohibited under 268.32(a)(3)	39	268.32(e)(1)					



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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
nonliquid wastes containing HOCs greater than or equal to 1,000 mg/kg and not wastes described in 268.32(d)	39,50	268.32(e)(2)					
between July 8, 1987, and November 8, 1988, 268.32(e)(1) and (e)(2) wastes may be disposed of in a landfill or surface impoundment if disposal complies with 268.5(h)(2)	39, 50,66	268.32(f)					
requirements of 268.32(a), (d) and (e) do not apply under certain conditions:	39,50	268.32(g)					
granted a 268.6 exemption	39	268.32(g)(1)					
granted a 268.5 exemption	39	268.32(g)(2)					
in compliance with Subpart D standards, or, where standard not specified, with RCRA 3004(d) or 268.32 prohibitions	39	268.32(g)(3)					
requirements of 268.32(a)(3), (d) and (e) do not apply when subject to Part 268, Subpart C prohibition	39,50	268.32(h)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
1 method 9095 required	39	268.32(i)					
applicability of waste analysis/ recordkeeping requirements of 268.7:	39	268.32(j)					
initial generator must use 261.22(a)(1) procedures or knowledge of pH; pH less than or equal to 2.0 restriction	39	268.32(j)(1)					
initial generator must test for or have knowledge of HOC or PCB concentration levels; restriction above levels	39	268.32(j)(2)					
<b>WASTE SPECIFIC PROHIBITIONS - FIRST THIRD WASTES</b>							
specific wastes prohibited from land disposal effective August 8, 1988	50,66	268.33(a)					
land disposal prohibition of K061 waste containing 15% or greater of zinc pursuant to 268.41 treatment standard for K061 containing less than 15% zinc	50	268.33(a)(1)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
K071 prohibited from land disposal effective August 8, 1990	50,83	268.33(b)					
effective August 8, 1990, land disposal prohibition of wastes specified in 268.10 having a treatment standard in 268, Subpart D based on incineration and which are contaminated soil and debris	50	268.33(c)					
between November 8, 1988, and August 8, 1990, landfill or surface impoundment disposal of wastes included under 268(b) & (c) permitted if unit is in compliance with 268.5(h)(2)	50	268.33(d)					
requirements of 268(a)-(d) do not apply if:	50	268.33(e)					
waste meets applicable 268, Subpart D standards	50	268.33(e)(1)					
granted an exemption from prohibition for wastes and units under 268.6	50	268.33(e)(2)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
granted an extension to an effective date for wastes under 268.5	50	268.33(e)(3)					
prohibition of landfill or surface impoundment disposal of wastes specified in 268.10 for which treatment standards have not been promulgated (other than 268.32 or section 3004(d) prohibitions) unless a demonstration and certification have been submitted	50,66	268.33(f)					
for a waste listed in 268.10, initial generator testing to determine if 268.41 and 268.43 treatment standards are exceeded; prohibition from land disposal if exceed standards	50,66	268.33(g)					
<b>WASTE SPECIFIC PROHIBITIONS - SECOND THIRD WASTES</b>							
effective June 8, 1989, prohibition from land disposal of specific 261.31, 261.32 and 261.33 wastes	63	268.34(a)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
effective June 8, 1989, prohibition from land disposal, except underground injection pursuant to 148.14(f) and 148.15(d), of certain 261.32 wastes	63	268.34(b)					
effective June 8, 1989, prohibition from land disposal of F006, F008, F009, F011 and F012	63	268.34(c)					
effective July 8, 1989, F007 prohibited from land disposal except underground injection pursuant to 148.14(f)	63	268.34(c)(1)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
July 8, 1989, until December 8, 1989, F011 and F012 non-wastewaters prohibited from land disposal pursuant to 268.41 and 268.43 treatment standards for F007, F008 and F009 non-wastewaters; effective December 8, 1989, F011 and F012 prohibited from land disposal pursuant to 268.41 and 268.43 treatment standards for F011 and F012 nonwastewaters	63	268.34(c)(2)					
effective June 8, 1991, wastes specified in 268.34 with Part 268, Subpart D treatment standard based on incineration, and which are contaminated soil and debris are prohibited from land disposal	63	268.34(d)					

**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
requirements for landfill or surface impoundment disposal of wastes included in 268.34(c) and (d) between June 8, 1989, and June 8, 1991; applies to F007, F008, F009, F011, and F012 only between June 8, 1989, and July 8, 1989	63	268.34(e)					
requirements of 268.34(a)-(d) do not apply if:	63	268.34(f)					
meet applicable 268 Subpart D standards	63	268.34(f)(1)					
granted an exemption pursuant to a 268.6 petition for the wastes and units covered by the petition	63	268.34(f)(2)					
268.34(a), (b) and (c) do not apply if granted extension under 268.5 for wastes covered by extension	63	268.34(g)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
between June 8, 1989, and May 8, 1990, prohibition from land disposal in landfills or surface impoundments of 268.11 wastes for which Subpart D treatment standards are not applicable, including California list wastes subject to prohibitions under 3004(d) or 268.32; exceptions under 268.8	63	268.34(h)					
initial generator testing to determine if a 268.10, 268.11 and 268.12 waste exceeds applicable 268.41 and 268.43 treatment standards; land disposal prohibited and all 268 requirements apply if constituents exceed Part 268, Subpart D level	63	268.34(i)					
<b>WASTE SPECIFIC PROHIBITIONS - THIRD THIRD WASTES</b>							
effective August 8, 1990, prohibition from land disposal of certain wastes specified in 261.31, 261.32, 261.33(e) and 261.33(f) as listed in 268.35(a)	78,83	268.35(a)					



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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
effective November 8, 1990, prohibition from land disposal of certain wastes specified in 261.32	78	268.35(b)					
effective May 8, 1992, prohibition from land disposal of certain wastes specified in 261.31, 261.32, 261.33(e) and 261.33(f); certain characteristic wastes; inorganic debris defined in 268.2(g); and RCRA hazardous wastes containing naturally occurring radioactive materials	78,83, 106	268.35(c)					
effective May 8, 1992, prohibition from land disposal of 268.10, 268.11 and 268.12 mixed radioactive/hazardous wastes; and soil or debris contaminated with such wastes and mixed with radioactive/hazardous waste are prohibited from land disposal	78,83	268.35(d)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
effective May 8, 1993, prohibition from land disposal of debris contaminated with 268.10, 268.11 and 268.12 wastes and debris contaminated with any characteristic waste having Subpart D, Part 268 treatment standards	78,83, 103	268.35(e)					
between May 8, 1990, and August 8, 1990, wastes included in paragraph 268.35(a) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with 268.5(h)(2)	78	268.35(f)					
between May 8, 1990, and November 8, 1990, wastes included in paragraph 268.35(b) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with 268.5(h)(2)	78	268.35(g)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
between May 8, 1990, and May 8, 1992, wastes included in paragraphs 268.35(c), (d) and (e) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with 268.5(h)(2)	78	268.35(h)					
conditions under which requirements of paragraphs 268.35(a), (b), (c), (d) and (e) do not apply:	78	268.35(i)					
wastes meet applicable Part 268, Subpart D standards	78	268.35(i)(1)					
persons granted exemption under 268.6	78	268.35(i)(2)					
wastes meet applicable alternate standards under 268.44	78	268.35(i)(3)					
persons granted extension to the effective date of a prohibition under 268.5	78	268.35(i)(4)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
initial generator testing to determine if a 268.10, 268.11 and 268.12 waste exceeds applicable 268.41 and 268.43 treatment standards; land disposal prohibited and all 268 requirements apply if constituents exceed Part 268, Subpart D levels	78	268.35(j)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
effective May 8, 1993, prohibition from land disposal of D008 lead materials stored before secondary smelting; submission of binding contractual commitment, documentation and detailed schedule for specified construction, and providing specified capacity, by March 1, 1993; D008 prohibited from land disposal by failure to submit documentation; placed in facility record by July 27, 1992, documentation demonstrating that such management capacity will be adequate and complies with all applicable Subtitle C requirements	106	268.35(k)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

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

**SUBPART D - TREATMENT STANDARDS**

**APPLICABILITY OF TREATMENT STANDARDS**

restricted waste under 268.41 may be land disposed if extract of waste or treatment residue, developed using 261 Appendix II methods, does not exceed 268.41 Table CCWE values; exceptions; specific wastes may be land disposed if extract or treatment residue developed as specified does not exceed Table CCWE values for any hazardous constituent in Table CCWE for waste	34, †39,50, 78,83	268.40(a)					
restricted waste with a 268.42 treatment technology may be land disposed if specified technology or an Administrator-approved method is used	39	268.40(b)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
except as specified in 268.43(c), restricted waste identified in 268.43 may be land disposed only if Table CCW constituent concentration values are not exceeded	50,78	268.40(c)					
<b>TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT</b>							
36 treatment standards; explanation of Table CCWE	34,50, 63,78, 102	268.41(a)					
Constituent Concentrations in Waste Extract	34, 50,63, 78,83, 95	268.41(a)/Table CCWE					
treatment standards for common constituents in combined wastes; mixtures of high and low zinc nonwastewater K061 subject to treatment standard for high zinc K061	34,95	268.41(b)					
<b>TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES</b>							
treatment of wastes identified in 268.42(a)(1)&(2) and Tables 2 and 3 with technology(s) specified in 268.42(a)(1)&(2) and in Table 1 of 268.42	34,78	268.42(a)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
standard for incineration of liquid hazardous wastes containing PCBs	39	268.42(a)(1)					
standard for incineration of certain nonliquid hazardous wastes containing HOCs; where standards do not apply	39,50, 78,83	268.42(a)(2)					
37 mixture of wastewater (discharge of which is subject to Clean Water Act) and de minimis losses of materials that meet the criteria of D001 ignitable liquids with greater than 10% TOC is subject to Table 1 DEACT treatment standard; de minimis defined	63, 78,83	268.42(a)(3)					
38 removed	63,78	268.42(a)(4)					
Technology Codes and Description of Technology-Based Standards	78,83	268.42(a)/ Table 1					
Technology-Based Standards by RCRA Waste Code	78, 83,95, 102	268.42(a)/ Table 2					



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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Technology-Based Standards for Specific Radioactive Hazardous Mixed Waste	78,83	268.42(a)/ Table 3					

\*\*\*\*\*  
Guidance note: 268.42(b) is **NOT DELEGABLE**. States should see Note 3 at the beginning of this checklist regarding how to incorporate this section into their code.

submit application to Administrator demonstrating alternate treatment can achieve 268.42(a), (c), & (d) performance specifications; information demonstrating compliance with Federal, State and local requirements; criteria for approval by Administrator; approval in writing containing provisions and conditions as the Administrator deems appropriate; compliance by person to whom approval is issued	34,39, 78	268.42(b)					
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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
ALTERNATE TREATMENT STANDARDS FOR LAB PACKS							
conditions for eligibility of lab packs for land disposal:	78	268.42(c)					
compliance of lab packs with applicable provisions of 264.316 and 265.316	78	268.42(c)(1)					
Part 268 Appendix IV and Appendix V hazardous wastes contained in lab packs	78	268.42(c)(2)					
incineration of lab packs in accordance with Part 264, Subpart O and Part 265, Subpart O requirements	78	268.42(c)(3)					
treatment standards for incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010 and D011	78	268.42(c)(4)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
39 radioactive hazardous mixed wastes with Table 3 treatment standards not subject to 268.41 or 268.43 or Table 2 treatment standards; radioactive hazardous mixed wastes not subject to Table 3 treatment standards remain subject to 268.41, 268.43 and Table 2 treatment standards	78	268.42(d)					
<b>TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS</b>							
introductory paragraph for Table CCW explaining table	34,50, 63,78	268.43(a)					
Constituent Concentrations in Wastes; no land disposal for specified K wastes	50,62, 63,78, 83	268.43(a)/Table CCW					
40 meet lowest constituent treatment standard when mixing wastes with differing treatment standards for a constituent of concern	50,63	268.43(b)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
conditions for demonstrating compliance with treatment standards for organic constituents provided:	78,83	268.43(c)					
treatment standards for organic constituents established based on incineration in units operated in accordance with Subpart O requirements of Part 264 or Part 265 or based on combustion in fuel substitution units in accordance with applicable technical requirements	78,83	268.43(c)(1)					
organic constituents treated using paragraph 268.43(c) (1) methods	78,83	268.43(c)(2)					
good-faith efforts fail to detect the organic constituents; when such efforts must be demonstrated	78,83	268.43(c)(3)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

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

\*\*\*\*\*  
Guidance note: 268.44 is **NOT DELEGABLE**. States should see Note 3 at the beginning of this checklist regarding how to incorporate this section into their code.

**41 VARIANCE FROM A TREATMENT STANDARD**

conditions for variance; petition Administrator; what must be demonstrated	34	268.44(a)					
procedures in accordance with 260.20	34	268.44(b)					
statement signed by petitioner or authorized representative	34	268.44(c)					
additional information or samples may be requested by Administrator; additional copies for affected States and region	34	268.44(d)					
Administrator gives public notification in <u>Federal Register</u> ; final decision in <u>Federal Register</u>	34	268.44(e)					
268.7 waste analysis requirements must be followed for wastes covered by variance	34	268.44(f)					
requirements during petition review	34	268.44(g)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
apply to Administrator or delegated representative for site-specific variance from a treatment standard if specified conditions are appropriate; what applicant must demonstrate	50,66	268.44(h)					
260.20(b)(1)-(4) information must be included	50	268.44(i)					
Assistant Administrator or delegated representative may request additional information	50	268.44(j)					
if site-specific treatment standard variance then compliance with 268.7 waste analysis requirements	50	268.44(k)					
during application review process, compliance with land disposal restrictions once effective date for waste reached	50	268.44(l)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART E - PROHIBITIONS ON STORAGE							
PROHIBITIONS ON STORAGE OF RESTRICTED WASTES							
except as provided in 268.50, storage of wastes restricted from land disposal is prohibited unless certain conditions are met:	34,39	268.50(a)					
on-site storage exemption for generator	34	268.50(a)(1)					
treatment, storage, and disposal facility exemption	34	268.50(a)(2)					
container labeling	34	268.50(a)(2)(i)					
tank labeling	34	268.50(a)(2)(ii)					
transporter exemption	34	268.50(a)(3)					
storage up to one year	34	268.50(b)					
storage longer than one year	34	268.50(c)					
268.50(a) prohibition does not apply if waste is exempt from a prohibition on the type of land disposal utilized for the waste	34, 50,66	268.50(d)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
no prohibition where treatment standards are not specified or are met, or compliance with 268.32 or RCRA 3004 exists	34, 39	268.50(e)					
requirements for storage of liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm	39	268.50(f)					

**APPENDIX I TO PART 268**

**TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)**

7.42 TCLP is published in Appendix II of Part 261	34, 74	Appendix I					
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**APPENDIX II TO PART 268**

**TREATMENT STANDARDS (AS CONCENTRATIONS IN THE TREATMENT RESIDUAL EXTRACT)**

table	34	Appendix II					
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**APPENDIX III TO PART 268**

**LIST OF HALOGENATED ORGANIC COMPOUNDS REGULATED UNDER 268.32**

HOC definition and list of HOCs regulated under 268.32	39	Appendix III					
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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

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

**APPENDIX IV TO PART 268**

**†,9 ORGANOMETALLIC LAB PACKS**

list of hazardous wastes that may be placed in "organometallic" or "Appendix IV lab packs"	78,83	Appendix IV					
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**APPENDIX V TO PART 268**

**†,9 ORGANIC LAB PACKS**

list of hazardous wastes that may be placed in "organic" or "Appendix V lab packs"	78,83	Appendix V					
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**APPENDIX VI TO PART 268**

**RECOMMENDED TECHNOLOGIES TO ACHIEVE DEACTIVATION OF CHARACTERISTICS IN SECTION 268.42**

list of technologies which achieve the standard of "deactivation to remove characteristics of ignitability, corrosivity, and reactivity"; use of specified technologies not mandatory; alternative methods not performed in land disposal units	78	Appendix VI					
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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

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

**APPENDIX VII TO PART 268**

**EFFECTIVE DATES OF SURFACE DISPOSED WASTES REGULATED IN THE LDRs**

comprehensive list of wastes and effective dates	78,83	Appendix VII					
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**APPENDIX VIII TO PART 268**

**NATIONAL CAPACITY LDR VARIANCES FOR UIC WASTES**

comprehensive list of national capacity LDR variances for UIC wastes	78,83	Appendix VIII					
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**APPENDIX IX TO PART 268**

**EXTRACTION PROCEDURE (EP) TOXICITY TEST METHOD AND STRUCTURAL INTEGRITY TEST  
(SW-846, METHOD 1310A)**

interim method to determine whether a waste exhibits the characteristic of EP Toxicity	83	Appendix IX					
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**PART 270 - EPA ADMINISTERED PERMIT PROGRAMS:  
THE HAZARDOUS WASTE PERMIT PROGRAM**

**SUBPART B - PERMIT APPLICATION**

**CONTENTS OF PART B: GENERAL REQUIREMENTS**

add new paragraph; copy of notice of approval of petition or extension	34	270.14(b)(21)					
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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

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

**SUBPART C - PERMIT CONDITIONS**

**ESTABLISHING PERMIT CONDITIONS**

insert "through 268"; remove "267"	34	270.32(b)(1)					
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**SUBPART D - CHANGES TO PERMIT**

**43 PERMIT MODIFICATIONS AT THE REQUEST OF THE PERMITTEE**

add new paragraph and subparagraphs; conditions for treating nonspecified waste	34	270.42(o)					
prohibited from one or more land disposal methods under Part 268, Subpart C or RCRA Section 3004	34,†39	270.42(o)(1)					
treatment in accordance with 268.4 and 268.3 and:	34,†39	270.42(o)(2)					
treatment in accordance with 268.41, 268.42 or 268.44; or	†39	270.42(o)(2)(i)					
no standards exist and treatment removes prohibitions of 268.32 or RCRA 3004	†39	270.42(o)(2)(ii)					
no increased or substantially different risks	34	270.42(o)(3)					

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions**  
as of June 30, 1992 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Federal/State approval; allowable modifications	34	270.42(o)(4)					
add new paragraph and subparagraphs; allow facilities to change operation to treat or store if:	†39	270.42(p)					
major permit modification is requested;	†39	270.42(p)(1)					
demonstrates necessity to comply with 268 or RCRA 3004; and	†39	270.42(p)(2)					
ensures compliance pending administrative determination	†39	270.42(p)(3)					

**APPENDIX I TO SECTION 270.42**

**44 CLASSIFICATION OF PERMIT MODIFICATION**

45	add new item involving F039 under "General Facility Standards"; add a footnote symbol to the Class I designation at B(1)(b)	78,83	270.42 Appendix I, B(1)(b)				
45	redesignate old B(1)(b) as B(1)(c)	78	270.42 Appendix I, B(1)(c)				

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART G - INTERIM STATUS							
CHANGES DURING INTERIM STATUS							
no reconstruction; changes do not include tank/container changes to comply with land disposal restrictions	39	270.72(e)					

- 1 See the amendment to the rule addressed by Revision Checklist 39 at 52 FR 41295 (October 27, 1987), included on Revision Checklist 39.
- 2 Paragraph 260.11(a) is also affected by Revision Checklist 67 (54 FR 40260, September 29, 1989) and Revision Checklist 73 (55 FR 8948, March 9, 1990).
- 3 Paragraph 261.5(f)(2) is also affected by Revision Checklist 47 (53 FR 27162, July 19, 1988).
- 4 Note that the "TC Rule," Revision Checklist 74 (55 FR 11798, March 29, 1990), has also made changes to 261.24(b).
- 5 Paragraph 261.33(c) is also affected by Revision Checklist 41 (52 FR 26012, July 10, 1987).
- 6 Note that the final rule for Revision Checklist 39 (52 FR 25787) gives Subpart E, 262.51 as the citation for the section titled "Farmers." This is not correct as the August 8, 1986 (51 FR 28664, Revision Checklist 31) final rule regarding exports changed this section and moved it to Subpart G, 262.70. This error in the final rule was detected when Revision Checklist 39 was developed, and the proper citation (262.70) was used on that checklist. This error was ultimately corrected at 53 FR 27164 (July 19, 1988; Revision Checklist 48).
- 7 See the technical correction to the rule addressed by Revision Checklist 34 at 52 FR 21010 (June 4, 1987, included on Revision Checklist 34).
- 8 Subparagraphs 264.13(a)(1) and 265.13(a)(1) are also affected by Revision Checklist 64 (54 FR 33376, August 14, 1989).
- 9 This code is part of the optional requirements for the alternate treatment standards for lab packs under the Third Third Scheduled Waste Rule. If adopted, all of the requirements (i.e., 264.316(f), 265.316(f), 268.7(a)(8), 268.7(a)(9), 268.42(c), 268.42(c)(1)-(4), and

**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

Appendices IV and V to Part 268) related to these alternate treatment standards must be adopted.

- 10 A new subparagraph was introduced into the code by Revision Checklist 78. The original subparagraph 268.1(c)(3) was introduced by Revision Checklist 34, modified by Checklist 39, then removed by Revision Checklist 50, with 268.1(c)(4) redesignated as (c)(3). The redesignated subparagraph 268.1(c)(3) was subsequently removed by Revision Checklist 66.
- 11 Subparagraph 268.1(c)(4) originated in Revision Checklist 34, was modified by Revision Checklist 39, redesignated as 268.1(c)(3) while the original 268.1(c)(5) was redesignated as 268.1(c)(4) by Revision Checklist 50, and finally removed by Revision Checklist 66.
- 12 Subparagraph 268.1(c)(5) originated in Revision Checklist 39, and was revised by Revision Checklist 48. This text was redesignated as 268.1(c)(4), and new 268.1(c)(5) text was introduced by Revision Checklist 50. This subparagraph was finally removed by Revision Checklist 78.
- 13 These definitions were introduced into the code as part of 268.2(a) by Revision Checklist 34. Revision Checklist 78 designated them as individual paragraphs 268.2(b) and (c). The text of the old 268.2(b), introduced into the code by Revision Checklist 34, was deleted from the section by Revision Checklist 78.
- 14 This definition was introduced into the code as part of 268.2(a) by Revision Checklist 39. Revision Checklist 78 designated it as an individual paragraph 268.2(e).
- 15 This subparagraph was originally 268.3 when it was added to the code by Revision Checklist 34. However, it was redesignated as 268.3(a) by Revision Checklist 78.
- 16 268.6(c) was originally introduced by Revision Checklist 34. Revision Checklist 50 redesignated that 268.6(c) as 268.6(d) and inserted a new 268.6(c).
- 17 The original 268.6(d) was introduced by Revision Checklist 34. Revision Checklist 50 redesignated that paragraph as 268.6(g). That same checklist redesignated 268.6(c) as 268.6(d).
- 18 268.6(e) was introduced by Revision Checklist 34. Revision Checklist 50 redesignated that 268.6(e) as 268.6(h) and inserted a new 268.6(e).
- 19 268.6(f) was introduced by Revision Checklist 34. Revision Checklist 50 redesignated that 268.6(f) as 268.6(i) and inserted a new 268.6(f).
- 20 268.6(d)-(j) were originally introduced by Revision Checklist 34. Revision Checklist 50 redesignated these paragraphs as 268.6(g)-(m).

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**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

- 21 268.6(k) was originally introduced by Revision Checklist 39. Revision Checklist 50 redesignated it as 268.6(n).
- 22 Note that the rule addressed by Revision Checklist 78 (55 FR 22520) makes it appear as if 268.7(a)(3)(iii)-(v) were removed (see page 22687). This was an error and these subparagraphs should remain in the code.
- 23 Initially, subparagraphs 268.7(a)(4)(i)-(iv) were introduced into the code by Revision Checklist 50. Revision Checklist 78 completely changed the text of (a)(4)(i)-(iii) and removed (a)(4)(iv).
- 24 This subparagraph was originally 268.7(a)(4) when it was added to the code by Revision Checklist 34. However, it was redesignated as 268.7(a)(5) by Revision Checklist 50.
- 25 268.7(a)(7) was originally 268.7(a)(6) on Revision Checklist 50. Revision Checklist 83 inserted a new 268.7(a)(6) and redesignated the old 268.7(a)(6) as 268.7(a)(7). Revision Checklist 83 also redesignated 268.7(a)(7)-(a)(9) as 268.7(a)(8)-(a)(10).
- 26 These subparagraphs were originally 268.7(b)(1) and 268.7(b)(1)(i)-(iv) when they were added to the code by Revision Checklist 34. However, they were redesignated as 268.7(b)(4) and 268.7(b)(4)(i)-(iv) by Revision Checklist 50.
- 27 These subparagraphs were originally 268.7(b)(2) and 268.7(b)(2)(i)-(ii) when they were added to the code by Revision Checklist 34. However, they were redesignated as 268.7(b)(5) and 268.7(b)(5)(i)-(ii) by Revision Checklist 50.
- 28 This paragraph was originally 268.7(b)(8) when it was entered into the code by Revision Checklist 50, but it was redesignated as 268.7(b)(7) by Revision Checklist 78 because the old 268.7(b)(7) and 268.7(b)(7)(i)-(iv) were removed by Revision Checklist 78. Revision Checklist 66 corrected 268.7(b)(8) before it was redesignated by Revision Checklist 78.
- 29 The notice, certification and test requirements currently found in Federal code at 268.7(c)(1) and (c)(2) were originally addressed in paragraph 268.7(c), as introduced into the code by Revision Checklist 34. 268.7(c) was subsequently modified by Revision Checklists 39 and 50. Revision Checklist 39 added the testing requirements now found at 268.7(c)(2), although at the time, these requirements were still part of 268.7(c). It was Revision Checklist 50 that significantly revised the paragraph so that the notice and certification requirements now appear at (c)(1) and the testing requirements appear at (c)(2). The checklist reference column, then, includes all relevant checklists for 268.7(c)(1) and (c)(2), rather than just Revision Checklist 50 which primarily affected the formatting changes.
- 30 Subparagraphs 268.7(c)(3) and (c)(4), introduced into the code by Revision Checklists 50 and 66, respectively, were removed from the code by Revision Checklist 78.

**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

- 31 An error in the September 6, 1989 rule (54 FR 36967) makes it appear that the revisions to 268.8(a) include the removal of 268.8(a)(4). This was not the Agency's intent and 268.8(a)(4) remains in Federal code as introduced by Revision Checklist 50.
- 32 The 268.30(a) introduction appeared in the final rule addressed by Revision Checklist 50, but was not changed by that rule. See Revision Checklist 50 for more information.
- 33 These subparagraphs were originally 268.30(c) and 268.30(c)(1)-(3) when they were introduced into the code by Revision Checklist 34. However, Revision Checklist 50 redesignated them as 268.30(d) and 268.30(d)(1)-(3) because that checklist inserted a new paragraph at 268.30(c).
- 34 These subparagraphs were originally 268.31(b) and 268.31(b)(1)-(3) when they were introduced into the code by Revision Checklist 34. However, Revision Checklist 50 redesignated them as 268.31(d) and 268.31(d)(1)-(3) because that checklist inserted a new paragraph at 268.31(b).
- 35 While this subparagraph appeared in the final rule addressed by Revision Checklist 50, this rule did not change this subparagraph. See Footnote 9, page 28 of Revision Checklist 50.
- 36 Note that there are typographical errors in the Federal Register addressed by Revision Checklist 102. The change from K031 to D031 appears to be incorrect; "D031" should be "K031." There will be a technical correction in the future. Also, after "Appendix I of this part" in column 2 of page 57 FR 8089 for 268.41(a), "for the allowable" appears to have been incorrectly changed to "of the allowable."
- 37 268.42(a)(3) was introduced into the code by Revision Checklist 63. Revision Checklist 78 removed this paragraph and Revision Checklist 83 added a new 268.42(a)(3).
- 38 268.42(a)(4) was introduced into the code by Revision Checklist 63. Revision Checklist 78 removed this paragraph.
- 39 The 55 FR 22520, June 1, 1990, code incorrectly states that a subparagraph 268.42(e) is added. The Federal Register did not contain a 268.42(e); it only added 268.42(d).
- 40 While 268.43(b) appeared in the final rule addressed by Revision Checklist 63, the text of the paragraph was not changed and remains the same as that introduced by Revision Checklist 50.
- 41 Note that 268.44(o) and a table listing wastes excluded from the treatment standards under 268.43(a) were added to the CFR by 56 FR 12351, a notice granting treatability variance for facilities located in Chicago, Illinois. Due to the topic, no checklist was necessary for this notice. As such, this paragraph and table were not included in this consolidated checklist as States would likely not want to include it in their code, unless treatability variance was granted to a facility in that State.



**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

- 42 As background, the TCLP was originally promulgated in 268, Appendix I, on November 7, 1986 (51 FR 40572; Revision Checklist 34) for use in the Land Disposal Restrictions (LDR) program to determine whether certain wastes require treatment prior to land disposal and to determine whether certain treated wastes meet the applicable treatment standards. The TC rule and its June 29, 1990 modification promulgated a revised TCLP at 261, Appendix II, with modifications based on the Agency's own research and public comment. This TCLP is to be used in both the TC and the LDR programs. The objective of the above footnoted revision to 268, Appendix I, is to assure that the TCLP entered into the code by the November 7, 1986 notice (51 FR 40572; Revision Checklist 34) is removed and replaced by the TCLP entered into the code and amended by the final rules (55 FR 11798 and 55 FR 26986) addressed by Revision Checklist 74. The actual placement of the TCLP within a State's code is not that important, per se; what is important is that a State's code contains only the Revision Checklist 74 TCLP.
- 43 Revision Checklist 54 revised the section heading, which previously read "Minor Modification of Permits," to read "Permit Modification at the Request of the Permittee." This was an optional change; therefore a State may have the old section title if it elected not to adopt the Checklist 54 changes. States should also note that 270.42 was not required by 271.14 to be part of a State's authorized permit program. Thus, only States which elected to have a section analogous to 270.42 at the time of base program authorization need worry about the 270.42 modifications made to this section by Revision Checklists 34, 39 and 54. Revision Checklist 54 removed portions of the code added by Revision Checklists 34 and 39, i.e., 270.42(o) and 270.42(p) and their subparagraphs. However, these sections have been retained in this Consolidated LDR Checklist because the Revision Checklist 54 deletions were optional. The various scenarios for changes to this section are as follows:
- If the State did not include an analog to 270.42 in its base program, all entries for 270.42 shown in this Consolidated LDR Checklist should be disregarded.
  - If the State included an analog to 270.42 in its base program and chose to adopt the optional changes in Revision Checklists 39 and 54, the change to 270.42(e)(3)(ii)(B) should be made; the entries on this Consolidated LDR Checklist for 270.42(o) and (p) and their respective subparagraphs should be disregarded (such code will have been deleted); and the new section title should be used.
  - If the State included an analog to 270.42 in its base program, but chose not to adopt the optional changes in Revision Checklists 39 and 54, the change to 270.42(e)(3)(ii)(B) should be made; the State should have analogs to 270.42(o) and (p) and their respective subparagraphs as shown on this Consolidated LDR Checklist; and the old section title may be retained.
- 44 Appendix I was introduced by Revision Checklist 54 as an optional modification to Section 270.42. Changes to this appendix addressed by Revision Checklist 78 are relevant only if a State has modified its code to include Appendix I as per Revision Checklist 54.

**CONSOLIDATED CHECKLIST: Land Disposal Restrictions  
as of June 30, 1992 (cont'd)**

- 45 Revision Checklist 78 redesignated item B(1)(b) as item B(1)(c) and added a new B(1)(b).
- 46 Revision Checklist 61 revised and redesignated 270.72(e) as 270.72(b). The Revision Checklist 61 changes are optional, however; therefore, some States may have retained 270.72(e) in their code as introduced by the LDR Revision Checklist 39.