

RCRA REVISION CHECKLIST 129

Revision of Conditional Exemption for
Small Scale Treatability Studies

59 FR 8362-8366

February 18, 1994

(RCRA Cluster IV, Non-HSWA provisions)

1) This rule revises the July 19, 1988 (53 FR 27290) Treatability Studies Sample Exemption Rule addressed by Revision Checklist 49. States which are not authorized for Revision Checklist 49 are encouraged to adopt these present revisions at the same time the requirements addressed by Revision Checklist 49 are adopted.

2) As with the July 19, 1988 rule, States are not required to adopt these present revisions because they are less stringent or reduce the scope of the existing Federal requirements. However, EPA strongly encourages States to adopt these revisions. In addition, the Agency plans to work with States to encourage timely adoption of this rule because of its benefits to the development of treatment capacity.

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 "1000 kg of any non-acute hazardous waste" with "10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media"; replace "or 250 kg of soils, water, or debris" with "2500 kg media"	261.4(e)(2)(i)					
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RCRA REVISION CHECKLIST 129: Revision of Conditional Exemption for Small Scale Treatability Studies (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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replace "1000 kg of non-acute hazardous waste, 1 kg of acute hazardous waste, or 250 kg of soils, water, or debris contaminated with acute hazardous waste" with "10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste"	261.4(e)(2)(ii)					

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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<p>completely revise paragraph; add a new first sentence regarding requests for treatability studies involving bioremediation; delete the phrase ", or State Director (if located in an authorized State)," after "The Regional Administrator"; delete commas around the phrase "on a case-by-case basis"; change "paragraph (e)(2)(i)" to "paragraphs (e)(2)(i)&(ii) and (f)(4)"; replace "500 kg of non-acute hazardous waste," with "5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste and"; delete the phrase ", and 250 kg of soils, water...to conduct further treatability study evaluation when"; restructure the remaining portions of paragraph 261.4(e)(3) starting with "There has been an equipment failure..." and "The additional quantities allowed...", and redesignate them as new subparagraphs (e)(3)(ii) and (e)(3)(iii)</p>	261.4(e)(3)					
<p>1 redesignate old 261.4(e)(3)(i) as 261.4(e)(3)(iii)(A); add new subparagraph regarding factors to be considered when reviewing requests for authorization to ship, store and conduct treatability studies</p>	261.4(e)(3)(i)					

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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<p>redesignate old 261.4(e)(3)(ii) as 261.4(e)(3)(iii)(B); the third to the last sentence ("There has been an equipment... specifications for treatment.") from the old 261.4(e)(3)(intro) becomes the new 261.4(e)(3)(ii); to the beginning of that sentence add the phrase "In response to requests for authorization to ship, store and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, when:"</p>	261.4(e)(3)(ii)					
<p>redesignate old 261.4(e)(3)(iii) as 261.4(e)(3)(iii)(C); the last two sentences (beginning with "The additional quantities") from the old 261.4(e)(3)(intro) become the new 264.4(e)(3)(iii); revise the first of these two sentences by inserting the phrase "and timeframes" between "quantities" and "allowed" and replacing "are subject to all the provisions in paragraphs (e)(1) and (e)(2)(ii)(vi) of this section" with "in paragraph (e)(3)(i) and (ii) of this section are subject to all the provisions in paragraphs (e)(1) and (e)(2)(iii) through (vi) of this section."</p>	261.4(e)(3)(iii)					

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2 old 261.4(e)(3)(i) becomes 261.4(e)(3)(iii)(A); insert "time or" between both occurrences of "additional" and "quantity"; replace the semicolon at the end of the subparagraph with a comma	261.4(e)(3)(iii)(A)					
old 261.4(e)(3)(ii) becomes 261.4(e)(3)(iii)(B); change "data" to "date" after "studies including the"	261.4(e)(3)(iii)(B)					
old 261.4(e)(3)(iii) becomes 261.4(e)(3)(iii)(C)	261.4(e)(3)(iii)(C)					
old 261.4(e)(3)(iv) becomes 261.4(e)(3)(iii)(D)	261.4(e)(3)(iii)(D)					
old 261.4(e)(3)(v) becomes 261.4(e)(3)(iii)(E)	261.4(e)(3)(iii)(E)					
replace "250 kg of "as received" hazardous waste is subjected" with "10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" hazardous waste is subject"	261.4(f)(3)					

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replace "1000 kg, the total of which can include 500 kg of soils, water, or debris contaminated with acute hazardous waste or" with "10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and"; in the last sentence delete the colon, remove text of 261.4(f)(4)(i) and the subparagraph designators "(i) and (ii)", including only the text of 261.4(f)(4)(ii), with "Treatment materials" changed to "treatment materials"	261.4(f)(4)					
insert "(two years for treatability studies involving bioremediation)" after "no more than one year"; replace "has elapsed" with "have elapsed"; add two new sentences at the end of the paragraph regarding treated material from treatability studies that can be archived	261.4(f)(5)					

¹ Note that there is a typographical error in this subparagraph; "treatabilty" should be "treatability."

² The replacement of the semi-colon with a comma at the end of 261.4(e)(iii)(A) may be a typographical error as other 261.4(e)(iii) subparagraphs (i.e., 261.4(e)(iii)(B)-(D)) end with a semi-colon.