ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 264, 265, and 270

[SWH-FRL 2789-1]

Hazardous Waste Management System; Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Under authority of the Resource Conservation and Recovery Act (RCRA), EPA is promulgating a rule that requires the use of a paint filter test to determine the absence or presence of free liquids in either a containerized or bulk waste. This rule applies to owners and operators of hazardous waste landfills regulated under 40 CFR Parts 264 and 265. This rule is based on public comments received on a proposed paint filter test and laboratory testing of six test protocols designed to detect the presence of free liquids. The rule includes conforming amendments to several other sections of the regulations.

DATES: Effective Date: This final rule becomes effective on June 14, 1985. The incorporation by reference of the publication listed in these regulations is approved by the Director of the Federal Register as of June 14, 1985.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hazardous Waste Hotline, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 800/424-9346 (382-3000 in Washington, D.C.). For specific information on this amendment, contact Paul Cassidy, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 382-4682.

SUPPLEMENTARY INFORMATION:

I. Background

On May 19, 1980, EPA promulgated regulations that established most of the basic elements of the hazardous waste management program required by Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6921 et seq. See 45 FR 33066 (May 19, 1980). Part 265 of these regulations sets forth standards that apply to owners and operators of existing interim status hazardous waste treatment, storage, and disposal facilities. These regulations included limitations on the placement in a landfill of both bulk or non-containerized and containerized liquid waste or waste containing free liquids.

The May 19, 1980 regulations defined "free liquids" a "liquids which readily separate from the solid portion of a waste under ambient temperature and pressure." See 40 CFR 260.10. In the preamble to the May 19, 1980 regulations, the Agency suggested that an inclined plane test to determine whether sludges or semi-solids contained free liquids be used until a more rigorous test was devised.

On February 25, 1982, the Agency proposed a paint filter test for landfill operators to use to determine the presence of free liquids in sludges, semi-solids, slurries, and other wastes that are commonly received in containers. See 48 FR 57144 (February 25, 1982).

On July 26, 1982, EPA issued standards for use in issuing permits for facilities that treat, store, or dispose of hazardous wastes. See 47 FR 32274 (July 26, 1982). These regulations also included standards for the landfilling of both bulk or non-containerized and containerized liquid waste or waste containing free liquids.

On December 28, 1983, EPA issued a notice of availability of information and request for comments. This notice made available the results of laboratory tests conducted to evaluate the suitability of six test protocols in determining the presence of free liquids in waste samples. A summary of this information is presented in this preamble.

II. Final Rulemaking on Paint Filter Test

(A) Comments Concerning Proposed Paint Filter Test

The Agency initially proposed a paint filter test on February 25, 1982, and solicited comments on this proposed method as well as on any other test protocols that were capable of determining whether or not a waste sample contained free liquids.

The proposed paint filter test protocol called for a 100 ml representative sample of the waste to be placed in a 400 micron conical paint filter for five minutes. The filter was to be supported by a funnel on a ring stand with a beaker or cylinder below the funnel to capture any liquid that passed through the filter. If any amount of liquid passed through the filter, the waste would be considered to hold free liquids.

The comments received on the paint filter test proposed on February 25, 1982 were favorable. Commenters felt that the Agency had proposed a needed and straightforward test; they also believed that the test was simple and practical. Some commenters questioned the length of the test (5 minutes); they generally felt that a longer test period was needed to accurately determine the amount of free liquids. One commenter stated that unless EPA identifies a specific brand of filter or provides specifications for the filter mesh, application of the February 25, 1982 test may produce inconsistent results.

Comments received on the December 28, 1983 Notice of Availability also endorsed the use of the paint filter test as the appropriate test protocol for determining the presence of free liquids in a waste material. Commenters questioned why hazardous wastes were not used in the testing program and also why a greater number (range) of hazardous materials were not evaluated with the six test protocols.

Although most of those commenting on the December 28, 1983 Notice of Availability agreed that the paint filter test was the appropriate test method, a few requested that EPA finalize several tests as suitable and that the owners or operators of hazardous waste landfill facilities be given the option of selecting any one of the optional test protocols.

Most commenters agreed that five minutes was an appropriate duration in order to determine the presence of free liquids on a pass/fail basis. A few commenters recommended a longer duration to completely assure that free liquids do not exist in a waste material.

The laboratory testing done on the paint filter test (see December 28, 1983, notice of Availability) incorporated the use of a fluted funnel and standard watchglass. These items were not part of the apparatus of the paint filter test as initially proposed in February, 1982. Therefore, commenters addressed the appropriateness of these measures for the first time following the Notice of Availability issued in December of 1983.

Commenters questioned the use of a standard watchglass in the paint filter test. One commenter claimed that evaporation is a negligible factor particularly when the duration is short. Commenters opposed using the standard watchglass to simulate landfill pressures. Commenters argued that there are no standardized conditions that could be suggested and any attempts to go beyond an evaluation of the waste itself will inevitably complicate the testing and interfere with the results.

Commenters also questioned the use of a fluted paint filter to facilitate moisture flow. Commenters stated that most laboratories do not use a funnel; instead, the paint filter alone is supported by a ring stand of about 100 mm ID. Another commenter stated that

in his use of the paint filter test, the support funnel used was of a different conical cross section than the paint filter. Contact between the two occurred only at the lip of the funnel. In this situation, use of a fluted funnel would be an unnecessary refinement.

A final comment requested that the quantity of waste be specified as 100g rather than 100ml. The commenter argued that measuring volume was not practicable when dealing with viscous materials.

(B) Evaluation of Various Test Protocols and Response to Comments

EPA has evaluated a variety of testing methods that could potentially determine the presence of free liquids in waste materials. The results of this study were made available to the public in the December 28, 1983, Notice of Availability. The test protocols evaluated were an inclined plane test, a lab press, a filtration test, a graduated cylinder test, a sieve test, and a paint filter test.

Five waste materials were used to evaluate these test methods. The selected wastes were drilling mud, air pollution control equipment sludge, paint sludge, separator sludge, and paper sludge. These waste materials were not hazardous wastes, but were selected because their textural consistencies were representative of the range of consistencies of hazardous wastes. The waste materials included those that could be classified as gelatinous, granular, oily, and fibrous.

The Agency has concluded that the paint filter test is the correct selection for a free liquid test protocol. The test protocols that simulate landfill pressures (lab press and filtration unit) have more disadvantages than any of the other test methods.[1] These disadvantages are:

(1) Required operator training;

(2) Difficulties in running the test methods; and

(3) Difficulties in cleaning the test equipment.

The operational problems of the pressure tests could lead to inaccurate results. Due to the complexity of the equipment used in the pressure tests, operator training is necessary to gain familiarity with the equipment and understanding of the procedures. Even if an operator has been trained, the pressure tests have characteristics that make them difficult to run. Proper alignment of the piston and test cylinder is critical to proper execution of the lab press test. When the alignment is not perfect, the test plunger will jam against the sides of the cylinder. The lab press must also be cleaned after every test. This is a tedious job due to the numerous parts in the cylinder. If the test cylinder is not thoroughly cleaned between tests, accuracy of the test may be impaired. A drawback encountered when testing with the filtration unit included the need to monitor the pressure. Since the pressure must always be maintained during testing with the filtration unit, continual monitoring of the equipment is necessary, thereby increasing the complexity of the test.

The other four test methods evaluated were gravity tests (only atmospheric pressure was applied to the samples). The sieve test is too erratic and the results are not reproducible. The graduated cylinder test that takes 24 hours is too lengthy to be used by owners and operators in the field. The Agency was concerned that such a lengthy test could interrupt landfill operations and possibly result in environmental damage. In addition, such a test could be difficult for EPA enforcement personnel to use.

This left the Agency with a choice between the inclined plane test and the paint filter test. The inclined plane test had a few minor disadvantages compared to the paint filter test. The overall test results indicate that the inclined plane test is less accurate than the paint filter test in determining the presence of free liquids. Occasionally during testing, the entire waste sample moved down the inclined plane. It would be difficult to interpret whether this indicated the presence or absence of free liquids. Also, during testing of the inclined plane, liquid adhered to the underside of the glass surface, making interpretation of the test results difficult.

The Agency has concluded that on a pass/fail basis, the paint filter test is the most appropriate test to use in order to determine the presence of free liquids and therefore determine which wastes will require further treatment before they can be landfilled.

A commenter from the regulated community agreed that the selection of the paint filter test, as opposed to the inclined plane test, was the correct choice as the appropriate test method by saying "* * * it was found that the paint filter method gave test results with a much lower standard deviation and a higher degree of agreement between operators than the sloping plate test [the inclined plane test]."

The length of the test should not create undue operational burdens because the test period is only five minutes. The five minute duration of the test was selected as opposed to a longer period of time, because the laboratory testing indicates that, on a pass/fail basis five minutes is adequate to detect the presence of free liquids. Since this regulation is intended only to indicate if free liquids are present in a waste, a quantitative test that determines the absolute amount of free liquids in wastes is not necessary. The five-minute duration also provides a minimal testing burden for owners or operators in terms of the length of the test.

In response to the comment that EPA should specify a specific brand of paint filter or provide specifications for the filter mesh, EPA agrees and has provided a specification for the filter mesh. The laboratory tests were done with a conical paint filter that had a mesh number of 60. The proposed test (February 25, 1982) called for a 400 microm filter. The mesh number indicates the number of holes per linear inch; a filter with a mesh number of 60 has an opening every 0.0167 inch. A 400 micron filter has an opening every 0.0137 inch. EPA believes that a 400 micron filter and a filter with a mesh number of 60 are equivalent for the purposes of this test. However, to promote uniformity and provide specification for the filter mesh, a conical paint filter with a mesh number of 60 is specified for future testing.

In response to comments that EPA should not require the use of a standard watchglass as part of the paint filter testing, EPA agrees and has elected to not require the use of the watchglass. EPA agrees that evaporation will be a negligible factor during testing since the duration fo the test will only be five minutes.

With regard to the use of a fluted paint filter to facilitate moisture flow, the Agency believes that one of the approaches outlined by the commenters has merit. Therefore, the Agency provides three options in the final test: (1) The paint filter alone can be supported by the ring stand, (2) the paint filter can be supported by a fluted glass funnel, or (3) the paint filter can be supported by a glass funnel with an open mouth that allows at least one inch of the filter mesh to protrude. All three of these are capable of supporting the paint filter yet not interfering with the movement of the liquid that passes through the filter mesh to the graduated cylinder. The option of using a support funnel of different conical cross section has not been allowed in the final test

[1] In addition to the factors cited in the text, the pressure test equipment was more expensive and had higher operating costs than the other test methods. In light of the fact that the pressure test methods were also less reliable, the Agency believes that it would not be cost-effective to require these methods.

due to the anticipated difficulty of supporting the waste sample and the paint filter.

The Agency has allowed the quantity of material being tested to be 100g as an alternative to 100ml for those cases where a viscous material is to be tested for the presence of free liquids.

(C) Paint Filter Test

Today's rule makes the use of the paint filter test mandatory for determining whether a waste sample contains free liquids. This means that for the purposes of §§ 264.314 and 265.314, dealing with liquids in landfills, owners and operators must use the paint filter test in order to demonstrate the presence or absence of free liquids in a containerized or bulk waste. This requirement has been added in §§ 264.314(c) and 265.314(d).

The final rule, which requires that the paint filter test be used for both bulk and containerized waste, is a logical outgrowth of the proposed rule. The proposal, 46 FR 8313, provided that the Agency would adopt the paint filter test as a test method to determine whether a waste contains free liquids, and expressly required that this test be used to determine whether a waste sample from a container contains free liquids. Although the proposal did not specifically address the issue of testing samples from bulk liquid wastes, the test methods examined in the proposal were generally described as capable of determining whether any waste sample contains free liquids. In its Notice of Availability, 48 FR 57144, the Agency provided a broader rationale for the rule. The notice stated that the test protocols that were being considered could be used to determine the existence of free liquids in sludges, semi-solids, slurries, and other waste types, and it placed no limitation on the types of wastes to which the test would be applicable. Based on comments received in response to the Notice, and on its own analysis, the Agency has concluded that there is no basis to distinguish between bulk and containerized liquids for the purposes of this test. In addition, inasmuch as the definition of "free liquids" is the same for both bulk and containerized liquids, the Agency considers it appropriate that the same free liquids test apply to both bulk and containerized liquids.

The paint filter test is also applicable with regard to the new statutory ban on bulk liquid hazardous wastes in section 3004(c)(1) of RCRA, which was added by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Beginning on May 8, 1985, section 3004(c)(1) bans the placement of bulk liquid hazardous wastes and free liquids contained in hazardous wastes in any permitted or interim status landfill. In enacting the restrictions on liquids in landfills in section 3004(c), Congress intended to use EPA's current definition of "free liquids." See S. Rep. No. 284, 98th Cong., 1st Sess. 22 (1983). The legislative history to the new ban provision reveals that Congress was aware that EPA was evaluating test protocols for free liquids (notably, the paint filter test and the inclined plane). The Agency was authorized to specify appropriate test protocols in connection with the ban provision. *Id.* In view of these explicit references to EPA's current regulations and to the Agency's evaluation of test protocols, EPA believes that it is consistent with congressional intent to require that the paint filter test be used to implement the ban on bulk liquid hazardous wastes and hazardous wastes containing free liquids.

The finalized paint filter test requires that a predetermined amount of material be placed in the paint filter (mesh number of 60) and any portion that passes through and drops from the filter is what is considered to be a free liquid. A 100ml or 100g representative sample is required for the test. The sample must be placed in the filter for 5 minutes.

The paint filter test has been written in EPA's standard test protocol format and placed in EPA's test methods manual, EPA Publication No. SW–846 (*Test Methods for Evaluating Solid Wastes*) as Method 9095. SW–846 is incorporated by reference in several sections of EPA's regulations. Today's amendment to the test methods manual is now also incorporated by reference by virtue of its incorporation into this manual.

The paint filter test will be referred to as "Update II to SW–846" and is available from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, D.C. 20401 (202–783–3238) (GPO Number 055–002–81001–2). Persons holding a subscription to the second edition of SW–846 will automatically receive this amendment. Others may purchase both the second edition of the manual and this amendment from GPO.

Method 9095, as set out in "Update II to SW–846", will be substituted for the version of Method 9095 that is currently printed in SW–846. As currently printed in SW–846, the "Scope and Application" provision of Method 9095 erroneously states that the paint filter test *must* be used to determine compliance with § 261.21 (characteristic of ignitability) and § 261.22 (characteristic of corrosivity). This reference is in error because today's rule makes this test mandatory only for the purpose of determining whether free liquids are present in materials that are to be placed in landfills. In addition, Method 9095 as currently printed in SW–846 includes a procedure to determine the percent free liquid in a sample. Today's rule, which imposes a "pass-fail" test, does not require that such a procedure be used. "Update II to SW–846" deletes these inaccurate provisions.

(D) Conforming Changes

As a result of adding the requirement for the paint filter test to §§ 264.314 and 265.314, several minor conforming changes are being made. These conforming changes will add references to existing reference lists in Subparts B and E of Part 264 and in Subparts B, E, and N of Part 265. Specifically, technical conforming changes are being made to §§ 264.13 (General Waste Analysis), 264.73 (Operating record), 265.13 (General Waste Analysis), 265.73 (Operating record), and 265.302 (General operating requirements).

(E) Ignitable and Corrosive Liquids

As noted in section C of this preamble, today's rule requires that the paint filter test be used to determine the presence of free liquids in wastes that are to be placed in a landfill. Thus, the test must be used to determine whether free liquids are present in ignitable or corrosive wastes that are to be landfilled.

The Agency recommends that the test also be used on ignitable wastes under § 261.21 and corrosive wastes under § 261.22 in order to determine the characteristics of the material (i.e., whether it is considered a liquid or a solid). Sections 261.21 and 261.22 use the term "liquid;" however, "liquid" (or "aqueous," as a subset of liquid) was never precisely defined. EPA believes that, for purposes of the characteristics of ignitability and corrosivity, it will generally be obvious whether or not the waste is a liquid. Nevertheless, for mixed-phase wastes, EPA suggests that the paint filter test be used whenever the question arises. The paint filter test may also be used to obtain the liquid portion of the waste for subsequent flash point evaluation (in the case of an ignitable waste) or for corrosivity evaluation (in the case of a corrosive waste).

EPA believes that this test provides a practical method of testing ignitable and corrosive materials to determine the presence of liquids, and assists the regulated community in complying with

the Part 261 requirements until further evaluation is done.

III. State Authority

(A) Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR Part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA) amending RCRA, a State with final authorization administered its hazardous waste program entirely in lieu of the Federal program. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities within the State that the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under newly enacted section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, HSWA applies in authorized States in the interim.

Today's promulgation of a test protocol to determine the presence of free liquids will be applicable in authorized States because the requirements are being imposed pursuant to the Amendments. Therefore, these requirements take effect in authorized States at the same time that they take effect in nonauthorized States. This rule is regarded as a requirement of HSWA because the Paint Filter Liquids Test will be used to implement HSWA's ban on bulk liquid hazardous wastes, and because Congress anticipated that such a test protocol would be necessary to implement the new bulk hazardous liquid waste ban. See S. Rep. No. 284, 98th Cong., 1st Sess. 22 (1983).

(b) Effect on State Authorizations

Today's announcement promulgates standards that are effective in all States since the requirements are designed to implement Section 3004(c)(1) of the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6905, 6912(a), 6924, and 6925. Accordingly, under Section 3006(g), EPA will implement the standards in nonauthorized States, and in authorized States until they revise their programs to adopt these rules and the revision is approved by EPA.

A State may apply to receive either interim or final authorization under section 3006(g)(2) or 3006(b), respectively, on the basis of requirements that are substantially equivalent or equivalent to EPA's. The procedures and schedule for State adoption of these regulations is described in 40 CFR 271.21 for section 3006(b). See 49 FR at 21678 (May 22, 1984). Similar procedures should be followed for Section 3006(g)(2).

Applying § 271.21(e)(2), States that have final authorization must revise their programs within a year of promulgation of EPA's regulations if only regulatory changes are necessary, or within two years of promulgation if statutory changes are necessary. These deadlines can be extended in exceptional cases (40 CFR 271.21(e)(3)).

States that submit official applications for final authorization less than 12 months after promulgation of EPA's regulations may be approved without including standards equivalent to those promulgated. However, once authorized, a State must revise its program to include standards substantially equivalent or equivalent to EPA's standards within the time period discussed above.

IV. Effective Date

Section 3010(b) of RCRA, as amended by HSWA, establishes the general requirement that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. The purpose of this statutory requirement is to allow sufficient lead time for persons affected by the regulations to prepare to comply with major new regulatory requirements. Section 3010(b) allows the Administrator to provide an effective date less than six months after promulgation. This can happen when the Administrator determines that the regulated community does not need six months to come into compliance with the new regulatory requirements.

Today's amendment does impose a new requirement. The Agency believes, based on its analysis and on comments received on the test, that 45 days is more than sufficient to obtain the apparatus necessary to conduct the paint filter test. One commenter noted that, "this method is very simple, requires very little skill and uses readily available, relatively inexpensive equipment. The method can be put into use within a short period (0–2 weeks) with virtually no hardship to generators or disposal site operators." The apparatus needed to conduct the test includes a paint filter, ring stand and ring or tripod, beaker or graduated cylinder, and a glass funnel (if necessary). The Agency also believes that familarity with the test procedure can be achieved within 45 days. The same commenter noted that, "* * * the method can (be) taught to unskilled workers within a few hours."

V. Compliance With Executive Order 12291

Executive Order 12291 (Section 3(b)) requires that regulatory agencies prepare a Regulatory Impact Analysis for all "major" rules. Section 1(b) defines "major" rules as those which are likely to result in:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers or individual industries; or
3. Significant adverse effects on competition, employment, investment, productivity, innovation, or international trade.

EPA's analysis indicates that this test protocol and its associated cost does not constitute a "major" rule.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq) requires a Federal Agency to prepare a Regulatory Flexibility Analysis (RFA) for all regulations that have "a significant economic impact on a substantial number of small entities."

This rule will not have a significant economic impact on a substantial number of small entities because the apparatus required by today's promulgation is inexpensive to buy and operate. Accordingly, I hereby certify that pursuant to 5 U.S.C. 605(b), this regulation will not have a significant impact on a substantial number of small entities.

VII. Paperwork Reduction Act

The information collection requirements in this rule have been approved by the Office of Management

and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520 and have been assigned the following control numbers: 2050–0012 and 2050–0013.

VIII. List of Subjects

40 CFR Part 260

Administrative practice and procedure, Hazardous materials, Waste treatment and disposal.

40 CFR Part 264

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

40 CFR Part 270

Administrative practice and procedure, Reporting and recordkeeping requirements, Hazardous materials, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information, Incorporation by reference.

Dated: April 22, 1985.

Lee M. Thomas,

Administrator.

For the reasons set forth in the preamble, 40 CFR Parts 260, 264, 265 and 270 are amended as set forth below.

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for Part 260 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 through 3007, 3010, and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 as amended, (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930 and 6974).

2. Section 260.11 is amended by revising the fourth reference in paragraph (a) to read as follows:

§ 260.11 References.

(a) * * *

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW–846 [Second Edition, 1982 as amended by Update I (April, 1984), and Update II (April, 1985)]. The second edition of SW–846 and Updates I and II are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783–3238, on a subscription basis.

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

3. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6925).

4. Section 264.13 is amended by revising paragraph (b)(6) and by adding an OMB control number to the end of the section to read as follows:

§ 264.13 General waste analysis.

* * * * *

(b) * * *

(6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in §§ 264.17, 264.314, and 264.341.

* * * * *

(Information collection requirements in paragraph (b)(6) approved by OMB under control number 2050–0012)

5. Section 264.73 is amended by revising paragraph (b)(3) and by adding an OMB control number to the end of the section to read as follows:

§ 264.73 Operating record.

* * * * *

(b) * * *

(3) Records and results of waste analyses performed as specified in §§ 264.13, 264.17, 264.314, and 264.341;

* * * * *

(Information collection requirements in paragraph (b)(3) approved by OMB under control number 2050–0013)

6. Section 264.314 is amended by revising its title and by adding a new paragraph (c) to read as follows:

§ 264.314 Special requirements for bulk and containerized liquids.

* * * * *

(c) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." [EPA Publication No. SW–846].

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

7. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6908, 6912(a), 6924, and 6925).

8. Section 265.13 is amended by revising paragraph (b)(6) and by adding an OMB control number to the end of the section to read as follows:

§ 265.13 General waste analysis.

* * * * *

(b) * * *

(6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in §§ 265.193, 265.225, 265.252, 265.273, 265.314, 265.345, 265.375, and 265.402.

* * * * *

(Information collection requirements approved by OMB under control number 2050–0012)

9. Section 265.73 is amended by revising paragraph (b)(3) and by adding an OMB control number to the end of the section to read as follows:

§ 265.73 Operating record.

* * * * *

(b) * * *

(3) Records and results of waste analyses and trial tests performed as specified in §§ 265.13, 265.193, 265.225, 265.252, 265.273, 265.314, 265.341, 265.375, and 265.402;

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(Information collection requirements approved by OBM under control number 2050–0013)

10. Section 265.302 as amended by revising the comment to read as follows:

§ 265.302 General operating requirements.

* * * * *

[*Comment*: As required by § 265.13, the waste analysis plan must include analyses needed to comply with §§ 265.312, 265.313, and 265.314. As required by § 265.73, the owner or operator must place the results of these analyses in the operating record of the facility].

11. Section 265.314 is amended by revising its title and by adding a new paragraph (d) to read as follows:

§ 265.314 Special Requirements for Bulk and Containerized Liquids.

* * * * *

(d) To demonstrate the absence or presence of free liquids in either a

containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." [EPA Publication No. SW–846].

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

12. The authority citation for Part 270 reads as follows:

Authority: Secs. 1006, 2002, 3005, 3007, and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912, 6925, 6927, and 6974).

13. Section 270.6 is amended by revising the first reference in paragraph (a) to read as follows:

§ 270.6 References

(a) * * *

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW–846 [Second Edition, 1982 as amended by Update I (April, 1984) and Update II April, 1985]. The second edition of SW–846 and Updates I and II are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783–3238, on a subscription basis.

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