

6 NYCRR SUBPART 374-1 EXPRESS TERMS

Section 374-1.1 through paragraph 374-1.3(a)(1) remain unchanged.

Paragraph 374-1.3(a)(2) is amended to read as follows:

(2) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if:

(i) the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means; and [if]

(ii) such products meet the applicable treatment standards in section 376.4 of this Title (or applicable prohibition levels in section [376.3(b)]~~376.3(h)~~ or RCRA section 3004(d), where no treatment standards have been established) for each recyclable material (i.e., hazardous waste [constituent]) that they contain[.]; and

(iii) the recycler complies with section 376.1(g)(2)(vi) of this Title. [Commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not presently subject to regulation provided they meet these same treatment standards or prohibition levels for each recyclable material that they contain. However, zinc-containing fertilizers using hazardous waste K061 that are produced for the general public's use are not presently subject to regulation.]

Paragraph 373-1.3(a)(3) remains unchanged.

New paragraph 374-1.3(a)(4) is adopted to read as follows:

(4) Fertilizers that contain recyclable materials are not subject to regulation provided that:

(i) They are zinc fertilizers excluded from the definition of solid waste according to section 371.1(e)(1)(xx) of this Title; or

(ii) They meet the applicable treatment standards in section 376.4 of this Title for each hazardous waste that they contain.

Subdivision 374-1.3(b) through subparagraph 374-1.6(a)(2)(i) remain unchanged.

Subparagraph 374-1.6(a)(2)(ii) is amended to read as follows:

(ii) [section 371.1(f) or] section 372.2(b) (for generators), section 372.3 (for transporters), and section 373-3.5(b) (for persons who store) of this Title; and

Subparagraph 374-1.6(a)(2)(iii) through paragraph 374-1.7(a)(2) remain unchanged.

Paragraph 374-1.7(a)(1) Table is amended to add subparagraphs (vi) and (vii) and read as follows:

If your batteries...	And if you...	Then you...	And you...
(i) Will be reclaimed through regeneration (such as by electrolyte replacement).		are exempt from Parts 372 (except paragraph 372.2(a)(2)), 373, 374-1, 376 and 621 of this Title, and the notification requirements at section 3010 of RCRA.	are subject to Part 371 and paragraph 372.2(a)(2) of this Title.
(ii) Will be reclaimed other than through regeneration.	generate, collect, and/or transport these batteries.	are exempt from Parts 372 (except paragraph 372.2(a)(2)), 373, 374-1, and 621 of this Title, and the notification requirements at section 3010 of RCRA.	are subject to Part 371 and paragraph 372.2(a)(2), and applicable provisions under Part 376 of this Title.
(iii) Will be reclaimed other than through regeneration.	store these batteries but you aren't the reclaimer.	are exempt from Parts 372 (except paragraph 372.2(a)(2)), 373, 374-1, and 621 of this Title, and the notification requirements at section 3010 of RCRA.	are subject to Part 371 and paragraph 372.2(a)(2), and applicable provisions under Part 376 of this Title.
(iv) Will be reclaimed other than through regeneration.	store these batteries before you reclaim them.	must comply with paragraph 374-1.7(a)(2) and as appropriate other provisions described in 374-1.7(a)(2).	are subject to Part 371 and paragraph 372.2(a)(2), and applicable provisions under Part 376 of this Title.
(v) Will be reclaimed other than through regeneration.	don't store these batteries before you reclaim them.	are exempt from Parts 372 (except paragraph 372.2(a)(2)), 373, 374-1, and 621 of this Title, and the notification requirements at section 3010 of RCRA.	are subject to Part 371 and paragraph 372.2(a)(2), and applicable provisions under Part 376 of this Title.
<u>(vi) Will be reclaimed through regeneration or any other means.</u>	<u>export those batteries for reclamation in a foreign country.</u>	<u>are exempt from Part 373, Subpart 374-1, and Parts 376 and 621 of this Title, and the notification requirements at section 3010 of RCRA. You are also exempt from Part 372, except paragraph 372.2(a)(2), and except for the applicable requirements in either: (1) section 372.5(h); or (2) sections 372.5(c) "Notification of Intent to Export", 372.5(f) "Annual Reports" (except 372.5(f)(1)(v)), and 372.5(g) "Recordkeeping."</u>	<u>are subject to Part 371 and paragraph 372.2(a)(2) of this Title, and either must comply with 372.5(h) (if shipping to one of the OECD countries specified in subparagraph 372.5(h)(1)(i)), or must:</u> <ul style="list-style-type: none"> <u>(a) Comply with the requirements applicable to a primary exporter in 372.5(c), 372.5(f) (except 372.5(f)(1)(v)), and 372.5(g); and</u> <u>(b) Export these batteries only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in section 372.5 of this Title; and</u> <u>(c) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the</u>

			<u>transporter transporting the shipment for export.</u>
<u>(vii) Will be reclaimed through regeneration or any other means.</u>	<u>transport those batteries into the U.S. to export them for reclamation in a foreign country.</u>	<u>are exempt from section 372.3, Part 373, Subpart 374-1, and Parts 376 and 621 of this Title, and the notification requirements at section 3010 of RCRA.</u>	<u>must comply with the applicable requirements of 372.5(h) (if shipping to one of the OECD countries specified in subparagraph 372.5(h)(1)(i)), or must comply with the following:</u> <ul style="list-style-type: none"> <u>(a) you may not accept a shipment if you know the shipment does not conform to the EPA Acknowledgement of Consent;</u> <u>(b) you must ensure that a copy of the EPA Acknowledgement of Consent accompanies the shipment; and</u> <u>(c) you must ensure that the shipment is delivered to the facility designated by the person initiating the shipment.</u>

Paragraph 374-1.8(a)(1) is amended to read as follows:

(1) The regulations of this section apply to hazardous waste burned or processed in a boiler or industrial furnace (as defined in section 370.2(b) of this Title) irrespective of the purpose of burning or processing, except as provided by paragraphs (2), (3), (4), [(6)] (7) and (8) of this subdivision. In this section, the term ‘burn’ means burning for energy recovery or destruction, or processing for materials recovery or as an ingredient. The emissions standards of subdivisions (e) through (h) of this section apply to facilities operating under interim status or under a Part 373 permit as specified in subdivisions (c) and (d) of this section.

Paragraphs 374-1.8(a)(2) through 374-1.8(a)(6) are renumbered 374-1.8(a)(3) through 374-1.8(a)(7).

New paragraph 374-1.8(a)(2) is adopted to read as follows:

(2) Integration of the MACT standards.

(i) Except as set forth in subparagraphs (ii) through (vi) of this paragraph, the requirements of this section do not apply to a hazardous waste boiler or industrial furnace unit when the owner or operator of the hazardous waste boiler or industrial furnace unit demonstrates compliance with the air emission standards and limitations in 40 CFR Part 63, subpart EEE, as incorporated by reference and implemented by sections 200.10(a) and (d) of this Title, (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(d) of subpart EEE, documenting compliance with all applicable requirements of 40 CFR part 63, subpart EEE as incorporated by reference and implemented by sections 200.10(a) and (d) of this Title).

(ii) Part 373 permit conditions that were based on the standards of this Subpart will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

(iii) the following requirements remain in effect for startup, shutdown, and malfunction events if the owner or operator elects to comply with subparagraph 373-1.12(a)(1)(i) of this Part to minimize emissions of toxic compounds from these events:

(‘a’) subparagraph 374-1.8(c)(5)(i) of this section requiring that a boiler or industrial furnace operate in accordance with operating requirements specified in the permit; and

(‘b’) clause 374-1.8(c)(5)(ii)(‘c’) of this section requiring compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.

(iv) The following standards continue to apply:

(‘a’) The closure requirements of subparagraph (c)(5)(xi) of this section and 374-1.8(d)(12) of this section;

(‘b’) The standards for direct transfer of subdivision 374-1.8(l) of this section;

(‘c’) The standards for regulation of residues of subdivision 374-1.8(m) of this section; and

(‘d’) The applicable requirements of sections (1) through (8), (28) and (29) of Subparts 373-2 and 373-3 of this Title.

(v) If the owner or operator of a boiler or hydrochloric acid production furnace that is an area source under 40 CFR 63.2, as incorporated by reference and implemented by section 200.10 of this Title, and elects not to comply with the emission standards under 40 CFR 63.1216, 63.1217, and 63.1218 as incorporated by reference and implemented by section 200.10 of this Title, for particulate matter, semivolatile and low volatile metals, and total chlorine, they also remain subject to:

(‘a’) Subdivision 374-1.8(f) of this section - Standards to control particulate matter;

(‘b’) Subdivision 374-1.8(g) of this section - Standards to control metals emissions, except for mercury; and

(‘c’) Subdivision 374-1.8(h) of this section - Standards to control hydrogen chloride and chlorine gas.

(vi) The particulate matter standard of subdivision 374-1.8(f) of this section remains in effect for boilers that elect to comply with the alternative to the particulate matter standard under 40 CFR sections 63.1216(e) and 63.1217(e), as incorporated by reference

and implemented by section 200.10 of this Title.

Renumbered paragraph 374-1.8(a)(3) through renumbered paragraph 374-1.8(a)(4) introductory language remains unchanged.

Renumbered subparagraph 374-1.8(a)(4)(i) is amended to read as follows:

(i) To be exempt from subdivisions (c) through (l)[,] of this section, an owner or operator of a metal recovery furnace or mercury recovery furnace must comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, must comply with the requirements of subparagraph (iii) of this paragraph. In addition to these requirements, owners or operators of lead recovery furnaces that are subject to regulation under the Secondary Lead Smelting NESHAP must comply with the requirements of paragraph (8) of this subdivision.[:]

Renumbered clause 374-1.8(a)(4)(i)(a) remains unchanged.

Renumbered clause 374-1.8(a)(4)(i)(b) is amended to read as follows:

(b) sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this paragraph [under procedures specified by “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods” (EPA Publication No. SW-846 (see section 370.1(e) of this Title)) or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method] by using appropriate analytical techniques that are ELAP certified analytical methods. If ELAP certified methods are not available, analysis should be performed using EPA standard methods. If neither of those are available, the department will evaluate and approve proposals to use other established methods (e.g. Standard Methods for the Evaluation of Water and Wastewater, ANSI, ASTM, DOD). If no established method is available, the department will review the proposed analytical method to ensure that resulting data will meet their data quality objective. Department approval is required for any analysis that is not ELAP certified; and

Renumbered clause 374-1.8(a)(4)(i)(c) through renumbered subparagraph 374-1.8(a)(4)(ii) remain unchanged.

Renumbered subparagraph 374-1.8(a)(4)(iii) introductory language is amended to read as follows:

(iii) To be exempt from subdivisions (c) through (l), an owner or operator of a lead or nickel-chromium or mercury recovery furnace[,] (except for owners or operators of lead recovery furnaces subject to regulation under the Secondary Lead Smelting NESHAP) or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel

manufacturing, must provide a one-time written notice to the commissioner identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subparagraph or subparagraph (i) of this paragraph. The owner or operator must comply with the requirements of subparagraph (i) of this paragraph for those wastes claimed to be exempt under that subparagraph and must comply with the requirements below for those wastes claimed to be exempt under this subparagraph.

(Renumbered clause 374-1.8(a)(4)(iii)('a') through renumbered paragraph 374-1.8(a)(6) remains unchanged.)

Renumbered paragraph 374-1.8(a)(7) introductory language is amended to read as follows:

[(6)] (7) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, [palladium, irridium] palladium, iridium, osmium, rhodium, or ruthenium, or any combination of these, are conditionally exempt from regulation under this section, except for subdivision (m) of this section. To be exempt from subdivision (b) through (l) of this section, an owner or operator must:

Renumbered subparagraph 374-1.8(a)(7)(i) remains unchanged.

Renumbered subparagraph 374-1.8(a)(7)(ii) is amended to read as follows:

(ii) sample and analyze the hazardous waste as necessary to document that the waste [is burned for recovery of economically significant amounts of precious metal using procedures specified by “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods” (EPA Publication No. SW-846 (see section 370.1(e) of this Title)) or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method] contains economically significant amounts of the metals and that the treatment recovers economically significant amounts of precious metal; and

Renumbered subparagraph 374-1.8(a)(7)(iii) remains unchanged.

New paragraph 374-1.8(a)(8) is adopted to read as follows:

(8) Owners or operators of lead recovery furnaces that process hazardous waste for recovery of lead and that are subject to regulation under the Secondary Lead Smelting NESHAP, are conditionally exempt from regulation under this section, except for subdivision (b) of this section. To be conditionally exempt, an owner or operator must provide a one-time notice to the department identifying each hazardous waste burned and specifying that the owner or operator claims an exemption under this paragraph. The notice also must state that the waste burned has a total concentration of non-metal compounds listed in Appendix 23 of Part 371 of this Title of less than 500 ppm by weight, as fired and as provided in clause (4)(ii)('a') of this subdivision, or is listed in Appendix 51 of this Title.

Paragraphs 374-1.8(b)(1) and (2) remain unchanged.

Paragraph 374-1.8(b)(3) and subparagraph 374-1.8(b)(3)(i) are amended to read as follows:

(3) Storage and Treatment Facilities.

(i) Owners and operators of facilities that store or treat hazardous waste that is burned in a boiler or industrial furnace are subject to the applicable provisions of Subparts 373-1, 373-2 and 373-3 of this Title, except as provided by subparagraph (ii) of this paragraph. These standards apply to storage and treatment by the burner, as well as to storage and treatment facilities operated by intermediaries (processors, blenders, distributors, etc.) between the generator and the burner.

Subparagraph 374-1.8(b)(3)(ii) through paragraph 374-1.8(c)(2) introductory language remain unchanged.

Subparagraph 374-1.8(c)(2)(i) is amended to read as follows:

(i) The owner or operator must provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in Appendix 23 of this Title (see Part 371 of this Title) that may reasonably be expected to be in the waste. Such constituents must be identified and quantified, if present, at levels detectable [by analytical procedures prescribed by “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods” (EPA Publication No. SW-846 (see subdivision 370.1(e) of this Title)). Alternative methods that meet or exceed the method performance capabilities of SW-846 methods may be used. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method.]by appropriate analytical techniques that are ELAP certified analytical methods. If ELAP certified methods are not available, analysis should be performed using EPA standard methods. If neither of those are available, the department will evaluate and approve proposals to use other established methods (e.g. Standard Methods for the Evaluation of Water and Wastewater, ANSI, ASTM, DOD). If no established method is available, the department will review the proposed analytical method to ensure that resulting data will meet their data quality objective. Department approval is required for any analysis that is not ELAP certified. The Appendix 23 of this Title constituents excluded from this analysis must be identified and the basis for their exclusion explained. This analysis will be used to provide all information required by this section and sections 373-1.5(i) and 373-1.9(d) of this Title and to enable the permit writer to prescribe such permit conditions as necessary to protect human health and the environment. Such analysis must be included as a portion of the Part 373 permit application, or, for facilities operating under the interim status standards of this section, as a portion of the trial burn plan that may be submitted before the Part 373 permit application under provisions of section 373-1.9(d)(7) of this Title, as well as any other analysis required by the permit authority in preparing the permit. Owners and operators of boilers and industrial furnaces not operating under the interim status standards must provide the information required by section 373-1.5(i) or 373-1.9(d)(3) of this Title in the Part 373 permit application to the greatest extent possible.

Subparagraph 374-1.8(c)(2)(ii) through subclause 374-1.8(c)(5)(iii)(a)(4) remain unchanged.

Subclause 374-1.8(c)(5)(iii)(a)(5) is amended to read as follows:

(5) such other operating requirements as are necessary to ensure that the particulate standard in paragraph [(1)(2)] ~~(f)(1)~~ of this section is met.

Clause 374-1.8(c)(5)(iii)(b) through item 374-1.8(c)(5)(vi)(b)(2)(i) remain unchanged.

Item 374-1.8(c)(5)(vi)(b)(2)(ii) is amended to read as follows:

(ii) the rolling average for the selected averaging period is defined as the arithmetic mean of one hour block averages for the averaging period. A one hour block average is the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of the preceding clock hour; and

Subclause 374-1.8(c)(5)(vi)(b)(3) through clause 374-1.8(d)(3)(i)(i) introductory language remains unchanged.

Subclause 374-1.8(d)(3)(i)(i)(1) is amended to read as follows:

(1) minimum liquid to flue gas [ration] ratio;

Subclause 374-1.8(d)(3)(i)(i)(2) through subclause 374-1.8(d)(3)(iv)(d)(3) introductory language remains unchanged.

Item 374-1.8(d)(3)(iv)(d)(3)(i) is amended to read as follows:

(i) the feed rate of each metal shall be limited at any time to 10 times the feed rate that would be allowed on [a] an hourly rolling average basis;

Item 374-1.8(d)(3)(iv)(d)(3)(ii) through 374-1.8(d)(3)(viii) remain unchanged.

Paragraph 374-1.8(d)(4) is amended to read as follows:

(4) Periodic recertifications. The owner or operator must conduct compliance testing and submit to the [Commissioner] department a recertification of compliance under provisions of paragraph (3) of this subdivision within [three] five years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, he/she must comply with the requirements of subparagraph (3)(viii) of this subdivision.

Paragraph 374-1.8(d)(5) through paragraph 374-1.8(f)(2) remain unchanged.

Existing paragraph 374-1.8(f)(3) is renumbered paragraph 374-1.8(f)(4).

New paragraph 374-1.8(f)(3) is adopted to read as follows:

(3) Oxygen correction.

(i) Measured pollutant levels must be corrected for the amount of oxygen in the stack gas according to the formula:

$$P_c = P_m \times 14 / (E - Y)$$

Where:

P_c is the corrected concentration of the pollutant in the stack gas.

P_m is the measured concentration of the pollutant in the stack gas.

E is the oxygen concentration on a dry basis in the combustion air fed to the device, and

Y is the measured oxygen concentration on a dry basis in the stack.

(ii) For devices that feed normal combustion air, E will equal 21 percent. For devices that feed oxygen-enriched air for combustion (that is, air with an oxygen concentration exceeding 21 percent), the value of E will be the concentration of oxygen in the enriched air.

(iii) Compliance with all emission standards provided by this section must be based on correcting to 7 percent oxygen using this procedure.

Paragraph 374-1.8(g)(1) is amended to read as follows:

(g) 'Standards to control metals emissions.'

(1) General. The owner or operator must comply with the metals standards provided by paragraph (2), (3), (4), (5) or (6) of this subdivision for each metal listed in paragraph (2) of this subdivision that is present in the hazardous waste at detectable levels using appropriate analytical procedures [specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication No. SW-846) (see section 370.1(e) of this Title)] that are ELAP certified analytical methods. If ELAP certified methods are not available, analysis should be performed using EPA standard methods. If neither of those are available, the department will evaluate and approve proposals to use other established methods (e.g. Standard Methods for the Evaluation of Water and Wastewater, ANSI, ASTM, DOD). If no established method is available, the department will review the proposed analytical method to ensure that resulting data will meet their data quality objective. Department approval is required for any analysis that is not ELAP certified.

Paragraph 374-1.8(g)(2) through paragraph 374-1.8(g)(4) introductory language remains unchanged.

Subparagraph 374-1.8(g)(4)(i) is amended to read as follows:

(i) General. Conformance with the Tier III metals controls must be demonstrated by emissions testing to determine the emission rate for each metal. In addition, conformance with either the Tier III or Adjusted Tier I metals controls must be demonstrated by air dispersion modeling to

predict the maximum annual average off-site ground level concentration for each [dispersion modeling to predict the maximum annual average off-site ground level concentration for each] metal, and a demonstration that acceptable ambient levels are not exceeded.

Subparagraph 374-1.8(g)(4)(ii) through paragraph 374-1.8(m)(2) introductory language remains unchanged.

Subparagraph 374-1.8(m)(2)(i) is amended to read as follows:

(i) comparison of waste-derived residue with normal residue. The waste-derived residue must not contain Appendix 23 of this Title (see Part 371 of this Title) constituents (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in Appendix 48 of this Title that may be generated as products of incomplete combustion. [Sampling and analyses shall be in conformance with procedures prescribed in “Test Methods for Evaluating Solid Waste Physical/Chemical Methods” (see section 370.1(e) of this Title).] For polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed to determine specific congeners and homologues, and the results converted to 2,3,7,8-TCDD equivalent values using the procedure specified in section 4.0 of 40 CFR Part 266 Appendix IX as incorporated by reference in Appendix 49 of this Title.

Clause 374-1.8(m)(2)(i)(a) through subparagraph 374-1.8(m)(2)(ii) introductory language remains unchanged.

Clause 374-1.8(m)(2)(ii)(a) is amended to read as follows:

(a) nonmetal constituents. The concentration of each nonmetal toxic constituent of concern (specified in subparagraph (i) of this paragraph) in the waste-derived residue must not exceed the health-based level specified in Appendix 47 of this Title, or the level of detection [(using analytical procedures prescribed in SW-846)], whichever is higher. If a health-based limit for a constituent of concern is not listed in Appendix 47 of this Title, then a limit of 0.002 micrograms per kilogram or the level of detection [(using analytical procedures prescribed in SW-846)], whichever is higher, [shall] must be used. The concentration of each non-metal toxic constituent of concern and the level of detection must be established through the utilization of appropriate analytical techniques that are ELAP certified analytical methods. If ELAP certified methods are not available, analysis should be performed using EPA standard methods. If neither of those are available, the department will evaluate and approve proposals to use other established methods (e.g. Standard Methods for the Evaluation of Water and Wastewater, ANSI, ASTM, DOD). If no established method is available, the department will review the proposed analytical method to ensure that resulting data will meet their data quality objective. Department approval is required for any analysis that is not ELAP certified. The levels specified in Appendix 47 of this Title (and the default level of 0.002 micrograms per kilogram or the level of detection for constituents as identified in Note 1 of Appendix 47 of this Title) are administratively stayed under the condition, for those constituents specified in subparagraph (2)(i) of this subdivision,

that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in section 376.4(d) of this Title for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of best good-faith efforts as defined by applicable EPA guidance or standards, the owner or operator is deemed to be in compliance for that constituent. Until new guidance or standards are developed, the owner or operator may demonstrate such good-faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above the level provided by section 376.4(d) of this Title for F039 nonwastewaters. In complying with the section 376.4(d) of this Title F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, (unless the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in section 376.4(d) of this Title for F039 nonwastewaters,) analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans, total tetrachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans; and

Clause 374-1.8(m)(2)(ii)(b) through paragraph 374-1.8(m)(3) remain unchanged.

Section 374-1.9 Title is amended to read as follows:

Section 374-1.9 Conditional exemption for low-level mixed waste storage, treatment, transportation and disposal.

Subdivision 374-1.9(a) through section 374-1.13 remain unchanged.

Appendices 41 through 53 are amended to read as follows:

Appendix 41

Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

Appendix I to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 42

Tier I Feed Rate Screening Limits for Total Chlorine and Chloride

Appendix II to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 43

Tier II Emission Rate Screening Limits
for Free Chlorine and Hydrogen Chloride

Appendix III to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 44

Reference Air Concentrations

Appendix IV to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 45

Risk Specific Doses (10^{-5})

Appendix V to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 46

Stack Plume Rise

Appendix VI to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 47

Health-Based Limits for Exclusion of
Waste-Derived Residues

Appendix VII to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 48

[Potential PICs for Determination of
Exclusion of Waste-Derived Residues]
Organic Compounds for Which Residues Must Be Analyzed

Appendix VIII to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference

as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 49

Methods Manual for Compliance with the BIF Regulations

Appendix IX to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 50 - Removed.

Appendix 51

Lead-Bearing Materials that may be Processed in Exempt Lead Smelters

Appendix XI to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 52

Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces

Appendix XII to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).

Appendix 53

Mercury Bearing Wastes that may be Processed in Exempt Mercury Recovery Units

Appendix XIII to 40 CFR Part 266, as of July 1, [2002] 2014, is incorporated by reference as if fully set forth herein (see section 370.1(e) of this Title).