Comparison of the Old Regulations (in effect prior to September 8, 2020), Proposed and Final (Currently in Effect) Provisions for the Federal Modernizing Ignitable Liquids Determinations Rule

	Old Regulation - In effect prior to September 8, 2020	**Proposed Rule**	**Final Rule (Currently in Effect in NC)**
Federal Register/CFR Information	Links to regulations as they appeared prior to September 8, 2020: - Link to 40 CFR 260.11 - Link to 40 CFR 261.21	Vol. 84, No. 63 / Tuesday, April 2, 2019 https://www.govinfo.gov/content/pkg/FR-2019-04-02/pdf/2019-05878.pdf	Vol. 85, No. 130 / Tuesday, July 7, 2020 https://www.govinfo.gov/content/pkg/FR-2020-07-07/pdf/2020-12695.pdf - Link to 40 CFR 260.11 - Link to 40 CFR 261.21
Effective Date	In effect in NC until September 8, 2020		September 8, 2020
40 CFR 260.11			
40 CFR 260.11 Summary of Amendments		*(Proposed Amendments)* Amend § 260.11 by: ■ a. Adding new paragraphs (b)(11) through (13); and ■ b. Revising paragraphs (c)(3)(i), (ii), (viii), (ix), (xiii), (xvii), and (xviii). The additions and revisions read as follows:	Revise § 260.11 to read as follows:
40 CFR 260.11 Heading	§ 260.11 Incorporation by reference.	§ 260.11 Incorporation by reference.	§ 260.11 Incorporation by reference.
40 CFR 260.11 Introductory Text	*There is no introductory text in the current regulation. (Introductory text of the final rule is in 40 CFR 260.11(a) of the current regulation).*	*No proposed changes to introductory text of 40 CFR 260.11*	When used in parts 260 through 268 of this chapter, the following materials are incorporated by reference with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved materials are available for inspection at the OLEM Docket in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading room is (202) 566–1744, and the telephone number for the OLEM Docket is (202) 566–0270. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fedreg.legal@nara.gov or go to www.archives.gov/federal-register/cfr/ibr-locations.html. In addition, these materials are available from the following sources:

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	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
40 CFR 260.11 (continued)			
40 CFR 260.11(a)	(a) When used in parts 260 through 268 and 278 of this chapter, the following publications are incorporated by reference. These incorporations by reference were approved by the Director of the Federal Register pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW. (3403T), Washington, DC 20460, libraryhq@epa.gov; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal__register/code__of__federal__regulations/ibr__locations.html.	*No proposed changes to 40 CFR 260.11(a).*	(a) American Petroleum Institute (API). 1220 L Street Northwest, Washington, DC 20005, (855) 999–9870, www.api.org. (1) API Publication 2517, Third Edition, February 1989, ''Evaporative Loss from External Floating-Roof Tanks,'' IBR approved for § 265.1084. (2) [Reserved]
40 CFR 260.11(b)	b) The following materials are available for purchase from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959. (1) ASTM D-93-79 or D-93-80, "Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester," IBR approved for §261.21. (2) ASTM D-1946-82, "Standard Method for Analysis of Reformed Gas by Gas Chromatography," IBR approved for §§264.1033, 265.1033. (3) ASTM D 2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," IBR approved for §264.1063. (4) ASTM D 2382-83, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method)," IBR approved for §§264.1033, 265.1033.	(b) * * * * * * * * *No proposed changes to 40 CFR 260.11(b)(1) through (10).* (11) ASTM D 8175–18 ''Test Method for Finite Flash Point Determination of Liquid Wastes by Pensky-Martens Closed Cup Tester.'' IBR approved for § 261.21. (12) ASTM D 8174–18 ''Test Method for Finite Flash Point Determination of Liquid Wastes by Small Scale Closed Cup Tester.'' IBR approved for § 261.21. (13) ASTM E 681–85 ''Standard Test Method for Concentration Limits of Flammability of Chemicals (Vapors and gases).'' IBR approved for § 261.21.	b) ASTM International (ASTM). 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959, (877) 909–ASTM, www.astm.org. (1) ASTM D93–79, ''Standard Test Methods for Flash Point by Pensky- Martens Closed Cup Tester,'' IBR approved for § 261.21(a). (2) ASTM D93–80, ''Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester,'' IBR approved for § 261.21(a). (3) ASTM D1946–82, ''Standard Method for Analysis of Reformed Gas by Gas Chromatography,'' IBR approved for §§ 264.1033 and 265.1033. (4) ASTM D2267–88, ''Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography,'' IBR approved for § 264.1063.

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	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
	40 CFR 260.11 (continued)		
40 CFR 260.11(b) continued	(5) ASTM D 2879-92, "Standard Test Method for Vapor Pressure—Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," IBR approved for §265.1084. (6) ASTM D-3278-78, "Standard Test Methods for Flash Point for Liquids by Setaflash Closed Tester," IBR approved for §261.21(a). (7) ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis," IBR approved for §264.1063. (8) ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," IBR approved for §264.1063. (9) ASTM E 260-85, "Standard Practice for Packed Column Gas Chromatography," IBR approved for §264.1063. (10) ASTM E 926-88, "Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals," Test Method C—Bomb, Acid Digestion Method.		(5) ASTM D2382–83, ''Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method),'' IBR approved for §§ 264.1033 and 265.1033. (6) ASTM D2879–92, ''Standard Test Method for Vapor Pressure— Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope,'' IBR approved for § 265.1084. (7) ASTM D3278–78, ''Standard Test Methods for Flash Point for Liquids by Setaflash Closed Tester,'' IBR approved for § 261.21(a). (8) ASTM D8174–18 ''Standard Test Method for Finite Flash Point Determination of Liquid Wastes by Small Scale Closed Cup Tester.'' Approved March 15, 2018, IBR approved for § 261.21(a). (9) ASTM D8175–18 ''Standard Test Method for Finite Flash Point Determination of Liquid Wastes by Pensky-Martens Closed Cup Tester.'' Approved March 15, 2018, IBR approved for § 261.21(a). (10) ASTM E168–88, ''Standard Practices for General Techniques of Infrared Quantitative Analysis,'' IBR approved for § 264.1063. (11) ASTM E169–87, ''Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis,'' IBR approved for § 264.1063. (12) ASTM E260–85, ''Standard Practice for Packed Column Gas Chromatography,'' IBR approved for § 264.1063. (13) ASTM E681–85 ''Standard Test Method for Concentration Limits of Flammability of Chemicals (Vapors and gases),'' Approved November 14, 1985, IBR approved for § 261.21(a).

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	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
40 CFR 260.11 (continued)			
40 CFR 260.11(c) continued	c) The following materials are available for purchase from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; or for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800. (1) "APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981, IBR approved for §§264.1035 and 265.1035. (2) Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material SGT-HEM; Non-polar Material) by Extraction and Gravimetry: (i) Revision A, EPA-821-R-98-002, February 1999, IBR approved for Part 261, Appendix IX. (ii) Revision B, EPA-821-R-10-001, February 2010, IBR approved for Part 261, Appendix IX. (3) The following methods as published in the test methods compendium known as "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, Third Edition. A suffix of "A" in the method number indicates revision one (the method has been revised once). A suffix of "B" in the method number indicates revision two (the method has been revised twice). A suffix of "C" in the method number indicates revision three (the method has been revised three times). A suffix of "D" in the method number indicates revision four (the method has been revised four times). (i) Method 0010, dated September 1986 and in the Basic Manual, IBR approved for part 261, appendix IX. (ii) Method 0020, dated September 1986 and in the Basic Manual, IBR approved for part 261, appendix IX.	(c) * * *No proposed changes to 40 CFR 260.11(c)(1) or (2). The following changes to 40 CFR 260.11(c)(3) were proposed:* (3) * * * (i) Method 0010, dated [TBD] and in the Basic Manual, IBR approved for appendix IX to part 261. (ii) Method 0020, dated [TBD] and in the Basic Manual, IBR approved for appendix IX to part 261. * * * * * (viii) Method 0011, dated [TBD] and in Update III, IBR approved for appendix IX to part 261 and appendix IX to part 266, (ix) Method 0023A, dated [TBD] and in Update III, IBR approved for appendix IX to part 261, § 266.104, and appendix IX to part 266, * * * * * (xiii) Method 0051, dated [TBD] and in Update III, IBR approved for appendix IX to part 261, § 266.107, and appendix IX to part 266, * * * * * (xvii) Method 1010B, dated December 2018 and in Update VII, IBR approved for § 261.21 and appendix IX to part 261. (xviii) Method 1020C, dated December 2018 and in Update VII, IBR approved for § 261.21 and appendix IX to part 261.	(c) Environmental Protection Agency (EPA). Material cited in paragraphs (d)(1) through (3) is available from: National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800; EPA's National Service Center for Environmental Publications at https://www.epa.gov/nscep. Material cited in paragraph (d)(4) of this section is available at https://www.epa.gov/hwsw846. (1) ''APTI Course 415: Control of Gaseous Emissions,'' EPA Publication EPA–450/2–81–005, December 1981, IBR approved for §§ 264.1035 and 265.1035. (2) Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material SGT–HEM; Nonpolar Material) by Extraction and Gravimetry: (i) Revision A, EPA–821–R–98–002, February 1999, IBR approved for appendix IX to part 261. (ii) Revision B, EPA–821–R–10–001,February 2010, IBR approved for appendix IX to part 261. (3) ''Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised'', October 1992, EPA Publication No. EPA–450/R–92–019, IBR approved for appendix IX to part 266.

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	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
40 CFR 260.11 (continued)			
40 CFR 260.11(c) continued	(iii) Method 0030, dated September 1986 and in the Basic Manual, IBR approved for part 261, appendix IX. (iv) Method 1320, dated September 1986 and in the Basic Manual, IBR approved for part 261, appendix IX. (v) Method 1311, dated September 1992 and in Update I, IBR approved for part 261, appendix IX, and §§261.24, 268.7, 268.40. (vi) Method 1330A, dated September 1992 and in Update I, IBR approved for part 261, appendix IX. (vii) Method 1312 dated September 1994 and in Update III, IBR approved for part 261, appendix IX and §278.3(b)(1). (viii) Method 0011, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, and part 266, appendix IX. (ix) Method 0023A, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, part 266, appendix IX, and §266.104. (x) Method 0031, dated December 1996 and in Update III, IBR approved for part 261, appendix IX. (xi) Method 0040, dated December 1996 and in Update III, IBR approved for part 261, appendix IX. (xii) Method 0050, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, part 266, appendix IX, and §266.107. (xiii) Method 0051, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, part 266, appendix IX, and §266.107.		(4) The following methods as published in the test methods compendium known as ‘‘Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,’’ EPA Publication SW–846, Third Edition. (i) Method 0010, Modified Method 5 Sampling Train, Revision 1, dated August 2018, IBR approved for appendix IX to part 261. (ii) Method 0011, Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources, Revision 1, dated August 2018, IBR approved for appendix IX to part 261 and appendix IX to part 266 (iii) Method 0020, Source Assessment Sampling System (SASS), Revision 1, dated August 2018, IBR approved for appendix IX to part 261. (iv) Method 0023A, Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources, Revision 2, dated August 2018, IBR approved for appendix IX to part 261, § 266.104(e), and appendix IX to part 266. (v) Method 0030, Volatile Organic Sampling Train, dated September 1986 and in the Basic Manual, IBR approved for appendix IX to part 261. (vi) Method 0031, Sampling Method for Volatile Organic Compounds (SMVOC), dated December 1996 and in Update III, IBR approved for appendix IX to part 261. (vii) Method 0040, Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar® Bags, dated December 1996 and in Update III, IBR approved for appendix IX to part 261.

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	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
40 CFR 260.11 (continued)			
40 CFR 260.11(c) continued	(xiv) Method 0060, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, §266.106, and part 266, appendix IX. (xv) Method 0061, dated December 1996 and in Update III, IBR approved for part 261, appendix IX, §266.106, and part 266, appendix IX. (xvi) Method 9071B, dated April 1998 and in Update IIIA, IBR approved for part 261, appendix IX. (xvii) Method 1010A, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX. (xviii) Method 1020B, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX. (xix) Method 1110A, dated November 2004 and in Update IIIB, IBR approved for §261.22 and part 261, appendix IX. (xx) Method 1310B, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX. (xxi) Method 9010C, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX and §§268.40, 268.44, 268.48. (xxii) Method 9012B, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX and §§268.40, 268.44, 268.48. (xxiii) Method 9040C, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX and §261.22. (xxiv) Method 9045D, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX. (xxv) Method 9060A, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX, and §§264.1034, 264.1063, 265.1034, 265.1063.		(viii) Method 0050, Isokinetic HCl/Cl2 Emission Sampling Train, dated December 1996 and in Update III, IBR approved for appendix IX to part 261, § 266.107, and appendix IX to part 266. (ix) Method 0051, Midget Impinger HCl/Cl2 Emission Sampling Train, Revision 1, dated August 2018, IBR approved for appendix IX to part 261, § 266.107, and appendix IX to part 266. (x) Method 0060, Determination of Metals in Stack Emissions, dated December 1996 and in Update III, IBR approved for appendix IX to part 261, § 266.106, and appendix IX to part 266. (xi) Method 0061, Determination of Hexavalent Chromium Emissions from Stationary Sources, dated December 1996 and in Update III, IBR approved for appendix IX to part 261 § 266.106, and appendix IX to part 266. (xii) Method 1010B, Test Methods for Flash Point by Pensky-Martens Closed- Cup Tester, dated December 2018, IBR approved for § 261.21 and appendix IX to part 261. (xiii) Method 1020C, Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-Cup Apparatus, dated December 2018, IBR approved for § 261.21 and appendix IX to part 261. (xiv) Method 1110A, Corrosivity Toward Steel, dated November 2004 and in Update IIIB, IBR approved for § 261.22 and appendix IX to part 261. (xv) Method 1310B, Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261.

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	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
40 CFR 260.11 (continued)			
40 CFR 260.11(c) continued	(xxvi) Method 9070A, dated November 2004 and in Update IIIB, IBR approved for part 261, appendix IX. (xxvii) Method 9095B, dated November 2004 and in Update IIIB, IBR approved, part 261, appendix IX, and §§264.190, 264.314, 265.190, 265.314, 265.1081, 267.190(a), 268.32.		(xvi) Method 1311, Toxicity Characteristic Leaching Procedure, dated July 1992 and in Update I, IBR approved for appendix IX to part 261, and §§ 261.24, 268.7, 268.40. (xvii) Method 1312, Synthetic Precipitation Leaching Procedure, dated September 1994 and in Update III, IBR approved for appendix IX to part 261. (xviii) Method 1320, Multiple Extraction Procedure, dated September 1986 and in the Basic Manual, IBR approved for appendix IX to part 261. (xix) Method 1330A, Extraction Procedure for Oily Wastes, dated July 1992 and in Update I, IBR approved for appendix IX to part 261. (xx) Method 9010C, Total and Amenable Cyanide: Distillation, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261 and §§ 268.40, 268.44, 268.48. (xxi) Method 9012B, Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation), dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261 and §§ 268.40, 268.44, 268.48. (xxii) Method 9040C, pH Electrometric Measurement, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261 and § 261.22. (xxiii) Method 9045D, Soil and Waste pH, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261.

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	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
40 CFR 260.11 (continued)			
40 CFR 260.11(c) continued			(xxiv) Method 9060A, Total Organic Carbon, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261, and §§ 264.1034, 264.1063, 265.1034, 265.1063. (xxv) Method 9070A, n-Hexane Extractable material (HEM) for Aqueous Samples, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261. (xxvi) Method 9071B, n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples, dated April 1998 and in Update IIIA, IBR approved for appendix IX to part 261. (xxvii) Method 9095B, Paint Filter Liquids Test, dated November 2004 and in Update IIIB, IBR approved, appendix IX to part 261, and §§ 264.190, 264.314, 265.190, 265.314, 265.1081, 267.190(a), 268.32.
40 CFR 260.11(d)	(d) The following materials are available for purchase from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101. (1) "Flammable and Combustible Liquids Code" (NFPA 30), 1977 or 1981, IBR approved for §§262.16(b), 264.198(b), 265.198(b), 267.202(b). (2) [Reserved]	*No proposed changes to 40 CFR 260.11(d).*	(d) National Fire Protection Association (NFPA). 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269–9101, (800) 344–3555, www.nfpa.org/. (1) NFPA 30, ''Flammable and Combustible Liquids Code,'' 1977 Edition, IBR approved for §§ 262.16(b), 264.198(b), 265.198(b), and 267.202(b). (2) NFPA 30, ''Flammable and Combustible Liquids Code,'' 1981 Edition, IBR approved for §§ 262.16(b), 264.198(b), 265.198(b), and 267.202(b).

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	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
40 CFR 260.11 (continued)			
40 CFR 260.11(e)	(e) The following materials are available for purchase from the American Petroleum Institute, 1220 L Street, Northwest, Washington, DC 20005. (1) API Publication 2517, Third Edition, February 1989, "Evaporative Loss from External Floating-Roof Tanks," IBR approved for §265.1084. (2) [Reserved]	*No proposed changes to 40 CFR 260.11(e).*	(e) Organization for Economic Cooperation and Development (OECD). Economic Cooperation and Development, Environment Directorate, 2 rue Andre´ Pascal, F–75775 Paris Cedex 16, France, owww.oecdilibrary.org/. (1) Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes, copyright 2009, Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure and Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure, IBR approved for §§ 262.82(a), 262.83(b), (d), and (g), and 262.84(b) and (d). (2) [Reserved]
40 CFR 260.11(f)	(f) The following materials are available for purchase from the Environmental Protection Agency, Research Triangle Park, NC. (1) "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October 1992, EPA Publication No. EPA-450/R-92-019, IBR approved for part 266, appendix IX. (2) [Reserved]	*No proposed changes to 40 CFR 260.11(f).*	*Final Rule does not have 40 CFR 260.11(f).*
40 CFR 260.11(g)	(g) The following materials are available for purchase from the Organization for Economic Cooperation and Development, Environment Directorate, 2 rue André Pascal, F-75775 Paris Cedex 16, France. (1) Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes, copyright 2009, Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure and Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure, IBR approved for §§262.82(a), 262.83(b),(d), and (g), and 262.84(b) and (d) of this chapter. (2) [Reserved]	*No proposed changes to 40 CFR 260.11(g).*	*Final Rule does not have 40 CFR 260.11(g).*

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	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
40 CFR 261.21 - Characteristic of Ignitability			
40 CFR 261.21 Summary of Amendments		Amend § 261.21 by: ■ Revising paragraphs (a)(1), (3)(ii), and (4)(i)(A) adding paragraph (a)(5); and ■ Removing Notes 1, 2, 3, and 4 to read as follows:	■ Revising paragraphs (a)(1), (3)(ii), (4) introductory text, and (4)(i)(A), and (D); and ■ Removing Notes 1, 2, 3, and 4. The revisions read as follows:
40 CFR 261.21 Heading	§ 261.21 Characteristic of ignitability.	§ 261.21 Characteristic of ignitability.	§ 261.21 Characteristic of ignitability.
40 CFR 261.21(a)(1) Definition of an Ignitable Liquid	(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties: (1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60 °C (140 °F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D 93-79 or D 93-80 (incorporated by reference, see §260.11), or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D 3278-78 (incorporated by reference, see §260.11).	(a) * * * (1) It is a liquid, other than a solution containing less than 24 percent of any alcohol or combination of alcohols (except if the alcohol has been used for its solvent properties and is one of the alcohols specified in EPA Hazardous Waste No. F003 or F005 in 40 CFR 261.31) by volume and at least 50 percent water by weight, that has a flash point less than 60 °C (140 °F), as determined by using one of the following ASTM standards: ASTM D 93–79, D 93–80, D 3278–78, D 8174–18 or D 8175–18 as specified in SW–846 Test Methods 1010B or 1020C (incorporated by reference, see § 260.11 of this subchapter).	a) * * * (1) It is a liquid, other than a solution containing less than 24 percent alcohol by volume and at least 50 percent water by weight, that has a flash point less than 60 °C (140 °F), as determined by using one of the following ASTM standards: ASTM D93–79, D93–80, D3278–78, D8174–18, or D8175–18 as specified in SW–846 Test Methods 1010B or 1020C (all incorporated by reference, see § 260.11 of this subchapter).

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	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
40 CFR 261.21 - Characteristic of Ignitability (continued)			
40 CFR 261.21(a)(3) Definition of an Ignitable Compressed Gas	(3) It is an ignitable compressed gas. (i) The term "compressed gas" shall designate any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70 °F or, regardless of the pressure at 70 °F, having an absolute pressure exceeding 104 p.s.i. at 130 °F; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100 °F as determined by ASTM Test D-323. (ii) A compressed gas shall be characterized as ignitable if any one of the following occurs: (A) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be acceptable to the Bureau of Explosives and approved by the director, Pipeline and Hazardous Materials Technology, U.S. Department of Transportation (see Note 2). (B) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening. (C) Using the Bureau of Explosives' Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source. (D) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum.	(3) * * * *No changes were proposed to 40 CFR 261.21(a)(3)(i)* (ii) A compressed gas shall be characterized as ignitable if any one of the following occurs: (A) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be the ASTM E 681–85 (incorporated by reference, see § 260.11 of this subchapter), or other equivalent methods approved by the Associate Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation. (B) It is determined to be flammable or extremely flammable using 49 CFR 173.115(l). *No changes were proposed to 40 CFR 261.21(a)(3)(C) or (D)*	3) * * * *No changes were made to 40 CFR 261.21(a)(3)(i)* (ii) A compressed gas shall be characterized as ignitable if any one of the following occurs: (A) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be the ASTM E 681–85 (incorporated by reference, see § 260.11 of this subchapter), or other equivalent methods approved by the Associate Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation. (B) It is determined to be flammable or extremely flammable using 49 CFR 173.115(l). *No changes were made to 40 CFR 261.21(a)(3)(C) or (D)*

Comparison of the Old Regulations (in effect prior to September 8, 2020), Proposed and Final (Currently in Effect) Provisions for the Federal Modernizing Ignitable Liquids Determinations Rule

	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
40 CFR 261.21 - Characteristic of Ignitability (continued)			
40 CFR 261.21(a)(4) Definition of an Ignitable Oxidizer	(4) It is an oxidizer. An oxidizer for the purpose of this subchapter is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter (see Note 4). (i) An organic compound containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide unless: (A) The material meets the definition of a Class A explosive or a Class B explosive, as defined in §261.23(a)(8), in which case it must be classed as an explosive, (B) The material is forbidden to be offered for transportation according to 49 CFR 172.101 and 49 CFR 173.21, (C) It is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide, or (D) According to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation (see Note 3), it has been determined that the material does not present a hazard in transportation.	(4) * * * (i) * * * (A) The material meets the definition of a Division1.1, 1.2, or 1.3 explosive, as defined in § 261.23(a)(8), in which case it must be classed as an explosive, *No changes were proposed to 40 CFR 261.21(a)(4)(B), (C) or (D)*	(4) It is an oxidizer. An oxidizer for the purpose of this subchapter is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter. (i) * * * (A) The material meets the definition of a Division 1.1, 1.2, or 1.3 explosive, as defined in § 261.23(a)(8), in which case it must be classed as an explosive, * * * * * (D) According to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation, it has been determined that the material does not present a hazard in transportation. *No changes were made to 40 CFR 261.21(a)(4)(B) or (C)*
40 CFR 261.21(a)(5) Definition of a Multiphase Mixture	*Current regulations does not have 40 CFR 261.21(a)(5).*	(5) It is a multiphase mixture, where any liquid phase has the flash point described in paragraph (a)(1) of this section, or any non-liquid phase has the properties described in paragraph (a)(2) of this section.	*Final Rule does not have 40 CFR 261.21(a)(5).*

Comparison of the Old Regulations (in effect prior to September 8, 2020), Proposed and Final (Currently in Effect) Provisions for the Federal Modernizing Ignitable Liquids Determinations Rule

	Old Regulation - In effect prior to September 8, 2020	Proposed Rule	Final Rule (Currently in Effect in NC)
Amendments to Appendix IX to Part 261		Amend Tables 1 and 2 of Appendix IX to Part 261 by removing the text ''1010A'' and adding ''1010B'' in its place, wherever it appears (56 occurrences); and removing the text ''1020B'' and adding ''1020C'' in its place, wherever it appears (56 occurrences).	Amend Appendix IX to Part 261 by removing the text ''1010A'' and adding ''1010B'' in its place, wherever it appears (56 occurrences); and removing the text ''1020B'' and adding ''1020C'' in its place, wherever it appears (56 occurrences).