

CONSOLIDATED CHECKLIST C6

Part 1 of 5 parts

Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR Part 265, Subparts A-G, as of **December 31, 2002**

Note: Consolidated Checklist C6 is divided into 5 separate documents/computer files solely for ease of handling its printed and electronic versions. Consolidated Checklist C6 remains one checklist; States must adopt all five portions simultaneously to correctly use this Consolidated Checklist. Note, the prenotes and endnotes associated with each part have been placed with the part to which they apply.

Note: No final rules affecting 40 CFR Part 265, Subparts A-G were promulgated between June 30, 2002 and December 31, 2002, therefore, this Consolidated Checklist corresponds to 40 CFR Part 265, Subparts A-G as published on July 1, 2002.

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
SUBPART A - GENERAL							
PURPOSE, SCOPE, AND APPLICABILITY							
establish minimum national standards	*,10	265.1(a)					
applies to all owners and operators of TSDFs, with exceptions, who have met interim status requirements of RCRA 3005(e) or 270.10 or until fulfill applicable 265 closure/post-closure requirements	IV B,3,10,†121,154,†175	265.1(b)					
exceptions:	IV B	265.1(c)					
ocean disposal	IV B	265.1(c)(1)					
reserved	IV B,44 C	265.1(c)(2)					
POTWs	IV B	265.1(c)(3)					
1 covered by a program of an authorized State	IV B	265.1(c)(4)					
1 unless State's program omits underground injection	*	265.1(c)(4)(i)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
1 unless State's authorization not up to date for HSWA requirements	*	265.1(c)(4)(ii)					
waste excluded by 261.5	IV B	265.1(c)(5)					
2 recyclable materials described in 261.6(a)(2)-(4)	IV B,13,111,122	265.1(c)(6)					
waste accumulated at site of generation in accordance with 262.34	IV B	265.1(c)(7)					
farmers complying with 262.70	IV B,48	265.1(c)(8)					
totally enclosed treatment facility	IV B	265.1(c)(9)					
elementary neutralization unit or wastewater treatment unit; compliance with 265.17(b) if owner or operator is diluting hazardous ignitable wastes or reactive wastes to remove characteristic before land disposal	IV B,124,137	265.1(c)(10)					
treatment or containment activities in response to an emergency, except as provided by 265.1(c)(11)(ii)	IV B	265.1(c)(11)(i)					
		265.1(c)(11)(i)(A)					
		265.1(c)(11)(i)(B)					
		265.1(c)(11)(i)(C)					
	156	265.1(c)(11)(i)(D)					
	IV B	265.1(c)(11)(ii)					
		265.1(c)(11)(iii)					
156	265.1(c)(11)(iv)						
transporters storing in containers meeting 262.30	IV B	265.1(c)(12)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
combination of waste and absorbent material	IV B	265.1(c)(13)					
†,3,4 universal waste handlers and transporters handling the listed universal wastes are subject to Part 273 rather than Part 265	142 A	265.1(c)(14)					
	142 B	265.1(c)(14)(i)					
	142 C, †181	265.1(c)(14)(ii)					
	142 D, †181	265.1(c)(14)(iii)					
	† 181	265.1(c)(14)(iv)					
hazardous wastes not to be managed at facilities regulated under 265	14	265.1(d)					
		265.1(d)(1)					
		265.1(d)(1)(i)					
		265.1(d)(1)(ii)					
		265.1(d)(1)(iii)					
		265.1(d)(1)(iv)					
		265.1(d)(1)(v)					
applicable to owners or operators of facilities which treat, store or dispose of wastes referred to in 268; 268 standards are considered material requirements of 265 standards	34,78	265.1(e)					
requirements of storage of military munitions are in 266.205; treatment and disposal are subject to all standards in 40 CFR 260 through 270	156	265.1(f)					
reserved		265.2-265.3					
IMMINENT HAZARD ACTION							
enforcement actions under RCRA 7003	*	265.4					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
SUBPART B - GENERAL FACILITY STANDARDS							
APPLICABILITY							
subpart applies to hazardous waste facilities except as provided in 265.1	*	265.10					
IDENTIFICATION NUMBER							
EPA identification number required	IV B	265.11					
REQUIRED NOTICES							
hazardous waste from foreign source	IV B, †152	265.12(a)(1)					
† tracking document required for hazardous waste subject to part 262 subpart H	152	265.12(a)(2)					
requirements before ownership transfer	IV B	265.12(b)					
GENERAL WASTE ANALYSIS							
5 analysis required prior to handling any hazardous waste or 265.113(d) non-hazardous waste; what information, at a minimum, the waste analysis must contain	IV B, 34, †64, 102	265.13(a)(1)					
inclusion of existing data	IV B, 78	265.13(a)(2)					
when analysis must be repeated	IV B	265.13(a)(3)					
	IV B, †64	265.13(a)(3)(i)					
	IV B	265.13(a)(3)(ii)					
inspect each offsite shipment	IV B	265.13(a)(4)					
develop and follow written waste analysis plan:	IV B	265.13(b)					
parameters which will be	IV B, †64	265.13(b)(1)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
analyzed							
test methods	IV B	265.13(b)(2)					
sampling method	IV B	265.13(b)(3)					
		265.13(b)(3)(i)					
		265.13(b)(3)(ii)					
frequency of reviewing or repeating analysis	IV B	265.13(b)(4)					
analyses from generators	IV B	265.13(b)(5)					
meeting of additional waste analysis requirements	IV B,16,28,34,79,87,154	265.13(b)(6)					
surface impoundments exempted from land disposal restrictions under 268.4(a); procedures and schedules for:	34	265.13(b)(7)					
sampling impoundment contents	34	265.13(b)(7)(i)					
analysis procedures	34	265.13(b)(7)(ii)					
annual removal of residues:	34,39,50	265.13(b)(7)(iii)					
wastes that do not meet 268, Subpart D, treatment standards	50	265.13(b)(7)(iii)(A)					
where no treatment standards established	50	265.13(b)(7)(iii)(B)					
		265.13(b)(7)(iii)(B)(1)					
		265.13(b)(7)(iii)(B)(2)					
for owners and operators seeking an exemption to the air emission standards of Subpart CC of this part in accordance with 265.1083	154	265.13(b)(8)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if direct measurement used for waste determination, procedures & schedules for waste sampling & analysis, & results of the analysis verify exemption	154	265.13(b)(8)(i)					
if knowledge of waste is used for determination, any information that is used as basis for knowledge	154	265.13(b)(8)(ii)					
analysis plan for off-site facilities:	IV B	265.13(c)					
procedures for identifying each waste moved at facility	IV B	265.13(c)(1)					
sampling method used to obtain a representative sample	IV B	265.13(c)(2)					
procedures owner or operator will use to determine whether biodegradable sorbent has been added to waste in container	118	265.13(c)(3)					
SECURITY							
prevent unknowing entry and minimize unauthorized entry unless 265.14(a)(1)&(2) are true	IV B	265.14(a)					
		265.14(a)(1)					
		265.14(a)(2)					
unless exempt under 265.14(a)(1)&(2), a facility must have:	*	265.14(b)					
24-hour surveillance	IV B	265.14(b)(1)					
barrier around active	IV B	265.14(b)(2)(i)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
portion and control of entry		265.14(b)(2)(ii)					
sign	IV B	265.14(c)					

GENERAL INSPECTION REQUIREMENTS

inspect for malfunctions, deterioration, operator errors, and discharges	IV B	265.15(a)					
develop and follow written schedule	IV B	265.15(b)(1)					
keep schedule at facility	IV B	265.15(b)(2)					
identify items that are to be looked for	IV B	265.15(b)(3)					
frequency of inspection	IV B,28,79,100,154,163	265.15(b)(4)					
remedy of problems inspection uncovers	IV B	265.15(c)					
recordkeeping	IV B	265.15(d)					

PERSONNEL TRAINING

personnel complete training to ensure compliance with 265	IV B	265.16(a)(1)					
director of training program	IV B	265.16(a)(2)					
must be designed to ensure effective response to emergencies	IV B	265.16(a)(3)					
		265.16(a)(3)(i)					
		265.16(a)(3)(ii)					
		265.16(a)(3)(iii)					
		265.16(a)(3)(iv)					
		265.16(a)(3)(v)					
265.16(a)(3)(vi)							
timing of instruction	IV B	265.16(b)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
annual review of initial training required at 265.16(a)	IV B	265.16(c)					
recordkeeping	IV B	265.16(d)					
		265.16(d)(1)					
		265.16(d)(2)					
		265.16(d)(3)					
		265.16(d)(4)					
retention of training records	IV B	265.16(e)					

GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES

precautions to prevent waste ignition or reaction	IV B	265.17(a)					
precautions to prevent specified reactions	IV B	265.17(b)					
		265.17(b)(1)					
		265.17(b)(2)					
		265.17(b)(3)					
		265.17(b)(4)					
		265.17(b)(5)					

LOCATION STANDARDS

prohibition of waste placement in salt domes, salt bed formations, underground mines, and caves	17 E	265.18					
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6 CONSTRUCTION QUALITY ASSURANCE PROGRAM

CQA program	100	265.19(a)					
required for all surface impoundment, waste pile and landfill units that must comply with 265.221(a), 265.254, and 265.301(a); program	100	265.19(a)(1)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
must ensure constructed unit meets or exceeds all permit design criteria and specifications; program must be developed and implemented under a CQA officer who is a registered professional engineer							
the physical components the CQA program must address	100	265.19(a)(2)					
		265.19(a)(2)(i)					
		265.19(a)(2)(ii)					
		265.19(a)(2)(iii)					
		265.19(a)(2)(iv)					
		265.19(a)(2)(v)					
		265.19(a)(2)(vi)					
before construction begins, owner/operator must develop a written CQA plan; identify steps that will be used to monitor and document quality of materials and condition and manner of their installation; what the CQA plan must include:	100	265.19(b)					
identification of applicable units and how they will be constructed	100	265.19(b)(1)					
identification of key CQA plan development and implementation personnel; CQA officer qualifications	100	265.19(b)(2)					
inspection and sampling activities' description; what must be described	100	265.19(b)(3)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
contents of program	100	265.19(c)					
must include observations, inspections, tests, and measurements sufficient to ensure:	100	265.19(c)(1)					
structural stability and integrity of 265.19(a)(2) units	100	265.19(c)(1)(i)					
proper construction according to permit specifications and good engineering practices, and proper installation according to design specifications	100	265.19(c)(1)(ii)					
material conformity with design and other material specifications	100	265.19(c)(1)(iii)					
test fills for compacted soils liners, using full scale compaction methods to ensure liners are constructed to meet specific hydraulic conductivity requirements; compliance verified by in-situ testing on constructed test fill; conditions under which test fill requirement may be waived	100	265.19(c)(2)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
certification to Regional Administrator at least 30 days before receiving waste; signed by CQA officer stating that CQA plan has been successfully carried out and that the unit meets specific requirements; may receive wastes in unit after 30 days from the Regional Administrator's receipt of the CQA, unless Regional Administrator determines in writing that construction is not acceptable or extends review period for 30 days or seeks additional information; CQA documentation	100	265.19(d)					

SUBPART C - PREPAREDNESS AND PREVENTION

APPLICABILITY

all HW facilities, except as 265.1 provides	*	265.30					
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MAINTENANCE AND OPERATION OF FACILITY

requirements to minimize threats to health or environment	IV B	265.31					
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REQUIRED EQUIPMENT

what all facilities must be equipped with:	*	265.32					
internal communications or alarm	IV B	265.32(a)					
telephone or equivalent	IV B	265.32(b)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment	IV B	265.32(c)					
water of adequate volume and pressure	IV B	265.32(d)					
TESTING AND MAINTENANCE OF EQUIPMENT							
maintenance and testing requirements	IV B	265.33					
ACCESS TO COMMUNICATIONS OR ALARM SYSTEM							
immediate access by personnel handling hazardous waste	IV B	265.34(a)					
immediate access when only one employee is on premises; what equipment must be immediately available	IV B	265.34(b)					
REQUIRED AISLE SPACE							
aisle space required to allow unobstructed movement	IV B	265.35					
reserved		265.36					
ARRANGEMENTS WITH LOCAL AUTHORITIES							
specific arrangements which must be made	IV B	265.37(a)					
		265.37(a)(1)					
		265.37(a)(2)					
		265.37(a)(3)					
		265.37(a)(4)					
document refusals to enter into arrangement in operating record	IV B	265.37(b)					

SUBPART D - CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
APPLICABILITY							
applies to all HW facilities, except as 265.1 provides	*	265.50					
PURPOSE AND IMPLEMENTATION OF CONTINGENCY PLAN							
contingency plan required; purpose	*	265.51(a)					
when to implement plan	*	265.51(b)					
CONTENT OF CONTINGENCY PLAN							
describes actions to take in compliance with 265.51 and 265.56	IV B	265.52(a)					
relationship to SPCC or other plans	IV B	265.52(b)					
arrangements with local police, fire department, etc.	IV B	265.52(c)					
list names and addresses of emergency coordinator(s); keep up to date; listed in order to assume responsibility as alternates	IV B	265.52(d)					
list of emergency equipment at facility	IV B	265.52(e)					
evacuation plan	IV B	265.52(f)					
COPIES OF CONTINGENCY PLAN							
disposition of copies of plan and all revisions:	*	265.53					
maintained at facility	IV B	265.53(a)					
submitted to local police, fire department, hospitals, etc.	IV B	265.53(b)					
AMENDMENT OF CONTINGENCY PLAN							
when plan must be	*	265.54					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
reviewed and, if necessary, amended:							
applicable regulations are revised	IV B	265.54(a)					
plan fails in an emergency	IV B	265.54(b)					
facility change	IV B	265.54(c)					
list of emergency coordinators changes	IV B	265.54(d)					
7 list of equipment changes	IV B,†54	265.54(e)					
EMERGENCY COORDINATOR							
responsibilities	IV B	265.55					
EMERGENCY PROCEDURES							
procedures for imminent or actual emergency	IV B	265.56(a)					
		265.56(a)(1)					
		265.56(a)(2)					
release, fire, explosion	IV B	265.56(b)					
hazard assessment	IV B	265.56(c)					
report of emergency coordinator's findings	IV B	265.56(d)					
notify local authorities	IV B	265.56(d)(1)					
		265.56(d)(2)					
		265.56(d)(2)(i)					
		265.56(d)(2)(ii)					
		265.56(d)(2)(iii)					
		265.56(d)(2)(iv)					
		265.56(d)(2)(v)					
265.56(d)(2)(vi)							
report to on-scene coordinator or National Response Center; what the report must include	IV B						
measures during emergency	IV B	265.56(e)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
procedures if facility stops operation	IV B	265.56(f)					
treatment, storage, or disposal of material resulting from emergency	IV B	265.56(g)					
procedures after emergency	IV B	265.56(h)					
		265.56(h)(1)					
		265.56(h)(2)					
notifications prior to resuming operations	IV B	265.56(i)					
operating record information; written report to Regional Administrator	IV B	265.56(j)					
what the report to Regional Administrator must include	IV B	265.56(j)(1)					
		265.56(j)(2)					
		265.56(j)(3)					
		265.56(j)(4)					
		265.56(j)(5)					
		265.56(j)(6)					
		265.56(j)(7)					

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

APPLICABILITY

subpart applies to both on- and off-site facilities; exceptions	IV B,156	265.70					
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USE OF MANIFEST SYSTEM

duties of owner or operator when receiving waste accompanied by manifest	IV B	265.71(a)					
		265.71(a)(1)					
		265.71(a)(2)					
		265.71(a)(3)					
		265.71(a)(4)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		265.71(a)(5)					
duties of owner or operator when receiving waste accompanied by shipping paper	IV B	265.71(b)					
		265.71(b)(1)					
		265.71(b)(2)					
		265.71(b)(3)					
		265.71(b)(4)					
		265.71(b)(5)					
facility that initiates shipment must comply with 262	*	265.71(c)					
† shipment subject to part 262 subpart H	152	265.71(d)					

MANIFEST DISCREPANCIES

definition of manifest discrepancies	IV B	265.72(a)					
		265.72(a)(1)					
		265.72(a)(2)					
actions on discovering a discrepancy	IV B	265.72(b)					

OPERATING RECORD

written operating record at facility	IV B	265.73(a)					
information which must be recorded:	IV B	265.73(b)					
description and quantity of waste; dates of treatment, storage, or disposal	IV B	265.73(b)(1)					
location of waste and quantity at each location	IV B	265.73(b)(2)					
records and results of waste analysis, waste determinations, and trial tests	IV B,16,28,34,79,87,154	265.73(b)(3)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
reports of incidents which require implementing contingency plan	IV B	265.73(b)(4)					
records and results of inspections	IV B	265.73(b)(5)					
monitoring, testing, or analytical data	IV B,28,79,100,154,163	265.73(b)(6)					
closure and post-closure cost estimates	IV B	265.73(b)(7)					
quantity records for each shipment	34,50	265.73(b)(8)					
off-site treatment facility requirements	34,50	265.73(b)(9)					
on-site treatment facility requirements	34,50	265.73(b)(10)					
off-site land disposal facility requirements	34,50	265.73(b)(11)					
on-site land disposal facility requirements	34,50	265.73(b)(12)					
off-site storage facility requirements	50	265.73(b)(13)					
on-site storage facility requirements	50	265.73(b)(14)					

AVAILABILITY, RETENTION, AND DISPOSITION OF RECORDS

all records available for inspection	IV B	265.74(a)					
retention period extension under unresolved enforcement action	IV B	265.74(b)					
copy of records to Regional Administrator and local authority at closure	IV B	265.74(c)					

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BIENNIAL REPORT							
when to submit, what form, and what must be reported:	*,†1	265.75					
EPA identification number	IV B	265.75(a)					
calendar year covered by report	IV B	265.75(b)					
EPA identification numbers of generators; name and address for foreign generators	IV B	265.75(c)					
description and quantity of wastes received	IV B	265.75(d)					
methods of handling	IV B	265.75(e)					
monitoring data, where required	IV B	265.75(f)					
closure cost estimate; post-closure cost estimate	IV B	265.75(g)					
8 volume and toxicity reduction efforts	30	265.75(h)					
volume and toxicity reduction achieved	30	265.75(i)					
8 signed certification	IV B,30	265.75(j)					
UNMANIFESTED WASTE REPORT							
when an unmanifested report is required; form which must be used; information it must include	*,1	265.76					
EPA identification number	IV B	265.76(a)					
date waste received	IV B	265.76(b)					
generator and transporter EPA identification	IV B	265.76(c)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
numbers; address and name							
description and quantity of unmanifested waste	IV B	265.76(d)					
handling method	IV B	265.76(e)					
signed certification	IV B	265.76(f)					
explanation of why unmanifested	IV B	265.76(g)					

ADDITIONAL REPORTS

what else must be reported to Regional Administrator	*,†1	265.77					
releases, fires, explosions	IV B	265.77(a)					
ground-water contamination and monitoring data	IV B	265.77(b)					
facility closure	IV B	265.77(c)					
as otherwise required by Subparts AA, BB, and CC of this part	79,154	265.77(d)					

SUBPART F - GROUND-WATER MONITORING

APPLICABILITY

facilities that must implement a ground-water monitoring program	IV B	265.90(a)					
meet requirements of 265.91 and comply with 265.92 through 265.94; duration of ground-water monitoring program	IV B	265.90(b)					
demonstration required to waive requirements	IV B	265.90(c)					
		265.90(c)(1)					
		265.90(c)(1)(i)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		265.90(c)(1)(ii)					
		265.90(c)(2)					
		265.90(c)(2)(i)					
		265.90(c)(2)(ii)					
requirements to implement an alternate ground-water monitoring program	IV B	265.90(d)					
		265.90(d)(1)					
		265.90(d)(2)					
		265.90(d)(3)					
		265.90(d)(4)					
		265.90(d)(5)					
waiver of surface impoundment ground-water monitoring requirements	IV B	265.90(e)					
† Regional Administrator may replace part 265 Subpart F requirements with alternative requirements developed for groundwater monitoring contained in approved closure or post-closure plan or enforceable document where Regional Administrator determines:	174	265.90(f)					
† regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	174	265.90(f)(1)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† it is not necessary to apply part 265 Subpart F requirements because alternative requirements will protect human health and environment; alternative standards must meet 264.101(a) requirements	174	265.90(f)(2)					
GROUND-WATER MONITORING SYSTEM							
monitoring system capabilities	IV B	265.91(a)					
		265.91(a)(1)					
		265.91(a)(1)(i)					
		265.91(a)(1)(ii)					
		265.91(a)(2)					
† demonstrate alternate hydraulically down-gradient monitoring well location will meet alternate criteria; in writing and kept at facility; certified by qualified ground-water scientist and establish:	99	265.91(a)(3)					
† existing physical obstacle prevents monitoring well installation at hydraulically downgradient limit of the waste management area	99	265.91(a)(3)(i)					
† selected alternate downgradient location is as close to limit of waste management area as practical	99	265.91(a)(3)(ii)					
† location ensures detection that, given alternate location, is as early as possible of any	99	265.91(a)(3)(iii)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
statistical amounts of hazardous waste or constituents that migrate from the waste management area to uppermost aquifer							
† lateral expansion, new or replacement units not eligible for an alternate downgradient location	99	265.91(a)(3)(iv)					
separate sampling systems not required if waste management area properly monitored; definition of waste management area	IV B	265.91(b)					
		265.91(b)(1)					
		265.91(b)(2)					
wells must be cased	IV B	265.91(c)					

SAMPLING AND ANALYSIS

obtain and analyze samples from ground-water monitoring system; must have a sampling and analysis plan and keep it at the facility	IV B	265.92(a)					
procedures to be described in plan	IV B	265.92(a)(1)					
		265.92(a)(2)					
		265.92(a)(3)					
		265.92(a)(4)					
parameters to be measured	IV B	265.92(b)					
		265.92(b)(1)					
		265.92(b)(2)					
		265.92(b)(2)(i)					
		265.92(b)(2)(ii)					
		265.92(b)(2)(iii)					
		265.92(b)(2)(iv)					
		265.92(b)(2)(v)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		265.92(b)(2)(vi)					
		265.92(b)(3)					
		265.92(b)(3)(i)					
		265.92(b)(3)(ii)					
		265.92(b)(3)(iii)					
		265.92(b)(3)(iv)					
establish initial background concentration for 265.92(b) parameters quarterly for one year	IV B	265.92(c)(1)					
establishing 265.92(b)(3) indicator parameters	IV B	265.92(c)(2)					
frequency of sampling	IV B	265.92(d)					
		265.92(d)(1)					
		265.92(d)(2)					
ground-water surface elevation	IV B	265.92(e)					
PREPARATION, EVALUATION, AND RESPONSE							
outline of ground-water quality assessment program; what program must be capable of determining	IV B	265.93(a)					
		265.93(a)(1)					
		265.93(a)(2)					
		265.93(a)(3)					
compare parameters	IV B	265.93(b)					
significant increase in comparisons for upgradient wells	IV B	265.93(c)(1)					
significant increase in comparisons for downgradient wells	IV B	265.93(c)(2)					
written notice to Regional Administrator	IV B	265.93(d)(1)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if downgradient well increase is significant							
submit a ground-water quality assessment plan to Regional Administrator; plan contents	IV B	265.93(d)(2)					
		265.93(d)(3)					
		265.93(d)(3)(i)					
		265.93(d)(3)(ii)					
		265.93(d)(3)(iii)					
		265.93(d)(3)(iv)					
implement plan and determine extent of problem	IV B	265.93(d)(4)					
		265.93(d)(4)(i)					
		265.93(d)(4)(ii)					
timing and report of ground-water quality assessment	IV B	265.93(d)(5)					
indicator evaluation program if waste has not entered ground-water	IV B	265.93(d)(6)					
action if waste or constituent has entered ground-water	IV B	265.93(d)(7)					
		265.93(d)(7)(i)					
		265.93(d)(7)(ii)					
assessment completion	IV B	265.93(e)					
evaluation of data on ground-water surface elevations	IV B	265.93(f)					

RECORDKEEPING AND REPORTING

requirements if ground-water is not monitored:	IV B	265.94(a)					
keep records	IV B	265.94(a)(1)					
submit reports	IV B	265.94(a)(2)					
		265.94(a)(2)(i)					
	IV B,†1	265.94(a)(2)(ii)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		265.94(a)(2)(iii)					
requirements if ground-water is monitored:	IV B	265.94(b)					
keep records	IV B	265.94(b)(1)					
submit reports	IV B,†1	265.94(b)(2)					

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

except as 265.1 provides otherwise:	*	265.110					
265.111 through 265.115 apply to all owners and operators of all hazardous waste management facilities	IV B,24	265.110(a)					
265.116 through 265.120 apply to all owners and operators of:	IV B,24	265.110(b)					
all hazardous waste disposal facilities	IV B,24,109	265.110(b)(1)					
9 waste piles and surface impoundments from which wastes are removed at closure	24,28,52,109	265.110(b)(2)					
9 tank systems required under 265.197 to meet landfill requirements	28,52,109	265.110(b)(3)					
containment buildings that are required under 265.1102 to meet the requirements for landfills	109	265.110(b)(4)					
† 265.121 applies to owners/operators of units subject to 270.1(c)(7) and are regulated under enforceable document	174	265.110(c)					
† Regional Administrator	174	265.110(d)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
may replace part 265 Subpart G requirements with alternative requirements for closure contained in approved closure or post-closure plan or in enforceable document where Regional Administrator determines:							
† regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	174	265.110(d)(1)					
† it is not necessary to apply part 265 Subpart G requirements because alternative requirements will protect human health and environment, and will satisfy 265.111(a)&(b)	174	265.110(d)(2)					

CLOSURE PERFORMANCE STANDARD

manner of closing	*,24	265.111					
minimizes further maintenance	IV B,24	265.111(a)					
controls, minimizes, or eliminates post-closure escape	IV B,24	265.111(b)					
10 complies with requirements of Subpart G plus specific sections of 265	24,109	265.111(c)					

11 CLOSURE PLAN; AMENDMENT OF PLAN

written closure plan;	IV B,†24,8	265.112(a)					
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CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
furnish upon request	5						
12 content of closure plan	IV B,24	265.112(b)					
		265.112(b)(1)					
		265.112(b)(2)					
		265.112(b)(3)					
		265.112(b)(4)					
	24	265.112(b)(5)					
	IV B,24	265.112(b)(6)					
	†24	265.112(b)(7)					
† for facilities where Regional Administrator has applied alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d), either alternative requirements or reference to enforceable document containing those requirements	174	265.112(b)(8)					
13 requirements for amendments of closure plan	IV B,24	265.112(c)					
		265.112(c)(1)					
		265.112(c)(1)(i)					
		265.112(c)(1)(ii)					
	24	265.112(c)(1)(iii)					
	†174	265.112(c)(1)(iv)					
	IV B,24	265.112(c)(2)					
	24,†54	265.112(c)(3)					
		265.112(c)(4)					

14 Notification of Partial Closure and Final Closure

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
15 when notification must occur; public comment and hearing	IV B,†24,85	265.112(d)(1)					
	IV B,†24,†64,85,96	265.112(d)(2)					
	96	265.112(d)(2)(i)					
		265.112(d)(2)(ii)					
	IV B,†24	265.112(d)(3)					
		265.112(d)(3)(i)					
		265.112(d)(3)(ii)					
16	IV B,†24,109	265.112(d)(4)					
† remove wastes; decontaminate and dismantle equipment	24	265.112(e)					
17 CLOSURE; TIME ALLOWED FOR CLOSURE							
15	treat, remove, or dispose of all hazardous wastes within 90 days of receipt of final volume of hazardous waste, or final volume of non-hazardous waste	IV B,24,†64,85,96	265.113(a)				
modification and demonstration requirements for extending period	IV B,24	265.113(a)(1)(i)					
	IV B,24,†64	265.113(a)(1)(ii)(A)					
	IV B,24	265.113(a)(1)(ii)(B)					
		265.113(a)(1)(ii)(C)					
		265.113(a)(2)					
15	complete partial or final closure within 180 days of receipt of final volume	IV B,24,†64,85,96	265.113(b)				
modification and	IV B,24	265.113(b)(1)(i)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
demonstration requirements for extending closure period	IV B,24,†64	265.113(b)(1)(ii)(A)					
	IV B,24	265.113(b)(1)(ii)(B)					
		265.113(b)(1)(ii)(C)					
		265.113(b)(2)					
how 265.113(a)(1) & (b)(1) demonstrations must be made	24,†64	265.113(c)					
		265.113(c)(1)					
		265.113(c)(2)					

†,18 Nonhazardous Waste Receipt Conditions

receive nonhazardous wastes after the final receipt of hazardous wastes at specified units	64	265.113(d)					
submittal of amended Part B application or Part B application and required demonstrations	64	265.113(d)(1)					
		265.113(d)(1)(i)					
		265.113(d)(1)(ii)					
		265.113(d)(1)(iii)					
		265.113(d)(1)(iv)					
		265.113(d)(1)(v)					
		265.113(d)(2)					
		265.113(d)(3)					
		265.113(d)(4)					

†,18 Additional Requirements for Surface Impoundments

special requirements for surface impoundments not in compliance with liner and leachate	64	265.113(e)					
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CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
collection system requirements							
plans which must be submitted with the Part B application	64	265.113(e)(1)					
		265.113(e)(1)(i)					
		265.113(e)(1)(ii)					
remove all hazardous wastes	64	265.113(e)(2)					
removal within 90 days; extension	64	265.113(e)(3)					
actions to be taken if a release is detected	64	265.113(e)(4)					
		265.113(e)(4)(i)					
		265.113(e)(4)(ii)					
		265.113(e)(4)(iii)					
semi-annual reports	64	265.113(e)(5)					
conditions under which Regional Administrator may require closure	64	265.113(e)(6)					
actions to be taken if owner or operator fails to implement corrective measures or if no substantial progress pursuant to 265.113(e)(6) has been made	64	265.113(e)(7)					
		265.113(e)(7)(i)					
		265.113(e)(7)(ii)					
		265.113(e)(7)(iii)					
		265.113(e)(7)(iv)					
		265.113(e)(7)(v)					

DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES AND SOILS

disposal and decontamination requirements during closure; 262 generator requirements	IV B,24,52	265.114					
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CERTIFICATION OF CLOSURE

certification	IV B,24	265.115					
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CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
requirements at closure; required signatures; documentation upon request							
SURVEY PLAT							
survey plat requirements	24	265.116					
POST-CLOSURE CARE AND USE OF PROPERTY							
continue care for 30 years	IV B,24	265.117(a)(1)					
monitoring and reporting requirements	IV B,24	265.117(a)(1)(i)					
maintenance and monitoring for waste containment systems	IV B,24	265.117(a)(1)(ii)					
reduction or extension of time period for post-closure care by Regional Administrator	IV B,24	265.117(a)(2)					
		265.117(a)(2)(i)					
		265.117(a)(2)(ii)					
conditions for continuation of security requirements of 265.14	IV B,24	265.117(b)					
		265.117(b)(1)					
		265.117(b)(2)					
limits on post-closure use of property; exceptions	IV B,24	265.117(c)					
		265.117(c)(1)					
		265.117(c)(2)					
post-closure activities in accordance with plan as specified in 265.118	IV B,24	265.117(d)					
POST-CLOSURE PLAN; AMENDMENT OF PLAN							
19 written post-closure plan; submission deadline for surface impoundments closing as landfills	IV B,24	265.118(a)					
20 availability of plan to	IV B,24	265.118(b)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
					EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	Regional Administrator or representative; retention during post-closure							
19, 21	items that must be included in post-closure plan	IV B,24	265.118(c)					
			265.118(c)(1)					
			265.118(c)(2)					
			265.118(c)(2)(i)					
			265.118(c)(2)(ii)					
			265.118(c)(3)					
		†174	265.118(c)(4)					
			265.118(c)(5)					
20, 22	obtaining authorization to change plan	IV B,24	265.118(d)					
20	conditions requiring change to plan	IV B,24	265.118(d)(1)					
			265.118(d)(1)(i)					
			265.118(d)(1)(ii)					
		†174	265.118(d)(1)(iii)					
20	schedule for amending plan	IV B,24	265.118(d)(2)					
	when modified plan must be submitted to Regional Administrator; requirements for surface impoundments or waste piles closing as landfills	IV B,24,†54	265.118(d)(3)					
	schedule for amending plan at Regional Administrator's request	IV B,24,†54	265.118(d)(4)					
20, 21	schedule for submitting plan to Regional Administrator	IV B,24	265.118(e)					
			265.118(e)(1)					
			265.118(e)(2)					
22,	Regional Administrator's	IV B,24	265.118(f)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
23 schedule for review and decision on plan							
23 circumstances for modifying post-closure plan and length of post-closure care period	IV B,24	265.118(g)					
		265.118(g)(1)					
		265.118(g)(1)(i)					
		265.118(g)(1)(i)(A)					
		265.118(g)(1)(i)(B)					
		265.118(g)(1)(ii)					
		265.118(g)(1)(iii)					
		265.118(g)(2)					
		265.118(g)(2)(i)					
		265.118(g)(2)(ii)					
24 POST-CLOSURE NOTICES							
record of type, location and quantity of HW	IV B,24	265.119(a)					
requirement to enter note on deed; survey plan; submit certification	24	265.119(b)					
		265.119(b)(1)					
		265.119(b)(1)(i)					
		265.119(b)(1)(ii)					
		265.119(b)(1)(iii)					
		265.119(b)(2)					
modification to remove hazardous wastes; criteria of 265.117(c); removal of notation; addition of notation	24	265.119(c)					
		265.119(c)(1)					
		265.119(c)(2)					
25 CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE							
description of certification procedure	IV B,24	265.120					
POST-CLOSURE REQUIREMENTS FOR FACILITIES THAT OBTAIN ENFORCEABLE DOCUMENTS IN LIEU OF POST-CLOSURE PERMITS							
† owners/operators subject	174	265.121(a)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
to post-closure permit requirements of 270.1(c), but who obtain enforceable documents in lieu of post-closure permits, must comply with following requirements:							
† 270.28 facility information requirements	174	265.121(a)(1)					
† 264.101 facility-wide corrective action requirements	174	265.121(a)(2)					
† 264.91 through 264.100 requirements	174	265.121(a)(3)					
† in issuing enforceable documents in lieu of permits, Regional Administrator will assure opportunity for public involvement including opportunity for public notice and comment:	174	265.121(b)(1)					
† when EPA becomes involved in facility remediation as regulatory or enforcement matter;	174	265.121(b)(1)(i)					
† on proposed preferred remedy and assumptions that remedy is based upon; and	174	265.121(b)(1)(ii)					
† at time of proposed decision that remedial action is complete at facility; specified requirements must be met before Regional Administrator may consider requirements of 270.1(c)(7) to be fulfilled, unless facility	174	265.121(b)(1)(iii)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
qualifies for modification under 265.121(b)(2) or (3)							
† if Regional Administrator determines that delay in implementation of remedy would adversely affect human health or environment, Regional Administrator may delay compliance with 265.121(b)(1) and implement remedy immediately; however, Regional Administrator must assure involvement of public at earliest opportunity	174	265.121(b)(2)					
† Regional Administrator may allow remediation initiated prior to October 22, 1998 to substitute for corrective action even if 265.121(b)(1) requirements have not been met as long as notice and comment takes place at earliest opportunity	174	265.121(b)(3)					

CONSOLIDATED CHECKLIST C6
40 CFR Part 265, Subparts A-G, as of **December 31, 2002** (cont'd)

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- 1 This subsection was modified by 50 FR 28702, the final rule addressed by Revision Checklists 17 A - 17 S, but was not included in those checklists.
- 2 The May 3, 1993 final rule (58 FR 26420, Revision Checklist 122) inadvertently removed a correction made by the August 25, 1992 Federal Register (57 FR 38558, Revision Checklist 111). The August 25, 1992 rule changed "subparts C, D, F, or G" to "subparts C, F, G, or H"; the May 3, 1993 rule listed the old version of these internal references. The correct reference is "subparts C, F, G, or H", as shown in the August 25, 1992 rule.
- 3 States should adopt 265.1(c)(14)(i)-(iii) as appropriate to reflect the universal wastes adopted. See the rule for Checklists 142 A-D (60 FR 25492; May 11, 1995).
- 4 Revision Checklist 181 is optional for States that have not added spent lamps to their universal waste program or that have added spent lamps to their universal waste program and regulate spent lamps as stringently as the Federal program. For States that have universal waste programs that include spent lamps, but do not regulate spent lamps as stringently as the Federal program, Revision Checklist 181 is not optional.
- 5 The August 14, 1989 rule (54 FR 33376, Revision Checklist 64) amended the first sentence of 265.13(a)(1). However, because of a misinterpretation of the codification instructions, the second sentence of the provisions at this citation was omitted from the 1990 and 1991 CFRs. Revision Checklist 102 (57 FR 8086; March 6, 1992) corrected the error by restoring the mistakenly deleted language.
- 6 Section 265.19 is considered to be both a HSWA and Non-HSWA provision by Revision Checklist 100. It is Non-HSWA only to the extent that it applies to the final cover requirements for the Construction Quality Assurance Program.
- 7 Revision Checklist 54 removed the comment following 265.54(e).
- 8 Base Program Checklist IV B originally introduced text at 265.75(h). Revision Checklist 30 introduced a new 265.75(h) and redesignated the old 265.75(h) as 265.75(j).
- 9 265.110(b)(2) was added by Revision Checklist 24. It was amended by Revision Checklist 28 to read as 265.110(b)(3) presently reads. Revision Checklist 52 added a new 265.110(b)(2), redesignating the old 265.110(b)(2) as 265.110(b)(3). Interestingly, the wording of the 265.110(b)(2) added by Revision Checklist 52 is the same as the wording of the 265.110(b)(2) added by Revision Checklist 24.
- 10 There is a typographical error in the August 18, 1992 Federal Register (57 FR 37194, Revision Checklist 109) article for this rule. The internal reference to "264.1102" should be to "265.1102".
- 11 Revision Checklist 24 significantly revised the 265.112 section. Much of the original code (Base Program Checklist IV B) survived but was modified and also moved to different paragraphs/subparagraphs by Revision Checklist 24. Thus, when IV B appears in the Checklist Reference column for any of the 265.112 citations it, more frequently than not,

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indicates that the text of those citations is relevant to Checklist IV B while the actual citation number is not. For example, IV B appears as a checklist reference for 265.112(b)(4), (6) and (7), yet paragraph 265.112(b) was not broken down into subparagraphs (1)-(7) in code relevant to Checklist IV B. Footnotes at the paragraph level will indicate where the code appeared under the old formatting as per Base Program Checklist IV B.

- 12 Many of the current requirements of 265.112(b) and (b)(1)-(b)(7), as designated and modified by Revision Checklist 24, were part of the base program at 265.112(a) and (a)(1)-(4). States which do not adopt the optional (less stringent) requirement at 265.112(b)(7) must be careful to retain the closure plan requirement for "an estimate of the expected year of closure" as first introduced into the base program as a portion of 265.112(a)(4).
- 13 Part or all of the text of the following citations was introduced into the code at 265.112(b) as per Base Program Checklist IV B: 265.112(c), (c)(1), (c)(1)(i)-(ii), and (c)(2). Revision Checklist 24 modified this text and moved it from paragraph (b) to paragraph (c).
- 14 Revision Checklist 24 designated the citations within the double lines as optional revisions (265.112(d)(1)-(d)(4)). Similar, more stringent and nonoptional provisions originated in the code at 265.112(c), (c)(1), (c)(2), and (d) as per Base Program Checklist IV B. If States choose to adopt the 265.112(d)(1)-(d)(4) optional provisions as per Revision Checklist 24, they must adopt them as a unit rather than by individual provision. In other words, all or none of the (d)(1)-(d)(4) provisions must be included in a State's code. The only exception for adopting States are the optional revisions subsequently made by Revision Checklist 64. These subsequent changes are less stringent than those addressed by Revision Checklist 24, so States may or may not make those changes. If a State chooses not to adopt the Revision Checklist 24 optional provisions, it must retain code equivalent to that found in the base program at 265.112(c), (c)(1), (c)(2), and (d).
- 15 Note that the changes made by Revision Checklist 85 to 265.112(d)(2) and 265.113(a)&(b) were reversed by the August 27, 1991 (56 FR 42524; Revision Checklist 96) technical corrections to the Boilers and Industrial Furnaces rule. The language is, thus, the same as it was before the Revision Checklist 85 changes. Thus, effectively, the technical corrections addressed by Revision Checklist 85 for these citations were nullified by Revision Checklist 96.
- 16 Note that the August 18, 1992 Federal Register (57 FR 37194, Revision Checklist 109) introduced an error into the second-to-last sentence of 265.112(d)(4) by inserting an extraneous "with" between "§§" and "265.111."
- 17 Section 265.113 was erroneously designated as optional by the May 2, 1986 rule (51 FR 16422). The June 26, 1990 (55 FR 25976) amendment corrected this error.
- 18 Citations within the double lines are optional, but if a State chooses to modify its program to adopt requirements equivalent to these provisions, it must adopt such requirements as a unit rather than by individual provision. In other words, all or none of these provisions must be included in a State's code. Subsequent changes to these provisions may or may not be optional for States that have adopted the original unit of provisions. An optional sign appears in front of the subsequent revision checklist number(s) if such subsequent changes are less stringent than or reduce the scope of the original requirements.

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- 19 Text from 265.118(a)(1-3) in Base Program Checklist IV B was moved to 265.118(c)(1-3) by Revision Checklist 24.
- 20 Text from 265.118(b) and (e) in Base Program Checklist IV B was moved to 265.118(d)(1-2) by Revision Checklist 24.
- 21 Text from 265.118(c)(1-2) in Base Program Checklist IV B was moved to 265.118(e)(1-2) by Revision Checklist 24.
- 22 Text from 265.118(d) in Base Program Checklist IV B was moved to 265.118(f) by Revision Checklist 24.
- 23 Text from 265.118(f)(1-2) in Base Program Checklist IV B was moved to 265.118(g)(1-2) by Revision Checklist 24.
- 24 Revision Checklist 24 extensively revised 265.119 as per Base Program Checklist IV B, including a new section title. The original code contained no subparagraphs.
- 25 The current text of 265.120 was introduced by Revision Checklist 24, whereas the original text of 265.120 as in the base program was moved to 265.119(b) by Revision Checklist 24.