

MARYLAND RCRA REVISION CHECKLIST 156

Military Munitions Rule: Hazardous Waste Identification and Management; Explosives Emergencies; Manifest Exemption for Transport of Hazardous Waste on Right-of-Ways on Contiguous Properties

62 FR 6622-6657

February 12, 1997

(RCRA Cluster VII, non-HSWA provisions)

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

DEFINITIONS

add "explosives or munitions emergency"	260.10	26.13.01.03B(22-2)	X			
add "explosives or munitions emergency response"	260.10	26.13.01.03B(22-3)	X			
add "explosives or emergency response specialist"	260.10	26.13.01.03B(22-4)	X			
add "military munitions"	260.10	26.13.01.03B(51-2)	X			

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF SOLID WASTE

replace "." at end of paragraph with "; or"	261.2(a)(2)(iii)	26.13.02.02A(2)(c)	X			
add paragraph; a military munition identified as a solid waste in § 266.202	261.2(a)(2)(iv)	26.13.02.02A(2)(d)	X			

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

add paragraph; persons responding to an explosives or munitions emergency not required to comply with Part 262	262.10(i)	26.13.03.01J	X			
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REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

GENERAL REQUIREMENTS

† add paragraph; exemption for transporters of hazardous waste on a right-of-way within or along the border of contiguous property; generator/transporter requirements if discharge	262.20(f)	26.13.03.04A(6)	X			
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PART 263 - STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A – GENERAL

SCOPE

add paragraph; Part 263 does not apply to transportation during an explosives or munitions emergency response	263.10(e)	26.13.04.01A(4)	X			
add paragraph; § 266.203 identifies how this part applies to military munitions classified as solid waste	263.10(f)	26.13.04.01A(5)	X			

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

SUBPART A - GENERAL

PURPOSE, SCOPE AND APPLICABILITY

add paragraph; immediate threat to human health, public safety, property, or the environment, from presence of military munitions or explosives	264.1(g)(8)(i)(D)	26.13.05.01A(3)(h)(i v)	X			
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REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
add paragraph; when an official or specialist may authorize the removal or transport of waste without meeting all RCRA requirements; recordkeeping requirement for military	264.1(g)(8)(iv)	26.13.05.01D(5) & (6)	X			
add paragraph; requirements of storage of military munitions are in 266.205; treatment and disposal are subject to all standards in 40 CFR 260 through 270	264.1(i)	26.13.05.01A(2)(d) & (e)	X			

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

APPLICABILITY

replace "." after "sources" with "," and clause about military munitions	264.70	26.13.05.05A(2)	X			
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SUBPART EE - HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

APPLICABILITY

subpart applies to owners and operators who store munitions and explosive hazardous wastes	264.1200	26.13.05.21A	X			
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DESIGN AND OPERATING STANDARDS

storage units must meet following requirements	264.1201(a)	26.13.05.21B(1)	X			
minimize potential for detonation or release	264.1201(a)(1)	26.13.05.21B(1)(a)	X			
provide primary barrier to contain waste	264.1201(a)(2)	26.13.05.21B(1)(b)	X			
if stored outdoors must not be in standing precipitation	264.1201(a)(3)	26.13.05.21B(1)(c)	X			

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
for liquids, provide secondary containment or vapor detection system	264.1201(a)(4)	26.13.05.21B(1)(d)	X			
provide monitoring and inspection procedures meeting specified requirements	264.1201(a)(5)	26.13.05.21B(1)(e)	X			
hazardous waste military munitions and explosives may be stored in the following	264.1201(b)	26.13.05.21B(2) introductory paragraph	X			
earth-covered magazines; requirements for earth-covered magazines	264.1201(b)(1)	26.13.05.21B(2)(a) introductory paragraph	X			
	264.1201(b)(1)(i)	26.13.05.21B(2)(a)(i) & (ii)	X			
	264.1201(b)(1)(ii)	26.13.05.21B(2)(a)(i) ii)	X			
	264.1201(b)(1)(ii)(A)	26.13.05.21B(2)(a)(i) ii)	X			
	264.1201(b)(1)(ii)(B)	26.13.05.21B(2)(a)(i) v)	X			
	264.1201(b)(1)(ii)(C)	26.13.05.21B(2)(a)(i) ii)	X			
	264.1201(b)(1)(iii)	26.13.05.21B(2)(a)(v)	X			
above-ground magazines must be designed to minimize propagation of explosion	264.1201(b)(2)	26.13.05.21B(2)(b)	X			
outdoor or open storage areas must be designed to minimize propagation of explosion	264.1201(b)(3)	26.13.05.21B(2)(c)	X			

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
hazardous waste military munitions and explosives must be stored in accordance with Standard Operating Procedure; if procedure serves same purpose as certain Part 264 requirements, they may be used	264.1201(c)	26.13.05.21B(3)	X			
hazardous waste military munitions and explosives must be packaged to ensure safety	264.1201(d)	26.13.05.21B(4) introductory paragraph - (a)(1)	X			
hazardous waste military munitions and explosives must be inventoried annually	264.1201(e)	26.13.05.21B(4)(a)(i)	X			
hazardous waste military munitions and explosives must be inspected and monitored to ensure safety and no migration	264.1201(f)	26.13.05.21B(4)(b)	X			
CLOSURE AND POST-CLOSURE CARE						
at closure of magazine or unit that stored hazardous waste under Subpart EE, o/o must remove or decontaminate residues, components, subsoils, structures and equipment; closure must meet 264 subparts G and H requirements, but may defer as long as munitions or explosives magazine or storage unit	264.1202(a)	26.13.05.21C(1) & (2)	X			
if all contaminated subsoils cannot be practicably removed, o/o must close facility and perform post-closure as per 264.310	264.1202(b)	26.13.05.21C(3)	X			

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

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

SUBPART A – GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

add paragraph; immediate threat to human health, public safety, property, or the environment, from presence of military munitions or explosives	265.1(c)(11)(i)(D)	26.13.06.01A(4)(h)(iv)	X			
add paragraph; when an official or specialist may authorize the removal or transport of waste without meeting all RCRA requirements; recordkeeping requirement for military	265.1(c)(11)(iv)	26.13.06.01A(5)(b) & (c)	X			
add paragraph; requirements of storage of military munitions are in 266.205; treatment and disposal are subject to all standards in 40 CFR 260 through 270	265.1(f)	26.13.06.01A(2)(d) & (e)	X			

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

APPLICABILITY

replace "." after "sources" with "," and clause about military munitions	265.70	26.13.06.05A	X			
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REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

2 SUBPART EE - HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

APPLICABILITY

subpart applies to owners and operators who store munitions and explosive hazardous wastes	265.1200	26.13.06.28 26.13.05.21A	X			
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DESIGN AND OPERATING STANDARDS

storage units must meet following requirements	265.1201(a)	26.13.06.28 26.13.05.21B(1)	X			
minimize potential for detonation or release	265.1201(a)(1)	26.13.06.28 26.13.05.21B(1)(a)	X			
provide primary barrier to contain waste	265.1201(a)(2)	26.13.06.28 26.13.05.21B(1)(b)	X			
if stored outdoors, must not be in standing precipitation	265.1201(a)(3)	26.13.06.28 26.13.05.21B(1)(c)	X			
for liquids, provide secondary containment or vapor detection system	265.1201(a)(4)	26.13.06.28 26.13.05.21B(1)(d)	X			

INTERPRETIVE COMMENT: At 26.13.05.21B(1)(d), Maryland adds language that operational procedures must be provided along with the secondary containment system to assure that released liquids are contained, quickly detected, and removed. The Federal code does not explicitly mention “operational procedures”, but the State believes it is implicit in the federal language— the federal usage of the term “secondary containment system” could be construed to either apply to physical structures alone, or physical structures in conjunction with operating procedures that assure the quick detection and removal of released liquids. Thus, the State provision is equivalent to the federal provision, despite the explicit mention of “operational procedures” that is not included in the federal regulation.

provide monitoring and inspection procedures	265.1201(a)(5)	26.13.06.28 26.13.05.21B(1)(e)	X			
hazardous waste military munitions and explosives may be stored in the following	265.1201(b)	26.13.06.28 26.13.05.21B(2) intro.	X			
add paragraph; earth-covered magazines; requirements for earth-covered magazines	265.1201(b)(1)	26.13.06.28 26.13.05.21B(2)(a) intro.	X			
	265.1201(b)(1)(i)	26.13.06.28 26.13.05.21B(2)(a)(i)) & (ii)	X			

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	265.1201(b)(1)(ii)	26.13.06.28 26.13.05.21B(2)(iii)	X			
	265.1201(b)(1)(ii)(A)	26.13.06.28 26.13.05.21B(2)(a)(i ii)	X			
	265.1201(b)(1)(ii)(B)	26.13.06.28 26.13.05.21B(2)(a)(i v)	X			
	265.1201(b)(1)(ii)(C)	26.13.06.28 26.13.05.21B(2)(a)(i ii)	X			
	265.1201(b)(1)(iii)	26.13.06.28 26.13.05.21B(2)(a)(v)	X			
above-ground magazines must be designed to minimize propagation of explosion	265.1201(b)(2)	26.13.06.28 26.13.05.21B(2)(b)	X			
outdoor or open storage areas must be designed to minimize propagation of explosion	265.1201(b)(3)	26.13.06.28 26.13.05.21B(2)(c)	X			
hazardous waste military munitions and explosives must be stored in accordance with Standard Operating Procedure; if procedures serve same purpose as certain Part 265 requirements, they will be used	265.1201(c)	26.13.06.28 26.13.05.21B(3)	X			
hazardous waste military munitions and explosives must be packaged to ensure safety	265.1201(d)	26.13.06.28 26.13.05.21B(4) intro. – (a)(1)	X			
hazardous waste military munitions and explosives must be inventoried annually	265.1201(e)	26.13.06.28 26.13.05.21B(4)(a)(i i)	X			

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
hazardous waste military munitions and explosives must be inspected and monitored to ensure safety and no migration	265.1201(f)	26.13.06.28 26.13.05.21B(4)(b)	X			

CLOSURE AND POST-CLOSURE CARE

at closure of magazine or unit storing hazardous waste under Subpart EE, o/o must remove or decontaminate residues, components, subsoils, and equipment and manage as a hazardous waste closure; must meet subparts 265 G and H requirements	265.1202(a)	26.13.06.28 26.13.05.21C(1) & (2)	X			
if all contaminated subsoils cannot be practicably removed, o/o must close facility and perform post-closure as per 264.310	265.1202(b)	26.13.06.28 26.13.05.21C(3)	X			

PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

3 SUBPARTS I - L (Reserved)

4 SUBPART M - MILITARY MUNITIONS

APPLICABILITY

subpart identifies when military munitions become a solid waste, and if they are hazardous	266.200(a)	26.13.10.27A(1)	X			
all requirements of 40 CFR 260 through 270 apply unless otherwise specified	266.200(b)	26.13.10.27A(2)	X			

DEFINITIONS

definitions are in addition to 260.10 definitions	266.201 intro	No State analog	X			
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REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<p><u>INTERPRETIVE COMMENT:</u> Maryland does not adopt and analog to 266.101 introductory paragraph because its regulations consolidate the location of the definitions at 26.13.01.03 for the entire hazardous waste program, including those regulations which appear outside of the federal definition section at 260.10. As a result, this federal provision is unnecessary because it equates the definitions of terms found at 260.10 and 266.201. Maryland’s regulation is consistent with the federal.</p>						
"active range"	266.201	26.13.01.03B(2-1)	X			
"chemical agents and munitions"	266.201	26.13.01.03B(5-1)	X			
"director"	266.201	No State analog	NA			
<p><u>INTERPRETIVE COMMENT:</u> To be consistent within their state’s program Maryland has chosen not to adopt this definition from the federal. Specifically, this definition refers only to the director of the federal program in the described context. Maryland defines their Department head under the definition of Secretary located elsewhere in the regulations. The adoption of this federal term is not applicable to the state</p>						
"explosives or munitions emergency response specialist"	266.201	26.13.01.03B(22-4)	X			
"explosives or munitions emergency"	266.201	26.13.01.03B(22-2)	X			
"explosives or munitions emergency response"	266.201	26.13.01.03B(22-3)	X			
"inactive range"	266.201	26.13.01.03B(37-1)	X			
"military"	266.201	26.13.01.03B(51-1)	X			
"military munitions"	266.201	26.13.01.03B(51-2)	X			
"military range"	266.201	26.13.01.03B(51-3)	X			
No Federal analog	266.201 related	26.13.01.03B(69-1)	X			
<p><u>INTERPRETIVE COMMENT:</u> For clarity Maryland has added a definition for “sanitization operation” that does not appear in the CFR. This definition is discussed and defined in the preamble for the rule that promulgated CL 156 in 1997 (62 FR 6622). Also, Maryland’s definition is the same as the language discussed in that preamble at page 6624. This term is used in the definition of “military munitions” promulgated under the rule but is not itself defined in the CFR.</p>						
"unexploded ordnance (UXO)"	266.201	26.13.01.03B(87-2)	X			

DEFINITION OF SOLID WASTE

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
military munition is not a solid waste under listed circumstances	266.202(a)	26.13.10.27B(1)	X			
	266.202(a)(1)	26.13.10.27B(1)(a)	X			
	266.202(a)(1)(i)	26.13.10.27B(1)(a)(i)	X			
	266.202(a)(1)(ii)	26.13.10.27B(1)(a)(ii)	X			
	266.202(a)(1)(iii)	26.13.10.27B(1)(a)(iii) & B(2)	X			
	266.202(a)(2)	26.13.10.27B(1)(b)	X			
unused military munition is a solid waste under listed circumstances	266.202(b)	26.13.10.27B(3) introductory paragraph	X			
	266.202(b)(1)	26.13.10.27B(3)(a)				X
	266.202(b)(2)	26.13.10.27B(3)(b)				X
<p><u>INTERPRETIVE COMMENT:</u> At 26.13.10.26B(3)(a) & (b), Maryland has included as solid wastes those unused military munitions that have been abandoned by being treated ((3)(a)) or removed from storage and treated ((3)(b)). The federal analogs to these provisions do not include treatment alone as a requirement for becoming a solid waste. Instead, treatment is used in the context of the step prior to disposal (see 56 FR 6626 F 1 & 2). As such Maryland's requirements are broader in scope because an unused munition that is subject to chemical treatment without any disposal occurring would not be regulated as a solid waste under the federal program.</p>						
	266.202(b)(3)	26.13.10.27B(3)(c)	X			
	266.202(b)(4)	26.13.10.27B(3)(d)	X			
used or fired military munition is solid waste under listed circumstances	266.202(c)	26.13.10.27B(4) introductory paragraph	X			
	266.202(c)(1)	26.13.10.27B(4)(a)	X			
	266.202(c)(2)	26.13.10.27B(4)(b)	X			

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
military munition is solid waste when it lands off-range and is not promptly taken care of; imminent and substantial threats must be addressed; action if remedial action is infeasible	266.202(d)	26.13.10.27B(5)	X			

† STANDARDS APPLICABLE TO THE TRANSPORTATION OF SOLID WASTE MILITARY MUNITIONS

criteria for regulation of waste non-chemical military munitions in transportation	266.203(a)	26.13.10.28B	X			
military munitions that are being transported and exhibit hazardous waste characteristic or are listed in Part 261 are hazardous unless all listed conditions are met	266.203(a)(1)	26.13.10.28B(1)	X			
	266.203(a)(1)(i)	26.13.10.28B(1)(a)	X			
	266.203(a)(1)(ii)	26.13.10.28B(1)(b)	X			
	266.203(a)(1)(iii)	26.13.10.28B(1)(c)	X			
	266.203(a)(1)(iv)	26.13.10.28B(1)(d) & (e)	X			
receiving facility has 5 days to report to Director shipments not received within 45 days of shipment	266.203(a)(2)	26.13.10.28B(2)	X			
266.203(a)(1) exemption only applies to transportation; does not affect storage, treatment or disposal	266.203(a)(3)	26.13.10.28B(3)	X			
266.203(a)(1) exemption applies so long as all listed 266.203(a)(1) conditions are met	266.203(a)(4)	26.13.10.28B(4)	X			

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if 266.203(a)(1) exemption lost, can apply to Director for reinstatement as soon as munitions returned to 266.203(a)(1) compliance; if Director finds appropriate, may reinstate; if no action in 60 days, reinstatement deemed granted; termination of conditional exemption; Director may specify additional conditions	266.203(b)	26.13.10.28C	X			
what DOD shipping controls are applicable; amendments to DOD controls are effective on date published in <u>FR</u>	266.203(c)	26.13.10.28D	X			

STANDARDS APPLICABLE TO EMERGENCY RESPONSES

explosives and military munitions emergencies are subject to listed citations	266.204	26.13.10.29	X			
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† STANDARDS APPLICABLE TO THE STORAGE OF SOLID WASTE MILITARY MUNITIONS

criteria for regulation of storage	266.205(a)	26.13.10.30A	X			
waste military munitions in storage that exhibit hazardous waste characteristic or listed in Part 261 are hazardous waste unless listed conditions met	266.205(a)(1)	26.13.10.30A(1)	X			
	266.205(a)(1)(i)	26.13.10.30A(1)(a)	X			
	266.205(a)(1)(ii)	26.13.10.30A(1)(b)	X			
	266.205(a)(1)(iii)	26.13.10.30A(1)(c)	X			
	266.205(a)(1)(iv)	26.13.10.30A(1)(e)(i)	X			

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	266.205(a)(1)(v)	26.13.10.30A(1)(e)(i) – (iii)	X			
	266.205(a)(1)(vi)	26.13.10.30A(1)(e)(i) v) – (vi)	X			
	266.205(a)(1)(vii)	26.13.10.30A(1)(d)	X			
266.205(a)(1) exemption only applies to storage; does not affect transportation, treatment or disposal	266.205(a)(2)	26.13.10.30A(2)	X			
266.205(a)(1) exemption applies so long as all listed 266.205(a)(1) conditions met	266.205(a)(3)	26.13.10.30A(3)	X			
o/o must notify Director when 266.205(a)(1)(iv) storage is no longer used	266.205(b)	26.13.10.30B	X			
what DOD shipping controls are applicable; amendments to DOD controls are effective on date published in <u>FR</u>	266.205(c)	26.13.10.30C	X			
waste chemical munitions	266.205(d)	26.13.10.30D introductory paragraph	X			
chemical agents or chemical military munitions that exhibit hazardous characteristic or listed in Part 261 are hazardous and subject to RCRA Subtitle C	266.205(d)(1)	26.13.10.30D(1)	X			
hazardous waste chemical agents or chemical munitions not subject to 268.50	266.205(d)(2)	26.13.10.30D(2)	X			
DDESB storage standards which are applicable; any amendments are effective on date published in <u>FR</u>	266.205(e)	26.13.10.30E	X			

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

STANDARDS APPLICABLE TO THE TREATMENT AND DISPOSAL OF WASTE MILITARY MUNITIONS

treatment and disposal of hazardous waste military munitions subject to Parts 260 through 270	266.206	26.13.10.31	X			
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART A - GENERAL INFORMATION

PURPOSE AND SCOPE OF THESE REGULATIONS

add paragraph; immediate threat to human health, public safety, property, or environment from military munitions or other explosive material/device	270.1(c)(3)(i)(D)	26.13.07.01A 26.13.05.01A(3)(h)(iv)	X			
emergency response recordkeeping requirement for military unit	270.1(c)(3)(iii)	26.13.05.01D(6)	X			

SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

redesignate (h) as (i) and add new paragraph at (h); if listed conditions met, permittee may accept military munitionseven when permit conditions bar acceptance of offsite wastes	270.42(h)	26.13.07.13-1C introductory paragraph	X			
	270.42(h)(1)	26.13.07.13-1C(1)	X			
	270.42(h)(2)	26.13.07.13-1C(2)	X			
	270.42(h)(3)	26.13.07.13-1C(3)	X			

REVISION CHECKLIST 156 – MILITARY MUNITIONS RULE

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	redesignated text at(h) as (i)	270.42(i)	No State analog				Maryland never adopted this optional provision added by Revision Checklist 54

END NOTES

¹A new Subpart EE (§§ 264.1200 through 264.1202) was added to Part 264 by Revision Checklist 156.

²A new Subpart EE (§§ 265.1200 through 265.1202) was added to Part 265 by Revision Checklist 156.

³Revision Checklist 156 reserved Subparts HL of Part 266.

⁴Revision Checklist 156 added a new Subpart M to Part 266 (§§ 266.200 through 266.206).

† Optional. States are not required to adopt this provision.

RCRA REVISION CHECKLIST 157

Land Disposal Restrictions Phase IV--
 Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining,
 Exemptions From RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste
 Provisions
 62 FR 25998-26040
 May 12, 1997
 (RCRA Cluster VII, HSWA provisions)

****NOTE: At this time, Maryland is not adopting the land disposal restrictions (LDRs) as addressed by this checklist, therefore no analog is provided for those provisions relating to the land disposal restrictions. Pages involving LDR provisions from the blank checklist developed by EPA have been omitted (Pages (3 of 16 through 16 of 16) .****

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 -- IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART A -- GENERAL							
‡ PURPOSE AND SCOPE							
	add new paragraph; definition "Excluded scrap metal"	261.1(c)(9)	26.13.02.01C(3)(b)	X			
	add new paragraph; definition "Processed scrap metal"	261.1(c)(10)	26.13.02.01C(3)(d)	X			
	add new paragraph; definition "Home scrap metal"	261.1(c)(11)	26.13.02.01C(3)(c)	X			
	add new paragraph; definition "Prompt scrap metal"	261.1(c)(12)	26.13.02.01C(3)(e)	X			
‡ DEFINITION OF SOLID WASTE							
	revise table 1; add after entry for scrap metal "other than excluded scrap metal (see 261.1(c)(9))" also add "and 'processed scrap metal'" after "scrap metal" in Note.	261.2(c)/Table 1	26.13.02.02G/ Table 1	X			
‡ EXCLUSIONS							

Revision Checklist 157 – Items Related to Definition of Solid Waste and Recyclable Materials Only

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	add paragraph; excluded scrap metal being recycled	261.4(a)(13)	26.13.02.04A(11)	X			
	add paragraph; shredded circuit boards being recycled provided that they are:	261.4(a)(14)	26.13.02.04A(12)	X			
	add paragraph; stored in containers sufficient to prevent release, and	261.4(a)(14)(i)	26.13.02.04A(12)(a)	X			
	add paragraph; free of mercury switches, mercury relays and nickel cadmium batteries and lithium batteries	261.4(a)(14)(ii)	26.13.02.04A(12)(b)	X			

† REQUIREMENTS FOR RECYCLABLE MATERIALS

scrap metal; add "that is not excluded under 261.4(a)(13)"	261.6(a)(3)(ii)	26.13.02.06A-1(2)(b)	X			
--	-----------------	----------------------	---	--	--	--

PART 268 -- LAND DISPOSAL RESTRICTIONS

SUBPART A -- GENERAL

† PURPOSE, SCOPE AND APPLICABILITY

NOTE: ITEMS ON THIS PAGE RELATED TO LDR REQUIREMENTS, AND PAGES 3 OF 16 THROUGH 16 OF 16 OF THE BLANK CHECKLIST DEVELOPED BY EPA HAVE BEEN OMITTED, SINCE MARYLAND IS NOT SEEKING AUTHORIZATION OF LDR PROVISIONS, AT THIS TIME.

 † Optional.

**Pages (3 of 16) through (16 of 16) of Checklist 157 omitted.
See note at beginning of checklist.**

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RCRA REVISION CHECKLIST 159

Conformance With the Carbamate Vacatur

62 FR 32974-32980

June 17, 1997

(RCRA Cluster VII, HSWA provisions)

****At this time, Maryland is not adopting the land disposal restrictions (LDRs) as addressed by this checklist, therefore no analog is provided for those provisions relating to the land disposal restrictions.****

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 -- IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART D - LISTS OF HAZARDOUS WASTES							
† HAZARDOUS WASTE FROM SPECIFIC SOURCES							
	revise table by removing entry for K160 and revising entries for K156, K157 and K158 as shown below:	261.32/table	26.13.02.17A/Table	X			
	Industry and EPA hazardous waste No.	Hazardous waste					Hazard code
	*	*	*	*	*	*	*
	Organic chemicals:						
	*	*	*	*	*	*	*
	K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)					(T)
	K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)					(T)
	K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)					(T)
	*	*	*	*	*	*	*

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
†	DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF						
revise table by removing in their entirety the entries listed below:	261.33(f)	26.13.02.19G	X				

H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester, (U365)
 Bis(dimethylthiocarbamoyl) sulfide, (U401)
 Bis (pentamethylene)thiuram tetrasulfide, (U400)
 Butylate, (U392)
 Carbamic acid, butyl-,3-iodo-2-propynyl ester, (U375)
 Carbamodithioic acid, dibutyl, sodium salt, (U379)
 Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester, (U277)
 Carbamodithioic acid, diethyl-, sodium salt, (U381)
 Carbamodithioic acid, dimethyl-, potassium salt, (U383)
 Carbamodithioic acid, dimethyl-, sodium salt, (U382)
 Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid, (U376)
 Carbamodithioic acid, (hydroxymethyl) methyl-,monopotassium salt, (U378)
 Carbamodithioic acid, methyl-, monosodium salt, (U384)
 Carbamodithioic acid, methyl-,monopotassium salt, (U377)
 Carbamothioic acid, bis(2-methylpropyl)-, S-ethyl ester, (U392)
 Carbamothioic acid, butylethyl-,S-propyl ester, (U391)
 Carbamothioic acid, cyclohexylethyl-, S-ethyl ester, (U386)
 Carbamothioic acid, dipropyl-, S-ethyl ester, (U390)
 Carbamothioic acid, dipropyl-, S-propyl ester, (U385)
 Copper, bis(dimethylcarbomodithioato-S,S')-, (U393)
 Copper dimethyldithiocarbamate,(U393)
 Cycloate, (U386)
 Dazomet, (U366)
 Disulfiram, (U403)
 EPTC, (U390)
 Ethyl Ziram, (U407)
 Ferbam, (U396)
 3-Iodo-2-propynyl n-butylcarbamate, (U375)
 Iron, tris(dimethylcarbomodithioato-S,S')-, (U396)
 Metam Sodium, (U384)
 Molinate, (U365)
 Pebulate, (U391)
 Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-, (U400)
 Potassium dimethyldithiocarbamate, (U383)
 Potassium n-hydroxymethyl-n-methyldi-thiocarbamate, (U378)
 Potassium n-methyldithiocarbamate, (U377)
 Selenium, tetrakis(dimethyldithiocarbamate), (U376)
 (continued....)

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:				
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE	
	Butylate	Carbamothioic acid, bis(2-methylpropyl)-, S-ethyl ester.		2008-41-5				
*	*	*	*	*	*	*	*	*
	Copper dimethyldithiocarbamate	Copper, bis(dimethylcarbamodithioato-S,S')-.		137-29-1				
*	*	*	*	*	*	*	*	*
	Cycloate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester		1134-23-2				
*	*	*	*	*	*	*	*	*
	Dazomet	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl.		533-74-4				
*	*	*	*	*	*	*	*	*

Common name	Chemical abstracts name	Chemical abstracts No.	Hazardous waste No.
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl.	97-77-8	
*	*	*	*
EPTC.	Carbamothioic acid, dipropyl-, S-ethyl ester.	759-94-4	
*	*	*	*
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-.	14324-55-1	
*	*	*	*
Ferbam	Iron, tris(dimethylcarbamodithioato-S,S')-.	14484-64-1	
*	*	*	*
3-Iodo-2-propynyl n-butylcarbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester.	55406-53-6	
*	*	*	*
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt.	137-42-8	
*	*	*	*
Molinatate	1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester.	2212-67-1	
*	*	*	*
Pebulate	Carbamothioic acid, butylethyl-, S-propyl ester.	1114-71-2	
*	*	*	*
Potassium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl, potassium salt.	128-03-0	
Potassium n-hydroxymethyl-n-methyldithiocarbamate	Carbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt.	51026-28-9	
Potassium n-methyldithiocarbamate	Carbamodithioic acid, methyl-monopotassium salt.	137-41-7	
*	*	*	*
Selenium, tetrakis (dimethyl-dithiocarbamate)	Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid...	144-34-3	
*	*	*	*
Sodium dibutyldithiocarbamate...	Carbamodithioic acid, dibutyl, sodium salt.	136-30-1	
Sodium diethyldithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt.	148-18-5	

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	mate...						
	Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt.		128-04-1			
	*	*	*	*	*	*	*
	Sulfallate	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester.		95-06-7			
	*	*	*	*	*	*	*
	Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl		1634-02-2			
	*	*	*	*	*	*	*
	Tetramethylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide		97-74-5			
	*	*	*	*	*	*	*
	Vernolate	Carbamothioic acid, dipropyl-,S-propyl ester.		1929-77-7			
	*	*	*	*	*	*	*

PART 268 -- LAND DISPOSAL RESTRICTIONS

SUBPART C -- PROHIBITIONS ON LAND DISPOSAL

† WASTE SPECIFIC PROHIBITIONS -- SPENT ALUMINUM POTLINERS; REACTIVE; AND CARBAMATE WASTES

replace "K156-K161" with "K156-K159 and K161"; replace "U277-U280" with "U278-U280"; replace "U364-U367" with "U364, U367"; remove "U375-U379,"; replace "U381-U387, U389-U396" with "U387, U389, U394, U395"; replace "U400-U404" with	268.39(a)					
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END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	"U404"; remove "U407,"						
	replace "U277- U280" with "U278- U280"; replace "U364- U367" with "U364, U367"; remove "U375- U379,"; replace "U381- U387, U389- U396" with "U387, U389, U394, U395"; replace "U400- U404" with "U404"; remove "U407,"	268.39(d)					
	amend table by adding language "(This listing does not apply to wastes generated from the manufacture of 3-iodo-2- propynyl n- butylcarbam ate.)" at end of existing text in second column for	268.40 table					

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	K156, K157 and K158						

END NOTES

† Optional. States are not required to adopt this provision.

1. (Part 261 Appendix VIII) Note that there is a typographical error in the Federal Register. "Potassium hydroxymethyl-..." should be "Potassium hydroxymethyl-...". (62 FR 32977).

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RCRA REVISION CHECKLIST 164

Kraft Mill Steam Stripper Condensate Exclusion

63 FR 18504-18751

April 15, 1998

(RCRA Cluster VIII, non-HSWA provisions)

END NOTE	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

† EXCLUSIONS

add new paragraph; condensates derived from overhead gases from kraft mill steam strippers used to comply with 40 CFR 53.446(e); exemption applies only to combustion at mill generating condensates	261.4(a)(15)	26.13.02.04A(14)	X			
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END NOTES

† Optional. States are not required to adopt this provision.

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RCRA REVISION CHECKLIST 169

Petroleum Refining Process Wastes

63 FR 42110-42189

August 6, 1998

(RCRA Cluster IX, HSWA/Non-HSWA provisions)

General Notes:

(A) The revisions to 40 CFR 261.32, Part 261 Appendix VII, 268.35 and 268.40 are promulgated pursuant to HSWA. These regulations become effective on the Federal effective date in all States. The revision to 40 CFR 266.100 is promulgated pursuant to HSWA, but it is optional for adoption. The revisions to 40 CFR Part 261.3, 261.4, and 261.6 are promulgated relative to non-HSWA authority. The non-HSWA revisions related to the exclusions from the definition of solid waste of certain oil-bearing hazardous secondary material from petroleum refining and certain recovered oils from associated petrochemicals are optional. The addition of 40 CFR 261.4(a)(19) is a clarifying change and States are not required to make it because they do not need further authorization to interpret their regulations in accordance with this clarification. Those provisions designated as HSWA are identified by a "◆" (diamond symbol) in this checklist.

(B) A technical correction was made to this rule at 64 FR 36365 (June 8, 2000; Revision Checklist 187). States are encouraged to adopt the technical correction at the same time that the Revision Checklist 169 provisions are adopted.

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF HAZARDOUS WASTE

† insert “, provided that the wastes...separation” after “§261.32”; insert “crude oil storage tank sediment ... (EPA Hazardous Waste No. K172)” after “(EPA Hazardous Waste No. K050)”	261.3(a)(2)(iv)(C)	26.13.02.03A-2(3)	X			
†,1. replace “§261.6(a)(3)(iv) through (vi)” with “§261.6(a)(3)(iii) and (iv)”	261.3(c)(2)(ii)(B)	26.13.02.03C-1(2)	X			

Checklist 169 – Petroleum Refining Process Wastes

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
†	add new subparagraph; catalyst inert support media separated from wastes listed in §261.32 B Spent hydrotreating catalyst and spent hydrorefining catalyst	261.3(c)(2)(ii)(E)	26.13.02.03C-1(5)	X			

EXCLUSIONS

†, 2.	completely revise 261.4(a)(12) as 261.4(a)(12)(i)&(ii); oil-bearing hazardous secondary materials generated at petroleum refinery and inserted into the refining process unless the material is placed on land or speculatively accumulated before recycled; non-characteristic materials inserted into thermal cracking units; oil-bearing hazardous secondary materials inserted into same refinery where generated, or sent directly to another refinery; oil-bearing hazardous secondary materials generated elsewhere in petroleum industry are not excluded; residuals generated from materials excluded under 261.4(a)(12)(i) that would have otherwise met listing under 261 subpart D, are designated as F037 listed wastes when disposed of or intended for disposal	261.4(a)(12)(i)	26.13.02.04A(15)	X			
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Checklist 169 – Petroleum Refining Process Wastes

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
†, 2.	recovered oil recycled in same manner and conditions as in 261.4(a)(12)(i); recovered oil is oil reclaimed from secondary materials generated from normal petroleum industry practices; recovered oil does not include oil-bearing hazardous wastes listed in 261 subpart D, however, oil recovered from such wastes may be considered recovered oil; recovered oil does not include used oil as defined in 279.1	261.4(a)(12)(ii)	26.13.02.04A(16)	X			
‡	add new paragraph; petrochemical recovered oil from associated organic chemical manufacturing facility, where oil is inserted into refining process with normal process streams provided:	261.4(a)(18)	26.13.02.04A(17)	X			
†	oil is hazardous only because it exhibits characteristic of ignitability and/or toxicity for benzene; and	261.4(a)(18)(i)	26.13.02.04A(17)(c)	X			
†	oil generated is not placed on land or speculatively accumulated before recycled; definitions of “associated organic chemical manufacturing facility” and “petrochemical recovered oil”	261.4(a)(18)(ii)	26.13.02.04A(17)(a), (b), (d)	X			

Checklist 169 – Petroleum Refining Process Wastes

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
†	add new paragraph; spent caustic solutions from petroleum refining liquid treating processes used as feedstock to produce cresylic or naphthenic acid unless material is placed on land or accumulated speculatively as defined in 261.1(c)	261.4(a)(19)	26.13.02.04A(18)	X			

REQUIREMENTS FOR RECYCLABLE MATERIALS

†	at end of paragraph, replace “; and” with a period	261.6(a)(3)(iv)(C)	26.13.02.06A-1(2)(e)	X			
†, 2.	remove	261.6(a)(3)(v)	Removed	X			

SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

†, 3.	revise entry for F037; remove colon after “those generated in”; replace period with a comma after “receiving dry weather flow”; use lower case with “Sludge”; add new sentence to end of description regarding the inclusion of excluded residuals generated from processing or recycling oil-bearing hazardous secondary materials if to be disposed	261.31(a)	26.13.02.16A	X			
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Checklist 169 – Petroleum Refining Process Wastes

END
OTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

WASTE SPECIFIC PROHIBITIONS-PETROLEUM REFINING WASTES

NOTE: The State has not adopted federal LDR provisions. The following changes to 40 CFR Part 268 are not relevant for the State Program. Therefore, the “Analogous State Citation” column is blank.

◆, 4. add new paragraph; effective February 8, 1999, wastes K169-K172, soils and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soils and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	268.35(a)					
◆ add new paragraph; requirements of 268.35(a) do not apply if:	268.35(b) intro					
◆ wastes meet treatment standards specified in 268 subpart D;	268.35(b)(1)					
◆ exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	268.35(b)(2)					
◆ wastes meet treatment standards established pursuant to petition granted under 268.44;	268.35(b)(3)					
◆ hazardous debris meeting treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.35(b)(4)					

Checklist 169 – Petroleum Refining Process Wastes

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			BROADER IN SCOPE
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	
◆	extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.35(b)(5)					
◆	add new paragraph; to determine if hazardous wastes identified in 268.35 exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains constituents in excess of UTS levels of 268.48, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	268.35(c)					

SUBPART D B TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

◆, 5.	add in alphanumeric order new entries for K169, K170, K171, and K172 as shown at 63 FR 42187	268.40/Table					
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END NOTES

† Optional. States are not required to adopt this provision.

◆ HSWA provision.

1. The internal reference to " ' 261.6(a)(3)(iv) through (vi)", as affected by Revision Checklist 135, was incorrect in the July 1, 1997, CFR. The reference should have been " ' 261.6(a)(3)(iii) through (v)" to correctly correspond to the deletion of subparagraphs in 40 CFR 261.6(a)(3) by Revision Checklists 112, 135, and 142B. Not all of these checklists made the corresponding changes to the internal references at 40 CFR 261.3(c)(2)(ii)(B) or 266.100(b)(3); therefore, the internal reference has remained incorrect in the CFR since July 1, 1993. Revision Checklist 169 subsequently corrects the internal references at both provisions to also reflect the removal of 40 CFR 261.6(a)(3)(v).

. The optional revision of the exclusion at 40 CFR 261.4(a)(12)(i)&(ii) replaces the provision at 40 CFR 261.6(a)(3)(v) causing this later provision to be removed; therefore, these changes should be adopted together. States should be aware that adoption of the removal of 40 CFR 261.6(a)(3)(v)

without the adoption of the revisions to 40 CFR 261.4(a)(12)(i)&(ii) would make the State potentially broader-in-scope than the Federal requirements. The correction of the internal reference to "261.6(a)(3)(iv) through (vi)" at 40 CFR 261.3(c)(2)(ii)(B) is also optional but should be made if the revisions to 40 CFR 261.4(a)(12)(i)&(ii) are adopted. Although the revision of the internal reference at 40 CFR 266.100(b)(3) is made pursuant to HSWA authority, it is also optional since the revision should be made only if the revisions to 40 CFR 261.4(a)(12)(i)&(ii) are adopted.

3. This change is conditionally optional. If a State chooses to make the optional changes at 40 CFR 261.4(a)(12), it needs to make this change as well.
4. The 1997 40 CFR reprints 40 CFR 268.35 (which was removed by the rule addressed by Revision Checklist 157), and includes a note that the section has been removed effective August 11, 1997 (62 FR 26022, 5/12/97). Since it was promulgated after the effective date of the removal, Revision Checklist 169 adds a new 40 CFR 268.35.
5. Note that the August 6, 1998 rule (Revision Checklist 169) republished the appropriate footnotes to the Table of Treatment Standards at 40 CFR 268.40 without change.

RCRA REVISION CHECKLIST 178

Petroleum Refining Process Wastes -- Leachate Exemption
 64 FR 6806
 February 11, 1999
 (RCRA Cluster IX, HSWA)

END
NOTE

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE						
SUBPART A - GENERAL						
EXCLUSIONS						
† add new paragraph; leachate or gas condensate collected from landfills where certain solid wastes previously disposed, provided:	261.4(b)(15) intro	26.13.02.04-1A(16) intro	X			
Solid wastes disposed meet one or more listing descriptions for K169-K172 if wastes had been generated after effective date of listing (February 8, 1999);	261.4(b)(15)(i)	26.13.02.04-1A(16)(a)	X			
† solid wastes in 261.4(b)(15)(i) were disposed prior to effective date of listing;	261.4(b)(15)(ii)	26.13.02.04-1A(16)(b)	X			
† leachate or gas condensate do not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;	261.4(b)(15)(iii)	26.13.02.04-1A(16)(c)	X			
† discharge of leachate or gas condensate, including transfer from the landfill to a POTW by truck, rail or dedicated pipe, is subject to 307(b) or 402 of CWA	261.4(b)(15)(iv)	26.13.02.04-1A(16)(d)	X			

without the adoption of the revisions to 40 CFR 261.4(a)(12)(i)&(ii) would make the State potentially broader-in-scope than the Federal requirements. The correction of the internal reference to "261.6(a)(3)(iv) through (vi)" at 40 CFR 261.3(c)(2)(ii)(B) is also optional but should be made if the revisions to 40 CFR 261.4(a)(12)(i)&(ii) are adopted. Although the revision of the internal reference at 40 CFR 266.100(b)(3) is made pursuant to HSWA authority, it is also optional since the revision should be made only if the revisions to 40 CFR 261.4(a)(12)(i)&(ii) are adopted.

3. This change is conditionally optional. If a State chooses to make the optional changes at 40 CFR 261.4(a)(12), it needs to make this change as well.
4. The 1997 40 CFR reprints 40 CFR 268.35 (which was removed by the rule addressed by Revision Checklist 157), and includes a note that the section has been removed effective August 11, 1997 (62 FR 26022, 5/12/97). Since it was promulgated after the effective date of the removal, Revision Checklist 169 adds a new 40 CFR 268.35.
5. Note that the August 6, 1998 rule (Revision Checklist 169) republished the appropriate footnotes to the Table of Treatment Standards at 40 CFR 268.40 without change.

RCRA REVISION CHECKLIST 178

Petroleum Refining Process Wastes -- Leachate Exemption

64 FR 6806

February 11, 1999

(RCRA Cluster IX, HSWA)

END NOTE	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART A - GENERAL							
EXCLUSIONS							
†	add new paragraph; leachate or gas condensate collected from landfills where certain solid wastes previously disposed, provided:	261.4(b)(15) intro	26.13.02.04-1A(16) intro	X			
	and wastes disposed meet one or more listing descriptions for K169-K172 if wastes had been generated after effective date of listing (February 8, 1999);	261.4(b)(15)(i)	26.13.02.04-1A(16)(a)	X			
†	solid wastes in 261.4(b)(15)(i) were disposed prior to effective date of listing;	261.4(b)(15)(ii)	26.13.02.04-1A(16)(b)	X			
†	leachate or gas condensate do not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;	261.4(b)(15)(iii)	26.13.02.04-1A(16)(c)	X			
†	discharge of leachate or gas condensate, including transfer from the landfill to a POTW by truck, rail or dedicated pipe, is subject to 307(b) or 402 of RCRA	261.4(b)(15)(iv)	26.13.02.04-1A(16)(d)	X			

NO. 11

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† after February 13, 2001, leachate or gas condensate will no longer be exempt if stored or managed in surface impoundment prior to discharge; exception if surface impoundment is used to temporarily store in response to an emergency	261.4(b)(15)(v)	26.13.02.04-1A-1	X			
Effective dates of listings for K169-K172, K174-178	261.4(b)(15)(v) related	26.13.02.04-1A(16)(e)	X			

END NOTES

† Optional. States are not required to adopt this provision.

Land Disposal Restrictions Phase IV -- Technical Corrections

RCRA REVISION CHECKLIST 183

Land Disposal Restrictions Phase IV -- Technical Corrections

64 FR 56469-56472

October 20, 1999

(RCRA Cluster X, HSWA/Non-HSWA)

****At this time, Maryland is not adopting the land disposal restrictions (LDRs) as addressed by this checklist, therefore no analog is provided for those provisions relating to the land disposal restrictions.****

Note that the revisions to 262.34(a)(4), 268.7(a)(3)(iii), 268.40(j), 268.40 Table, 268.49(c)(1)(A) and 268.49(c)(1)(B) were made pursuant to HSWA. The revisions to 261.32 were made relative to non-HSWA authority. Those provisions designated as HSWA are identified by a “◆” (diamond symbol) in this checklist.

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 B IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

† L	remove entries for K064, K065, K066, K090 and K091	261.32	26.13.02.17A/ Table	X			
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PART 262 B STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART C – PRE-TRANSPORT REQUIREMENTS

ACCUMULATION TIME

† ●,◆	replace “268.7(a)(4)” with “268.7(a)(5)”	262.34(a)(4)					
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PART 268 – LAND DISPOSAL RESTRICTIONS (LDR)

SUBPART A – GENERAL

TESTING, TRACKING, AND RECORDKEEPING REQUIREMENTS FOR GENERATORS, TREATERS, AND DISPOSAL FACILITIES

NOTE: The State has not adopted federal LDR requirements. Therefore, the following changes to 40 CFR Part 268 are not relevant to the State regulatory program, and the “Analogous State Citation” column has been left blank.

Land Disposal Restrictions Phase IV -- Technical Corrections

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†●◆	add new paragraph; if waste changes, generator must send new notice & certification to receiving facility, & place copy in files; generators excluded under 261.3(f) are not subject to these requirements	268.7(a)(3)(iii)					

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

◆	replace old 268.40(j) with new paragraph; effective September 4, 1998, treatment standards for certain “P” and “U” wastes specified in 261.33 may be satisfied by either meeting constituent concentrations in “Treatment Standards for Hazardous Wastes” table, or by treating the waste by technologies specified	268.40(j)					
◆2.	revise K088 entry as shown at 64 FR 56471	268.40/Table					

ALTERNATIVE LDR TREATMENT STANDARDS FOR CONTAMINATED SOIL

†●◆	add “except carbon disulfide, cyclohexanone, and methanol” after “on-metals”	268.49(c)(1)(A)					
†●◆	add “and carbon disulfide, cyclohexanone, and methanol” after “metals”	268.49(c)(1)(B)					

END NOTES

† Optional. States are not required to adopt this provision.

†● These changes are conditionally optional. If the State has adopted the optional revisions to the recordkeeping and paperwork requirements in Revision Checklist 157, then the State is required to adopt the change to 262.34(a)(4) in this checklist. Also, if the State has adopted the optional treatment standards for

Land Disposal Restrictions Phase IV -- Technical Corrections

contaminated soils in Revision Checklists 167 B, then the State is required to adopt the changes to 268.7(a)(3) and 268.49(c)(1) in this checklist.

◆ Provision adopted pursuant to HSWA authority.

1. (261.32) The listings of K064, K065, K066, K090, and K091 were initially added to the Federal code by the September 12, 1988 final rule addressed by Revision Checklist 53 (53 FR 35412). However, the listings were remanded by the U.S. Court of Appeals for the D.C. Circuit in American Mining Congress v. EPA, 907 F.2d 1179 (D.C. Cir. 1990). As such, Revision Checklist 53 was modified to not include the addition of these listings. Therefore, States may never have added these listings to their regulations.
2. (268.40/Table) There are typographical errors in the K088 entry at 64 FR 56471. “Benz(a)anthracene” should be “Benzo(a)anthracene” and “Indeno(1,2,3,-c,d)pyrene” should be “Indeno(1,2,3-cd)pyrene”. The second error was in the Federal code prior to this checklist.

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RCRA REVISION CHECKLIST 187

Petroleum Refining Process Wastes B Clarification
 64 FR 36365-36367
 June 8, 2000
 (RCRA Cluster X, HSWA provisions)

****At this time, Maryland is not adopting the land disposal restrictions (LDRs) as addressed by this checklist, therefore no analog is provided for those provisions relating to the land disposal restrictions.****

Note: The rule addressed by this checklist makes changes to 40 CFR Part 148 addressing Hazardous Waste Injection Restrictions. These changes are outside the RCRA Subtitle C program and are not addressed by this revision checklist.

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART D - LISTS OF HAZARDOUS WASTES							
HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES							
†	revise the entry for F037 by replacing in the second sentence "flow, sludge" with "flow. Sludge"	261.31(a)/table	26.13.02.16A/Table	X			
PART 268 - LAND DISPOSAL RESTRICTIONS							
APPENDIX VII TO PART 268							
LDR EFFECTIVE DATES OF SURFACE DISPOSED PROHIBITED HAZARDOUS WASTES							
1.	unchanged	268 Appendix VII					

END NOTES

- †● This change is conditionally optional. If the State has adopted the optional revised description of waste F037 in Revision Checklist 169, then the State is required to adopt the change to F037 in 261.31(a)/table in this checklist.
- 1. Note that in the preamble to the June 8, 2000 rule, it states that the Agency neglected to delete the reference to U408 in Appendix VII of 40 CFR Part 268 in the March 17, 2000 rule (65 FR 14472; Revision Checklist 185). However, there was no entry for U408 in that Appendix. The actual amendment for the rule incorrectly removes the entry for U048 from Appendix VII to 40 CFR Part 268. Therefore, States should not adopt any changes to this Appendix. This error was corrected by Revision Checklist 192B (66 FR 27266, May 16, 2001).

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RCRA REVISION CHECKLIST 189

Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes
 65 FR 67068-67133
 November 8, 2000
 (RCRA Cluster XI, HSWA)

****At this time, Maryland is not adopting the land disposal restrictions (LDRs) as addressed by this checklist, therefore no analog is provided for those provisions relating to the land disposal restrictions.****

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

PART 261 B IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

add following waste streams to subgroup "Organic chemicals" in alphanumeric order	261.32	26.13.02.17A/ Table	X			
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Industry and EPA hazardous waste No.	Hazardous Waste										Hazard code
--------------------------------------	-----------------	--	--	--	--	--	--	--	--	--	-------------

* * * * *

Organic chemicals:

* * * * *

K174..... Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (i) they are disposed of in a subtitle C or non-hazardous landfill licensed or permitted by the state or federal government; (ii) they are not otherwise placed on the land prior to final disposal; and (iii) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Respondents in any action brought to enforce the requirements of subtitle C must, upon a showing by the government that the respondent managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, demonstrate that they meet the terms of the exclusion set forth above. In doing so, they must provide appropriate documentation (e.g., contracts between the generator and the landfill owner/operator, invoices documenting delivery of waste to landfill, etc.) that the terms of the exclusion were met. (T)

K175 Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)

* * * * *

APPENDIX VII TO PART 261

Checklist 189 – Chlorinated Aliphatics Listings

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

BASIS FOR LISTING HAZARDOUS WASTE

1. add to appendix in alphanumeric order, the following waste streams	261 Appendix VII	26.13.02.23/ Table	X			
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EPA hazardous waste No.	Hazardous constituents for which listed
* * * *	* * * *
K174.....	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD), 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF), 1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,6,7,8,9-HpCDF), HxCDDs (All Hexachlorodibenzo-p-dioxins), HxCDFs (All Hexachlorodibenzofurans), PeCDDs (All Pentachlorodibenzo-p-dioxins), OCDD (1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin), OCDF (1,2,3,4,6,7,8,9-Octachlorodibenzofuran), PeCDFs (All Pentachlorodibenzofurans), TCDDs (All Tetrachlorodibenzo-p-dioxins), TCDFs (All Tetrachlorodibenzofurans).
K175.....	Mercury
* * * *	* * * *

APPENDIX VIII TO PART 261

HAZARDOUS CONSTITUENTS

add to appendix in alphabetical order, the following entries	261 Appendix VIII	26.13.02.24	X		
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Common name	Chemical abstracts name	Chemical abstracts No.	Hazardous waste No.
* * * *	* * * *	* * * *	* * * *
Octachlorodibenzo-p-dioxin (OCDD).	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin	3268-87-9
Octachlorodibenzofuran (OCDF).	1,2,3,4,6,7,8,9-Octachlorodibenzofuran	39001-02-0
* * * *	* * * *	* * * *	* * * *

PART 268 – LAND DISPOSAL RESTRICTIONS

SUBPART C – PROHIBITIONS ON LAND DISPOSAL

2. WASTE SPECIFIC PROHIBITIONS – CHLORINATED ALIPHATIC WASTES

add new paragraph; effective May 8, 2001, wastes K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes,	268.33(a)					
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Checklist 189 – Chlorinated Aliphatics Listings

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal						
add new paragraph; requirements of 268.33(a) do not apply if:	268.33(b) intro					
wastes meet treatment standards specified in 268 subpart D;	268.33(b)(1)					
exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	268.33(b)(2)					
wastes meet treatment standards established pursuant to petition granted under 268.44;	268.33(b)(3)					
hazardous debris has met treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.33(b)(4)					
extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.33(b)(5)					
add new paragraph; to determine if identified hazardous waste exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains regulated constituents in excess of 268 subpart D levels, waste is prohibited from	268.33(c)					

Checklist 189 – Chlorinated Aliphatics Listings

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
land disposal, and all requirements of part 268 are applicable, except as otherwise specified						
add new paragraph; disposal of K175 wastes complying with 268.40 treatment standards must also be macroencapsulated in accordance with 268.45 Table 1 unless waste is placed in:	268.33(d) intro					
Subtitle C monofill containing only applicable K175 wastes that meet 268.40 treatment standards; or	268.33(d)(1)					
dedicated Subtitle C landfill cell in which other co-disposed wastes are at pH≤6.0	268.33(d)(2)					

SUBPART D – TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

3. add entries to F039 in alphabetic order, add in alphanumeric order new entries for K174 and K175, and add new footnote 12 as shown at 65 FR 67128-67131	268.40/Table					
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UNIVERSAL TREATMENT STANDARDS

4. add following to the subgroup “Organic Constituents” in alphabetical order	268.48(a)/Table					
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UNIVERSAL TREATMENT STANDARDS NOTE: NA means not applicable

REGULATED CONSTITUENT Common Name	CAS ¹ Number	Wastewater Standard Concentration in mg/l ²	Nonwastewater Standard Concentration in mg/kg ³ unless noted as Amg/l TCLP®

Checklist 189 – Chlorinated Aliphatics Listings

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
* * * *	* * *	* * *	*	*	*	*
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)		35822-46-9	0.000035			0.0025
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)		67562-39-4	0.000035			0.0025
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)		55673-89-7	0.000035			0.0025
* * * *	* * *	* * *	*	*	*	*
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD)		3268-87-9	0.000063			0.005
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)		39001-02-0	0.000063			0.005
* * * *	* * *	* * *	*	*	*	*

END NOTES

- (261 Appendix VII) Note the following typographical errors in the November 8, 2000 rule, in the entry for K174 on page 67127:
 - There should be a closing bracket following “Octachlorodibenzo-p-dioxin” in line 4 of the “Hazardous constituents for which listed” column;
 - There should not be a hyphenation between “tetrachlorodi” and “benzo-p-dioxins” in line 5 of the “Hazardous constituents for which listed” column; and
 - Both “tetrachlorodibenzo-p-dioxins” and “tetrachlorodibenzofurans” should be initially capitalized as with other constituents, in line 5 of the “Hazardous constituents for which listed” column.
- (Part 268, Subpart C) This is a new section added by the 65 FR 67068 (November 8, 2000) rule. Originally, 268.33 dealt with “Waste Specific Prohibitions – First Third Wastes,” but pursuant to 62 FR 25998-26040 (May 12, 1997; Revision Checklist 157), the section was removed and reserved effective August 11, 1997. Revision Checklist 165 (63 FR 24596; May 4, 1998) added a new section at 268.33 but this rule was vacated on April 9, 1999. The July 1, 2000 CFR reserved section 268.33.
- (268.40/Table) Note that in addition to adding a new footnote 12 to the table, the November 8, 2000 rule (Revision Checklist 189) also republished footnotes 1-5 and 11. The only changes to these footnotes were revising upper case “Part” and “Subpart” to lower case “part” and “subpart” in footnotes 5 and 11.
- (268.48(a)/Table) Note that although the amendatory language states the footnotes are republished without change, “mg/l” is incorrectly revised to “mg/L” in footnote 2. Also note that lower case “part” and “subpart” were incorrectly revised to upper case “Part” and “Subpart” in footnote 3. States should not adopt these revisions.

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RCRA REVISION CHECKLIST 192 A

Mixture and Derived-From Rules Revisions

66 FR 27266-27297

May 16, 2001

(RCRA Cluster XI, HSWA/Non-HSWA)

Notes: The revisions to 40 CFR 261.3(g) and 261.3(h)(1)-(3) are promulgated pursuant to HSWA. The HSWA revisions are considered less stringent than the existing Federal regulations and therefore, are immediately effective only in those States not authorized for the base RCRA program. The revisions to 40 CFR 261.3(a)(2)(iii) and (iv), and 261.3(c)(2)(i) are promulgated pursuant to non-HSWA authorities and do not go into effect in an authorized State until the State adopts and receives authorization for the revisions. HSWA provisions are identified by a “◆” (diamond symbol) in this checklist.

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 B IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART A – GENERAL							
DEFINITION OF HAZARDOUS WASTE							
†	remove and reserve	261.3(a)(2)(iii)	26.13.02.03A(2) (c) (Note: instead of deleting entire paragraph, provision has been modified to be equivalent to 261.3(g)(1) & (2).)	X			
†	replace “§§” with “40 CFR”; replace “of this chapter” with “, paragraph (g) of this section, or paragraph (h) of this section”; replace ending colon with semicolon	261.3(a)(2)(iv)	26.13.02.03A(2) (d) & 26.13.02.03A-2	X			

CHECKLIST 192A – Mixture and Derived-From Rules Revisions

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
†, 1.	insert “, (g) or (h)” after “(c)(2)(ii)”	261.3(c)(2)(i)	26.13.02.03C(2) (a) (NOTE: since MD has not yet adopted the mixed waste rule (CL 191), there is currently no analog to 261.(3)(h), making make this provision “more stringent” with respect to mixed waste.	X		X	
†, ◆	add new subparagraph; listed hazardous waste solely because it exhibits one or more characteristic, is not a hazardous waste, if characteristics are no longer exhibited	261.3(g)(1)	26.13.02.03F intro & F(1)	X			
†, ◆	261.3(g)(1) exclusion also pertains to:	261.3(g)(2)	26.13.02.03F(1) (a)	X			
†, ◆	wastes excluded	261.3(g)(2)(i)	26.13.02.03F(1) (b) & (c)	X			
		261.3(g)(2)(ii)					
†, ◆	wastes excluded are subject to 268, even if no longer exhibit characteristic at point of land disposal	261.3(g)(3)	26.13.02.03F(2)	X			
†, ◆	add new subparagraph; hazardous waste containing radioactive waste is no longer a hazardous waste	261.3(h)(1)	Not adopted				X
†, ◆	exemption also pertains to:	261.3(h)(2)	Not adopted				X
†, ◆	wastes excluded	261.3(h)(2)(i)	Not adopted				X
		261.3(h)(2)(ii)	Not adopted				X

CHECKLIST 192A – Mixture and Derived-From Rules Revisions

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
†,◆	waste exempted must meet storage and transportation criteria; waste that fails is regulated as hazardous	261.3(h)(3)	Not adopted				X

END NOTES

† Optional. States are not required to adopt this provision.

◆ Provision adopted under HSWA authority.

1. There is a typographical error in the May 16, 2001 rule (66 FR 27266; May 16, 2001). States should not remove the comma following “ash”. The phrase should continue to read “...spill residue, ash, emission control dust, ...”.

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RCRA REVISION CHECKLIST 194

Mixture and Derived-From Rules Revision II

66 FR 50332-50334

October 3, 2001

(RCRA Cluster XII, HSWA/Non-HSWA)

Notes: The addition of 40 CFR 261.3(g)(4) is promulgated pursuant to HSWA. The HSWA revision is considered less stringent than the existing Federal regulations and, therefore, is immediately effective only in those States not authorized for the base RCRA program. HSWA provisions are identified by a “◆” (diamond symbol) in this checklist.

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART A – GENERAL							
DEFINITION OF HAZARDOUS WASTE							
◆, 1.	unchanged even though included in this rule	261.3(a)(2)(iv) 261.3(a)(2)(iv)(A) 261.3(a)(2)(iv)(B) 261.3(a)(2)(iv)(C) 261.3(a)(2)(iv)(D) 261.3(a)(2)(iv)(E) 261.3(a)(2)(iv)(F) 261.3(a)(2)(iv)(G)	26.13.02.03A(2)(d) & 26.13.02.03A-2 intro – A-2(7)	X			
†, ◆	add new subparagraph; any mixture of a solid waste excluded under 261.4(b)(7) & a hazardous waste listed in 261 subpart D solely because it exhibits a characteristic, is not a hazardous waste if it no longer exhibits a characteristic for which it was listed	261.3(g)(4)	26.13.02.03F (3)	X			

END NOTES

† Optional

◆ Provision adopted under HSWA authority.

1. The October 3, 2001 rule contains potentially confusing information. In the preamble (p. 50332), it states that EPA inadvertently deleted subparagraphs A-G of 40 CFR 261.3(a)(2)(iv) in the May 16, 2001 rule (Revision Checklist 192 A) and is, therefore, reinserting the deleted subparagraphs. Additionally, on page 50333, the amendatory language states that 40 CFR 261.3 is amended by revising paragraph (a)(2)(iv). However, the May 16, 2001 rule does not contain instructions to remove 40 CFR 261.3(a)(2)(iv)(A)-(G). In comparison to the May 16, 2001 rule, the October 3, 2001 rule merely reprints 40 CFR 261.3(a)(2)(iv) intro and subparagraphs (a)(2)(iv)(A)-(G) unchanged.

Note that in the on-line version of the 2001 CFR, 40 CFR 261.3(a)(2)(iv) intro does not include the revisions from the May 16, 2001 rule but it does include subparagraphs (A)-(G).

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RCRA REVISION CHECKLIST 195

Inorganic Chemical Manufacturing Wastes Identification and Listing

66 FR 58258-58300

November 20, 2001

(RCRA Cluster XII, HSWA/Non-HSWA)

Name of State: MARYLAND

This rule is promulgated under both HSWA and non-HSWA authorities. The listings of K176 and K177 are promulgated under HSWA authorities. The land disposal restrictions promulgated in this rule are also issued under HSWA authorities. These requirements, with the exception of the application of the land disposal restrictions to K178, will go into effect in all States, including authorized States, on the effective date of this rule. The listing of K178 is promulgated under non-HSWA authorities and will only become effective in an authorized State when the State amends its regulations to include this listing and receives authorization. For States without authorization, the listing of K178 goes into effect on the effective date of this rule. While all land disposal restrictions are adopted under HSWA authorities regardless of the statutory authority for the corresponding waste listing, the treatment standards and prohibitions for K178 will not have immediate regulatory effect. This is consistent with prior rules establishing LDR requirements for new, non-HSWA lists. The treatment standards and prohibitions for K178 only take effect when EPA authorizes State regulations listing K178 wastes.

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART A B GENERAL							
EXCLUSIONS							
	unchanged even though included in this rule	261.4(b)(15)	26.13.02.04-1A(16)	X			
†, 1	remove “and”; after “K172”, insert “,K174, K175, K176, K177, and K178,”; remove “(February 8, 1999)”	261.4(b)(15)(i)	26.13.02.04-1A(16)(a)	X			
	unchanged even though included in this rule	261.4(b)(15)(ii)-(iv)	26.13.02.04-1A(16)(b) – (d)	X			
†	replace “After” with “As of”; replace “will” with “derived from K169-K172 is”; remove “be” after “longer”; insert new 2 nd sentence “After November 21, 2003, leachate....to discharge”; insert “(b)(15)(v)” after “paragraph”	261.4(b)(15)(v)	26.13.02.04-1A(16)(e) & A-1	X			

Checklist 195 - Inorganic Chemical Manufacturing Wastes Identification and Listing

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

add following waste streams to subgroup Alnorganic chemicals@ in alphanumeric order	261.32	26.13.02.17A/ Table	X			
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Industry and EPA hazardous waste No.	Hazardous Waste											
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	
Inorganic chemicals:												
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide).										(E)	
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).										(T)	
K178	Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process										(T)	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add to appendix in alphanumeric order, the following waste streams	261 Appendix VII	26.13.02.23/ Table	X			
--	------------------	-----------------------	---	--	--	--

EPA hazardous waste No.	Hazardous constituents for which listed										
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
K176	Arsenic, Lead.										
K177	Antimony.										
K178	Thallium.										
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

Checklist 195 - Inorganic Chemical Manufacturing Wastes Identification and Listing

END
NOTES

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

NOTE: Maryland has not adopted the federal LDR provisions. Therefore, the following changes to 40 CFR Part 268 are not relevant for Maryland's regulatory program, and the "Analogous State Citation" column has been left blank.

WASTE SPECIFIC PROHIBITIONS – INORGANIC CHEMICAL WASTES

add new paragraph; effective May 20, 2002, wastes K176-K178, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	268.36(a)					
add new paragraph; requirements of 268.36(a) do not apply if:	268.36(b) intro					
wastes meet treatment standards specified in 268 subpart D;	268.36(b)(1)					
exemption from a prohibition pursuant to petition under 268.6, with respect to wastes and units covered by the petition;	268.36(b)(2)					
wastes meet treatment standards established pursuant to petition granted under 268.44;	268.36(b)(3)					
hazardous debris has met treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.36(b)(4)					

Checklist 195 - Inorganic Chemical Manufacturing Wastes Identification and Listing

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.36(b)(5)					
	add new paragraph; to determine if identified hazardous waste exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains regulated constituents in excess of 268 subpart D levels, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	268.36(c)					
SUBPART D B TREATMENT STANDARDS							
APPLICABILITY OF TREATMENT STANDARDS							
2.	add in alphabetic order, new entries for K176-178 as shown at 66 FR 58298-58299	268.40/Table					

END NOTES

† Optional. States are not required to adopt this provision.

- (261.4(b)(15)(i) While the November 20, 2001 rule added K174 and K175 wastes (as well as K176-K178) to 40 CFR 261.4(b)(15)(i), the rule does not discuss the Agency’s rationale for adding these two K wastes. Regulatory specialists at the RCRA Hotline related that the addition of K174 and K175 is not an error. These two wastes were added to the hazardous waste listings in the November 8, 2000 rule (65 FR 67068; Revision Checklist 189). At that time, EPA deferred the addition of K174 and K175 wastes to the exclusions at 40 CFR 261.4(b)(15)(i). The Hotline believes the Agency has made a decision to add the wastes to the exclusions with the current rule, even though this is not explained in the preamble.
- (268.40/Table) While the November 20, 2001 rule reprints footnotes 1-5 and 11 to the table at 40 CFR 268.40, the footnotes are reprinted without change. Note that reprinted footnote 1 contains a typographical error: A49 CFR part 261" should be A40 CFR part 261".

RCRA REVISION CHECKLIST 199
 Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes
 and TCLP Use with MGP Waste
 67 FR 11251-11254
 March 13, 2002
 (RCRA Cluster XII, Non-HSWA)

Conditionally optional provisions are identified by a “††” (double dagger symbol) in this checklist.

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 261 B IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART A B GENERAL							
DEFINITION OF SOLID WASTE							
††, 1.	remove “(except as provided under 40 CFR 261.4(a)(17))” at end of second sentence	261.2(c)(3)	26.13.02.02C(3)	X			
EXCLUSIONS							
††	replace “Secondary materials (i.e., sludges, by-products, and spent materials as defined in ‘ 261.1)” with “Spent materials (as defined in ‘ 261.1)”	261.4(a)(17)	Not adopted				X
††	replace “secondary” with “spent”	261.4(a)(17)(i)	Not adopted				X
††	replace “secondary” with “spent”	261.4(a)(17)(ii)	Not adopted				X
††, 2.	replace “(a)(15)(iv)” with “(a)(17)(iv)”; replace first occurrence of “secondary material” with “spent material”	261.4(a)(17)(iii)	Not adopted				X
††, 3.	in first sentence, replace “secondary material” with “spent material”; in second sentence, replace “secondary materials” with “spent materials”	261.4(a)(17)(iv)	Not adopted				X

Checklist 199 – Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Waste

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
††, 4.	unchanged even though included in this rule	261.4(a)(17)(iv) (A)	Not adopted				X
††	revise “secondary material” to “spent material”	261.4(a)(17)(iv) (B)	Not adopted				X
	unchanged even though included in this rule	261.4(a)(17)(iv) (C)	Not adopted				X
††	replace “provides a notice” with “provides notice”; replace “, identifying” with “providing”; remove “non” prior to “land-based”	261.4(a)(17)(v)	Not adopted				X
††, 5.	replace “§261.4(b)(7)” with “paragraph (a)(7) of this section”; replace “secondary materials” with “spent materials”	261.4(a)(17)(vi)	Not adopted				X

SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

TOXICITY CHARACTERISTIC

insert “(except manufactured gas plant waste)” after “A solid waste”	261.24(a)	26.13.02.14A	X			
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END NOTES

†† Conditionally optional provision. State required to adopt this provision only if the State adopted the corresponding optional provision when it was added to the federal program by Checklist 167.

- States that have adopted the revised version of Revision Checklist 167 D (63 FR 28556; May 26, 1998) (revised January 2002), should make the following changes to 40 CFR 261.2(c)(3) instead:

Insert new second sentence: “Materials noted with a “-” in column 3 of Table 1 are not solid wastes when reclaimed.”

- There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). The second occurrence of “secondary material” should have also been revised to “spent material”. States should make this revision.
- There are typographical errors in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). In the first sentence, the rule incorrectly revises “on pads, rather than in tanks, containers, or buildings.” to “on pads rather than tanks containers, or buildings.” States should not make these changes. Additionally, in the third sentence, the rule should have also revised “secondary material” to “spent material”. States should make this change.
- There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). In the second sentence, “secondary material” should have been revised to “spent material”. States should make this revision.

5. There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). The rule incorrectly revises the internal reference to “paragraph (a)(7) of this section”. The correct revised internal reference should read “paragraph (b)(7) of this section”.

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RCRA REVISION CHECKLIST 207
 Uniform Hazardous Waste Manifest Rule
 70 FR 10776 – 10825
 March 4, 2005
 As amended on June 16, 2005 at 70 FR 35034
 (RCRA Cluster XV, HSWA/Non-HSWA)

Note that revisions to 262.27 were promulgated pursuant to HSWA.

Stringency: (EQ; <; >; BIS) correspond to (equivalent; less stringent; more stringent; broader in scope), respectively

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
PART 260 – HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL			
SUBPART B – DEFINITIONS			
DEFINITIONS			
amended by removing “Manifest document number,” revising “Designated facility” and “Manifest,” and adding “manifest tracking number” to read as follows:	260.10	See following entries.	EQ
<i>Designated facility</i> means: (1) A hazardous waste TSDF which: (i) Has received a permit (or interim status) in accordance with parts 270 and 124; (ii) Has received a permit (or interim status) from an authorized state; (iii) Is regulated under 261.6(c)(2) or 266 subpart F; and (iv) That has been designated on the manifest by the generator pursuant to 262.20. (2) A generator site designated on the manifest to receive its waste as a return shipment (3) If a waste is destined to a facility in an authorized State which has not obtained authorization to regulate that waste, then designated facility must be a facility allowed to accept the waste by the receiving State.	260.10	.01.03B(12)	EQ
<i>Manifest</i> means: Shipping document EPA Form 8700-22 (including 8700-22A), originated and signed by generator or offeror	260.10	.01.03B(50)	EQ
<i>Manifest tracking number</i> means: The alphanumeric identification number which is pre-printed in Item 4 of the Manifest.	260.10	.01.03B(51)	EQ
<i>Add definition of “offeror” from DOT regulation of “Person who offers or offeror”.</i> (NOTE: state initiated change intended to improve clarity.)	49 CFR 171.8	.01.03B(55-1-1)	

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE			
SUBPART A – GENERAL			
RESIDUES OF HAZARDOUS WASTE IN EMPTY CONTAINERS			
amended by revising (b)(1)(iii) to read as follows:	261.7	.02.07	EQ
No more than 3% by weight of the total capacity remains in the container or inner liner if the container is less than or equal to 119 gallons; or	261.7(b)(1)(iii)(A)	.02.07B(1)(b)(i)	EQ
No more than 0.3% by weight of the total capacity remains in the container or inner liner if the container is greater than 119 gallons.	261.7(b)(1)(iii)(B)	.02.07B(1)(b)(ii)	EQ
PART 262 – STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE			
SUBPART B – THE MANIFEST			
GENERAL REQUIREMENTS			
(a) is revised to read as follows:	262.20	.03.04A	
A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a TSDF who offers for transport a rejected hazardous waste load, must prepare a Manifest on EPA Form 8700-22, and if necessary, EPA Form 8700-22A	262.20(a)(1)	.03.04A(1)	EQ
The revised Manifest form and procedures, and the appendix to part 262 shall not apply until September 5, 2006. The Manifest form and procedures, and the appendix to part 262 contained in 40 CFR 260 – 265 edition revised as of July 1, 2004 , shall be applicable until September 5, 2006.	262.20(a)(2)	N/A – effective date of amendment set at 9/5/06	EQ
MANIFEST TRACKING NUMBERS, MANIFEST PRINTING, AND OBTAINING MANIFESTS			
revised to read as follows (including Section heading):	262.21	.03.04B	EQ
Manifest tracking numbers, manifest printing, and obtaining manifests.	262.21/ Section heading	.03.04B	EQ
A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the EPA Director of the Office of Solid Waste to do so under paragraphs (c) and (e) of this section.	262.21(a)(1)	.03.04B(1)(b)	
The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of this section. The registrant is responsible for assigning manifest tracking numbers to its manifests.	262.21(a)(2)	.03.04B(1)(c)(i) – (ii)	EQ

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
A registrant must submit an initial application to the EPA Director of the Office of Solid Waste that contains the following information:	262.21(b)	.03.04B(2)(a)	EQ
Name and mailing address of registrant;	262.21(b)(1)	.03.04B(2)(a)(ii)	EQ
Name, telephone number and email address of contact person;	262.21(b)(2)	.03.04B(2)(a)(ii)	EQ
Brief description of registrant's government or business activity;	262.21(b)(3)	.03.04B(2)(a)(ii)	EQ
EPA identification number of the registrant if applicable;	262.21(b)(4)	.03.04B(2)(a)(ii)	EQ
Description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests including:	262.21(b)(5)	.03.04B(2)(a)(ii)	EQ
A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house or through a separate printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries, the role of each must be discussed. The application must provide the name and mailing address of each company, and the name and telephone number of the contact person	262.21(b)(5)(i)	.03.04B(2)(a)(ii)	EQ
A description of how the registrant will ensure that its organization and unaffiliated companies comply with the requirements. The application must discuss how the registrant will ensure a unique manifest tracking number will be pre-printed on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies. It must describe how the registrant will passing manifest tracking numbers to manifests. If computer or other infrastructure will be used to maintain numbers, these should be indicated. The application must indicate how the printer will pre-print a unique number on each form. The application also must explain the other quality procedures to be followed.	262.21(b)(5)(ii)	.03.04B(2)(a)(ii)	EQ
An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or the general public.	262.21(b)(5)(iii)	.03.04B(2)(a)(ii)	EQ
A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information.	262.21(b)(6)	.03.04B(2)(a)(ii)	EQ
Proposed unique three-letter manifest tracking number affix. If the registrant is approved to print the manifest,	262.21(b)(7)	.03.04B(2)(a)(ii)	EQ

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest.			
A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of this section and that it will notify the EPA Director of OSW of any duplicated manifest tracking numbers as soon as it becomes known.	262.21(b)(8)	.03.04B(2)(a)(ii)	EQ
EPA will review the application submitted under paragraph (b) of this section.	262.21(c)	.03.04B(1)(d)	EQ
Upon EPA approval of application, EPA will provide registrant an electronic file of manifest, continuation sheet, and manifest instructions and ask registrant to submit three manifests and continuation sheet samples, except as noted in paragraph (d)(3) of this section. The registrant's samples must meet all of the specifications in paragraph (f) of this section and be printed by the company that will print the manifest as identified in the application approved under paragraph (c).	262.21(d)(1)	.03.04B(2)(b)	EQ
Registrant must submit a description of the manifest samples as follows:	262.21(d)(2)	.03.04B(2)(b)	EQ
Paper type;	262.21(d)(2)(i)	.03.04B(2)(b)	EQ
Paper weight of each copy;	262.21(d)(2)(ii)	.03.04B(2)(b)	EQ
Ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and	262.21(d)(2)(iii)	.03.04B(2)(b)	EQ
Method of binding copies.	262.21(d)(2)(iv)	.03.04B(2)(b)	EQ
The registrant need not submit samples of the continuation sheet if it is printed on same paper and uses same ink and binding as manifest samples.	262.21(d)(3)	.03.04B(2)(b)	EQ
EPA will evaluate the forms and either approve the registrant to print as proposed or request information or modification. EPA will notify the registrant of decision by mail. The registrant cannot use or distribute forms until EPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved under paragraph (c) and the manifest specifications in paragraph (f). It also must print using the approved paper type, ink color, and binding method.	262.21(e)	.03.04B(1)(b), (d), (e); .03.04B(2)(d)	EQ
Paper manifests and continuation sheets must be printed according to the following specifications:	262.21(f)	.03.04B(1)(e)(ii)	EQ
The manifest and continuation sheet must be printed with the exact format and appearance as EPA Forms format. However, information required to complete manifest may	262.21(f)(1)	.03.04B(1)(e)(ii)	EQ

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
be pre-printed.			
A unique tracking number assigned w/ EPA approved numbering system must be pre-printed in Item 4. It must have a unique three-letter suffix following nine digits.	262.21(f)(2)	.03.04B(1)(e)(ii)	EQ
The manifest and continuation sheet must be printed on durable 8.5x11 in. white paper.	262.21(f)(3)	.03.04B(1)(e)(ii)	EQ
The manifest and continuation sheet must be printed in black ink except marginal words indicating copy distribution in red ink.	262.21(f)(4)	.03.04B(1)(e)(ii)	EQ
The manifest and continuation sheet must be printed as six copy forms. Copy-to-copy registration must be w/in 1/32 nd of an in. Handwritten and typed impressions must be legible on all copies. Copies must be bound together by one or more common stubs.	262.21(f)(5)	.03.04B(1)(e)(ii)	EQ
Each copy of the manifest and continuation sheet must indicate how the copy must be distributed as follows:	262.21(f)(6)	.03.04B(1)(e)(ii)	EQ
Page 1: "Designated facility to destination State (if required)".	262.21(f)(6)(i)	.03.04B(1)(e)(ii)	EQ
Page 2: "Designated facility to generator state (if required)".	262.21(f)(6)(ii)	.03.04B(1)(e)(ii)	EQ
Page 3: "Designated facility to generator".	262.21(f)(6)(iii)	.03.04B(1)(e)(ii)	EQ
Page 4: "Designated facility's copy".	262.21(f)(6)(iv)	.03.04B(1)(e)(ii)	EQ
Page 5: "Transporter's copy".	262.21(f)(6)(v)	.03.04B(1)(e)(ii)	EQ
Page 6: "Generator's initial copy"	262.21(f)(6)(vi)	.03.04B(1)(e)(ii)	EQ
The instructions in the appendix to part 262 must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.	262.21(f)(7)	.03.04B(1)(e)(ii)	EQ
Manifest Form 8700-22	262.21(f)(7)(i)	.03.04B(1)(e)(ii)	EQ
The "Instructions for Generators" on Copy 6;	262.21(f)(7)(i)(A)	.03.04B(1)(e)(ii)	EQ
The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and	262.21(f)(7)(i)(B)	.03.04B(1)(e)(ii)	EQ
The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.	262.21(f)(7)(i)(C)	.03.04B(1)(e)(ii)	EQ
Manifest Form 8700-22A	262.21(f)(7)(ii)	.03.04B(1)(e)(ii)	EQ
The "Instructions for Generators" on Copy 6;	262.21(f)(7)(ii)(A)	.03.04B(1)(e)(ii)	EQ
The "Instructions for Transporters" on Copy 5; and	262.21(f)(7)(ii)(B)	.03.04B(1)(e)(ii)	EQ
The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.	262.21(f)(7)(ii)(C)	.03.04B(1)(e)(ii)	EQ
A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest. A registered	262.21(g)(1)	.03.04C(1)	EQ

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
source may be a:			
State agency;	262.21(g)(1)(i)	.03.04C(2)	EQ
Commercial printer;	262.21(g)(1)(ii)	.03.04C(2)	EQ
Hazardous waste generator, transporter or TSDF; or	262.21(g)(1)(iii)	.03.04C(2)	EQ
Hazardous waste broker or other preparer.	262.21(g)(1)(iv)	.03.04C(2)	EQ
A generator must determine whether the generator state or consignment state regulates any additional wastes. They must also determine whether the consignment or generator state requires the generator to submit any copies of the manifest to these states. In these cases the generator is responsible for supplying photocopies.	262.21(g)(2)	.03.04C(3), .03.04D(2)(e)	EQ
If an approved registrant would like to update information provided in application, the registrant must revise the application and submit to the EPA Director of OSW along with an indication or explanation of update ASAP. If the Agency denies revision, it will explain the reasons and contact registrant for modification.	262.21(h)(1)	.03.04B(3)(a)	EQ
If registrant would like a new tracking number suffix, he must submit a proposed suffix to the EPA Director of OSW and a reason for requesting it. The Agency will approve or deny and provide an explanation.	262.21(h)(2)	.03.04B(3)(b)	EQ
If a registrant would like to change paper type or weight, or ink color, or binding method of manifest or continuation sheet, then he must submit three samples of the revised form for EPA review. If the approved registrant would like to use a new printer, he must submit three manifest samples printed by the new printer and a brief description of the printer's qualifications. EPA will either approve or request additional information or modification. EPA will notify the registrant of decisions by mail. The registrant can not distribute revised forms until EPA approves.	262.21(h)(3)	.03.04B(3)(d), (f)	EQ
If, subsequent to approval, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by EPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. EPA will either approve or request additional information or modification. EPA will notify the registrant of its decision by mail. The registrant can not distribute forms until EPA approves them.	262.21(i)	.03.04B(3)(c)	EQ
EPA may exempt a registrant from the requirement to submit form samples if the Agency is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision. A registrant may request an exemption from EPA by indicating why it	262.21(j)	.03.04B(2)(c), .03.04B(3)(e)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
warranted.			
An approved registrant must notify EPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed.	262.21(k)	.03.04B(4) (language added to direct notice to EPA Office of Solid Waste)	EQ
If, subsequent to approval of a registrant, EPA becomes aware that the approved paper type, weight, ink color or binding method of registrant's forms is unsatisfactory, EPA will contact the registrant and require modifications.	262.21(l)	.03.04B(5)	EQ
EPA may suspend and revoke printing privileges if we find that the registrant:	262.21(m)(1)	.03.04B(6)	EQ
Has used or distributed forms that deviate from approved form samples; or	262.21(m)(1)(i)	.03.04B(6)(a)	EQ
Exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate tracking numbers.	262.21(m)(1)(ii)	.03.04B(6)(b)	EQ
EPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come into compliance by the specified date, EPA will send a second letter notifying the registrant that EPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to EPA if requested.	262.21(m)(2)	.03.04B(6)	EQ
◆ WASTE MINIMIZATION CERTIFICATION			
(note: "◆" denotes provision adopted under HSWA authority)			
add a new 262.27 to read as follows:	262.27	.03.04F	EQ
Waste minimization certification.	262.27/ Section heading	.03.04F	EQ
A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:	262.27	.03.04F	EQ
"I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;" or	262.27(a)	.03.04F(2)(a)	EQ
"I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me that I can afford."	262.27(b)	.03.04F(2)(b)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
SUBPART C – PRE-TRANSPORT REQUIREMENTS			
MARKING			
revise paragraph (b) to read as follows:	262.32	.03.05C(2)	EQ
Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 119 gallons or less used in such transportation with the following words and information in accordance with the requirements of 49 CFR 172.304.: HAZARDOUS WASTE – Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the US EPA. Generator’s Name and Address. Generator’s EPA ID Number. Manifest Tracking Number.	262.32(b)	03.05C(2)	EQ
PLACARDING			
revised to read as follows:	262.33	03.05D	EQ
Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to the DOT regulations for hazardous materials under 49 CFR 172, subpart F. If placards are not required, a generator must mark each motor vehicle according to 49 CFR 171.3(b)(1).	262.33	03.05D	EQ
ACCUMULATION TIME			
add new paragraph (m) to read as follows:	262.34	.03.05E	EQ
A generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue may accumulate the returned waste on-site depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must:	262.34(m)	.03.05E(4)	EQ
Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or	262.34(m)(1)	.03.05E(4)(b)(i)	EQ
Sign Item 20 of the manifest if the transporter returned the shipment using a new manifest.	262.34(m)(2)	.03.05E(4)(b)(ii)	EQ
SUBPART E – EXPORTS OF HAZARDOUS WASTE			
SPECIAL MANIFEST REQUIREMENTS			
revise paragraphs (c) and (e) to read as follows:	262.54	.03.07-2	
In the International Shipments block, the primary exporter must check the export box and enter the point of exit (city and State) from the U.S.	262.54(c)	.03.07-2A(3)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
The primary exporter may obtain the manifest from any source that is registered with the US EPA as a supplier of manifests.	262.54(e)	.03.07-2A(5)	EQ
SUBPART F – IMPORTS OF HAZARDOUS WASTE			
IMPORTS OF HAZARDOUS WASTE			
revise paragraph (c) and add paragraphs (d) and (e) to read as follows:	262.60	.03.07-3	EQ
A person who imports hazardous waste may obtain the manifest form from any source that is registered with the US EPA as a supplier of manifests.	262.60(c)	.03.07-3C	EQ
In the International Shipments block, the importer must check the import box and enter the point of entry into the U.S.	262.60(d)	.03.07-3B(3)	EQ
The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to US EPA.	262.60(e)	.03.07-3B(4)	EQ
revised to read as follows:	262/ Appendix		
Appendix to Part 262 – Uniform Hazardous Waste Manifest and Instructions (EPA Form 8700-22 and 30-22A and Their Instructions)		Note: Appendix not adopted into COMAR; generators directed to follow instructions printed in CFR appendix by .03.04A(1)	
Read all instructions before completing this form.	262/ Appendix	.03.04A(1)	EQ
1. This form has been designed for use on a 12-pitch typewriter which is also compatible with standard computer printers; a firm point pen may also be used – press down hard.	262/ Appendix	.03.04A(1)	EQ
2. Federal regulations require generators and transporters of hazardous waste and owners and operators of hazardous waste TSDFs to complete this form and, if necessary, continuation sheet for both inter- and intrastate transportation of hazardous waste.	262/ Appendix	.03.04A(1)	EQ
Manifest 8700-22	262/ Appendix/ 8700-22	.03.04A(1)	EQ
The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions, or accompanying the form:	262/ Appendix/ 8700-22	.03.04A(1)	EQ
Public reporting burden for this collection of information is estimated to average: 30 minutes for generators, 10	262/ Appendix/ 8700-22	.03.04A(1)	EQ

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
minutes for transporters, and 25 minutes for owners or operators of TSDFs. This includes time for reviewing instructions, gathering data, completing, reviewing and transmitting the form. Send comments regarding burden estimate to: Chief Information Policy Branch (2136), [insert EPA Address]			
I. Instructions for Generators	262/ Appendix/ 8700-22/ I. Instructions for Generators	.03.04A(1)	EQ
Enter the generator's U.S. EPA twelve digit identification number, or the State generator identification number if the generator site does not have an EPA ID.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 1. Generator's U.S. EPA Identification Number</i>	.03.04A(1)	EQ
Enter the total number of pages used to complete this Manifest plus the number of Continuation Sheets.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 2. Page 1 of</i>	.03.04A(1)	EQ
Enter a phone number for which emergency response information can be obtained in the event of an incident. The emergency phone number must:	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 3. Emergency Response Phone Number</i>	.03.04A(1)	EQ
1. Be the number of the generator or number of an agency or organization who is capable of and accepts responsibility providing detailed information about shipment;	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 3. Emergency Response Phone Number</i>	.03.04A(1)	EQ
2. Reach a phone that is monitored 24 hours a day at all times waste is in transportation; and	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 3. Emergency Response Phone Number</i>	.03.04A(1)	EQ
3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has emergency response and spill cleanup/ incident mitigation information or has immediate access to a person who has that knowledge.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 3. Emergency Response Phone Number</i>	.03.04A(1)	EQ
Note: Emergency Response phone number information	262/ Appendix/ 8700-	.03.04A(1)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
Should only be entered in Item 3 when there is one phone number that applies to all the waste materials in Item 9b. If more than one Emergency Response phone number applies, the phone numbers associated with each material should be entered after the description in 9b.	22/ I. Instructions for Generators/ <i>Item 3. Emergency Response Phone Number</i>		
This unique tracking number must be pre-printed on the manifest by forms printer.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 4. Manifest Tracking Number</i>	.03.04A(1)	EQ
Enter the name of the generator, the mailing address and the phone number. Note, the phone number should be the number where the generator or his authorized agent may be reached to provide instructions in event of an emergency or if the designated facility rejects some of the shipment. Also enter the physical site address from which the shipment originates if different from mailing address.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 5. Generator's Mailing Address, Phone Number and Site Address</i>	.03.04A(1)	EQ
Enter the company name and EPA ID number of the first transporter who will transport waste. Vehicle or driver information may not be entered here.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 6. Transporter 1 Company Name, and U.S. EPA ID Number</i>	.03.04A(1)	EQ
If applicable, enter the company name and EPA ID number of the second transporter who will transport the waste. Vehicle or driver information may not be entered here. If more than two transporters are needed, use a Continuation Sheet.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 7. Transporter 2 Company Name, and U.S. EPA ID Number</i>	.03.04A(1)	EQ
Enter company name and site address of facility that will receive the waste. Enter the facility's phone number and EPA ID.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 8. Designated Facility Name, Site Address, and U.S. EPA ID Number</i>	.03.04A(1)	EQ
<i>Item 9a.</i> If the waste identified in 9b consists of hazardous and nonhazardous materials, then identify the hazardous materials by entering an "x" in this Item.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 9. U.S.DOT Description (Including Proper Shipping Name, Hazard Class or Division,</i>	.03.04A(1)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	String-ency
	<i>Identification Number, and Packing Group)</i>		
<i>Item 9b.</i> Enter the DOT Proper Shipping Name, Hazard Class or Division, Identification Number and Packing Group for each waste as identified in 49 CFR 172. Include reportable quantity references if applicable.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 9. U.S.DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)</i>	.03.04A(1)	EQ
Note: If additional space is needed, enter descriptions on Item 27 on Continuation Sheet. If more than one Emergency Response phone number applies, enter them immediately following shipping descriptions.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 9. U.S.DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)</i>	.03.04A(1)	EQ
Enter number of containers for each waste and abbreviation for container type from Table I.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 10. Containers (Number and Type)</i>	.03.04A(1)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
Table I. – Types of Containers			
BA = Burlap, cloth, paper, or plastic bags. CF = Fiber or plastic boxes, cartons, cases. CM = Metal boxes, cartons, cases (including roll-offs). CW = Wooden boxes, cartons, cases. CY = Cylinders. DF = Fiberboard or plastic drums, barrels, kegs. DM = Metal drums, barrels, kegs. DT = Dump truck. DW = Wooden drums, barrels, kegs. HG = Hopper or gondola cars. TC = Tank cars. TP = Portable tanks. TT = Cargo tanks (tank trucks).		.03.04A(1)	EQ
Enter total quantity of waste. Round to nearest whole unit. Report quantities using appropriate units of measure. Quantities should be based on actual measurements or reasonable estimates. Container capacities are not acceptable estimates.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 11. Total Quantity</i>	.03.04A(1)	EQ
Enter abbreviation from Table II for unit of measure.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 12. Units of Measure (Weight/ Volume)</i>	.03.04A(1)	EQ
Table II. – Units of Measure			
G = Gallons (liquids only). K = Kilograms. L = Liters (liquids only). M = Metric Tons (1000 kilograms). N = Cubic Meters. P = Pounds. T = Tons (2000 pounds). Y = Cubic Yards.			
Note: Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.			
Enter up to six federal and state waste codes to describe each waste stream. State waste codes that are not redundant must be entered here in addition to the federal codes.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 13. Waste Codes</i>	.03.04A(1)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
1. Generators may enter any special handling information necessary. Generators may also enter descriptive information about shipped materials.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 14. Special Handling Instructions and Additional Information.</i>	.03.04A(1)	EQ
2. This space may be used to record federally required information for which there is no specific space. Generators cannot be required to enter information in this space to meet state requirements.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 14. Special Handling Instructions and Additional Information.</i>	.03.04A(1)	EQ
1. The generator must read, sign, and date the waste minimization certification statement. Shipper's Certification.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 15. Generator's/ Offeror's Certifications</i>	.03.04A(1)	EQ
2. Generator or Offeror personnel may preprint the words, "On behalf of" in the signature block to indicate that the individual signs as the employee or agent of the named principal.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 15. Generator's/ Offeror's Certifications</i>	.03.04A(1)	EQ
Note: All of the above information except the handwritten signature may be pre-printed.	262/ Appendix/ 8700-22/ I. Instructions for Generators/ <i>Item 15. Generator's/ Offeror's Certifications</i>	.03.04A(1)	EQ
Instructions for International Shipment Block	262/ Appendix/ 8700-22/ II. Instructions for International Shipment Block	.03.04A(1)	EQ
For export shipments, the primary exporter must check the export box, and enter the point of exit from US. For import shipments, the importer must check the import box and enter point of entry into US. For exports, transporter must sign and date manifest to indicate the day the shipment left the US. Transporters of hazardous waste shipments must deliver a copy of manifest to US Customs when exporting waste across US border.	262/ Appendix/ 8700-22/ II. Instructions for International Shipment Block/ <i>Item 16. International Shipments</i>	.03.04A(1)	EQ
Instructions for Transporters	262/ Appendix/ 8700-	.03.04A(1)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
	22/ III. Instructions for Transporters		
Enter the name of the person accepting waste on behalf of first transporter. Acknowledge acceptance of waste by signing manifest and entering date of receipt. Only one signature required. Signatures are not required to track waste in and out of transfer facilities unless there is a change of custody. If applicable, enter name of person accepting waste on behalf of the second transporter. Acknowledge acceptance of waste by signing manifest and entering date of receipt.	262/ Appendix/ 8700-22/ III. Instructions for Transporters/ <i>Item 17. Transporters' Acknowledgements of Receipt</i>	.03.04A(1)	EQ
Note: Transporters carrying imports, who are acting as importers, may have responsibilities to enter information in the International Shipments Block. Transporters carrying exports may have these responsibilities.	262/ Appendix/ 8700-22/ III. Instructions for Transporters/ <i>Item 17. Transporters' Acknowledgements of Receipt</i>	.03.04A(1)	EQ
IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities	.03.04A(1)	EQ
1. The authorized representative of the facility's owner or operator must note any discrepancy between the waste described and the waste received. Manifest discrepancies are: significant differences between the quantity or type of hazardous waste designated on manifest and that actually received.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18. Discrepancy/ Item 18a. Discrepancy Indication Space</i>	.03.04A(1)	EQ
2. For rejected loads and residues, check appropriate box if shipment is a rejected load or a regulated residue that cannot be removed from container. Enter reason for rejection or inability to remove residue and description of waste. Reference the manifest tracking number for any additional manifests being used to track the rejected waste residue shipment on original manifest. Indicate original manifest number in Item 14 of the additional manifests.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18. Discrepancy/ Item</i>	.03.04A(1)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	String-ency
	18a. Discrepancy Indication Space		
3. Owners or operators of facilities located in unauthorized States who cannot resolve significant differences in quantity or type within 15 days of receiving waste must submit to the Regional Administrator a letter w/ a copy of the Manifest describing the discrepancy and attempts to reconcile it.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18. Discrepancy/</i> Item 18a. Discrepancy Indication Space	.03.04A(1)	EQ
4. Owners and operators of facilities in authorized States should contact their state agency for information on where to report discrepancies to state officials.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18. Discrepancy/</i> Item 18a. Discrepancy Indication Space	.03.04A(1)	EQ
Enter name, address, phone number and EPA ID of Alternate Facility which the rejecting TSDF has designated to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being returned to the generator, the rejecting TSDF may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue shipments.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 18. Discrepancy/</i> Item 18b. Alternate Facility (or Generator) for Receipt of Full Load Rejections	.03.04A(1)	EQ
The authorized representative of the alternate facility must sign and date this field to acknowledge receipt of the fully rejected waste or residue.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal	.03.04A(1)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	String-ency
	Facilities/ <i>Item 18. Discrepancy/ Item 18c. Alternate Facility (or Generator) Signature</i>		
Enter appropriate Hazardous Waste Report Management Method code for each waste listed in Item 9. The code is to be entered by first TSDF that receives waste and is the code that describes way in which waste is to be managed when received by TSDF.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 19. Hazardous Waste Report Management Method Codes</i>	.03.04A(1)	EQ
Enter name of the person receiving waste on behalf of owner or operator. That person must acknowledge receipt or rejection by signing and entering the date of receipt or rejection. The rejection should be noted and described in 18a. Fully rejected wastes may be forwarded or returned using Item 18b. Enter the name of the person accepting waste on behalf of the owner/ operator of alternate facility or original generator. That person must acknowledge receipt or rejection by signing and entering date in Item 18c. Partially rejected wastes and residues must be re-shipped under a new manifest, to be initiated and signed by the rejecting TSDF.	262/ Appendix/ 8700-22/ IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities/ <i>Item 20. Designated Facility Owner or Operator Certification of Receipt (Except As Noted in Item 18a)</i>	.03.04A(1)	EQ
Manifest Continuation Sheet	262/ Appendix/ 8700-22A	.03.04A(1)	EQ
Instructions – Continuation Sheet, U.S. EPA Form 8700-22A	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet	.03.04A(1)	EQ
Read all instructions before completing this form. This form has been designed for use on a 12-pitch typewriter; a firm point pen may also be used.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet	.03.04A(1)	EQ
This form must be used as a continuation sheet to form 8700-22 if: More than two transporters are to be used; or More space is required for the U.S. DOT descriptions and related information in Item 9. Federal regulations require generators and transporters and owner/ operators of TSDFs to use the uniform hazardous waste manifest and this continuation sheet for inter-and intrastate transportation.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet	.03.04A(1)	EQ
Enter the generator's EPA ID or State generator ID if the	262/ Appendix/ 8700-	.03.04A(1)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
generator does not have an EPA ID.	22A/ Instructions – Continuation Sheet/ <i>Item 21. Generator’s ID Number</i>		
Enter the page number of this Continuation Sheet.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 22. Page</i>	.03.04A(1)	EQ
Enter the Manifest Tracking number from Item 4 of the Manifest to which this continuation sheet is attached.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 23. Manifest Tracking Number</i>	.03.04A(1)	EQ
Enter the generator’s name as it appears in Item 5 in the Manifest	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 24. Generator’s Name</i>	.03.04A(1)	EQ
If additional transporters are used, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word “Transporter” the order of the transporter. Also enter in the EPA ID of the transporter named in Item 25.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 25. Transporter-Company Name</i>	.03.04A(1)	EQ
If additional transporters are used, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word “Transporter” the order of the transporter. Each Continuation Sheet can record the names of two additional transporters. Also enter the EPA ID number of the transporter named in Item 26.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 26. Transporter-Company Name</i>	.03.04A(1)	EQ
For each row enter a sequential number under Item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect total number of wastes being shipped. Refer to instructions for Item 9 of the manifest for information to be entered.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 27. U.S. DOT Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA)</i>	.03.04A(1)	EQ
Refer to instructions for Item 10	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 28. Containers (No. And Type)</i>	.03.04A(1)	EQ
Refer to instructions for Item 11.	262/ Appendix/ 8700-	.03.04A(1)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	String-ency
	22A/ Instructions – Continuation Sheet/ <i>Item 29. Total Quantity</i>		
Refer to the instructions for Item 12.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 30. Units of Measure (Weight/ Volume)</i>	.03.04A(1)	EQ
Refer to the instructions for Item 13.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 31. Waste Codes</i>	.03.04A(1)	EQ
Refer to the instructions for Item 14.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ <i>Item 32. Special Handling Instructions and Additional Information</i>	.03.04A(1)	EQ
Transporters	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Transporter	.03.04A(1)	EQ
Enter the same number of the Transporter as identified in Item 25. Enter also the name of the person accepting the waste on behalf of the Transporter identified in Item 25. That person must acknowledge acceptance of the waste by signing and entering date of receipt.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Transporter/ <i>Item 33. Transporter – Acknowledgement of Receipt of Materials</i>	.03.04A(1)	EQ
Enter the same number of the Transporter as identified in Item 26. Enter also the name of the person accepting the waste on behalf of the Transporter identified in Item 26. That person must acknowledge receipt of the waste by signing and entering date of receipt.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Transporter/ <i>Item 34. Transporter – Acknowledgement of Receipt of Materials</i>	.03.04A(1)	EQ
Owner and Operators of Treatment, Storage, or Disposal Facilities	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Owner and Operators of Treatment,	.03.04A(1)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	String-ency
	Storage, or Disposal Facilities		
Refer to Item 18. This space may be used to more fully describe information on discrepancies identified in Item 18a.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Owner and Operators of Treatment, Storage, or Disposal Facilities/ <i>Item 35. Discrepancy Indication Space</i>	.03.04A(1)	EQ
For each field, enter the sequential number that corresponds to the waste materials described under Item 27, and enter the appropriate process code. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the wastes identified.	262/ Appendix/ 8700-22A/ Instructions – Continuation Sheet/ Owner and Operators of Treatment, Storage, or Disposal Facilities/ <i>Item 36. Hazardous Waste Report Management Method Codes</i>	.03.04A(1)	EQ
PART 263 – STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE			
SUBPART B -- COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING			
THE MANIFEST SYSTEM			
amended by revising paragraphs (a) and (g) to read as follows:	263.20		
<i>Manifest requirement.</i> A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with requirements of 262.23.	263.20(a)(1)	.04.02A(1)	EQ
<i>Exports.</i> In the case of exports other than those subject to subpart H of part 262, a transporter may not accept such waste from a primary exporter or other person if he knows the shipment does not conform to EPA Acknowledgement of Consent; and unless, in addition to a manifest signed by the generator, the transporter shall also be provided with an EPA Acknowledgement of Consent which, is attached to the manifest. For exports of hazardous waste subject to the requirements of subpart H of part 262, a transporter may not accept hazardous waste w/o a tracking document that includes information required in 262.84.	263.20(a)(2)	.04.02A(1)(b)-(d)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
<i>Compliance Date for Form Revisions.</i> The revised Manifest form and procedures in 260.10, 261.7, 263.20, and 263.21 shall not apply until September 5, 2006. The Manifest form and procedures contained in the 40 CFR edition revised as of July 1, 2004 shall be applicable until September 5, 2006.	263.20(a)(3)	Notice of Final Action in Maryland Register specifies effective date.	EQ
Transporters who transport hazardous waste out of the United States must:	263.20(g)	.04.02A(7)	EQ
Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States;	263.20(g)(1)	.04.02A(7)(a)	EQ
Retain one copy;	263.20(g)(2)	.04.02A(7)(b)	EQ
Return a signed copy of the manifest to generator; and	263.20(g)(3)	.04.02A(7)(c)	EQ
Give a copy of manifest to a US Customs official at the point of departure from US.	263.20(g)(4)	.04.02A(7)(d)	EQ
COMPLIANCE WITH THE MANIFEST			
revise paragraph (b) to read as follows:	263.21	.04.02B	EQ
If the hazardous waste cannot be delivered in accordance w/ paragraph (a) because of an emergency condition, then the transporter must contact the generator for further directions and revise the manifest according to generator ructions.	263.21(b)(1)	.04.02B(2)	EQ
If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:	263.21(b)(2)	.04.02B(3)	EQ
For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new manifest that will accompany shipment and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest and give remaining copies of original to the rejecting facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to a alternate facility or returning it to generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the required information.	263.21(b)(2)(i)	.04.02B(3)(a)-(d)	EQ
For a full load rejection that will be taken back by transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to rejection, the description of rejection in the discrepancy block, and the name, address, phone number, and ID number for alternate facility to whom the shipment must	263.21(b)(2)(ii)	.04.02B(4)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
be delivered. The transporter must retain a copy of the manifest and give a copy to the rejecting facility. If original manifest is not used, then transporter must obtain a new manifest for shipment.			
PART 264 – STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES			
SUBPART E – MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING			
APPLICABILITY			
section revised to read as follows:	264.70		
The regulations in this subpart apply to owners/ operators of both on-site and off-site facilities except as 264.1 provides. Sections 264.71, 264.72, and 264.76, do not apply to owners/ operators that do not receive hazardous waste from off-site, nor to off-site facilities w/ respect to military munitions exempt from requirements. 264.73(b) only applies to permittees who treat, store, or dispose of hazardous waste on-site where such wastes were generated.	264.70(a)	26.13.05.05A(2) & (3)	EQ
The revised Manifest form and procedures in 40 CFR 260.10, 261.7, 264.70, 264.71, 264.72, and 264.76 shall not apply until September 5, 2006. The Manifest form and procedures in 40 CFR revised as of July 1, 2004 shall be applicable until September 5, 2006.	264.70(b)	N/A – date of applicability will be established in Notice of Final Action published in MD Register, so no need to codify in COMAR.	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
USE OF MANIFEST SYSTEM			
revise paragraphs (a) and (b)(4) and add paragraph (e) to read as follows:	264.71	.05.05B (note – State regulation includes instructions on delivery of copy from destination facility to State at .05.05B(1)(e) – allowed by federal reg, but not specified in federal reg.	EQ
If a facility receives hazardous waste w/ a manifest, the owner/ operator must sign and date manifest to certify waste was received, waste was received except as noted in discrepancy, or waste was rejected.	264.71(a)(1)	.05.05B(1)(a)	EQ
If a facility receives a hazardous waste shipment w/ a manifest, the owner/ operator must:	264.71(a)(2)	.05.05B(1)(a)	EQ
Sign and date each copy	264.71(a)(2)(i)	.05.05B(1)(a)	EQ
Note any discrepancies	264.71(a)(2)(ii)	.05.05B(1)(b)	EQ
Give transporter one copy	264.71(a)(2)(iii)	.05.05B(1)(c)	EQ
Within 30 days send copy to generator; and	264.71(a)(2)(iv)	.05.05B(1)(d)	EQ
Retain at facility a copy for at least three years.	264.71(a)(2)(v)	.05.05B(1)(f)	EQ
If a facility receives hazardous waste from a foreign source, the facility must mail a copy of the manifest to the following address w/in 30 days of delivery: International Compliance Assurance Division [insert EPA address]	264.71(a)(3)	.05.05B(1)(g)	EQ
W/in 30 days send a copy of signed and dated manifest or shipping paper to generator; and	264.71(b)(4)	.05.05B(2)(d)	EQ
Facility must determine whether consignment state regulates any additional wastes. Facilities must determine whether consignment state or generator state requires submission of any copies of manifest to these states.	264.71(e)	.05.05B(5)	EQ
MANIFEST DISCREPANCIES			
amended as follows:	264.72	.05.05C	EQ
Manifest discrepancies are:	264.72(a)	.05.05C(1)	EQ
Significant differences between quantity or type of waste on manifest and waste a facility receives;	264.72(a)(1)	.05.05C(1)(a)	EQ
Rejected wastes, full or partial shipment, the TSDF cannot accept; or	264.72(a)(2)	.05.05C(1)(b)	EQ
Container residues exceeding quantity for “empty containers”	264.72(a)(3)	.05.05C(1)(c)	EQ
Significant differences in quantity are: For bulk waste,	264.72(b)	.05.05C(2)(a), (b)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	String-ency
>10% weight; for batch waste, variation in piece count. Differences in type are those discovered through inspection/ waste analysis, or toxic constituents not reported on manifest.			
Upon discovering a significant difference, the owner/operator must attempt to reconcile discrepancy w/ generator or transporter. If discrepancy is not resolved w/in 15 days, the owner/operator must submit to Regional Administrator letter describing discrepancy and attempts to reconcile it, and copy of manifest.	264.72(c)	.05.05C(3)(a), (b)	EQ
Upon rejecting waste or identifying container residue exceeding "empty" limits, the facility must consult w/ generator prior to forwarding waste to a facility that can manage it. If it is impossible to locate alternate facility, the facility may return rejected waste to generator. Waste must be sent to alternate facility or generator w/in 60 days of rejection.	264.72(d)(1)	.05.05C(4)(a)	EQ
While facility is making arrangements for forwarding rejected wastes or residues, it must ensure that either the delivering transporter retains custody of waste, or, the facility must provide custody of waste, pending delivery of waste to first transporter designated on manifest prepared under paragraph (e) or (f).	264.72(d)(2)	.05.05C(4)(b)	EQ
Except as provided in paragraph (e)(7), for rejections/residues to be sent to an alternate facility, the facility is required to prepare a new manifest in accordance w/ 262.20(a) and the following instructions:	264.72(e)	.05.05C(5)(a)	EQ
Write generator's EPA ID number in Item 1 of new manifest. Write generator's name and mailing address in Item 5. If generator's site address is different, write site address in Item 5.	264.72(e)(1)	.05.05C(5)(b)(i)-(iii)	EQ
Write name of alternate facility and EPA ID number in Item 8 of new manifest.	264.72(e)(2)	.05.05C(5)(b)(iv)	EQ
Copy manifest tracking number in Item 4 of old manifest to Special Handling and Additional Information block, and indicate shipment is residue/ rejection from previous shipment.	264.72(e)(3)	.05.05C(5)(b)(v)	EQ
Copy manifest tracking number in Item 4 of new manifest to manifest reference number line in Discrepancy Block of old manifest.	264.72(e)(4)	.05.05C(5)(b)(vi)	EQ
Write the DOT description for rejected load or residue in Item 9 of new manifest and write container types, quantity, and waste volume.	264.72(e)(5)	.05.05C(5)(b)(vii) - (viii)	EQ
Sign the Generator's/ Offeror's Certification to certify that waste has been properly packaged, marked and labeled	264.72(e)(6)	.05.05C(5)(b)(ix)	EQ

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
and is in condition for transportation.			
For full load rejections made while transporter remains at facility, the facility may forward rejected shipment to alternate facility by completing Item 18b of the original manifest and supplying information in the Alternate Facility space. The facility must retain copy of this manifest for records, and give remaining copies to transporter. If original manifest is not used, then the facility must use a new manifest and comply w/ (e)(1) – (6).	264.72(e)(7)	.05.05C(5)(c)(i) – (iii)	EQ
Except as provided in paragraph (f)(7), for rejected/ residue wastes that must be sent back to generator, the facility is required to prepare a new manifest in accordance w/ 262.20(a) and the following instructions:	264.72(f)	.05.05C(6)(a)	EQ
Write facility’s EPA ID number in Item 1 of new manifest. Write the rejecting facility’s name and mailing address in Item 5. If the rejecting facility’s site address is different, then write site address in space in Item 5.	264.72(f)(1)	.05.05C(6)(b)(i)-(iii)	EQ
Write name of initial generator and EPA ID in block 8 of new manifest.	264.72(f)(2)	.05.05C(6)(b)(iv)	EQ
Copy manifest tracking number from Item 4 in old manifest to Special Handling and Additional Information block of new manifest, and indicate shipment is residue/ rejection from previous shipment.	264.72(f)(3)	.05.05C(6)(b)(v)	EQ
Copy manifest tracking number in Item 4 of new manifest to manifest reference number line in Discrepancy Block of old manifest.	264.72(f)(4)	.05.05C(6)(b)(vi)	EQ
Write DOT description for rejection/ residue in Item 9 of new manifest and write container types, quantity, and volumes of waste.	264.72(f)(5)	.05.05C(6)(b)(vii) –(viii)	EQ
Sign the Generator’s/ Offeror’s Certification to certify that waste has been properly packaged, marked and labeled and is in condition for transportation.	264.72(f)(6)	.05.05C(6)(b)(ix)	EQ
For full load rejection made while transporter remains at facility, the facility may return shipment to generator w/ the original manifest by completing Item 18a and 18b of manifest and supplying generator’s information in Alternate Facility space. The facility must retain copy for its records and give remaining copies of manifest to transporter. If original manifest is not used, then facility must use a new manifest and comply w/ paragraphs f(1) - (6).	264.72(f)(7)	.05.05C(6)(c)	EQ
If a facility rejects a waste or identifies residue that exceeds limits for “empty” containers after it has signed, dated, and returned a copy of manifest to the delivering	264.72(g)	.05.05C(7)	EQ

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	String-ency
transporter or generator, the facility must amend its copy of the manifest to indicate the rejected waste/ residue in the discrepancy space of amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to Discrepancy space of amended manifest, and must re-sign and date manifest to certify to the information as amended. The facility must retain the amended manifest for at least three years and must w/in 30 days send a copy of amended manifest to the transporter and generator that received copies prior to amendment.			
UNMANIFESTED WASTE REPORT			
revised to read as follows:	264.76	.05.05G	EQ
If a facility accepts hazardous waste from an off-site source w/o a manifest or shipping papers, and the waste is not excluded by a requirement of this chapter, then the owner/ operator must submit a letter to Regional Administrator w/in 15 days after receiving waste. The unmanifested waste report must contain the following:	264.76(a)	.05.05G(1)-(2)	EQ
EPA ID number, name and address of facility;	264.76(a)(1)	.05.05G(2)(a)	EQ
Date facility received waste;	264.76(a)(2)	.05.05G(2)(b)	EQ
EPA ID number, name, and address of generator and transporter;	264.76(a)(3)	.05.05G(2)(c)	EQ
Description of quantity of each unmanifested hazardous waste facility received;	264.76(a)(4)	.05.05G(2)(d)	EQ
Method of treatment, storage or disposal for each hazardous waste;	264.76(a)(5)	.05.05G(2)(e)	EQ
The certification signed by the owner/ operator of facility or his authorized representative; and	264.76(a)(6)	.05.05G(2)(f)	EQ
A brief explanation of why the waste was unmanifested, if known.	264.76(a)(7)	.05.05G(2)(g)	EQ
[Reserved]	264.76(b)	N/A	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
ART 265 – INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE, TREATMENT, STORAGE, AND DISPOSAL FACILITIES		SEE CORRESPONDING SECTION IN COMAR 26.13.05 (26.13.06.05A uses a cross-reference to establish requirements for interim status facilities.)	EQ
SUBPART E – MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING			
APPLICABILITY			
revised to read as follows:	265.70		
The regulations in this subpart apply to owners/ operators of both on- and off-site facilities except as 265.1 provides. Sections 265.71, 265.72, and 265.76 do not apply to owners/ operators of on-site facilities that do not receive hazardous waste from off-site sources, nor to owners/ operators of off-site facilities w/ respect to military munitions waste.	265.70(a)	26.13.06.05A	EQ
The revised Manifest form and procedures in 40 CFR 260.10, 261.7, 265.70, 265.71, 265.72, and 265.76 shall not apply until September 5, 2006. The Manifest form and procedures in the July 1, 2004 CFR shall be applicable until September 5, 2006.	265.70(b)	N/A – date of applicability will be established in Notice of Final Action published in MD Register, so no need to codify in COMAR.	EQ
USE OF MANIFEST SYSTEM			
amended by revising paragraph (a) and (b)(4) and adding paragraph (e) to read as follows:	265.71	.05.05B (note – State regulation includes instructions on delivery of copy from destination facility to State at .05.05B(1)(e) – allowed by federal reg, but not specified in federal reg.	EQ

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
If a facility receives hazardous waste and a manifest, the owner/ operator must sign and date manifest to certify that the hazardous waste covered by manifest was received, received w/ discrepancies, or rejected.	265.71(a)(1)	.05.05B(1)(a)	EQ
If a facility receives a hazardous waste shipment w/ a manifest, the owner/ operator must:	265.71(a)(2)	.05.05B(1)(a)	EQ
Sign and date each copy;	265.71(a)(2)(i)	.05.05B(1)(a)	EQ
Note any discrepancies;	265.71(a)(2)(ii)	.05.05B(1)(b)	EQ
Give transporter at least one copy;	265.71(a)(2)(iii)	.05.05B(1)(c)	EQ
W/in 30 days of delivery, send copy of manifest to generator;	265.71(a)(2)(iv)	.05.05B(1)(d)	EQ
Retain at facility a copy of each manifest for at least three years.	265.71(a)(2)(v)	.05.05B(1)(f)	EQ
If a facility receives hazardous waste imported from a foreign source, the facility must mail a copy of the manifest to the following address w/in 30 days: International Compliance Assurance Division [insert EPA Address].	265.71(a)(3)	.05.05B(1)(g)	EQ
W/in 30 days, send a copy of signed and dated manifest to generator; and	265.71(b)(4)	.05.05B(2)(d)	EQ
A facility must determine whether the consignment state for a shipment regulates any additional wastes under its state hazardous waste program. Facilities must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.	265.71(e)	.05.05B(5)	EQ
MANIFEST DISCREPANCIES			
revised as follows:	265.72	.05.05C	EQ
Manifest discrepancies are:	265.72(a)	.05.05C(1)	EQ
Significant differences b/t the quantity or type of hazardous waste on the manifest, and hazardous waste actually received.	265.72(a)(1)	.05.05C(1)(a)	EQ
Rejected wastes, which may be a full or partial shipment of hazardous waste the TSDf cannot accept; or	265.72(a)(2)	.05.05C(1)(b)	EQ
Container residues, which are residues that exceed the quantity limits for "empty" in 261.7(b).	265.72(a)(3)	.05.05C(1)(c)	EQ
Significant differences in quantity are: For bulk waste, >10% weight; for batch waste, variation in piece count. Differences in type are those discovered through inspection/ waste analysis, or toxic constituents not reported on manifest.	265.72(b)	.05.05C(2)(a), (b)	EQ
Upon discovering a significant difference, the owner/ operator must attempt to reconcile discrepancy w/ generator or transporter. If discrepancy is not resolved	265.72(c)	.05.05C(3)(a), (b)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
w/in 15 days, the owner/operator must submit to Regional Administrator a letter describing discrepancy and attempts to reconcile it, and copy of manifest.			
Upon rejecting waste or identifying container residue exceeding “empty” limits, the facility must consult w/ generator prior to forwarding waste to a facility that can manage it. If it is impossible to locate alternate facility, the facility may return rejected waste to generator. Waste must be sent to alternate facility or generator w/in 60 days of rejection.	265.72(d)(1)	.05.05C(4)(a)	EQ
While facility is making arrangements for forwarding rejected wastes or residues, it must ensure that either the delivering transporter retains custody of waste, or, the facility must provide custody of waste, pending delivery of waste to first transporter designated on manifest prepared under paragraph (e) or (f).	265.72(d)(2)	.05.05C(4)(b)	EQ
Except as provided in paragraph (e)(7), for rejections/residues to be sent to an alternate facility, the facility is required to prepare a new manifest in accordance w/ 262.20(a) and the following instructions:	265.72(e)	.05.05C(5)(a)	EQ
Write generator’s EPA ID number in Item 1 of new manifest. Write generator’s name and mailing address in Item 5. If generator’s site address is different, write site address in Item 5.	265.72(e)(1)	.05.05C(5)(b)(i)-(iii)	EQ
Write name of alternate facility and EPA ID number in Item 8 of new manifest.	265.72(e)(2)	.05.05C(5)(b)(iv)	EQ
Copy manifest tracking number in Item 4 of old manifest to Special Handling and Additional Information block of new manifest, and indicate shipment is residue/ rejection from previous shipment.	265.72(e)(3)	.05.05C(5)(b)(v)	EQ
Copy manifest tracking number in Item 4 of new manifest to manifest reference number line in Discrepancy Block of old manifest.	265.72(e)(4)	.05.05C(5)(b)(vi)	EQ
Write the DOT description for rejected load or residue in Item 9 of new manifest and write container types, quantity, and waste volume.	265.72(e)(5)	.05.05C(5)(b)(vii) - (viii)	EQ
Sign the Generator’s/ Offeror’s Certification to certify that waste has been properly packaged, marked and labeled and is in condition for transportation.	265.72(e)(6)	.05.05C(5)(b)(ix)	EQ
For full load rejections made while transporter remains at facility, the facility may forward rejected shipment to alternate facility by completing Item 18b of the original manifest and supplying information in the Alternate Facility space. The facility must retain copy of this manifest for records, and give remaining copies to	265.72(e)(7)	.05.05C(5)(c)(i) – (iii)	EQ

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FEDERAL REQUIREMENTS	CFR	COMAR 26.13	String-ency
transporter. If original manifest is not used, then the facility must use a new manifest and comply w/ (e)(1) – (6).			
Except as provided in paragraph (f)(7), for rejections/ residues that must be sent back to generator, the facility must prepare a new manifest in accordance w/ 262.20(a) and the following instructions:	265.72(f)	.05.05C(6)(a)	EQ
Write facility's EPA ID number in Item 1 of new manifest. Write generator's name and mailing address in Item 5. If generator's site address is different, write site address in Item 5.	265.72(f)(1)	.05.05C(6)(b)(i)-(iii)	EQ
Write name of initial generator and generator's EPA ID number in Item 8.	265.72(f)(2)	.05.05C(6)(b)(iv)	EQ
Copy manifest tracking number found in Item 4 of old manifest to Special Handling and Additional Information block of new manifest, and indicate that shipment is residue/ rejection from previous shipment,	265.72(f)(3)	.05.05C(6)(b)(v)	EQ
Copy manifest tracking number found in Item 4 of new manifest to manifest reference number line in Item 18a of old manifest.	265.72(f)(4)	.05.05C(6)(b)(vi)	EQ
Write DOT description for rejected load or residue in Item 9 of new manifest and write container types, quantity, and waste volumes.	265.72(f)(5)	.05.05C(6)(b)(vii)-(viii)	EQ
Sign the Generator's/ Offeror's Certification to certify, that waste has been properly packaged, marked and labeled and is in condition for transportation	265.72(f)(6)	.05.05C(6)(b)(ix)	EQ
For full load rejections that are made while transporter remains at facility, the facility may return shipment to generator w/ original manifest by completing Item 18b of manifest and supplying generator's information in Alternate Facility space. The facility must retain a copy for its records and then give the remaining copies to transporter. If original manifest is not used, then facility must use a new manifest and comply w/ f(1) – (6).	265.72(f)(7)	.05.05C(6)(c)	EQ
If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of manifest to indicate the rejection/ residue in discrepancy space of amended manifest. The facility must also copy the manifest tracking number from Item 4 of new manifest to discrepancy space of amended manifest, and must re-sign and date the manifest to certify to the information amended. The facility must retain amended manifest for	265.72(g)	.05.05C(7)	EQ

RCRA REVISION CHECKLIST 207: Uniform Hazardous Waste Manifest Rule

FEDERAL REQUIREMENTS	CFR	COMAR 26.13	Stringency
at least three years, and must w/in 30 days send a copy of amended manifest to transporter and generator that received copies prior to being amended.			
UNMANIFESTED WASTE REPORT			
revised to read as follows:	265.76	.05.05G	EQ
If a facility accepts any hazardous waste from an off-site source w/o a manifest, and if the waste is not excluded from the manifest requirement, then owner/ operator must submit a letter to the Regional Administrator w/in 15 days. The unmanifested waste report must contain the following information:	265.76(a)	.05.05G(1)-(2)	EQ
EPA ID number, name and address of facility;	265.76(a)(1)	.05.05G(2)(a)	EQ
Date facility received waste;	265.76(a)(2)	.05.05G(2)(b)	EQ
EPA ID number, name and address of generator and transporter;	265.76(a)(3)	.05.05G(2)(c)	EQ
Description and quantity of each unmanifested hazardous waste received;	265.76(a)(4)	.05.05G(2)(d)	EQ
Method of treatment, storage, or disposal for each hazardous waste;	265.76(a)(5)	.05.05G(2)(e)	EQ
Certification signed by owner/ operator of facility or his authorized representative; and	265.76(a)(6)	.05.05G(2)(f)	EQ
Brief explanation of why waste was unmanifested, if known.	265.76(a)(7)	.05.05G(2)(g)	EQ
[Reserved]	265.76(b)	N/A	

RCRA REVISION CHECKLIST 209

Universal Waste Rule: Specific Provisions for Mercury Containing Equipment
 70 FR 45508 - 45522
 August 5, 2005
 (RCRA Cluster XVI, Non-HSWA)

Note: In order for a state to receive authorization for this checklist, which adds mercury containing equipment to the list of universal wastes, it must first have authorization for Revision Checklist 142 A (universal waste).

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 260 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL							
SUBPART B DEFINITIONS							
†	DEFINITIONS						
	add "Mercury-containing equipment" in alphabetical order	260.10 "Mercury-containing equipment"	26.13.01.03B(51-2)	X			
1	In definition of "universal waste", the introductory paragraph is republished without change	260.10 "universal waste"	26.13.01.03B(89-1)	X			
	In definition of "universal waste", revise subparagraph (3) by replacing "Thermostats" with "Mercury-containing equipment"	260.10 "universal waste"	26.13.01.03B(89-1)(c)	X			
PART 261 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE							
SUBPART A GENERAL							
†	REQUIREMENTS FOR UNIVERSAL WASTE						
	replace "Thermostats" with "Mercury-containing equipment"	261.9(c)	26.13.02.07-1B(3)	X			
PART 264 STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT STORAGE AND DISPOSAL FACILITIES							
SUBPART A GENERAL							
†	PURPOSE, SCOPE, AND APPLICABILITY						
	replace "Thermostats" with "Mercury-containing equipment"	264.1(g)(11)(iii)	26.13.05.01A(3)(k)(iii)	X			
PART 265 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARODUS WASTE TREATMENT, STORAGE AND DISOSAL FACILITIES							
SUBPART A GENERAL							
†	PURPOSE, SCOPE, AND APPLICABILITY.						
	replace "Thermostats" with "Mercury-containing equipment"	265.1(c)(14)(iii)	26.13.06.01A(4)(j)(iii)	X			
PART 268 B LAND DISPOSAL RESTRICTIONS							
SUBPART A GENERAL							
†	PURPOSE, SCOPE, AND APPLICABILITY						

**RCRA REVISION CHECKLIST 209: Universal Waste Rule:
Specific Provisions for Mercury-Containing Equipment**

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	replace “Thermostats” with “Mercury-containing equipment”	268.1(f)(3)	(No State provision – LDR regs not yet adopted)				
PART 270 EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM							
SUBPART A GENERAL INFORMATION							
†	PURPOSE AND SCOPE OF THESE REGULATIONS						
	replace “Thermostats” with “Mercury-containing equipment”	270.1(c)(2)(viii)(C)	26.13.07.01A; 26.13.05.01A(3)	X			
PART 273 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT							
SUBPART A GENERAL							
†	SCOPE						
	replace “Thermostats” with “Mercury-containing equipment”	273.1(a)(3)	26.13.10.06B(3)	X			
2†	APPLICABILITY—MERCURY-CONTAINING EQUIPMENT						
	replace first occurrence of “Thermostats” with “Mercury-containing equipment”; replace second occurrence of “thermostats” with “mercury-containing equipment”	273.4(a)	26.13.10.09A				
	replace first occurrence of “Thermostats” with “Mercury-containing equipment”; replace second occurrence of “thermostats” with “mercury-containing equipment”	273.4(b) introductory paragraph	26.13.10.09B(1)	X			
	replace existing subparagraph: Mercury-containing equipment that is not yet a waste under part 261 of this chapter. Paragraph (c) of this section describes when mercury-containing equipment becomes a waste;	273.4(b)(1)	26.13.10.09B(1)(a)	X			
	replace existing subparagraph;. mercury-containing equipment that is not a hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in part 261, subpart C of this chapter or is listed in part 261, subpart D of this chapter; and	273.4(b)(2)	26.13.10.09B(1)(b)	X			
	add subparagraph; equipment and devices from which the mercury containing components have been removed.	273.4(b)(3)	26.13.10.09B(2)	X			

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Specific Provisions for Mercury-Containing Equipment**

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	In heading replace “thermostats” with “mercury-containing equipment”; replace “A used thermostat” with “Used mercury-containing equipment”; remove “(e.g., sent for reclamation)” after “discarded”	273.4(c)(1)	26.13.10.09C(1)	X			
	replace “An unused thermostat” with “Unused mercury-containing equipment”	273.4(c)(2)	26.13.10.09C(2)	X			
†	DEFINITIONS						
	add “Ampule” in alphabetical order	273.9 “Ampule”	26.13.01.03B(2-2)	X			
	replace “thermostats” with “mercury-containing equipment”; in the last sentence replace “kilograms or more total of universal waste is accumulated” with “kilogram limit is met or exceeded”	273.9 “Large Quantity Handler of Universal Waste”	26.13.01.03B(46-1)	X			
	add “Mercury-containing equipment” in alphabetical order	273.9 “Mercury-containing equipment”	26.13.01.03B(51-2)	X			
	replace “thermostats” with “mercury-containing equipment”;	273.9 “Small Quantity Handler of Universal Waste”	26.13.01.03B(72-2)	X			
	in definition of “universal waste”, the introductory paragraph is republished without change	273.9 “Universal Waste”	26.13.01.03B(89-1)	X			
	in definition of “universal waste”, subparagraph (3) replace “Thermostats” with “Mercury-containing equipment”;	273.9 “Universal Waste”	26.13.01.03B(89-1)	X			
	SUBPART B STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE						
†	WASTE MANAGEMENT						
	replace the heading “Universal waste thermostats” with “Mercury-containing equipment”; replace “thermostats” with “mercury-containing equipment”	273.13(c) introductory paragraph	26.13.10.14 heading; 26.13.10.14A(1)	X			
	(add language clarifying meaning of “open original housing”.)	no CFR equivalent	26.13.10.14A(2)	X			

**RCRA REVISION CHECKLIST 209: Universal Waste Rule:
Specific Provisions for Mercury-Containing Equipment**

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	In the first sentence replace: “must contain” with “must place in a container”; replace “thermostat” with “mercury-containing equipment with non-contained elemental mercury or”, and “in a container” with “under reasonably foreseeable conditions”; in the second sentence: replace “thermostat and” with “device”, add to the end “, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.”	273.13(c)(1)	26.13.10.14B(1) & (2) (Note: State language in 26.13.10.14B(2) adds more specific language than federal regulation to clarify meaning of “equipment with non-contained elemental mercury”, adding language concerning removed ancillary equipment based on preamble discussion at 70 FR 45513-45514.)	X			
	replace “thermostats” with “mercury-containing equipment”	273.13(c)(2) introductory paragraph	26.13.10.14B(3)	X			
	insert “and manages” after “removes”	273.13(c)(2)(i)	26.13.10.14B(3)(a)	X			
	not changed although published in the final rule	273.13(c)(2)(ii)	26.13.10.14B(3)(b)	X			
	replace “the” with “that” before “containment device”	273.13(c)(2)(iii)	26.13.10.14B(3)(c) & (d)	X			
	not changed although published in the final rule	273.13(c)(2)(iv)-(vii)	26.13.10.14B(3)(d) – (g)	X			
	remove “and” from the end of the provision	273.13(c)(2)(viii)	26.13.10.14B(3)(h)	X			
3	redesignate previous 273.13(c)(3) as 273.13(c)(4) and add new subparagraph (c)(3); a small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:	273.13(c)(3) introductory paragraph	26.13.10.14B(4)	X			

RCRA REVISION CHECKLIST 209: Universal Waste Rule:
Specific Provisions for Mercury-Containing Equipment

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and	273.13(c)(3)(i)	26.13.10.14B(4)(a)	X			
	follows all requirements for removing ampules and managing removed ampules under paragraph (c)(2) of this section; and	273.13(c)(3)(ii)	26.13.10.14B(4)(b)	X			
	Conditions allowing removal of ancillary equipment from mercury-containing equipment	no CFR equivalent	26.13.10.14B(5) (NOTE: Preamble discussion at 70 FR 45513 implies that ancillary equipment may be removed. The State has added conditions similar to those placed on removal of ampules and open original housings.	X			
3	replace “thermostats” with “mercury-containing equipment or seals mercury from mercury containing equipment in its original housing”	273.13(c)(4)(i) introductory paragraph	26.13.10.14B(6)	X			
	remove the semi-colon (;) after “leaks”	273.13(c)(4)(i)(A)	26.13.10.14B(6)(a)(i)	X			
	insert “or housings” after “ampules”; in the parenthetical replace “remaining thermostat units” with “the remaining mercury-containing device”	273.13(c)(4)(i)(B)	26.13.10.14B(6)(a)(ii)	X			
	text unchanged in final rule	273.13(c)(4)(ii)	26.13.10.14B(6)(b)	X			
	text unchanged in final rule	273.13(c)(4)(iii)	26.13.10.14B(6)(c)	X			

† LABELING/MARKING

**RCRA REVISION CHECKLIST 209: Universal Waste Rule:
Specific Provisions for Mercury-Containing Equipment**

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
4	redesignate existing 273.14(d) as 273.14(d)(2) and add new subparagraph designated as 273.14(d)(1); Universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste—Mercury Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."	273.14(d)(1)	26.13.10.17A(2)(d)	X			
4	redesignate existing 273.14(d)(1) as 273.14(d)(2); replace text before the colon (:) with "A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases"	273.14(d)(2)	26.13.10.17A(3)	X			
SUBPART C STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE							
†	NOTIFICATION						
	replace "thermostats" with "mercury-containing equipment"	273.32(b)(4)	26.13.10.19C(1)(a)(iv)	X			
	remove text from end starting with "and the types of universal waste..."	273.32(b)(5)	26.13.10.19C(1)(a)(v)	X			
†	WASTE MANAGEMENT						
	replace "Universal waste thermostats" with "Mercury-containing equipment"; replace "thermostats" with "mercury-containing equipment";	273.33(c) introductory paragraph	26.13.10.20C; 26.13.10.14A	X			

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Specific Provisions for Mercury-Containing Equipment

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	in the first sentence replace: “must contain” with “must place in a container”, “thermostat” with “mercury-containing equipment with non-contained elemental mercury or”, and “in a container” with “under reasonably foreseeable conditions”; in the second sentence: replace “thermostat and” with “device”, add to the end “, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.”	273.33(c)(1)	26.13.10.20C; 26.13.10.14B(1)&(2) (Note: State language in 26.13.10.14B(2) adds more specific language than federal regulation to clarify meaning of “equipment with non-contained elemental mercury”, adding language concerning removed ancillary equipment based on preamble discussion at 70 FR 45513-45514.)	X			
	replace “thermostats” with “mercury-containing equipment”	273.33(c)(2) introductory paragraph	26.13.10.20C; 26.13.10.14B(3)	X			
	insert “and manages” after “removes”	273.33(c)(2)(i)	26.13.10.20C; 26.13.10.14B(3)(a)	X			
	not changed although published in the final rule	273.33(c)(2)(ii)	26.13.10.20C; 26.13.10.14B(3)(b)	X			
	replace “from” with “of” before “broken ampules”, and “the” with “that” before “containment device”	273.33(c)(2)(iii)	26.13.10.20C; 26.13.10.14B(3)(c) & (d)	X			
	not changed although published in the final rule	273.33(c)(2)(iv)-(vii)	26.13.10.20C; 26.13.10.14B(3)(d) – (g)	X			
	remove “and” from the end of the provision	273.33(c)(2)(viii)	26.13.10.20C; 26.13.10.14B(3)(h)	X			

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END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
5	redesignate previous 273.33(c)(3) as 273.33(c)(4) and add new subparagraph (c)(3); a large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:	273.33(c)(3) introductory paragraph	26.13.10.20C; 26.13.10.14B(4) (NOTE: Federal language worded so that it appears that a universal waste handler may not remove an open original housing from mercury-containing equipment if the equipment also contains an ampule. The State has deleted the reference to ampules.)	X			
	immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and	273.33(c)(3)(i)	26.13.10.20C; 26.13.10.14B(4)(a)	X			
	follows all requirements for removing ampules and managing removed ampules under paragraph (c)(2) of this section; and	273.33(c)(3)(ii)	26.13.10.20C; 26.13.10.14B(4)(b)	X			
	Conditions allowing removal of ancillary equipment from mercury-containing equipment	(based on preamble language; no specific CFR provision)	26.13.10.20C; 26.3.10.14B(5) (NOTE: Preamble discussion at 70 FR 45513 implies that ancillary equipment may be removed. The State has added conditions similar to those placed on removal of ampules and open original housings.)	X			

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Specific Provisions for Mercury-Containing Equipment**

END NOTES	FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
5	redesignate previous 273.33(c)(3) as 273.33(c)(4); replace “thermostats” with “mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing”	273.33(c)(4)(i) introductory paragraph	26.13.10.20C; 26.13.10.14B(6)(a)	X			
	remove the semi-colon (;) after “leaks”	273.33(c)(4)(i)(A)	26.13.10.20C; 26.13.10.14B(6)(a)(i)	X			
	insert “or housings” after “ampules”; in the parenthetical replace “remaining thermostat units” with “the remaining mercury-containing device”	273.33(c)(4)(i)(B)	26.13.10.20C; 26.13.10.14B(6)(a)(ii) (NOTE: MD includes language about ancillary equipment as well.)	X			
	text unchanged in final rule	273.33(c)(4)(ii)	26.13.10.20C; 26.13.10.14B(6)(b)	X			
	text unchanged in final rule	273.33(c)(4)(iii)	26.13.10.20C; 26.13.10.14B(6)(c)	X			
†	LABELING/MARKING						
6	redesignate existing 273.34(d) as 273.34(d)(2) and add new subparagraph designated as 273.34(d)(1), universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: “Universal Waste—Mercury Containing Equipment,” “Waste Mercury-Containing Equipment,” or “Used Mercury-Containing Equipment.”	273.34(d)(1)	26.13.10.21A; 26.13.10.17A(2)(d)	X			
	redesignate existing 273.34(d) as 273.34(d)(2); replace text before the colon (:) with “A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases”	273.34(d)(2)	26.13.10.21A; 26.13.10.17A(3)	X			

END NOTES

† Optional. State not required to adopt provision.

1 Note that there appears to be a typographical error in the Federal Register for the final rule. In the text of the introductory paragraph of the 40 CFR 260.10 definition of “Universal Waste” the section symbol (§) does not appear between “part” and

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“273”; however, the Final Rule indicates that the introductory text is being republished not revised, and the symbol is present in the 2006 CFR.

- 2 The final rule addressed by Revision Checklist 209 revised the title of section 273.4 from “Applicability– mercury thermostats” to “Applicability – Mercury-containing equipment”
- 3 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.13(c)(3) and redesignated the previous provision as 40 CFR 273.13(c)(4).
- 4 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.14(d)(1) and redesignated the previous provision from 40 CFR 273.14(d) as 273.14(d)(2).
- 5 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.33(c)(3) and redesignated the previous provision as 40 CFR 273.33(c)(4).
- 6 The final rule addressed by Revision Checklist 209 added a new provision at 40 CFR 273.34(d)(1) and redesignated the previous provision from 40 CFR 273.14(d) as 273.34(d)(2).