

CONSOLIDATED CHECKLIST C6

Part 1 of 5 parts

Interim Status Standards for Owners and Operators of  
Hazardous Waste Treatment, Storage, and Disposal Facilities  
40 CFR Part 265, Subparts A-G, as of June 30, 2018

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

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
<b>SUBPART A - GENERAL</b>							
<b>PURPOSE, SCOPE, AND APPLICABILITY</b>							
establish minimum national standards	*, 10	265.1(a)					
applies to all owners and operators of TSDFs, with exceptions, who have met interim status requirements of RCRA 3005(e) or 270.10 or until fulfill applicable 265 closure/post-closure requirements	IV B, 3, 10, †121, 154, †175	265.1(b)					
exceptions:	IV B	265.1(c)					
ocean disposal	IV B	265.1(c)(1)					
reserved	IV B, 44 C	265.1(c)(2)					
POTWs	IV B	265.1(c)(3)					
1 covered by a program of an authorized State	IV B	265.1(c)(4)					
1 unless State's program omits underground injection	*, 214	265.1(c)(4)(i)					
1 unless State's authorization not up to date for HSWA requirements	*	265.1(c)(4)(ii)					
waste excluded by <b>262.14</b>	IV B, 237	265.1(c)(5)					
2 recyclable materials described in 261.6(a)(2)-(4)	IV B, 13, 111, 122, 214	265.1(c)(6)					
waste accumulated at site of generation in accordance with <b>262.14 through 262.17 and subparts K and L of part 262</b>	IV B, 237	265.1(c)(7)					
farmers complying with 262.70	IV B, 48	265.1(c)(8)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
totally enclosed treatment facility	IV B	265.1(c)(9)					
elementary neutralization unit or wastewater treatment unit; compliance with 265.17(b) if owner or operator is diluting hazardous ignitable wastes or reactive wastes to remove characteristic before land disposal	IV B, 124, 137	265.1(c)(10)					
treatment or containment activities in response to an emergency, except as provided by 265.1(c)(11)(ii)	IV B	265.1(c)(11)(i)					
		265.1(c)(11)(i)(A)					
		265.1(c)(11)(i)(B)					
		265.1(c)(11)(i)(C)					
	156	265.1(c)(11)(i)(D)					
	IV B	265.1(c)(11)(ii)					
265.1(c)(11)(iii)							
156	265.1(c)(11)(iv)						
transporters storing in containers meeting 262.30	IV B	265.1(c)(12)					
combination of waste and absorbent material	IV B	265.1(c)(13)					
†, 3, 4 universal waste handlers and transporters handling the listed universal wastes are subject to Part 273 rather than Part 265	142 A	265.1(c)(14)					
	142 B	265.1(c)(14)(i)					
	142 C, †181	265.1(c)(14)(ii)					
	142 D, †181, 209	265.1(c)(14)(iii)					
	†181	265.1(c)(14)(iv)					
hazardous wastes not to be managed at facilities regulated under 265	14	265.1(d)					
		265.1(d)(1)					
		265.1(d)(1)(i)					
		265.1(d)(1)(ii)					
		265.1(d)(1)(iii)					
		265.1(d)(1)(iv)					
265.1(d)(1)(v)							
applicable to owners or operators of facilities which treat, store or dispose of wastes referred to in 268; 268 standards are considered material requirements of 265 standards	34,78	265.1(e)					
requirements of storage of military munitions are	156	265.1(f)					

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in 266.205; treatment and disposal are subject to all standards in 40 CFR 260 through 270 reserved		265.2 - 265.3					
<b>IMMINENT HAZARD ACTION</b>							
enforcement actions under RCRA 7003	*	265.4					
<b>SUBPART B - GENERAL FACILITY STANDARDS</b>							
<b>APPLICABILITY</b>							
subpart applies to hazardous waste facilities except as provided in 265.1	*	265.10					
<b>IDENTIFICATION NUMBER</b>							
EPA identification number required	IV B	265.11					
<b>REQUIRED NOTICES</b>							
<b>5</b> hazardous waste <b>subject to part 262, subpart H</b> from foreign source	IV B, †152, 236	<b>265.12(a)</b>					
<b>imports where competent authority does not require notification from EPA per 262.84(b); notification of proposed transboundary movement to EPA</b>	236	265.12(a)(1)					
† owner/operator of facility receiving hazardous waste subject to <b>262.84(d)(2)(xv) movement</b> document requirements	152, 222, 236	265.12(a)(2)					
<b>inform EPA of the need to return or arrange alternate management of waste that must be returned or sent to alternate facility per 262.84(f)(4)</b>	236	<b>265.12(a)(3)</b>					
<b>sending copies of signed and dated confirmation of recovery or disposal per 262.84(g)</b>	236	<b>265.12(a)(4)</b>					
		<b>265.12(a)(4)(i)</b>					
		<b>265.12(a)(4)(ii)</b>					
requirements before ownership transfer	IV B	265.12(b)					
<b>GENERAL WASTE ANALYSIS</b>							

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
6 analysis required prior to handling any hazardous waste or 265.113(d) non-hazardous waste; what information, at a minimum, the waste analysis must contain	IV B, 34, †64, 102	265.13(a)(1)					
inclusion of existing data	IV B, 78	265.13(a)(2)					
when analysis must be repeated	IV B	265.13(a)(3)					
	IV B, †64	265.13(a)(3)(i)					
	IV B	265.13(a)(3)(ii)					
inspect each offsite shipment	IV B	265.13(a)(4)					
develop and follow written waste analysis plan:	IV B	265.13(b)					
parameters which will be analyzed	IV B, †64	265.13(b)(1)					
test methods	IV B	265.13(b)(2)					
sampling method	IV B	265.13(b)(3)					
		265.13(b)(3)(i)					
		265.13(b)(3)(ii)					
frequency of reviewing or repeating analysis	IV B	265.13(b)(4)					
analyses from generators	IV B	265.13(b)(5)					
meeting of additional waste analysis requirements	IV B, 16, 28, 34, 79, 87, 154	265.13(b)(6)					
surface impoundments exempted from land disposal restrictions under 268.4(a); procedures and schedules for:	34	265.13(b)(7)					
sampling impoundment contents	34	265.13(b)(7)(i)					
analysis procedures	34	265.13(b)(7)(ii)					
annual removal of residues:	34, 39, 50	265.13(b)(7)(iii)					
wastes that do not meet 268, Subpart D, treatment standards	50	265.13(b)(7)(iii)(A)					
where no treatment standards established	50	265.13(b)(7)(iii)(B)					
		265.13(b)(7)(iii)(B)(1)					
		265.13(b)(7)(iii)(B)(2)					
for owners and operators seeking an exemption to	154	265.13(b)(8)					

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the air emission standards of Subpart CC of this part in accordance with 265.1083							
if direct measurement used for waste determination, procedures & schedules for waste sampling & analysis, & results of the analysis verify exemption	154	265.13(b)(8)(i)					
if knowledge of waste is used for determination, any information that is used as basis for knowledge	154	265.13(b)(8)(ii)					
analysis plan for off-site facilities:	IV B	265.13(c)					
procedures for identifying each waste moved at facility	IV B	265.13(c)(1)					
sampling method used to obtain a representative sample	IV B	265.13(c)(2)					
procedures owner or operator will use to determine whether biodegradable sorbent has been added to waste in container	118	265.13(c)(3)					
<b>SECURITY</b>							
prevent unknowing entry and minimize unauthorized entry unless 265.14(a)(1)&(2) are true	IV B	265.14(a)					
		265.14(a)(1)					
		265.14(a)(2)					
unless exempt under 265.14(a)(1)&(2), a facility must have:	*	265.14(b)					
24-hour surveillance	IV B, <b>214</b>	265.14(b)(1)					
barrier around active portion and control of entry	IV B	265.14(b)(2)(i)					
		265.14(b)(2)(ii)					
sign	IV B	265.14(c)					
<b>† GENERAL INSPECTION REQUIREMENTS</b>							
inspect for malfunctions, deterioration, operator errors, and discharges	IV B	265.15(a)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
develop and follow written schedule	IV B	265.15(b)(1)					
keep schedule at facility	IV B	265.15(b)(2)					
identify items that are to be looked for	IV B	265.15(b)(3)					
7 frequency of inspection	IV B, 28, 79, 100, 154, 163, <b>213, 237</b>	265.15(b)(4)					
7 <b>[Removed]</b>	<b>213, 237</b>	<b>265.15(b)(5) intro.</b>					
		<b>265.15(b)(5)(i)</b>					
		<b>265.15(b)(5)(ii)</b>					
		<b>265.15(b)(5)(iii)</b>					
remedy of problems inspection uncovers		265.15(c)					
recordkeeping		265.15(d)					
<b>PERSONNEL TRAINING</b>							
personnel complete training to ensure compliance with 265	IV B	265.16(a)(1)					
director of training program	IV B	265.16(a)(2)					
must be designed to ensure effective response to emergencies	IV B	265.16(a)(3)					
		265.16(a)(3)(i)					
		265.16(a)(3)(ii)					
		265.16(a)(3)(iii)					
		265.16(a)(3)(iv)					
		265.16(a)(3)(v)					
<b>facility employees receiving OSHA-specific emergency response training</b>	<b>†213</b>	<b>265.16(a)(4)</b>					
timing of instruction	IV B, <b>214</b>	265.16(b)					
annual review of initial training required at 265.16(a)	IV B	265.16(c)					
recordkeeping	IV B	265.16(d)					
		265.16(d)(1)					
		265.16(d)(2)					
		265.16(d)(3)					
		265.16(d)(4)					
retention of training records	IV B	265.16(e)					
<b>GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES</b>							
precautions to prevent waste ignition or reaction	IV B	265.17(a)					
precautions to prevent	IV B	265.17(b)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
specified reactions		265.17(b)(1)					
		265.17(b)(2)					
		265.17(b)(3)					
		265.17(b)(4)					
		265.17(b)(5)					
<b>LOCATION STANDARDS</b>							
prohibition of waste placement in salt domes, salt bed formations, underground mines, and caves	17 E	265.18					
<b>8 CONSTRUCTION QUALITY ASSURANCE PROGRAM</b>							
CQA program	100	265.19(a)					
required for all surface impoundment, waste pile and landfill units that must comply with 265.221(a), 265.254, and 265.301(a); program must ensure constructed unit meets or exceeds all permit design criteria and specifications; program must be developed and implemented under a CQA officer who is a registered professional engineer	100	265.19(a)(1)					
the physical components the CQA program must address	100	265.19(a)(2)					
		265.19(a)(2)(i)					
		265.19(a)(2)(ii)					
		265.19(a)(2)(iii)					
		265.19(a)(2)(iv)					
		265.19(a)(2)(v)					
before construction begins, owner/operator must develop a written CQA plan; identify steps that will be used to monitor and document quality of materials and condition and manner of their installation; what the CQA plan must include:	100	265.19(b)					
identification of applicable units and how	100	265.19(b)(1)					

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they will be constructed							
identification of key CQA plan development and implementation personnel; CQA officer qualifications	100	265.19(b)(2)					
inspection and sampling activities' description; what must be described	100	265.19(b)(3)					
contents of program	100	265.19(c)					
must include observations, inspections, tests, and measurements sufficient to ensure:	100	265.19(c)(1)					
structural stability and integrity of 265.19(a)(2) units	100	265.19(c)(1)(i)					
proper construction according to permit specifications and good engineering practices, and proper installation according to design specifications	100	265.19(c)(1)(ii)					
material conformity with design and other material specifications	100	265.19(c)(1)(iii)					
test fills for compacted soils liners, using full scale compaction methods to ensure liners are constructed to meet specific hydraulic conductivity requirements; compliance verified by in-situ testing on constructed test fill; conditions under which test fill requirement may be waived	100, 214	265.19(c)(2)					
certification to Regional Administrator at least 30 days before receiving waste; signed by CQA officer stating that CQA plan has been successfully carried out and that the unit meets	100	265.19(d)					



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specific requirements; may receive wastes in unit after 30 days from the Regional Administrator's receipt of the CQA, unless Regional Administrator determines in writing that construction is not acceptable or extends review period for 30 days or seeks additional information; CQA documentation							
<b>SUBPART C - PREPAREDNESS AND PREVENTION</b>							
<b>APPLICABILITY</b>							
all HW facilities, except as 265.1 provides	*	265.30					
<b>MAINTENANCE AND OPERATION OF FACILITY</b>							
requirements to minimize threats to health or environment	IV B	265.31					
<b>REQUIRED EQUIPMENT</b>							
what all facilities must be equipped with:	*	265.32					
internal communications or alarm	IV B	265.32(a)					
telephone or equivalent	IV B	265.32(b)					
fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment	IV B	265.32(c)					
water of adequate volume and pressure	IV B	265.32(d)					
<b>TESTING AND MAINTENANCE OF EQUIPMENT</b>							
maintenance and testing requirements	IV B	265.33					
<b>ACCESS TO COMMUNICATIONS OR ALARM SYSTEM</b>							
immediate access by personnel handling hazardous waste	IV B	265.34(a)					
immediate access when only one employee is on premises; what equipment must be immediately available	IV B	265.34(b)					
<b>REQUIRED AISLE SPACE</b>							
aisle space required to	IV B	265.35					

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allow unobstructed movement							
reserved		265.36					
<b>ARRANGEMENTS WITH LOCAL AUTHORITIES</b>							
specific arrangements which must be made	IV B	265.37(a)					
		265.37(a)(1)					
		265.37(a)(2)					
		265.37(a)(3)					
		265.37(a)(4)					
document refusals to enter into arrangement in operating record	IV B	265.37(b)					
<b>SUBPART D - CONTINGENCY PLAN AND EMERGENCY PROCEDURES</b>							
<b>APPLICABILITY</b>							
applies to all HW facilities, except as 265.1 provides	*	265.50					
<b>PURPOSE AND IMPLEMENTATION OF CONTINGENCY PLAN</b>							
contingency plan required; purpose	*	265.51(a)					
when to implement plan	*	265.51(b)					
<b>CONTENT OF CONTINGENCY PLAN</b>							
describes actions to take in compliance with 265.51 and 265.56	IV B	265.52(a)					
relationship to SPCC or other plans; <b>may develop one contingency plan which meets all regulatory requirements.</b>	IV B, †213, 223	265.52(b)					
arrangements with local police, fire department, etc.	IV B	265.52(c)					
list names and addresses of emergency coordinator(s); keep up to date; listed in order to assume responsibility as alternates	IV B	265.52(d)					
list of emergency equipment at facility	IV B	265.52(e)					
evacuation plan	IV B	265.52(f)					
<b>COPIES OF CONTINGENCY PLAN</b>							
disposition of copies of plan and all revisions:	*	265.53					
maintained at facility	IV B	265.53(a)					
submitted to local police, fire department,	IV B	265.53(b)					

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hospitals, etc.							
<b>AMENDMENT OF CONTINGENCY PLAN</b>							
when plan must be reviewed and, if necessary, amended:	*	265.54					
applicable regulations are revised	IV B	265.54(a)					
plan fails in an emergency	IV B	265.54(b)					
facility change	IV B	265.54(c)					
list of emergency coordinators changes	IV B	265.54(d)					
9 list of equipment changes	IV B, †54	265.54(e)					
<b>EMERGENCY COORDINATOR</b>							
responsibilities	IV B	265.55					
<b>EMERGENCY PROCEDURES</b>							
procedures for imminent or actual emergency	IV B	265.56(a)					
		265.56(a)(1)					
		265.56(a)(2)					
release, fire, explosion	IV B, <b>214</b>	265.56(b)					
hazard assessment	IV B	265.56(c)					
report of emergency coordinator's findings	IV B	265.56(d)					
notify local authorities	IV B	265.56(d)(1)					
	IV B, <b>223</b>	265.56(d)(2)					
report to on-scene coordinator or National Response Center; what the report must include	IV B	265.56(d)(2)(i)					
		265.56(d)(2)(ii)					
		265.56(d)(2)(iii)					
		265.56(d)(2)(iv)					
		265.56(d)(2)(v)					
		265.56(d)(2)(vi)					
measures during emergency	IV B	265.56(e)					
procedures if facility stops operation	IV B	265.56(f)					
treatment, storage, or disposal of material resulting from emergency	IV B	265.56(g)					
procedures after emergency	IV B	265.56(h)					
		265.56(h)(1)					
		265.56(h)(2)					
10 <b>[Removed]</b>	IV B, † <b>213</b>	265.56(i)					
10 operating record information; written report to Regional Administrator	IV B, † <b>213</b>	265.56(i)					

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what the report to Regional Administrator must include	IV B	265.56(j)(1)					
		265.56(j)(2)					
		265.56(j)(3)					
		265.56(j)(4)					
		265.56(j)(5)					
		265.56(j)(6)					
		265.56(j)(7)					
<b>SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING</b>							
<b>APPLICABILITY</b>							
subpart applies to both on- and off-site facilities; exceptions	IV B, 156, 207	265.70(a)					
11 <b>applicability of revised manifest forms and procedures</b>	207	265.70(b)					
<b>USE OF MANIFEST SYSTEM</b>							
12 <b>general requirements if facility receives waste accompanied by manifest as indicated in 265.71(a)(2)</b>	207	265.71(a)(1)					
12, 13 <b>if facility receives waste shipment accompanied by manifest, must:</b>	IVA, 207, 231	265.71(a)(2)					
12 <b>sign and date each copy of manifest</b>	IV B, 207, 231, 239	265.71(a)(2)(i)					
12, 13 <b>note any discrepancies</b>	IV B, 207	265.71(a)(2)(ii)					
12, 13 <b>immediately give transporter at least one copy</b>	IV B, 207	265.71(a)(2)(iii)					
12 <b>within 30 days of delivery, send copy to generator</b>	IV B, 207, 231, 239	265.71(a)(2)(iv)					
12, 14 <b>paper manifest submission requirements</b>	231, 239	265.71(a)(2)(v)					
	239	265.71(a)(2)(v)(A)					
		265.71(a)(2)(v)(B)					
12, 13 <b>onsite manifest retention for at least three years</b>	IV B, 207, 231	265.71(a)(2)(vi)					
receiving waste imported from a foreign source when shipment is subject to <b>part 262, subpart H</b>	207, 222, 236	265.71(a)(3)					
	236	265.71(a)(3)(i)					
		265.71(a)(3)(ii)					
duties of owner or operator when receiving waste accompanied by shipping paper	IV B	265.71(b)					
		265.71(b)(1)					
		265.71(b)(2)					
		265.71(b)(3)					
	IV B, 207	265.71(b)(4)					
	IV B	265.71(b)(5)					

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15 facility that initiates shipment must comply with <b>specific sections of part 262</b>	<b>*, 237</b>	265.71(c)					
† shipment subject to <b>262.84(d)(2)(xv)</b>	152, <b>222, 236</b>	265.71(d)					
<b>determine consignment state regulations and manifest requirements</b>	<b>207</b>	<b>265.71(e)</b>					
16 legal equivalence to paper manifests	231	<b>265.71(f)</b>					
		<b>265.71(f)(1)</b>					
		<b>265.71(f)(2)</b>					
		<b>265.71(f)(3)</b>					
		<b>265.71(f)(4)</b>					
		<b>265.71(f)(5)</b>					
<b>participation in the electronic manifest system</b>	231	<b>265.71(g)</b>					
<b>special procedures applicable to replacement manifests</b>	231	<b>265.71(h)</b>					
		<b>265.71(h)(1)</b>					
		<b>265.71(h)(2)</b>					
		<b>265.71(h)(3)</b>					
<b>special procedures applicable to electronic signature methods undergoing tests</b>	231	<b>265.71(i)</b>					
17, 18 <b>imposition of user fee for electronic manifest use per 265.1311, 265.1312 and 265.1313</b>	231, 239	<b>265.71(j)(1)</b>					
17, 18 <b>user fee payments in accordance with 265.1314 subject to dispute resolution under 265.1316 and delinquent payments under 265.1315</b>	239	<b>265.71(j)(2)</b>					
16 <b>electronic manifest signature criteria in 262.25</b>	231	<b>265.71(k)(1)</b>					
14 <b>procedures and requirements for post-receipt manifest data corrections</b>	239	<b>265.71(l)</b>					
		<b>265.71(l)(1)</b>					
		<b>265.71(l)(2)</b>					
		<b>265.71(l)(2)(i)</b>					
		<b>265.71(l)(2)(ii)</b>					
		<b>265.71(l)(2)(iii)</b>					
		<b>265.71(l)(3)</b>					
		<b>265.71(l)(3)(i)</b>					

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		<b>265.71(l)(3)(ii)</b>					
		<b>265.71(l)(4)</b>					
		<b>265.71(l)(5)</b>					
<b>MANIFEST DISCREPANCIES</b>							
19	definition of manifest discrepancies	IV B, 207	265.72(a) 265.72(a)(1)				
		207	265.72(a)(2) 265.72(a)(3)				
19	significant differences in quantity defined	IV B, 207	265.72(b)				
19	actions on discovering a significant difference in quantity or type upon rejecting waste or identifying container residue exceeding "empty limits"	IV B, 207	265.72(c)				
	ensure proper location and receipt rejected wastes or residues	207	265.72(d)(1)				
		207	265.72(d)(2)				
	new manifest required for rejections/residues; requirements, except as provided in 265.72(e)(7)	207	265.72(e)				
		207	265.72(e)(1)				
		207	265.72(e)(2)				
		207	265.72(e)(3)				
		207	265.72(e)(4)				
		207	265.72(e)(5)				
		207, 223	265.72(e)(6)				
	requirements for rejections/residues that must be sent back to generator	207	265.72(f)				
		207, 223	265.72(f)(1)				
		207	265.72(f)(2)				
			265.72(f)(3)				
			265.72(f)(4)				
			265.72(f)(5)				
			265.72(f)(6)				
		207, 223	265.72(f)(7)				
	223	265.72(f)(8)					
	manifest requirements when dealing with discrepancies	207	265.72(g)				
<b>† OPERATING RECORD</b>							
	written operating record at facility	IV B	265.73(a)				
	information which must be recorded for three years unless noted:	IV B, 213	265.73(b)				
	description and quantity of waste; dates of	IV B, 213	265.73(b)(1)				

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
treatment, storage, or disposal							
location of waste and quantity at each location	IV B, <b>213</b>	265.73(b)(2)					
records and results of waste analysis, waste determinations, and trial tests	IV B, 16, 28, 34, 79, 87, 154	265.73(b)(3)					
reports of incidents which require implementing contingency plan	IV B	265.73(b)(4)					
records and results of inspections	IV B	265.73(b)(5)					
monitoring, testing, or analytical data	IV B, 28, 79, 100, 154, 163, <b>213</b>	265.73(b)(6)					
closure and post-closure cost estimates	IV B, <b>213</b>	265.73(b)(7)					
quantity records for each shipment	34, 50, <b>213</b>	265.73(b)(8)					
off-site treatment facility requirements	34, 50	265.73(b)(9)					
on-site treatment facility requirements	34, 50	265.73(b)(10)					
off-site land disposal facility requirements	34, 50	265.73(b)(11)					
on-site land disposal facility requirements	34, 50	265.73(b)(12)					
off-site storage facility requirements	50	265.73(b)(13)					
on-site storage facility requirements	50	265.73(b)(14)					
<b>maintenance of closure, monitoring, testing or analytical data and corrective action as required under 265.90, 265.93(d)(2) &amp; (d)(5), and 265.196(f) certification</b>	<b>213</b>	<b>265.73(b)(15)</b>					
<b>AVAILABILITY, RETENTION, AND DISPOSITION OF RECORDS</b>							
all records available for inspection	IV B	265.74(a)					
retention period extension under unresolved enforcement action	IV B	265.74(b)					

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
copy of records to Regional Administrator and local authority at closure	IV B	265.74(c)					
<b>BIENNIAL REPORT</b>							
when to submit, what form, and what must be reported:	*, †1, <b>237</b>	265.75					
EPA identification number	IV B	265.75(a)					
calendar year covered by report	IV B	265.75(b)					
EPA identification numbers of generators; name and address for foreign generators	IV B	265.75(c)					
description and quantity of wastes received	IV B	265.75(d)					
methods of handling	IV B	265.75(e)					
monitoring data, where required	IV B	265.75(f)					
closure cost estimate; post-closure cost estimate	IV B	265.75(g)					
20 volume and toxicity reduction efforts	30	265.75(h)					
volume and toxicity reduction achieved	30	265.75(i)					
8 signed certification	IVB, 30	265.75(j)					
<b>UNMANIFESTED WASTE REPORT</b>							
21 when an unmanifested report is required; form which must be used; information it must include	*, 1, <b>207</b>	265.76(a)					
21 EPA identification number, <b>name and address of facility</b>	IV B, <b>207</b>	265.76(a)(1)					
21 date waste received	IV B, <b>207</b>	265.76(a)(2)					
21 generator and transporter EPA identification numbers; address and name	IV B, <b>207</b>	265.76(a)(3)					
21 description and quantity of unmanifested waste	IV B, <b>207</b>	265.76(a)(4)					
21 handling method	IV B, <b>207</b>	265.76(a)(5)					
21 signed certification	IV B, <b>207</b>	265.76(a)(6)					
21 explanation of why unmanifested	IV B, <b>207</b>	265.76(a)(7)					



CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>[Reserved]</b>	<b>207</b>	<b>265.76(b)</b>					
<b>ADDITIONAL REPORTS</b>							
what else must be reported to Regional Administrator	*, †1	265.77					
releases, fires, explosions	IV B	265.77(a)					
ground-water contamination and monitoring data	IV B	265.77(b)					
facility closure	IV B	265.77(c)					
as otherwise required by Subparts AA, BB, and CC of this part	79, 154	265.77(d)					
<b>SUBPART F - GROUND-WATER MONITORING</b>							
<b>† APPLICABILITY</b>							
facilities that must implement a ground-water monitoring program	IV B	265.90(a)					
meet requirements of 265.91 and comply with 265.92 through 265.94; duration of ground-water monitoring program	IV B	265.90(b)					
demonstration required to waive requirements	IV B	265.90(c)					
		265.90(c)(1)					
		265.90(c)(1)(i)					
		265.90(c)(1)(ii)					
		265.90(c)(2)					
		265.90(c)(2)(i)					
requirements to implement an alternate ground-water monitoring program	IV B, <b>214</b>	265.90(d)					
		IV B, <b>213</b>	265.90(d)(1)				
		IV B	265.90(d)(2)				
		IV B, <b>213</b>	265.90(d)(3)				
		IV B	265.90(d)(4)				
		265.90(d)(5)					
waiver of surface impoundment ground-water monitoring requirements	IV B	265.90(e)					
† Regional Administrator may replace part 265 Subpart F requirements with alternative requirements developed for groundwater monitoring contained in	174	265.90(f)					

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
approved closure or post-closure plan or enforceable document where Regional Administrator determines:							
† regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	174	265.90(f)(1)					
† it is not necessary to apply part 265 Subpart F requirements because alternative requirements will protect human health and environment; alternative standards must meet 264.101(a) requirements	174	265.90(f)(2)					
<b>GROUND-WATER MONITORING SYSTEM</b>							
monitoring system capabilities	IV B	265.91(a)					
		265.91(a)(1)					
		265.91(a)(1)(i)					
		265.91(a)(1)(ii)					
		265.91(a)(2)					
† demonstrate alternate hydraulically down-gradient monitoring well location will meet alternate criteria; in writing and kept at facility; certified by qualified ground-water scientist and establish:	99	265.91(a)(3)					
† existing physical obstacle prevents monitoring well installation at hydraulically downgradient limit of the waste management area	99	265.91(a)(3)(i)					
† selected alternate downgradient location is as close to limit of waste	99	265.91(a)(3)(ii)					

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
management area as practical							
† location ensures detection that, given alternate location, is as early as possible of any statistical amounts of hazardous waste or constituents that migrate from the waste management area to uppermost aquifer	99	265.91(a)(3)(iii)					
† lateral expansion, new or replacement units not eligible for an alternate downgradient location	99	265.91(a)(3)(iv)					
separate sampling systems not required if waste management area properly monitored; definition of waste management area	IV B	265.91(b)					
		265.91(b)(1)					
		265.91(b)(2)					
wells must be cased	IV B	265.91(c)					
<b>SAMPLING AND ANALYSIS</b>							
obtain and analyze samples from ground-water monitoring system; must have a sampling and analysis plan and keep it at the facility	IV B	265.92(a)					
procedures to be described in plan	IV B	265.92(a)(1)					
		265.92(a)(2)					
		265.92(a)(3)					
		265.92(a)(4)					
parameters to be measured	IV B	265.92(b)					
		265.92(b)(1)					
		265.92(b)(2)					
		265.92(b)(2)(i)					
		265.92(b)(2)(ii)					
		265.92(b)(2)(iii)					
		265.92(b)(2)(iv)					
		265.92(b)(2)(v)					
		265.92(b)(2)(vi)					
		265.92(b)(3)					
		265.92(b)(3)(i)					
		265.92(b)(3)(ii)					
		265.92(b)(3)(iii)					
265.92(b)(3)(iv)							

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
establish initial background concentration for 265.92(b) parameters quarterly for one year	IV B	265.92(c)(1)					
establishing 265.92(b)(3) indicator parameters	IV B	265.92(c)(2)					
frequency of sampling	IV B	265.92(d)					
		265.92(d)(1)					
		265.92(d)(2)					
ground-water surface elevation	IV B	265.92(e)					
† PREPARATION, EVALUATION, AND RESPONSE							
outline of ground-water quality assessment program; what program must be capable of determining	IV B	265.93(a)					
		265.93(a)(1)					
		265.93(a)(2)					
		265.93(a)(3)					
compare parameters	IV B	265.93(b)					
significant increase in comparisons for upgradient wells	IV B	265.93(c)(1)					
significant increase in comparisons for downgradient wells	IV B	265.93(c)(2)					
written notice to Regional Administrator if downgradient well increase is significant	IV B	265.93(d)(1)					
<b>develop</b> a ground-water quality assessment plan; <b>plan must be place in facility operating record until closure;</b> plan contents	IV B, <b>213</b>	265.93(d)(2)					
	IV B	265.93(d)(3)					
		265.93(d)(3)(i)					
		265.93(d)(3)(ii)					
		265.93(d)(3)(iii)					
implement plan and determine extent of problem	IV B	265.93(d)(4)					
		265.93(d)(4)(i)					
		265.93(d)(4)(ii)					
timing and report of ground-water quality assessment	IV B, <b>213</b>	265.93(d)(5)					
indicator evaluation program if waste has not entered ground-water	IV B	265.93(d)(6)					
action if waste or constituent has entered ground-water	IV B	265.93(d)(7)					
		265.93(d)(7)(i)					
		265.93(d)(7)(ii)					
assessment completion	IV B	265.93(e)					
evaluation of data on	IV B	265.93(f)					

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
ground-water surface elevations							
<b>RECORDKEEPING AND REPORTING</b>							
requirements if ground-water is not monitored:	IV B	265.94(a)					
keep records	IV B	265.94(a)(1)					
submit reports	IV B	265.94(a)(2)					
		265.94(a)(2)(i)					
	IV B, †1	265.94(a)(2)(ii) 265.94(a)(2)(iii)					
requirements if ground-water is monitored:	IV B	265.94(b)					
keep records	IV B	265.94(b)(1)					
submit reports	IV B, †1	265.94(b)(2)					
<b>SUBPART G - CLOSURE AND POST-CLOSURE</b>							
<b>APPLICABILITY</b>							
except as 265.1 provides otherwise:	*	265.110					
265.111 through 265.115 apply to all owners and operators of all hazardous waste management facilities	IV B, 24	265.110(a)					
265.116 through 265.120 apply to all owners and operators of:	IV B, 24	265.110(b)					
all hazardous waste disposal facilities	IV B, 24, 109	265.110(b)(1)					
22 waste piles and surface impoundments from which wastes are removed at closure	24, 28, 52, 109	265.110(b)(2)					
9 tank systems required under 265.197 to meet landfill requirements	28, 52, 109	265.110(b)(3)					
containment buildings that are required under 265.1102 to meet the requirements for landfills	109, 214	265.110(b)(4)					
† 265.121 applies to owners/operators of units subject to 270.1(c)(7) and are regulated under enforceable document	174	265.110(c)					
† Regional Administrator may replace part 265 Subpart G requirements with alternative requirements for closure	174	265.110(d)					

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:				
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE	
contained in approved closure or post-closure plan or in enforceable document where Regional Administrator determines:								
† regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	174	265.110(d)(1)						
† it is not necessary to apply part 265 Subpart G requirements because alternative requirements will protect human health and environment, and will satisfy 265.111(a)&(b)	174	265.110(d)(2)						
<b>CLOSURE PERFORMANCE STANDARD</b>								
manner of closing	*, 24	265.111						
minimizes further maintenance	IV B, 24	265.111(a)						
controls, minimizes, or eliminates post-closure escape	IV B, 24	265.111(b)						
23 complies with requirements of Subpart G plus specific sections of 265	24, 109, <b>214</b>	265.111(c)						
<b>24 CLOSURE PLAN; AMENDMENT OF PLAN</b>								
written closure plan; furnish upon request	IV B, †24, 85	265.112(a)						
25 content of closure plan	IV B, 24	265.112(b)						
		265.112(b)(1)						
		265.112(b)(2)						
		265.112(b)(3)						
		265.112(b)(4)						
		<b>24, 214</b>	265.112(b)(5)					
		IV B, 24	265.112(b)(6)					
†24	265.112(b)(7)							
† for facilities where Regional Administrator has applied alternative	174	265.112(b)(8)						

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
requirements under 265.90(f), 265.110(d), and/or 265.140(d), either alternative requirements or reference to enforceable document containing those requirements							
26 requirements for amendments of closure plan	IV B, 24	265.112(c)					
		265.112(c)(1)					
		265.112(c)(1)(i)					
		265.112(c)(1)(ii)					
	24	265.112(c)(1)(iii)					
	†174	265.112(c)(1)(iv)					
	IV B, 24	265.112(c)(2)					
24, †54		265.112(c)(3)					
		265.112(c)(4)					
27 Notification of Partial Closure and Final Closure							
28 when notification must occur; public comment and hearing	IV B, †24, 85	265.112(d)(1)					
	IV B, †24, †64, 85, 96	265.112(d)(2)					
		265.112(d)(2)(i)					
	96	265.112(d)(2)(ii)					
		265.112(d)(3)					
	IV B, †24	265.112(d)(3)(i)					
265.112(d)(3)(ii)							
29	IV B, †24, 109, 214	265.112(d)(4)					
† remove wastes; decontaminate and dismantle equipment	24	265.112(e)					
30 CLOSURE; TIME ALLOWED FOR CLOSURE							
28 treat, remove, or dispose of all hazardous wastes within 90 days of receipt of final volume of hazardous waste, or final volume of non-hazardous waste	IV B, 24, †64, 85, 96	265.113(a)					
		265.113(a)(1)(i)					
		265.113(a)(1)(ii)(A)					
		265.113(a)(1)(ii)(B)					
modification and demonstration requirements for extending period	IV B, 24, †64	265.113(a)(1)(ii)(C)					
		265.113(a)(2)					
28 complete partial or final closure within 180 days of receipt of final	IV B, 24, †64, 85, 96, 214	265.113(b)					

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
volume							
modification and demonstration requirements for extending closure period	IV B, 24	265.113(b)(1)(i)					
	IV B, 24, †64	265.113(b)(1)(ii)(A)					
	IV B, 24	265.113(b)(1)(ii)(B)					
		265.113(b)(1)(ii)(C)					
how 265.113(a)(1) & (b)(1) demonstrations must be made	24, †64	265.113(c)					
		265.113(c)(1)					
		265.113(c)(2)					
†, 31	<b>Nonhazardous Waste Receipt Conditions</b>						
receive nonhazardous wastes after the final receipt of hazardous wastes at specified units	64	265.113(d)					
submittal of amended Part B application or Part B application and required demonstrations	64	265.113(d)(1)					
		265.113(d)(1)(i)					
		265.113(d)(1)(ii)					
		265.113(d)(1)(iii)					
		265.113(d)(1)(iv)					
		265.113(d)(1)(v)					
		265.113(d)(2)					
		265.113(d)(3)					
265.113(d)(4)							
†, 31	<b>Additional Requirements for Surface Impoundments</b>						
special requirements for surface impoundments not in compliance with liner and leachate collection system requirements	64	265.113(e)					
plans which must be submitted with the Part B application	64	265.113(e)(1)					
		265.113(e)(1)(i)					
		265.113(e)(1)(ii)					
remove all hazardous wastes	64	265.113(e)(2)					
removal within 90 days; extension	64	265.113(e)(3)					
actions to be taken if a release is detected	64, 214	265.113(e)(4)					
	64	265.113(e)(4)(i)					
		265.113(e)(4)(ii)					
265.113(e)(4)(iii)							
annual reports	64, 213	265.113(e)(5)					
conditions under which Regional Administrator may require closure	64	265.113(e)(6)					



CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
actions to be taken if owner or operator fails to implement corrective measures or if no substantial progress pursuant to 265.113(e)(6) has been made	64	265.113(e)(7)					
		265.113(e)(7)(i)					
		265.113(e)(7)(ii)					
		265.113(e)(7)(iii)					
		265.113(e)(7)(iv)					
		265.113(e)(7)(v)					
<b>DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES AND SOILS</b>							
disposal and decontamination requirements during closure; 262 generator requirements	IV B, 24, 52	265.114					
<b>CERTIFICATION OF CLOSURE</b>							
certification requirements at closure; required signatures; documentation upon request	IV B, 24, 213	265.115					
<b>SURVEY PLAT</b>							
survey plat requirements	24	265.116					
<b>POST-CLOSURE CARE AND USE OF PROPERTY</b>							
continue care for 30 years	IV B, 24	265.117(a)(1)					
monitoring and reporting requirements	IV B, 24	265.117(a)(1)(i)					
maintenance and monitoring for waste containment systems	IV B, 24	265.117(a)(1)(ii)					
reduction or extension of time period for post-closure care by Regional Administrator	IV B, 24	265.117(a)(2)					
		265.117(a)(2)(i)					
		265.117(a)(2)(ii)					
conditions for continuation of security requirements of 265.14	IV B, 24, 214	265.117(b)					
	IV B, 24	265.117(b)(1) 265.117(b)(2)					
limits on post-closure use of property; exceptions	IV B, 24	265.117(c)					
		265.117(c)(1)					
		265.117(c)(2)					
post-closure activities in accordance with plan as specified in 265.118	IV B, 24	265.117(d)					
<b>POST-CLOSURE PLAN; AMENDMENT OF PLAN</b>							
32 written post-closure plan; submission deadline for surface impoundments closing as	IV B, 24	265.118(a)					

CONSOLIDATED CHECKLIST C6  
40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
landfills							
33 availability of plan to Regional Administrator or representative; retention during post-closure	I B, 24	265.118(b)					
32, 34 items that must be included in post-closure plan	IV B, 24	265.118(c)					
		265.118(c)(1)					
		265.118(c)(2)					
		265.118(c)(2)(i)					
		265.118(c)(2)(ii)					
		265.118(c)(3)					
	†174	265.118(c)(4)					
		265.118(c)(5)					
33, 35 obtaining authorization to change plan	IV B, 24	265.118(d)					
33 conditions requiring change to plan	IV B, 24	265.118(d)(1)					
		265.118(d)(1)(i)					
		265.118(d)(1)(ii)					
	†174	265.118(d)(1)(iii)					
33 schedule for amending plan	IV B, 24	265.118(d)(2)					
when modified plan must be submitted to Regional Administrator; requirements for surface impoundments or waste piles closing as landfills	IV B, 24, †54	265.118(d)(3)					
schedule for amending plan at Regional Administrator's request	IV B, 24, †54	265.118(d)(4)					
33, 34 schedule for submitting plan to Regional Administrator	IV B, 24	265.118(e)					
		265.118(e)(1)					
		265.118(e)(2)					
35, 36 Regional Administrator's schedule for review and decision on plan	IV, 24	265.118(f)					
36 circumstances for modifying post-closure plan and length of post-closure care period	IV B, 24	265.118(g)					
		265.118(g)(1)					
		265.118(g)(1)(i)					
		265.118(g)(1)(i)(A)					
		265.118(g)(1)(i)(B)					
		265.118(g)(1)(ii)					
		265.118(g)(1)(iii)					
		265.118(g)(2)					
		265.118(g)(2)(i)					
		265.118(g)(2)(ii)					
37 POST-CLOSURE NOTICES							

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40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
record of type, location and quantity of HW	IV B, 24	265.119(a)					
requirement to enter note on deed; survey plan; submit certification	24	265.119(b)					
	24	265.119(b)(1)					
		265.119(b)(1)(i)					
	24, 214	265.119(b)(1)(ii)					
	24	265.119(b)(1)(iii)					
modification to remove hazardous wastes; criteria of 265.117(c); removal of notation; addition of notation	24	265.119(b)(2)					
		265.119(c)					
		265.119(c)(1)					
		265.119(c)(2)					
<b>38 CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE</b>							
description of certification procedure	IV B, 24, 213	265.120					
<b>POST-CLOSURE REQUIREMENTS FOR FACILITIES THAT OBTAIN ENFORCEABLE DOCUMENTS IN LIEU OF POST-CLOSURE PERMITS</b>							
† owners/operators subject to post-closure permit requirements of 270.1(c), but who obtain enforceable documents in lieu of post-closure permits, must comply with following requirements:	174	265.121(a)					
† 270.28 facility information requirements	174	265.121(a)(1)					
† 264.101 facility-wide corrective action requirements	174	265.121(a)(2)					
† 264.91 through 264.100 requirements	174	265.121(a)(3)					
† in issuing enforceable documents in lieu of permits, Regional Administrator will assure opportunity for public involvement including opportunity for public notice and comment:	174	265.121(b)(1)					
† when EPA becomes involved in facility remediation as regulatory or enforcement matter;	174	265.121(b)(1)(i)					
† on proposed preferred remedy and assumptions	174	265.121(b)(1)(ii)					

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40 CFR Part 265, Subparts A-G, as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
that remedy is based upon; and							
† at time of proposed decision that remedial action is complete at facility; specified requirements must be met before Regional Administrator may consider requirements of 270.1(c)(7) to be fulfilled, unless facility qualifies for modification under 265.121(b)(2) or (3)	174	265.121(b)(1)(iii)					
† if Regional Administrator determines that delay in implementation of remedy would adversely affect human health or environment, Regional Administrator may delay compliance with 265.121(b)(1) and implement remedy immediately; however, Regional Administrator must assure involvement of public at earliest opportunity	174	265.121(b)(2)					
† Regional Administrator may allow remediation initiated prior to October 22, 1998 to substitute for corrective action even if 265.121(b)(1) requirements have not been met as long as notice and comment takes place at earliest opportunity	174	265.121(b)(3)					

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40 CFR Part 265, Subparts A-G, as of **June 30, 2018** (cont'd)

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- 1 This subsection was modified by 50 FR 28702, the final rule addressed by Revision Checklists 17 A - 17 S but was not included in those checklists.
  - 2 The May 3, 1993 final rule (58 FR 26420, Revision Checklist 122) inadvertently removed a correction made by the August 25, 1992 Federal Register (57 FR 38558, Revision Checklist 111). The August 25, 1992 rule changed “subparts C, D, F, or G” to “subparts C, F, G, or H”; the May 3, 1993 rule listed the old version of these internal references. The correct reference is “subparts C, F, G, or H”, as shown in the August 25, 1992 rule.
  - 3 States should adopt 265.1(c)(14)(i)-(iii) as appropriate to reflect the universal wastes adopted. See the rule for Checklists 142 A-D (60 FR 25492; May 11, 1995).
  - 4 Revision Checklist 181 is optional for States that have not added spent lamps to their universal waste program or that have added spent lamps to their universal waste program and regulate spent lamps as stringently as the Federal program. For States that have universal waste programs that include spent lamps, but do not regulate spent lamps as stringently as the Federal program, Revision Checklist 181 is not optional.
  - 5 **Although the 265.12(a) required notices requirement has been part of the federal program since the Base, the final rule addressed by Revision Checklist 236 (81 FR 85696; November 28, 2016) completely revised 264.12(a) and its subparagraphs such that 264.12(a) now contains introductory language and the subparagraphs are broken apart to cover specific import/export facility requirements.**
  - 6 The August 14, 1989 rule (54 FR 33376, Revision Checklist 64) amended the first sentence of 265.13(a)(1). However, because of a misinterpretation of the codification instructions, the second sentence of the provisions at this citation was omitted from the 1990 and 1991 CFRs. Revision Checklist 102 (57 FR 8086; March 6, 1992) corrected the error by restoring the mistakenly deleted language.
  - 7 **Revision Checklist 237 contains a typographical error that incorrectly references the amendment of 265.14(b)(4) and removal of 265.14(b)(5). These citations should correctly be 264.15(b)(4) and (b)(5), respectively. The 265.15(b)(5) provisions addressed Performance Track requirements.**
  - 8 Section 265.19 is considered to be both a HSWA and Non-HSWA provision by Revision Checklist 100. It is Non-HSWA only to the extent that it applies to the final cover requirements for the Construction Quality Assurance Program.
  - 9 Revision Checklist 54 removed the comment following 265.54(e).
  - 10 **Revision Checklist 213 (71 FR 16862, April 4, 2006) removed the old paragraph 265.56(i) and redesignated the existing (j) as the new 265.56(i).**
  - 11 **Revision Checklist 207 (70 FR 10776, March 4, 2005) significantly revised and reorganized 265.70 by redesignating the existing 265.70 as 265.70(a) and adding a new paragraph 265.70(b).**
  - 12 **The provision at 265.71(a) was part of the federal Base program regarding manifest requirements. Revision Checklist 207 (70 FR 10776, March 4, 2005) significantly revised and reorganized 265.71(a) by redesignating 265.71(a) – (a)(5) as 265.71(a)(2) – (a)(2)(v), and introducing new paragraphs at 265.71(a)(1) and (a)(3). Subsequently, Revision Checklist 231 (79 FR 7518, February 7, 2014) added a new paragraph 265.72(a)(2)(v) and redesignated the old (a)(2)(v) as (a)(2)(iv). The Revision Checklist, 236 final rule completely revised 265.71(a)(3) as 265.71(a)(3) – (a)(3)(ii). Finally, the final rule addressed by Revision Checklist 239 (83 FR 420; January 3, 2018) amended 265.71(a)(2)(iv) and completely revised 265.71(a)(2)(v) as 265.71(a)(2)(v) – (a)(2)(v)(B).**

- 13 The Revision Checklist 239 final rule republished 265.71(a)(2), (a)(2)(ii), (a)(2)(iii) and (a)(2)(vi) provisions in the FR notice without making any changes.**
- 14 States must not change the language in the following provisions: 265.71(a)(2)(v) – (a)(2)(v)(B) and 265.71(l).**
- 15 The final rule addressed by Revision Checklist 237 (81 FR 85732; November 28, 2016) retained the comment following 265.71(c), whereas the final rule removed it from the 264.71(c) counterpart. Note that the references to 262.34 are incorrect; 262.34 was removed from the federal regulations by the Revision Checklist 237 final rule. Substitute both references to 262.34 with 262.16 or 262.17.**
- 16 States cannot receive authorization for 262.25. Therefore, at 265.71(f)(1) and 265.71(k)(1), states should either retain the reference to 262.25(a), or ensure that in their adoption of 262.25, they leave the authority with EPA.**
- 17 The Revision Checklist 239 final rule revised and redesignated the existing 265.71(j) as 265.71(j)(1) and added a new 265.71(j)(2).**
- 18 States which adopt 265.71(j) provisions with explicit references to specific 40 CFR 265 subpart FF provisions do not need to adopt the detailed part 265 subpart FF fee provisions: States which adopt subpart FF in their regulations must not change any language in their analogs to the subpart. Also note that states cannot receive authorization for the user fee provision at 265.71(j)(1), but should adopt it while retaining the term “EPA”.**
- 19 Revision Checklist 207 (70 FR 10776, March 4, 2005) made significant structural changes to 265.72 including 1) designating the first sentence of 265.72(a) as 265.72(a) and (a)(1); 2) relocating and revising the second the third paragraphs of 265.72(a) to 265.72(b); 3) introducing new provisions at 265.72(a)(2) & (a)(3), and 4) revising and redesignating the existing 265.72(b) as (c).**
- 20 Base Program Checklist IV B originally introduced text at 265.75(h). Revision Checklist 30 introduced a new 265.75(h) and redesignated the old 265.75(h) as 265.75(j).
- 21 Revision Checklist 207 (70 FR 10776, March 4, 2005) significantly revised 265.76, redesignating the introductory paragraph as 265.76(a), redesignating paragraphs (a) through (g) as 265.76(a)(1) – (7), and introducing a reserved paragraph at 265.76(b).**
- 22 265.110(b)(2) was added by Revision Checklist 24. It was amended by Revision Checklist 28 to read as 265.110(b)(3) presently reads. Revision Checklist 52 added a new 265.110(b)(2), redesignating the old 265.110(b)(2) as 265.110(b)(3). Interestingly, the wording of the 265.110(b)(2) added by Revision Checklist 52 is the same as the wording of the 265.110(b)(2) added by Revision Checklist 24.
- 23 There is a typographical error in the August 18, 1992 Federal Register (57 FR 37194, Revision Checklist 109) article for this rule. The internal reference to “264.1102” should be to “265.1102”.
- 24 Revision Checklist 24 significantly revised the 265.112 section. Much of the original code (Base Program Checklist IV B) survived but was modified and also moved to different paragraphs/subparagraphs by Revision Checklist 24. Thus, when IV B appears in the Checklist Reference column for any of the 265.112 citations it, more frequently than not, indicates that the text of those citations is relevant to Checklist IV B while the actual citation number is not. For example, IV B appears as a checklist reference for 265.112(b)(4), (6) and (7), yet paragraph 265.112(b) was not broken down into subparagraphs (1)-(7) in code relevant to Checklist IV B. Footnotes at the paragraph level will indicate where the code appeared under the old formatting as per Base Program Checklist IV B.
- 25 Many of the current requirements of 265.112(b) and (b)(1)-(b)(7), as designated and modified by Revision Checklist 24, were part of the base program at 265.112(a) and (a)(1)-(4). States which do not adopt the optional (less stringent) requirement at 265.112(b)(7) must be careful to retain the closure plan requirement for “an estimate of the expected

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- year of closure” as first introduced into the base program as a portion of 265.112(a)(4).
- 26 Part or all of the text of the following citations was introduced into the code at 265.112(b) as per Base Program Checklist IV B: 265.112(c), (c)(1), (c)(1)(i)-(ii), and (c)(2). Revision Checklist 24 modified this text and moved it from paragraph (b) to paragraph (c).
- 27 Revision Checklist 24 designated the citations within the double lines as optional revisions (265.112(d)(1)-(d)(4)). Similar, more stringent and nonoptional provisions originated in the code at 265.112(c), (c)(1), (c)(2), and (d) as per Base Program Checklist IV B. If States choose to adopt the 265.112(d)(1)-(d)(4) optional provisions as per Revision Checklist 24, they must adopt them as a unit rather than by individual provision. In other words, all or none of the (d)(1)-(d)(4) provisions must be included in a State’s code. The only exception for adopting States are the optional revisions subsequently made by Revision Checklist 64. These subsequent changes are less stringent than those addressed by Revision Checklist 24, so States may or may not make those changes. If a State chooses not to adopt the Revision Checklist 24 optional provisions, it must retain code equivalent to that found in the base program at 265.112(c), (c)(1), (c)(2), and (d).
- 28 Note that the changes made by Revision Checklist 85 to 265.112(d)(2) and 265.113(a) & (b) were reversed by the August 27, 1991 (56 FR 42524; Revision Checklist 96) technical corrections to the Boilers and Industrial Furnaces rule. The language is, thus, the same as it was before the Revision Checklist 85 changes. Thus, effectively, the technical corrections addressed by Revision Checklist 85 for these citations were nullified by Revision Checklist 96.
- 29 Note that the August 18, 1992 Federal Register (57 FR 37194, Revision Checklist 109) introduced an error into the second-to-last sentence of 265.112(d)(4) by inserting an extraneous “with” between “§§” and “265.111.”
- 30 Section 265.113 was erroneously designated as optional by the May 2, 1986 rule (51 FR 16422). The June 26, 1990 (55 FR 25976) amendment corrected this error.
- 31 Citations within the double lines are optional, but if a State chooses to modify its program to adopt requirements equivalent to these provisions, it must adopt such requirements as a unit rather than by individual provision. In other words, all or none of these provisions must be included in a State’s code. Subsequent changes to these provisions may or may not be optional for States that have adopted the original unit of provisions. An optional sign appears in front of the subsequent revision checklist number(s) if such subsequent changes are less stringent than or reduce the scope of the original requirements.
- 32 Text from 265.118(a)(1-3) in Base Program Checklist IV B was moved to 265.118(c)(1-3) by Revision Checklist 24.
- 33 Text from 265.118(b) and (e) in Base Program Checklist IV B was moved to 265.118(d)(1-2) by Revision Checklist 24.
- 34 Text from 265.118(c)(1-2) in Base Program Checklist IV B was moved to 265.118(e)(1-2) by Revision Checklist 24.
- 35 Text from 265.118(d) in Base Program Checklist IV B was moved to 265.118(f) by Revision Checklist 24.
- 36 Text from 265.118(f)(1-2) in Base Program Checklist IV B was moved to 265.118(g)(1-2) by Revision Checklist 24.
- 37 Revision Checklist 24 extensively revised 265.119 as per Base Program Checklist IV B, including a new section title. The original code contained no subparagraphs.
- 38 The current text of 265.120 was introduced by Revision Checklist 24, whereas the original text of 265.120 as in the base program was moved to 265.119(b) by Revision Checklist 24.