

CONSOLIDATED CHECKLIST C6

Part 2 of 5 parts

Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities 40 CFR Part 265, Subparts H-J, 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
SUBPART H - FINANCIAL REQUIREMENTS							
APPLICABILITY							
265.142, 265.143, 265.147-265.150 requirements; exceptions	IV B, 24	265.140(a)					
265.144 and 265.146 requirements apply to:	IV B, 28, 109, 214	265.140(b)					
	IV B, 28, 109	265.140(b)(1)					
	IV B, 28, 109, 214	265.140(b)(2)					
	109	265.140(b)(3)					
State and Federal government exemptions	IV B	265.140(c)					
† Regional Administrator may replace part 265 Subpart F requirements with alternative requirements for financial assurance contained in permit or enforceable document where Regional Administrator:	174	265.140(d)					
† prescribes alternative requirements under 265.90(f) and/or 265.110(d), and							
† determines it is not necessary to apply 265 Subpart H requirements because alternative will protect human health and environment							
DEFINITION OF TERMS AS USED IN THIS SUBPART							
“closure plan”	IV B	265.141(a)					
“current closure cost estimate”	IV B	265.141(b)					
“current post-closure	IV B	265.141(c)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
cost estimate”							
“parent corporation”	IV B	265.141(d)					
“post-closure plan”	IV B	265.141(e)					
terms used in financial tests	IV B	265.141(f)(intro)					
“assets”	IV B	265.141(f)					
“current assets”	IV B	265.141(f)					
“current liabilities”	IV B	265.141(f)					
“current plugging and abandonment cost estimate”	24	265.141(f)					
“independently audited”	IV B	265.141(f)					
“liabilities”	IV B	265.141(f)					
“net working capital”	IV B	265.141(f)					
“net worth”	IV B	265.141(f)					
“tangible net worth”	IV B	265.141(f)					
introduction to definitions relating to liability insurance, bodily injury, and property damage	IV B	265.141(g)(intro)					
“accidental occurrence”	IV B	265.141(g)					
“legal defense costs”	IV B	265.141(g)					
“nonsudden accidental occurrence”	IV B	265.141(g)					
“sudden accidental occurrence”	IV B	265.141(g)					
†, 1 “substantial business relationship”	113	265.141(h)					
COST ESTIMATE FOR CLOSURE							
2 owner or operator must have written cost estimate	IV B, 24, 109, 214	265.142(a)					
2 equal to cost of final closure	24	265.142(a)(1)					
based on costs of hiring third party	24	265.142(a)(2)					
no incorporation of salvage value	24, †64	265.142(a)(3)					
no incorporation of zero cost	24, †64	265.142(a)(4)					
adjust closure cost estimate for inflation	IV B, 24	265.142(b)					
first adjustment	IV B	265.142(b)(1)					
subsequent adjustments	IV B	265.142(b)(2)					
revised closure cost estimate	IV B, 24	265.142(c)					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
cost estimates to be kept at facility	IV B	265.142(d)					
FINANCIAL ASSURANCE FOR CLOSURE							
options to establish financial assurance	*	265.143					
closure trust fund requirements; trustee must have authority	IV B	265.143(a)(1)					
wording identical to 264.151(a)(1); Schedule A update	IV B	265.143(a)(2)					
annual payments; “pay-in period”	IV B	265.143(a)(3)					
first payment for new facility	IV B	265.143(a)(3)(i)					
subsequent payments for facility	IV B	265.143(a)(3)(ii)					
accelerated payments	IV B	265.143(a)(4)					
payments if previous use of alternate mechanisms	IV B	265.143(a)(5)					
compare new estimate to trust fund	IV B	265.143(a)(6)					
release of excess amount	IV B	265.143(a)(7)					
substitution of other financial assurance	IV B	265.143(a)(8)					
timing of release of funds	IV B	265.143(a)(9)					
reimbursement for closure activities	IV B, 24	265.143(a)(10)					
termination of trust if alternate financial assurance or release from 265.143 requirements	IV B	265.143(a)(11)					
		265.143(a)(11)(i)					
		265.143(a)(11)(ii)					
surety bond guaranteeing payment into a closure trust fund; requirements; obtain from an acceptable surety company	IV B	265.143(b)(1)					
wording identical to 264.151(b)	IV B	265.143(b)(2)					
establish standby trust fund	IV B	265.143(b)(3)					
trust agreement submitted with surety bond	IV B	265.143(b)(3)(i)					
until standby trust fund	IV B	265.143(b)(3)(ii)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
is funded, following not required:							
payments into trust fund	IV B	265.143(b)(3)(ii)(A)					
Schedule A update	IV B	265.143(b)(3)(ii)(B)					
annual valuations	IV B	265.143(b)(3)(ii)(C)					
notices of nonpayment	IV B	265.143(b)(3)(ii)(D)					
surety bond guarantees:	IV B	265.143(b)(4)					
funding of standby trust fund	IV B	265.143(b)(4)(i)					
fund equal to penal sum within 15 days of administrative or judicial order	IV B, 24	265.143(b)(4)(ii)					
alternate financial assurance following notice of cancellation	IV B	265.143(b)(4)(iii)					
when surety becomes liable	IV B	265.143(b)(5)					
penal sum equal to current closure cost estimate	IV B	265.143(b)(6)					
penal sum increase or decrease	IV B	265.143(b)(7)					
surety may cancel bond after 120 days	IV B	265.143(b)(8)					
owner or operator may cancel bond if written consent	IV B	265.143(b)(9)					
closure letter of credit; letter must be submitted to Regional Administrator; conditions of letter and who can issue it	IV B	265.143(c)(1)					
wording identical to 264.151(d)	IV B	265.143(c)(2)					
establish standby trust fund; meets requirements of 265.143(a) except:	IV B	265.143(c)(3)					
originally signed duplicate to Regional Administrator with letter of credit	IV B	265.143(c)(3)(i)					
unless standby trust fund is funded, the following are not required:	IV B	265.143(c)(3)(ii)					
payments into trust fund	I B	265.143(c)(3)(ii)(A)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Schedule A update	IV B	265.143(c)(3)(ii)(B)					
annual valuations	IV B	265.143(c)(3)(ii)(C)					
notices of nonpayment	IV B	265.143(c)(3)(ii)(D)					
letter of credit accompanied by letter from owner/operator; information it must contain	IV B	265.143(c)(4)					
terms of letter of credit	IV B	265.143(c)(5)					
issued in amount equal to current closure cost estimate except as provided in 265.143(f)	IV B	265.143(c)(6)					
if current closure cost estimate increases to an amount greater than penal sum, then must increase penal sum within 60 days; actions when closure cost decreases	IV B	265.143(c)(7)					
after final RCRA 3008 determination, Regional Administrator may draw on letter of credit	IV B, 24	265.143(c)(8)					
if no alternate financial assurance, Regional Administrator can draw on letter of credit; procedures for doing so	IV B	265.143(c)(9)					
conditions under which the Regional Administrator will return the letter of credit for termination	IV B	265.143(c)(10)					
		265.143(c)(10)(i)					
		265.143(c)(10)(ii)					
closure insurance must conform to 265.143(d) requirements; submit certificate to Regional Administrator; insurer requirements	IV B	265.143(d)(1)					
wording identical to 264.151(e)	IV B	265.143(d)(2)					
amount of insurance policy	IV B	265.143(d)(3)					
what policy must guarantee	IV B	265.143(d)(4)					
owner/operator may	IV B, 24	265.143(d)(5)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
request reimbursements; conditions for request; procedures of Regional Administrator if maximum closure cost is greater than face value of policy							
policy must be in full force until Regional Administrator consents to termination; violations	IV B	265.143(d)(6)					
assignment of policy to successor	IV B	265.143(d)(7)					
insurer cannot terminate except for failure to pay; renewal; procedures if failure to pay	IV B	265.143(d)(8)					
conditions that policy will remain in full force and effect in event that listed circumstances occur	IV B	265.143(d)(8)(i)					
		265.143(d)(8)(ii)					
		265.143(d)(8)(iii)					
		265.143(d)(8)(iv)					
		265.143(d)(8)(v)					
owner/operator responsibilities and procedures when current closure cost estimate increases/decreases to an amount greater/less than face amount of policy	IV B	265.143(d)(9)					
conditions under which the Regional Administrator will allow termination of policy	IV B	265.143(d)(10)					
		265.143(d)(10)(i)					
		265.143(d)(10)(ii)					
financial test and corporate guarantee for closure; owner/operator must satisfy 265.143(e)(1)(i) or (ii) requirements to pass financial test	IV B	265.143(e)(1)					
what owner/operator must have:	IV B	265.143(e)(1)(i)					
two of three specified financial ratios	IV B	265.143(e)(1)(i)(A)					
net working capital and tangible net worth relative to closure/post-closure estimates	IV B,24	265.143(e)(1)(i)(B)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
tangible net worth of at least \$10 million	IV B	265.143(e)(1)(i)(C)					
90% of assets in U.S.	IV B, 24	265.143(e)(1)(i)(D)					
what owner/operator must have:	IV B	265.143(e)(1)(ii)					
bond rating	IV B	265.143(e)(1)(ii)(A)					
tangible net worth at least six times sum of closure/post-closure cost estimates and current plugging/abandonment cost	IV B, 24	265.143(e)(1)(ii)(B)					
tangible net worth at least \$10 million	IV B	265.143(e)(1)(ii)(C)					
90% of assets in U.S.	IV B, 24	265.143(e)(1)(ii)(D)					
definitions of “current closure and post-closure cost estimates” and “current plugging and abandonment cost estimates”	IV B, 24	265.143(e)(2)					
what owner/operator must submit to Regional Administrator to demonstrate he meets financial test	IV B	265.143(e)(3)					
		265.143(e)(3)(i)					
		265.143(e)(3)(ii)					
		265.143(e)(3)(iii)					
		265.143(e)(3)(iii)(A)					
		265.143(e)(3)(iii)(B)					
extension of test deadline if owner or operator is undergoing an audit; what submitted letter must do	IV B	265.143(e)(4)					
		265.143(e)(4)(i)					
		265.143(e)(4)(ii)					
		265.143(e)(4)(iii)					
		265.143(e)(4)(iv)					
		265.143(e)(4)(v)					
		265.143(e)(4)(vi)					
updates at close of each fiscal year	IV B	265.143(e)(5)					
owner/operator responsibilities if no longer meets 265.143(e)(1) requirements	IV B	265.143(e)(6)					
what Regional Administrator may do if believes owner/operator no longer meets 265.143(e)(1)	IV B	265.143(e)(7)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
when Regional Administrator may disallow test	IV B	265.143(e)(8)					
3 when 265.143(e)(3) items no longer need to be submitted requirement may be met by guarantee; conditions which guarantor and guarantee must meet	IV B	265.143(e)(9)					
		265.143(e)(9)(i)					
		265.143(e)(9)(ii)					
what terms of corporate guarantee must provide	IV B, †113	265.143(e)(10)					
		265.143(e)(10)(i)					
		265.143(e)(10)(ii)					
use of multiple financial mechanisms; conditions which must be met	IV B	265.143(e)(10)(iii)					
		265.143(f)					
use of financial mechanism for multiple facilities; conditions which must be met	IV B	265.143(g)					
release of owner/operator from the requirements of 265.143	I B,24, †213	265.143(h)					
COST ESTIMATE FOR POST-CLOSURE CARE							
detailed written estimate, in current dollars, of annual cost of post-closure monitoring and maintenance	IV B,24	265.144(a)					
post-closure cost estimate based on hiring third party to conduct care	IV B,24	265.144(a)(1)					
calculation of estimate	IV B,24	265.144(a)(2)					
adjust for inflation; specifications on when this must be done; inflation factor	IV B,24	265.144(b)					
first adjustment	IV B	265.144(b)(1)					
subsequent adjustments	IV B	265.144(b)(2)					
revise post-closure care estimate when post-closure plan changes	IV B,24	265.144(c)					
what must be kept at facility	IV B	265.144(d)					
FINANCIAL ASSURANCE FOR POST-CLOSURE CARE							
deadline for obtaining	*, 24	265.145					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
financial assurance							
post-closure trust fund; requirements which trust and trustee must meet; submit to Regional Administrator	IV B	265.145(a)(1)					
wording identical to that specified in 264.151(a)(1); formal certification of acknowledgment; Schedule A	IV B	265.145(a)(2)					
annual payments; procedures and formulas for determining	IV B	265.145(a)(3)					
		265.145(a)(3)(i)					
		265.145(a)(3)(ii)					
value at which fund must be maintained	IV B	265.145(a)(4)					
first payment of post-closure trust fund after another mechanism was used	IV B	265.145(a)(5)					
after pay-in period, what must be done if fund value is less than new estimate	IV B	265.145(a)(6)					
written request to Regional Administrator for release of excess in fund	IV B	265.145(a)(7)					
other financial procedure if substitute assurance for all or part of fund	IV B	265.145(a)(8)					
within 60 days after request for fund release, Regional Administrator will instruct trustee to do so	IV B	265.145(a)(9)					
fund release during post-closure	IV B	265.145(a)(10)					
reimbursement for post-closure care expenditures	IV B, 24	265.145(a)(11)					
conditions under which Regional Administrator will terminate trust	IV B	265.145(a)(12)					
		265.145(a)(12)(i)					
		265.145(a)(12)(ii)					
surety bond guaranteeing payment into a post-closure fund; specific conditions which surety	IV B	265.145(b)(1)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
and company issuing surety must meet wording identical to that specified in 264.151(b)	IV B	265.145(b)(2)					
establish a standby trust; trust must meet 265.145(a) requirements except:	IV B	265.145(b)(3)					
originally signed duplicate to Regional Administrator	IV B	265.145(b)(3)(i)					
until standby trust is funded, specific requirements that are not required	IV B	265.145(b)(3)(ii)					
		265.145(b)(3)(ii)(A)					
		265.145(b)(3)(ii)(B)					
		265.145(b)(3)(ii)(C)					
		265.145(b)(3)(ii)(D)					
bond must guarantee that the owner/operator will do the following:	IV B	265.145(b)(4)					
fund standby trust equal to penal sum before begin final closure	IV B	265.145(b)(4)(i)					
fund standby trust fund equal to penal sum within 15 days of order to close	IV B, 24	265.145(b)(4)(ii)					
provide alternate financial assurance	IV B	265.145(b)(4)(iii)					
when surety becomes liable	IV B	265.145(b)(5)					
what penal sum must be equal to	I B	265.145(b)(6)					
adjustment to penal sum due to post-closure cost estimate increase/decrease	IV B	265.145(b)(7)					
conditions under which surety may cancel bond	IV B	265.145(b)(8)					
conditions under which owner or operator may cancel bond	IV B	265.145(b)(9)					
post-closure letter of credit; conditions the letter of credit and its issuing institution must meet	IV B	265.145(c)(1)					
identical wording to that	IV B	265.145(c)(2)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
specified in 264.151(d)							
establish standby trust fund; meet 265.145(a) conditions, except:	IV B	265.145(c)(3)					
originally signed duplicate of trust agreement to Regional Administrator	I B	265.145(c)(3)(i)					
unless standby trust fund is funded, specific items not required	IV B	265.145(c)(3)(ii)					
		265.145(c)(3)(ii)(A)					
		265.145(c)(3)(ii)(B)					
		265.145(c)(3)(ii)(C)					
		265.145(c)(3)(ii)(D)					
letter of credit must be accompanied by letter; what letter must contain	IV B	265.145(c)(4)					
terms of letter of credit	IV B	265.145(c)(5)					
amount of letter of credit	IV B	265.145(c)(6)					
adjustments to amount of credit due to increase/decrease in post-closure cost estimate	IV B	265.145(c)(7)					
conditions under which amount of letter of credit can be decreased	IV B	265.145(c)(8)					
after final 3008 administrative determination, Regional Administrator may draw on credit	IV B, 24	265.145(c)(9)					
when the Regional Administrator can draw on letter of credit	I B	265.145(c)(10)					
termination of letter of credit	IV B	265.145(c)(11)					
		265.145(c)(11)(i)					
		265.145(c)(11)(ii)					
post-closure insurance; conditions insurance and insurer must meet	IV B	265.145(d)(1)					
wording identical to that specified in 264.151(e)	IV B	265.145(d)(2)					
“face amount” policy must be issued for	IV B	265.145(d)(3)					
what policy must guarantee	IV B	265.145(d)(4)					
request for	IV B, 24	265.145(d)(5)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
reimbursement; procedures for reimbursement							
maintain policy in full force until Regional Administrator consents to terminate; failure to pay	IV B	265.145(d)(6)					
assignment of policy to successor	IV B	265.145(d)(7)					
excepting failure to pay, policy must provide that insurer may not cancel, terminate or fail to renew; conditions under which policy remains in full force following date of expiration	IV B	265.145(d)(8)					
		265.145(d)(8)(i)					
		265.145(d)(8)(ii)					
		265.145(d)(8)(iii)					
		265.145(d)(8)(iv)					
		265.145(d)(8)(v)					
adjustments to face amount due to increase/decrease in post-closure cost estimates	IV B	265.145(d)(9)					
annual increase of face amount	IV B	265.145(d)(10)					
conditions under which insurance policy may be terminated	IV B	265.145(d)(11)					
		265.145(d)(11)(i)					
		265.145(d)(11)(ii)					
financial test and corporate guarantee for post-closure care; pass financial test; criteria for passing test	IV B	265.145(e)(1)					
specific criteria	IV B	265.145(e)(1)(i)					
have two of three specified ratios	IV B	265.145(e)(1)(i)(A)					
net working capital and tangible net worth at least six times sum of current closure/post-closure cost estimates and plugging/abandonment cost estimates	IV B, 24	265.145(e)(1)(i)(B)					
tangible net worth at least \$10 million	IV B	265.145(e)(1)(i)(C)					
90% of assets in U.S. or six times sum of current	IV B, 24	265.145(e)(1)(i)(D)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
closure/post-closure cost estimates and current plugging/abandonment costs							
owner or operator must have:	IV B	265.145(e)(1)(ii)					
a specified bond rating	IV B	265.145(e)(1)(ii)(A)					
tangible net worth six times sum of current closure/post-closure cost estimates and plugging/abandonment cost estimates	IV B, 24	265.145(e)(1)(ii)(B)					
tangible net worth of at least \$10 million	IV B	265.145(e)(1)(ii)(C)					
90% of assets in U.S. or six times sum of current closure/post-closure cost estimates and current plugging/abandonment costs	IV B, 24	265.145(e)(1)(ii)(D)					
definition of “current closure and post-closure cost estimates” and “current plugging and abandonment cost estimates”	IV B, 24	265.145(e)(2)					
to demonstrate meets 265.145(e)(1) test, items which must be submitted to Regional Administrator	IV B	265.145(e)(3)					
		265.145(e)(3)(i)					
		265.145(e)(3)(ii)					
		265.145(e)(3)(iii)					
		265.145(e)(3)(iii)(A)					
extension of test deadline if owner/operator is undergoing an audit; letter to Regional Administrator and what it must contain	IV B	265.145(e)(4)					
		265.145(e)(4)(i)					
		265.145(e)(4)(ii)					
		265.145(e)(4)(iii)					
		265.145(e)(4)(iv)					
		265.145(e)(4)(v)					
when updated information must be submitted	IV B	265.145(e)(5)					
responsibilities when 265.145(e)(1) requirements are no	IV B	265.145(e)(6)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
longer met							
Regional Administrator's actions when believes owner/operator no longer meets 265.145(e)(1)	IV B	265.145(e)(7)					
when Regional Administrator may disallow use of test	IV B	265.145(e)(8)					
when Regional Administrator may approve decrease in current post-closure cost estimates	IV B	265.145(e)(9)					
specific conditions under which 265.145(e)(3) items no longer need to be submitted	IV B	265.145(e)(10)					
		265.145(e)(10)(i)					
		265.145(e)(10)(ii)					
guarantee may meet 265.145 requirements; conditions guarantee must meet	IV B, †113, 214	265.145(e)(11)					
	IV B	265.145(e)(11)(i)					
		265.145(e)(11)(ii)					
		265.145(e)(11)(iii)					
use of multiple financial mechanisms	IV B	265.145(f)					
use of financial mechanism for multiple facilities	IV B	265.145(g)					
release of owner or operator from requirements of 265.145	IV B, 24, †213	265.145(h)					
USE OF A MECHANISM FOR FINANCIAL ASSURANCE OF BOTH CLOSURE AND POST-CLOSURE CARE							
financial assurance requirements for both closure and post-closure can be met by specific types of mechanisms which meet 265.143 and 265.145 specifications; amount of funds which must be available	IV B	265.146					
LIABILITY REQUIREMENTS							
coverage for sudden accidental occurrences; ways liability insurance may be demonstrated	IV B, †113	265.147(a)					
4 liability insurance meeting the following:	IV B	265.147(a)(1)					

CONSOLIDATED CHECKLIST C6
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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
4 attachment of Hazardous Waste Facility Liability Endorsement or Certificate of Liability Insurance; required wording; submittal of signed duplicate original	IV B, 214	265.147(a)(1)(i)					
4 minimum requirements insurer must meet	IV B	265.147(a)(1)(ii)					
5 meet financial test or use guarantee for liability coverage as specified in 265.147(f)&(g)	IV B, †27, 113	265.147(a)(2)					
requirements may be met by obtaining letter of credit for liability coverage	IV B, †27, †113	265.147(a)(3)					
† requirements may be met by obtaining surety bond for liability coverage	113	265.147(a)(4)					
† requirements may be met by obtaining trust fund for liability coverage	113	265.147(a)(5)					
† liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amounts required by 265.147; specification of "primary" and "excess" coverage	113	265.147(a)(6)					
6 notify Regional Administrator in writing whenever:	113	265.147(a)(7)					
6 claims reduce amount of financial assurance for liability coverage	113	265.147(a)(7)(i)					
6 Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third-party claimant	113	265.147(a)(7)(ii)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
6 final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	265.147(a)(7)(iii)					
coverage for nonsudden accidental occurrences; ways coverage may be demonstrated	IV B, 45, †113	265.147(b)					
4 demonstrate by having liability insurance with the following requirements:	IV B	265.147(b)(1)					
4 attachment of Hazardous Waste Facility Liability Endorsement or Certificate of Liability Insurance; required wording; submittal of signed duplicate original	IV B, 214	265.147(b)(1)(i)					
4 minimum requirements for insurer	IV B, 214	265.147(b)(1)(ii)					
pass financial test or use guarantee for liability coverage as specified in 265.147(f)&(g)	IV B, †27, †113	265.147(b)(2)					
requirements may be met by obtaining letter of credit for liability coverage	IV B, †27, †113	265.147(b)(3)					
requirements may be met by obtaining surety bond for liability coverage	IV B, †113	265.147(b)(4)					
removed	IV B, †113	265.147(b)(4)(i)					
		265.147(b)(4)(ii)					
		265.147(b)(4)(iii)					
7 requirements may be met by obtaining trust fund for liability coverage	IV B, †113	265.147(b)(5)					
† liability coverage may be demonstrated by combination of mechanisms; amount of	113	265.147(b)(6)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
coverage must total at least the minimum amount required by 265.147; specifying "primary" and "excess" coverage							
6 notify Regional Administrator in writing whenever:	113	265.147(b)(7)					
6 claims reduce amount of financial assurance for liability coverage	113	265.147(b)(7)(i)					
6 Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third-party claimant	113	265.147(b)(7)(ii)					
6 final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	265.147(b)(7)(iii)					
requests for variance from 265.147(a) or (b) requirements; form of variance requirements	IV B	265.147(c)					
adjustments to required financial responsibility levels by Regional Administrator; criteria which must be used	IV B	265.147(d)					
when liability coverage may be terminated	IV B, 24, †213	265.147(e)					
financial test for liability coverage; criteria of 265.147(f)(1)(i) or (ii) must be met	IV B	265.147(f)(1)					
what the owner or operator must have	IV B	265.147(f)(1)(i) 265.147(f)(1)(i)(A)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		265.147(f)(1)(i)(B)					
		265.147(f)(1)(i)(C)					
		265.147(f)(1)(ii)					
		265.147(f)(1)(ii)(A)					
		265.147(f)(1)(ii)(B)					
		265.147(f)(1)(ii)(C)					
		265.147(f)(1)(ii)(D)					
“amount of liability coverage”	IV B	265.147(f)(2)					
three items the owner or operator must submit	IV B	265.147(f)(3)					
		265.147(f)(3)(i)					
		265.147(f)(3)(ii)					
		265.147(f)(3)(iii)					
		265.147(f)(3)(iii)(A)					
extension of test deadline if owner or operator is undergoing an audit; what submitted letter must do	I B	265.147(f)(4)					
		265.147(f)(4)(i)					
		265.147(f)(4)(ii)					
		265.147(f)(4)(iii)					
		265.147(f)(4)(iv)					
		265.147(f)(4)(v)					
265.147(f)(4)(vi)							
updated information	IV B	265.147(f)(5)					
evidence of liability coverage if 265.147(f)(1) requirements not met	IV B, †113	265.147(f)(6)					
Regional Administrator may disallow test; cause for disallowance	IV B	265.147(f)(7)					

†, 8, 9 Guarantee for Liability Coverage

	guarantee for liability coverage; requirements guarantor must meet	27, †113	265.147(g)(1)				
	payment by guarantor if owner or operator fails to satisfy a judgment	27	265.147(g)(1)(i)				
10	removed and reserved	27, †113	265.147(g)(1)(ii)				
	corporations incorporated in U.S.	27, 43, †113	265.147(g)(2)(i)				
	corporations incorporated outside U.S.	43, †113	265.147(g)(2)(ii)				
11	letter of credit for liability coverage	*, †27, †113	265.147(h)				
†	requirements may be satisfied by obtaining	113	265.147(h)(1)				

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
irrevocable standby letter of credit that conforms to 265.147(h) requirements and submitting copy to Regional Administrator							
† criteria for financial institution issuing letter of credit	113	265.147(h)(2)					
† wording of letter of credit must be identical to wording specified in 264.151(k)	113	265.147(h)(3)					
† establishment and use of standby trust fund by owner or operator using letter of credit	113	265.147(h)(4)					
† wording of standby trust fund must be identical to wording specified in 264.151(n)	113	265.147(h)(5)					
† surety bond for liability coverage	113	265.147(i)					
† requirements may be satisfied by obtaining surety bond conforming to 265.147(i) requirements and submitting copy to Regional Administrator	113	265.147(i)(1)					
† criterion for surety company issuing bond	113	265.147(i)(2)					
†, 12 wording of surety bond must be identical to wording specified in 264.151(l)	113	265.147(i)(3)					
† conditions under which surety bond may be used	113	265.147(i)(4)					
		265.147(i)(4)(i)					
		265.147(i)(4)(ii)					
† trust fund for liability coverage	113	265.147(j)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† requirements may be satisfied by establishing trust fund conforming to 265.147(j) requirements and submitting an originally signed duplicate of trust agreement to Regional Administrator	113	265.147(j)(1)					
† criteria for trustee	113	265.147(j)(2)					
† trust fund must be funded for full amount of liability coverage it is to provide; requirements if fund is reduced below full amount; definition of "full amount"	113	265.147(j)(3)					
† wording of trust fund must be identical to wording specified in 264.151(m)	113	265.147(j)(4)					
11 until 10/16/82, use of endorsement or insurance without certification of insurer	*, †27, †113	265.147(k)					
INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS							
incapacity through bankruptcy of owner or operator or guarantor	IV B	265.148(a)					
incapacity of financial institution by bankruptcy or authority suspension	IV B	265.148(b)					
SUBPART I - USE AND MANAGEMENT OF CONTAINERS							
APPLICABILITY							
storage of hazardous waste in containers	IV B	265.170					
CONDITION OF CONTAINERS							
requirements when container is not in good condition	IV B	265.171					
COMPATIBILITY OF WASTE WITH CONTAINERS							
container must be compatible with hazardous waste	IV B	265.172					
MANAGEMENT OF CONTAINERS							
closed container during storage	IV B	265.173(a)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
care in handling	IV B	265.173(b)					
INSPECTIONS							
13 weekly inspections	IV B, †213, 214, 237	265.174					
reserved		265.175					
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
required distance from property line	IV B	265.176					
SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES							
not to be placed in same container	IV B	265.177(a)					
not to be placed in unwashed, previously used container	IV B	265.177(b)					
separation or protection requirements	IV B	265.177(c)					
AIR EMISSION STANDARDS							
owners/operators subject to applicable requirements of 265, Subparts AA, BB, & CC if they place hazardous waste in a container	154	265.178					
SUBPART J - TANK SYSTEMS							
14 APPLICABILITY							
tank systems used for storing or treating hazardous wastes; exceptions	IV B, 28, 82	265.190					
† tank systems which contain no free liquids are exempted from 265.193; test Method 9095B must be used to demonstrate absence of free liquids	28, 52, 126, 208	265.190(a)					
† tanks in secondary containment systems exempt	28, 52	265.190(b)					
tanks, sumps and other collection devices used in conjunction with Subpart W-regulated drip pads must comply with Part 265 Subpart J requirements	82	265.190(c)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
†, 15 ASSESSMENT OF EXISTING TANK SYSTEM'S INTEGRITY							
written assessment of tank system's integrity	28, 213	265.191(a)					
adequate design; sufficient structural strength; compatibility with waste(s)	28	265.191(b)					
minimum assessment considerations	28	265.191(b)(1)					
		265.191(b)(2)					
		265.191(b)(3)					
		265.191(b)(4)					
		265.191(b)(5)					
	28, 213	265.191(b)(5)(ii)					
12 mos. deadline if materials become hazardous wastes after 7/14/86	28	265.191(c)					
tank systems found to be leaking or unfit for use, compliance with 265.196	28	265.191(d)					
†, 15 DESIGN AND INSTALLATION OF NEW TANK SYSTEMS OR COMPONENTS							
information to be included in written assessments for new tank systems or components	28, 213	265.192(a)					
design standards	28	265.192(a)(1)					
hazardous characteristics	28	265.192(a)(2)					
contact with soil or water; required determinations	28	265.192(a)(3)					
factors affecting potential for corrosion	28	265.192(a)(3)(i)					
		265.192(a)(3)(i)(A)					
		265.192(a)(3)(i)(B)					
		265.192(a)(3)(i)(C)					
		265.192(a)(3)(i)(D)					
		265.192(a)(3)(i)(E)					
		265.192(a)(3)(i)(F)					
		265.192(a)(3)(i)(G)					
265.192(a)(3)(i)(H)							
type and degree of external corrosion protection needed	28	265.192(a)(3)(ii)					
		265.192(a)(3)(ii)(A)					
		265.192(a)(3)(ii)(B)					
		265.192(a)(3)(ii)(C)					
protection from traffic for underground components	28	265.192(a)(4)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
design considerations to ensure protection from environment	28	265.192(a)(5)					
		265.192(a)(5)(i)					
		265.192(a)(5)(ii)					
		265.192(a)(5)(iii)					
new tank installation procedures; inspection requirements	28, 213	265.192(b)					
	28	265.192(b)(1)					
		265.192(b)(2)					
		265.192(b)(3)					
		265.192(b)(4)					
		265.192(b)(5)					
265.192(b)(6)							
backfilling requirements for new underground tank systems	28	265.192(c)					
tightness requirement	28	265.192(d)					
protection of ancillary equipment	28	265.192(e)					
corrosion protection requirements	28	265.192(f)					
written statements and certification statements	28	265.192(g)					
15 CONTAINMENT AND DETECTION OF RELEASES							
16 secondary containment for tank systems must meet the 265.193 requirements, except as provided in 265.193(f) and (g)	28	265.193(a)					
new and existing tank systems or components	28, 213	265.193(a)(1)					
16 tank systems that store or treat materials that become hazardous	28, 213	265.193(a)(2)					
16 removed	28, 213	265.193(a)(2)					
		265.193(a)(3)					
		265.193(a)(4)					
requirements for secondary containment systems	28	265.193(b)					
		265.193(b)(1)					
		265.193(b)(2)					
minimum specifications of secondary containment systems	28	265.193(c)					
		265.193(c)(1)					
		265.193(c)(2)					
		265.193(c)(3)					
devices that satisfy the secondary containment requirements	28	265.193(d)					
		265.193(d)(1)					
		265.193(d)(2)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		265.193(d)(3)					
		265.193(d)(4)					
additional requirements for secondary containment systems	28	265.193(e)					
additional requirements for external liner systems	28	265.193(e)(1)					
		265.193(e)(1)(i)					
		265.193(e)(1)(ii)					
		265.193(e)(1)(iii)					
		265.193(e)(1)(iv)					
additional requirements for vault systems	28	265.193(e)(2)					
		265.193(e)(2)(i)					
		265.193(e)(2)(ii)					
		265.193(e)(2)(iii)					
		265.193(e)(2)(iv)					
		265.193(e)(2)(v)					
	28, 214	265.193(e)(2)(v)(A)					
	28, 214	265.193(e)(2)(v)(B)					
28	265.193(e)(2)(vi)						
additional requirements for double-walled tanks	28	265.193(e)(3)					
		265.193(e)(3)(i)					
		265.193(e)(3)(ii)					
		265.193(e)(3)(iii)					
secondary containment requirements for ancillary equipment; exceptions	28	265.193(f)					
aboveground piping	28	265.193(f)(1)					
welded parts and connections	28	265.193(f)(2)					
sealless or magnetic coupling pumps and sealless valves	28, 52	265.193(f)(3)					
pressurized aboveground piping systems with automatic shut-off devices	28	265.193(f)(4)					

†, 9 Variance from Section Requirements

general requirements for variance	28	265.193(g)					
considerations in granting variance based on demonstration of equivalent ground water and surface water protection	28	265.193(g)(1)					
		265.193(g)(1)(i)					
		265.193(g)(1)(ii)					
		265.193(g)(1)(iii)					
		265.193(g)(1)(iv)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
factors to be considered in granting a variance	28	265.193(g)(2)					
factors regarding the potential adverse effects on ground water, surface water and land quality	28	265.193(g)(2)(i)					
		265.193(g)(2)(i)(A)					
		265.193(g)(2)(i)(B)					
		265.193(g)(2)(i)(C)					
		265.193(g)(2)(i)(D)					
factors regarding the potential adverse effects of a release on ground-water quality	28	265.193(g)(2)(ii)					
		265.193(g)(2)(ii)(A)					
		265.193(g)(2)(ii)(B)					
		265.193(g)(2)(ii)(C)					
factors regarding the potential adverse effects of a release on surface water quality	28	265.193(g)(2)(iii)					
		265.193(g)(2)(iii)(A)					
		265.193(g)(2)(iii)(B)					
		265.193(g)(2)(iii)(C)					
		265.193(g)(2)(iii)(D)					
factors regarding the potential adverse effects of a release on the land surrounding the tank system	28	265.193(g)(2)(iv)					
		265.193(g)(2)(iv)(A)					
		265.193(g)(2)(iv)(B)					
for tanks granted a variance, requirements if release occurs from primary tank system but no migration beyond zone of engineering control	28	265.193(g)(3)					
		265.193(g)(3)(i)					
		265.193(g)(3)(ii)					
		265.193(g)(3)(ii)(A)					
	265.193(g)(3)(ii)(B)						
28, 52	265.193(g)(3)(iii)						
for tanks granted a variance, requirements if release occurs and migrates beyond zone of engineering control	28	265.193(g)(4)					
		265.193(g)(4)(i)					
		265.193(g)(4)(ii)					
		265.193(g)(4)(iii)					

†, 9 Secondary Containment Variance Procedures

procedures for requesting a variance	28	265.193(h)					
		265.193(h)(1)					
		265.193(h)(1)(i)					
		265.193(h)(1)(ii)					
		265.193(h)(2)					
		265.193(h)(3)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		265.193(h)(4)					
		265.193(h)(5)					
requirements for all tank systems until such time as secondary containment is provided	28	265.193(i)					
		265.193(i)(1)					
	28, 213 , 214	265.193(i)(2)					
	28	265.193(i)(3)					
		265.193(i)(4)					
15 GENERAL OPERATING REQUIREMENTS							
when hazardous waste or treatment reagents must not be placed in tank systems	28	265.194(a)					
minimum controls and practices to prevent spills and overflows	28	265.194(b)					
	28, 214	265.194(b)(1)					
	28, 214	265.194(b)(2)					
	28	265.194(b)(3)					
265.196 requirements if a leak or spill occurs in the system	14, 28	265.194(c)					
INSPECTIONS							
17 daily inspection requirements for data gathered from monitoring and leak detection equipment	28, 213	265.195(a)					
removed	28, 213	265.195(a)(1)					
		265.195(a)(2)					
		265.195(a)(3)					
		265.195(a)(4)					
17 daily inspection requirements for specific equipment	213	265.195(b)					
		265.195(b)(1)					
		265.195(b)(2)					
		265.195(b)(3)					
17 weekly inspections requirements when using leak detection systems	213	265.195(c)					
18 [Reserved]	213, 237	265.195(d)					
ancillary equipment inspection	213	265.195(e)					
17 minimum inspection frequency for cathodic protection systems	28, 213	265.195(f)					
		265.195(f)(1)					
		265.195(f)(2)					
17 document in operating record	28, 213	265.195(g)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
RESPONSE TO LEAKS OR SPILLS AND DISPOSITION OF LEAKING OR UNFIT-FOR-USE TANK SYSTEMS							
immediate removal from service of leaking or unfit-for-use tank or secondary containment system	28, 52	265.196					
cessation of use; prevent flow or addition of wastes	28	265.196(a)					
schedule for removal of waste from tank system or secondary containment system	28	265.196(b)(1)					
		265.196(b)(2)					
containment of visible releases to the environment	28	265.196(c)					
		265.196(c)(1)					
		265.196(c)(2)					
required notifications and reports following any release to the environment	28	265.196(d)(1)					
		265.196(d)(2)					
		265.196(d)(2)(i)					
		265.196(d)(2)(ii)					
		265.196(d)(3)					
		265.196(d)(3)(i)					
		265.196(d)(3)(iii)					
		265.196(d)(3)(iv)					
		265.196(d)(3)(v)					
provision of secondary containment, repair, or closure	28	265.196(e)(1)					
		265.196(e)(2)					
		265.196(e)(3)					
		265.196(e)(4)					
certification of major repairs	28, †213	265.196(f)					
15 CLOSURE AND POST-CLOSURE CARE							
general closure requirements	28	265.197(a)					
specific requirements when contaminated soils cannot practically be removed or decontaminated; closure as a landfill	28, 214	265.197(b)					
closure plans and financial responsibility requirements for tank systems without secondary containment	28	265.197(c)					
		265.197(c)(1)					
		265.197(c)(2)					
		265.197(c)(3)					
		265.197(c)(4)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
that fall under 265.193(b)-(f) and are not exempt from secondary containment requirements		265.197(c)(5)					
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES							
no ignitable or reactive waste in tank systems unless:	IV B, 28	265.198(a)					
waste is treated, rendered or mixed	IV B, 28	265.198(a)(1) 265.198(a)(1)(i) 265.198(a)(1)(ii)					
waste is protected	IV B, 28	265.198(a)(2)					
system used solely for emergencies	IV B, 28	265.198(a)(3)					
maintenance of protective distances	IV B, 28	265.198(b)					
SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES							
no placement of incompatible wastes in tank system unless compliance with 265.17(b)	IV B, 28	265.199(a)					
no placement in contaminated tank system unless compliance with 265.17(b)	IV B, 28	265.199(b)					
WASTE ANALYSIS AND TRIAL TESTS							
requirements when waste or process is new	28	265.200					
waste analysis and treatment or storage tests	28	265.200(a)					
obtain written, documented information on similar waste/operating conditions	28	265.200(b)					
19 [RESERVED]							
[Removed and Reserved]	28, 213, 214, 237	265.201					
AIR EMISSION STANDARDS							
owners/operators subject to applicable requirements of 265, Subparts AA, BB, & CC if they place hazardous	154	265.202					

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40 CFR Part 265, Subparts H-J, 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
waste in a tank							

- 1 Note that the September 1, 1988 Federal Register (Revision Checklist 113) incorrectly labels this paragraph “264.141” rather than “265.141.”
- 2 The text of 265.142(a)(1) was originally included in 265.142(a).
- 3 Note that there is an error in the September 16, 1992 Federal Register (Revision Checklist 113). In the preamble text at the bottom of the second column at 57 FR 42834, “265.143(e)(11)” should be “265.143(e)(10)”.
- 4 Note that an error which appears in the July 1, 1989, 1990 and 1991 CFRs was only partially corrected in the July 1, 1992 CFR. The July 1, 1989, 1990 and 1991 CFRs incorrectly omit 265.147(a)(1)(i) & (ii) and 265.147(b)(1)(i) & (ii). The September 23, 1991 correction to the CFR published in the Federal Register (56 FR 47912) reinstated 265.147(a)(1)(i) & (ii) but erroneously did not reinstate 265.147(b)(1)(i) & (ii). Thus, the CFR had omitted 265.147(b)(1)(i) & (ii) beginning with the July 1, 1992 edition **until the Revision Checklist 214 final rule (71 FR 40254; July 14, 2006) reinstated the provisions.**
- 5 Note that the changes addressed by the September 1, 1988 (53 FR 33938) final rule at 265.147(a)(2) are optional, whereas the July 1, 1991 (56 FR 30200) changes are required.
- 6 The September 1, 1988 rule (Revision Checklist 113) added 265.147(a)(7) and (b)(7) to the code, and the September 16, 1992 rule (Revision Checklist 113) revised them (including adding 265.147(a)(7)(iii) and (b)(7)(iii)). Note that the preamble of the September 1, 1988 Federal Register incorrectly characterized these paragraphs as less stringent. The September 16, 1992 Federal Register clarified this issue by stating that, in fact, these paragraphs are more stringent because they address an additional reporting requirement. The amendment made by the September 16, 1992 rule made these requirements less stringent than those introduced by the September 1, 1988 rule. Thus, those States that adopted the more stringent September 1, 1988 provisions are not required to adopt the amendments made by the September 16, 1992 rule, although EPA urges them to do so. States that did not adopt the September 1, 1988 requirements at 265.147(a)(7) and (b)(7) should not do so but should adopt the clarified, less stringent version promulgated by the September 16, 1992 rule.
- 7 The September 1, 1988 (53 FR 33938) erroneously indicates that 265.147(b)(5) is a new paragraph to be added. In fact, this final rule replaced the old 265.147(b)(5), introduced as part of the base program, with a new paragraph (b)(5).
- 8 Revision Checklist 113 (53 FR 33938; September 1, 1988) changed the heading for this paragraph by removing “corporate” before “guarantee.”
- 9 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.
- 10 Note that only 265.147(g)(1)(ii) is removed and reserved; 265.147(g)(1)(i) remains as it was prior to the

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September 1, 1988 final rule.

- 11 The September 1, 1988 rule (53 FR 33938; Revision Checklist 113) redesignated the old 265.147(h) as 265.147(k) and added a new paragraph 265.147(h). Although not included in Checklist IV B, the text of the old 265.147(h) (now 265.147(k)) was included in the base program as 265.147(g). The paragraph was designated as 265.147(h) by Revision Checklist 27.
- 12 Note that there is a typographical error in the September 1, 1988 Federal Register (53 FR 33938, Revision Checklist 113): “264.151(1)” [number 1], should be “264.151(l) [letter “l”].
- 13 **The final rule addressed by Revision Checklist 237 (81 FR 85732; November 28, 2016) also removed the comment following 265.174.**
- 14 Revision Checklist 28 completely revised this base program (Checklist IV B) section, 265.190.
- 15 Revision Checklist 28 completely reorganized and revised the regulations pertaining to tank systems which originally appeared in Checklist IV B at 265.191 through 265.194 and 265.197.
- 16 **Revision Checklist 213 (71 FR 16862, April 4, 2002) removed the existing 265.193(a)(2) through (a)(4) and redesignated the existing (a)(5) as (a)(2) with revisions.**
- 17 **Revision Checklist 213 (71 FR 16862, April 4, 2002) removed subparagraphs 265.193(a)(1) through (5) and completely revised the remaining (a) paragraph. The rule also redesignated the existing (b) and (c) paragraphs as (f) and (g) and added the new 265.193(b) through e).**
- 18 **The Revision Checklist 237 final rule removed the Performance Track provision at 265.195(d).**
- 19 **265.201 (Special Requirements For Generators Of Between 100 And 1,000 Kg/Mo That Accumulate Hazardous Waste In Tanks) was removed and reserved by the Revision Checklist 237 final rule and the provisions incorporated into 262.16(b)(3).**