

CONSOLIDATED CHECKLIST C2

Identification and Listing of Hazardous Waste
 40 CFR Part 261 as of June 30, 2018,
 (as amended by the August 6, 2018 Final Rule (83 FR 38262))

Note:

Hazardous Waste Generator Improvements Rule (Revision Checklist 237 (November 28, 2016; 81 FR 85732))

The final rule addressed by Revision Checklist 237 (1) removed and reserved 40 CFR 261.5 and 262.34, and (2) substituted the term “conditionally exempt small quantity generator” with the new term “very small quantity generator”; however, it appears that conforming changes for the removals were not all made in other parts of the federal regulations and several federal provisions still reference provisions from 261.5 and 262.34. The provisions formerly located at 261.5 have been incorporated into a new section 262.13, and those from 262.34 have been incorporated into the new 262.15, 262.16, and 262.17. Until a correction is issued, states should replace references to 261.5 and 262.34 provisions with the relevant provisions from 262.13, 262.15, 262.16, or 262.17. The Consolidated Checklist documents the specific provisions where there are incorrect internal references and the substitutions that states should make to correct the errors.

†† = conditionally optional provisions

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
SUBPART A - GENERAL							
PURPOSE AND SCOPE							
†, identification of wastes regulated under 262-265, 268, 270, 271, 124 and subject to notification	*, 34	261.1(a)					
† Subpart A’s purpose	*, 23, 34, 237	261.1(a)(1)					
† Subpart B’s purpose	*	261.1(a)(2)					
† Subpart C’s purpose	*	261.1(a)(3)					
† Subpart D’s purpose	*	261.1(a)(4)					
solid waste definition applies only to waste also hazardous for purpose of implementing Subtitle C	13	261.1(b)(1)					
identification of only some of the materials that are solid hazardous wastes	*, 13	261.1(b)(2)					
conditions under which a waste is still a solid/hazardous waste	*, 13	261.1(b)(2)(i) & (ii)					
definitions	13	261.1(c)					
“spent material”	13	261.1(c)(1)					
“sludge”	13	261.1(c)(2)					
“by-product”	13	261.1(c)(3)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
“reclaimed”	13, †219, 233D1	261.1(c)(4)					
“used or reused”	13	261.1(c)(5)					
		261.1(c)(5)(i)					
		261.1(c)(5)(ii)					
“scrap metal”	13, 237	261.1(c)(6)					
“recycled”	13	261.1(c)(7)					
“accumulated speculatively”	13, 233C	261.1(c)(8)					
† “excluded scrap metal”	157	261.1(c)(9)					
† “processed scrap metal”	157, 223	261.1(c)(10)					
† “home scrap metal”	157	261.1(c)(11)					
† “prompt scrap metal”	157	261.1(c)(12)					
1 DEFINITION OF SOLID WASTE							
discarded/not excluded	13, †219	261.2(a)(1)					
2 “discarded material” is:	13, 219	261.2(a)(2)(i)					
abandoned	13, †219	261.2(a)(2)(i)(A)					
recycled	13, †219	261.2(a)(2)(i)(B)					
inherently waste-like	13, 156, †219	261.2(a)(2)(i)(C)					
military munition identified as solid waste in § 266.202	156, †219	261.2(a)(2)(i)(D)					
[Removed and Reserved]	219, 233B, 233D1	261.2(a)(2)(ii)					
“abandoned” means:	13	261.2(b)					
disposed of	13	261.2(b)(1)					
burned/incinerated	13	261.2(b)(2)					
accumulated, stored, or treated in lieu of disposal	13, 233B	261.2(b)(3)					
sham recycled	233B	261.2(b)(4)					
materials are solid wastes when recycled	13, †157, †223	261.2(c) and Table					
used in a manner constituting disposal	13	261.2(c)(1)					
	13, 214	261.2(c)(1)(i)					
	13	261.2(c)(1)(i)(A) & (B)					
261.2(c)(1)(ii)							
burning for energy recovery	13	261.2(c)(2)					
		261.2(c)(2)(i)					
		261.2(c)(2)(i)(A) & (B)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		261.2(c)(2)(ii)					
3, 4 reclaimed	13, †167D, 179, ††199, †219, †233D1, †233D2, †233E	261.2(c)(3)					
3 accumulated speculatively	13, †167D, 179, †233D1, †233D2, †233E	261.2(c)(4) and Table					
inherently waste-like	13	261.2(d)					
F020, F021, F022, F023, F026, & F028	13	261.2(d)(1)					
5 secondary materials fed to a halogen acid furnace that exhibit a characteristic or are a listed waste, except for brominated material that meets certain criteria	85 ,96	261.2(d)(2)					
material must contain a bromine concentration of at least 45%	96	261.2(d)(2)(i)					
material must contain less than a total of 1% of toxic organic compounds listed in Appendix VIII	96	261.2(d)(2)(ii)					
material is processed continually on-site in the halogen acid furnace via direct conveyance	96	261.2(d)(2)(iii)					
6 criteria Administrator will use to add to list	13, 85	261.2(d)(3) 261.2(d)(3)(i) (A)&(B) 261.2(d)(3)(ii)					
† Materials That Are Not Solid Waste When Recycled							
3, 7 criteria for showing materials are not solid wastes when recycled	13	261.2(e)(1) 261.2(e)(1)(i) 261.2(e)(1)(ii)					
	13, †137, †167D, 179	261.2(e)(1)(iii)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
materials that are solid wastes even when recycling involves use, reuse, or return to original process	13	261.2(e)(2)					
		261.2(e)(2)(i)					
		261.2(e)(2)(ii)					
		261.2(e)(2)(iii)					
	13, 111	261.2(e)(2)(iv)					
documentation of claims for not solid waste or conditionally exempt from regulation	13	261.2(f)					
hazardous secondary materials found to be sham recycled	233B	261.2(g)					
8 DEFINITION OF HAZARDOUS WASTE							
solid waste is hazardous if:	I A, †117 A	261.3(a)					
not excluded by 261.4(b)	I A, †117 A	261.3(a)(1)					
criteria to be met	I A, †117 A	261.3(a)(2)					
exhibits characteristic of Subpart C; exception for specific waste mixtures	I A, 65, †117 A, 117 B, 167E, 214	261.3(a)(2)(i)					
is listed in Subpart D	I A, †117 A	261.3(a)(2)(ii)					
9 remove and reserve	I A, 65, 109, †117 A, †192A	261.3(a)(2)(iii)					
mixture exemptions	I A, †117 A, †192A	261.3(a)(2)(iv)					
	I A, †117 A, † 211	261.3(a)(2)(iv)(A)					
		261.3(a)(2)(iv)(B)					
	I A, †117 A, †169	261.3(a)(2)(iv)(C)					
	I A, †117 A, † 211	261.3(a)(2)(iv)(D)					
	I A, †117 A, †140	261.3(a)(2)(iv)(E)					
	†140, † 211	261.3(a)(2)(iv)(F)					
261.3(a)(2)(iv)(G)							
rebuttable presumption for used oil containing >1000 ppm total halogens	112, † 208	261.3(a)(2)(v)					
rebuttable presumption	112	261.3(a)(2)(v)(A)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
exceptions		261.3(a)(2)(v)(B)					
specific events under which a solid waste becomes hazardous	I A, †117 A	261.3(b)					
Subpart D wastes, when first meet listing description	I A, †117 A	261.3(b)(1)					
mixture, when hazardous waste added	I A, †117 A	261.3(b)(2)					
when exhibits Subpart C characteristics	I A, †117 A	261.3(b)(3)					
unless and until waste meets paragraph (d) criteria:	I A, †117 A	261.3(c)					
remains a hazardous waste	I A, †117 A	261.3(c)(1)					
10 derived from a hazardous waste	I A, †8, †13, †117A, †192A	261.3(c)(2)(i)					
exemptions:	†8, †117 A	261.3(c)(2)(ii)					
waste pickle liquor sludge	†8, †117 A	261.3(c)(2)(ii)(A)					
11,12 wastes from burning material exempted at 261.6(a)(3)(iii) and (iv)	19, 94, †117 A, †135, †169	261.3(c)(2)(ii)(B)					
13 certain non-wastewater residues resulting from high temperature metals recovery processing of K061, K062 or F006 waste; generic exclusion levels; testing requirements; burden of proof for persons claiming this exclusion in an enforcement action; two tables showing generic exclusion levels	95, 109, †117 A	261.3(c)(2)(ii)(C)(I)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
13 one-time notification and certification for K061, K062 or F006 HTMR residues, which meet generic exclusion levels and exhibit no characteristics, that are sent to Subtitle D units; update of notification and certification; annual EPA/State notification; deadline for submission to EPA/State; what the notification must include; certification signed by authorized representative and what it must state	95, 109, †117 A	261.3(c)(2)(ii)(C)(2)					
† biological treatment sludge from the treatment of one of the wastes listed in 261.32--organic waste from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)	140	261.3(c)(2)(ii)(D)					
† catalyst inert support media separated from wastes listed in 261.32 B spent hydrotreating catalyst and spent hydrorefining catalyst	169	261.3(c)(2)(ii)(E)					
solid waste not hazardous if it meets criteria:	I A, †117 A	261.3(d)					
wastes not exhibiting characteristics; 268 requirements for wastes not exhibiting a characteristic at point of generation	I A, 83, †117 A	261.3(d)(1)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
excluded under 260.20 and 260.22	I A, †117 A	261.3(d)(2)					
14 reserved	117 A	261.3(e)					
debris that is excluded from regulation provided it meets specified criteria:	109	261.3(f)					
Part 268-defined hazardous debris treated using a specified 268.45, Table 1, extraction or destruction technology; burden of proof on claimant in an enforcement action	109	261.3(f)(1)					
Part 268-defined debris determined by Regional Administrator to no longer be contaminated with hazardous waste	109	261.3(f)(2)					
listed hazardous waste solely because it exhibits one or more characteristic, is not a hazardous waste, if characteristics are no longer exhibited	†192A	261.3(g)(1)					
261.3(g)(1) exclusion also pertains to:	†192A	261.3(g)(2)					
wastes excluded	†192A	261.3(g)(2)(i) 261.3(g)(2)(ii)					
wastes excluded are subject to 268, even if no longer exhibit characteristic at point of land disposal	†192A	261.3(g)(3)					
any mixture of a solid waste excluded under 261.4(b)(7) & a hazardous waste listed in 261 subpart D solely because it exhibits a characteristic, is not a hazardous waste if it no longer exhibits a characteristic for which it was listed	†194	261.3(g)(4)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
hazardous waste containing radioactive waste is no longer a hazardous waste	†192A	261.3(h)(1)					
exemption also pertains to:	†192A	261.3(h)(2)					
wastes excluded	†192A	261.3(h)(2)(i) 261.3(h)(2)(ii)					
waste exempted must meet storage and transportation criteria; waste that fails is regulated as hazardous	†192A	261.3(h)(3)					
† EXCLUSIONS							
Materials which are not solid wastes							
materials which are not solid wastes for the purpose of part 261:	I A	261.4(a)					
domestic sewage	I A	261.4(a)(1)(i)					
domestic sewage mixture	I A	261.4(a)(1)(ii)					
industrial wastewater discharges	I A	261.4(a)(2)					
irrigation return flows	I A	261.4(a)(3)					
nuclear materials as defined by the Atomic Energy Act, 1954	I A	261.4(a)(4)					
in-situ mining	I A	261.4(a)(5)					
† pulping liquors	13	261.4(a)(6)					
† spent sulfuric acid	13, 237	261.4(a)(7)					
reclaimed secondary materials returned to original process generating them	28	261.4(a)(8)					
		261.4(a)(8)(i)					
		261.4(a)(8)(ii)					
		261.4(a)(8)(iii)					
		261.4(a)(8)(iv)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
†, 15 spent wood preserving solutions and wastewaters from the wood preserving process that have been reclaimed and reused for their original intended purpose	82, 92	261.4(a)(9)(i)					
	92	261.4(a)(9)(ii)					
	†167F	261.4(a)(9)(iii)					
		261.4(a)(9)(iii)(A)					
		261.4(a)(9)(iii)(B)					
		261.4(a)(9)(iii)(C)					
	†167F, †213	261.4(a)(9)(iii)(D)					
† K060, K087, K141, K142, K143, K144, K145, K147, K148 and any wastes from coke by-products that are hazardous only because they exhibit the Toxicity Characteristic when recycled as specified; exclusion is conditioned on there being no land disposal of the wastes from point of generation to recycling point	85, 105, 110	261.4(a)(10)					
† Non-wastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums and not land disposed before recovery	95	261.4(a)(11)					
†, 16, 17 oil-bearing hazardous secondary materials generated at petroleum refinery and inserted into the refining process unless the material is placed on land or speculatively accumulated before recycled	135, †150, †169, †216, 234	261.4(a)(12)(i)					
†, 16 recovered oil recycled in same manner and conditions as in 261.4(a)(12)(i)	135, †150, †169	261.4(a)(12)(ii)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† excluded scrap metal being recycled	157	261.4(a)(13)					
† shredded circuit boards being recycled provided that they are:	157	261.4(a)(14)					
† stored in containers sufficient to prevent release, and	157	261.4(a)(14)(i)					
† free of mercury switches, mercury relays and nickel cadmium batteries and lithium batteries	157	261.4(a)(14)(ii)					
† condensates derived from overhead gases from kraft mill steam strippers used to comply with 40 CFR 63.466(e); exemption applies only to combustion at mill generating condensates	164	261.4(a)(15)					
†, 18, 19 [Removed and Reserved]	168, 221, 224, 234	261.4(a)(16)					
†, 18 spent materials generated within the primary mineral processing industry from which minerals, acids, cyanide, water or other values are recovered, provided specified conditions are met:	†167D, 179, ††199	261.4(a)(17) intro					
18 spent material is legitimately recycled	†167D, 179, ††199	261.4(a)(17)(i)					
18 spent material is not accumulated speculatively	†167D, 179, ††199	261.4(a)(17)(ii)					
18, 20 except as provided in 261.4(a)(17)(iv), spent material is stored in tanks, containers or buildings meeting specified conditions	†167D, 179, ††199	261.4(a)(17)(iii)					

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					EQUIVALENT	LESS STRINGENT	MORE STRINGENT	
18, 21	Regional Administrator or State Director may determine that only solid mineral processing spent material may be placed on pads, rather than tanks, containers or buildings; spent materials do not contain any free liquid; pads must prevent significant releases; pads must provide the same degree of containment as non-RCRA tanks, containers & buildings eligible for exclusion	†167D, 179, ††199	261.4(a)(17)(iv)					
18, 22	decision-maker must consider if storage on pads poses potential for releases via groundwater, surface water & air exposure pathways; factors for assessing pathways	†167D, 179	261.4(a)(17)(iv)(A)					
18	pads must meet specified minimum design and operating standards	†167D, 179, ††199	261.4(a)(17)(iv)(B)					
18	Regional Administrator or State Director must provide for public notice and comment before determination; can be accomplished by newspapers or radio	†167D, 179	261.4(a)(17)(iv)(C)					
18	owner/operator provides notice with specified information; must update notification for changes in type of material recycled or recycling location	†167D, 179, ††199	261.4(a)(17)(v)					

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23 for purposes of 261.4(b)(7), spent materials must be result of mineral processing & may not include listed hazardous wastes; listed hazardous & characteristic hazardous wastes generated by non-mineral processing industries not eligible for conditional exclusion from definition of solid waste	†167D, 179, ††199, †223	261.4(a)(17)(vi)					
† petrochemical recovered oil from associated organic chemical manufacturing facility, where oil is inserted into refining process with normal process streams	169	261.4(a)(18)					
		261.4(a)(18)(i)					
		261.4(a)(18)(ii)					
† spent caustic solutions from petroleum refining liquid treating processes used as feedstock to produce cresylic or naphthenic acid	169	261.4(a)(19)					
† hazardous secondary materials used to make zinc fertilizers, provided that certain conditions are met	200	261.4(a)(20)					
materials must not be accumulated speculatively	200	261.4(a)(20)(i)					
generators and intermediate handlers must:	200	261.4(a)(20)(ii)					

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generator and intermediate handler requirements	200	261.4(a)(20)(ii)(A)					
		261.4(a)(20)(ii)(B)					
		261.4(a)(20)(ii)(B)(1)					
		261.4(a)(20)(ii)(B)(2)					
		261.4(a)(20)(ii)(B)(3)					
		261.4(a)(20)(ii)(C)					
		261.4(a)(20)(ii)(D)					
		261.4(a)(20)(ii)(D)(1)					
		261.4(a)(20)(ii)(D)(2)					
		261.4(a)(20)(ii)(D)(3)					
manufacturers must:	200	261.4(a)(20)(iii)					
manufacturer requirements	200	261.4(a)(20)(iii)(A)					
		261.4(a)(20)(iii)(B)					
		261.4(a)(20)(iii)(C)					
		261.4(a)(20)(iii)(D)					
nothing preempts §262.11	200	261.4(a)(20)(iv)					
interim status and permitted units used only for these materials not subject to 264/265 closure requirements	200, 214	261.4(a)(20)(v)					
† zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under (a)(20) of this section, provided that certain conditions are met	200	261.4(a)(21)					
contaminant limits for fertilizers	200	261.4(a)(21)(i)					
		261.4(a)(21)(i)(A)					
		261.4(a)(21)(i)(B)					
fertilizer analysis to determine contaminant limit compliance	200	261.4(a)(21)(ii)					

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manufacturer recordkeeping requirements	200	261.4(a)(21)(iii)					
		261.4(a)(21)(iii)(A)					
		261.4(a)(21)(iii)(B)					
		261.4(a)(21)(iii)(C)					
		261.4(a)(21)(iii)(D)					
		261.4(a)(21)(iii)(E)					
		261.4(a)(21)(iii)(F)					
† used cathode ray tubes (CRTs) that are not solid wastes	215	261.4(a)(22)					
		261.4(a)(22)(i)					
		261.4(a)(22)(ii)					
		261.4(a)(22)(iii)					
†,24 hazardous secondary material is not solid waste provided conditions are met	219, 233D1, 233D2	261.4(a)(23)					
25 hazardous secondary material under control of generator	219, 233D1, 233D2	261.4(a)(23)(i)(A)					
25 hazardous secondary material generated and reclaimed at different facilities	219, 233D1, 233D2	261.4(a)(23)(i)(B)					
hazardous waste material generated pursuant to a tolling agreement contract	233D1, 233D2	261.4(a)(23)(i)(C)					
25 material is contained	219, 233D1, 233D2	261.4(a)(23)(ii)(A)					
25 material is not speculatively accumulated, as defined in 261.1(c)(8)	219, 233D1, 233D2	261.4(a)(23)(ii)(B)					
25 notice is provided as required by 260.42	219, 233D1, 233D2	261.4(a)(23)(ii)(C)					
25 material is not otherwise subject to material-specific management conditions	219, 233D1, 233D2	261.4(a)(23)(ii)(D)					

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25 legitimacy determination; documentation kept on site and maintained for three years after operation has ceased	219, 233D1, 233D2	261.4(a)(23)(ii)(E)					
emergency preparedness and response requirements in subpart M must be met	233D1, 233D2	261.4(a)(23)(ii)(F)					
[Removed]	219, 233D1, 233D2	261.4(a)(23)(iii) – (vi)					
†, 24 hazardous secondary material that is generated and transferred for purposes of reclamation is not solid waste provided:	219, 233D1, 233D2	261.4(a)(24)					
26 material not speculatively accumulated	219	261.4(a)(24)(i)					
handling of material	219	261.4(a)(24)(ii)					
not subject to material-specific management conditions	219, 233D1, 233D2	261.4(a)(24)(iii)					
26 reclamation of material is legitimate, as specified under 260.43	219	261.4(a)(24)(iv)					
26 hazardous secondary material generator satisfies all of the following conditions:	219	261.4(a)(24)(v)					
material must be contained	219, 233D1, 233D2	261.4(a)(24)(v)(A)					
Prior to arranging transport, generator must make reasonable efforts to ensure reclaimer intends to legitimately reclaim and manage material	219, 233D1, 233D2	261.4(a)(24)(v)(B) 261.4(a)(24)(v)(B) (1) – (5)					

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 Identification and Listing of Hazardous Waste
 40 CFR Part 261 as of June 30, 2018
 (as amended by the August 6, 2018 Final Rule (83 FR 38262)) (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
generator must maintain documentation for minimum of three years	219, 233D1, 2333D2	261.4(a)(24)(v)(C)					
		261.4(a)(24)(v)(C) (1) and (2)					
three-year maintenance of off-site shipments at generating facility	219, 233D1, 2333D2	261.4(a)(24)(v)(D)					
		261.4(a)(24)(v)(D) (1) – (3)					
generator must at maintain at facility at least three years confirmation of receipt from each reclaimer	219, 233D1, 2333D2	261.4(a)(24)(v)(E)					
generator must comply with emergency preparedness and response conditions in subpart M	233D1, 2333D2	261.4(a)(24)(v)(F)					
26 reclaimers excluded from regulation and intermediate facilities must satisfy certain conditions	219	261.4(a)(24)(vi)					
		261.4(a)(24)(vi)(A)					
		261.4(a)(24)(vi)(A) (1) – (4)					
		261.4(a)(24)(vi)(B)					
		261.4(a)(24)(vi)(C)					
		261.4(a)(24)(vi)(D)					
		261.4(a)(24)(vi)(E)					
		261.4(a)(24)(vi)(F)					
27 [Removed]	233D1, 233D2	261.4(a)(24)(vi)(G)					
persons claiming exclusion notification requirements	219	261.4(a)(24)(vii)					

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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
28 hazardous secondary material that is exported and reclaimed in foreign country is not solid waste provided conditions are met	219, 233D1, 2333D2	261.4(a)(25)					
		261.4(a)(25)(i)					
		261.4(a)(25)(i)(A) – (I)					
		261.4(a)(25)(ii)					
		261.4(a)(25)(iii)					
		261.4(a)(25)(iv)					
		261.4(a)(25)(v)					
		261.4(a)(25)(vi)					
		261.4(a)(25)(vii)					
		261.4(a)(25)(viii)					
		261.4(a)(25)(ix)					
		261.4(a)(25)(x)					
		261.4(a)(25)(xi)					
		261.4(a)(25)(xi)(A) – (E)					
261.4(a)(25)(xii)							
†, 29 solvent-contaminated wipes sent for cleaning and reuse are not solid waste provided conditions are met	229	261.4(a)(26)					
		261.4(a)(26)(i)					
		261.4(a)(26)(ii)					
		261.4(a)(26)(iii)					
		261.4(a)(26)(iv)					
		261.4(a)(26)(v)					
		261.4(a)(26)(v)(A) – (C)					
261.4(a)(26)(vi)							
† hazardous secondary material that is generated and then transferred to another person for the purpose of remanufacturing is not solid waste provided conditions are met	233E	261.4(a)(27)					
		261.4(a)(27)(i)					
		261.4(a)(27)(ii)					
		261.4(a)(27)(iii)					
		261.4(a)(27)(iv)					
		261.4(a)(27)(v)					
		261.4(a)(27)(vi)					
		261.4(a)(27)(vi)(A) – (I)					
		261.4(a)(27)(vi)(B)					
		261.4(a)(27)(vi)(B) (I) – (5)					
		261.4(a)(27)(vi)(C) – (I)					
		261.4(a)(27)(vi)(D) – (I)					
261.4(a)(27)(vi)(E) – (I)							
261.4(a)(27)(vi)(F) – (I)							

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 40 CFR Part 261 as of June 30, 2018
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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
Solid wastes which are not hazardous wastes							
list of solid wastes which are not hazardous wastes	I A	261.4(b)					
household waste	I A, †9, †17 C	261.4(b)(1)					
		261.4(b)(1)(i)					
		261.4(b)(1)(i)(A) & (B)					
		261.4(b)(1)(ii)					
crop and animal waste returned to soil as fertilizers	I A	261.4(b)(2)					
		261.4(b)(2)(i)					
		261.4(b)(2)(ii)					
mining overburden	I A	261.4(b)(3)					
30 fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste	I A, 85, †235	261.4(b)(4)(i)					
†, 31 wastes generated from process that support the combustion of coal or other fossil fuels	235	261.4(b)(4)(ii)					
		261.4(b)(4)(ii)(A)					
		261.4(b)(4)(ii)(B)					
		261.4(b)(4)(ii)(C)					
		261.4(b)(4)(ii)(D)					
		261.4(b)(4)(ii)(E)					
		261.4(b)(4)(ii)(F)					
		261.4(b)(4)(ii)(H)					
drilling fluids	I A	261.4(b)(5)					
waste failing Toxicity Characteristic test because of chromium	I A, 74	261.4(b)(6)(i)					
specific provisions for exemption	I A	261.4(b)(6)(i)(A)					
	IA, 214	261.4(b)(6)(i)(B)					
	IA	261.4(b)(6)(i)(C)					
specific wastes meeting 261.4(b)(6)(i)(A), (B) & (C) standards	I A, 108, 214	261.4(b)(6)(ii)					
	I A	261.4(b)(6)(ii)(A)					
		261.4(b)(6)(ii)(B)					
		261.4(b)(6)(ii)(C)					
	IA, 214	261.4(b)(6)(ii)(D)					
	IA	261.4(b)(6)(ii)(E)					
	IA, 214	261.4(b)(6)(ii)(F)					
	IA	261.4(b)(6)(ii)(G)					
261.4(b)(6)(ii)(H)							
32 ore processing waste	I A, 53, 65, 71, 85, 90,	261.4(b)(7) intro					
		261.4(b)(7)(i)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:				
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE	
	†167E	261.4(b)(7)(ii)						
32, 33	53, 65, 71, †167E	261.4(b)(7)(ii)(A)						
		261.4(b)(7)(ii)(B)						
	53, 71, †167E	261.4(b)(7)(ii)(C)						
		261.4(b)(7)(ii)(D)						
		261.4(b)(7)(ii)(E)						
		261.4(b)(7)(ii)(F)						
		71, †167E	261.4(b)(7)(ii)(G)					
			261.4(b)(7)(ii)(H)					
			261.4(b)(7)(ii)(I)					
			261.4(b)(7)(ii)(J)					
			261.4(b)(7)(ii)(K)					
			261.4(b)(7)(ii)(L)					
			261.4(b)(7)(ii)(M)					
			261.4(b)(7)(ii)(N)					
			261.4(b)(7)(ii)(O)					
		261.4(b)(7)(ii)(P)						
		261.4(b)(7)(ii)(Q)						
	261.4(b)(7)(ii)(R)							
	261.4(b)(7)(ii)(S)							
	261.4(b)(7)(ii)(T)							
22	a residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials remains excluded under 261.4(b) if owner/operator meets specified conditions	†167E	261.4(b)(7)(iii)					
			261.4(b)(7)(iii)(A)					
			261.4(b)(7)(iii)(B)					
	cement kiln dust waste	I A, 85	261.4(b)(8)					
	discarded arsenical-treated wood meeting certain criteria	I A, 74, 108, 214	261.4(b)(9)					
	petroleum-contaminated media and debris that fail the 261.24 Toxicity Characteristic test (D018 through D043 only) and are subject to Part 280 corrective action	74	261.4(b)(10)					

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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
† Hydrocarbon Recovery Operations Exclusion							
34 until January 25, 1993, exclusion for injected groundwater exhibiting the 261.24 Toxicity Characteristic that is infiltrated or reinjected pursuant to specified hydrocarbon recovery operations existing on or before March 25, 1991; extension only until six months after final rule publication for groundwater returned through infiltration galleries; conditions for new operations involving injection to qualify for date extension:	80	261.4(b)(11)					
operations are performed pursuant to a written State agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed	80	261.4(b)(11)(i)					
35 copy of written agreement has been submitted	80	261.4(b)(11)(ii)					
† used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, provided the refrigerant is reclaimed for further use	84	261.4(b)(12)					
36 non-terne plated used oil filters not mixed with wastes listed in Part 261, Subpart D if oil filters have been gravity hot-drained using one of the following methods:	†104, †107, 122	261.4(b)(13)					

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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
36 puncturing the filter anti-drain back valve of the filter dome end and hot-draining	†104, 122	261.4(b)(13)(i)					
36 hot-draining and crushing	†104, 122	261.4(b)(13)(ii)					
36 dismantling and hot-draining	†104, 122	261.4(b)(13)(iii)					
36 any other equivalent hot-draining method which will remove used oil	†104, 122	261.4(b)(13)(iv)					
† used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products	122	261.4(b)(14)					
37† leachate or gas condensate collected from landfills where certain solid wastes previously disposed, provided:	178	261.4(b)(15)					
solid wastes disposed meet one or more listing descriptions for K169-K172 and K174-K178 if wastes had been generated after effective date of listing;	†178, †195, 206	261.4(b)(15)(i)					
37† solid wastes in 261.4(b)(15)(i) were disposed prior to effective date of listing;	178	261.4(b)(15)(ii)					
37† leachate or gas condensate do not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;	178	261.4(b)(15)(iii)					
37† discharge of leachate or gas condensate, including transfer from the landfill to a POTW by truck, rail or dedicated pipe, is subject to 307(b) or 402 of CWA	178	261.4(b)(15)(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
as of February 13, 2001, leachate or gas condensate derived from K169-K172 is no longer exempt if stored or managed in surface impoundment prior to discharge; After November 21, 2003, leachate... to discharge; exception if surface impoundment is used to temporarily store in response to an emergency	†178, †195, 206	261.4(b)(15)(v)					
38 [Reserved]	No Checklist	261.4(b)(16)					
39 Pennsylvania Project XL requirement	No Checklist	261.4(b)(17)					
†, 29 solvent-contaminated wipes sent for disposal are not solid waste provided conditions are met	229	261.4(b)(18)					
		261.4(b)(18)(i)					
		261.4(b)(18)(ii)					
		261.4(b)(18)(iii)					
		261.4(b)(18)(b)(18)(iv)					
		261.4(b)(18)(v)					
		261.4(b)(18)(v)(A) – (C)					
		261.4(b)(18)(vi) and (B)					
exempt hazardous waste	I A, 34	261.4(c)					
Samples							
40 sample exemption	I A, 34, 236	261.4(d)(1)					
Criteria	I A	261.4(d)(1)(i)					
		261.4(d)(1)(ii)					
		261.4(d)(1)(iii)					
		261.4(d)(1)(iv)					
		261.4(d)(1)(v)					
		261.4(d)(1)(vi)					
criteria for sample collector & laboratory, to qualify for exemption	I A	261.4(d)(2)					
		261.4(d)(2)(i)					
		261.4(d)(2)(ii)					
		261.4(d)(2)(ii)(A)(I)-(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
		261.4(d)(2)(ii)(B)					
when exemption does not apply	I A	261.4(d)(3)					
40 in order to qualify for exemption	236	261.4(d)(4)					
† Treatability Study Samples							
40, 41 regulation of treatability study samples and relation to quantity determination	49, 236	261.4(e)(1)					
collection and preparation of sample for transport	49	261.4(e)(1)(i)					
accumulation of storage of sample prior to transport	49	261.4(e)(1)(ii)					
transport of sample to laboratory or testing facility	49	261.4(e)(1)(iii)					
applicability of provisions for exemption under 261.4(e)(1)	49	261.4(e)(2)					
sample size limit by hazardous waste type for sample collector	49, 129	261.4(e)(2)(i)					
weight limit for each sample shipment	49, 129	261.4(e)(2)(ii)					
packaging requirements for sample	49	261.4(e)(2)(iii)					
compliance with U.S. DOT, USPS or other transport	49	261.4(e)(2)(iii)(A)					
information required if DOT, USPS, or other does not apply to shipment	49	261.4(e)(2)(iii)(B), (B)(1)-(5)					
laboratory or testing facility requirements	49	261.4(e)(2)(iv)					
3-year maintenance of specified records	49	261.4(e)(2)(v)					
records which must be maintained	49	261.4(e)(2)(v)(A)-(C)					
biennial report requirements	49, 214	261.4(e)(2)(vi)					

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	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			BROADER IN SCOPE
					EQUIVALENT	LESS STRINGENT	MORE STRINGENT	
42	granting of requests for additional two years for treatability studies involving bioremediation; quantity limitations	49, 129	261.4(e)(3)					
42	in response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies; factors to be considered when granting requests	129, 214	261.4(e)(3)(i)					
42	factors to consider when granting requests for additional quantities after initiation or completion of initial treatability studies	49, 129	261.4(e)(3)(ii)					
42	what the additional quantities are subject to; application procedures	49, 129	261.4(e)(3)(iii)					
42, 43	reason for request and additional time or quantity needed	49, 129	261.4(e)(3)(iii)(A)					
42	required documentation	49, 129	261.4(e)(3)(iii)(B)					
42	description of technical modifications	49, 129	261.4(e)(3)(iii)(C)					
42	equipment and mechanical failure information	49, 129	261.4(e)(3)(iii)(D)					
42	other information	49, 129	261.4(e)(3)(iii)(E)					
40	in order to qualify for the exemption	236	261.4(e)(4)					
†	Samples Undergoing Treatability Studies at Laboratories and Testing Facilities							
	requirements for samples undergoing treatability studies at labs and testing facilities	49	261.4(f)					
	notification requirements	49	261.4(f)(1)					
	EPA identification number of laboratory or testing facility	49	261.4(f)(2)					

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	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
					EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	single day quantity restrictions on initiation of treatment studies	49, 129	261.4(f)(3)					
	limitations on storage of treatability study samples; exclusion of added treatment materials	49, 129	261.4(f)(4)					
44	removed	49, 129	261.4(f)(4)(i)					
45	text moved to 261.4(f)(4)	49, 129	261.4(f)(4)(ii)					
	90-day/1 year limitations on duration of exemption; 2-year limitation for treatability studies involving bioremediation; up to 500 kg treated material may be archived for up to 5 years	49, 129	261.4(f)(5)					
	land placement and open burning of study samples not allowed	49	261.4(f)(6)					
	3-year maintenance of treatability study records	49	261.4(f)(7)					
	specific information needed for each treatability study	49	261.4(f)(7)(i)-(vii)					
	3-year maintenance of shipping records and treatability study contract	49	261.4(f)(8)					
	laboratory or treatability study facility annual report requirement	49, †213	261.4(f)(9)					
	required annual report information	49	261.4(f)(9)(i)-(vii)					
	hazardous waste determination for unused samples by facility	49	261.4(f)(10)					
	notification when facility discontinues treatability studies	49	261.4(f)(11)					

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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
Dredged material that is not a hazardous waste							
† dredged material subject to permit under Federal Water Pollution Control Act or Marine Protection, Research, and Sanctuaries Act of 1972 is not hazardous waste	175	261.4(g)					
† dredged material has the same meaning as defined in 40 CFR 232.2	175	261.4(g)(1)					
† definition of permit	175	261.4(g)(2)					
		261.4(g)(2)(i)					
		261.4(g)(2)(ii)					
		261.4(g)(2)(iii)					
† Carbon Dioxide Stream Injected for Geologic Sequestration							
carbon dioxide streams that are captured and transported for purposes of injection into an underground injection well subject to specific requirements are not hazardous waste provided conditions are met	230	261.4(h)					
		261.4(h)(1)					
		261.4(h)(2)					
		261.4(h)(3)					
		261.4(h)(4)(i)					
		261.4(h)(4)(ii)					
		261.4(h)(4)(iii)					
[RESERVED]							
46 [Removed and Reserved]	I A, †13, 14 17A, 19, 23, 31, 34, 112, †142 A, 153, †203, †220, †223, 237	261.5					
REQUIREMENTS FOR RECYCLABLE MATERIALS							
requirements recycled hazardous waste is subject to	I A, 13	261.6(a)(1)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
47 regulation under Part 266	I A, 13, 94, †223	261.6(a)(2)					
	13, 214	261.6(a)(2)(i)					
	13,94, 214, †223	261.6(a)(2)(ii)					
	13,17 J, 19, 112, 214	261.6(a)(2)(iii)					
	13, 112, 214	261.6(a)(2)(iv)					
48, 49 recyclable materials which are exempt from regulation	I A, 13, 34, †223	261.6(a)(3)					
	13, 31, 236	261.6(a)(3)(i)					
	31	261.6(a)(3)(i)(A)					
		261.6(a)(3)(i)(B)					
	13, †142 B, †157	261.6(a)(3)(ii)					
	13,112, †142 B	261.6(a)(3)(iii)					
	†19, 85, 112, †135, †142 B, †166, †169	261.6(a)(3)(iv)(A)					
261.6(a)(3)(iv)(B)							
† hazardous waste exported to or imported from designated member countries of OECD for recovery is subject to 40 CFR part 262 subpart H, if subject to either manifesting requirements in part 262, universal waste management standards in part 273 or State requirements analogous to part 273	152, 236	261.6(a)(5)					
generator and transporter requirements	I A, 13	261.6(b)					
used oil that is recycled and is hazardous waste solely because it exhibits a characteristic is not subject to Parts 260-268 but is regulated under Part 279; definition of used oil that is recycled	112	261.6(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
recycling facility requirements	13, 34, 79, 154, †223	261.6(c)(1)					
	13, 214	261.6(c)(2)					
	13	261.6(c)(2)(i)					
		261.6(c)(2)(ii)					
	79	261.6(c)(2)(iii)					
237	261.6(c)(2)(iv)						
owners or operators of RCRA facilities are subject to Subparts AA and BB of Part 264 or 265 if they recycle hazardous wastes	79, †223	261.6(d)					
RESIDUES OF HAZARDOUS WASTE IN EMPTY CONTAINERS							
waste remaining in container	I A, 34, †210, †223	261.7(a)(1)					
container not empty	I A, 34, †223	261.7(a)(2)					
definition of empty	I A, 14, †223	261.7(b)(1)					
		I A	261.7(b)(1)(i)				
	261.7(b)(1)(ii)						
	IA, 207	261.7(b)(1)(iii)(A)					
261.7(b)(1)(iii)(B)							
definition of empty for compressed gas	I A	261.7(b)(2)					
definition of empty for acute hazardous wastes listed in 261.31, 261.32 or 261.33(e)	I A, 14, †223	261.7(b)(3)					
		I A	261.7(b)(3)(i)				
	261.7(b)(3)(ii)						
261.7(b)(3)(iii)							
PCB WASTES REGULATED UNDER TOXIC SUBSTANCE CONTROL ACT							
exemption for certain PCB-containing wastes	74	261.8					
REQUIREMENTS FOR UNIVERSAL WASTE							
wastes listed in 261.9 are exempt from regulation under Parts 262 through 270, except as specified in Part 273; wastes regulated under Part 273	142 A	261.9 intro					
batteries as described in 273.2	142 B	261.9(a)					
pesticides as described in 273.3	142 C, †181	261.9(b)					

†, 50

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
mercury-containing equipment as described in 273.4	142 D, †181, †209	261.9(c)					
51 lamps as described in 273.5	†181	261.9(d)					
†, 52 SUBPART B - CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTE							
CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE							
Administrator shall identify and define a characteristic of hazardous waste in Subpart C, only upon specific determinations	*	261.10(a)					
		261.10(a)(1)					
		261.10(a)(1)(i)&(ii)					
		261.10(a)(2)					
		261.10(a)(2)(i)&(ii)					
CRITERIA FOR LISTING HAZARDOUS WASTE							
meets one of the following criteria	*	261.11(a)					
exhibits a Subpart C characteristic	*	261.11(a)(1)					
fatal to humans; specific toxicity levels; acute hazardous waste	*	261.11(a)(2)					
contains any Appendix VIII toxic constituent; factors the Administrator must assess; toxic hazardous waste	*	*, 76	261.11(a)(3)				
		261.11(a)(3)(i)					
		261.11(a)(3)(ii)					
		261.11(a)(3)(iii)					
		261.11(a)(3)(iv)					
		261.11(a)(3)(v)					
		261.11(a)(3)(vi)					
		261.11(a)(3)(vii)					
		261.11(a)(3)(viii)					
		261.11(a)(3)(ix)					
		261.11(a)(3)(x)					
261.11(a)(3)(xi)							
hazardous under the RCRA 1004(5) definition of hazardous waste	*	261.11(b)					
53 criteria for establishing exclusion limits	*	261.11(c)					
54 SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE							
GENERAL							
solid waste exhibiting characteristics of Subpart C	*	261.20(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
EPA hazardous waste number	*, 34, 78, 83	261.20(b)					
sample obtained using Appendix I sampling methods	*	261.20(c)					
CHARACTERISTIC OF IGNITABILITY							
55 liquid; flash point less than 60°C	IC	261.21(a)					
	IC, †208	261.21(a)(1)					
non-liquid; burns under standards temperature and pressure	IC	261.21(a)(2)					
56 ignitable compressed gas definition of "compressed gas"	IC, 214	261.21(a)(3)					
	214	261.21(a)(3)(i)					
	214	261.21(a)(3)(ii)					
characterization of ignitability with respect to compressed gas when a compressed gas is ignitable	214	261.21(a)(3)(ii)(A) – (D)					
56 oxidizer	IC, 214	261.21(a)(4)					
	214	261.21(a)(4)(i)					
	214	261.21(a)(4)(i)(A) – (D)					
56 organic compound must be classed as organic peroxide unless exceptions to classification as organic peroxide	214	261.21 Notes 1 through 4					
EPA Number D001	IC, 78	261.21(b)					
CHARACTERISTIC OF CORROSIVITY							
a solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties	IC	261.22(a)					
aqueous; pH ≤ 2 or ≥ 12.5	IC, 126, †208	261.22 (a)(1)					
liquid; corrodes steel	IC, 126, †208	261.22(a)(2)					
EPA Number D002	IC, 78	261.22(b)					
CHARACTERISTIC OF REACTIVITY							
unstable; undergoes violent change	IC	261.23(a)					
		261.23(a)(1)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
reacts violently with water	IC	261.23(a)(2)					
potentially explosive	IC	261.23(a)(3)					
generates toxic gases	IC	261.23(a)(4)					
cyanide or sulfide bearing and can generate toxic gases	IC	261.23(a)(5)					
detonation or explosion, if heated	IC	261.23(a)(6)					
detonation or explosion at STP	IC	261.23(a)(7)					
forbidden explosive	IC, †223	261.23(a)(8)					
EPA Number D003	IC, 78	261.23(b)					
57 TOXICITY CHARACTERISTIC							
test criteria and waste list	IC, 74, 126, 199	261.24(a)					
EPA Numbers as in Table 1	IC, 74, 78, 214	261.24(b)					
SUBPART D - LISTS OF HAZARDOUS WASTES							
GENERAL							
hazardous if listed in this subpart; exclusions	IB	261.30(a)					
hazard codes	IB, 74	261.30(b)					
EPA hazardous waste number	IB, 34, †223	261.30(c)					
58 261.31 or 261.32 listed wastes subject to the very small quantity generator exclusion limits – F020, F021, F022, F023, F026 and F027	14, †223	261.30(d)					
HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES							
59, 60, 61, 62 list of “F” wastes	IB, 4, 13, 14, 20, 22, 69, †72, 78, 81, 82, 83, †89, †91, †120, ††169, ††187, 214 , †218, †223	261.31(a) and Table					
†; footnotes for 261.31 Table	†91, †120, 144, 214	261.31(a)/table footnote					

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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
listing specific definitions	81	261.31(b)					
definition of oil/water/solids for the purposes of F037 and F038 listings	81	261.31(b)(1)					
for the purposes of F037 and F038, aggressive biological treatment units are defined as units which employ one of four specified treatment methods; specific requirements for high-rate aeration:	81	261.31(b)(2)(i)					
units employ a minimum of 6 hp per million gallons of treatment volume and either:	81	261.31(b)(2)(i)(A)					
the hydraulic retention time of the unit is no longer than 5 days	81	261.31(b)(2)(i)(B)					
the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is hazardous waste by the Toxicity Characteristic	81	261.31(b)(2)(i)(C)					
generators and treatment, storage and disposal facilities must prove their sludges are exempt from listing as F037 and F038 wastes; maintenance of documents and data sufficient to prove that:	81	261.31(b)(2)(ii)					
unit is an aggressive biological treatment unit as defined in 261.31(b)(2)	81	261.31(b)(2)(ii)(A)					
sludges were actually generated in the aggressive biological treatment unit	81	261.31(b)(2)(ii)(B)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
sludges are considered to be generated at the moment of deposition in the unit for the purposes of the F037 listing; deposition defined	81	261.31(b)(3)(i)					
for the purposes of the F038 listing	81	261.31(b)(3)(ii)					
sludges are considered to be generated at the moment of deposition in the unit; deposition defined	81	261.31(b)(3)(ii)(A)					
floats are considered to be generated at the moment they are formed in the top of the unit	81	261.31(b)(3)(ii)(B)					
for the F019 listing the following apply to wastewater treatment sludges	†218	261.31(b)(4)					
motor vehicle manufacturing defined	†218	261.31(b)(4)(i)					
F019 generator recordkeeping	†218	261.31(b)(4)(ii)					
HAZARDOUS WASTES FROM SPECIFIC SOURCES							
63, 64, 65, 55 list of "K" wastes	IB, 18, 21, 26, 33, 53, 68, 75, †88, 110, 115, 140, †159, 165, †169, †183, †185, 189, 195, 206, 214, †223, †228	261.32(a) and Table					
65 listing of specific definitions	206	261.32(b)					
65 K181 listing levels	206	261.32(c)					
65 procedures for demonstrating that non-wastewaters are not K181 waste	206	261.32(d)					
determination based on no K181 constituents	206	261.32(d)(1)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
determination for generated quantities of 1,000 MT/yr or less of K181 constituent containing waste	206	261.32(d)(2)					
document and track K181 constituent containing waste	206	261.32(d)(2)(i)					
		261.32(d)(2)(ii)					
		261.32(d)(2)(iii)					
		261.32(d)(2)(iv)					
		261.32(d)(2)(iv)(A)					
		261.32(d)(2)(iv)(B)					
determination for generated quantities greater than 1,000 MT/yr for K181 constituent containing waste	206	261.32(d)(3)					
			which K181 waste present	206	261.32(d)(3)(i)		
if 1,2-phenylenediamine is present	206	261.32(d)(3)(ii)					
develop a sampling plan	206	261.32(d)(3)(iii)					
contents of sampling plan	206	261.32(d)(3)(iii)(A)					
		261.32(d)(3)(iii)(B)					
		261.32(d)(3)(iii)(C)					
		261.32(d)(3)(iii)(D)					
collect and analyze samples	206	261.32(d)(3)(iv)					
sampling and analysis must be precise, unbiased and representative	206	261.32(d)(3)(iv)(A)					
measurements must be sensitive, accurate, and precise	206	261.32(d)(3)(iv)(B)					
record analytical results	206	261.32(d)(3)(v)					
record waste quantity	206	261.32(d)(3)(vi)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
calculate constituent-specific mass loadings	206	261.32(d)(3)(vii)					
total of K181 mass loadings in calendar year	206	261.32(d)(3)(viii)					
is mass of K181 constituent generated over the year below the listing levels	206	261.32(d)(3)(ix)					
records to be kept on site for the three most recent years:	206	261.32(d)(3)(x)					
sampling and analysis plan	206	261.32(d)(3)(x)(A)					
sampling and analysis results	206	261.32(d)(3)(x)(B)					
quantity of dyes/pigment wastewaters generated	206	261.32(d)(3)(x)(C)					
calculations to determine annual mass loadings	206	261.32(d)(3)(x)(D)					
conduct nonhazardous waste determinations annually to verify they remain nonhazardous	206	261.32(d)(3)(xi)					
annual testing may be suspended	206	261.32(d)(3)(xi)(A)					
annual testing may be reinstated	206	261.32(d)(3)(xi)(B)					
if testing suspended, recordkeeping requirements to be met	206	261.32(d)(3)(xi)(C)					
recordkeeping for landfill disposal and combustion exemptions	206	261.32(d)(4)					
waste handling and holding – storing wastes appropriately	206	261.32(d)(5)					
DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF							
hazardous when discarded	I B, 13, 17 J, 37	261.33					
chemical product or intermediate	I B	261.33(a)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
off-specification product or chemical intermediate	I B	261.33(b)					
container/inner liner residues	I B, 41, 78	261.33(c)					
spill cleanup debris	I B	261.33(d)					
66 acute hazardous wastes	IB, 7, 29, 46, 57, †86, 134, 140, 214, 237	261.33(e) and Table					
67 toxic wastes	IB, 7, 14, 18, 22, 23, 29, 46, 56, 140, †159, 165, †185, 214, †223, †225, 237	261.33(f) and Table					
DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING AND REPLACEMENT							
wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the 261.35(b) and (c) requirements are met; wastes may continue to meet another hazardous waste listing description or exhibit one or more characteristics	82	261.35(a)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
generators must either clean or replace all specified process equipment that may have come into contact with chlorophenolic formulations or constituents in a manner which eliminates escape of hazardous waste or constituents, leachate, contaminated drippage or hazardous waste decomposition	82,92	261.35(b)					
generators shall do one of the following:	92	261.35(b)(1)					
prepare and follow an equipment cleaning plan; clean equipment in accordance with 261.35	92	261.35(b)(1)(i)					
prepare and follow an equipment replacement plan; replace equipment in accordance with 261.35	92	261.35(b)(1)(ii)					
document cleaning and replacement in accordance with 261.35, carried out after termination of use of chlorophenolic preservations	92	261.35(b)(1)(iii)					
cleaning requirements	82,92	261.35(b)(2)					
prepare and sign a written equipment cleaning plan that describes:	92	261.35(b)(2)(i)					
equipment to be cleaned	92	261.35(b)(2)(i)(A)					
how equipment will be cleaned	92	261.35(b)(2)(i)(B)					
solvent to be used in cleaning	92	261.35(b)(2)(i)(C)					
how solvent rinses will be tested	92	261.35(b)(2)(i)(D)					
how cleaning residues will be disposed	92	261.35(b)(2)(i)(E)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
equipment must be cleaned as follows:	92	261.35(b)(2)(ii)					
remove all visible residues from process equipment	92	261.35(b)(2)(ii)(A)					
rinse with appropriate solvent until no dioxin or dibenzofuran detection in final solvent rinse	92	261.35(b)(2)(ii)(B)					
analytical requirements	92	261.35(b)(2)(iii)					
test rinses as per SW-846, Method 8290	92, †208	261.35(b)(2)(iii)(A)					
“not detected” defined	92, †208	261.35(b)(2)(iii)(B)					
generator manages cleaning process residues as F032 waste	92	261.35(b)(2)(iv)					
replacement requirements	82, 92	261.35(b)(3)					
prepare and sign written equipment replacement plan that describes:	92	261.35(b)(3)(i)					
equipment to be replaced	92	261.35(b)(3)(i)(A)					
how equipment will be replaced	92	261.35(b)(3)(i)(B)					
how equipment will be disposed	92	261.35(b)(3)(i)(C)					
generator must manage discarded equipment as F032 waste	92	261.35(b)(3)(ii)					
documentation requirements	82, 92	261.35(b)(4)					
document previous equipment cleaning and/or replacement performed in accordance with 261.35 and occurred after cessation of chlorophenolic preservative use	92	261.35(b)(4)(i)					
documentation that must be maintained as part of the facility’s operating record:	82	261.35(c)					
name and address of the facility	82	261.35(c)(1)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
formulations previously used and the date on which their use ceased in each process at the plant	82	261.35(c)(2)					
formulations currently used in each process at the plant	82	261.35(c)(3)					
equipment cleaning or replacement plan	82	261.35(c)(4)					
name and address of any persons who conducted the cleaning and replacement	82	261.35(c)(5)					
dates on which cleaning and replacement were accomplished	82	261.35(c)(6)					
dates of sampling and testing	82	261.35(c)(7)					
description of sample handling and preparation techniques	82	261.35(c)(8)					
description of the tests performed, the date, and the results of the tests	82	261.35(c)(9)					
name and model numbers of the instrument(s) used in performing the tests	82	261.35(c)(10)					
QA/QC documentation	82	261.35(c)(11)					
signed certification statement	82	261.35(c)(12)					

† SUBPART E – EXCLUSIONS/EXEMPTIONS

68, [RESERVED]

[Removed and Reserved]	168, 182, 208, 214, 221, 224, 234	261.38					
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† CONDITIONAL EXCLUSION FOR USED, BROKEN CATHODE RAY TUBES (CRTs) AND PROCESSED CRT GLASS UNDERGOING RECYCLING.

used, broken CRTs not solid wastes	215	261.39 intro.					
conditions to follow prior to processing:	215	261.39(a)					
storage	215	261.39(a)(1) 261.39(a)(1)(i) and (ii)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
labeling	215	261.39(a)(2)					
transportation	215	261.39(a)(3)					
speculative accumulation and use constituting disposal	215	261.39(a)(4)					
69 exports requirements:	215	261.39(a)(5)					
notify EPA		261.39(a)(5)(i)					
		261.39(a)(5)(i)(A) – (E)					
		261.39(a)(5)(i)(F)					
	215, 232	261.39(a)(5)(i)(F)					
	215	261.39(a)(5)(i)(G) and (H)					
electronic notification	215, 236	261.39(a)(5)(ii)					
additional information	215	261.39(a)(5)(iii)					
complete notification to receiving and transit countries	215, 238	261.39(a)(5)(iv)					
prohibition of CRT export	215, 236	261.39(a)(5)(v)					
		261.39(a)(5)(v)(A)					
		261.39(a)(5)(v)(B)					
		261.39(a)(5)(v)(B)(1)					
		261.39(a)(5)(v)(B)(2)					
		261.39(a)(5)(v)(B)(2)(i) – (vii)					
requirement for written renotification of change	215, 236	261.39(a)(5)(vi)					
acknowledgment of consent	215	261.39(a)(5)(vii)					
renotification for undelivered CRTs	215	261.39(a)(5)(viii)					
three-year retention required for notifications and acknowledgments of consent	215, 236	261.39(a)(5)(ix)					
70 CRT annual reporting requirements	232	261.39(a)(5)(x)					
		261.39(a)(5)(x)(A) – (C)					
	232, 236, 8/06/18 FR	261.39(a)(5)(xi)					
requirements for used CRT processing	215	261.39(b)					
		261.39(b)(1)					
		261.39(b)(2)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		261.39(b)(2)(i) and (ii)					
processed CRT glass sent to CRT glass making or lead smelting	215	261.39(c)					
glass from CRTs used in a manner constituting disposal	215	261.39(d)					
† CONDITIONAL EXCLUSION FOR USED, INTACT CATHODE RAY TUBES (CRTs) EXPORTED FOR RECYCLING.							
conditional exclusion for used, intact cathode ray tubes (CRTs) exported for recycling	215	261.40					
† NOTIFICATION AND RECORDKEEPING FOR USED, INTACT CATHODE RAY TUBES (CRTs) EXPORTED FOR REUSE.							
69, 71 notification required CRTs exported for reuse	215, 232	261.41(a)					
notification must be in writing	232	261.41(a)(1)					
name, address, phone number, EPA ID number of exporter	215, 232	261.41(a)(1)(i)					
contents of notification: estimated frequency of exports through certification by CRT exporter	232	261.41(a)(1)(ii) – (viii)					
70 notifications by mail should be submitted to provided address	232, 8/06/18 FR	261.41(a)(2)					
recordkeeping requirement for used, intact cathode ray tubes (CRTs) exported for reuse	215, 232	261.41(b)					
SUBPARTS F and G [RESERVED]							
72	SUBPART H – FINANCIAL REQUIREMENTS FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS						
APPLICABILITY							

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
applies to owners or operators of reclamation and intermediate facilities managing materials excluded under 261.4(a)(24), except as provided in 261.140	219	261.140(a)					
states and federal government exemptions	219	261.140(b)					
DEFINITIONS OF TERMS AS USED IN THIS SUBPART							
terms defined in 265.141(d), (f), (g) and (h) have same meaning as used in part 261, subpart H	219	261.141					
COST ESTIMATE							
73 written cost estimate for disposal of hazardous secondary material	219	261.142(a)					
		261.142(a)(1)					
		261.142(a)(2)					
		261.142(a)(3)					
		261.142(a)(4)					
adjustment of cost estimate for inflation	219	261.142(b)					
		261.142(b)(1)					
		261.142(b)(2)					
revision of cost estimate	219	261.142(c)					
cost estimates to be kept at facility	219	261.142(d)					
FINANCIAL ASSURANCE CONDITION							
financial assurance required as a condition of the 261.4(a)(24) exclusion	219	261.143					
trust fund requirements; trustee must have authority	219	261.143(a)(1)					
wording identical to 261.151(a)(1); Schedule A update	219	261.143(a)(2)					
trust fund must be funded for the full amount of the current cost estimate	219	261.143(a)(3)					
compare new estimate to trust fund	219	261.143(a)(4)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
release of excess amount	219	261.143(a)(5)					
substitution of other financial assurance	219	261.143(a)(6)					
timing of release of funds	219	261.143(a)(7)					
termination of trust if alternate financial assurance or release from 261.143(i) requirements	219	261.143(a)(8)					
		261.143(a)(8)(i)					
		261.143(a)(8)(ii)					
surety bond guaranteeing payment into a closure trust fund; requirements; obtain from an acceptable surety company	219	261.143(b)(1)					
wording identical to 261.151(b)	219	261.143(b)(2)					
must also establish standby trust fund	219	261.143(b)(3)					
trust agreement submitted with surety bond	219	261.143(b)(3)(i)					
until standby trust fund is funded, certain provisions not required	219	261.143(b)(3)(ii)					
		261.143(b)(3)(ii)(A)					
		261.143(b)(3)(ii)(B)					
		261.143(b)(3)(ii)(C)					
		261.143(b)(3)(ii)(D)					
surety bond guarantee requirements	219	261.143(b)(4)					
		261.143(b)(4)(i) – (iii)					
when surety becomes liable	219	261.143(b)(5)					
penal sum equal to current closure cost estimate	219	261.143(b)(6)					
penal sum increase or decrease	219	261.143(b)(7)					

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 (as amended by the August 6, 2018 Final Rule (83 FR 38262)) (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
surety may cancel bond after 120 days	219	261.143(b)(8)					
owner or operator may cancel bond if written consent	219	261.143(b)(9)					
letter of credit – conditions and who can issue it	219	261.143(c)(1)					
wording identical to 261.151(c)	219	261.143(c)(2)					
must also establish standby trust fund; meets requirements of 261.143(a) except:	219	261.143(c)(3)					
originally signed duplicate to Regional Administrator with letter of credit	219	261.143(c)(3)(i)					
unless standby trust fund is funded, certain provisions are not required	219	261.143(c)(3)(ii)					
		261.143(c)(3)(ii)(A)					
		261.143(c)(3)(ii)(B)					
		261.143(c)(3)(ii)(C)					
		261.143(c)(3)(ii)(D)					
letter of credit accompanied by letter from owner/operator; information it must contain	219	261.143(c)(4)					
terms of letter of credit	219	261.143(c)(5)					
issued in amount equal to current closure cost estimate except as provided in 261.143(f)	219	261.143(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	219	261.143(c)(7)					

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 Identification and Listing of Hazardous Waste
 40 CFR Part 261 as of June 30, 2018
 (as amended by the August 6, 2018 Final Rule (83 FR 38262)) (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
after failure to meet 261.4(a)(24) determination, Regional Administrator may draw on letter of credit	219	261.143(c)(8)					
if no alternate financial assurance, Regional Administrator can draw on letter of credit; procedures for doing so	219	261.143(c)(9)					
conditions under which the Regional Administrator will return the letter of credit for termination	219	261.143(c)(10)					
		261.143(c)(10)(i)					
		261.143(c)(10)(ii)					
insurance must conform to 261.143(d) requirements; submit certificate to Regional Administrator; insurer requirements	219	261.143(d)(1)					
wording identical to 261.151(d)	219	261.143(d)(2)					
amount of insurance policy	219	261.143(d)(3)					
what policy must guarantee	219	261.143(d)(4)					
owner/operator may request reimbursements; conditions for request; procedures of Regional Administrator if maximum closure cost is greater than face value of policy	219	261.143(d)(5)					
policy must be in full force until Regional Administrator consents to termination; violations	219	261.143(d)(6)					
assignment of policy to successor	219	261.143(d)(7)					

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40 CFR Part 261 as of June 30, 2018
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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
insurer cannot terminate except for failure to pay; renewal; procedures if failure to pay	219	261.143(d)(8)					
conditions that policy will remain in full force and effect in event that listed circumstances occur	219	261.143(d)(8)(i) – (v)					
owner/operator responsibilities and procedures when current closure cost estimate increases/decreases to an amount greater/less than face amount of policy	219	261.143(d)(9)					
conditions under which the Regional Administrator will allow termination of policy	219	261.143(d)(10)					
		261.143(d)(10)(i)					
		261.143(d)(10)(ii)					
financial test and corporate guarantee; owner/operator must satisfy 261.143(e)(1)(i) or (ii) requirements to pass financial test	219	261.143(e)(1)					
what owner/operator must have	219	261.143(e)(1)(i)					
two of three specified financial ratios	219	261.143(e)(1)(i)(A)					
net working capital and tangible net worth relative to cost estimates	219	261.143(e)(1)(i)(B)					
tangible net worth of at least \$10 million	219	261.143(e)(1)(i)(C)					
90% of assets in U.S.	219	261.143(e)(1)(i)(D)					
what owner/operator must have:	219	261.143(e)(1)(ii)					
bond rating	219	261.143(e)(1)(ii)(A)					

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40 CFR Part 261 as of June 30, 2018
(as amended by the August 6, 2018 Final Rule (83 FR 38262)) (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
tangible net worth at least six times sum of current cost estimates and current plugging/abandonment cost	219	261.143(e)(1)(ii)(B)					
tangible net worth at least \$10 million	219	261.143(e)(1)(ii)(C)					
90% of assets in U.S.	219	261.143(e)(1)(ii)(D)					
definitions of “current closure and post-closure cost estimates” and “current plugging and abandonment cost estimates”	219	261.143(e)(2)					
what owner/operator must submit to Regional Administrator to demonstrate he meets financial test	219	261.143(e)(3)					
		261.143(e)(3)(i)					
		261.143(e)(3)(ii)					
		261.143(e)(3)(iii)					
extension of test deadline if owner or operator is undergoing an audit; what submitted letter must do	219	261.143(e)(4)					
		261.143(e)(4)(i)					
		261.143(e)(4)(ii)					
		261.143(e)(4)(iii)					
		261.143(e)(4)(iv)					
		261.143(e)(4)(v)					
261.143(e)(4)(vi)							
updates at close of each fiscal year	219	261.143(e)(5)					
owner/operator responsibilities if no longer meets 261.143(e)(1) requirements	219	261.143(e)(6)					
what Regional Administrator may do if believes owner/operator no longer meets 261.143(e)(1)	219	261.143(e)(7)					
when Regional Administrator may disallow test	219	261.143(e)(8)					
when 261.143(e)(3)	219	261.143(e)(9)					

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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
items no longer need to be submitted		261.143(e)(9)(i)					
		261.143(e)(9)(ii)					
requirement may be met by guarantee; conditions which guarantor and guarantee must meet	219	261.143(e)(10)					
		261.143(e)(10)(i)					
		261.143(e)(10)(ii)					
		261.143(e)(10)(iii)					
use of multiple financial mechanisms	219	261.143(f)					
use of financial mechanisms for multiple facilities	219	261.143(g)					
removal and decontamination plan for release; owner or operator must submit a plan	219	261.143(h)(1)					
what the plan must include	219	261.143(h)(2)					
		261.143(h)(2)(A)					
		261.143(h)(2)(B)					
		261.143(h)(2)(C)					
		261.143(h)(2)(D)					
public notice and opportunity to submit written comments	219	261.143(h)(3)					
certification that all hazardous secondary materials have been removed and unit decontaminated	219	261.143(h)(4)					
release of the owner or operator from the requirements of 261.143	219	261.143(i)					
[reserved]	219	261.144 – 261.146					
LIABILITY REQUIREMENTS							
Coverage for sudden accidental occurrences; ways liability insurance may be demonstrated	219	261.147(a)					
liability insurance meeting the following:	219	261.147(a)(1)					

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 (as amended by the August 6, 2018 Final Rule (83 FR 38262)) (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
attachment of Hazardous Secondary Material Facility Liability Endorsement or Certificate of Liability Insurance; required wording; submittal of signed duplicate original	219	261.147(a)(1)(i)					
minimum requirements insurer must meet	219	261.147(a)(1)(ii)					
meet financial test or use guarantee for liability coverage as specified in 265.147(f)&(g)	219	261.147(a)(2)					
requirements may be met by obtaining letter of credit for liability coverage	219	261.147(a)(3)					
requirements may be met by obtaining surety bond for liability coverage	219	261.147(a)(4)					
requirements may be met by obtaining trust fund for liability coverage	219	261.147(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	219	261.147(a)(6)					
notify Regional Administrator in writing whenever:	219	261.147(a)(7)					
claims reduce amount of financial assurance for liability coverage	219	261.147(a)(7)(i)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
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	219	261.147(a)(7)(ii)					
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	219	261.147(a)(7)(iii)					
coverage for nonsudden accidental occurrences – demonstration of coverage	219	261.147(b)					
demonstrate by having liability insurance with the following requirements:	219	261.147(b)(1)					
attachment of Hazardous Secondary Materials Facility Liability Endorsement or Certificate of Liability Insurance; required wording; submittal of signed duplicate original	219	261.147(b)(1)(i)					
minimum requirements for insurer	219	261.147(b)(1)(ii)					
pass financial test or use guarantee for liability coverage as specified in 261.147(f)&(g)	219	261.147(b)(2)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
requirements may be met by obtaining letter of credit for liability coverage	219	261.147(b)(3)					
requirements may be met by obtaining surety bond for liability coverage	219	261.147(b)(4)					
requirements may be met by obtaining trust fund for liability coverage	219	261.147(b)(5)					
liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amount required by 261.147; specifying "primary" and "excess" coverage	219	261.147(b)(6)					
notify Regional Administrator in writing whenever:	219	261.147(b)(7)					
claims reduce amount of financial assurance for liability coverage	219	261.147(b)(7)(i)					
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	219	261.147(b)(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
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	219	261.147(b)(7)(iii)					
requests for variance from 261.147(a) or (b)	219	261.147(c)					
adjustments to required financial responsibility levels – criteria to be used	219	261.147(d)					
period of coverage of financial responsibility	219	261.147(e)					
financial test for liability coverage; criteria of 261.147(f)(1)(i) or (ii) must be met	219	261.147(f)(1)					
what the owner or operator must have	219	261.147(f)(1)(i)					
		261.147(f)(1)(i)(A)					
		261.147(f)(1)(i)(B)					
		261.147(f)(1)(i)(C)					
		261.147(f)(1)(i)(D)					
		261.147(f)(1)(ii)					
		261.147(f)(1)(ii)(A)					
		261.147(f)(1)(ii)(B)					
		261.147(f)(1)(ii)(C)					
261.147(f)(1)(ii)(D)							
“amount of liability coverage”	219	261.147(f)(2)					
three items the owner or operator must submit	219	261.147(f)(3)					
		261.147(f)(3)(i)					
		261.147(f)(3)(ii)					
		261.147(f)(3)(iii)					
extension of test	219	261.147(f)(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
deadline if owner or operator is undergoing an audit; what submitted letter must do		261.147(f)(4)(i)					
		261.147(f)(4)(ii)					
		261.147(f)(4)(iii)					
		261.147(f)(4)(iv)					
		261.147(f)(4)(v)					
		261.147(f)(4)(vi)					
updated information	219	261.147(f)(5)					
evidence of liability coverage if 261.147(f)(1) requirements not met	219	261.147(f)(6)					
Regional Administrator may disallow test; cause for disallowance	219	261.147(f)(7)					
guarantee for liability coverage – requirements for guarantor	219	261.147(g)(1)					
payment by guarantor if owner or operator fails to satisfy a judgment	219	261.147(g)(1)(i)					
[Reserved]	219	261.147(g)(1)(ii)					
corporations incorporated in U.S.	219	261.147(g)(2)(i)					
		261.147(g)(2)(i)(A)					
		261.147(g)(2)(i)(B)					
corporations incorporated outside U.S.	219	261.147(g)(2)(ii)					
		261.147(g)(2)(ii)(A)					
		261.147(g)(2)(ii)(B)					
letter of credit for liability coverage – requirements may be satisfied by obtaining irrevocable standby letter of credit that conforms to 261.147(h) and submitting copy to Regional Administrator	219	261.147(h)(1)					
criteria for financial institution issuing letter of credit	219	261.147(h)(2)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
wording of letter of credit must be identical to wording specified in 261.151(j)	219	261.147(h)(3)					
establishment and use of standby trust fund by owner or operator using letter of credit	219	261.147(h)(4)					
wording of standby trust fund must be identical to wording specified in 264.151(m)	219	261.147(h)(5)					
surety bond for liability coverage – requirements may be satisfied by obtaining surety bond conforming to 261.147(i) requirements and submitting copy to Regional Administrator	219	261.147(i)(1)					
criterion for surety company issuing bond	219	261.147(i)(2)					
wording of surety bond must be identical to wording specified in 261.151(k)	219	261.147(i)(3)					
conditions under which surety bond may be used	219	261.147(i)(4)					
		261.147(i)(4)(i)					
		261.147(i)(4)(ii)					
trust fund for liability coverage -- requirements may be satisfied by establishing trust fund conforming to 261.147(j) and submitting an originally signed duplicate of trust agreement to Regional Administrator	219	261.147(j)(1)					
criteria for trustee	219	261.147(j)(2)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
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"	219	261.147(j)(3)					
wording of trust fund must be identical to wording specified in 261.151(l)	219	261.147(j)(4)					
INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS							
incapacity through bankruptcy of owner or operator or guarantor	219	261.148(a)					
incapacity of financial institution by bankruptcy or authority suspension	219	261.148(b)					
USE OF STATE-REQUIRED MECHANISMS							
use of -state-required mechanisms; EPA evaluation of such mechanisms	219	261.149(a)					
if state required mechanism is acceptable, but has funds shortfall, may increase funds available as long as total meets required amount	219	261.149(b)					
STATE ASSUMPTION OF RESPONSIBILITY							
acceptability of state assumption of responsibility	219	261.150(a)					
if state's assumption is acceptable, but has funds shortfall, may increase funds available as long as total meets required amount	219	261.150(b)					
WORDING OF THE INSTRUMENTS							
required wording for a trust agreement	219	261.151(a)(1)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
certification of acknowledgment	219	261.151(a)(2)					
required wording for a financial guarantee bond	219	261.151(b)					
required wording for an irrevocable standby letter of credit	219	261.151(c)					
required wording for a certificate of insurance for closure or post-closure care	219	261.151(d)					
required wording for letter from chief financial officer (financial assurance)	219	261.151(e)					
required wording for letter from chief financial officer (liability coverage)	219	261.151(f)					
required wording for corporate guarantee for closure or post-closure care	219	261.151(g)(1)					
required wording for corporate guarantee for liability coverage	219	261.151(g)(2)					
required wording for hazardous waste facility liability endorsement	219	261.151(h)					
required wording for hazardous waste facility certificate of liability insurance	219	261.151(i)					
wording for letter of credit for liability coverage	219	261.151(j)					
wording for surety bond	219	261.151(k)					
wording for trust agreement	219	261.151(l)(1)					
certification of acknowledgment	219	261.151(l)(2)					
wording for standby trust agreement	219	261.151(m)(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
wording for certification of acknowledgment to accompany trust agreement	219	261.151(m)(2)					
SUBPART I – USE AND MANAGEMENT OF CONTAINERS							
APPLICABILITY							
applies to hazardous secondary materials excluded under the remanufacturing exclusion at § 261.4(a)(27)	233E	261.170					
CONDITION OF CONTAINERS							
requirements when container is not in good condition	233E	261.171					
COMPATIBILITY OF HAZARDOUS SECONDARY MATERIALS WITH CONTAINERS							
container must be compatible with hazardous secondary materials	233E	261.172					
MANAGEMENT OF CONTAINERS							
closed container during storage	233E	261.173(a)					
care in handling	233E	261.173(b)					
CONTAINMENT							
Container storage areas must have a containment system	233E	261.175(a)					
design of containment system	233E	261.175(b)					
		261.175(b)(1)					
		261.175(b)(2)					
		261.175(b)(3)					
		261.175(b)(4)					
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE HAZARDOUS SECONDARY MATERIAL							
required distance from property line	233E	261.176					
SPECIAL REQUIREMENTS FOR INCOMPATIBLE MATERIALS							
not to be placed in same container	233E	261.177(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
not to be placed in unwashed, previously used container	233E	261.177(b)					
separation or protection requirements	233E	261.177(c)					
AIR EMISSION STANDARDS							
owners/operators subject to applicable requirements of 261, Subparts AA, BB, & CC if they place hazardous secondary material in a container	233E	261.179					
SUBPART J – TANK SYSTEMS							
APPLICABILITY							
tank systems used for storing or treating hazardous secondary materials excluded under 261.4(a)(27)	233E	261.190(a)					
Tank systems that serve part of a secondary containment systems exempt	233E	261.190(b)					
ASSESSMENT OF EXISTING TANK SYSTEM'S INTEGRITY							
written assessment of tank system's integrity	233E	261.191(a)					
adequate design; sufficient structural strength; compatibility with material(s)	233E	261.191(b)					
minimum assessment considerations	233E	261.191(b)(1)					
		261.191(b)(2)					
		261.191(b)(3)					
		261.191(b)(4)					
		261.191(b)(5)					
		261.191(b)(5)(i)					
		261.191(b)(5)(ii)					
		Note					
tank systems found to be leaking or unfit for use, compliance with 261.196	233E	261.191(c)					
[Reserved]	233E	261.192					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
CONTAINMENT AND DETECTION OF RELEASES							
requirements for secondary containment systems	233E	261.193(a)					
		261.193(a)(1)					
		261.193(a)(2)					
		261.193(a) Note					
minimum specifications of secondary containment systems	233E	261.193(b)					
		261.193(b)(1)					
		261.193(b)(2)					
		261.193(b)(3)					
devices that satisfy the secondary containment requirements	233E	261.193(b)(4)					
		261.193(c)					
		261.193(c)(1)					
		261.193(c)(2)					
additional requirements for secondary containment systems	233E	261.193(c)(3)					
		261.193(d)					
additional requirements for external liner systems	233E	261.193(d)(1)					
		261.193(d)(1)(i)					
		261.193(d)(1)(ii)					
		261.193(d)(1)(iii)					
		261.193(d)(1)(iv)					
additional requirements for vault systems	233E	261.193(d)(2)					
		261.193(d)(2)(i)					
		261.193(d)(2)(ii)					
		261.193(d)(2)(iii)					
		261.193(d)(2)(iv)					
		261.193(d)(2)(v)					
additional requirements for double-walled tanks	233E	261.193(d)(2)(vi)					
		261.193(d)(3)					
		261.193(d)(3)(i) – (iii)					
		261.193(d)(3)(ii)					
		261.193(d)(3)(iii)					
[Reserved]	233E	261.193(d)(3) Note					
ancillary equipment secondary containment	233E	261.193(e)					
		261.193(f)					
		261.193(f)(1)					
		261.193(f)(2)					
		261.193(f)(3)					
		261.193(f)(4)					
GENERAL OPERATING REQUIREMENTS							

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
when hazardous secondary materials or treatment reagents must not be placed in tank systems	233E	261.194(a)					
minimum controls and practices to prevent spills and overflows	233E	261.194(b)					
		261.194(b)(1)					
		261.194(b)(2)					
		261.194(b)(3)					
261.196 requirements if a leak or spill occurs in the system	233E	261.194(c)					
[Reserved]	233E	261.195					
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	233E	261.196					
cessation of use; prevent flow or addition of wastes	233E	261.196(a)					
schedule for removal of waste from tank system or secondary containment system	233E	261.196(b)(1)					
		261.196(b)(2)					
containment of visible releases to the environment	233E	261.196(c)					
		261.196(c)(1)					
		261.196(c)(2)					
required notifications and reports following any release to the environment	233E	261.196(d)(1)					
		261.196(d)(2)					
		261.196(d)(2)(i)					
		261.196(d)(2)(ii)					
		261.196(d)(3)					
		261.196(d)(3)(i)					
		261.196(d)(3)(i)					
		261.196(d)(3)(i)					
		261.196(d)(3)(i)					
provision of secondary containment, repair, or closure	233E	261.196(e)(1)					
		261.196(e)(2)					
		261.196(e)(3)					
		261.196(e)(4)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
certification of major repairs	233E	261.196(f)					
Regional Administrator may issue an order under RCRA 7003(a)	233E	261.196 Note 1					
40 CFR part 302 may require the owner or operator to notify the National Response Center of certain releases	233E	261.196 Note 2					
TERMINATION OF REMANUFACTURING EXCLUSION							
material stored in units for more than 90 days after unit ceases to operate becomes subject to full hazardous waste regulations	233E	261.197					
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE MATERIALS							
no ignitable or reactive material in tank systems unless it meets certain conditions	233E	261.198(a)					
maintenance of protective distances	233E	261.198(b)					
SPECIAL REQUIREMENTS FOR INCOMPATIBLE MATERIALS							
incompatible materials must not be placed in the same tank system	233E	261.199(a)					
no placement of hazardous secondary material a contaminated tank system that previously held an incompatible material	233E	261.199(b)					
AIR EMISSION STANDARDS							
owners/operators subject to applicable requirements of 261, subparts AA, BB, & CC if they place hazardous secondary material in a tank	233E	261.200					
SUBPARTS K and L [RESERVED]							

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SUBPART M – EMERGENCY PREPAREDNESS RESPONSE FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS							
APPLICABILITY							
	applies to hazardous secondary materials excluded under the remanufacturing exclusion at § 261.4(a)(23) or (a)(24)	233D1, 2333D2	261.400				
74	generator or an intermediate or reclamation facility operating under verified recycler variance under 260.31(d) that accumulate 6000 kg or less of hazardous secondary material	233D1, 233D2	261.400(a)				
74	generator or an intermediate or reclamation facility operating under verified recycler variance under 260.31(d) that accumulate more than 6000 kg of hazardous secondary material	233D1, 233D2	261.400(b)				
PREPAREDNESS AND PREVENTION							
	maintenance and operation of facility	233D1, 2333D2	261.410(a)				
	required equipment	233D1, 2333D2	261.410(b)				
			261.410(b)(1)				
			261.410(b)(2)				
			261.410(b)(3)				
	testing and maintenance of equipment	233D1, 2333D2	261.410(c)				
	access to communications or alarm system	233D1, 2333D2	261.410(d)				
			261.410(d)(1)				
			261.410(d)(2)				
74	required aisle space	233D1, 2333D2	261.410(e)				

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
74 arrangements with local authorities for generator or an intermediate or reclamation facility operating under verified recycler variance under 260.31(d)	233D1, 233D2	261.410(f)					
		261.410(f)(1)					
		261.410(f)(1)(i)					
		261.410(f)(1)(ii)					
		261.410(f)(1)(iii)					
		261.410(f)(1)(iv)					
		261.410(f)(2)					
EMERGENCY PROCEDURES FOR FACILITIES GENERATING OR ACCUMULATING 6000 KG OR LESS OF HAZARDOUS SECONDARY MATERIAL							
74 generator or an intermediate or reclamation under a verified recycler variance under 260.31(d) that generates or accumulates 6000 kg or less of hazardous secondary material must comply with the following:	233D1, 233D2	261.411					
there must be at least one employee either on the premises or on call as the emergency coordinator	233D1, 233D2	261.411(a)					
information that must be posted next to the telephone	233D1, 233D2	261.411(b)					
		261.411(b)(1)					
		261.411(b)(2)					
		261.411(b)(3)					
ensure all employees are familiar with proper waste handling emergency procedures	233D1, 233D2	261.411(c)					
requirements for emergency response by emergency coordinator	233D1, 233D2	261.411(d)					
		261.411(d)(1)					
		261.411(d)(2)					
		261.411(d)(3)					
		261.411(d)(3)(i) – (d)(3)(v)					
CONTINGENCY PLANNING AND EMERGENCY PROCEDURES FOR FACILITIES GENERATING OR ACCUMULATING MORE THAN 6000 KG OF HAZARDOUS SECONDARY MATERIAL							

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
74 generator or an intermediate or reclamation under a verified recycler variance under 260.31(d) that generates or accumulates more than 6000 kg hazardous secondary material must comply with the following:	233D1, 233D2	261.420					
purpose and implementation of contingency plan	233D1, 233D2	261.420(a)					
		261.420(a)(1)					
		261.420(a)(2)					
content of contingency plan	233D1, 233D2	261.420(b)					
		261.420(b)(1) – (b)(6)					
copies of contingency plan.	233D1, 233D2	261.420(c)					
		261.420(c)(1) and (c)(2)					
amendment of contingency plan	233D1, 233D2	261.420(d)					
		261.420(d)(1) – (d)(5)					
emergency coordinator	233D1, 233D2	261.420(e)					
emergency procedures	233D1, 233D2	261.420(f)					
		261.420(f)(1)					
		261.420(f)(1)(i) and (ii)					
		261.420(f)(2)					
		261.420(f)(3)					
		261.420(f)(4)					
		261.420(f)(4)(i)					
		261.420(f)(4)(ii)					
		261.420(f)(4)(ii)(A) – (F)					
		261.420(f)(5)					
		261.420(f)(6)					
		261.420(f)(7)					
		261.420(f)(8)					
		261.420(f)(8)(i) and (ii)					
		261.420(f)(9)					
		261.420(f)(9)(i) – (f)(9)(vii)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
emergency preparedness – personnel training	237	261.420(g)					
SUBPARTS N – Z [RESERVED]							
SUBPART AA – AIR EMISSION STANDARDS FOR PROCESS VENTS							
APPLICABILITY							
applies to certain process vents that manage hazardous secondary materials excluded under 261.4(a)(27)	233E	261.1030					
DEFINITIONS							
all terms not defined in 261.1031 have the meaning given to them RCRA and parts 260 – 266	233E	261.1031					
“air stripping operation”	233E	261.1031					
“bottoms receiver”	233E	261.1031					
“closed-vent system”	233E	261.1031					
“condenser”	233E	261.1031					
“connector”	233E	261.1031					
“continuous recorder”	233E	261.1031					
“control device”	233E	261.1031					
“control device shutdown”	233E	261.1031					
“distillate receiver”	233E	261.1031					
“distillation operation”	233E	261.1031					
“double block and bleed system”	233E	261.1031					
“equipment”	233E	261.1031					
“flame zone”	233E	261.1031					
“flow indicator”	233E	261.1031					
“first attempt at repair”	233E	261.1031					
“fractionation operation”	233E	261.1031					
“hazardous secondary material management unit shutdown”	233E	261.1031					
“hot well”	233E	261.1031					
“in gas/vapor service”	233E	261.1031					
“in heavy liquid service”	233E	261.1031					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
“in light liquid service”	233E	261.1031					
“in situ sampling systems”	233E	261.1031					
“in vacuum service”	233E	261.1031					
“malfunction”	233E	261.1031					
“open-ended valve or line”	233E	261.1031					
“pressure release”	233E	261.1031					
“process heater”	233E	261.1031					
“process vent”	233E	261.1031					
“repaired”	233E	261.1031					
“sampling connection system”	233E	261.1031					
“sensor”	233E	261.1031					
“separator tank”	233E	261.1031					
“solvent extraction operation”	233E	261.1031					
“startup”	233E	261.1031					
“steam stripping operation”	233E	261.1031					
“surge control tank”	233E	261.1031					
“thin-film evaporation operation”	233E	261.1031					
“vapor incinerator”	233E	261.1031					
“vented”	233E	261.1031					
STANDARD PROCESS VENTS							
requirements for remanufacturer that stores or treats materials in hazardous secondary material management units	233E	261.1032(a)					
		261.1032(a)(1)					
installation of closed-vent system and control device must meet 261.1033 requirements	233E	261.1032(a)(2)					
		261.1032(b)					
determinations achieved by add-on control devices may be based on engineering calculations or performance tests; performance test must conform with 261.1034(c)	233E	261.1032(c)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
procedures in 261.1034(c) shall be used to resolve disagreements between remanufacturer/person and Regional Administrator	233E	261.1032(d)					
STANDARD; CLOSED-VENT SYSTEMS AND CONTROL DEVICES							
remanufacturer/person shall comply with 261.1033 provisions	233E	261.1033(a)(1)					
[Reserved]	233E	261.1033(a)(2)					
control device involving vapor recovery	233E	261.1033(b)					
enclosed combustion devices	233E	261.1033(c)					
design and operation of flares	233E	261.1033(d)(1)					
		261.1033(d)(2)					
		261.1033(d)(3)					
		261.1033(d)(4)(i)					
		261.1033(d)(4)(ii)					
		261.1033(d)(4)(iii)					
		261.1033(d)(5)					
use of Reference Method 22 to determine flare compliance	233E	261.1033(e)(1)					
		261.1033(e)(2)					
		261.1033(e)(3)					
		261.1033(e)(4)					
		261.1033(e)(5)					
monitoring and inspection of control devices	233E	261.1033(f)					
		261.1033(f)(1)					
		261.1033(f)(2)					
		261.1033(f)(2)(i)					
		261.1033(f)(2)(ii)					
		261.1033(f)(2)(iii)					
		261.1033(f)(2)(iv)					
		261.1033(f)(2)(v)					
		261.1033(f)(2)(vi)					
		261.1033(f)(2)(vi)(A)					
		261.1033(f)(2)(vi)(B)					
		261.1033(f)(2)(vii)					
		261.1033(f)(2)(vii)(A)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		261.1033(f)(2)(vii)(B)					
		261.1033(f)(3)					
replacement of carbon in control device	233E	261.1033(g)					
procedures to replace carbon in a non-regenerating carbon bed	233E	261.1033(h)					
		261.1033(h)(1)					
		261.1033(h)(2)					
alternative operational or process parameters	233E	261.1033(i)					
use of control devices other than those listed for compliance	233E	261.1033(j)					
closed-vent system shall meet either of the following design requirements:	233E	261.1033(k)					
designed to operate with no detectable emissions as determined by the procedure in 261.1034(b) and by visual inspection	233E	261.1033(k)(1)					
designed to operate a pressure below atmospheric pressure as specified	233E	261.1033(k)(2)					
remanufacturer to monitor & inspect closed-vent system to ensure proper operation & maintenance by implementing following:	233E	261.1033(l)					
closed-vent system used to comply with 261.1033(k)(1) shall be inspected & monitored in accordance with specified requirements	233E	261.1033(l)(1)					
		261.1033(l)(1)(i)					
		261.1033(l)(1)(ii)					
		261.1033(l)(1)(ii)(A)					
		261.1033(l)(1)(ii)(B)					
		261.1033(l)(1)(iii)					
		261.1033(l)(1)(iv)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
closed-vent system used to comply with 261.1033(k)(2) shall be inspected & monitored in accordance with specified requirements	233	261.1033(l)(2)					
		261.1033(l)(2)(i)					
		261.1033(l)(2)(ii)					
		261.1033(l)(2)(iii)					
		261.1033(l)(2)(iv)					
remanufacturer shall repair all detected defects as follows:	233E	261.1033(l)(3)					
detectable emissions shall be controlled as soon as practicable, but not later than 15 days after detection, except as in 261.1033(l)(3)(iii)	233E	261.1033(l)(3)(i)					
first attempt at repair to be made no later than 5 days after emission is detected	233E	261.1033(l)(3)(ii)					
when delay of closed-vent repair allowed; if repair is infeasible without shutdown or emissions resulting from repair are greater than those from delay, then repair shall be completed by end of next shutdown	233E	261.1033(l)(3)(iii)					
remanufacturer shall maintain record of repair in accordance with 261.1035	233E	261.1033(l)(3)(iv)					
closed-vent systems and control devices must be operated at all times when emissions may be vented to them	233E	261.1033(m)					
management of carbon removed from carbon absorption system	233E	261.1033(n)					
regenerated or reactivated in a thermal treatment unit that meets one of the three specified requirements	233E	261.1033(n)(1)					
		261.1033(n)(1)(i)					
		261.1033(n)(1)(ii)					
		261.1033(n)(1)(iii)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
incinerated in a hazardous waste incinerator for which the owner or operator either:	233E	261.1033(n)(2)					
75 has been issued a final permit under part 270 which implements the requirements of part 264, subpart O; or	233E	261.1033(n)(2)(i)					
has designed and operates the incinerator in accordance with the interim status requirements of 40 CFR part 265, subpart O.	233E	261.1033(n)(2)(ii)					
burned in a boiler or industrial furnace for which the owner or operator either:	233E	261.1033(n)(3)					
has been issued a final permit under part 270 which implements part 266, subpart H; or	233E	261.1033(n)(3)(i)					
has designed & operates boiler or industrial furnace in accordance with part 266, subpart H	233E	261.1033(n)(3)(ii)					
conditions under which components of closed-vent system designated as unsafe to monitor are exempt from 261.1033(l)(1)(ii)(B)	233E	261.1033(o)					
		261.1033(o)(1)					
		261.1033(o)(2)					
TEST METHODS AND PROCEDURES							
test methods and procedures compliance	233E	261.1034(a)					
closed-vent system compliance test requirements	233E	261.1034(b)					
		261.1034(b)(1)					
		261.1034(b)(2)					
		261.1034(b)(3)					
		261.1034(b)(4)					
		261.1034(b)(4)(i)					
		261.1034(b)(4)(ii)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		261.1034(b) (5)					
		261.1034(b) (6)					
		261.1034(b) (7)					
performance tests to determine 261.1032(a) and 261.1033(c) compliance	233E	261.1034(c)					
		261.1034(c)(1)					
		261.1034(c)(1)(i)					
		261.1034(c)(1)(ii)					
		261.1034(c)(1)(iii)					
		261.1034(c)(1)(iv)					
		261.1034(c)(1)(v)					
		261.1034(c)(1)(vi)					
		261.1034(c)(2)					
		261.1034(c)(3)					
		261.1034(c)(3)(i)					
		261.1034(c)(3)(ii)					
		261.1034(c)(3)(iii)					
		261.1034(c)(3)(iv)					
261.1034(c)(4)							
to demonstrate a process vent is not subject to subpart AA requirements, use one of two methods to determine an annual average total organic concentration of less than 10 ppmw	233E	261.1034(d)					
direct measurement using the specified procedures:	233E	261.1034(d)(1)					
		261.1034(d)(1)(i)					
		261.1034(d)(1)(ii)					
		261.1034(d)(1)(iii)					
		261.1034(d)(1)(iv)					
using knowledge of the waste to determine its total organic concentration is less than 10 ppmw; documentation of the waste determination is required; examples of acceptable documentation	233E	261.1034(d)(2)					
method for determination for management of	233E	261.1034(e)					
		261.1034(e)(1)					
		261.1034(e)(2)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
hazardous secondary materials with time-weighted, annual average total organic concentrations of less than 10 ppmw		261.1034(e)(3)					
dispute resolution through direct measurement as specified at 261.1034(d)(1)	233E	261.1034(f)					
RECORDKEEPING REQUIREMENTS							
compliance with recordkeeping requirements	233E	261.1035(a)(1)					
record keeping requirements for more than one hazardous secondary material management unit in one record keeping system	233E	261.1035(a)(2)					
76 information that must be recorded in the facility operating record	233E	261.1035(b)					
for 261.1033(a)(2)-complying facilities, an implementation schedule that includes specified dates and rationale; inclusion in operating record by effective date the facility becomes subject to subpart AA	233E	261.1035(b)(1)					
up-to-date documentation of compliance with the process vent standards in 261.1032	233E	261.1035(b)(2)					
		261.1035(b)(2)(i)					
		261.1035(b)(2)(ii)					
a performance test plan for remanufacturers using test data for determination; contents	233E	261.1035(b)(3)					
		261.1035(b)(3)(i)					
		261.1035(b)(3)(ii)					
		261.1035(b)(3)(ii)(A)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
		261.1035(b)(3)(ii)(B)					
		261.1035(b)(3)(ii)(C)					
		261.1035(b)(3)(ii)(D)					
		261.1035(b)(3)(ii)(E)					
		261.1035(b)(3)(iii)					
documentation of compliance with 261.1033	233E	261.1035(b)(4)					
information references and sources	233E	261.1035(b)(4)(i)					
records including the dates of each compliance test required by 261.1033(k)	233E	261.1035(b)(4)(ii)					
if engineering calculations are used, a design analysis and other documents that present basic control device design information; design analysis addresses vent stream characteristics and control device operation parameters as specified	233E	261.1035(b)(4)(iii)					
		261.1035(b)(4)(iii)(A)					
		261.1035(b)(4)(iii)(B)					
		261.1035(b)(4)(iii)(C)					
		261.1035(b)(4)(iii)(D)					
		261.1035(b)(4)(iii)(E)					
		261.1035(b)(4)(iii)(F)					
261.1035(b)(4)(iii)(G)							
certification statement signed and dated by remanufacturer regarding operating parameters	233E	261.1035(b)(4)(iv)					
certification statement signed and dated by remanufacturer regarding control equipment meeting design specifications	233E	261.1035(b)(4)(v)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
all test results when performance tests are used to demonstrate compliance	233E	261.1035(b)(4)(vi)					
design documentation and monitoring, operating, and inspection information recordkeeping for closed-vent system and control device	233E	261.1035(c)					
description and date of each modification	233E	261.1035(c)(1)					
identification of operating parameter, description of monitoring device and location diagram for compliance with 261.1033(f)(1) and (f)(2)	233E	261.1035(c)(2)					
information required by 261.1033(f)-(k)	233E	261.1035(c)(3)					
date, time and duration of each period that occurs while control device is operating when any monitored parameter exceeds the value established in the design analysis	233E	261.1035(c)(4)					
for a thermal vapor incinerator, when combustion temperature is below 760 °C or more than 28 °C below design average combustion zone temperature	233E	261.1035(c)(4)(i)					
		261.1035(c)(4)(ii)					
for a catalytic vapor incinerator, when temperature of vent	233E	261.1035(c)(4)(iii)					
		261.1035(c)(4)(iii)(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
stream is more than 28 °C below average temperature or when temperature difference across catalyst bed is less than 80 percent of the design average temperature difference		261.1035(c)(4)(iii)(B)					
for a boiler or process heater period when flame zone temperature is more than 28 °C below design average temperature or position changes	233E	261.1035(c)(4)(iv)					
		261.1035(c)(4)(iv)(A)					
		261.1035(c)(4)(iv)(B)					
for flare, period when the pilot flame is not ignited	233E	261.1035(c)(4)(v)					
for a condenser, period when organic compounds are more than 20 percent greater than the design level	233E	261.1035(c)(4)(vi)					
for condenser that complies with 261.1033(f)(2)(vi)(B), period when temperature of exhaust vent stream is more than 6 °C above design average temperature or temperature of exiting coolant fluid is more than 6 °C above design average temperature	233E	261.1035(c)(4)(vii)					
		261.1035(c)(4)(vii)(A)					
		261.1035(c)(4)(vii)(B)					
for a carbon adsorption system, period when organic compounds are more than 20 percent greater than the design level	233E	261.1035(c)(4)(viii)					
for a carbon adsorption system, period when vent stream flow exceeds predetermined regeneration time	233E	261.1035(c)(4)(ix)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
explanation for each period under 261.1035(c)(4) of the cause for parameters being exceeded and measures implemented	233E	261.1035(c)(5)					
For a carbon adsorption system operation subject to 261.1033(g) or (h)(2), date when existing carbon is replaced	233E	261.1035(c)(6)					
for a carbon adsorption system operated subject to 261.1033(h)(1), a log that records specific dates	233E	261.1035(c)(7)					
		261.1035(c)(7)(i)					
		261.1035(c)(7)(ii)					
date of each control device startup and shutdown	233E	261.1035(c)(8)					
record keeping requirements for remanufacturer designating any components of a closed-vent system as unsafe to monitor pursuant to 261.1033(o)	233E	261.1035(c)(9)					
specific information to be recorded when each leak is detected as in 261.1033(l):	233E	261.1035(c)(10)					
		261.1035(c)(10)(i)					
		261.1035(c)(10)(ii)					
		261.1035(c)(10)(iii)					
		261.1035(c)(10)(iv)					
		261.1035(c)(10)(v)					
		261.1035(c)(10)(v)(A)					
		261.1035(c)(10)(v)(B)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
records required by paragraphs 264.1035(c)(3) – (c)(10) shall be maintained by owner or operator for at least 3 years following date of each occurrence, measurement, maintenance, corrective action, or record	233E	261.1035(d)					
specification of record keeping requirements for certain control devices by Regional Administrator	233E	261.1035(e)					
logging of information used to determine if process vent is subject to 261.1032 and 261.1034(d)(2)	233E	261.1035(f)					
[Reserved]	233E	261.1036 – 261.1049					
SUBPART BB – AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS							
APPLICABILITY							
Applies to equipment containing hazardous secondary materials excluded from 261.4(a)(27), unless equipment operation are subject to the Clean Air Act regulations	233E	261.1050(a)					
DEFINITIONS							
all terms have meaning given them in 261.1031, the Act, and parts 260-266	233E	261.1051					
STANDARDS: PUMPS IN LIGHT LIQUID SERVICE							
monthly monitoring to detect leaks as specified by 261.1063(b) methods except as provided in 261.1052(d),(e)&(f)	233E	261.1052(a)(1)					
		261.1052(a)(2)					
conditions indicating a leak is detected	233E	261.1052(b)(1)					
		261.1052(b)(2)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
time frame for leak repair, except as provided in 261.1059	233E	261.1052(c)(1)					
		261.1052(c)(2)					
pump equipped with dual mechanical seal system that includes a barrier fluid system is exempt from 261.1052(a) if specific requirements are met:	233E	261.1052(d)					
operational and equipment requirements for a dual mechanical seal system	233E	261.1052(d)(1)					
		261.1052(d)(1)(i)					
		261.1052(d)(1)(ii)					
		261.1052(d)(1)(iii)					
organic concentration limitation for barrier fluid system	233E	261.1052(d)(2)					
equipped with sensor to detect failure of system	233E	261.1052(d)(3)					
weekly visual inspection of pump	233E	261.1052(d)(4)					
daily check of barrier fluid system sensor or monthly check of audible alarm	233E	261.1052(d)(5)(i)					
		261.1052(d)(5)(ii)					
leak detection criteria	233E	261.1052(d)(6)(i)					
		261.1052(d)(6)(ii)					
		261.1052(d)(6)(iii)					
conditions under which pump designated for no detectable emissions is exempt from 261.1052(a), (c) & (d) requirements	233E	261.1052(e)					
		261.1052(e)(1)					
		261.1052(e)(2)					
		261.1052(e)(3)					
pump equipped with closed-vent system and control device in compliance with 261.1060 is exempt from 261.1052(a)-(e) requirements	233E	261.1052(f)					

STANDARDS: COMPRESSORS

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
seal system requirement for compressor, except as provided in 261.1053(h)&(i)	233E	261.1053(a)					
specifications for compressor seal system	233E	261.1053(b)					
		261.1053(b)(1)					
		261.1053(b)(2)					
		261.1053(b)(3)					
organic concentration limitation for barrier fluid	233E	261.1053(c)					
sensor requirement	233E	261.1053(d)					
daily check of barrier fluid system sensor or monthly check of audible alarm; daily check if compressor located within boundary of unmanned site	233E	261.1053(e)(1)					
determination of criterion to indicate failure of systems	233E	261.1053(e)(2)					
leak detection criteria	233E	261.1053(f)					
repair of leak not to exceed 15 calendar days, except as provided in 261.1059	233E	261.1053(g)(1)					
first attempt at leak repair not to exceed 5 calendar days after leak detection	233E	261.1053(g)(2)					
compressor equipped with closed-vent system and control device in compliance with 261.1060 is exempt from 261.1053(a)&(b) requirements, except as provided in 261.1053(i)	233E	261.1053(h)					
conditions under which compressor designated	233E	261.1053(i)					
		261.1053(i)(1)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
for no detectable emissions is exempt from 261.1053(a) through (h) requirements		261.1053(i)(2)					
STANDARDS: PRESSURE RELIEF DEVICES IN GAS/VAPOR SERVICE							
except during pressure releases, no detectable emission standards for the operation of pressure relief device in gas/vapor service, as measured by 261.1063(c) method	233E	261.1054(a)					
time requirement and criteria for return of pressure relief device to a condition of no detectable emissions, except as provided in 261.1059	233E	261.1054(b)(1)					
monitoring of pressure relief device within 5 calendar days after pressure relief to confirm no detectable emissions, as measured by 261.1063(c) method	233E	261.1054(b)(2)					
pressure relief device equipped with closed-vent system and control device in compliance with 261.1060 is exempt from 261.1054(a)&(b)	233E	261.1054(c)					
STANDARDS: SAMPLING CONNECTING SYSTEMS							
sampling connecting system equipped with closed-purge, closed loop, or closed-vent system; reason for sample purge system; gases displaced during filling do not require collection	233E	261.1055(a)					
return, collect and recycle purged process	233E	261.1055(b) 261.1055(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
fluid; be designed & operated to capture & transport all purged process fluid to unit that complies with 261.1084 or 261.1086 or control device that complies with 261.1060		261.1055(b)(2)					
		261.1055(b)(3)					
in situ sampling systems and sampling systems without purges exempt from 261.1055(a)&(b) requirements	233E	261.1055(c)					
STANDARDS: OPEN-ENDED VALVES OR LINES							
each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve	233E	261.1056(a)(1)					
requirement to seal open end at all times except during specified operations	233E	261.1056(a)(2)					
operational requirements for open-ended valve or line equipped with a second valve	233E	261.1056(b)					
requirements for bleed valve or line when a double block and bleed system is used; compliance with 261.1056(a)	233E	261.1056(c)					
STANDARDS: VALVES IN GAS/ VAPOR SERVICE OR IN LIGHT LIQUID SERVICE							
monthly monitoring of each valve in gas/vapor or light liquid service using 261.1063(b) methods; compliance with 261.1057(b)-(e), except as provided in 261.1057(f) - (h), 261.1061 and 261.1062	233E	261.1057(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
instrument reading of 10,000 ppm or greater indicates leak	233E	261.1057(b)					
monitoring requirements if leak not detected for two successive months	233E	261.1057(c)(1)					
monthly monitoring requirement if leak detected	233E	261.1057(c)(2)					
repair of leak not to exceed 15 calendar days, except as provided in 261.1059	233E	261.1057(d)(1)					
first attempt at leak repair not to exceed 5 calendar days after leak detection	233E	261.1057(d)(2)					
best practices to include in first attempt at repair	233E	261.1057(e)					
		261.1057(e)(1)					
		261.1057(e)(2)					
		261.1057(e)(3)					
valve designated for no detectable emissions under 261.1064(g)(2) is exempt from 261.1057(a) requirements if specified conditions are met	233E	261.1057(f)					
		261.1057(f)(1)					
		261.1057(f)(2)					
		261.1057(f)(3)					
conditions under which an unsafe-to-monitor valve as described in 261.1064(h)(1) is exempt from 261.1057(a) requirements	233E	261.1057(g)					
		261.1057(g)(1)					
		261.1057(g)(2)					
conditions under which a difficult-to-monitor valve as described in 261.1064(h)(2) is exempt from 261.1057(a) requirements	233E	261.1057(h)					
		261.1057(h)(1)					
		261.1057(h)(2)					
		261.1057(h)(3)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
STANDARDS: PUMPS AND VALVES IN HEAVY LIQUID SERVICE, PRESSURE RELIEF DEVICES IN LIGHT LIQUID OR HEAVY LIQUID SERVICE, AND FLANGES AND OTHER CONNECTORS							
monitoring of specified pumps and valves, pressure relief devices, flanges and other connectors within 5 days using 261.1063(b) methods in case of potential leaks	233E	261.1058(a)					
reading of 10,000 ppm or greater indicates leak	233E	261.1058(b)					
repair of leak not to exceed 15 calendar days, except as provided in 261.1059	233E	261.1058(c)(1)					
first attempt at leak repair not to exceed 5 calendar days after leak detection	233E	261.1058(c)(2)					
first attempt at repair includes best practices described under 261.1057(e)	233E	261.1058(d)					
inaccessible, ceramic or ceramic-lined connectors exempt from monitoring requirements of 261.1058(a) & recordkeeping requirements of 261.1064	233E	261.1058(e)					
STANDARDS: DELAY OF REPAIR							
requirements for the delay of repair of equipment for which leaks have been detected	233E	261.1059(a)					
type of equipment for which delay of repair allowed	233E	261.1059(b)					
conditions under which delay of repair of valves allowed	233E	261.1059(c)					
		261.1059(c)(1)					
		261.1059(c)(2)					
conditions under which	233E	261.1059(d)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
delay of repair of pumps allowed		261.1059(d)(1)					
		261.1059(d)(2)					
conditions for delay of repair beyond a hazardous secondary material management unit shutdown	233E	261.1059(e)					
STANDARDS: CLOSED-VENT SYSTEMS AND CONTROL DEVICES							
remanufacturer of closed-vent systems and control devices subject to part 261, Subpart BB shall comply with 261.1033 provisions	233E	261.1060(a)					
remanufacturer who cannot install closed-vent system and control device to comply with part 261, subpart BB by effective date must prepare implementation schedule; schedule may allow up to 30 months after effective date for installation and startup	233E	261.1060(b)(1)					
any unit that begins operation after July 13, 2015, and is subject to part 261, subpart BB, must comply with rules immediately	233E	261.1060(b)(2)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remanufacturer/other person of facility in existence on effective date of statutory or regulatory amendment that renders facility subject to part 261, subpart BB, shall comply with subpart BB no later than 30 months after effective date of amendment; requirements when control equipment cannot be installed and operational by effective date	233E	261.1060(b)(3)					
remanufacturers/other persons of facilities and units newly subject to part 261, subpart BB, after January 13, 2015, due to action other than under 261.1060(b)(3), must comply with requirements immediately	233E	261.1060(b)(4)					
ALTERNATIVE STANDARDS FOR VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE: PERCENTAGE OF VALVES ALLOWED TO LEAK							
alternative standard allowing no greater than 2 percent of valves to leak for a remanufacturer subject to 261.1057 requirements	233E	261.1061(a)					
performance test, and repair requirements	233E	261.1061(b)					
		261.1061(b)(1)					
		261.1061(b)(2)					
performance test conduct	233E	261.1061(c)					
		261.1061(c)(1)					
		261.1061(c)(2)					
		261.1061(c)(3)					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
ALTERNATIVE STANDARDS FOR VALVES IN GAS/VAPOR SERVICE OR IN LIGHT LIQUID SERVICE: SKIP PERIOD LEAK DETECTION AND REPAIR							
election to comply with 261.1062(b)(2) and (3) alternative work practices by remanufacturer subject to 261.1057 requirements	233E	261.1062(a)					
compliance with 261.1057 requirements, except as described in 261.1062(b)(2) and (3)	233E	261.1062(b)(1)					
conditions under which a remanufacturer/other person may begin to skip one of the quarterly leak detection periods	233E	261.1062(b)(2)					
conditions under which a remanufacturer/other person may begin to skip three of the quarterly leak detection periods	233E	261.1062(b)(3)					
conditions for compliance with 264.1057 monthly monitoring requirements; may elect to use 261.1062 requirements again after meeting 261.1057(c)(1) requirements	233E	261.1062(b)(4)					
TEST METHODS AND PROCEDURES							
compliance with test methods and procedures requirements by remanufacturer subject to provisions of subpart BB	233E	261.1063(a)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
leak detection monitoring as required in 261.1052-261.1062 shall comply with specified requirements:	233E	261.1063(b)					
monitoring in compliance with Reference Method 21 in 40 CFR part 60	233E	261.1063(b)(1)					
		261.1063(b)(2)					
		261.1063(b)(3)					
calibration gases shall be:	233E	261.1063(b)(4)					
zero air	233E	261.1063(b)(4)(i)					
mixture of methane or n-hexane and air at specified concentration	233E	261.1063(b)(4)(ii)					
instrument probe traverse requirements as described in Reference Method 21	233E	261.1063(b)(5)					
test compliance requirements for equipment with no detectable emissions as required in 261.1052(e), 261.1053(i), 261.1054 and 261.1057(f)	233E	261.1063(c)					
		261.1063(c)(1)					
		261.1063(c)(2)					
		261.1063(c)(3)					
		261.1063(c)(4)					
determination by remanufacturer of whether equipment contains or contacts a hazardous secondary material with organic concentration equal to or greater than 10% by weight using the following:	233E	261.1063(d)					
methods described in ASTM Methods D 2267-88, E 169-87, E 168-88 and E 260-85	233E	261.1063(d)(1)					
Method 9060A EPA Publication SW-846	233E	261.1063(d)(2)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
application of the knowledge of the nature of the hazardous secondary material stream or the process by which it was produced; documentation required; examples of documentation	233E	261.1063(d)(3)					
determination as specified in 261.1063(d) can be revised only after following 261.1063(d)(1) or (2) procedures	233E	261.1063(e)					
use of 261.1063(d)(1) or (2) to resolve determination disputes between remanufacturer and Regional Administrator	233E	261.1063(f)					
samples used for determination representative of highest expected total organic content hazardous secondary material	233E	261.1063(g)					
to determine if pumps or valves are in light liquid service, vapor pressures of constituents may be obtained from standard reference texts or may be determined by ASTM D-2879-86	233E	261.1063(h)					
performance tests for control device shall comply with 261.1034(c)(1) through (c)(4) procedures	233E	261.1063(i)					
RECORDKEEPING REQUIREMENTS							

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
compliance with recordkeeping requirements	233E	261.1064(a)(1)					
record keeping requirements for material in more than one hazardous secondary material management unit	233E	261.1064(a)(2)					
specific information that remanufacturers must record in the facility operating record	233E	261.1064(b)					
		261.1064(b)(1)					
		261.1064(b)(1)(i)					
		261.1064(b)(1)(ii)					
		261.1064(b)(1)(iii)					
		261.1064(b)(1)(iv)					
		261.1064(b)(1)(v)					
261.1064(b)(1)(vi)							
77 for facilities that comply with the provisions of 261.1033(a)(2), an implementation schedule as specified in 261.1033(a)(2)	233E	261.1064(b)(2)					
performance test plan as specified in 261.1035(b)(3) if test data are used for control device demonstration	233E	261.1064(b)(3)					
documentation of compliance with 261.1060 and 261.1035(b)(4)	233E	261.1064(b)(4)					
information requirements when each leak is detected as specified in 261.1052, 261.1053, 261.1057 and 261.1058	233E	261.1064(c)					
		261.1064(c)(1)					
		261.1064(c)(2)					
		261.1064(c)(3)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
inspection log information requirements when each leak is detected as specified in 261.1052, 261.1053, 261.1057 and 261.1058	233E	261.1064(d)					
		261.1064(d)(1)					
		261.1064(d)(2)					
		261.1064(d)(3)					
		261.1064(d)(4)					
		261.1064(d)(5)					
		261.1064(d)(6)					
		261.1064(d)(7)					
		261.1064(d)(8)					
		261.1064(d)(9)					
261.1064(d)(10)							
for each closed-vent system and control device subject to 261.1060, design documentation and monitoring, operating and inspection information recorded in facility operating record as specified in 261.1035(c)	233E	261.1064(e)					
for a control device other than thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, Regional Administrator will specify appropriate record keeping requirements	233E	261.1064(f)					
information requirements for equipment subject to the requirements of 261.1052 through 261.1060 to be recorded in a log and kept at the facility	233E	261.1064(g)					
		261.1064(g)(1)					
		261.1064(g)(2)(i)					
		261.1064(g)(2)(ii)					
		261.1064(g)(3)					
		261.1064(g)(4)(i)					
		261.1064(g)(4)(ii)					
		261.1064(g)(4)(iii)					
261.1064(g)(5) and (g)(6)							

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
information requirements for valves subject to the requirements of 261.1057(g)&(h)	233E	261.1064(h)					
		261.1064(h)(1)					
		261.1064(h)(h)(2)					
information requirements for valves complying with 261.1062	233E	261.1064(i)					
		261.1064(i)(1)					
		261.1064(i)(2)					
additional information requirements	233E	261.1064(j)					
criteria required in 261.1052(d)(5)(ii) and 261.1053(e)(2) and an explanation of the design criteria	233E	261.1064(j)(1)					
any changes to the criteria and the reasons for the changes	233E	261.1064(j)(2)					
information requirements to be recorded in a log for determining exemptions as provided in the applicability section of subpart BB and other specific subparts	233E	261.1064(k)					
		261.1064(k)(1)					
		261.1064(k)(2)					
		261.1064(k)(3)					
records of equipment leak and operating information need be kept for only three years	233E	261.1064(l)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remanufacturer of facility with equipment subject to part 261, subpart BB and 40 CFR parts 60, 61 or 63 may elect to determine compliance by documentation under 261.1064 or by documentation of compliance with 40 CFR part 60, part 61, or part 63; documentation of compliance shall be kept or made available at the facility	233E	261.1064(m)					
[Reserved]	233E	261.1065 – 261.1079					
SUBPART CC – AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS							
APPLICABILITY							
tanks and containers that contain hazardous secondary materials excluded under 261.4(a)(27), tanks and containers are in compliance with the requirements under the Clean Air Act	233E	261.1080(a)					
[Reserved]	233E	261.1080(b)					
DEFINITIONS							
terms not defined in 261.1081 have the meaning given in the Act and parts 260 through 266	233E	261.1081					
“average volatile organic concentration” or “average VO concentration”	233E	261.1081					
“closure device”	233E	261.1081					
“continuous seal”	233E	261.1081					
“cover”	233E	261.1081					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
“empty hazardous secondary material container”	233E	261.1081					
		261.1081(1)					
		261.1081(2)					
		261.1081(3)					
“enclosure”	233E	261.1081					
“external floating roof”	233E	261.1081					
“fixed roof”	233E	261.1081					
“floating membrane cover”	233E	261.1081					
“floating roof”	233E	261.1081					
“hard-piping”	233E	261.1081					
“in light material service”	233E	261.1081					
“internal floating roof”	233E	261.1081					
“liquid-mounted seal”	233E	261.1081					
“malfunction”	233E	261.1081					
“material determination”	233E	261.1081					
“maximum organic vapor pressure”	233E	261.1081					
“metallic shoe seal”	233E	261.1081					
“no detectable organic emissions”	233E	261.1081					
“point of material origination”	233E	261.1081					
		261.1081(1)					
		261.1081(2)					
“safety device”	233E	261.1081					
“single-seal system”	233E	261.1081					
“vapor-mounted seal”	233E	261.1081					
“volatile organic concentration” or “VO concentration”	233E	261.1081					
STANDARDS: GENERAL							
applies to management of hazardous secondary materials in tanks and containers submit to part 261, subpart CC	233E	261.1082(a)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remanufacturer shall control air emissions from each hazardous secondary material management unit in accordance with 261.1084 through 261.1087, except as in 261.1082(c)	233E	261.1082(b)					
tank, surface impoundment, or container is exempt from 261.1084 through 261.1087, as described	233E	261.1082(c)					
MATERIAL DETERMINATION PROCEDURES							
material determination procedures to determine average VO concentration at point of origination	233E	261.1083(a)					
determining average VO concentration at the point of material origination	233E	261.1083(a)(1)					
		261.1083(a)(1)(i)					
		261.1083(a)(1)(ii)					
determination of average VO concentration using direct measurement or knowledge	233E	261.1083(a)(2)					
direct measurement to determine average VO concentrations of hazardous secondary material at point of origination	233E	261.1083(a)(3)					
Identification; remanufacturer shall identify & record point of material origination	233E	261.1083(a)(3)(i)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
Sampling; samples shall be collected at point of material origination in manner that minimizes volatilization of organics & that is adequately representative	233E	261.1083(a)(3)(ii)					
		261.1083(a)(3)(ii)(A)					
		261.1083(a)(3)(ii)(B)					
		261.1083(a)(3)(ii)(C)					
		261.1083(a)(3)(ii)(D)					
Analysis; each collected sample shall be prepared & analyzed in accordance with one or more of the specified methods	233E	261.1083(a)(3)(iii)					
		261.1083(a)(3)(iii)(A)					
		261.1083(a)(3)(iii)(B)					
calculations	233E	261.1083(a)(3)(iv)					
average VO concentration on mass-weighted basis shall be calculated by using specified equation	233E	261.1083(a)(3)(iv)(A)					
calculation methods for purpose of determining C_i for individual material samples analyzed in accordance with 261.1083(a)(3)(iii)	233E	261.1083(a)(3)(iv)(B)					
		261.1083(a)(3)(iv)(B)(1)					
		261.1083(a)(3)(iv)(B)(2)					
use of remanufacturer knowledge to determine average VO concentration of hazardous secondary material at point of origination	233E	261.1083(a)(4)					
		261.1083(a)(4)(i)					
		261.1083(a)(4)(ii)					
		261.1083(a)(4)(iii)					
		261.1083(a)(4)(iv)					
[Reserved]	233E	261.1083(b)					
Procedure to determine maximum organic vapor pressure of hazardous secondary material in a tank							
maximum organic vapor pressure shall be determined for each hazardous secondary material placed in a tank in accordance with Tank Level 1 controls in 261.1084(c)	233E	261.1083(c)(1)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
use of direct measurement in 261.1083(c)(3) or knowledge of the material as in 261.1083(c)(4)	233E	261.1083(c)(2)					
direct measurement to determine maximum organic vapor pressure of hazardous secondary material	233E	261.1083(c)(3)(i)					
		261.1083(c)(3)(ii)					
		261.1083(c)(3)(iii)					
		261.1083(c)(3)(iii)(A)					
		261.1083(c)(3)(iii)(B)					
		261.1083(c)(3)(iii)(C)					
		261.1083(c)(3)(iii)(D)					
		261.1083(c)(3)(iii)(E)					
use of knowledge to determine the maximum organic vapor pressure of hazardous secondary material; prepare documentation of basis for remanufacturer's knowledge as required	233E	261.1083(c)(4)					
procedure for determining no detectable organic emissions:	233E	261.1083(d)					
test shall be conducted in accordance with procedures in Method 21 of part 60, appendix A; each potential leak interface shall be checked; examples of potential leak interfaces that are associated with covers & closure devices	233E	261.1083(d)(1)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
test shall be performed when hazardous secondary material unit contains organic concentration representative of material expected to be managed; cover & closure devices shall be closed during test	233E	261.1083(d)(2)					
detection instrument shall meet criteria of Method 21 of part 60, appendix A, except instrument response factor criteria shall be for average composition, not for each constituent	233E	261.1083(d)(3)					
detection instrument shall be calibrated before use each day by procedures in Method 21, part 60, appendix A	233E	261.1083(d)(4)					
calibration gases as indicated	233E	261.1083(d)(5)					
		261.1083(d)(5)(i)					
		261.1083(d)(5)(ii)					
background level shall be determined according to Method 21 of part 60, appendix A	233E	261.1083(d)(6)					
how each potential leak interface shall be checked; what to do if sampling is impeded by cover or closure device configuration	233E	261.1083(d)(7)					
arithmetic difference between maximum organic concentration shall be compared with value of 500 ppmv; exceptions	233E	261.1083(d)(8)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
for seals around a rotating shaft, arithmetic difference between maximum organic concentration shall be compared with value of 10,000 ppmw; if difference is < 10,000 ppmw, leak interface is determined to operate with no detectable organic emissions	233E	261.1083(d)(9)					
STANDARDS: TANKS							
provisions apply to control of air pollutant emissions from tanks for which 261.1082(b) references use of 261.1084 for such air emission control	233E	261.1084(a)					
remanufacturer shall control air pollutant emissions from each tank subject to 261.1084 in accordance with the following:	233E	261.1084(b)					
requirements for a tank that manages hazardous secondary material & meets conditions in 261.1084(b)(1)(i)-(iii)	233E	261.1084(b)(1)					
hazardous secondary material in the tank has maximum organic vapor pressure < the limit for the tank's capacity category as specified	233E	261.1084(b)(1)(i)					
		261.1084(b)(1)(i)(A)					
		261.1084(b)(1)(i)(B)					
		261.1084(b)(1)(i)(C)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
hazardous secondary material in the tank is not heated by remanufacturer to temperature at which maximum organic vapor pressure is determined according to 261.1084(b)(1)(i)	233E	261.1084(b)(1)(ii)					
requirements for tanks that do not meet 261.1084(b)(1)(i)-(iii); examples	233E	261.1084(b)(2)					
remanufacturer controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet requirements in 261.1084(c)(1)-(c)(4)	233E	261.1084(c)					
remanufacturer shall determine maximum organic vapor pressure for hazardous secondary material in tank using Tank Level 1 controls before placing material in tank; maximum organic vapor pressure shall be determined using 261.1083(c); when determinations shall be performed	233E	261.1084(c)(1)					
tank shall be equipped with fixed roof designed to meet the following:	233E	261.1084(c)(2)					
roof & its closure devices shall form a barrier over the surface of hazardous secondary material in the tank; what constitutes a fixed roof	233E	261.1084(c)(2)(i) and (ii)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
how each opening in the fixed roof, and any associated manifold shall be equipped with a closure device or connected by a closed-vent system	233E	261.1084(c)(2)(iii)					
		261.1084(c)(2)(iii)(A)					
		261.1084(c)(2)(iii)(B)					
		261.1084(c)(2)(iii)(B)(1)					
		261.1084(c)(2)(iii)(B)(2)					
fixed roof & its closure devices shall consist of materials to minimize exposure of hazardous secondary material to the atmosphere & maintain integrity throughout service life; factors for selecting materials	233E	261.1084(c)(2)(iv)					
whenever hazardous secondary material is in the tank, fixed roof shall be installed with closure device secured in closed position except:	233E	261.1084(c)(3)					
opening of closure devices or removal of fixed roof is allowed to provide access or to remove accumulated sludge	233E	261.1084(c)(3)(i)					
		261.1084(c)(3)(i)(A)					
		261.1084(c)(3)(i)(B)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
opening of pressure relief devices which vent to the atmosphere during normal operations to maintain internal pressure; designed to operate with no detectable emissions when closed; remain in closed position when internal pressure is within operating range determined by remanufacturer; normal operating conditions	233E	261.1084(c)(3)(ii)					
opening of safety device allowed to avoid unsafe condition	233E	261.1084(c)(3)(iii)					
remanufacturer shall inspect air emission control equipment as follows:	233E	261.1084(c)(4)					
fixed roof & its closure devices shall be visually inspected for defects; examples	233E	261.1084(c)(4)(i)					
initial inspection of fixed roof & closure devices on or before tank becomes subject to 261.1084; then at least once a year except under 261.1084(l)	233E	261.1084(c)(4)(ii)					
in event of defect, it shall be repaired in accordance with 261.1084(k)	233E	261.1084(c)(4)(iii)					
remanufacturer shall maintain inspection record in accordance with 261.1089(b)	233E	261.1084(c)(4)(iv)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remanufacturers controlling air pollutant emissions from a tank using Tank Level 2 controls shall use one of the following:	233E	261.1084(d)					
fixed-roof tank equipped with internal floating roof in accordance with 261.1084(e);	233E	261.1084(d)(1)					
tank equipped with external floating roof in accordance with 261.1084(f);	233E	261.1084(d)(2)					
tank vented through a closed-vent system to a control device in accordance with 261.1084(g);	233E	261.1084(d)(3)					
pressure tank designed & operated in accordance with 261.1084(h); or	233E	261.1084(d)(4)					
tank inside enclosure vented through a closed-vent system to an enclosed combustion control device in accordance with 261.1084(i)	233E	261.1084(d)(5)					
remanufacturer who controls emissions from a tank using a fixed-roof with internal floating roof shall meet requirements in 261.1084(e)(1)-(3)	233E	261.1084(e)					
tank shall be equipped with a fixed roof & internal floating roof in accordance with the following:	233E	261.1084(e)(1)					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
internal floating roof shall be designed to float on liquid surface except when supported by leg supports	233E	261.1084(e)(1)(i)					
internal floating roof shall be equipped with continuous seal that meets specified conditions	233E	261.1084(e)(1)(ii)					
		261.1084(e)(1)(ii)(A)					
		261.1084(e)(1)(ii)(B)					
the internal floating roof shall meet listed specifications	233E	261.1084(e)(1)(iii)					
		261.1084(e)(1)(iii)(A)					
		261.1084(e)(1)(iii)(B)					
		261.1084(e)(1)(iii)(C)					
		261.1084(e)(1)(iii)(D)					
		261.1084(e)(1)(iii)(E)					
		261.1084(e)(1)(iii)(F)					
remanufacturer shall operate the tank in accordance with the specified requirements	233E	261.1084(e)(2)					
	233E	261.1084(e)(2)(i)					
		261.1084(e)(2)(ii)					
		261.1084(e)(2)(iii)					
remanufacturer shall inspect internal floating roof in accordance with the following:	233E	261.1084(e)(3)					
floating roof & its closure devices shall be visually inspected for defects which could result in air pollutant emissions; potential defects	233E	261.1084(e)(3)(i)					
remanufacturer shall inspect internal floating roof components with visual inspections except as in 261.1084(e)(3)(iii)	233E	261.1084(e)(3)(ii)					
		261.1084(e)(3)(ii)(A)					
		261.1084(e)(3)(ii)(B)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
as alternative to 261.1084(e)(3)(ii) inspections for internal floating roof equipped with two continuous seals, remanufacturer may perform visual inspection each time tank is emptied & degassed & at least every 5 years	233E	261.1084(e)(3)(iii)					
prior to 261.1084(e)(3)(ii) or (iii) inspections, remanufacturer shall notify Regional Administrator in advance to allow for observer during inspection; notify of date & location of inspection	233E	261.1084(e)(3)(iv)					
		261.1084(e)(3)(iv)(A)					
		261.1084(e)(3)(iv)(B)					
in event of defect, it shall be repaired in accordance with 261.1084(k)	233E	261.1084(e)(3)(v)					
remanufacturer shall maintain inspection record in accordance with 261.1089(b)	233E	261.1084(e)(3)(vi)					
safety devices, as defined in 261.1081, may be installed and operated as necessary on tank complying with requirements of 261.1084(e)	233E	261.1084(e)(4)					
remanufacturer who controls emissions from tank using external floating roof shall meet requirements in 261.1084(f)(1)-(3)	233E	261.1084(f)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remanufacturer shall design external floating roof in accordance with the following:	233E	261.1084(f)(1)					
external floating roof shall be designed to float on liquid surface except when supported by leg supports	233E	261.1084(f)(1)(i)					
floating roof shall be equipped with two continuous seals; lower seal is referred to as primary seal & upper seal as secondary seal	233E	261.1084(f)(1)(ii)					
		261.1084(f)(1)(ii)(A)					
		261.1084(f)(1)(ii)(B)					
external floating roof shall meet certain specifications	233E	261.1084(f)(1)(iii)					
		261.1084(f)(1)(iii)(A)					
		261.1084(f)(1)(iii)(B)					
		261.1084(f)(1)(iii)(C)					
		261.1084(f)(1)(iii)(D)					
		261.1084(f)(1)(iii)(E)					
		261.1084(f)(1)(iii)(E)					
		261.1084(f)(1)(iii)(F)					
		261.1084(f)(1)(iii)(G)					
		261.1084(f)(1)(iii)(I)					
remanufacturer shall operate the tank in accordance with specified requirements	233E 233E	261.1084(f)(2)					
		261.1084(f)(2)(i)					
		261.1084(f)(2)(ii)					
		261.1084(f)(2)(iii)					
		261.1084(f)(2)(iv)					
		261.1084(f)(2)(v)					
		261.1084(f)(2)(vi)					
		261.1084(f)(2)(vii)					
261.1084(f)(2)(viii)							

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remanufacturer shall inspect external floating roof in accordance with the following:	233E	261.1084(f)(3)					
external floating roof shall meet certain specifications	233E	261.1084(f)(3)(i)					
		261.1084(f)(3)(i)(A)					
		261.1084(f)(3)(i)(B)					
		261.1084(f)(3)(i)(C)					
		261.1084(f)(3)(i)(D)					
		261.1084(f)(3)(i)(D)(1) – (4)					
		261.1084(f)(3)(i)(E)					
		261.1084(f)(3)(i)(F)					
remanufacturer shall visually inspect external floating roof in accordance with specified requirements	233E	261.1084(f)(3)(ii)					
		261.1084(f)(3)(ii)(A)					
		261.1084(f)(3)(ii)(B)					
		261.1084(f)(3)(ii)(C)					
		261.1084(f)(3)(ii)(D)					
prior to 261.1084(f)(3)(i) or (ii) inspections, remanufacturer shall notify Regional Administrator in advance to allow for observer present during inspection; and notify of date & location of inspection	233E	261.1084(f)(3)(iii)					
		261.1084(f)(3)(iii)(A)					
		261.1084(f)(3)(iii)(B)					
		261.1084(f)(3)(iii)(C)					
safety devices, as defined in 265.1081, may be installed and operated as necessary on tank complying with requirements of 261.1084(f)	233E	261.1084(f)(4)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remanufacturer who controls air pollutant emissions from a tank by venting to a control device shall meet requirements in 261.1084(g)(1)-(3)	233E	261.1084(g)					
tank shall be covered by fixed roof & vented directly to a control device in accordance with the following:	233E	261.1084(g)(1)					
fixed roof & its closure devices shall form a continuous barrier over liquid in tank	233E	261.1084(g)(1)(i)					
each opening in fixed roof not vented to control device shall be equipped with a closure device; if pressure in vapor head space is < atmospheric pressure; if pressure in vapor head space is ≥ atmospheric pressure	233E	261.1084(g)(1)(ii)					
fixed roof & its closure devices shall be made of suitable materials that will minimize exposure to atmosphere & maintain integrity throughout service life; factors to consider when selecting materials	233E	261.1084(g)(1)(iii)					
closed-vent system & control device shall be designed & operated in accordance with 261.1087	233E	261.1084(g)(1)(iv)					

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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
whenever hazardous secondary material is in the tank, fixed roof shall be installed with closure device secured in closed position except:	233E	261.1084(g)(2)					
venting to control device is not required, & opening of closure device or removal of fixed roof is allowed in specified circumstances	233E	261.1084(g)(2)(i)					
		261.1084(g)(2)(i)(A)					
		261.1084(g)(2)(i)(B)					
opening of safety device, is defined in 261.1081, is allowed any time to avoid unsafe condition	233E	261.1084(g)(2)(ii)					
remanufacturer shall inspect & monitor air emission control equipment as follows:	233E	261.1084(g)(3)					
fixed roof & its closure devices shall be visually inspected for defects; examples	233E	261.1084(g)(3)(i)					
closed-vent system & control device shall be inspected & monitored in accordance with 261.1087	233E	261.1084(g)(3)(ii)					
perform initial inspection of air emission control equipment on or before the tank becomes subject to 261.1084; thereafter, at least once a year except under special conditions of 261.1084(l)	233E	261.1084(g)(3)(iii)					
in event of defect, it shall be repaired in accordance with 261.1084(k)	233E	261.1084(g)(3)(iv)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remanufacturer shall maintain inspection record in accordance with 261.1089(b)	233E	261.1084(g)(3)(v)					
remanufacturer who controls air pollutant emissions by using a pressure tank shall meet the following:	233E	261.1084(h)					
tank shall not be designed to vent to atmosphere as result of compression in vapor head space during tank filling	233E	261.1084(h)(1)					
tank openings shall be equipped with closure devices that operate with no detectable organic emissions as in 261.1083(d)	233E	261.1084(h)(2)					
whenever hazardous secondary material is in the tank, it shall be operated as a closed system that does not vent to atmosphere under either of the following conditions as specified in 261.1084(h)(3)(i) or (h)(3)(ii)	233E	261.1084(h)(3)					
when opening safety device is required to avoid unsafe condition	233E	261.1084(h)(3)(i)					
when purging of inerts from tank is required and purge stream is routed to closed-vent system and control device designed and operated according to 261.1087	233E	261.1084(h)(3)(ii)					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
remanufacturer who controls air pollutant emissions by using an enclosure vented through a closed-vent system to enclosed combustion control device shall meet requirements in 261.1084(i)(1)-(4)	233E	261.1084(i)					
tank shall be inside an enclosure; enclosure shall be designed & operated in accordance with 52.741, appendix B; allowance for openings; remanufacturer shall perform verification procedure as in Section 5.0	233E	261.1084(i)(1)					
enclosure shall be vented through a closed-vent system to enclosed combustion control device designed & operated in accordance with standards specified in 261.1087	233E	261.1084(i)(2)					
safety devices, defined in 261.1081, may be installed & operated on any enclosure, closed-vent system, or control device used to comply with 261.1084(i)(1)-(2)	233E	261.1084(i)(3)					
remanufacturer shall inspect & monitor the closed-vent system & control device as in 261.1087	233E	261.1084(i)(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
remanufacturer shall transfer hazardous secondary material to tank subject to 261.1084 in accordance with the following:	233E	261.1084(j)					
transfer of hazardous secondary material, except as in 261.1084(j)(2), to tank from another tank subject to 261.1084 shall use continuous hard-piping or another closed system; individual drain system	233E	261.1084(j)(1)					
requirements of 261.1084(j)(1) do not apply when transferring hazardous secondary material to tank under following:	233E	261.1084(j)(2)					
hazardous secondary material meets average VO concentration conditions in 261.1082(c)(1) at point of material origination	233E	261.1084(j)(2)(i)					
hazardous secondary material has been treated by organic destruction or removal process to meet 261.1082(c)(2) requirements	233E	261.1084(j)(2)(ii)					
hazardous secondary material meets requirements of 261.1082(c)(4)	233E	261.1084(j)(2)(iii)					
remanufacturer shall repair each defect detected during inspections performed under 261.1084(c)(4), (e)(3), (f)(3), or (g)(3) as follows:	233E	261.1084(k)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
remanufacturer shall make first efforts at repair no later than 5 days after detection & repair shall be completed no later than 45 days after detection except as in 261.1084(k)(2)	233E	261.1084(k)(1)					
repairs may be delayed beyond 45 days if repair would require emptying or temporary removal from service & no alternative tanks are available; remanufacturer shall repair defect as soon as tank stops operation; repair shall be completed before resuming operation	233E	261.1084(k)(2)					
after initial inspection & monitoring of cover pursuant to 261.1084, subsequent inspection & monitoring may be at intervals longer than 1 year under the following conditions:	233E	261.1084(l)					
if inspecting or monitoring exposes worker to dangerous, hazardous, or other unsafe conditions, remanufacturer may designate cover as unsafe & comply with the following:	233E	261.1084(l)(1)					
prepare written explanation	233E	261.1084(l)(1)(i)					
develop and implement written plan and schedule	233E	261.1084(l)(1)(ii)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
when a tank is buried partially or entirely underground, remanufacturer must inspect & monitor only portions of cover located on or above ground surface	233E	261.1084(l)(2)					
[Reserved]	233E	261.1085					
STANDARDS: CONTAINERS							
provisions apply to control of air pollutant emissions from containers subject to 261.1082(b)	233E	261.1086(a)					
general requirements	233E	261.1086(b)					
remanufacturer shall control air pollutant emissions from each container subject to 261.1086 in accordance with the following:	233E	261.1086(b)(1)					
for containers having design capacities > 0.1 m³ & ≤ 0.46 m³, remanufacturer shall control air pollutant emissions in accordance with Container Level 1 standards in 261.1086(c)	233E	261.1086(b)(1)(i)					
for containers having design capacities > 0.46 m³ not in light material service, remanufacturer shall control air pollutant emissions in accordance with Container Level 1 standards in 261.1086(c)	233E	261.1086(b)(1)(ii)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
for containers having design capacities > 0.46 m³ that are in light material service, remanufacturer shall control air pollutant emissions in accordance with Container Level 2 standards in 261.1086(d)	233E	261.1086(b)(1)(iii)					
[Reserved]	233E	261.1086(b)(2)					
Container Level 1 standards							
using Container Level 1 controls is one of following:	233E	261.1086(c)(1)					
meets applicable U.S. DOT regulations on packaging for transportation as in 261.1086(f)	233E	261.1086(c)(1)(i)					
equipped with cover & closure devices that form a continuous barrier over openings such that no open spaces into interior of container are visible	233E	261.1086(c)(1)(ii)					
open-top container in which organic-vapor suppressing barrier is used such that no hazardous waste is exposed; example	233E	261.1086(c)(1)(iii)					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
container used to meet requirements of 261.1086(c)(1)(ii) or (c)(1)(iii) shall be equipped with covers & closure devices composed of materials to minimize exposure of hazardous secondary material to the atmosphere & to maintain equipment integrity; factors to consider in selecting materials	233E	261.1086(c)(2)					
when using Container Level 1 controls, remanufacturer shall install covers & closure devices and secure & maintain them in closed position except:	233E	261.1086(c)(3)					
opening of closure device or cover is allowed to add hazardous secondary material or other material as specified	233E	261.1086(c)(3)(i)					
		261.1086(c)(3)(i)(A)					
opening of closure device or cover is allowed to remove hazardous secondary material as specified	233E	261.1086(c)(3)(i)(B)					
		261.1086(c)(3)(ii)					
opening of closure device or cover is allowed when access is needed to perform routine activities other than transfer hazardous secondary material; examples; after activity, promptly secure closure device or reinstall cover	233E	261.1086(c)(3)(ii)(A)					
		261.1086(c)(3)(ii)(B)					
opening of closure device or cover is allowed when access is needed to perform routine activities other than transfer hazardous secondary material; examples; after activity, promptly secure closure device or reinstall cover	233E	261.1086(c)(3)(iii)					

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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
opening of pressure relief devices allowed during normal operations to maintain internal pressure in accordance with specific requirements	233E	261.1086(c)(3)(iv)					
opening of safety device, as defined in 261.1081, is allowed any time conditions require it to avoid unsafe condition	233E	261.1086(c)(3)(v)					
inspect containers & their covers & closure devices as follows:	233E	261.1086(c)(4)					
if hazardous secondary material is present in container when remanufacturer first accepts possession & container is not emptied within 24 hours, it shall be visually inspected on or before date that container accepted at facility; date of acceptance; if defect is detected, remanufacturer shall repair in accordance with 261.1086(c)(4)(iii)	233E	261.1086(c)(4)(i)					
if container remains at the facility for 1 year or more, remanufacturer shall inspect it & its cover & closure devices initially & thereafter, at least every 12 months; if defect is detected, remanufacturer shall repair in accordance with 265.1087(c)(4)(iii)	233E	261.1086(c)(4)(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
when defect is detected, remanufacturer shall make repair no later than 24 hours after detection & complete no later than 5 days after detection; if repair cannot be completed within 5 days, hazardous secondary material shall be removed, & container not used until repaired	233E	261.1086(c)(4)(iii)					
remanufacturer shall maintain a copy of the procedure used to determine that containers with 0.46 m³ or greater capacity are not managing hazardous secondary material in light material service	233E	261.1086(c)(5)					
Container Level 2 standards							
container using Container Level 2 controls is one of following:	233E	261.1086(d)(1)					
meets applicable U.S. DOT regulations on packaging for transportation as in 261.1086(f)	233E	261.1086(d)(1)(i)					
container that operates with no detectable organic emissions in accordance 261.1086(g)	233E	261.1086(d)(1)(ii)					
container that has been demonstrated to be vapor-tight by using part 60, appendix A, Method 27 in accordance with 261.1086(h)	233E	261.1086(d)(1)(iii)					

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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
transfer of hazardous secondary material shall minimize exposure to atmosphere, to extent practical; examples that meet 261.1086(d)(2)	233E	261.1086(d)(2)					
remanufacturer shall install covers & closure devices and secure & maintain them in closed position except:	233E	261.1086(d)(3)					
opening of closure device or cover is allowed to add hazardous secondary material or other material as follows	233E	261.1086(d)(3)(i)					
		261.1086(d)(3)(i)(A)					
		261.1086(d)(3)(i)(B)					
opening of closure device or cover is allowed to remove hazardous secondary material as follows	233E	261.1086(d)(3)(ii)					
		261.1086(d)(3)(ii)(A)					
		261.1086(d)(3)(ii)(B)					
opening of closure device or cover allowed when access needed to perform routine activities other than transfer; examples; after activity, promptly secure closure device or reinstall cover	233E	261.1086(d)(3)(iii)					
opening of pressure relief devices allowed during normal operations to maintain internal pressure in accordance with specific requirements	233E	261.1086(d)(3)(iv)					
opening of safety device, as defined in 261.1081, is allowed any time conditions require it to avoid unsafe condition	233E	261.1086(d)(3)(v)					

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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
remanufacturer shall inspect containers & their covers & closure devices as follows:	233E	261.1086(d)(4)					
if hazardous secondary material is present in container when remanufacturer first accepts possession & container is not emptied within 24 hours, it shall be visually inspected on or before date that container accepted at facility; date of acceptance; if defect detected, remanufacturer shall repair in accordance with 261.1086(d)(4)(iii)	233E	261.1086(d)(4)(i)					
inspection if container remains at the facility for 1 year or more, remanufacturer shall inspect it & its cover & closure devices initially & thereafter, at least every 12 months to check for open spaces into its interior; if defect is detected, remanufacturer shall repair in accordance with 261.1087(d)(4)(iii)	233E	261.1086(d)(4)(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
when defect is detected, remanufacturer shall make efforts at repair no later than 24 hours after detections & complete it as soon as possible but no later than 5 days after detection; if repair cannot be completed within 5 days, hazardous waste shall be removed, & container shall not be used until repaired	233E	261.1086(d)(4)(iii)					
Container Level 3 standards	233E	261.1086(e)					
container using Container Level 3 controls is one of following:	233E	261.1086(e)(1)					
container that is vented through a closed-vent system to a control device in accordance with 261.1086(e)(2)(ii)	233E	261.1086(e)(1)(i)					
container that is vented inside an enclosure which is exhausted through closed-vent system to a control device in accordance with 261.1086(e)(2)(i)-(ii)	233E	261.1086(e)(1)(ii)					
remanufacturer shall meet the following, as applicable:	233E	261.1086(e)(2)					
container enclosure shall be designed & operated in accordance with 52.741, appendix B; allowance for openings; verification procedure as in § 5.0	233E	261.1086(e)(2)(i)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
closed-vent system & control device shall be designed & operated in accordance with 261.1087	233E	261.1086(e)(2)(ii)					
safety devices, in 261.1081, may be installed & operated on any container, enclosure, closed-vent system, or control device used to comply with 261.1086 (e)(1)	233E	261.1086(e)(3)					
remanufacturer shall inspect & monitor closed-vent system & control devices as in 261.1087	233E	261.1086(e)(4)					
remanufacturers shall prepare & maintain records specified in 261.1089(d)	233E	261.1086(e)(5)					
transfer of hazardous secondary material in or out of container using Container Level 3 controls shall be conducted to minimize exposure to atmosphere; examples of acceptable container loading procedures	233E	261.1086(e)(6)					
for purpose of 261.1086(c)(1)(i) or (d)(1)(i) compliance, containers shall meet applicable U.S. DOT regulations on packaging for transportation as follows:	233E	261.1086(f)					
meets applicable requirements in 49 CFR part 178 or 49 CFR part 179	233E	261.1086(f)(1)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
hazardous secondary material managed in container in accordance with 49 CFR part 107, subpart B; 49 CFR parts 172; 173; & 180	233E	261.1086(f)(2)					
no exceptions to the 49 CFR part 178 or 179 regulations are allowed	233E	261.1086(f)(3)					
to determine compliance with 261.1086(d)(1)(ii), procedure specified in 265.1084(d) shall be used	233E	261.1086(g)					
each potential leak interface on container, its cover, & closure devices shall be checked; examples	233E	261.1086(g)(1)					
test performed when container is filled with material expected to be managed in this container; during test, container cover & closure devices shall be closed	233E	261.1086(g)(1)					
procedure for determining container to be vapor-tight using Method 27 of part 60, appendix A to comply with 261.1086(d)(1)(iii)	233E	261.1086(h)					
test performed in accordance with Method 27 of part 60, appendix A	233E	261.1086(h)(1)					
pressure measurement device shall be used with precision of ±2.5mm water & capable of measuring above that used for vapor pressure tightness	233E	261.1086(h)(2)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
if test results indicate container sustains pressure charge \leq 750 Pascals, then it's determined to be vapor-tight	233E	261.1086(h)(3)					
STANDARDS: CLOSED-VENT SYSTEMS AND CONTROL DEVICES							
applies to each closed-vent system & control device installed & operated to control air emissions	233E	261.1087(a)					
closed-vent system shall meet following requirements:	233E	261.1087(b)					
route gases, vapors, & fumes to control device that meets requirements in 261.1087(c)	233E	261.1087(b)(1)					
designed & operated in accordance with 261.1033(k)	233E	261.1087(b)(2)					
if system includes bypass devices, each device shall be equipped with a flow indicator or seal or locking device; for purposes of 261.1087(b)(3)(i) or (ii), other fittings are not bypass devices	233E	261.1087(b)(3)					
if flow indicator is used to comply with 261.1087(b)(3), it shall be installed at inlet to the bypass line; flow indicator is a device which indicates gas or vapor flow	233E	261.1087(b)(3)(i)					

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				EQUIV-ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if seal or locking device is used to comply with 261.1087(b)(3), it shall be placed such that bypass device cannot be opened without breaking the seal or removing the lock; examples; inspect seal or closure mechanism at least once a month	233E	261.1087(b)(3)(ii)					
closed-vent system shall be inspected & monitored by remanufacturer in accordance with 261.1033(l)	233E	261.1087(b)(4)					
control device shall meet following requirements:	233E	261.1087(c)					
control device shall be one of following devices:	233E	261.1087(c)(1)					
control device designed & operated to reduce by at least 95% total organic content of inlet vapor stream	233E	261.1087(c)(1)(i)					
enclosed combustion device designed & operated in accordance with 261.1033(c)	233E	261.1087(c)(1)(ii)					
flare designed & operated in accordance with 261.1033(d)	233E	261.1087(c)(1)(iii)					
remanufacturer who use closed-vent system & control device to comply with 261.1087 shall comply with 261.1087(c)(2)(i) – (c)(2)(vi)	233E	261.1087(c)(2)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
periods of planned routine maintenance of the control device, during which 261.1087(c)(1)(i) – (iii) are not met, shall not exceed 240 hours/year	233E	261.1087(c)(2)(i)					
requirements in 261.1087(c)(1)(i)-(iii) do not apply during planned routine maintenance	233E	261.1087(c)(2)(ii)					
requirements in 261.1087(c)(1)(i)-(iii) do not apply during control device system malfunction	233E	261.1087(c)(2)(iii)					
remanufacturer shall demonstrate compliance with 261.1087(c)(2)(i) by recording information in 261.1089(e)(1)(v)	233E	261.1087(c)(2)(iv)					
remanufacturer shall correct control device system malfunctions as soon as practicable to minimize excess air pollutant emissions	233E	261.1087(c)(2)(v)					
remanufacturer shall operate closed-vent system such that gases, vapors, or fumes are not vented to control device during maintenance or malfunction except when it is necessary	233E	261.1087(c)(2)(vi)					
remanufacturer using carbon adsorption system shall operate & maintain control device in accordance with following requirements:	233E	261.1087(c)(3)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
following initial startup, all activated carbon shall be replaced with fresh carbon regularly in accordance with 261.1033(g) or (h)	233E	261.1087(c)(3)(i)					
carbon that is hazardous waste and that is removed from control device shall be managed in accordance with 261.1033(n), regardless of average volatile organic concentration of carbon	233E	261.1087(c)(3)(ii)					
remanufacturer using control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system shall operate & maintain in accordance with 261.1033(j)	233E	261.1087(c)(4)					
demonstrate that control device achieves performance requirements of 261.1087(c)(1) as follows:	233E	261.1087(c)(5)					
demonstration using performance test as in 261.1087(c)(5)(iii) or design analysis as in 261.1087(c)(5)(iv) for each control device except for following:	233E	261.1087(c)(5)(i)					
a flare	233E	261.1087(c)(5)(i)(A)					
boiler or process heater with design input capacity of 44 megawatts or greater	233E	261.1087(c)(5)(i)(B)					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
boiler or process heater into which vent system is introduced with the primary fuel	233E	261.1087(c)(5)(i)(C)					
remanufacturer shall demonstrate performance of each flare in accordance with 261.1033(e)	233E	261.1087(c)(5)(ii)					
for a performance test, remanufacturer shall use test methods & procedures in 261.1034(c)(1)-(4)	233E	261.1087(c)(5)(iii)					
design analysis shall meet requirements specified in 261.1035(b)(4)(iii)	233E	261.1087(c)(5)(iv)					
remanufacturer shall demonstrate that a carbon adsorption system achieves 261.1087(c)(1) performance requirements	233E	261.1087(c)(5)(v)					
if remanufacturer & Regional Administrator do not agree on a demonstration of control device performance using design analysis, then disagreement shall be resolved using performance test in accordance with 261.1087(c)(5)(iii); Regional Administrator may choose authorized representative to observe the test	233E	261.1087(c)(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
closed-vent system and control device shall be inspected & monitored by remanufacturer in accordance with 261.1033(f)(2) & 261.1033(l); readings from each monitoring device inspected at least once each day; any necessary corrective measures immediately implemented	233E	261.1087(c)(7)					
INSPECTION AND MONITORING REQUIREMENTS							
remanufacturer shall inspect & monitor air emission control equipment in accordance with 261.1084 through 1087	233E	261.1088(a)					
remanufacturer shall develop & implement a written plan & schedule to perform inspections & monitoring required by 261.1088(a)	233E	261.1088(b)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
RECORDKEEPING REQUIREMENTS							
remanufacturer subject to 261, Subpart CC shall record & maintain information specified in 261.1089(b)-(j); with exception, records shall be maintained for at least 3 years; documentation maintained until air emission control equipment is replaced; information required by 261.1089(i)&(j) shall be maintained as long as the material management units not using air emission controls in 261.1084 through 261.1087	233E	261.1089(a)					
remanufacturer of a tank using air emission controls in accordance with 261.1084 shall prepare & maintain records that include:	233E	261.1089(b)					
for tank using air emission controls in accordance with 261.1084 remanufacturer shall record:	233E	261.1089(b)(1)					
tank ID number	233E	261.1089(b)(1)(i)					
record for each inspection required by 261.1084 that includes the inspection date & other information for defects detected	233E	261.1089(b)(1)(ii)					
		261.1089(b)(1)(ii)(A) and (B)					
remanufacturer shall record the following information, as applicable to the tank:	233E	261.1089(b)(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
remanufacturer using a fixed roof shall prepare & maintain records for each maximum organic vapor pressure determination in accordance with 261.1084(c); date & time of sample collection, analysis method, & results	233E	261.1089(b)(2)(i)					
remanufacturer using internal floating roof shall prepare & maintain documentation describing design	233E	261.1089(b)(2)(ii)					
remanufacturer using external floating roof shall prepare & maintain documentation & records for specified items	233E	261.1089(b)(2)(iii)					
		261.1089(b)(2)(iii) (A)					
		261.1089(b)(2)(iii) (B)					
each remanufacturer using an enclosure shall prepare & maintain specified records	233E	261.1089(b)(2)(iv)					
		261.1089(b)(2)(iv) (A)					
		261.1089(b)(2)(iv) (B)					
[Reserved]	233E	261.1089(c)					
remanufacturer of containers using Container Level 3 air emission controls in accordance with 261.1086 shall prepare & maintain records that include following:	233E	261.1089(d)					
records for most recent calculations & measurements to verify enclosure meets criteria of permanent total enclosure as in "Procedure T", 40 CFR 52.741, appendix B	233E	261.1089(d)(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
records required for closed-vent system & control device in accordance with 261.1089(e)	233E	261.1089(d)(2)					
remanufacturer using closed-vent system & control device in accordance with 261.1087 shall prepare & maintain records that include:	233E	261.1089(e)					
documentation that includes:	233E	261.1089(e)(1)					
certification signed & dated by remanufacturer stating control device is designed to operate at performance level when unit operating at capacity	233E	261.1089(e)(1)(i)					
specified design documentation if design analysis is used; include description of control device design in accordance with 261.1035(b)(4)(iii) & certification by remanufacturer that control equipment meets applicable specifications	233E	261.1089(e)(1)(ii)					
performance test plan & all test results, if performance tests are used	233E	261.1089(e)(1)(iii)					
information as required by 261.1035(c)(1)-(2)	233E	261.1089(e)(1)(iv)					
remanufacturer shall record on semiannual basis, information	233E	261.1089(e)(1)(v)					
		261.1089(e)(1)(v)(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
specified in 261.1089(e)(1)(v)(A)-(B) for planned routine maintenance operations requiring control devices not to meet 261.1087(c)(1)(i)-(iii) requirements		261.1089(e)(1)(v)(B)					
remanufacturer shall record information specified in 261.1089(e)(1)(vi)(A)-(C) for unexpected control device system malfunctions	233E	261.1089(e)(1)(vi)					
		261.1089(e)(1)(vi)(A)					
		261.1089(e)(1)(vi)(B)					
		261.1089(e)(1)(vi)(C)					
management records of carbon removed from carbon adsorption system conducted in accordance with 261.1087(c)(3)(ii)	233E	261.1089(e)(1)(vii)					
78 remanufacturer exempted from standards in accordance with 261.1082(c)(1) or (c)(2)(i) – (vi) shall prepare & maintain the following records:	233E	261.1089(f)					
[Reserved]	233E	261.1089(f)(2)					
remanufacturer designating a cover as “unsafe to inspect & monitor” shall record in facility log: ID numbers, explanations, & inspection plans & schedules	233E	261.1089(g)					

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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
remanufacturers subject to 261, Subpart CC and to control device standards in 40 CFR Part 60, Subpart VV or 40 CFR 61, Subpart V may demonstrate compliance by documentation pursuant to those subparts to extent it duplicates that required by 261.1089	233E	261.1089(h)					
[Reserved]	233E	261.1090					
APPENDIX I TO PART 261							
REPRESENTATIVE SAMPLING METHODS							
list of sampling protocols to be followed in collecting waste samples with various properties	*, †208	Appendix I					
APPENDIX II TO PART 261							
79	METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)						
[Removed and Reserved]	*, 74, †119, 126, †208	Appendix II					
APPENDIX III TO PART 261							
80	CHEMICAL ANALYSIS TEST METHODS						
[Removed and Reserved]	*, 14, 18, 21, 22, 33, 67, 68, 73, 75, 82, 126, †208	Appendix III					
APPENDIX VII TO PART 261							
BASIS FOR LISTING HAZARDOUS WASTE							
81	table of EPA hazardous waste numbers and the hazardous constituents for which each is listed	*, 4, 14, 18, 21, 22, 33, 53, 68, 69, 75, 78, 81, 82, 110, 115, 140, †159, 165, †169, †185, 189, 195, 206, 214, †223	Appendix VII				
APPENDIX VIII TO PART 261							

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
HAZARDOUS CONSTITUENTS							
table listing common names, chemical abstracts names, chemical abstracts numbers, and EPA hazardous waste numbers for all hazardous constituents	*, 4, 14, 18, 22, 29, 46, 56, 57, 69, 82, †86, 128, 134, 140, †159, 165, †185, 189, 206 , 214 , † 225	Appendix VIII					
APPENDIX X TO PART 261							
METHOD OF ANALYSIS FOR CHLORINATED DIBENZO-P-DIOXINS AND -DIBENZOFURANS							
82 removed	14, 126	Appendix X					

- ✓ Note that the June 19, 1998 rule addressed by this checklist makes amendments addressing the Clean Air Regulations. These changes are not necessary for RCRA authorization for this rule; however, of concern are those places within the RCRA regulations which reference changes made to the Clean Air Regulations. In these situations, a State must reference regulations analogous to the referenced provisions. A State may, if it has adopted the Clean Air Regulation changes, reference its own corresponding analog. If it has not adopted the changes, a State should retain the reference to the Federal regulations. Those provisions where this issue is of concern have been indicated with a “✓” in the far left margin.

- 1 Paragraph 261.2(a)-(e) originally appeared on Base Program Checklist I A, but Revision Checklist 13 completely superceded the original code.
- 2 **The final rule addressed by Revision Checklist 219 redesignated the existing 261.2(a)(2) as 261.2(a)(2)(i) and subparagraphs 261.2(a)(2)(i) – (iv) as 261.2(a)(2)(i)(A) – (D).**
- 3 There are typographical errors in the Federal Register article for Revision Checklist 167 D (63 FR 28556; May 26, 1998) at 261.2(c)(3), 261.2(c)(4) [Tableheading], 261.2(e)(1)(iii) and 261.4(a)(16)(iii). All refer to “261.4(a)(15)”, the Kraft Mill Steam Strippers exclusion, when they should refer to “261.4(a)(16)”, the exclusion for secondary materials generated by the primary mineral processing industry. In addition, at 261.4(a)(17)(iii), “paragraph 261.4(a)(15)(iv)” should be “paragraph (a)(16)(iv).” Revision Checklist 179 (64 FR 25414; May 11, 1999) corrected the errors at 261.2(c)(3), 261.2(c)(4) [Tableheading], 261.2(e)(1)(iii). Finally, the error was corrected at 261.4(a)(17)(iii) by Revision Checklist 199 (67 FR 11251; March 13, 2002).
- 4 States that have adopted the revised version of Revision Checklist 167D (63 FR 28556; May 26, 1998) (revised January 2002), should make the following changes to 40 CFR 261.2(c)(3) instead:
Insert new second sentence: “Materials noted with a “-” in column 3 of Table 1 are not solid wastes when reclaimed.”
- 5 Revision Checklist 85 (February 21, 1991; 56 FR 7134) redesignated the old paragraph **261.2(d)(2)** as (d)(3) and introduced a new paragraph (d)(2) into the code. Revision Checklist 94 (July 17, 1991; 56 FR 32688) made technical corrections to the February 21, 1991 amendatory language for 261.2 to include the redesignation of paragraph (d)(3) as (d)(4) and paragraph (d)(4) as (d)(5). This change to the February 21, 1991 rule was incorrect because the Federal code did not include 261.2(d)(3) or 261.2(d)(4). The technical correction addressed by

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- Revision Checklist 96 (August 27, 1991; 56 FR 42504) fixed this error by revising the amendatory language of the February 21, 1991 rule to read as it had originally.
- 6 **261.2(d)(3)** was introduced by Revision Checklist 13 as 261.2(d)(2). Revision Checklist 85 inserted a new 261.2(d)(2) and redesignated the old 261.2(d)(2) as 261.2(d)(3).
- 7 The preamble to the May 26, 1998 (CL 167 D) rule indicates that language is being added to the existing provision at 261.2(e)(1)(iii). The instructions indicate that the paragraph is being revised. It is not EPA's intention to remove the existing language and replace it with the May 26, 1998 provision. EPA intends to issue a technical correction which clarifies this provision. Until that amendment is available, it is recommended that the new sentence be added at the end of the existing provision.
- 8 Revision Checklist 117 A addresses the reissuance of the "mixture" and "derived-from" rules at 261.3, as promulgated on March 3, 1992 (57 FR 7628), and amended on June 1, 1992 (57 FR 23062) and on October 30, 1992 (57 FR 49278). The "mixture" and "derived-from" rules were reissued because the U.S. Court of Appeals for the District of Columbia Circuit in Shell Oil Co. v. EPA, 950 F.2d 741 (D.C. Cir. 1991), determined that adequate notice and comment had not been provided at initial promulgation of the "mixture" and "derived-from" rules, remanded them to the Agency, and suggested EPA reinstate the rules on an interim basis and solicit comment. The March 3, 1992 interim final rule simultaneously removed and reissued 40 CFR 261.3. The June 1, 1992 rule makes several technical corrections to the March 3, 1992 final rule; the October 30, 1992 (57 FR 49278) final rule removed the April 28, 1993 expiration date of the March 3, 1992 (57 FR 7628) interim final rule. The June 1, 1992 corrections for specific citations are not documented as endnotes in this consolidated checklist. Rather, States should refer to Revision Checklist 117 A for comments addressing these errors. Revision Checklist 117 A consolidates the three rules, except for a change made to 261.3(a)(2)(i) by the June 1, 1992 rule. That change is addressed by Revision Checklist 117 B which corrects an omission made by the Toxicity Characteristic rule by replacing "Extraction Procedure Toxicity Characteristic" with "Toxicity Characteristic". The Revision Checklist 117 B change makes the code more stringent and is, therefore, required. Revision Checklist 117 A is optional because, taken as a whole, it does not make any changes to the code.
- 9 **261.3(a)(2)(iii)** remained unchanged even though it was included in the Federal Register article for Revision Checklist 167 E. Provision removed and reserved by Revision Checklist 192 A.
- 10 There is a typographical error in the May 16, 2001 rule (66 FR 27266; Revision Checklist 192 A) at **261.3(c)(2)(i)**. States should not remove the comma following "ash". The phrase should continue to read "...spill residue, ash, emission control dust,".
- 11 The July 17, 1991 Federal Register (56 FR 32688; Revision Checklist 94) designated this paragraph as "261.3(c)(2)(ii)(8)." This is a typographical error; the correct paragraph designation is "261.3(c)(2)(ii)(B)." This error was ultimately corrected by Revision Checklist 96 (56 FR 42512; August 27, 1991).
- 12 The July 28, 1994 final rule (59 FR 38536; Revision Checklist 135) contained an incorrect internal reference to "261.6(a)(3)(iv) through (vi)" at **261.3(c)(ii)(B)**. The reference should have been to "261.6(a)(3)(iii) through (v)" to correctly correspond to the deletion of subparagraphs in 261.6(a)(3) by Revision Checklists 112, 135, and 142B. This error was corrected by Revision Checklist 169 (63 FR 42110; August 6, 1998) which also revised the provision to reflect the removal of 40 CFR 261.6(a)(3)(v).

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- 13 The original paragraph 261.3(c)(2)(ii)(C) was introduced by Revision Checklist 95 (56 FR 41164; August 19, 1991). Revision Checklist 109 (57 FR 37194; August 18, 1992) split the old 261.3(c)(2)(ii)(C) into two subparagraphs, (C)(1)&(2) and completely revised the text.
- 14 The March 3, 1992 Federal Register (57 FR 7628, Revision Checklist 117 A) added 261.3(e), the “sunset provision” to the code. The October 30, 1992 Federal Register (57 FR 49278, Revision Checklist 117 A) removed this subparagraph but did not specifically reserve it. However, in the interim, the August 18, 1992 Federal Register (57 FR 37194, Revision Checklist 109) added 261.3(f), (f)(1) & (f)(2). Thus 261.3(e) must be reserved in order for the numbering to be consistent.
- 15 261.4(a)(9)(i) was originally entered into the Federal code as 261.4(a)(9) by Revision Checklist 82. Revision Checklist 92 redesignated 261.4(a)(9) as 261.4(a)(9)(i) and added a new paragraph 261.4(a)(9)(ii). Revision Checklist 167F added new paragraphs 261.4(a)(9)(iii) through 261.4(a)(9)(iii)(E).
- 16 The exclusion for recovered oil at 261.4(a)(12) was initially introduced into the code by Revision Checklist 135 (59 FR 38536; July 28, 1994) and revised by Revision Checklist 150 (61 FR 13103; March 26, 1996). The August 6, 1998 final rule (63 FR 42110; Revision Checklist 169) broadened the exclusion by including certain oil-bearing hazardous secondary materials. The paragraph at 261.4(a)(12) was completely revised by Revision Checklist 169 and separated into two separate paragraphs at 261.4(a)(12)(i)&(ii). The exemption for certain recycled materials at 261.6(a)(3)(v) was removed as part of the Revision Checklist 169 changes because those recycled materials are now excluded from the definition of solid waste at 261.4(a)(12)(i)&(ii). Although these changes are optional, it is strongly suggested that States that adopt the changes at 261.4(a)(12) also remove the provision at 261.6(a)(3)(v).
- 17 **The final rule addressed by Revision Checklist 216 inserted the phrase “gasification (as defined in 40 CFR 260.10)” in 261.4(a)(12)(i); however, the gasification exclusion was vacated by the U.S. District Court of Appeals for the District of Columbia Circuit (June 27, 2014; 08-1144) and subsequently removed from the federal program by the final rule addressed by Revision Checklist 234.**
- 18 Revision Checklist 168 (63 FR 33785; June 19, 1998) added a new paragraph 261.4(a)(16); the comparable fuels/syngas fuels exclusion. However, Revision Checklist 167 (63 FR 28556; May 26, 1998) had already introduced the secondary materials exclusion at paragraph 261.4(a)(16). Revision Checklist 179 (64 FR 25414; May 11, 1999) corrected this typographical error by redesignating the provision introduced by Revision Checklist 167 as 261.4(a)(17).
- 19 **The final rules addressed by Revision Checklist 221 and 224 revised 261.4(a)(16) which had been added by the final rule addressed by Revision Checklist 168; however, the comparable fuels exclusion was vacated by the U.S. District Court of Appeals for the District of Columbia Circuit (June 27, 2014; 08-1144) and subsequently removed from the federal program by the final rule addressed by Revision Checklist 234. [Note that on Checklist 234, “261.4(16)” should be “261.4(a)(16)”.]**
- 20 There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). **At 261.4(a)(17)(iii)**, the second occurrence of “secondary material” should have also been revised to “spent material”. States should make this revision.
- 21 There are typographical errors in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). In the first sentence **of 261.4(a)(17)(iv)**, the rule incorrectly revises “on pads, rather than in tanks, containers, or buildings.” to “on pads rather than tanks containers, or buildings.” States should not make these changes. Additionally, in

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- the third sentence, the rule should have also revised “secondary material” to “spent material”. States should make this change.
- 22 There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). In the second sentence of **261.4(a)(17)(iv)(A) and at 261.4(b)(7)(iii)**, “secondary material” should have been revised to “spent material”. States should make this revision.
- 23 There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). **At 261.4(a)(17)(vi)**, the rule incorrectly revises the internal reference to “paragraph (a)(7) of this section”. Paragraph (a)(7) discusses spent sulfuric acid. The correct revised internal reference should read “paragraph (b)(7) of this section”.
- 24 **These provisions were originally added by the final rule addressed by Revision Checklist 219 and significantly revised by the June 13, 2015 final rule addressed by Revision Checklist 233. The provisions were further affected by the final rule published May 30, 2018 (83 FR 24664) which codified the elements of the vacatur by the U.S. District Court of Appeals for the District of Columbia Circuit on July 7, 2017 as modified on March 6, 2018. Note that although the entirety of some of these provisions was published in the May 30, 2018 FR final rule (i.e., 261.4(a)(23) introductory paragraph), only certain of those sections were actually affected, the rest were republished without change.**
- 25 **The June 13, 2015 DSW final rule addressed by Revision Checklists 233D1/D2 completely revised 261.4(a)(23). The rule incorporated the 261.4(a)(23)(i) – (vi) provisions introduced by the 2008 DSW final rule addressed by Revision Checklist 219 into 261.4(a)(23)(i)(A)&(B), and 261.4(a)(23)(ii)(A) – (E).**
- 26 **These 261.4(a)(24) provisions are published in the 2015 DSW rule (January 13, 2015) and the 2018 DSW rule (May 30, 2018), but are unchanged from the 2008 DSW rule (October 30, 2008, 73 FR 64668).**
- 27 **261.4(a)(24)(vi)(G) was originally introduced into the federal regulations by the 2015 DSW rule (January 13, 2015) and was removed the 2018 DSW rule which implemented the 2017-2018 vacatur by the U.S. District Court of Appeals for the District of Columbia.**
- 28 **The 261.4(a)(25) provisions were originally introduced into the federal regulations by the 2008 DSW rule. The provisions were removed and the citation reserved by the 2015 DSW rule. The 2018 DSW rule reinstated the 2008 DSW provisions as part of the implementation of the Court vacatur.**
- 29 **Note that the “261.1” entries on Revision Checklist 229 are incorrect; the correct citation is “261.4”.**
- 30 **261.4(b)(4) was included in Base program checklist IA, amended by the final rule addressed by Revision Checklist 85, then later redesignated as 261.4(b)(4)(i) with the promulgation of the final rule addressed by Revision Checklist 235 which also added subparagraphs 261.4(b)(4)(ii) introductory paragraph – (b)(4)(ii)(H).**
- 31 **On Revision Checklist 235, all references to “261.4(b)” should be “261.4(b)(4)”.**
- 32 Revision Checklist 167 E extensively revised 261.4(b)(7). The introductory paragraph was redesignated as follows: the first sentence was unchanged and left as the introductory paragraph at 261.4(b)(7); the second sentence was revised and redesignated as 261.4(b)(7)(i); and the third sentence was revised and redesignated as 261.4(b)(7)(ii). The provisions originally at 261.4(b)(7)(i)-(xx) were redesignated as 261.4(b)(7)(ii)(A)-(T). New paragraphs were added at 261.4(b)(7)(iii) through 261.4(b)(7)(iii)(B).

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- 33 The list of excluded wastes from the processing of ores and minerals, currently represented by 261.4(b)(7)(ii)(A)-(T) as per Revision Checklist 167 E, has undergone extensive formatting changes over time. Checklist 53 addressed a fairly short list of wastes numbered 261.4(b)(7)(i)-(vi). Revision Checklist 65 made significant changes in that 261.4(b)(7)(i)(A)-(E) represented five wastes retained under the exclusion, and 261.4(b)(7)(ii)(A)-(T) represented twenty wastes conditionally retained under the exclusion. Citations numbered (b)(7)(iii)-(vi) were omitted at that point in time. Revision Checklist 71 resulted in a list of 20 wastes retained under the exclusion, numbered 261.4(b)(7)(i)-(xx). This list of exclusions was redesignated as 261.4(b)(7)(ii)(A)-(T) by Revision Checklist 167 E. Therefore, the references to Checklists 53, 65, and 71 in Column 2 are relevant only insofar as the numbering format of the Federal RCRA citations are concerned, as opposed to the text of the citations. Many of the wastes addressed by Revision Checklist 65 under paragraphs (i) and (ii) and subsequently addressed by Revision Checklist 71 under paragraphs (i)-(xx), are addressed in paragraphs (ii)(A)-(T) in Revision Checklist 167 E.
- 34 The October 5, 1990 interim final rule extended the compliance date to January 25, 1991 (see 55 FR 40834). The compliance date was further extended to March 25, 1991 by the February 1, 1991 interim final rule (see 56 FR 3978) and then to January 25, 1993 by the April 2, 1991 final rule (see 56 FR 13406).
- 35 A copy of the agreement should be sent to the U.S. Environmental Protection Agency, Office of Solid Waste, Characterization and Assessment Division, Waste Identification Branch, Characteristics Section (OS-333); thus, the reference to the Characteristics Section found at 261.4(b)(11)(ii) should remain in a State's code. A copy of the written agreement may also be sent to the State if the State chooses to include this requirement.
- 36 This paragraph and its subparagraphs were introduced into the code as 261.4(b)(15) and 261.4(b)(15)(i)-(iv) by Revision Checklist 104 (57 FR 21524; May 20, 1992) even though 261.4(b)(13) and (14) had not yet been promulgated. To correct this error, 261.4(b)(15) and 261.4(b)(15)(i)-(iv) were redesignated as 261.4(b)(13) and (13)(i)-(iv) by Revision Checklist 122.
- 37 **261.4(b)(15) introductory paragraph and (b)(15)(ii) – (iv) are included in the May 2, 2007 final rule (70 FR 9138; Revision Checklist 206); however, there were no changes to the provisions.**
- 38 **261.4(b)(16) was added by the September 12, 2000 final rule (65 FR 54955-54965), a Project XL site-specific rulemaking for the IBM Semiconductor Manufacturing Facility in Essex Junction, Vermont. Only Vermont could adopt this provision. On June 25, 2008 (73 FR 35944, effective 7/25/08), EPA withdrew the 9/12/00 final rule.**
- 39 **261.4(b)(17) was added by the June 27, 2005 final rule (70 FR 36850-36858), a Project XL site-specific rulemaking for the Ortho-McNeil Pharmaceutical, Inc., facility in Spring House, Pennsylvania. Only Pennsylvania may adopt this provision. States should exclude the provision from their adoption of the federal regulations.**
- 40 **261.4(d)(1), (d)(4), (e)(1), and (e)(4) must be adopted and authorized only by states that are authorized for the rules regarding the Conditional Exemption for Small Scale Treatability Studies [(July 19, 1988; 53 FR 27290; Revision Checklist 49) and (February 18, 1994; 59 FR 8362; Revision Checklist 129)].**
- 41 **261.4(e)(1) contains an internal reference error to 262.34 in the 2017 and 2018 CFRs. The final rule addressed by Revision Checklist 237 (81 FR 85732; November 28, 2016) removed and reserved 40 261.5 and CFR 262.34 and incorporated the provisions into new sections of part 262. Thus, the references to “40**

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CFR 261.5 and 262.34(d)” in this provision should be replaced with “40 CFR 262.13 and 262.16(b)”, respectively.

- 42 261.4(e)(3) was originally introduced to the Federal code by Revision Checklist 49 (53 FR 27290; July 19, 1988), and completely revised by Revision Checklist 129 (59 FR 8362; February 18, 1994). A new subparagraph 261.4(e)(3)(i) was added, and the last portions of the old 261.4(e)(3) were revised and restructured by designating them as new subparagraphs (e)(3)(ii) and (e)(3)(iii). The original subparagraphs were also redesignated: the old 261.4(e)(3)(i)-(v) were redesignated as 261.4(e)(3)(iii)(A)-(E), respectively.
- 43 There appears to be a typographical error in the Federal Register for Revision Checklist 129 (59 FR 8362; February 18, 1994); the comma at the end of 261.4(e)(3)(iii)(A) should likely be a semi-colon as the other 261.4(e)(3)(iii) subparagraphs (i.e., 261.4(e)(iii)(B)-(D)) end with a semi-colon. The error has been corrected in the CFR.
- 44 Subparagraph 261.4(f)(4)(i) was originally added to the Federal code by the July 19, 1988 Federal Register (53 FR 27290, Revision Checklist 49) and then removed by the February 18, 1994 Federal Register (59 FR 8362, Revision Checklist 129).
- 45 261.4(f)(4)(ii) was originally added to the Federal code by Revision Checklist 49 (53 FR 27290; July 19, 1988). Revision Checklist 129 (59 FR 8362; February 18, 1994) moved the text of 261.4(f)(4)(ii) to 261.4(f)(4).
- 46 **261.5 (Special Requirements For Hazardous Waste Generated By Conditionally Exempt Small Quantity Generators) was part of the Base Program regulations and was amended by several final rules. The final rule addressed by Revision Checklist 237 (81 FR 85732; November 28, 2016) removed and reserved 40 CFR 261.5 and incorporated the provisions into new sections of 40 CFR part 262.**
- 47 261.6(a)(2)(iii)-(v) were introduced to the code by Revision Checklist 13. Revision Checklists 17 J and 19 subsequently amended 261.6(a)(2)(iii). Revision Checklist 112 removed the original 261.6(a)(2)(iii) and redesignated 261.6(a)(2)(iv) and (v) as 261.6(a)(2)(iii) and 261.6(a)(2)(iv).
- 48 Revision Checklist 13 introduced text at 261.6(a)(3) and (a)(3)(i)-(vii). Revision Checklist 19 subsequently revised (a)(3)(vii) and added text at (a)(3)(viii)(A)-(C) and (a)(3)(ix). Revision Checklist 85 removed the text at (a)(3)(vii) and redesignated the text at (a)(3)(viii) and (ix) as (a)(3)(vii) and (viii). Revision Checklist 112 removed the text at (a)(3)(iii) and redesignated (a)(3)(iv)-(vi) as (a)(3)(iii)-(v). It also redesignated the text at (a)(3)(vii) and (viii), originally (a)(3)(viii) and (ix), as (a)(3)(vi) and (vii). Revision Checklist 135 revised paragraph (a)(3)(iv), originally (a)(3)(v). It also removed the text at (a)(3)(v) and redesignated (a)(3)(vi) and (vii), originally (a)(3)(viii) and (ix), as (a)(3)(v) and (vi). It then revised the text at (a)(3)(vi). Revision Checklist 142 B removed the text at (a)(3)(ii) and redesignated (a)(3)(iii) and (iv), originally (a)(3)(iv) and (v), as (a)(3)(ii) and (iii). It also redesignated (a)(3)(v) and (vi), originally (a)(3)(viii) and (ix), as (a)(3)(iv) and (v). Revision Checklist 169 removed the text at (a)(3)(v), originally (a)(3)(ix).
- 49 **261.6(a)(3)(i)(A) contains internal reference errors to provisions from part 262, Subpart E (262.50 through 262.58) in the 2017 and 2018 CFRs. The final rule addressed by Revision Checklist 236 (81 FR 85696; November 28, 2018) removed and reserved 40 CFR part 262, Subpart E and F and incorporated the provisions into part 262, Subpart H. The following substitutions should be made at 261.6(a)(3)(i)(A): (1) substitute the references to “§§ 262.53, 262.56(a)(1) – (4), (6), and (b), and 262.57” with “§§ 262.83(b), (g), and (i)”;** and (2) substitute the reference to “subpart E of part 262” with “subpart H of part 262”.

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- 50 States should adopt 261.9(a)-(c) as appropriate to reflect the universal wastes adopted. See the Federal rule for Revision Checklists 142 A through 142 D (60 FR 25492; May 11, 1995).
- 51 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.
- 52 States do not have to include **subpart B of part 261** as long as they regulate all of the wastes that are listed by EPA or determined to be hazardous by the characteristics given in Subpart C of 40 CFR Part 261.
- 53 **261.11(c) contains an incorrect internal reference to 261.5(c) in the 2017 and 2018 CFRs. The final rule addressed by Revision Checklist 237 (81 FR 85732; November 28, 2016) removed and reserved 40 261.5 and CFR 262.34 and incorporated the provisions into new sections of part 262. Thus, the reference to “§ 261.5(c)” should be replaced with “§ 262.13(c)”.**
- 54 **Note that there is an error in the title for part 261, subpart C in the 2017 CFR; “Pre-Transport Requirements Applicable to Small and Large Quantity Generators” should be “Characteristics of Hazardous Waste.”**
- 55 **Note that the “261.21(a)” entry on Revision Checklist 228 is incorrect; the correct citation is 261.32(a).**
- 56 **The final rule addressed by Revision Checklist 214 removed the existing provisions at 261.21(a)(3) and (a)(4) and added new provisions at 261.21(a)(3)(i) – (a)(3)(ii)(D) and 261.21(a)(4) introductory paragraph – (a)(4)(i)(D). This action was to correct an error in order to replace obsolete references to the DOT regulations with the actual language from the referenced sections of the DOT regulations that were published in Title 49 of the CFR at the time of the finalization of the RCRA regulations (i.e., 1980). Clarifying notes 1-4 addressing the corrected text were also added to the end of 261.21 at the same time.**
- 57 The title of this section was changed by Revision Checklist 74 from “CHARACTERISTIC OF EP TOXICITY” to “TOXICITY CHARACTERISTIC.”
- 58 **261.30(d) contains an incorrect reference to 261.5 in the 2017 and 2018 CFRs. The final rule addressed by Revision Checklist 237 removed and reserved 40 CFR 261.5 and incorporated the provisions into new sections of part 262. Thus, the reference to “§ 261.5” should be replaced with “§ 262.13”.**
- 59 This paragraph was originally designated as 261.31. Revision Checklist 81 redesignated it as 261.31(a) and added a new paragraph 261.31(b).
- 60 For those States that did not adopt the June 13, 1991 administrative stay (56 FR 27332, Revision Checklist 91), the Revision Checklist 120 (57 FR 61492; December 24, 1992) changes to **the 261.31 F-waste** listings represent a narrowing of the F032, F034 and F035 listings. Thus, the Revision Checklist 120 changes are optional for States not adopting the Revision Checklist 91 administrative stay. Those States that adopted the Revision Checklist 91 administrative stay should remove the wording added by the stay and replace the wording with that shown in the December 24, 1992 rule and presented in Revision Checklist 120.
- 61 The change made by Revision Checklist 169 (63 FR 42110; August 6, 1998) to **261.31(a)** is conditionally optional. If a State chooses to make the optional change at 40 CFR 261.4(a)(12), it needs to make this change as well. Additionally, Revision Checklist 169 incorrectly changed “...receiving dry weather flow. Sludge...” to

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“...receiving dry weather flow, sludge....”. This error was corrected by Revision Checklist 187 (64FR 36365; June 8, 2000).

- 62 The change made by Revision Checklist 187 (65 FR 36365; June 8, 2000) to **261.31(a)** is conditionally optional. If a State adopted the optional revised description of waste F037 in Revision Checklist 169, then it is required to adopt the change to F037 in 261.31(a)/table made by Revision Checklist 187.
- 63 In the October 15, 1992 Federal Register (57 FR 47376, Revision Checklist 115), in the hazardous waste description for K149 in the **261.32(a) Table**, there is a comma after “groups” rather than the correct period, and there appears to be an extra period after “chloride.”. States are advised to use a period after “groups” and omit the period after the closing parenthesis, as shown on Revision Checklist 115.
- 64 The listings of K064, K065, K066, K090, and K091 in the **261.32(a) Table** were initially added to the Federal code by the September 12, 1988 final rule addressed by Revision Checklist 53 (53 FR 35412). However, the listings were remanded by the U.S. Court of Appeals for the D.C. Circuit in American Mining Congress v. EPA, 907 F.2d 1179 (D.C. Cir. 1990). As such, Revision Checklist 53 was modified to not include the addition of these listings. Therefore, States may never have added these listings to their regulations.
- 65 **The final rule addressed by Revision Checklist 206 redesignated the existing 261.32 and the associated table as 261.32(a), added a new entry for K181 waste to the table, and added new paragraphs 261.32(b), (c), and (d).**
- 66 **The final rule addressed by Revision Checklist 214 also amended the bracketed comment following 261.33(e) by adding a sentence to the end of the comment which should be included.**
- 67 **The final rule addressed by Revision Checklist 214 also amended the bracketed comment following 261.33(f) by adding a sentence to the end of the comment which should be included.**
- 68 The entire section at 261.38 (**Comparable/Syngas Fuel Exclusion**) was added by the June 19, 1998 rule (63 FR 33782; Revision Checklist 168) as part of Subpart F of part 261. The final rule addressed by Revision Checklist 215 created Subpart E – Exclusions/Exemptions and relocated 261.38 from Subpart D to the newly created Subpart E. 261.38 was re-titled “Exclusion of comparable fuel and syngas fuel” and extensively revised and expanded by the final rules addressed by Revision Checklist 221 and Revision Checklist 224; however, the comparable fuels exclusion was vacated by the U.S. District Court of Appeals for the District of Columbia Circuit (June 27, 2014; 08-1144). The provision was subsequently removed from the federal program and the section reserved by the final rule addressed by Revision Checklist 234.
- 69 The export notification requirements of 261.39(a)(5) and 261.41 are non-delegable to states.
- 70 The final rule at 83 FR 38262 (8/06/18) revised the address that appears in these two provisions; however, as of the update a revision checklist number had not yet been assigned to the rule.
- 71 The final rule addressed by Revision Checklist 215 created 261.41 which was subsequently amended by the final rule addressed by Revision Checklist 232. CL 232 revised the existing 261.41(a) by creating an introductory paragraph and subparagraphs 261.41(a)(1) – (a)(2). The Checklist 232 final rule (1) inserted a time-limiting requirement for the notification, (2) clarified the persons to whom the requirement applies (i.e., CRT exporters), and (3) added detailed information about the content of the notification at new subparagraphs 261.41(a)(1) – (a)(2).

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- 72 **261, Subpart H is included on Revision Checklist 233D2; however, there were no changes to the provisions of this subpart and they are not cited in the associated 2016 DSW Federal Register notice.**
- 73 **The reference to 265.5113(d) at 261.142(a)(3) and (a)(4) in the October 2008 Federal Register notice is in error and should be changed to 265.113(d).**
- 74 **There appears to be errors in the federal regulations. The provisions at 261.400(a), 261.400(b), 261.410(e), 261.410(f), 261.411, and 261.420 address generators operating under a verified recycler variance under 260.31(d). However, the 2018 DSW rule removed the verified recycler exclusion provisions, including 260.31(d), replaced them with the transfer-based exclusion provisions, but failed to remove the related verifier recycler provisions in subpart M from the federal regulations.**
- 75 **There is an error at 261.1033(n)(2)(ii) that originated from the final rule addressed by Revision Checklist 233E (80 FR 1694; January 13, 2015) at page 1789. The internal reference phrase “subpart O of this part” which would be interpreted to mean “part 261, subpart O” is incorrect. There is no subpart O in part 261. The correct reference should be “40 CFR part 264, subpart O”.**
- 76 **Note that Revision Checklist 233E indicates that 261.1035(b)(1) is reserved; however, this provision is not reserved as can be seen in the relevant Federal Register notice (80 FR 1694; January 13, 2015) at page 1789.**
- 77 **Note that Revision Checklist 233E indicates that 261.1064(b)(2) is reserved; however, this provision is not reserved as can be seen in the relevant Federal Register notice (80 FR 1694; January 13, 2015) at page 1796.**
- 78 **Note that although the paragraph designated as 261.1089(f)(2) is reserved, there is in fact no 261.1089(f)(1) in the relevant Federal Register notice or the CFR; the provision is merely designated as 261.1089(f).**
- 79 **Revision Checklist 74 replaced the EP toxicity test procedures in this appendix with the toxicity characteristic leaching procedures. Revision Checklist 126 (58 FR 46040; August 31, 1993) replaced the procedures in Appendix II with a note referencing the version of the TCLP incorporated by reference in § 260.11. The final rule addressed by Revision Checklist 208 (June 14, 2005; 70 FR 34538) subsequently removed and reserved Appendix II.**
- 80 **Revision Checklist 126 (58 FR 46040; August 31, 1993) replaced the chemical analysis procedures outlined in Appendix III with a note referencing the version of the appropriate analytical procedures incorporated by reference in § 260.11. The final rule addressed by Revision Checklist 208 (June 14, 2005; 70 FR 34538) subsequently removed and reserved Appendix III.**
- 81 **Note the following typographical errors are present in the November 8, 2000 rule (Revision Checklist 189), in the entry for K174 on page 67127:**
- **There should be a closing bracket following “Octachlorodibenzo-p-dioxin” in line 4 of the “Hazardous constituents for which listed” column;**
 - **There should not be a hyphenation between “Octachlorodibenzo-p-dioxin” and “benzo-p-dioxins” in line 5 of the “Hazardous constituents for which listed” column; and**
 - **Both “tetrachlororodi-benzo-p-dioxins” and “tetrachlorodibenzofurans” should be initially capitalized as with other constituents, in line 5 of the “Hazardous constituents for which listed” column.**

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82 Appendix X was added to the Federal code by the January 14, 1985 Federal Register (50 FR 1978; Revision Checklist 14), and then removed by the August 31, 1993 Federal Register (58 FR 46040; Revision Checklist 126).