

CONSOLIDATED CHECKLIST C4

Standards Applicable to Transporters of Hazardous Waste
40 CFR Part 263 as of June 30, 2018

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
SUBPART A - GENERAL							
SCOPE							
transportation standards	III	263.10(a)					
responsibilities of generators and transporters	III, 236	263.10(a) Note					
on-site transportation excluded	III	263.10(b)					
compliance with 262 required if transporter:	III	263.10(c)					
transports waste into U.S. from abroad	III	263.10(c)(1)					
mixes wastes of different DOT shipping descriptions	III	263.10(c)(2)					
† transporters importing or exporting hazardous waste for purposes of recovery or disposal is subject to part 263 and relevant requirements of subpart H of part 262	152, 222, 236	263.10(d)					
Part 263 does not apply to transportation during an explosives or munitions emergency response	156	263.10(e)					
§ 266.203 identifies how this part applies to military munitions classified as solid waste	156	263.10(f)					
EPA IDENTIFICATION NUMBER							
EPA identification number required	III	263.11(a)					
application for EPA ID number	III	263.11(b)					
TRANSFER FACILITY REQUIREMENTS							
1 exception for storage of 10 days or less	III, 34, 223, 237	263.12(a)					
1 marking containers when consolidating hazardous waste	237	263.12(b)					
mark with "Hazardous waste"	237	263.12(b)(1)					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
mark with EPA hazardous waste number(s)	237	263.12(b)(2)					
SUBPART B - COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING							
THE MANIFEST SYSTEM							
2 manifest form EPA Form 8700-22 or electronic manifest required	III, 207, 231	263.20(a)(1)					
2, 3 requirements for accepting exported waste	III, 31, †152, 207, 236	263.20(a)(2)					
2 compliance date for form revisions	207	263.20(a)(3)					
use of electronic manifest – legal equivalence to paper forms for participating transporters	231	263.20(a)(4)					
4 electronic signatures valid	231	263.20(a)(4)(i)					
electronic transmission of copies adequate	231	263.20(a)(4)(ii)					
electronically accessible manifests acceptable, except where listed	231	263.20(a)(4)(iii)					
5 electronic retention of copies acceptable	231	263.20(a)(4)(iv)					
technical difficulties to retrieve an electronic manifest not a violation	231	263.20(a)(4)(v)					
participation in e-manifest system and access to system	231	263.20(a)(5)					
special procedures when electronic manifest is not available	231	263.20(a)(6)					
copies required when e-manifest unavailable	231	263.20(a)(6)(i)					
notation required when using print manifest in lieu of e-manifest	231	263.20(a)(6)(ii)					
paper copies require all original signatures	231	263.20(a)(6)(iii)					
use of paper manifest to end of shipment	231	263.20(a)(6)(iv)					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
when e-manifest unavailable							
special procedures for electronic signature methods undergoing tests	231	263.20(a)(7)					
[Reserved]	231, 239	263.20(a)(8)					
post-receipt manifest data corrections	239	263.20(a)(9)					
signature and date; copy to generator	III	263.20(b)					
manifest accompanies waste; exports and imports accompanied by movement document have required information from 262.83(d) or 262.84(d)	III, 31, 236	263.20(c)					
procedures when delivering waste to another transporter or to the designated facility	III	263.20(d)					
		263.20(d)(1)					
		263.20(d)(2)					
		263.20(d)(3)					
water transporters, conditions under which 263.20(c), (d) & (f) do not apply	III	263.20(e)					
delivered by water	III	263.20(e)(1)					
shipping paper; exports and imports accompanied by movement document have required information from 262.83(d) or 262.84(d)	III,31, 236	263.20(e)(2)					
signature of owner	III	263.20(e)(3)					
signature of transporter	III	263.20(e)(4)					
copies retained	III	263.20(e)(5)					
rail shipments; conditions under which 263.20(c), (d) & (e) do not apply	III	263.20(f)					
duties of the initial rail transporter	III	263.20(f)(1)					
		263.20(f)(1)(i)					
		263.20(f)(1)(ii)					
		263.20(f)(1)(iii)					
		263.20(f)(1)(iii)(A)-					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
		(C) 263.20(f)(1)(iv)					
shipping paper; exports and imports accompanied by movement document have required information from 262.83(d) or 262.84(d)	III, 31, 236	263.20(f)(2)					
procedures when waste is delivered to designated facility	III	263.20(f)(3)					
		263.20(f)(3)(i)					
		263.20(f)(3)(ii)					
procedures when delivering to non-rail transporter	III	263.20(f)(4)					
		263.20(f)(4)(i)					
		263.20(f)(4)(ii)					
acceptance from a rail transporter by a non-rail transporter	III	263.20(f)(5)					
6 procedures when transporting waste out of U.S.	III	263.20(g)					
6,7 Signature and date in International Shipments block date waste left U.S.	III, 207	263.20(g)(1)					
6,7 copy retention	III, 207	263.20(g)(2)					
6,8 return signed copy to generator	III,31	263.20(g)(3)					
8,9 for paper manifests only	31, 236	263.20(g)(4)					
9 send a copy to the e-manifest system	236	263.20(g)(4)(i)					
9 for shipments initiated prior to compliance date give copy to U.S. Customs official at departure point	31, 236	263.20(g)(4)(ii)					
transporters of waste from a generator of 100 kg/mo to 1000 kg/mo not subject to 263.20 or 263.22 provided:	23	263.20(h)					
reclamation agreement provided for in 262.20(e)	23	263.20(h)(1)					
what the transporter must record	23	263.20(h)(2)					
		263.20(h)(2)(i)					
		263.20(h)(2)(ii)					

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		263.20(h)(2)(iii)					
		263.20(h)(2)(iv)					
handling of records	23	263.20(h)(3)					
3-year record retention	23	263.20(h)(4)					
COMPLIANCE WITH THE MANIFEST							
except as provided in (b) delivery of entire quantity to:	III, 239	263.21(a)					
10 designated facility	III	263.21(a)(1)					
10 alternate designated facility	III	263.21(a)(2)					
10 next designated transporter	III	263.21(a)(3)					
10 designated place outside the U.S.	III	263.21(a)(4)					
11 contact generator if unable to deliver waste, and revise manifest	III, 207, 239	263.21(b)(1)					
11 transporters without agency authority	239	263.21(b)(2)					
hazardous waste is not delivered	239	263.21(b)(2)(i)					
transporter proposes to change transporter listed on manifest	239	263.21(b)(2)(ii)					
generator authorizes revision	239	263.21(b)(2)(iii)					
11 transporters with agency authority	239	263.21(b)(3)					
current transporter authorized to make changes	239	263.21(b)(3)(i)					
transporter documents when change is made	239	263.21(b)(3)(ii)					
change is necessary to respond to emergency	239	263.21(b)(3)(iii)					
11 Generator liability	239	263.21(b)(4)					
11 hazardous waste rejected by designated facility while transporter still on premises	III, 207, 239	263.21(c)					
Partial load rejection by designated facility	207, 239	263.21(c)(1)					
Full load rejection by designated facility	207, 239	263.21(c)(2)					
RECORDKEEPING							
3-year record retention	III	263.22(a)					

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water transporter, 3 year record retention of shipping paper	III	263.22(b)					
for shipments by rail:	III	263.22(c)					
initial transporter retains manifest and shipping paper for 3 years	III	263.22(c)(1)					
final transporter retains manifest or shipping paper for 3 years	III	263.22(c)(2)					
transporter of waste out of U.S. retains manifest for 3 years	III	263.22(d)					
automatic extension of retention periods	III	263.22(e)					
4 electronic manifest signatures	231	263.25(a)					
[Reserved]	231	263.25(b)					
SUBPART C - HAZARDOUS WASTE DISCHARGES							
IMMEDIATE ACTION							
transporter action in event of discharge	III	263.30(a)					
removal/authorization by official	III	263.30(b)					
duties of transporter:	III	263.30(c)					
notice to National Response Center	III	263.30(c)(1)					
written report to DOT	III	263.30(c)(2)					
water transporter must give same notice as required by 33 CFR 153.203 for oil and hazardous substances	III	263.30(d)					
DISCHARGE CLEAN UP							
transporter must clean up hazardous waste discharge	III	263.31					

† Optional

- 1 The Hazardous Waste Generator Improvements Rule (Revision Checklist 237) redesignated the existing 263.12 as 263.12(a) and added 263.12(b) and its subparagraphs to the federal regulations.**
- 2 263.20(a) was added to the federal regulations as part of the Base Program Checklist III. It was subsequently amended by the final rules addressed by Revision Checklists 31 and 152. The final rule addressed by Revision Checklist 207 completely revised the Base Program provision by splitting it into two subparagraphs, 263.20(a)(1) (Manifests) and (a)(2) (exports) and introducing a new subparagraph (a)(3). .**

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- 3 **263.20(a)(2) and (a)(3) are included in the February 7, 2014 final rule (79 FR 7518; Revision Checklist 231); however, there were no changes to the provisions. Note that the provision at 263.20(a)(2) is not delegable. States should retain the reference to “EPA”.**
- 4 **At 263.20(a)(4)(i) and 263.25(a), States must retain the reference to 262.25(a) and cannot replace it with a state provision.**
- 5 **At 263.20(a)(4)(iv), States should retain the term “EPA” and may change “state” to the name of the state.**
- 6 **263.20(g) and (g)(1) - (g)(3) are included in the November 28, 2016 final rule (81 FR 85696; Revision Checklist 236); however, there were no changes to the provisions.**
- 7 **263.20(g)(1) and (2) were added to the federal regulations as part of the Base Program Checklist III. The final rule addressed by Revision Checklist 207 moved the signature requirement from (g)(2) to (g)(1) and added clarification at 263.20(g)(1) that the signature and date required can be found in the International Shipments block on the manifest. 263.20(g)(2) only contains the requirement to retain one copy of the manifest.**
- 8 **263.20(g)(3) and (g)(4) are included in the March 4, 2005 final rule (70 FR 10776; Revision Checklist 207); however, there were no changes to the provisions.**
- 9 **263.20(g)(4) was added to the federal regulations as part of the final rule addressed by Revision Checklist 31; however, the language was subsequently relocated to 263.20(g)(4)(ii) as part of the final rule addressed by Revision Checklist 236 which also introduced a new 263.20(g)(4) introductory paragraph and (g)(4)(i).**
- 10 **263.21(a)(1) – (a)(4) are included in the January 3, 2018 final rule (83 FR 420; Revision Checklist 239); however, there were no changes to the provisions.**
- 11 **263.21(b) was added to the federal regulations as part of the Base Program Checklist III. The final rule addressed by Revision Checklist 207 revised (b), renumbering it as subparagraph (b)(1), and created (b)(2) and its subparagraphs. Subsequently, Revision Checklist 239 revised 263.21(b)(1), added a new 263.21(b)(2) through (b)(4) and redesignated the existing 263.21(b)(2) – (b)(2)(ii) as 263.21(c) – (c)(2) without making any changes to the redesignated provisions.**