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

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

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
1	SUBPART CC - AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS							
	APPLICABILITY							
2	regulations in 265, Subpart CC apply to owners/operators of facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers except as in 265.1 & 265.1080(b)	154**, 214**	265.1080(a)					
	requirements of 265, Subpart CC do not apply to the following waste management units at the facility:	154	265.1080(b)					
	waste management unit that holds hazardous waste placed in it before December 6, 1996 & to which none is added on or after December 6, 1996	154, 163	265.1080(b)(1)					
	container with capacity $\leq$ 0.1 m^3	154	265.1080(b)(2)					
	tank in which owner/ operator has stopped adding hazardous waste & has begun implementing or completed closure	154	265.1080(b)(3)					
	surface impoundment in which owner/operator has stopped adding hazardous waste & has begun implementing or completed closure	154	265.1080(b)(4)					

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waste management unit that is used solely for on-site treatment or storage of hazardous waste placed in the unit as a result of remedial activities	154, 177	265.1080(b)(5)					
waste management unit used solely for management of radioactive mixed waste	154	265.1080(b)(6)					
hazardous waste management unit equipped with & operating air emission controls in accordance with Clean Air Act; tanks for which air emission control includes an enclosure, must comply with 265.1085(i), except as in 265.1083(c)(5)	154	265.1080(b)(7)					
tank with process vent as defined in 264.1031	154	265.1080(b)(8)					
for owners/operators of facility subject to 265, Subpart CC & who have received a final RCRA permit prior to December 6, 1996, the following requirements apply:	154, 163	265.1080(c)					
requirements of 264, Subpart CC shall be incorporated in permit when permit is reissued or reviewed per 270.50(d)	154	265.1080(c)(1)					
until date when permit is reissued or reviewed, owner/operator is subject to requirements of 265, Subpart CC	154	265.1080(c)(2)					
requirements of subpart CC, with exception of 265.1090(i), are	154	265.1080(d)					
	154	265.1080(d)(1)					
	154	265.1080(d)(2)					

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administratively stayed for a tank or container used to manage hazardous waste generated by organic peroxide manufacturing & associated laboratory operations when owner/operator meets all of specified conditions	154	265.1080(d)(3)					
DEFINITIONS							
terms not defined in 265.1081 have the meaning given in the Act and Parts 260-266	154	265.1081					
"average volatile organic concentration" or "average VO concentration"	154	265.1081					
"closure device"	154	265.1081					
"continuous seal"	154	265.1081					
"cover"	154	265.1081					
"enclosure"	154	265.1081					
"external floating roof"	154	265.1081					
"fixed roof"	154	265.1081					
"floating membrane cover"	154	265.1081					
"floating roof"	154	265.1081					
"hard-piping"	154	265.1081					
"in light material service"	154,163	265.1081					
"internal floating roof"	154	265.1081					
"liquid-mounted seal"	154	265.1081					
"malfunction"	154	265.1081					
"maximum organic vapor pressure"	154	265.1081					
"metallic shoe seal"	154	265.1081					
"no detectable organic emissions"	154	265.1081					
"point of waste origination"	154	265.1081					
		265.1081(1)					
		265.1081(2)					
"point of waste treatment"	154	265.1081					
"safety device"	154	265.1081					
"single-seal system"	154	265.1081					
"vapor-mounted seal"	154	265.1081					

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"volatile organic concentration" or "VO concentration"	154	265.1081					
"waste determination"	154	265.1081					
"waste stabilization process"	154**, 208**	265.1081					
SCHEDULE FOR IMPLEMENTATION OF AIR EMISSION STANDARDS							
owners/operators of facilities existing on December 6, 1996 & subject to 265, Subparts I, J, & K shall meet the following requirements:	154, 163	265.1082(a)					
install & begin operation of control equipment by December 6, 1996, except as in 265.1082(a)(2)	154, 163	265.1082(a)(1)					
when control equipment or waste management units required to comply with part 265, subpart CC cannot be installed and in operation or modifications of production or treatment processes to satisfy exemption criteria under § 265.1083(c) cannot be completed by December 6, 1996, owner or operator shall:	154, 163	265.1082(a)(2)					
install & begin operation as soon as possible, but no later than December 8, 1997	154, 163	265.1082(a)(2)(i)					
prepare implementation plan which includes specified information	154,163	265.1082(a)(2)(ii)					
for facilities subject to record keeping requirements of 265.73, implementation schedule shall be entered in operating record no later than December 6, 1996	154, 163	265.1082(a)(2)(iii)					

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for facilities not subject to 265.73 requirements, implementation schedule shall be entered into permanent, readily available file located at the facility no later than December 6, 1996	154, 163	265.1082(a)(2)(iv)					
facilities and units in existence on effective date of statutory or EPA regulatory amendment that subjects the facilities to 265, Subpart I, J, or K shall meet the following requirements:	154, 163	265.1082(b)					
install & operate control equipment or waste management units, and complete modifications of production or treatment processes to satisfy 265.1083(c) exemption criteria by effective date of amendment except as in 265.1082(b)(2)	154, 163	265.1082(b)(1)					
when control equipment or waste management units cannot be installed & begin operation, or when modifications of production or treatment processes to satisfy 265.1083(c) exemption criteria cannot be completed by effective date of amendment, owner/ operator shall:	154, 163	265.1082(b)(2)					
install & begin operation as soon as possible, but no later than 30 months after effective date of amendment	154, 163	265.1082(b)(2)(i)					

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	for facilities subject to record keeping requirements of 265.73, enter & maintain implementation schedule in operating record no later than effective date of amendment, or	154, 163	265.1082(b)(2)(ii)					
	for facilities not subject to 265.73, enter & maintain implementation schedule in permanent, readily available file located at the facility no later than effective date of amendment	154, 163	265.1082(b)(2)(iii)					
3, 4	owners and operators of facilities and units that become newly subject to the part 265, subpart CC, requirements after December 8, 1997 due to action other than those in 265.1082(b) must comply with requirements immediately	163	265.1082(c)					
3, 4	Regional Administrator may extend implementation date for control equipment at a facility, on a case-by-case basis, to date later than December 8, 1997, under specified circumstances	154, 163	265.1082(d)					
	STANDARDS: GENERAL							
	265.1083 applies to management of hazardous waste in tanks, surface impoundments, and containers subject to 265, Subpart CC	154	265.1083(a)					

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owner/operator shall control air emissions from each hazardous waste management unit in accordance with 265.1085 through 265.1088, except as in 265.1083(c)	154, 163	265.1083(b)					
tank, surface impoundment, or container is exempt from 265.1085 through 265.1088, as applicable, provided unit is:	154	265.1083(c)					
tank, surface impoundment, or container for which entering hazardous waste has average VO concentration at point of origination < 500 ppmw; how VO concentration shall be determined; frequency of reviews & updates	154	265.1083(c)(1)					
tank, surface impoundment, or container for which organic content of hazardous waste entering the waste management unit has been reduced by an organic destruction or removal that achieves one of the following:	154	265.1083(c)(2)					
process that removes or destroys organics to a level such that average VO concentration at point of treatment< exit concentration limit established for the process; how average VO concentration shall be determined	154, 163	265.1083(c)(2)(i)					

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process that removes or destroys organics to level such that organic reduction efficiency is ≥ 95 % and average VO concentration at point of waste treatment< 100 ppmw; how organic reduction efficiency and average VO concentration shall be determined	154	265.1083(c)(2)(ii)					
process that removes or destroys organics to level such that actual organic mass removal rate ≥ required organic mass removal rate established for the process; how required organic mass removal rate and actual organic mass removal rate shall be determined	154	265.1083(c)(2)(iii)					
biological process that destroys or degrades organics contained in hazardous waste such that one of the following conditions is met:	154	265.1083(c)(2)(iv)					
organic reduction efficiency for process ≥ 95 % & organic biodegradation efficiency ≥ 95 %; how organic reduction efficiency and biodegradation efficiency shall be determined	154	265.1083(c)(2)(iv)(A)					

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total actual organic mass biodegradation rate for all hazardous waste treated by the process is ≥ required organic mass removal rate; how required organic mass removal rate and actual mass biodegradation rate shall be determined	154	265.1083(c)(2)(iv)(B)					
process that removes or destroys organics contained in hazardous waste and meets all of specified conditions	154	265.1083(c)(2)(v)					
	154	265.1083(c)(2)(v)(A)					
	154	265.1083(c)(2)(v)(B)					
	154	265.1083(c)(2)(v)(C)					
process that removes or destroys organics in hazardous waste to specified levels; specified levels to be determined using procedures in 265.1084(a) & (b)	154	265.1083(c)(2)(vi)					
hazardous waste incinerator for which owner/operator has either:	154	265.1083(c)(2)(vii)					
been issued a final permit which implements part 264, subpart O, or	154	265.1083(c)(2)(vii)(A)					
has designed and operates incinerator in accordance with interim status requirements of part 265, subpart O	154	265.1083(c)(2)(vii)(B)					
boiler or industrial furnace for which owner or operator has either:	154	265.1083(c)(2)(viii)					
been issued a final permit under part 270 which implements 266, subpart H; or	154	265.1083(c)(2)(viii)(A)					

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designed and operates boiler or industrial furnace in accordance with interim status requirements of 266, subpart H	154	265.1083(c)(2)(viii)(B)					
for determining the performance of organic destruction process, owner/operator shall account for VO concentrations below detection limit by using the following:	154	265.1083(c)(2)(ix)					
if Method 25D in part 60, appendix A is used, 2 blank value determined in method at section 4.4 of Method 25D in 40 CFR part 60, appendix A, or a value of 25 ppmw, whichever is less	154,163	265.1083(c)(2)(ix)(A)					
if other analytical method used, one-half sum of limits of detection established for each organic constituent in waste that has Henry's law constant value at least 0.1 Y/X at 25 degrees Celsius	154,163	265.1083(c)(2)(ix)(B)					
tank or surface impoundment used for biological treatment of hazardous waste in accordance with 265.1083(c)(2)(iv)	154,163	265.1083(c)(3)					
tank, surface impoundment, or container for which hazardous waste placed in either:	154	265.1083(c)(4)					
meets numerical concentration limits for organic constituents in 268.40; or	154	265.1083(c)(4)(i)					

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organic hazardous constituents in waste have been treated as in 268.42(a), or have been removed or destroyed by equivalent method pursuant to 268.42(b)	154,163	265.1083(c)(4)(ii)					
tank used for bulk feed of hazardous waste to incinerator, & all of following are met:	154	265.1083(c)(5)					
tank is inside enclosure vented to a control device designed & operated in accordance with part 61, subpart FF for a facility generating ≥ 10 megagrams of benzene per year	154	265.1083(c)(5)(i)					
tank's enclosure & control device installed & began operation prior to November 25, 1996	154	265.1083(c)(5)(ii)					
enclosure designed & operated in accordance with 52.741, appendix B; allowance for openings; verification as in Section 5.0	154	265.1083(c)(5)(iii)					
Regional Administrator may perform, or request owner/operator perform, waste determination for hazardous waste managed in tank, surface impoundment, or container exempted from using air emission controls under 265.1083 as follows:	154	265.1083(d)					

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waste determination for average VO concentration of hazardous waste at point of waste origination shall be performed using direct measurement in accordance with 265.1084(a); how waste determination shall be performed	154	265.1083(d)(1)					
in performing waste determination pursuant to 265.1083(d)(1), sample preparation shall be conducted as follows:	154	265.1083(d)(2)					
in accordance with method used by owner/operator, except as specified by 265.1083(d)(2)(ii)	154	265.1083(d)(2)(i)					
if Regional Administrator determines owner/ operator's methods inappropriate, then may choose appropriate one	154	265.1083(d)(2)(ii)					
when owner or operator performs waste determination, Regional Administrator may have an authorized representative observe sampling	154	265.1083(d)(3)					
if results of waste determination performed or requested by Regional Administrator do not agree with results of waste determination performed by owner or operator, then results of waste determination performed under 265.1083(d)(1) shall be used	154	265.1083(d)(4)					
if averaging period of > 1 hour was used to	154	265.1083(d)(5)					
	154	265.1083(d)(5)(i)					

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determine average VO	154	265.1083(d)(5)(ii)					
concentration of hazardous waste at point of origination, Regional Administrator can establish compliance by performing or requesting that owner or operator perform a waste determination based on samples collected within 1-hour period as specified	154	265.1083(d)(5)(iii)					
WASTE DETERMINATION PROCEDURES							
waste determination procedures to determine average VO concentration at point of origination	154	265.1084(a)					
average VO concentration at point of waste origination shall be determined for each hazardous waste placed in units exempted under 265.1083(c)(1) from using air emission controls in accordance with 265.1085 through 265.1088	154	265.1084(a)(1)					
average VO concentration of waste stream shall be determined before first time material in hazardous waste stream is placed in unit exempted under 265.1083(c)(1) from using air emission controls, thereafter concentration shall be determined for each averaging period hazardous waste is managed in unit; and	177	265.1084(a)(1)(i)					

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	perform new determination when changes to generating source are likely to cause concentration to increase to level equal to or greater than limit specified in 265.1083(c)(1)	177	265.1084(a)(1)(ii)					
	for waste determination required by 265.1084(a)(1), average VO concentration of hazardous waste at point of origination shall be determined using direct measurement as in 265.1084(a)(3) or (4)	154, 163	265.1084(a)(2)					
	direct measurement to determine average VO concentrations of hazardous waste at point of origination	154	265.1084(a)(3)					
	identification; owner/ operator shall identify & record point of waste origination	154	265.1084(a)(3)(i)					
	sampling; samples shall be collected at point of waste origination in manner that minimizes volatilization of organics & that is adequately representative	154	265.1084(a)(3)(ii)					
		154	265.1084(a)(3)(ii)(A)					
		154, 163, 177	265.1084(a)(3)(ii)(B)					
		154**, 208**	265.1084(a)(3)(ii)(C)					
		177	265.1084(a)(3)(ii)(D)					
5, 6	analysis; each collected sample shall be prepared & analyzed in accordance **Method 25D in 40 CFR part 60, appendix A or using one or more methods**	154, 163, 177**, 208**	265.1084(a)(3)(iii)					
	removed	154**, 208**	265.1084(a)(3)(iii)(A)					
			265.1084(a)(3)(iii)(B)					

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			265.1084(a)(3)(iii)(C)					
			265.1084(a)(3)(iii)(D)					
			265.1084(a)(3)(iii)(E)					
		154, 163**, 208**	265.1084(a)(3)(iii)(F)					
		154**, 208**	265.1084(a)(3)(iii)(F)*(1)*					
			265.1084(a)(3)(iii)(F)*(2)*					
		154, 163**, 208**	265.1084(a)(3)(iii)(G)					
			265.1084(a)(3)(iii)(G)*(1)*					
		154**, 208**	265.1084(a)(3)(iii)(G)*(2)*					
6	**any other EPA standard method that has been validated**	154**, 208**	265.1084(a)(3)(iii)(**A**)					
6	**any other analysis method that has been validated**	154**, 208**	265.1084(a)(3)(iii)(**B**)					
	Calculations							
7	average VO concentration on mass-weighted basis shall be calculated by using specified equation	154, 163	265.1084(a)(3)(iv)(A)					
	for purpose of determining C_i, for individual waste samples analyzed in accordance with 265.1084(a)(3)(iii), owner or operator shall account for VO concentrations determined to be below limit of detection of analytical method by using following VO concentration:	163	265.1084(a)(3)(iv)(B)					

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if Method 25D in 40 CFR part 60, appendix A is used for analysis, one-half blank value determined in method at section 4.4 of Method 25D	163	265.1084(a)(3)(iv)(B)(*1*)					
if other analytical method used, one-half sum of limits of detection established for each organic constituent in waste that has Henry's law constant values at least 0.1 Y/X at 25 degrees Celsius	163	265.1084(a)(3)(iv)(B)(*2*)					
provided that test method is appropriate for waste as required under 265.1084(a)(3)(iii), EPA will determine compliance based on test method used by owner or operator as recorded pursuant to § 265.1090(f)(1)	163	265.1084(a)(3)(v)					
use of owner/operator knowledge to determine average VO concentration of hazardous waste at point of origination	154	265.1084(a)(4)					
prepare documentation of basis for owner's or operator's knowledge of hazardous waste stream's average VO concentration; examples	154	265.1084(a)(4)(i)					
if test data are used as basis of knowledge, owner/operator shall document test method, sampling protocol, & means by which sampling & analytical variability are accounted for; examples	154	265.1084(a)(4)(ii)					

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owner/operator using chemical constituent-specific concentration test data as basis for knowledge may adjust test data; how to adjust data	154	265.1084(a)(4)(iii)					
if Regional Administrator & owner/operator disagree on the determination, then results of direct measurement as in 265.1084(a)(3) shall be used; Regional Administrator may perform or request owner/operator to perform determination; owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with requirements of 265.1084(a)(3)(iii)	154, 163	265.1084(a)(4)(iv)					
waste determination procedures for treated hazardous waste	154	265.1084(b)					
applicable waste determinations shall be performed for each treated hazardous waste placed in units exempted under 265.1083(c)(2)(i)-(vi) from using air emission controls in accordance with 265.1085 through 265.1088	154, 163	265.1084(b)(1)					

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average VO concentration of waste stream shall be determined before first time material in treated waste stream is placed in exempt unit, thereafter update determination information at least once every 12 months; and	177	265.1084(b)(1)(i)					
perform new determination when process generating or treating waste stream changes are likely to cause concentration to increase such that treatment conditions are not achieved	177	265.1084(b)(1)(ii)					
owner/operator shall designate & record specific provision in 265.1083(c)(2) under which waste determination is performed; applicable procedures in 265.1084(b)(3)-(9) shall be used in waste determination	154	265.1084(b)(2)					
ID; owner/operator shall identify & record point of waste treatment	154	265.1084(b)(3)(i)					
sampling; samples shall be collected at point of waste treatment in manner that minimizes volatilization of organics & that is adequately representative	154	265.1084(b)(3)(ii)					
	154	265.1084(b)(3)(ii)(A)					
	154, 163, 177	265.1084(b)(3)(ii)(B)					
	154**, 208**	265.1084(b)(3)(ii)(C)					
	177	265.1084(b)(3)(ii)(D)					

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8	**each collected sample prepared and analyzed in accordance with Method 25D in 40 CFR part 60, appendix A or using one or more methods**	154, 163, 177**, 208**	265.1084(b)(3)(iii)					
		154**, 208**	265.1084(b)(3)(iii)(A)					
			265.1084(b)(3)(iii)(B)					
			265.1084(b)(3)(iii)(C)					
			265.1084(b)(3)(iii)(D)					
			265.1084(b)(3)(iii)(E)					
	removed	154, 163**, 208**	265.1084(b)(3)(iii)(F)					
		154**, 208**	265.1084(b)(3)(iii)(F)(*1*)					
			265.1084(b)(3)(iii)(F)(*2*)					
		154, 163**, 208**	265.1084(b)(3)(iii)(G)					
		154**, 208**	265.1084(b)(3)(iii)(G)(*1*)					
			265.1084(b)(3)(iii)(G)(*2*)					
8	**any other EPA standard method that has been validated**	154	265.1084(b)(3)(iii)(**A**)					
8	**any other analysis method that has been validated**	154	265.1084(b)(3)(iii)(**B**)					
	calculations; average VO concentration on mass-weighted basis shall be calculated by using specified equation	154, 163	265.1084(b)(3)(iv)					

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provided that test method is appropriate for waste as required under 265.1084(b)(3)(iii), determine compliance based on test method used by owner or operator as recorded pursuant to § 265.1090(f)(1)	163	265.1084(b)(3)(v)					
procedure to determine exit concentration limit for treated hazardous waste	154	265.1084(b)(4)					
point of origination for each hazardous waste treated by the process at the same time shall be identified	154	265.1084(b)(4)(i)					
if single hazardous waste stream is identified, then exit concentration limit shall be 500 ppmw	154	265.1084(b)(4)(ii)					
if more than one hazardous waste stream is identified, then average VO concentration of each waste stream shall be determined; exit concentration limit shall be calculated using results determined for each waste stream & the specified equation	154	265.1084(b)(4)(iii)					
procedure to determine organic reduction efficiency for treated hazardous waste	154	265.1084(b)(5)					
organic reduction efficiency shall be determined based on results for minimum of 3 consecutive runs	154	265.1084(b)(5)(i)					

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all hazardous waste streams entering & exiting the treatment process shall be identified; owner/operator shall prepare sampling plan	154	265.1084(b)(5)(ii)					
for each run, information shall be determined for each hazardous waste stream identified in 265.1084(b)(5)(ii) using specified procedures	154	265.1084(b)(5)(iii)					
	154	265.1084(b)(5)(iii)(A)					
	154	265.1084(b)(5)(iii)(B)					
waste volatile organic mass flow entering & exiting the process shall be calculated using results determined in accordance with 265.1084(b)(5)(iii) & the specified equations	154	265.1084(b)(5)(iv)					
organic reduction efficiency of the process shall be calculated using results determined in accordance with 265.1084(b)(5)(iv) & the specified equations	154	265.1084(b)(5)(v)					
procedure to determine organic biodegradation efficiency for treated hazardous waste	154	265.1084(b)(6)					
fraction of organics biodegraded shall be determined using the procedure in 40 CFR 63, appendix C	154	265.1084(b)(6)(i)					
organic biodegradation efficiency of the process shall be calculated using specified equation	154	265.1084(b)(6)(ii)					
procedure to determine required organic mass removal rate for treated hazardous waste	154	265.1084(b)(7)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
all of hazardous waste streams entering treatment process shall be identified	154	265.1084(b)(7)(i)					
average VO concentration of each hazardous waste stream identified at point of origination shall be determined in accordance with 265.1084(a)	154	265.1084(b)(7)(ii)					
for each individual hazardous waste stream that has average VO concentration $\geq$ 500 ppmw at point of origination, average volumetric flow rate & density of hazardous waste stream shall be determined	154	265.1084(b)(7)(iii)					
RMR shall be calculated using average VO concentration, average volumetric flow rate density determined for each hazardous waste stream, & specified equation	154	265.1084(b)(7)(iv)					
procedure to determine actual organic mass removal rate for treated hazardous waste	154	265.1084(b)(8)					
MR shall be determined based on results for minimum of 3 consecutive runs; sampling time for runs shall be 1 hour	154	265.1084(b)(8)(i)					
waste volatile organic mass flow entering & exiting the process shall be determined in accordance with 265.1084(b)(5)(iv)	154	265.1084(b)(8)(ii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
MR shall be calculated by using the results determined in accordance with 265.1084(b)(8)(ii) & specified equation	154, 163	265.1084(b)(8)(iii)					
procedure to determine actual organic mass biodegradation rate for treated hazardous waste	154	265.1084(b)(9)					
MR shall be determined based on results for minimum of 3 consecutive runs; sampling time for runs shall be 1 hour	154	265.1084(b)(9)(i)					
waste organic mass flow entering the process shall be determined in accordance with 265.1084(b)(5)(iv)	154	265.1084(b)(9)(ii)					
fraction of organic biodegraded shall be determined using procedure in 40 CFR 63, appendix C	154	265.1084(b)(9)(iii)					
actual organic mass biodegradation rate shall be calculated using mass flow rates & fraction of organic biodegraded determined in accordance with 265.1084(b)(9)(ii)&(iii) & specified equation	154, 163	265.1084(b)(9)(iv)					
procedure to determine maximum organic vapor pressure of hazardous waste in a tank	154	265.1084(c)					
maximum organic vapor pressure shall be determined for each hazardous waste placed in a tank in accordance with Tank Level 1 controls in 265.1085(c)	154	265.1084(c)(1)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
direct measurement in 265.1084(c)(3) or knowledge of the waste as in 265.1084(c)(4) shall be used to determine maximum organic vapor pressure representative of hazardous waste composition stored or treated in the tank	154	265.1084(c)(2)					
direct measurement to determine maximum organic vapor pressure of hazardous waste	154	265.1084(c)(3)					
representative samples of waste contained in the tank shall be collected; samples shall be collected & handled in accordance with written procedures & documented in site sampling plan; what the plan shall describe; copy of the plan to be maintained on-site; example of acceptable sample collection and handling procedures in Method 25D in 40 CFR part 60, appendix A.	154**, 208**	265.1084(c)(3)(i)					
any appropriate one of the specified methods may be used to analyze samples and compute the maximum organic vapor pressure	154	265.1084(c)(3)(ii)					
	154	265.1084(c)(3)(ii)(A)					
	154	265.1084(c)(3)(ii)(B)					
	154	265.1084(c)(3)(ii)(C)					
	154	265.1084(c)(3)(ii)(D)					
	154	265.1084(c)(3)(ii)(E)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
use of knowledge to determine the maximum organic vapor pressure of hazardous waste; documentation shall be prepared and recorded that presents basis for owner/operator's knowledge that maximum organic vapor pressure of hazardous waste is < that listed in 265.1085(b)(1)(i); examples of information that may be used	154	265.1084(c)(4)					
procedure for determining no detectable organic emissions:	154	265.1084(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	154	265.1084(d)(1)					
test shall be performed when hazardous waste unit contains organic concentration representative of wastes expected to be managed; cover & closure devices shall be closed during test	154	265.1084(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	154	265.1084(d)(3)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
detection instrument shall be calibrated before use each day by procedures in Method 21, part 60, appendix A	154	265.1084(d)(4)					
calibration gases shall be as follows:	154	265.1084(d)(5)					
zero air	154	265.1084(d)(5)(i)					
a mixture of methane or Bhexane and air at concentration < 10,000 ppmv methane or n-hexane	154, 163	265.1084(d)(5)(ii)					
background level shall be determined according to Method 21 of part 60, appendix A	154	265.1084(d)(6)					
each potential leak interface shall be checked by traversing the instrument probe around the leak as described in Method 21 of part 60, appendix A; what to do if sampling is impeded by cover or closure device configuration	154	265.1084(d)(7)					
arithmetic difference between maximum organic concentration shall be compared with value of 500 ppmv except when monitoring seal around a rotating shaft; if difference is < 500 ppmv, leak interface is determined to operate with no detectable organic emissions	154	265.1084(d)(8)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	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	154	265.1084(d)(9)					
STANDARDS: TANKS							
provisions of 265.1085 apply to control of air pollutant emissions from tanks for which 265.1083(b) references use of 265.1085 for such air emission control	154	265.1085(a)					
owner/operator shall control air pollutant emissions from each tank subject to 265.1085 in accordance with the following:	154	265.1085(b)					
requirements for a tank that manages hazardous waste & meets conditions in 265.1085(b)(1)(i)-(iii)	154	265.1085(b)(1)					
hazardous waste in the tank has maximum organic vapor pressure < the limit for the tank's capacity category as specified	154	265.1085(b)(1)(i)					
	154	265.1085(b)(1)(i)(A)					
	154	265.1085(b)(1)(i)(B)					
	154	265.1085(b)(1)(i)(C)					
hazardous waste in the tank is not heated by owner/operator to temperature at which maximum organic vapor pressure is determined according to 265.1085(b)(1)(i)	154	265.1085(b)(1)(ii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
hazardous waste in the tank is not treated by owner/operator using waste stabilization process, as in 265.1081	154	265.1085(b)(1)(iii)					
requirements for tanks that do not meet 265.1085(b)(1)(i)-(iii); examples	154	265.1085(b)(2)					
owners/operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet requirements in 265.1085(c)(1)-(c)(4)	154	265.1085(c)					
owner/operator shall determine maximum organic vapor pressure for hazardous waste in tank using Tank Level 1 controls before placing waste in tank; maximum organic vapor pressure shall be determined using 265.1084(c); when determinations shall be performed	154	265.1085(c)(1)					
tank shall be equipped with fixed roof designed to meet the following:	154	265.1085(c)(2)					
roof & its closure devices shall form a barrier over the surface of hazardous waste in the tank; what constitutes a fixed roof	154	265.1085(c)(2)(i)					
installed without visible cracks, holes, gaps, or other open spaces between joints or edges	154	265.1085(c)(2)(ii)					
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	154, 163	265.1085(c)(2)(iii)					
	154	265.1085(c)(2)(iii)(A)					
	154, 163	265.1085(c)(2)(iii)(B)					
	163	265.1085(c)(2)(iii)(B)(*1*)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	163	265.1085(c)(2)(iii)(B)(*2*)					
fixed roof & its closure devices shall consist of materials to minimize exposure of hazardous waste to the atmosphere & maintain integrity throughout service life; factors for selecting materials	154	265.1085(c)(2)(iv)					
whenever hazardous waste is in the tank, fixed roof shall be installed with closure device secured in closed position except:	154	265.1085(c)(3)					
opening of closure devices or removal of fixed roof is allowed to provide access or to remove accumulated sludge	154	265.1085(c)(3)(i)					
	154	265.1085(c)(3)(i)(A)					
	154	265.1085(c)(3)(i)(A)					
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 owner/operator; normal operating conditions	154	265.1085(c)(3)(ii)					
opening of safety device allowed to avoid unsafe condition	154	265.1085(c)(3)(iii)					
owner/operator shall inspect air emission control equipment as follows:	154	265.1085(c)(4)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
fixed roof & its closure devices shall be visually inspected for defects; examples	154	265.1085(c)(4)(i)					
initial inspection of fixed roof & closure devices on or before tank becomes subject to 265.1085; then at least once a year except under 265.1085(l)	154	265.1085(c)(4)(ii)					
in event of defect, it shall be repaired in accordance with 265.1085(k)	154	265.1085(c)(4)(iii)					
owner/operator shall maintain inspection record in accordance with 265.1090(b)	154	265.1085(c)(4)(iv)					
owners/operators controlling air pollutant emissions from a tank using Tank Level 2 controls shall use one of the following:	154	265.1085(d)					
fixed-roof tank equipped with internal floating roof in accordance with 265.1085(e);	154	265.1085(d)(1)					
tank equipped with external floating roof in accordance with 265.1085(f);	154	265.1085(d)(2)					
tank vented through a closed-vent system to a control device in accordance with 265.1085(g);	154	265.1085(d)(3)					
pressure tank designed & operated in accordance with 265.1085(h); or	154	265.1085(d)(4)					
tank inside enclosure vented through a closed-vent system to an enclosed combustion control device in accordance with 265.1085(i)	154	265.1085(d)(5)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
owner/operator who controls emissions from a tank using a fixed-roof with internal floating roof shall meet requirements in 265.1085(e)(1)-(3)	154	265.1085(e)					
tank shall be equipped with a fixed roof & internal floating roof in accordance with the following:	154	265.1085(e)(1)					
internal floating roof shall be designed to float on liquid surface except when supported by leg supports	154	265.1085(e)(1)(i)					
internal floating roof shall be equipped with continuous seal that meets specified conditions	154	265.1085(e)(1)(ii)					
	154	265.1085(e)(1)(ii)(A)					
	154	265.1085(e)(1)(ii)(B)					
the internal floating roof shall meet listed specifications	154	265.1085(e)(1)(iii)					
	154	265.1085(e)(1)(iii)(A)					
	154	265.1085(e)(1)(iii)(B)					
	154	265.1085(e)(1)(iii)(C)					
	154	265.1085(e)(1)(iii)(D)					
	154	265.1085(e)(1)(iii)(E)					
	154	265.1085(e)(1)(iii)(F)					
owner/operator shall operate the tank in accordance with the following:	154	265.1085(e)(2)					
when floating roof is resting on leg supports, filling, emptying, or refilling shall be continuous & completed as soon as practical	154	265.1085(e)(2)(i)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
automatic bleeder vents to be closed at all times when roof is floating, except when roof is being floated off or landed on leg supports	154	265.1085(e)(2)(ii)					
prior to filling tank, each opening in internal floating roof shall be closed; rim space vents open only when internal floating roof is not floating or when pressure exceeds manufacturer's recommended setting	154	265.1085(e)(2)(iii)					
owner/operator shall inspect internal floating roof in accordance with the following:	154	265.1085(e)(3)					
floating roof & its closure devices shall be visually inspected for defects which could result in air pollutant emissions; potential defects	154	265.1085(e)(3)(i)					
owner/operator shall inspect internal floating roof components with visual inspections except as in 265.1085(e)(3)(iii)	154	265.1085(e)(3)(ii)					
	154	265.1085(e)(3)(ii)(A)					
	154	265.1085(e)(3)(ii)(B)					
as alternative to 265.1085(e)(3)(ii) inspections for internal floating roof equipped with two continuous seals, owner/operator may perform visual inspection each time tank is emptied & degassed & at least every 5 years	154	265.1085(e)(3)(iii)					
prior to 265.1085(e)(3)(ii) or (iii) inspections,	154	265.1085(e)(3)(iv)					
	154	265.1085(e)(3)(iv)(A)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
owner/operator shall notify Regional Administrator in advance to allow for observer during inspection; notify of date & location of inspection	154	265.1085(e)(3)(iv)(B)					
in event of defect, it shall be repaired in accordance with 265.1085(k)	154	265.1085(e)(3)(v)					
owner/operator shall maintain inspection record in accordance with 265.1090(b)	154	265.1085(e)(3)(vi)					
safety devices, as defined in 265.1081, may be installed and operated as necessary on tank complying with requirements of 265.1085(e)	163	265.1085(e)(4)					
owner/operator who controls emissions from tank using external floating roof shall meet requirements in 265.1085(f)(1)-(3)	154	265.1085(f)					
owner/operator shall design external floating roof in accordance with the following:	154	265.1085(f)(1)					
external floating roof shall be designed to float on liquid surface except when supported by leg supports	154	265.1085(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	154	265.1085(f)(1)(ii)					
	154	265.1085(f)(1)(ii)(A)					
	154	265.1085(f)(1)(ii)(B)					
external floating roof shall meet certain specifications	154	265.1085(f)(1)(iii)					
	154	265.1085(f)(1)(iii)(A)					
	154	265.1085(f)(1)(iii)(B)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	154	265.1085(f)(1)(iii)(C)					
	154	265.1085(f)(1)(iii)(D)					
	154	265.1085(f)(1)(iii)(E)					
	154	265.1085(f)(1)(iii)(F)					
	154	265.1085(f)(1)(iii)(G)					
	154	265.1085(f)(1)(iii)(H)					
	154	265.1085(f)(1)(iii)(I)					
owner/operator shall operate the tank in accordance with the following:	154	265.1085(f)(2)					
when floating roof is resting on leg supports, filling, emptying, or refilling shall be continuous & completed as soon as practical	154	265.1085(f)(2)(i)					
except for automatic bleeder vents, rim space vents, roof drains, & leg sleeves, each roof opening shall be secured & closed at all times except when closure device must be open for access	154	265.1085(f)(2)(ii)					
covers on each access hatch & gauge float well shall be bolted or fastened when in closed position	154	265.1085(f)(2)(iii)					
automatic bleeder vents to be closed at all times when roof is floating, except when roof is being floated off or landed on leg supports	154	265.1085(f)(2)(iv)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
rim space vents shall be open only at times that roof is being floated off leg supports or when pressure beneath rim seal exceeds manufacturer's recommended setting	154	265.1085(f)(2)(v)					
rim space vents shall be open only at times that roof is being floated off leg supports or when pressure beneath rim seal exceeds manufacturer's recommended setting	154	265.1085(f)(2)(vi)					
cover on each gauge hatch or sample well shall be closed at all times except when hatch or well must be accessed	154	265.1085(f)(2)(vii)					
both primary & secondary seals shall completely cover annular space between external floating roof & tank wall in continuous fashion except during inspections	154	265.1085(f)(2)(viii)					
owner/operator shall inspect external floating roof in accordance with the following:	154	265.1085(f)(3)					
external floating roof shall meet certain specifications	154	265.1085(f)(3)(i)					
	154	265.1085(f)(3)(i)(A)					
	154	265.1085(f)(3)(i)(B)					
	154	265.1085(f)(3)(i)(C)					
	154	265.1085(f)(3)(i)(D)					
	154	265.1085(f)(3)(i)(D)(*1*)					
	154	265.1085(f)(3)(i)(D)(*2*)					
	154	265.1085(f)(3)(i)(D)(*3*)					
	154,163	265.1085(f)(3)(i)(D)(*4*)					
	154	265.1085(f)(3)(i)(E)					
	154	265.1085(f)(3)(i)(F)					
owner/operator shall	154	265.1085(f)(3)(ii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
visually inspect external floating roof in accordance with specified requirements	154	265.1085(f)(3)(ii)(A)					
	154	265.1085(f)(3)(ii)(B)					
	154	265.1085(f)(3)(ii)(C)					
	154	265.1085(f)(3)(ii)(D)					
prior to 265.1085(f)(3)(i) or (ii) inspections, owner/operator shall notify Regional Administrator in advance to allow for observer present during inspection; and notify of date & location of inspection	154	265.1085(f)(3)(iii)					
	154	265.1085(f)(3)(iii)(A)					
	154	265.1085(f)(3)(iii)(B)					
	154	265.1085(f)(3)(iii)(C)					
safety devices, as defined in 265.1081, may be installed and operated as necessary on tank complying with requirements of 265.1085(f)	163	265.1085(f)(4)					
owner/operator who controls air pollutant emissions from a tank by venting to a control device shall meet requirements in 265.1085(g)(1)-(3)	154	265.1085(g)					
tank shall be covered by fixed roof & vented directly to a control device in accordance with the following:	154	265.1085(g)(1)					
fixed roof & its closure devices shall form a continuous barrier over liquid in tank	154	265.1085(g)(1)(i)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
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	154	265.1085(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	154	265.1085(g)(1)(iii)					
closed-vent system & control device shall be designed & operated in accordance with 265.1088	154	265.1085(g)(1)(iv)					
whenever hazardous waste is in the tank, fixed roof shall be installed with closure device secured in closed position except:	154	265.1085(g)(2)					
venting to control device is not required, & opening of closure device or removal of fixed roof is allowed in specified circumstances	154	265.1085(g)(2)(i)					
	154	265.1085(g)(2)(i)(A)					
	154	265.1085(g)(2)(i)(B)					
opening of safety device, as defined in 265.1081, is allowed any time to avoid unsafe condition	154	265.1085(g)(2)(ii)					
owner/operator shall inspect & monitor air emission control equipment as follows:	154	265.1085(g)(3)					
fixed roof & its closure devices shall be visually inspected for defects; examples	154	265.1085(g)(3)(i)					

	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 & control device shall be inspected & monitored in accordance with 265.1088	154	265.1085(g)(3)(ii)					
	perform initial inspection of air emission control equipment on or before the tank becomes subject to 265.1085; thereafter, at least once a year except under special conditions of 265.1085(l)	154	265.1085(g)(3)(iii)					
	in event of defect, it shall be repaired in accordance with 265.1085(k)	154	265.1085(g)(3)(iv)					
	owner/operator shall maintain inspection record in accordance with 265.1090(b)	154	265.1085(g)(3)(v)					
	owner/operator who controls air pollutant emissions by using a pressure tank shall meet the following:	154	265.1085(h)					
	tank shall not be designed to vent to atmosphere as result of compression in vapor head space during tank filling	154	265.1085(h)(1)					
	tank openings shall be equipped with closure devices that operate with no detectable organic emissions as in 265.1084(d)	154	265.1085(h)(2)					
9	whenever hazardous waste 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 paragraph (h)(3)(i) or (h)(3)(ii) of this section	154, 177, **214**	265.1085(h)(3)					

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
10, 11	when opening safety device is required to avoid unsafe condition	154, 177	265.1085(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 265.1088	177	265.1085(h)(3)(ii)					
	owner/operator who controls air pollutant emissions by using an enclosure vented through a closed-vent system to enclosed combustion control device shall meet requirements in 265.1085(i)(1)-(4)	154	265.1085(i)					
	tank shall be inside an enclosure; enclosure shall be designed & operated in accordance with 52.741, appendix B; allowance for openings; owner/ operator shall perform verification procedure as in Section 5.0	154	265.1085(i)(1)					
	enclosure shall be vented through a closed-vent system to enclosed combustion control device designed & operated in accordance with standards specified in 265.1088	154	265.1085(i)(2)					
	safety devices, defined in 265.1081, may be installed & operated on any enclosure, closed-vent system, or control device used to comply with 265.1085(i)(1)-(2)	154	265.1085(i)(3)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
owner/operator shall inspect & monitor the closed-vent system & control device as in 265.1088	154	265.1085(i)(4)					
owner/operator shall transfer hazardous waste to tank subject to 265.1085 in accordance with the following:	154	265.1085(j)					
transfer of hazardous waste, except as in 265.1085(j)(2), to tank from another tank subject to 265.1085 or from surface impoundment subject to 265.1086 shall use continuous hard-piping or another closed system; individual drain system	154	265.1085(j)(1)					
requirements of 265.1085(j)(1) do not apply when transferring hazardous waste to tank under following:	154	265.1085(j)(2)					
hazardous waste meets average VO concentration conditions in 265.1083(c)(1) at point of waste origination	154	265.1085(j)(2)(i)					
hazardous waste has been treated by organic destruction or removal process to meet 265.1083(c)(2) requirements	154	265.1085(j)(2)(ii)					
hazardous waste meets requirements of 265.1083(c)(4)	163	265.1085(j)(2)(iii)					
owner/operator shall repair each defect detected during inspections performed under 265.1085(c)(4), (e)(3), (f)(3), or (g)(3) as follows:	154	265.1085(k)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
owner/operator 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 265.1085(k)(2)	154	265.1085(k)(1)					
repairs may be delayed beyond 45 days if repair would require emptying or temporary removal from service & no alternative tanks are available; owner/ operator shall repair defect as soon as tank stops operation; repair shall be completed before resuming operation	154	265.1085(k)(2)					
after initial inspection & monitoring of cover pursuant to 265.1085, subsequent inspection & monitoring may be at intervals longer than 1 year under the following conditions:	154	265.1085(l)					
if inspecting or monitoring exposes worker to dangerous, hazardous, or other unsafe conditions, owner/operator may designate cover as unsafe & comply with the following:	154	265.1085(l)(1)					
prepare written explanation	154	265.1085(l)(1)(i)					
develop & implement written plan & schedule to inspect & monitor	154	265.1085(l)(1)(ii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
when a tank is buried partially or entirely underground, owner/ operator must inspect & monitor only portions of cover located on or above ground surface	154	265.1085(l)(2)					
STANDARDS: SURFACE IMPOUNDMENTS							
provisions of 265.1086 apply to control of air pollutant emissions from surface impoundments for which 265.1083(b) references this section	154	265.1086(a)					
owner/operator shall control air pollutant emissions from surface impoundment by installing & operating either:	154	265.1086(b)					
floating membrane cover in accordance with 265.1086(c); or	154	265.1086(b)(1)					
cover vented through a closed-vent system to a control device in accordance with 265.1086(d)	154, 163	265.1086(b)(2)					
owner/operator who controls emissions from surface impoundment using a floating membrane cover shall meet requirements in 265.1086(c)(1)-(3)	154	265.1086(c)					
surface impoundment shall be equipped with a floating membrane cover designed to meet the following:	154	265.1086(c)(1)					
designed to float on liquid surface during normal operations & form a continuous barrier	154	265.1086(c)(1)(i)					
cover shall be fabricated from synthetic membrane material with	154	265.1086(c)(1)(ii)					
	154	265.1086(c)(1)(ii)(A)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
certain specifications	154	265.1086(c)(1)(ii)(B)					
installed without visible cracks, holes, gaps, or open spaces between cover edges or foundation mountings	154	265.1086(c)(1)(iii)					
except as in 265.1086(c)(1)(v), openings in floating membrane cover shall be equipped with a closure device that does not allow for open spaces in closure device or between the opening & device	154	265.1086(c)(1)(iv)					
floating membrane cover may be equipped with emergency cover drains; drains shall be equipped with a slotted membrane fabric cover or flexible fabric sleeve seal	154	265.1086(c)(1)(v)					
closure devices shall consist of materials to minimize exposure of hazardous waste to atmosphere & maintain integrity throughout service life; factors to consider when selecting materials	154	265.1086(c)(1)(vi)					
whenever hazardous waste is in surface impoundment, floating membrane cover shall float on the liquid & each closure device in closed position except:	154	265.1086(c)(2)					
opening of closure devices or removal of cover is allowed to provide access to surface impoundment or to remove accumulated sludge	154	265.1086(c)(2)(i)					
	154	265.1086(c)(2)(i)(A)					
	154	265.1086(c)(2)(i)(B)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
opening of safety device is allowed to avoid unsafe condition	154	265.1086(c)(2)(ii)					
owner/operator shall inspect floating membrane cover as follows:	154	265.1086(c)(3)					
floating membrane cover & its closure devices shall be visually inspected for defects; examples	154	265.1086(c)(3)(i)					
perform initial inspection of floating membrane cover & closure devices on or before surface impoundment becomes subject to 265.1086; then at least once a year except under 265.1086(g)	154	265.1086(c)(3)(ii)					
in event of defect, it shall be repaired in accordance with 265.1086(f)	154	265.1086(c)(3)(iii)					
owner/operator shall maintain inspection record in accordance with 265.1090(c)	154	265.1086(c)(3)(iv)					
owner/operator who controls air pollutant emissions from surface impoundment using cover vented to a control device shall meet requirements in 265.1086(d)(1)-(3)	154	265.1086(d)					
surface impoundment covered & vented directly to a control device in accordance with the following:	154	265.1086(d)(1)					
cover & closure devices shall form a continuous barrier over liquid in surface impoundment	154	265.1086(d)(1)(i)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
opening in cover not vented to control device equipped with closure device; if pressure in vapor head space is < atmospheric pressure; if pressure in vapor head space is ≥ atmospheric pressure	154	265.1086(d)(1)(ii)					
cover & closure devices shall be made of suitable materials to minimize exposure to atmosphere & maintain integrity throughout service life; factors to consider when selecting materials	154, 163	265.1086(d)(1)(iii)					
closed-vent system & control device shall be designed & operated in accordance with 265.1088	154	265.1086(d)(1)(iv)					
whenever hazardous waste is in surface impoundment, the cover shall be installed with closure device in closed position except:	154	265.1086(d)(2)					
venting to control device is not required, & opening of closure device or removal of cover is allowed in specified circumstances	154	265.1086(d)(2)(i)					
	154	265.1086(d)(2)(i)(A)					
	154, 163	265.1086(d)(2)(i)(B)					
opening of safety device, as in 265.1081, allowed to avoid unsafe condition	154	265.1086(d)(2)(ii)					
owner/operator shall inspect & monitor air emission control equipment as follows:	154	265.1086(d)(3)					
surface impoundment cover & closure devices shall be visually inspected for defects; examples	154	265.1086(d)(3)(i)					

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 & control device shall be inspected & monitored in accordance with 265.1088	154	265.1086(d)(3)(ii)					
initial inspection of air emission control equipment on or before surface impoundment becomes subject to 265.1086; then at least once a year except under 265.1086(g)	154	265.1086(d)(3)(iii)					
in event of defect, it shall be repaired in accordance with 265.1086(f)	154	265.1086(d)(3)(iv)					
owner/operator shall maintain inspection record in accordance with 265.1090(c)	154	265.1086(d)(3)(v)					
owner/operator shall transfer hazardous waste to surface impoundment subject to 265.1086 in accordance with:	154	265.1086(e)					
transfer of hazardous waste, except as in 265.1086(e)(2), to surface impoundment from another surface impoundment subject to 265.1086 or from tank subject to 265.1085 shall use continuous hard-piping or another closed system; what constitutes individual drain system	154	265.1086(e)(1)					
requirements of 265.1086(e)(1) do not apply when transferring hazardous waste to surface impoundment under the following:	154	265.1086(e)(2)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
hazardous waste meets average VO concentration conditions in 265.1083(c)(1) at point of waste origination	154	265.1086(e)(2)(i)					
hazardous waste has been treated by organic destruction or removal process to meet 265.1083(c)(2) requirements	154	265.1086(e)(2)(ii)					
hazardous waste meets requirements of 265.1083(c)(4)	163	265.1086(e)(2)(iii)					
owner/operator shall repair each defect detected during inspections performed in accordance with 265.1086(c)(3) or (d)(3) as follows:	154	265.1086(f)					
owner/operator 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 265.1086(f)(2)	154	265.1086(f)(1)					
conditions under which repairs may be delayed beyond 45 days; owner/operator shall repair defect as soon as process generating hazardous waste in surface impoundment stops operation; repair completed before resuming operation	154	265.1086(f)(2)					

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	following initial inspection & monitoring of the cover as required by Subpart CC, inspection & monitoring at intervals longer than 1 year under the following conditions:	154	265.1086(g)					
	written explanation stating why cover is unsafe, if required	154	265.1086(g)(1)					
	develop & implement written plan & schedule to inspect & monitor cover	154	265.1086(g)(2)					
	STANDARDS: CONTAINERS							
	provisions of 265.1087 apply to control of air pollutant emissions from containers for which 265.1083(b) references this section	154	265.1087(a)					
	General requirements							
12	owner/operator shall control air pollutant emissions from each container subject to 265.1087 in accordance with the following:	154**, 214**	265.1087(b)(1)					
	for containers having design capacities > 0.1 m^3 & $\leq$ 0.46 m^3, owner/operator shall control air pollutant emissions in accordance with Container Level 1 standards in 265.1087(c)	154	265.1087(b)(1)(i)					
	for containers having design capacities > 0.46 m^3 not in light material service, owner/operator shall control air pollutant emissions in accordance with Container Level 1 standards in 265.1087(c)	154	265.1087(b)(1)(ii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
for containers having design capacities > 0.46 m^3 that are in light material service, owner/operator shall control air pollutant emissions in accordance with Container Level 2 standards in 265.1087(d)	154	265.1087(b)(1)(iii)					
when containers with design capacities > 0.1 m^3 are used for treatment of hazardous waste by waste stabilization process, owner/operator shall control air pollutant emissions in accordance with Container Level 3 standards in 265.1087(e)	154	265.1087(b)(2)					
Container Level 1 standards	154	265.1087(c)					
using Container Level 1 controls is one of following:	154	265.1087(c)(1)					
meets applicable U.S. DOT regulations on packaging for transportation as in 265.1087(f)	154	265.1087(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	154	265.1087(c)(1)(ii)					
open-top container in which organic-vapor suppressing barrier is used such that no hazardous waste is exposed; example	154	265.1087(c)(1)(iii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
container used to meet requirements of 265.1087(c)(1)(ii) or (c)(1)(iii) shall be equipped with covers & closure devices composed of materials to minimize exposure of hazardous waste to the atmosphere & to maintain equipment integrity; factors to consider in selecting materials	154	265.1087(c)(2)					
when using Container Level 1 controls, owner/operator shall install covers & closure devices and secure & maintain them in closed position except:	154	265.1087(c)(3)					
opening of closure device or cover is allowed to add hazardous waste or other material as specified	154	265.1087(c)(3)(i)					
	154	265.1087(c)(3)(i)(A)					
	154	265.1087(c)(3)(i)(B)					
opening of closure device or cover is allowed to remove hazardous waste as specified	154	265.1087(c)(3)(ii)					
	154	265.1087(c)(3)(ii)(A)					
	154	265.1087(c)(3)(ii)(B)					
opening of closure device or cover is allowed when access is needed to perform routine activities other than transfer hazardous waste; examples; after activity, promptly secure closure device or reinstall cover	154	265.1087(c)(3)(iii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
opening of pressure relief devices allowed during normal operations to maintain internal pressure in accordance with container design; device shall operate with no detectable organic emissions when closed; settings at which device opens shall allow device to remain in closed position when internal pressure is within operating range; examples	154	265.1087(c)(3)(iv)					
opening of safety device, as defined in 265.1081, is allowed any time conditions require it to avoid unsafe condition	154	265.1087(c)(3)(v)					
inspect containers & their covers & closure devices as follows:	154	265.1087(c)(4)					
if hazardous waste is present in container when owner/operator 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, owner/operator shall repair in accordance with 265.1087(c)(4)(iii)	154,163**,** **239**	265.1087(c)(4)(i)					

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	if container remains at the facility for 1 year or more, owner/operator shall inspect it & its cover & closure devices initially & thereafter, at least every 12 months; if defect is detected, owner/operator shall repair in accordance with 265.1087(c)(4)(iii)	154	265.1087(c)(4)(ii)					
	when defect is detected, owner/ operator 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 waste shall be removed, & container not used until repaired	154	265.1087(c)(4)(iii)					
	owner/operator shall maintain a copy of the procedure used to determine that containers with 0.46 m^3 or greater capacity are not managing hazardous waste in light material service	154	265.1087(c)(5)					
	Container Level 2 standards	154	265.1087(d)					
12	container using Container Level 2 controls is one of following:	154	265.1087(d)(1)					
	meets applicable U.S. DOT regulations on packaging for transportation as in 265.1087(f)	154	265.1087(d)(1)(i)					
	container that operates with no detectable organic emissions in accordance 265.1087(g)	154	265.1087(d)(1)(ii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
container that has been demonstrated to be vapor-tight by using part 60, appendix A, Method 27 in accordance with 265.1087(h)	154	265.1087(d)(1)(iii)					
transfer of hazardous waste shall minimize exposure to atmosphere, to extent practical; examples that meet 265.1087(d)(2)	154	265.1087(d)(2)					
owner/operator shall install covers & closure devices and secure & maintain them in closed position except:	154	265.1087(d)(3)					
opening of closure device or cover is allowed to add hazardous waste or other material as follows	154	265.1087(d)(3)(i)					
	154	265.1087(d)(3)(i)(A)					
	154	265.1087(d)(3)(i)(B)					
opening of closure device or cover is allowed to remove hazardous waste as follows	154	265.1087(d)(3)(ii)					
	154	265.1087(d)(3)(ii)(A)					
	154	265.1087(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	154	265.1087(d)(3)(iii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
opening of pressure relief devices allowed during normal operations to maintain internal pressure in accordance with container design; device shall operate with no detectable organic emissions when in closed position; settings at which device opens shall allow device to remain in closed position when internal pressure is within operating range; examples	154	265.1087(d)(3)(iv)					
opening of safety device, as defined in 265.1081, is allowed any time conditions require it to avoid unsafe condition	154	265.1087(d)(3)(v)					
owner/operator shall inspect containers & their covers & closure devices as follows:	154	265.1087(d)(4)					
if hazardous waste is present in container when owner/operator 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, owner/operator shall repair in accordance with 265.1087(d)(4)(iii)	154, 163, **239**	265.1087(d)(4)(i)					

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	if container remains at the facility for 1 year or more, owner/operator 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, owner/operator shall repair in accordance with 265.1087(d)(4)(iii)	154	265.1087(d)(4)(ii)					
	when defect is detected, owner/operator 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	154	265.1087(d)(4)(iii)					
	Container Level 3 standards	154	265.1087(e)					
12	container using Container Level 3 controls is one of following:	154	265.1087(e)(1)					
	container that is vented through a closed-vent system to a control device in accordance with 265.1087(e)(2)(ii)	154	265.1087(e)(1)(i)					
	container that is vented inside an enclosure which is exhausted through closed-vent system to a control device in accordance with 265.1087(e)(2)(i)-(ii)	154	265.1087(e)(1)(ii)					
	owner/operator shall meet the following, as applicable:	154	265.1087(e)(2)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
container enclosure shall be designed & operated in accordance with 52.741, appendix B; allowance for openings; verification procedure as in § 5.0	154	265.1087(e)(2)(i)					
closed-vent system & control device shall be designed & operated in accordance with 265.1088	154	265.1087(e)(2)(ii)					
safety devices, in 265.1081, may be installed & operated on any container, enclosure, closed-vent system, or control device used to comply with 265.1087 (e)(1)	154	265.1087(e)(3)					
owner/operator shall inspect & monitor closed-vent system & control devices as in 265.1088	154	265.1087(e)(4)					
owners/operators shall prepare & maintain records specified in 265.1090(d)	154	265.1087(e)(5)					
transfer of hazardous waste in or out of container using Container Level 3 controls shall be conducted to minimize exposure to atmosphere; examples of acceptable container loading procedures	177	265.1087(e)(6)					
for purpose of 265.1087(c)(1)(i) or (d)(1)(i) compliance, containers shall meet applicable U.S. DOT regulations on packaging for transportation as follows:	154	265.1087(f)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
meets applicable requirements in 49 CFR part 178 or 49 CFR part 179	154	265.1087(f)(1)					
hazardous waste managed in container in accordance with 49 CFR part 107, subpart B; 49 CFR part 172; 49 CFR part 173; & 49 CFR part 180	154	265.1087(f)(2)					
no exceptions to the 49 CFR part 178 or 179 regulations are allowed except as in 265.1087(f)(4)	154	265.1087(f)(3)					
for lab pack managed in accordance with 49 CFR part 178, owner/ operator may comply with exceptions for combination packagings specified in 49 CFR 173.12(b)	154	265.1087(f)(4)					
to determine compliance with 265.1087(d)(1)(ii), procedure specified in 265.1084(d) shall be used	154, 163	265.1087(g)					
each potential leak interface on container, its cover, & closure devices shall be checked; examples	154	265.1087(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	154	265.1087(g)(2)					
procedure for determining container to be vapor-tight using Method 27 of part 60, appendix A to comply with 265.1087(d)(1)(iii)	154	265.1087(h)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
test performed in accordance with Method 27 of part 60, appendix A	154	265.1087(h)(1)					
pressure measurement device shall be used with precision of **±2.5 of water & capable of measuring above for vapor tightness**	154	265.1087(h)(2)					
if test results indicate container sustains pressure charge ≤ 750 Pascals, then it's determined to be vapor-tight	154	265.1087(h)(3)					
STANDARDS: CLOSED-VENT SYSTEMS AND CONTROL DEVICES							
265.1088 applies to each closed-vent system & control device installed & operated to control air emissions	154	265.1088(a)					
closed-vent system shall meet following requirements:	154	265.1088(b)					
route gases, vapors, & fumes to control device that meets requirements in 265.1088(c)	154	265.1088(b)(1)					
designed & operated in accordance with 265.1033(j)	154	265.1088(b)(2)					
if system includes bypass devices, each device shall be equipped with a flow indicator or seal or locking device; for purposes of 265.1088(b)(3)(i) or (ii), other fittings are not bypass devices	154	265.1088(b)(3)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
if flow indicator is used to comply with 265.1088(b)(3), it shall be installed at inlet to the bypass line; flow indicator is a device which indicates gas or vapor flow	154	265.1088(b)(3)(i)					
if seal or locking device is used to comply with 265.1088(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	154	265.1088(b)(3)(ii)					
closed-vent system shall be inspected & monitored by owner/ operator in accordance with 265.1033(k)	154	265.1088(b)(4)					
control device shall meet following requirements:	154	265.1088(c)					
control device shall be one of following devices:	154	265.1088(c)(1)					
control device designed & operated to reduce by at least 95% total organic content of inlet vapor stream	154	265.1088(c)(1)(i)					
enclosed combustion device designed & operated in accordance with 265.1033(c)	154	265.1088(c)(1)(ii)					
flare designed & operated in accordance with 265.1033(d)	154	265.1088(c)(1)(iii)					
owner/operator who use closed-vent system & control device to comply with 265.1088 shall comply with 265.1088(c)(2)(i)-(c)(2)(vi)	154	265.1088(c)(2)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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periods of planned routine maintenance of the control device, during which 265.1088 (c)(1)(i)-(iii) are not met, shall not exceed 240 hours/year	154	265.1088(c)(2)(i)					
requirements in 265.1088(c)(1)(i)-(iii) do not apply during planned routine maintenance	154	265.1088(c)(2)(ii)					
requirements in 265.1088(c)(1)(i)-(iii) do not apply during control device system malfunction	154	265.1088(c)(2)(iii)					
owner/operator shall demonstrate compliance with 265.1088(c)(2)(i) by recording information in 265.1090(e)(1)(v)	154	265.1088(c)(2)(iv)					
owner/operator shall correct control device system malfunctions as soon as practicable to minimize excess air pollutant emissions	154	265.1088(c)(2)(v)					
owner/operator 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	154	265.1088(c)(2)(vi)					
owner/operator using carbon adsorption system shall operate & maintain control device in accordance with following requirements:	154	265.1088(c)(3)					
following initial startup, all activated carbon shall be replaced with fresh carbon regularly in accordance with 265.1033(g) or (h)	154	265.1088(c)(3)(i)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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carbon that is hazardous waste and that is removed from control device shall be managed in accordance with 265.1033(m), regardless of average volatile organic concentration of carbon	154, 163	265.1088(c)(3)(ii)					
owner/operator using control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system shall operate & maintain in accordance with 265.1033(i)	154	265.1088(c)(4)					
demonstrate that control device achieves performance requirements of 265.1088(c)(1) as follows:	154	265.1088(c)(5)					
demonstration using performance test as in 265.1088(c)(5)(iii) or design analysis as in 265.1088(c)(5)(iv) for each control device except for following:	154	265.1088(c)(5)(i)					
a flare	154	265.1088(c)(5)(i)(A)					
boiler or process heater with design input capacity of 44 megawatts or greater	154	265.1088(c)(5)(i)(B)					
boiler or process heater into which vent system is introduced with the primary fuel	154	265.1088(c)(5)(i)(C)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
boiler or industrial furnace burning hazardous waste for which owner or operator has been issued a final permit and has designed and operates the unit in accordance with 266, Subpart H	154	265.1088(c)(5)(i)(D)					
a boiler or industrial furnace burning hazardous waste for which owner or operator has designed and operates the unit in accordance with interim status requirements of 266, Subpart H	154	265.1088(c)(5)(i)(E)					
owner/operator shall demonstrate performance of each flare in accordance with 265.1033(e)	154	265.1088(c)(5)(ii)					
for a performance test, owner/operator shall use test methods & procedures in 265.1034(c)(1)-(4)	154	265.1088(c)(5)(iii)					
design analysis shall meet requirements specified in 265.1035(b)(4)(iii)	154	265.1088(c)(5)(iv)					
owner/operator shall demonstrate that a carbon adsorption system achieves 265.1088(c)(1) performance requirements	154	265.1088(c)(5)(v)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
if owner/operator & 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 265.1088(c)(5)(iii); Regional Administrator may choose authorized representative to observe the test	154	265.1088(c)(6)					
closed-vent system and control device shall be inspected & monitored by owner/operator in accordance with 265.1033(f)(2) & 265.1033(k); readings from each monitoring device inspected at least once each day; any necessary corrective measures immediately implemented	154, 163	265.1088(c)(7)					
INSPECTION AND MONITORING REQUIREMENTS							
owner/operator shall inspect & monitor air emission control equipment in accordance with 265.1085-1088	154	265.1089(a)					
owner/operator shall develop & implement a written plan & schedule to perform inspections & monitoring required by 265.1089(a); incorporate plan into facility inspection plan under 265.15	154	265.1089(b)					
RECORD KEEPING REQUIREMENTS							

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
owners/operator subject to 265, Subpart CC shall record & maintain information specified in 265.1090(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 265.1090(i)&(j) shall be maintained as long as the waste management units not using air emission controls in 265.1085-265.1088	154, 163	265.1090(a)					
owner/operator of a tank using air emission controls in accordance with 265.1085 shall prepare & maintain records that include:	154	265.1090(b)					
for tank using air emission controls in accordance with 265.1085, owner/ operator shall record:	154	265.1090(b)(1)					
tank ID number	154	265.1090(b)(1)(i)					
record for each inspection required by 265.1085 that includes the inspection date & other information for defects detected	154	265.1090(b)(1)(ii)					
	154	265.1090(b)(1)(ii)(A)					
	154, 163	265.1090(b)(1)(ii)(B)					
owner/operator shall record the following information, as applicable to the tank:	154	265.1090(b)(2)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
owner/operator using a fixed roof shall prepare & maintain records for each maximum organic vapor pressure determination in accordance with 265.1085(c); date & time of sample collection, analysis method, & results	154	265.1090(b)(2)(i)					
owner/operator using internal floating roof shall prepare & maintain documentation describing design	154	265.1090(b)(2)(ii)					
owners/operators using external floating roof shall prepare & maintain documentation & records for specified items	154	265.1090(b)(2)(iii)					
	154	265.1090(b)(2)(iii)(A)					
	154	265.1090(b)(2)(iii)(B)					
each owner/operator using an enclosure shall prepare & maintain specified records	154	265.1090(b)(2)(iv)					
	154	265.1090(b)(2)(iv)(A)					
	154	265.1090(b)(2)(iv)(B)					
owner/operator of surface impoundment using air emission controls in accordance with 265.1086 shall prepare & maintain records that include:	154	265.1090(c)					
surface impoundment ID number	154	265.1090(c)(1)					
documentation describing floating membrane cover that includes description of cover design, & certification that cover meets specifications in 265.1086(c)	154	265.1090(c)(2)					
record for each inspection required by 265.1086 that includes:	154	265.1090(c)(3)					
date inspection was conducted	154	265.1090(c)(3)(i)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
for each defect detected during inspection: location, description, date & corrective action; if repair is delayed, owner/operator shall record reason & date of expected repair	154	265.1090(c)(3)(ii)					
for surface impoundment equipped with cover & vented through a closed-vent system to a control device, owner/operator shall prepare & maintain records specified in 265.1090(e)	154	265.1090(c)(4)					
owner/operator of containers using Container Level 3 air emission controls in accordance with 265.1087 shall prepare & maintain records that include following:	154	265.1090(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	154	265.1090(d)(1)					
records required for closed-vent system & control device in accordance with 265.1090(e)	154	265.1090(d)(2)					
owner/operator using closed-vent system & control device in accordance with 265.1088 shall prepare & maintain records that include:	154	265.1090(e)					
documentation that includes:	154	265.1090(e)(1)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
certification signed & dated by owner/ operator stating control device is designed to operate at performance level when unit operating at capacity	154	265.1090(e)(1)(i)					
specified design documentation if design analysis is used; include description of control device design in accordance with 265.1035(b)(4)(iii) & certification by owner/operator that control equipment meets applicable specifications	154	265.1090(e)(1)(ii)					
performance test plan & all test results, if performance tests are used	154	265.1090(e)(1)(iii)					
information as required by 265.1035(c)(1)-(2)	154	265.1090(e)(1)(iv)					
owner/operator shall record on semiannual basis, information specified in 265.1090(e)(1)(v)(A)-(B) for planned routine maintenance operations requiring control devices not to meet 265.1088(c)(1)(i)-(iii) requirements	154	265.1090(e)(1)(v)					
	154	265.1090(e)(1)(v)(A)					
	154	265.1090(e)(1)(v)(B)					
owner/operator shall record information specified in 265.1090(e)(1)(vi)(A)-(C) for unexpected control device system malfunctions	154	265.1090(e)(1)(vi)					
	154	265.1090(e)(1)(vi)(A)					
	154	265.1090(e)(1)(vi)(B)					
	154	265.1090(e)(1)(vi)(C)					
management records of carbon removed from carbon adsorption system conducted in accordance with 265.1088(c)(3)(ii)	154	265.1090(e)(1)(vii)					

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	owner/operator of a tank, surface impoundment, or container exempted from standards in accordance with 265.1083(c) shall prepare & maintain the following records:	154	265.1090(f)					
13	if exempted under 265.1083(c)(1) or 265.1083(c)(2)(i)-(vi), owner/operator shall record information used for each waste determination in operating log; if waste sample results are used for determination, date, time, & location shall be recorded in accordance with 265.1084	154, 163, **214**	265.1090(f)(1)					
	if exempted under 265.1083(c)(2)(vii) or (viii), owner/operator shall record ID number for incinerator, boiler, or industrial furnace in which hazardous waste is treated	154	265.1090(f)(2)					
	owner/operator designating a cover as "unsafe to inspect & monitor" shall record in facility log: ID numbers, explanations, & inspection plans & schedules	154	265.1090(g)					
	owners or operators subject to 265, 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 265.1090	154	265.1090(h)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
in accordance with 265.1080(d), for tank or container not using air emissions controls specified in 265.1085 through 265.1088, owner or operator shall record and maintain the following information:	154	265.1090(i)					
list of individual organic peroxide compounds manufactured at facility that meet conditions in 265.1080(d)(1)	154	265.1090(i)(1)					
description of how hazardous waste containing organic peroxide compounds identified in 265.1090(i)(1) are managed; description shall include:	154	265.1090(i)(2)					
for tanks, sufficient information provided to describe each tank: facility tank ID number, purpose and placement of tank in the management train, and procedures used to ultimately dispose of hazardous waste	154	265.1090(i)(2)(i)					
for containers, sufficient information provided to describe: facility container ID number for each container or group of containers, purpose and placement of container(s) in management train, and procedures used to ultimately dispose of hazardous waste	154	265.1090(i)(2)(ii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
why managing hazardous waste containing organic peroxide compounds identified in 265.1090(i)(1) would create an undue safety hazard if specified air emission controls are installed and operated; include following information:	154	265.1090(i)(3)					
for tanks, sufficient information to explain how required air emission controls would affect design features and facility operating procedures currently used, and why installation of safety devices will not address situations in which evacuation necessary	154	265.1090(i)(3)(i)					
for containers, sufficient information to explain how required air emission controls would affect design features and handling procedures currently used, and why installation of safety devices under Subpart CC will not address situations in which evacuation is necessary	154	265.1090(i)(3)(ii)					
for each hazardous waste management unit not using air emission controls specified in 265.1085 through 265.1088 in accordance with 265.1080(b)(7), owner and operator shall record and maintain the following information:	163	265.1090(j)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
certification that waste management unit is equipped with and operating air emission controls in accordance with requirements under 40 CFR part 60, part 61, or part 63	163	265.1090(j)(1)					
identification of specific requirements codified under 40 CFR part 60, part 61, or part 63 with which unit is in compliance	163	265.1090(j)(2)					
SUBPART DD - CONTAINMENT BUILDINGS							
APPLICABILITY							
applies to owners/operators storing or treating hazardous waste in units designed and operated under 265.1101; not subject to definition of land disposal in RCRA 3004(k) provided unit:	109**, 213**	265.1100					
is a completely enclosed, self-supporting structure designed and constructed as specified	109	265.1100(a)					
has a primary barrier designed to withstand movement of personnel and handling equipment within unit	109	265.1100(b)					
if used to manage liquids:	109	265.1100(c)					
primary barrier designed and constructed to prevent migration of hazardous constituents into barrier	109	265.1100(c)(1)					
liquid collection system to minimize accumulation of liquid on primary barrier	109	265.1100(c)(2)					

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified; variance under 265.1101(b)(4)	109	265.1100(c)(3)					
14	controls to prevent fugitive dust emissions	109**, 214**	265.1100(d)					
	designed and operated to ensure containment and prevent tracking of materials from unit by personnel or equipment	109	265.1100(e)					
	DESIGN AND OPERATING STANDARDS							
	all containment buildings must comply with following design standards:	109	265.1101(a)					
	completely enclosed as specified	109	265.1101(a)(1)					
	design and construction of floor, containment walls and secondary containment system; unit of sufficient structural strength to prevent collapse or failure; chemically compatible surfaces; standards for judging structural integrity requirements; when exception for light-weight doors and windows will apply:	109	265.1101(a)(2)					
	provide effective barrier against fugitive dust emissions under 265.1101(c)(1)(iv)	109	265.1101(a)(2)(i)					
	unit designed and operated so that wastes do not contact openings	109	265.1101(a)(2)(ii)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
no placement of incompatible wastes or treatment reagents that could cause unit or secondary containment system to leak, corrode or otherwise fail	109	265.1101(a)(3)					
must have primary barrier designed to withstand movement of personnel, waste and handling equipment in unit during unit operating life, as appropriate for waste characteristics	109	265.1101(a)(4)					
requirements for hazardous waste containing free liquids or treated with free liquids:	109	265.1101(b)					
primary barrier to prevent migration of hazardous constituents into the barrier	109	265.1101(b)(1)					
liquid collection and removal system to prevent accumulation of liquid on primary barrier:	109	265.1101(b)(2)					
primary barrier sloped to drain liquids to collection system	109	265.1101(b)(2)(i)					
liquids and waste collected and removed to minimize hydraulic head on containment system at earliest practicable time to protect human health and environment	109	265.1101(b)(2)(ii)					
secondary containment system to prevent hazardous constituent migration into barrier; leak detection and liquid collection as specified	109	265.1101(b)(3)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
what must be installed at a minimum to satisfy leak detection component of secondary containment system	109	265.1101(b)(3)(i)					
construct with 1% or greater bottom slope	109	265.1101(b)(3)(i)(A)					
granular, synthetic, or geonet drainage materials as specified	109**, 214**	265.1101(b)(3)(i)(B)					
if treatment conducted in building, treatment area designed to prevent releases to other portions of building	109	265.1101(b)(3)(ii)					
secondary containment construction materials specifications; requirements for use of containment building as tank secondary containment system	109**, 214**	265.1101(b)(3)(iii)					
for existing units other than 90-day generator units, Regional Administrator delay of secondary containment requirement if demonstrated that unit substantially meets Subpart DD standards; for demonstration, owner/operator must:	109	265.1101(b)(4)					
provide written notice by February 18, 1993; what notice must contain	109	265.1101(b)(4)(i)					
respond to Regional Administrator comments within 30 days	109	265.1101(b)(4)(ii)					
if approved, fulfill terms of revised plans	109	265.1101(b)(4)(iii)					
owners and operators of all containment buildings must:	109	265.1101(c)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
use controls and practices to ensure containment of hazardous waste within unit; at a minimum:	109	265.1101(c)(1)					
maintain primary barrier as specified	109	265.1101(c)(1)(i)					
maintain level of stored/treated hazardous waste as specified	109	265.1101(c)(1)(ii)					
take measures to prevent tracking of hazardous waste out of unit; equipment decontamination area; rinsate collection and management	109	265.1101(c)(1)(iii)					
take measures to control fugitive dust emissions; maintain particulate collection devices as specified; when "no visible emissions" must be maintained	109	265.1101(c)(1)(iv)					
obtain and keep certification by a qualified Professional Engineer	109**, 213**	265.1101(c)(2)					
prompt repairs of unit throughout active life, according to the following procedures:	109**, 214**	265.1101(c)(3)					
detection of condition that has led to a release; leakage from primary barrier; owner or operator must:	109	265.1101(c)(3)(i)					
enter record of discovery in facility operating record	109	265.1101(c)(3)(i)(A)					
immediately remove portion of containment building affected by the condition from service	109	265.1101(c)(3)(i)(B)					

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	determine steps to be taken for repair; remove leakage from secondary collection system and establish schedule for cleanup and repairs	109	265.1101(c)(3)(i)(C)					
	within 7 days, notify Regional Administrator of condition; within 14 working days, provide written notice to Regional Administrator; what written notice must include	109	265.1101(c)(3)(i)(D)					
	Regional Administrator must review notice, determine extent to which unit must be removed from service during repairs, and notify owner/operator of determination and rationale in writing	109	265.1101(c)(3)(ii)					
	written notification of Regional Administrator on completion of repair and cleanup; verification by a qualified, registered professional engineer that repairs and cleanup are in compliance with 265.1101(c)(3)(i)(D) plan	109	265.1101(c)(3)(iii)					
15	what must be inspected and recorded in facility's operating records, at least once every seven days	109**, 213, 237**	265.1101(c)(4)					
	for containment building that contains both areas with and without secondary containment, the owner/operator must:	109**, 214**	265.1101(d)					
	design and operate each area in accordance with 265.1101(a)-(c) requirements	109	265.1101(d)(1)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
take measures to prevent release of liquids or wet materials into areas without secondary containment	109	265.1101(d)(2)					
maintain in facility's operating log a written description of operating procedures used to maintain integrity of areas without secondary containment	109	265.1101(d)(3)					
Regional Administrator waiver of secondary containment requirements; what owner/operator must demonstrate	109	265.1101(e)					
CLOSURE AND POST-CLOSURE CARE							
what must be done at closure; closure plan, closure activities, cost estimates, and financial responsibility must meet all 265 Subparts G & H requirements	109	265.1102(a)					
if 265.1102(a) requirements met and not all contaminated soils can be removed or decontaminated, close facility and perform post-closure care as for landfill under 265.310; owner/operator must meet 265 Subparts G & H requirements for landfills	109	265.1102(b)					
reserved	109	265.1103-265.1110					
SUBPART EE B HAZARDOUS WASTE MUNITION AND EXPLOSIVES STORAGE							
APPLICABILITY							
subpart applies to owners and operators who store munitions and explosive hazardous wastes	156	265.1200					
DESIGN AND OPERATING STANDARDS							
storage units must meet following requirements	156	265.1201(a)					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
minimize potential for detonation or release	156	265.1201(a)(1)					
provide primary barrier to contain waste	156	265.1201(a)(2)					
if stored outdoors must not be in standing precipitation	156	265.1201(a)(3)					
for liquids, provide secondary containment or vapor detection system	156	265.1201(a)(4)					
provide monitoring and inspection procedures	156	265.1201(a)(5)					
hazardous waste military munitions and explosives may be stored in the following	156	265.1201(b)					
earth-covered magazines; requirements for earth-covered magazines	156	265.1201(b)(1)					
	156	265.1201(b)(1)(i)					
	156	265.1201(b)(1)(ii)					
	156	265.1201(b)(1)(ii)(A)-(C)					
	156	265.1201(b)(1)(iii)					
above-ground magazines must be designed to minimize propagation of explosion	156	265.1201(b)(2)					
outdoor or open storage areas must be designed to minimize propagation of explosion	156	265.1201(b)(3)					
hazardous waste military munitions and explosives must be stored in accordance with Standard Operating Procedure; if procedure serves same purpose as certain Part 264 requirements, they may be used	156	265.1201(c)					
hazardous waste military munitions and explosives must be packaged to ensure safety	156	265.1201(d)					

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
	hazardous waste military munitions and explosives must be inventoried annually	156	265.1201(e)					
	hazardous waste military munitions and explosives must be inspected and monitored to ensure safety and no migration	156	265.1201(f)					
	CLOSURE AND POST-CLOSURE CARE							
	at closure of magazine or unit storing hazardous waste under Subpart EE, o/o must remove or decontaminate residues, components, subsoils, and equipment and manage as a hazardous waste closure; must meet subparts 265 G and H requirements	156	265.1202(a)					
	if all contaminated subsoils cannot be practicably removed, o/o must close facility and perform post-closure as per 264.310	156	265.1202(b)					
16	**SUBPART FF – FEES FOR THE ELECRONIC HAZARDOUS WASTE MANIFEST PROGRAM**							
	this subpart describes:	**239**	**265.1300(a)**					
	methodology to determine user fees	**239**	**265.1300(a)(1)**					
	process for revision of e-Manifest system fees	**239**	**265.1300(a)(2)**					
	fees apply to "user of the electronic manifest system" under § 260.10	**239**	**265.1300(b)**					
	DEFINITIONS APPLICABLE TO THIS SUBPART							
	the following definitions apply to 265 subpart FF	**239**	**265.1310 intro.**					
	"consumer price index"	**239**	**265.1310**					
	"Cross Media Electronic Reporting Rule (CROMERR) costs"	**239**	**265.1310**					
	"electronic manifest submissions"	**239**	**265.1310**					
	"EPA program costs"	**239**	**265.1310**					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
"help desk costs"	**239**	**265.1310**					
"indirect costs"	**239**	**265.1310**					
"manifest submission type"	**239**	**265.1310**					
"marginal labor costs"	**239**	**265.1310**					
"operations and maintenance costs"	**239**	**265.1310**					
"paper manifest submissions"	**239**	**265.1310**					
"system setup costs"	**239**	**265.1310**					
MANIFEST TRANSACTIONS SUBJECT TO FEES							
per manifest fee	**239**	**265.1311(a)**					
submission of each electronic manifest – fee assessed at the applicable rate	**239**	**265.1311(a)(1)**					
submission of each paper manifest to the paper processing center with the fee assessed according to specified methods	**239**	**265.1311(a)(2)**					
fee assessed for processing of return shipment manifests	**239**	**265.1311(a)(3)**					
requirements for image file uploads from paper manifests	**239**	**265.1311(b)**					
		265.1311(b)(1)					
		265.1311(b)(2)					
requirements for data file uploads from paper manifests	**239**	**265.1311(c)**					
		265.1311(c)(1)					
		265.1311(c)(2)					
		265.1311(c)(3)					
USER FEE CALCULATION METHODOLGY							
fee calculation formula or methodology to be used initially	**239**	**265.1312(a)**					
transition to formula after four years of system operations if electronic manifest usage <75%	**239**	**265.1312(b)(1)**					
EPA shall publish a notice after four years of system operations that states:	**239**	**265.1312(b)(2)**					

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
effective date of fee formula in 265.1312(b)(1)	**239**	**265.1312(b)(2)(i)**					
the fee formula in 265.1312(b)(1) of this section shall not go into effect under 265.1312	**239**	**265.1311(b)(2)(ii)**					
USER FEE REVISIONS							
fee schedules revised at two-year intervals	**239**	**265.1313(a)(1)**					
fee schedule publication timeline	**239**	**265.1313(a)(2)**					
inflation adjuster formula	**239**	**265.1313(b)**					
revenue recovery adjusters	**239**	**265.1313(c)**					
HOW TO MAKE USER FEE PAYMENTS							
fees to be paid by owners or operators of the receiving facility	**239**	**265.1314(a)**					
pay electronically to the EPA	**239**	**265.1314(b)**					
pay within 30 days of receipt	**239**	**265.1314(c)**					
SANCTIONS FOR DELINQUENT PAYMENTS							
interest	**239**	**265.1315(a)**					
when delinquent	**239**	**265.1315(a)(1)**					
due dates	**239**	**265.1315(a)(2)**					
financial penalty	**239**	**265.1315(b)**					
compliance with manifest perfection requirement	**239**	**265.1315(c)**					
		265.1315(c)(1)					
		265.1315(c)(2)					
INFORMAL FEE DISPUTE RESOLUTION							
claims of errors in invoice or charges must be presented for fee dispute resolution	**239**	**265.1316(a)**					
first contact the system's billing representatives by phone or email	**239**	**265.1316(b)**					
claimant must identify themselves and the invoice(s) in dispute including:	**239**	**265.1316(b)(1)**					
identifying information for fee disputes	**239**	**265.1316(b)(1)(i)**					
		265.1316(b)(1)(ii)					

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS: EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
			265.1316(b)(1)(iii)					
			265.1316(b)(1)(iv)					
	claimant must provide sufficient supporting information to identify the nature and amount of the fee dispute, including:	**239**	**265.1316(b)(2)**					
	fee dispute supporting information	**239**	**265.1316(b)(2)(i)**					
			265.1316(b)(2)(ii)					
			265.1316(b)(2)(iii)					
			265.1316(b)(2)(iv)					
	EPA must respond to billing dispute claims within ten days of receipt and will:	**239**	**265.1316(b)(3)**					
	State whether the claim is accepted or rejected and amount that will be refunded or credited	**239**	**265.1316(b)(3)(i)**					
	if rejected provide a brief statement of reason for rejection and advise of right to appeal	**239**	**265.1316(b)(3)(ii)**					
	fee dispute claimants not satisfied with decision may appeal	**239**	**265.1316(c)**					
	fee dispute appeal procedures	**239**	**265.1316(c)(1)**					
			265.1316(c)(2)					
			265.1316(c)(3)					
			265.1316(c)(4)					
	APPENDIX I TO PART 265							
	RECORD KEEPING INSTRUCTIONS							
17	instructions for keeping portions of the operating record	*,131**, 214**	Appendix I					
	APPENDIX III TO PART 265							
	EPA INTERIM PRIMARY DRINKING WATER STANDARDS							
	table of parameters and maximum levels	*	Appendix III					
	APPENDIX IV TO PART 265							
	TESTS FOR SIGNIFICANCE							
	background information on use of Student's t-test	*	Appendix IV					
	APPENDIX V TO PART 265							
	EXAMPLES OF POTENTIALLY INCOMPATIBLE WASTE							

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
lists of wastes and potential consequences of mixing	***, 214**	Appendix V					
APPENDIX VI TO PART 265							
Compounds With Henry's Law Constant Less Than 0.1 Y/X	154, 63**, 214**	Appendix VI					

1 Part 265 subpart CC was added by Revision Checklist 154.

2 At 265.1080(a), there is a typographical error in the December 6, 1994 rule of Revision Checklist 154 (59 FR 62896): "subparts" should be "subpart". **The error was corrected on July 14, 2006 by the Revision Checklist 214 final rule.**

3 Revision Checklist 163 (December 8, 1997; 62 FR 64636) revised and redesignated 265.1082(c) as 265.1082(d) and added a new paragraph at 265.1082(c).

4 **In** the July 1, 1997 edition, the CFR contains a printing error which has 265.1082(c) printed as part of the 265.1082(b)(2)(iii) paragraph. A typographical insert of "I11" precedes the paragraph (c) indicator and should be removed and a new paragraph begun at "(c)". **The error was corrected on December 8, 1997 by the Revision Checklist 163 final rule which redesignated 265.1082(c) as (d), and introduced a new 262.1082(c).**

5 Although 265.1084(a)(3)(iii)(A) is included in the December 8, 1997 rule (62 FR 64636; Revision Checklist 163), there were no changes to the provision. **The 265.1084(a)(3)(iii)(A) introduced into the federal regulations by the Revision Checklist 154 final rule was removed by Revision Checklist 208.**

6 **Revision Checklist 208 (70 FR 34538, June 14, 2005) completely revised 265.1081(a)(3)(iii) introductory paragraph and removed existing subparagraphs 265.1081(a)(3)(iii)(A) – (G). It also redesignated the existing subparagraphs 265.1081(a)(3)(iii)(H) and (I) as subparagraphs (A) and (B).**

7 Revision Checklist 163 (December 8, 1997; 62 FR 64636) revised and redesignated 265.1084(a)(3)(iv), except for the title, as 265.1084(a)(3)(iv)(A).

8 **Revision Checklist 208 (70 FR 34538, June 14, 2005) completely revised 265.1084(b)(3)(iii) introductory paragraph and removed existing subparagraphs 265.1084(b)(3)(iii)(A) – (G). It also redesignated the existing subparagraphs 265.1084(b)(3)(iii)(H) and (I) as subparagraphs (A) and (B).**

9 There is a typographical error **at 265.1085(h)(3)** in the January 21, 1999, rule addressed by Revision Checklist 177 (64 FR 3382): "under either or the following conditions" should be "under either of the following conditions". **The error was corrected on July 14, 2006 by the Revision Checklist 214 final rule.**

10 States should be sure to add a new paragraph at 265.1085(h)(3)(i), and not replace 265.1085(i), which currently follows 265.1085(h)(3).

11 The exception found at 265.1085(h)(3)(i) was originally introduced into the code by Revision Checklist 154 at 265.1085(h). Revision Checklist 177 revised 265.1085(h)(3), moved the exception to 265.1085(h)(3)(i), and added a new exception at 265.1085(h)(3)(ii).

12 An error exists in the July 1, 1997 **CFR** edition in that the paragraph **at 265.1087(b), (d) and (e) are** missing "(1)" to designate the first paragraph of **each** section. **The errors at 265.1087(d) and (e) are corrected in the July 1, 1998 CFR. The error at 265.1087(b) was corrected on July 14, 2006 by the Revision Checklist 214 final rule.**

13 The December 8, 1997 rule (63FR 64636, Revision Checklist 163) contains a typographical error. The reference to "265.1084(c)(2)(i)-(iv)" should be "265.1083(c)(2)(i)-(vi)." **The error was corrected on July 14, 2006 by the Revision Checklist 214 final rule.**

14 There is an error in the Federal Register article for Revision Checklist 109 (57 FR 37194; August 18, 1992) **at 265.1100(d)**. The phrase "as needed to permit" should read "as needed to prevent". **The error was corrected on July 14, 2006 by the Revision Checklist 214 final rule.**

15 The Revision Checklist 213 final rule amended 265.1101(c)(4) to add a requirement for Performance Track member facilities. The obsolete Performance Track language was removed by the Revision Checklist 237 final rule.

16 States cannot be authorized to implement or enforce any of the part 265, subpart FF requirements. States must not change any language in this subpart.

17 **Revision Checklist 214 (71 FR 40254, July 14, 2006) added unit of measure codes for "Pounds", "Short tons", "Kilograms", and "Tons" at the end of the table in Appendix I.**