

US EPA ARCHIVE DOCUMENT

CONSOLIDATED CHECKLIST C2

Identification and Listing of Hazardous Waste 40 CFR Part 261 as of **December 31, 2002**

Note: This Consolidated Checklist corresponds to the 40 CFR Part 261, published on July 1, 2002, and as amended by the following final rules: 67 FR 48393; July 24, 2002 (Revision Checklist 200)

†† = conditionally optional provisions

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART A - GENERAL

PURPOSE AND SCOPE

† identification of wastes regulated under 262-265, 268, 270, 271, 124 and subject to notification	*,34	261.1(a)					
† Subpart A's purpose	*,23,34	261.1(a)(1)					
† Subpart B's purpose	*	261.1(a)(2)					
† Subpart C's purpose	*	261.1(a)(3)					
† Subpart D's purpose	*	261.1(a)(4)					
solid waste definition applies only to waste also hazardous for purpose of implementing Subtitle C	13	261.1(b)(1)					
identification of only some of the materials that are solid hazardous wastes	*,13	261.1(b)(2)					
conditions under which a waste is still a solid/hazardous waste	*,13	261.1(b)(2)(i)&(ii)					
definitions	13	261.1(c)					
"spent material"	13	261.1(c)(1)					
"sludge"	13	261.1(c)(2)					
"by-product"	13	261.1(c)(3)					
"reclaimed"	13	261.1(c)(4)					
"used or reused"	13	261.1(c)(5)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		261.1(c)(5)(i)					
		261.1(c)(5)(ii)					
"scrap metal"	13	261.1(c)(6)					
"recycled"	13	261.1(c)(7)					
"accumulated speculatively"	13	261.1(c)(8)					
† "excluded scrap metal"	157	261.1(c)(9)					
† "processed scrap metal"	157	261.1(c)(10)					
† "home scrap metal"	157	261.1(c)(11)					
† "prompt scrap metal"	157	261.1(c)(12)					
1 DEFINITION OF SOLID WASTE							
discarded/not excluded	13	261.2(a)(1)					
"discarded material" is:	13	261.2(a)(2)					
abandoned	13	261.2(a)(2)(i)					
recycled	13	261.2(a)(2)(ii)					
inherently wastelike	13, 156	261.2(a)(2)(iii)					
military munition identified as solid waste in § 266.202	156	261.2(a)(2)(iv)					
"abandoned" means:	13	261.2(b)					
disposed of	13	261.2(b)(1)					
burned/incinerated	13	261.2(b)(2)					
accumulated, stored, or treated in lieu of disposal	13	261.2(b)(3)					
materials are solid wastes when recycled	13,†157	261.2(c)					
used in a manner constituting disposal	13	261.2(c)(1)					
		261.2(c)(1)(i)					

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		261.2(c)(1)(i)(A)& (B)					
		261.2(c)(1)(ii)					
burning for energy recovery	13	261.2(c)(2)					
		261.2(c)(2)(i)					
		261.2(c)(2)(i)(A)& (B)					
		261.2(c)(2)(ii)					
2, 3 reclaimed	13,†167D, 179, ††199	261.2(c)(3)					
2 accumulated speculatively	13,†167D, 179	261.2(c)(4)					
inherently wastelike	13	261.2(d)					
F020, F021, F022, F023, F026, & F028	13	261.2(d)(1)					
4 secondary materials fed to a halogen acid furnace that exhibit a characteristic or are a listed waste, except for brominated material that meets certain criteria	85,96	261.2(d)(2)					
material must contain a bromine concentration of at least 45%	96	261.2(d)(2)(i)					
material must contain less than a total of 1% of toxic organic compounds listed in Appendix VIII	96	261.2(d)(2)(ii)					
material is processed	96	261.2(d)(2)(iii)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
continually on-site in the halogen acid furnace via direct conveyance							
5 criteria Administrator will use to add to list	13,85	261.2(d)(3)					
		261.2(d)(3)(i) (A)&(B)					
		261.2(d)(3)(ii)					

† Materials That Are Not Solid Waste When Recycled

2,6 criteria for showing materials are not solid wastes when recycled	13	261.2(e)(1)					
		261.2(e)(1)(i)					
		261.2(e)(1)(ii)					
	13,†137, †167D, 179	261.2(e)(1)(iii)					
materials that are solid wastes even when recycling involves use, reuse, or return to original process	13	261.2(e)(2)					
		261.2(e)(2)(i)					
		261.2(e)(2)(ii)					
		261.2(e)(2)(iii)					
	13,111	261.2(e)(2)(iv)					
documentation of claims for not solid waste or conditionally exempt from regulation	13	261.2(f)					

7 DEFINITION OF HAZARDOUS WASTE

solid waste is hazardous if:	I A,†117 A	261.3(a)					
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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
not excluded by 261.4(b)	I A,†117 A	261.3(a)(1)					
criteria to be met	I A,†117 A	261.3(a)(2)					
exhibits characteristic of Subpart C; exception for specific waste mixtures	I A, 65,†117 A, 117 B, 167E	261.3(a)(2)(i)					
is listed in Subpart D	I A,†117 A	261.3(a)(2)(ii)					
8 remove and reserve	I A, 65, 109, †117 A, †192A	261.3(a)(2)(iii)					
mixture exemptions	I A, †117 A, †192A	261.3(a)(2)(iv)					
	I A, †117 A	261.3(a)(2)(iv)(A)					
		261.3(a)(2)(iv)(B)					
	I A, †117 A, †169	261.3(a)(2)(iv)(C)					
	I A, †117 A	261.3(a)(2)(iv)(D)					
	I A, †117 A, †140	261.3(a)(2)(iv)(E)					
	†140	261.3(a)(2)(iv)(F)					
		261.3(a)(2)(iv)(G)					
rebuttable presumption	112	261.3(a)(2)(v)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for used oil containing >1000 ppm total halogens; exceptions		261.3(a)(2)(v)(A)					
		261.3(a)(2)(v)(B)					
specific events under which a solid waste becomes hazardous	I A,†117 A	261.3(b)					
Subpart D wastes, when first meet listing description	I A,†117 A	261.3(b)(1)					
mixture, when hazardous waste added	I A,†117 A	261.3(b)(2)					
when exhibits Subpart C characteristics	I A,†117 A	261.3(b)(3)					
unless and until waste meets paragraph (d) criteria:	I A,†117 A	261.3(c)					
remains a hazardous waste	I A,†117 A	261.3(c)(1)					
9 derived from a hazardous waste	I A,†8,†13,† 117 A, †192A	261.3(c)(2)(i)					
exemptions:	†8,†117 A	261.3(c)(2)(ii)					
waste pickle liquor sludge	†8,†117 A	261.3(c)(2)(ii)(A)					
10,11 wastes from burning material exempted at 261.6(a)(3)(iii) and (iv)	19,94,†117 A, †135,†169	261.3(c)(2)(ii)(B)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
12 certain nonwastewater residues resulting from high temperature metals recovery processing of K061, K062 or F006 waste; generic exclusion levels; testing requirements; burden of proof for persons claiming this exclusion in an enforcement action; two tables showing generic exclusion levels	95,109, †117 A	261.3(c)(2)(ii) (C)(I)					
12 one-time notification and certification for K061, K062 or F006 HTMR residues, which meet generic exclusion levels and exhibit no characteristics, that are sent to Subtitle D units; update of notification and certification; annual EPA/State notification; deadline for submission to EPA/State; what the notification must include; certification signed by authorized representative and what it must state	95,109, †117 A	261.3(c)(2)(ii)(C) (2)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† biological treatment sludge from the treatment of one of the wastes listed in 261.32- -organic waste from the production of carbarnates and carbarnoyl oximes (EPA Hazardous Waste No. K156), and wastewaters from the production of carbarnates and carbarnoyl oximes (EPA Hazardous Waste No. K157)	140	261.3(c)(2)(ii)(D)					
† catalyst inert support media separated from wastes listed in 261.32 - spent hydrotreating catalyst and spent hydrotrefining catalyst	169	261.3(c)(2)(ii)(E)					
solid waste not hazardous if it meets criteria:	I A,†117 A	261.3(d)					
wastes not exhibiting characteristics; 268 requirements for wastes not exhibiting a characteristic at point of generation	I ,83,†117 A	261.3(d)(1)					
excluded under 260.20 and 260.22	I A,†117 A	261.3(d)(2)					
13 reserved	117 A	261.3(e)					
debris that is excluded from regulation	109	261.3(f)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
provided it meets specified criteria:							
Part 268-defined hazardous debris treated using a specified 268.45, Table 1, extraction or destruction technology; burden of proof on claimant in an enforcement action	109	261.3(f)(1)					
Part 268-defined debris determined by Regional Administrator to no longer be contaminated with hazardous waste	109	261.3(f)(2)					
listed hazardous waste solely because it exhibits one or more characteristic, is not a hazardous waste, if characteristics are no longer exhibited	†192A	261.3(g)(1)					
261.3(g)(1) exclusion also pertains to:	†192A	261.3(g)(2)					
wastes excluded	†192A	261.3(g)(2)(i)					
		261.3(g)(2)(ii)					
wastes excluded are subject to 268, even if no longer exhibit characteristic at point of land disposal	†192A	261.3(g)(3)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
any mixture of a solid waste excluded under 261.4(b)(7) & a hazardous waste listed in 261 subpart D solely because it exhibits a characteristic, is not a hazardous waste if it no longer exhibits a characteristic for which it was listed	†194	261.3(g)(4)					
hazardous waste containing radioactive waste is no longer a hazardous waste	†192A	261.3(h)(1)					
exemption also pertains to:	†192A	261.3(h)(2)					
wastes excluded	†192A	261.3(h)(2)(i)					
		261.3(h)(2)(ii)					
waste exempted must meet storage and transportation criteria; waste that fails is regulated as hazardous	†192A	261.3(h)(3)					
EXCLUSIONS							
materials which are not solid wastes:	I A	261.4(a)					
domestic sewage	I A	261.4(a)(1)(i)					
domestic sewage mixture	I A	261.4(a)(1)(ii)					
industrial wastewater discharges	I A	261.4(a)(2)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
irrigation return flows	I A	261.4(a)(3)					
nuclear materials as defined by the Atomic Energy Act, 1954	I A	261.4(a)(4)					
in-situ mining	I A	261.4(a)(5)					
† pulping liquors	13	261.4(a)(6)					
† spent sulfuric acid	13	261.4(a)(7)					
reclaimed secondary materials returned to original process generating them	28	261.4(a)(8)					
		261.4(a)(8)(i)					
		261.4(a)(8)(ii)					
		261.4(a)(8)(iii)					
		261.4(a)(8)(iv)					
†,14 spent wood preserving solutions and wastewaters from the wood preserving process that have been reclaimed and reused for their original intended purpose	82,92	261.4(a)(9)(i)					
	92	261.4(a)(9)(ii)					
	†167F	261.4(a)(9)(iii)					
		261.4(a)(9)(iii)(A)					
		261.4(a)(9)(iii)(B)					
		261.4(a)(9)(iii)(C)					
		261.4(a)(9)(iii)(D)					
		261.4(a)(9)(iii)(E)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† K060, K087, K141, K142, K143, K144, K145, K147, K148 and any wastes from coke by-products that are hazardous only because they exhibit the Toxicity Characteristic when recycled as specified; exclusion is conditioned on there being no land disposal of the wastes from point of generation to recycling point	85,105,110	261.4(a)(10)					
† nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums and not land disposed before recovery	95	261.4(a)(11)					
†,15 oil-bearing hazardous secondary materials generated at petroleum refinery and inserted into the refining process unless the material is placed on land or speculatively accumulated before recycled	135,†150, †169	261.4(a)(12)(i)					
†,15 recovered oil recycled in same manner and conditions as in	135,†150, †169	261.4(a)(12)(ii)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
261.4(a)(12)(i)							
† excluded scrap metal being recycled	157	261.4(a)(13)					
† shredded circuit boards being recycled provided that they are:	157	261.4(a)(14)					
† stored in containers sufficient to prevent release, and	157	261.4(a)(14)(i)					
† free of mercury switches, mercury relays and nickel cadmium batteries and lithium batteries	157	261.4(a)(14)(ii)					
† condensates derived from overhead gases from kraft mill steam strippers used to comply with 40 CFR 63.466(e); exemption applies only to combustion at mill generating condensates	164	261.4(a)(15)					
†, 16 comparable fuels or syngas fuels that meet requirements of 261.38	168	261.4(a)(16)					
†, 16 spent materials generated within the primary mineral processing industry from which minerals, acids, cyanide, water or other values are recovered, provided specified conditions are met:	†167D, 179, ††199	261.4(a)(17) intro					
16 spent material is	†167D,	261.4(a)(17)(i)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
legitimately recycled	179, †† 199						
16 spent material is not accumulated speculatively	† 167D, 179, †† 199	261.4(a)(17)(ii)					
16, 17 except as provided in 261.4(a)(17)(iv), spent material is stored in tanks, containers or buildings meeting specified conditions	† 167D, 179, †† 199	261.4(a)(17)(iii)					
16, 18 Regional Administrator or State Director may determine that only solid mineral processing spent material may be placed on pads, rather than tanks, containers or buildings; spent materials do not contain any free liquid; pads must prevent significant releases; pads must provide the same degree of containment as non-RCRA tanks, containers & buildings eligible for exclusion	† 167D, 179, †† 199	261.4(a)(17)(iv)					
16, 19 decision-maker must consider if storage on pads poses potential for releases via groundwater, surface water & air exposure pathways; factors for assessing pathways	† 167D, 179	261.4(a)(17)(iv) (A)					
16 pads must meet specified minimum design and operating standards	† 167D, 179, †† 199	261.4(a)(17)(iv)(B)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
16 Regional Administrator or State Director must provide for public notice and comment before determination; can be accomplished by newspapers or radio	†167D,179	261.4(a)(17)(iv)(C)					
16 owner/operator provides notice with specified information; must update notification for changes in type of material recycled or recycling location	†167D,179, ††199	261.4(a)(17)(v)					
20 for purposes of 261.4(b)(7), spent materials must be result of mineral processing & may not include listed hazardous wastes; listed hazardous & characteristic hazardous wastes generated by non-mineral processing industries not eligible for conditional exclusion from definition of solid waste	†167D,179, ††199	261.4(a)(17)(vi)					
† petrochemical recovered oil from associated organic chemical manufacturing facility, where oil is inserted into refining process with normal process streams	169	261.4(a)(18)					
		261.4(a)(18)(i)					
		261.4(a)(18)(ii)					
† spent caustic solutions from petroleum refining liquid treating processes used as feedstock to	169	261.4(a)(19)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
produce cresylic or naphthenic acid							
† hazardous secondary materials used to make zinc fertilizers, provided that certain conditions are met	200	261.4(a)(20)					
† zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under (a)(20) of this section, provided that certain conditions are met	200	261.4(a)(20)					
solid wastes which are not hazardous wastes	I A	261.4(b)					
household waste	I A, †9,†17 C	261.4(b)(1)					
		261.4(b)(1)(i)					
		261.4(b)(1)(i)(A)&(B)					
		261.4(b)(1)(ii)					
crop and animal waste returned to soil as fertilizers	I A	261.4(b)(2)					
		261.4(b)(2)(i)					
		261.4(b)(2)(ii)					
mining overburden	I A	261.4(b)(3)					
ash waste	I A,85	261.4(b)(4)					
drilling fluids	I A	261.4(b)(5)					
waste failing Toxicity Characteristic test because of chromium	I A,74	261.4(b)(6)(i)					
specific provisions for exemption	I A	261.4(b)(6)(i)(A)					
		261.4(b)(6)(i)(B)					

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		261.4(b)(6)(i)(C)					
21	I A,108	261.4(b)(6)(ii)					
specific wastes meeting 261.4(b)(6)(i)(A),(B)& (C) standards	I A	261.4(b)(6)(ii)(A)					
		261.4(b)(6)(ii)(B)					
		261.4(b)(6)(ii)(C)					
		261.4(b)(6)(ii)(D)					
		261.4(b)(6)(ii)(E)					
		261.4(b)(6)(ii)(F)					
		261.4(b)(6)(ii)(G)					
		261.4(b)(6)(ii)(H)					
		261.4(b)(6)(ii)(H)					
22	I A,53,65,71, 85,90,†167 E	261.4(b)(7) intro					
ore processing waste		261.4(b)(7)(i)					
		261.4(b)(7)(ii)					
22,23	53,65,71,†1 67E	261.4(b)(7)(ii)(A)					
specific solid wastes from the processing of ores and minerals		261.4(b)(7)(ii)(B)					
	53,71,†167 E	261.4(b)(7)(ii)(C)					
		261.4(b)(7)(ii)(D)					
		261.4(b)(7)(ii)(E)					
		261.4(b)(7)(ii)(F)					
	71,†167E	261.4(b)(7)(ii)(G)					
		261.4(b)(7)(ii)(H)					
		261.4(b)(7)(ii)(I)					
		261.4(b)(7)(ii)(J)					
		261.4(b)(7)(ii)(K)					
		261.4(b)(7)(ii)(L)					
		261.4(b)(7)(ii)(M)					

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		261.4(b)(7)(ii)(N)					
		261.4(b)(7)(ii)(O)					
		261.4(b)(7)(ii)(P)					
		261.4(b)(7)(ii)(Q)					
		261.4(b)(7)(ii)(R)					
		261.4(b)(7)(ii)(S)					
		261.4(b)(7)(ii)(T)					
22 a residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials remains excluded under 261.4(b) if owner/operator meets specified conditions	†167E	261.4(b)(7)(iii)					
		261.4(b)(7)(iii)(A)					
		261.4(b)(7)(iii)(B)					
cement kiln dust waste	I A,85	261.4(b)(8)					
discarded arsenical-treated wood meeting certain criteria	I A,74,108	261.4(b)(9)					
petroleum-contaminated media and debris that fail the 261.24 Toxicity Characteristic test (D018 through D043 only) and are subject to Part 280 corrective action	74	261.4(b)(10)					

† Hydrocarbon Recovery Operations Exclusion

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

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Subpart D if oil filters have been gravity hot-drained using one of the following methods:							
26 puncturing the filter anti-drainback valve of the filter dome end and hot-draining	†104,122	261.4(b)(13)(i)					
26 hot-draining and crushing	†104,122	261.4(b)(13)(ii)					
26 dismantling and hot-draining	†104,122	261.4(b)(13)(iii)					
26 any other equivalent hot-draining method which will remove used oil	†104,122	261.4(b)(13)(iv)					
† used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products	122	261.4(b)(14)					
† leachate or gas condensate collected from landfills where certain solid wastes previously disposed, provided:	178	261.4(b)(15)					
solid wastes disposed meet one or more listing descriptions for K169-K172 and K174-K178 if wastes had been generated after effective date of listing;	†178,†195	261.4(b)(15)(i)					
† solid wastes in 261.4(b)(15)(i) were disposed prior to effective date of listing;	178	261.4(b)(15)(ii)					
† leachate or gas	178	261.4(b)(15)(iii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
condensate do not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;							
† discharge of leachate or gas condensate, including transfer from the landfill to a POTW by truck, rail or dedicated pipe, is subject to 307(b) or 402 of CWA	178	261.4(b)(15)(iv)					
as of February 13, 2001, leachate or gas condensate derived from K169-K172 is no longer exempt if stored or managed in surface impoundment prior to discharge; After November 21, 2003, leachate... to discharge; exception if surface impoundment is used to temporarily store in response to an emergency	†178,†195	261.4(b)(15)(v)					
exempt hazardous waste	I A,34	261.4(c)					
sample exemption	I A,34	261.4(d)(1)					
criteria	I A	261.4(d)(1)(i)					
		261.4(d)(1)(ii)					
		261.4(d)(1)(iii)					
		261.4(d)(1)(iv)					
		261.4(d)(1)(v)					
		261.4(d)(1)(vi)					
criteria for sample collector & laboratory, to	I A	261.4(d)(2)					
		261.4(d)(2)(i)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
qualify for exemption		261.4(d)(2)(ii)					
		261.4(d)(2)(ii)(A)					
		261.4(d)(2)(ii)(A)(1)-(5)					
		261.4(d)(2)(ii)(B)					
when exemption does not apply	I A	261.4(d)(3)					

† Treatability Study Samples

regulation of treatability study samples and relation to quantity determination of 261.5 and 262.34(d)	49	261.4(e)(1)					
collection and preparation of sample for transport	49	261.4(e)(1)(i)					
accumulation of storage of sample prior to transport	49	261.4(e)(1)(ii)					
transport of sample to laboratory or testing facility	49	261.4(e)(1)(iii)					
applicability of provisions for exemption under 261.4(e)(1)	49	261.4(e)(2)					
sample size limit by hazardous waste type for sample collector	49,129	261.4(e)(2)(i)					
weight limit for each sample shipment	49,129	261.4(e)(2)(ii)					
packaging requirements for sample	49	261.4(e)(2)(iii)					
compliance with U.S.	49	261.4(e)(2)(iii)(A)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
DOT, USPS or other transport							
information required if DOT, USPS, or other does not apply to shipment	49	261.4(e)(2)(iii)(B), (B)(1)-(5)					
laboratory or testing facility requirements	49	261.4(e)(2)(iv)					
3-year maintenance of specified records	49	261.4(e)(2)(v)					
records which must be maintained	49	261.4(e)(2)(v)(A)- (C)					
biennial report requirements	49	261.4(e)(2)(vi)					
27 granting of requests for additional two years for treatability studies involving bioremediation; quantity limitations	49,129	261.4(e)(3)					
27, 28 in response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies; factors to be considered when granting requests	129	261.4(e)(3)(i)					
27 factors to consider when granting requests for additional quantities after initiation or completion of initial treatability studies	49,129	261.4(e)(3)(ii)					
27 what the additional quantities are subject to; application procedures	49,129	261.4(e)(3)(iii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
27, reason for request and 29 additional time or quantity needed	49,129	261.4(e)(3)(iii)(A)					
27 required documentation	49,129	261.4(e)(3)(iii)(B)					
27 description of technical modifications	49,129	261.4(e)(3)(iii)(C)					
27 equipment and mechanical failure information	49,129	261.4(e)(3)(iii)(D)					
27 other information	49,129	261.4(e)(3)(iii)(E)					

† Samples Undergoing Treatability Studies at Laboratories and Testing Facilities

requirements for samples undergoing treatability studies at labs and testing facilities	49	261.4(f)					
notification requirements	49	261.4(f)(1)					
EPA identification number of laboratory or testing facility	49	261.4(f)(2)					
single day quantity restrictions on initiation of treatment studies	49,129	261.4(f)(3)					
limitations on storage of treatability study samples; exclusion of added treatment materials	49,129	261.4(f)(4)					
30 removed	49,129	261.4(f)(4)(i)					
31 text moved to 261.4(f)(4)	49,129	261.4(f)(4)(ii)					
90-day/1 year limitations on duration of exemption; 2-year limitation for treatability studies involving	49,129	261.4(f)(5)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
bioremediation; up to 500 kg treated material may be archived for up to 5 years							
land placement and open burning of study samples not allowed	49	261.4(f)(6)					
3-year maintenance of treatability study records	49	261.4(f)(7)					
specific information needed for each treatability study	49	261.4(f)(7)(i)-(vii)					
3-year maintenance of shipping records and treatability study contract	49	261.4(f)(8)					
laboratory or treatability study facility annual report requirement	49	261.4(f)(9)					
required annual report information	49	261.4(f)(9)(i)-(vii)					
hazardous waste determination for unused samples by facility	49	261.4(f)(10)					
notification when facility discontinues treatability studies	49	261.4(f)(11)					
† dredged material subject to permit under Federal Water Pollution Control Act or Marine Protection, Research, and Sanctuaries Act of 1972 is not hazardous waste	175	261.4(g)					
† dredged material has the same meaning as defined in 40 CFR 232.2	175	261.4(g)(1)					
† definition of permit	175	261.4(g)(2)					

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40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		261.4(g)(2)(i)					
		261.4(g)(2)(ii)					
		261.4(g)(2)(iii)					

SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS

definition of a conditionally exempt small quantity generator	I A,23	261.5(a)					
exceptions to CESQG regulatory exemption	I A,17 A,19,23,34	261.5(b)					
when making 261.5 and Part 262 quantity determinations, generator must include all hazardous waste except:	I A,†13,23,34,†142 A	261.5(c)					
† hazardous waste exempt from regulation under 261.4(c)-(f), 261.6(a)(3), 261.7(a)(1) or 261.8; or	142 A	261.5(c)(1)					
† hazardous waste managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in 260.10; or	142 A	261.5(c)(2)					
† hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to 261.6(c)(2) regulation; or	142 A	261.5(c)(3)					
† hazardous waste that is	142 A	261.5(c)(4)					

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40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil managed under 261.6(a)(4) and Part 279; or							
† hazardous waste that is spent lead-acid batteries managed under Part 266, Subpart G; or	142 A	261.5(c)(5)					
† hazardous waste that is universal waste managed under 261.9 and Part 273	142 A	261.5(c)(6)					
quantity exclusions	I A,23	261.5(d)					
		261.5(d)(1)					
		261.5(d)(2)					
		261.5(d)(3)					
acute hazardous quantity limitations	I A,23,34,47	261.5(e)					
1 kg acute hazardous waste listed in 261.31, 261.32 or 261.33(e)	I A,14,23	261.5(e)(1)					
100 kg of spill debris resulting from a spill of acute hazardous waste	I A,14,23	261.5(e)(2)					
requirements for exclusion of acute hazardous waste:	I A,†17 A,23	261.5(f)					
Section 262.11	23	261.5(f)(1)					
accumulation on-site	I A,23,34,47	261.5(f)(2)					
32,33 treatment/disposal	23,31	261.5(f)(3)					
	23,31	261.5(f)(3)(i)					
	23,31	261.5(f)(3)(ii)					
	23,31	261.5(f)(3)(iii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	23,31,153	261.5(f)(3)(iv)					
	153	261.5(f)(3)(v)					
	23,31,153	261.5(f)(3)(vi)					
	23,31,153	261.5(f)(3)(vi)(A)					
	23,31, †142 A, 153	261.5(f)(3)(vi)(B)					
	†142 A, 153	261.5(f)(3)(vii)					
generator requirements for hazardous waste to be conditionally exempt:	I A,†17 A,23	261.5(g)					
Section 262.11	I A	261.5(g)(1)					
accumulation on-site	I A,23,34	261.5(g)(2)					
32, 33	I A,23,31	261.5(g)(3)					
	I A,23,31	261.5(g)(3)(i)					
	I A,23,31	261.5(g)(3)(ii)					
	I A,23,31	261.5(g)(3)(iii)					
	I A,23,31, 153	261.5(g)(3)(iv)					
	153	261.5(g)(3)(v)					
treatment/disposal	I A,23,31, 153	261.5(g)(3)(vi)					
	I A,23,31, 153	261.5(g)(3)(vi)(A)					
	I A,23,31 †142 A, 153	261.5(g)(3)(vi)(B)					
	†142 A, 153	261.5(g)(3)(vii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
mixing with non-hazardous waste	I A,†17 A,23	261.5(h)					
mixtures exceeding exclusion level	I A,†17 A,23	261.5(i)					
34 mixtures with used oil subject to part 279 requirements	I A,†17 A,23, 112,122	261.5(j)					
removed	19,23	261.5(k)					
REQUIREMENTS FOR RECYCLABLE MATERIALS							
requirements recycled hazardous waste is subject to	I A,13	261.6(a)(1)					
35 regulation under Part 266	I A,13,94	261.6(a)(2)					
	13	261.6(a)(2)(i)					
	13,94	261.6(a)(2)(ii)					
	13,17 J,19,112	261.6(a)(2)(iii)					
	13,112	261.6(a)(2)(iv)					
	I A,13,34	261.6(a)(3)					
recyclable materials which are exempt from regulation	13,31	261.6(a)(3)(i)					
	31	261.6(a)(3)(i)(A)					
		261.6(a)(3)(i)(B)					
	13,†142 B,†157	261.6(a)(3)(ii)					
	13,112,†142 B	261.6(a)(3)(iii)					
	†19,85,112,†135,†142 B,†166,†169	261.6(a)(3)(iv)(A)					
		261.6(a)(3)(iv)(B)					
		261.6(a)(3)(iv)(C)					
36							

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil that is recycled and is hazardous waste solely because it exhibits a characteristic is not subject to Parts 260-268 but is regulated under Part 279; definition of used oil that is recycled	112	261.6(a)(4)					
† hazardous waste exported to or imported from designated member countries of OECD for recovery is subject to 40 CFR part 262 subpart H, if subject to either manifesting requirements in part 262, universal waste management standards in part 273 or State requirements analogous to part 273	152	261.6(a)(5)					
generator and transporter requirements	I A,13	261.6(b)					
recycling facility requirements	13,34,79,154	261.6(c)(1)					
	13	261.6(c)(2)					
		261.6(c)(2)(i)					
		261.6(c)(2)(ii)					
	79	261.6(c)(2)(iii)					
owners or operators of RCRA facilities are subject to Subparts AA and BB of Part 264 or 265 if they recycle hazardous wastes	79	261.6(d)					

RESIDUES OF HAZARDOUS WASTE IN EMPTY CONTAINERS

waste remaining in	I A,34	261.7(a)(1)					
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CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
container							
container not empty	I A,34	261.7(a)(2)					
definition of empty	I A,14	261.7(b)(1)					
	I A	261.7(b)(1)(i)					
		261.7(b)(1)(ii)					
		261.7(b)(1)(iii)(A)					
		261.7(b)(1)(iii)(B)					
definition of empty for compressed gas	I A	261.7(b)(2)					
definition of empty for acute hazardous wastes listed in 261.31, 261.32 or 261.33(e)	I A,14	261.7(b)(3)					
	I A	261.7(b)(3)(i)					
		261.7(b)(3)(ii)					
		261.7(b)(3)(iii)					
PCB WASTES REGULATED UNDER TOXIC SUBSTANCE CONTROL ACT							
exemption for certain PCB-containing wastes	74	261.8					

†, 37 REQUIREMENTS FOR UNIVERSAL WASTE

wastes listed in 261.9 are exempt from regulation under Parts 262 through 270, except as specified in Part 273; wastes regulated under Part 273	142 A	261.9 intro					
batteries as described in 273.2	142 B	261.9(a)					
pesticides as described in 273.3	142 C, †181	261.9(b)					
thermostats as described in 273.4	142 D, †181	261.9(c)					
38 lamps as described in 273.5	†181	261.9(d)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

†, 39 SUBPART B - CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTE

CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE

Administrator shall identify and define a characteristic of hazardous waste in Subpart C, only upon specific determinations	*	261.10(a)					
		261.10(a)(1)					
		261.10(a)(1)(i)&(ii)					
		261.10(a)(2)					
		261.10(a)(2)(i)&(ii)					

CRITERIA FOR LISTING HAZARDOUS WASTE

meets one of the following criteria	*	261.11(a)					
exhibits a Subpart C characteristic	*	261.11(a)(1)					
fatal to humans; specific toxicity levels; acute hazardous waste	*	261.11(a)(2)					
contains any Appendix VIII toxic constituent; factors the Administrator must assess; toxic hazardous waste	*,76	261.11(a)(3)					
	*	261.11(a)(3)(i)					
		261.11(a)(3)(ii)					
		261.11(a)(3)(iii)					
		261.11(a)(3)(iv)					
		261.11(a)(3)(v)					
		261.11(a)(3)(vi)					
		261.11(a)(3)(vii)					
		261.11(a)(3)(viii)					
		261.11(a)(3)(ix)					
		261.11(a)(3)(x)					

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40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		261.11(a)(3)(xi)					
hazardous under the RCRA 1004(5) definition of hazardous waste	*	261.11(b)					
criteria for establishing exclusion limits	*	261.11(c)					

SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

GENERAL

solid waste exhibiting characteristics of Subpart C	*	261.20(a)					
EPA hazardous waste number	*,34,78,83	261.20(b)					
sample obtained using Appendix I sampling methods	*	261.20(c)					

CHARACTERISTIC OF IGNITABILITY

liquid; flash point less than 60EC	I C	261.21(a)					
		261.21(a)(1)					
non-liquid; burns under standards temperature and pressure	I C	261.21(a)(2)					
ignitable compressed gas	I C	261.21(a)(3)					
oxidizer	I C	261.21(a)(4)					
EPA Number D001	I C,78	261.21(b)					

CHARACTERISTIC OF CORROSIVITY

a solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties	I C	261.22(a)					
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CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
aqueous; pH # 2 or \$ 12.5	I C,126	261.22(a)(1)					
liquid; corrodes steel	I C,126	261.22(a)(2)					
EPA Number D002	I C,78	261.22(b)					

CHARACTERISTIC OF REACTIVITY

unstable; undergoes violent change	I C	261.23(a)					
		261.23(a)(1)					
reacts violently with water	I C	261.23(a)(2)					
potentially explosive	I C	261.23(a)(3)					
generates toxic gases	I C	261.23(a)(4)					
cyanide or sulfide bearing and can generate toxic gases	I C	261.23(a)(5)					
detonation or explosion, if heated	I C	261.23(a)(6)					
detonation or explosion at STP	I C	261.23(a)(7)					
forbidden explosive	I C	261.23(a)(8)					
EPA Number D003	I C,78	261.23(b)					

40 TOXICITY CHARACTERISTIC

test criteria and waste list	I C,74,126, 199	261.24(a)					
EPA Numbers as in Table 1	I C,74,78	261.24(b)					

SUBPART D - LISTS OF HAZARDOUS WASTES

GENERAL

hazardous if listed in this subpart; exclusions	I B	261.30(a)					
hazard codes	I B,74	261.30(b)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
EPA hazardous waste number	I B,34	261.30(c)					
261.31 or 261.32 listed wastes subject to 261.5 exclusion limits--F020, F021, F022, F023, F026 and F027	14	261.30(d)					

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

41,42, 43,44	list of "F" wastes	I B,4,13,14,2 0,22,69,†72 ,78,81,82,8 3,†89,†91,† 120,†169, †187	261.31(a)				
‡	removed--footnote 1 addressing administrative stay	†91,†120, 144	261.31(a)/table				

The correct list of "F" wastes to use for this consolidated base program checklist is the 261.31 table found in the July 1, 1996 CFR.

listing specific definitions	81	261.31(b)					
definition of oil/water/solids for the purposes of F037 and F038 listings	81	261.31(b)(1)					
for the purposes of F037 and F038, aggressive biological treatment units are defined as units which employ one of four specified treatment methods; specific requirements for high-rate aeration:	81	261.31(b)(2)(i)					

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40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
units employ a minimum of 6 hp per million gallons of treatment volume and either:	81	261.31(b)(2)(i)(A)					
the hydraulic retention time of the unit is no longer than 5 days	81	261.31(b)(2)(i)(B)					
the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is hazardous waste by the Toxicity Characteristic	81	261.31(b)(2)(i)(C)					
generators and treatment, storage and disposal facilities must prove their sludges are exempt from listing as F037 and F038 wastes; maintenance of documents and data sufficient to prove that:	81	261.31(b)(2)(ii)					
unit is an aggressive biological treatment unit as defined in 261.31(b)(2)	81	261.31(b)(2)(ii)(A)					
sludges were actually generated in the aggressive biological treatment unit	81	261.31(b)(2)(ii)(B)					
sludges are considered to be generated at the moment of deposition in the unit for the purposes of the F037 listing; deposition defined	81	261.31(b)(3)(i)					
for the purposes of the F038 listing	81	261.31(b)(3)(ii)					

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40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
sludges are considered to be generated at the moment of deposition in the unit; deposition defined	81	261.31(b)(3)(ii)(A)					
floats are considered to be generated at the moment they are formed in the top of the unit	81	261.31(b)(3)(ii)(B)					

HAZARDOUS WASTES FROM SPECIFIC SOURCES

45,46

list of "K" wastes	I B,18,21,26,33,53,68,75,†88,110,115,140,†159,165,†169,†183,†185, 189, 195	261.32					
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DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF

hazardous when discarded	I B,13,17 J,37	261.33					
chemical product or intermediate	I B	261.33(a)					
off-specification product or chemical intermediate	I B	261.33(b)					
container/inner liner residues	I B,41,78	261.33(c)					
spill cleanup debris	I B	261.33(d)					
acute hazardous wastes	IB,7,29,46,57,†86,134,140	261.33(e)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
toxic wastes	I B,7,14,18,2 2,23,29,46, 56, 140,†159, 165,†185	261.33(f)					

DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING AND REPLACEMENT

wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the 261.35(b) and (c) requirements are met; wastes may continue to meet another hazardous waste listing description or exhibit one or more characteristics	82	261.35(a)					
generators must either clean or replace all specified process equipment that may have come into contact with chlorophenolic formulations or constituents in a manner which eliminates escape of hazardous waste or constituents, leachate, contaminated drippage or hazardous waste decomposition	82,92	261.35(b)					
generators shall do one of the following:	92	261.35(b)(1)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
prepare and follow an equipment cleaning plan; clean equipment in accordance with 261.35	92	261.35(b)(1)(i)					
prepare and follow an equipment replacement plan; replace equipment in accordance with 261.35	92	261.35(b)(1)(ii)					
document cleaning and replacement in accordance with 261.35, carried out after termination of use of chlorophenolic preservations	92	261.35(b)(1)(iii)					
cleaning requirements	82,92	261.35(b)(2)					
prepare and sign a written equipment cleaning plan that describes:	92	261.35(b)(2)(i)					
equipment to be cleaned	92	261.35(b)(2)(i)(A)					
how equipment will be cleaned	92	261.35(b)(2)(i)(B)					
solvent to be used in cleaning	92	261.35(b)(2)(i)(C)					
how solvent rinses will be tested	92	261.35(b)(2)(i)(D)					
how cleaning residues will be disposed	92	261.35(b)(2)(i)(E)					
equipment must be cleaned as follows:	92	261.35(b)(2)(ii)					
remove all visible residues from process equipment	92	261.35(b)(2)(ii)(A)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
rinse with appropriate solvent until no dioxin or dibenzofuran detection in final solvent rinse	92	261.35(b)(2)(ii)(B)					
analytical requirements	92	261.35(b)(2)(iii)					
test rinses as per SW-846, Method 8290	92	261.35(b)(2)(iii)(A)					
"not detected" defined	92	261.35(b)(2)(iii)(B)					
generator manages cleaning process residues as F032 waste	92	261.35(b)(2)(iv)					
replacement requirements	82,92	261.35(b)(3)					
prepare and sign written equipment replacement plan that describes:	92	261.35(b)(3)(i)					
equipment to be replaced	92	261.35(b)(3)(i)(A)					
how equipment will be replaced	92	261.35(b)(3)(i)(B)					
how equipment will be disposed	92	261.35(b)(3)(i)(C)					
generator must manage discarded equipment as F032 waste	92	261.35(b)(3)(ii)					
documentation requirements	82,92	261.35(b)(4)					
document previous equipment cleaning and/or replacement performed in accordance with 261.35 and occurred after cessation of chlorophenolic preservative use	92	261.35(b)(4)(i)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
documentation that must be maintained as part of the facility's operating record:	82	261.35(c)					
name and address of the facility	82	261.35(c)(1)					
formulations previously used and the date on which their use ceased in each process at the plant	82	261.35(c)(2)					
formulations currently used in each process at the plant	82	261.35(c)(3)					
equipment cleaning or replacement plan	82	261.35(c)(4)					
name and address of any persons who conducted the cleaning and replacement	82	261.35(c)(5)					
dates on which cleaning and replacement were accomplished	82	261.35(c)(6)					
dates of sampling and testing	82	261.35(c)(7)					
description of sample handling and preparation techniques	82	261.35(c)(8)					
description of the tests performed, the date, and the results of the tests	82	261.35(c)(9)					
name and model numbers of the instrument(s) used in performing the tests	82	261.35(c)(10)					
QA/QC documentation	82	261.35(c)(11)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
signed certification statement	82	261.35(c)(12)					

47,† COMPARABLE/SYNGAS FUEL EXCLUSION

wastes meeting following comparable/syngas fuel requirements are not solid wastes:	168	261.38 intro					
comparable fuels; physical and constituent specifications	168	261.38(a) intro					
		261.38(a)(1) intro					
		261.38(a)(1)(i)					
		261.38(a)(1)(ii)					
		261.38(a)(2)					
synthesis gas fuel specifications	168	261.38(b)					
		261.38(b)(1)					
		261.38(b)(2)					
		261.38(b)(3)					
		261.38(b)(4)					
		261.38(b)(5)					
Detection and Detection Limit Values for Comparable Fuel Specification	168,182	261.38/Table 1					
implementation; waste meeting comparable or syngas fuel specification is excluded from the definition of solid waste provided following requirements are met:	168	261.38(c) intro					
notices; person claiming and qualifying for exclusion is	168	261.38(c)(1)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
comparable/syngas fuel generator; person burning fuel is comparable/syngas burner; generator must claim and certify exclusion							
State RCRA and CAA Directors in authorized States or Regional RCRA and CAA Directors in unauthorized States	168	261.38(c)(1)(i) intro					
generator must submit one-time notice certifying compliance with conditions of exclusion and providing required documentation	168	261.38(c)(1)(i)(A)					
generator shall specify facility(ies) generating comparable/syngas fuel	168	261.38(c)(1)(i)(B)					
generator's notification requirements	168	261.38(c)(1)(i)(C) intro					
		261.38(c)(1)(i)(C)(1)					
		261.38(c)(1)(i)(C)(2)					
		261.38(c)(1)(i)(C)(3)					
		261.38(c)(1)(i)(C)(4)					
public notice; prior to burning excluded comparable/syngas fuel, burner must publish notice; information requirements	168	261.38(c)(1)(ii)					
		261.38(c)(1)(ii)(A)					
		261.38(c)(1)(ii)(B)					
		261.38(c)(1)(ii)(C)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		261.38(c)(1)(ii)(D)					
		261.38(c)(1)(ii)(E)					
U burning; exclusion for comparable/syngas fuel applies only if fuel is burned in units subject to Federal/State/local air emission requirements, including applicable CAA MACT requirements	168	261.38(c)(2) intro					
industrial furnaces as defined in § 260.10	168	261.38(c)(2)(i)					
boilers as defined in § 260.10, and	168	261.38(c)(2)(ii) intro					
industrial boilers located on facility site engaged in manufacturing process where substances are transformed into new products, including component parts of products, by mechanical or chemical processes; or	168	261.38(c)(2)(ii)(A)					
utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale	168	261.38(c)(2)(ii)(B)					
U hazardous waste incinerators subject to regulation under subpart O of parts 264 and 265, or applicable CAA MACT standards	168	261.38(c)(2)(iii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale	188	261.38(c)(2)(iv)					
blending to meet viscosity specification; hazardous waste blending requirements	168	261.38(c)(3) intro					
		261.38(c)(3)(i)					
		261.38(c)(3)(ii)					
		261.38(c)(3)(iii)					
treatment to meet comparable fuel exclusion specifications	168	261.38(c)(4) intro					
hazardous waste may be treated to meet exclusion specification if standards are met; treatment standards	168	261.38(c)(4)(i) intro					
		261.38(c)(4)(i)(A)					
		261.38(c)(4)(i)(B)					
		261.38(c)(4)(i)(C)					
residuals resulting from treatment of listed subpart D hazardous waste to generate a comparable fuel remain hazardous waste	168	261.38(c)(4)(ii)					
generation of a syngas fuel	168	261.38(c)(5) intro					
syngas fuel can be generated from processing hazardous wastes to meet exclusion specification; processing standards	168	261.38(c)(5)(i) intro					
		261.38(c)(5)(i)(A)					
		261.38(c)(5)(i)(B)					
		261.38(c)(5)(i)(C)					
residuals resulting from treatment of listed	168	261.38(c)(5)(ii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
subpart D hazardous waste to generate a comparable fuel remain hazardous waste							
dilution prohibition for comparable/syngas fuels	168	261.38(c)(6)					
waste analysis plans; generator shall develop and follow written waste analysis plan; plan shall be developed in accordance with SW-846 and followed/retained at facility excluding waste	168	261.38(c)(7) intro					
minimum specifications for waste analysis plan	168	261.38(c)(7)(i) intro					
		261.38(c)(7)(i)(A)					
		261.38(c)(7)(i)(B)					
		261.38(c)(7)(i)(C)					
		261.38(c)(7)(i)(D)					
		261.38(c)(7)(i)(E)					
waste analysis plan recording requirements	168	261.38(c)(7)(ii) intro					
		261.38(c)(7)(ii)(A)					
		261.38(c)(7)(ii)(B)					
		261.38(c)(7)(ii)(C)					
		261.38(c)(7)(ii)(D)					
		261.38(c)(7)(ii)(E)					
		261.38(c)(7)(ii)(F)					
		261.38(c)(7)(ii)(G)					
		261.38(c)(7)(ii)(H)					
waste analysis plan shall	168	261.38(c)(7)(iii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
be submitted prior to performing sampling, analysis or management of syngas fuel as excluded waste; approval of plan must be in writing and received by facility prior to sampling and analysis; plan approval may contain provisions and conditions as regulatory authority deems appropriate							
comparable fuel sampling and analysis	168	261.38(c)(8) intro					
for each excluded waste generator must test for constituents in Part 261 Appendix VIII, except those generator determines by testing or knowledge to not be present in waste; generator required to document basis of each decision; generator may not determine certain categories of constituents should not be present	168	261.38(c)(8)(i) intro					
		261.38(c)(8)(i)(A)					
		261.38(c)(8)(i)(B)					
		261.38(c)(8)(i)(C)					
		261.38(c)(8)(i)(D)					
for each excluded waste where generator of comparable/syngas fuel is not original generator, generator of comparable/syngas fuel may not use process knowledge and must test to determine constituent specifications	168	261.38(c)(8)(ii)					
generator may use any reliable analytical method to demonstrate no	168	261.38(c)(8)(iii) intro					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
constituent of concern is present above specification levels; responsibility of generator to ensure unbiased, precise, and representative sampling and analysis; waste is eligible for exclusion if:							
each constituent of concern is not present above specification level at 95% upper confidence limit around mean, and	168	261.38(c)(8)(iii)(A)					
analysis could have detected presence of constituent at or below specification level at 95% upper confidence limit around mean	168	261.38(c)(8)(iii)(B)					
nothing preempts, overrides or negates 262.11 provision which requires generators of solid waste to determine if waste is hazardous waste	168	261.38(c)(8)(iv)					
in enforcement action, burden of proof to establish conformance with exclusion specification shall be on generator	168	261.38(c)(8)(v)					
generator must conduct sampling and analysis in accordance with waste analysis plan	168	261.38(c)(8)(vi)					
syngas and comparable fuel not blended to meet kinematic viscosity	168	261.38(c)(8)(vii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
specification shall be analyzed as generated							
if comparable fuel blended to meet kinematic viscosity specification generator shall:	168	261.38(c)(8)(viii) intro					
analyze fuel as generated to ensure meeting constituent and heating value specifications	168	261.38(c)(8)(viii)(A)					
after blending, analyze fuel again to ensure blended fuel meets comparable/syngas fuel specifications	168	261.38(c)(8)(viii)(B)					
excluded comparable/syngas fuel must be re-tested at least annually and after a process change that could change chemical or physical properties of waste	168	261.38(c)(8)(ix)					
speculative accumulation; any persons handling comparable/syngas fuel are subject to speculative accumulation test under 261.2(c)(4)	168	261.38(c)(9)					
records; generator must maintain certain records on-site	168	261.38(c)(10) intro					
information required to be submitted to implementing authority as part of notification of	168	261.38(c)(10)(i) intro					
		261.38(c)(10)(i)(A)					
		261.38(c)(10)(i)(B)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
claim		261.38(c)(10)(i)(C)					
brief description of process generating hazardous waste and process generating excluded fuel, if not same	168	261.38(c)(10)(ii)					
estimate of average and maximum monthly and annual quantities of each waste claimed for exclusion	168	261.38(c)(10)(iii)					
documentation for any claim that constituent is not present in hazardous waste	168	261.38(c)(10)(iv)					
results of all analyses and all detection limits achieved	168	261.38(c)(10)(v)					
required documentation if excluded waste was generated through treatment or blending	168	261.38(c)(10)(vi)					
certification from burner if waste is shipped off- site	168	261.38(c)(10)(vii)					
waste analysis plan and results of sampling and analysis	168	261.38(c)(10)(viii) intro					
required analysis and sampling information	168	261.38(c)(10)(viii)(A)					
	168	261.38(c)(10)(viii)(B)					
	168	261.38(c)(10)(viii)(C)					
	168	261.38(c)(10)(viii)(D)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
	168	261.38(c)(10)(viii)(E)					
	168	261.38(c)(10)(viii)(F)					
	168	261.38(c)(10)(viii)(G)					
	168	261.38(c)(10)(viii)(H)					
if fuel is shipped off-site for burning, generator must retain shipment information on-site; information requirements	168	261.38(c)(10)(ix) intro					
	168	261.38(c)(10)(ix)(A)					
	168	261.38(c)(10)(ix)(B)					
	168	261.38(c)(10)(ix)(C)					
	168	261.38(c)(10)(ix)(D)					
	168	261.38(c)(10)(ix)(E)					
records retention; records must be maintained for three years; generator must maintain current waste analysis plan during three-year period	168	261.38(c)(11)					
burner certification; prior to submitting notification, generator intending to ship fuel off-site for burning must obtain one-time written, signed statement from burner; certification information requirements	168	261.38(c)(12) intro					
	168	261.38(c)(12)(i)					
	168	261.38(c)(12)(ii)					
	168	261.38(c)(12)(iii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
ineligible waste codes; wastes listed because of presence of dioxins or furans are not eligible for exclusion, and fuel produced from or containing these wastes remains hazardous waste subject to full RCRA requirements	168	261.38(c)(13)					

APPENDIX I TO PART 261

REPRESENTATIVE SAMPLING METHODS

list of sampling protocols to be followed in collecting waste samples with various properties	*	Appendix I					
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APPENDIX II TO PART 261

48 METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)

note referencing the TCLP in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"	*,74,†119,1 26	Appendix II					
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APPENDIX III TO PART 261

49 CHEMICAL ANALYSIS TEST METHODS

note referencing Chapter 2 of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"	*,14,18,21, 22,33,67,68 ,73,75,82,1 26	Appendix III					
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APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

50 table of EPA hazardous waste numbers and the hazardous constituents	*,4,14,18,2 1,22,33,53, 68,69,75,78	Appendix VII					
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CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for which each is listed	,81,82,110, 115,140, †159,165,† 169,†185, 189, 195						

APPENDIX VIII TO PART 261

HAZARDOUS CONSTITUENTS

table listing common names, chemical abstracts names, chemical abstracts numbers, and EPA hazardous waste numbers for all hazardous constituents	*,4,14,18,2 2,29,46,56, 57,69,82,†8 6,128,134,1 40, †159,165,† 185, 189	Appendix VIII					
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APPENDIX X TO PART 261

METHOD OF ANALYSIS FOR CHLORINATED DIBENZO-P-DIOXINS AND -DIBENZOFURANS

51 removed	14,126	Appendix X					
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CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

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

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- 1 Paragraph 261.2(a)-(e) originally appeared on Base Program Checklist I A, but Revision Checklist 13 completely superseded the original code.
- 2 There are typographical errors in the Federal Register article for Revision Checklist 167 D (63 FR 28556; May 26, 1998) at 261.2(c)(3), 261.2(c)(4) [Tableheading], 261.2(e)(1)(iii) and 261.4(a)(16)(iii). All refer to "261.4(a)(15)", the Kraft Mill Steam Strippers exclusion, when they should refer to "261.4(a)(16)", the exclusion for secondary materials generated by the primary mineral processing industry. In addition, at 261.4(a)(17)(iii), "paragraph 261.4(a)(15)(iv)" should be "paragraph (a)(16)(iv)." **Revision Checklist 179 (64 FR 25414; May 11, 1999) corrected the errors at 261.2(c)(3), 261.2(c)(4) [Tableheading], 261.2(e)(1)(iii). Finally, the error was corrected at 261.4(a)(17)(iii) by Revision Checklist 199 (67 FR 11251; March 13, 2002).**
- 3 **States that have adopted the revised version of Revision Checklist 167D (63 FR 28556; May 26, 1998)(revised January 2002), should make the following changes to 40 CFR 261.2(c)(3) instead:**
Insert new second sentence: "Materials noted with a "-" in column 3 of Table 1 are not solid wastes when reclaimed."
- 4 Revision Checklist 85 (February 21, 1991; 56 FR 7134) redesignated the old paragraph (d)(2) as (d)(3) and introduced a new paragraph (d)(2) into the code. Revision Checklist 94 (July 17, 1991; 56 FR 32688) made technical corrections to the February 21, 1991 amendatory language for 261.2 to include the redesignation of paragraph (d)(3) as (d)(4) and paragraph (d)(4) as (d)(5). This change to the February 21, 1991 rule was incorrect because the Federal code did not include 261.2(d)(3) or 261.2(d)(4). The technical correction addressed by Revision Checklist 96 (August 27, 1991; 56 FR 42504) fixed this error by revising the amendatory language of the February 21, 1991 rule to read as it had originally.
- 5 This paragraph was introduced by Revision Checklist 13 as 261.2(d)(2). Revision Checklist 85 inserted a new 261.2(d)(2) and redesignated the old 261.2(d)(2) as 261.2(d)(3).
- 6 The preamble to the May 26, 1998 (CL 167 D) rule indicates that language is being added to the existing provision at 261.2(e)(1)(iii). The instructions indicate that the paragraph is being revised. It is not EPA's intention to remove the existing language and replace it with the May 26, 1998 provision. EPA intends to issue a technical correction which clarifies this provision. Until that amendment is available, it is recommended that the new sentence be added at the end of the existing provision.

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of **December 31, 2002** (cont'd)

- 7 Revision Checklist 117 A addresses the reissuance of the "mixture" and "derived-from" rules at 261.3, as promulgated on March 3, 1992 (57 FR 7628), and amended on June 1, 1992 (57 FR 23062) and on October 30, 1992 (57 FR 49278). The "mixture" and "derived-from" rules were reissued because the U.S. Court of Appeals for the District of Columbia Circuit in Shell Oil Co. v. EPA, 950 F.2d 741 (D.C. Cir. 1991), determined that adequate notice and comment had not been provided at initial promulgation of the "mixture" and "derived-from" rules, remanded them to the Agency, and suggested EPA reinstate the rules on an interim basis and solicit comment. The March 3, 1992 interim final rule simultaneously removed and reissued 40 CFR 261.3. The June 1, 1992 rule makes several technical corrections to the March 3, 1992 final rule; the October 30, 1992 (57 FR 49278) final rule removed the April 28, 1993 expiration date of the March 3, 1992 (57 FR 7628) interim final rule. The June 1, 1992 corrections for specific citations are not documented as endnotes in this consolidated checklist. Rather, States should refer to Revision Checklist 117 A for comments addressing these errors. Revision Checklist 117 A consolidates the three rules, except for a change made to 261.3(a)(2)(i) by the June 1, 1992 rule. That change is addressed by Revision Checklist 117 B which corrects an omission made by the Toxicity Characteristic rule by replacing "Extraction Procedure Toxicity Characteristic" with "Toxicity Characteristic". The Revision Checklist 117 B change makes the code more stringent and is, therefore, required. Revision Checklist 117 A is optional because, taken as a whole, it does not make any changes to the code.
- 8 This paragraph remained unchanged even though it was included in the Federal Register article for Revision Checklist 167 E. Provision removed and reserved by Revision Checklist 192 A.
- 9 There is a typographical error in the May 16, 2001 rule (66 FR 27266; Revision Checklist 192 A). States should not remove the comma following "ash". The phrase should continue to read "...spill residue, ash, emission control dust, ...".
- 10 The July 17, 1991 Federal Register (56 FR 32688; Revision Checklist 94) designated this paragraph as "261.3(c)(2)(ii)(8)." This is a typographical error; the correct paragraph designation is "261.3(c)(2)(ii)(B)." This error was ultimately corrected by Revision Checklist 96 (56 FR 42512; August 27, 1991).
- 11 The July 28, 1994 final rule (59 FR 38536; Revision Checklist 135) contained an incorrect internal reference to "§261.6(a)(3)(iv) through (vi)". The reference should have been to "§261.6(a)(3)(iii) through (v)" to correctly correspond to the deletion of subparagraphs in 261.6(a)(3) by Revision Checklists 112, 135, and 142B. This error was corrected by Revision Checklist 169 (63 FR 42110; August 6, 1998) which also revised the provision to reflect the removal of 40 CFR 261.6(a)(3)(v).
- 12 The original paragraph 261.3(c)(2)(ii)(C) was introduced by Revision Checklist 95 (56 FR 41164; August 19, 1991). Revision Checklist 109 (57 FR 37194; August 18, 1992) split the old 261.3(c)(2)(ii)(C) into two subparagraphs, (C)(1)&(2) and completely revised the text.
- 13 The March 3, 1992 Federal Register (57 FR 7628, Revision Checklist 117 A) added 261.3(e) (the "sunset provision") to the code. The October 30, 1992 Federal Register (57 FR 49278, Revision Checklist 117 A) removed this subparagraph but did not specifically reserve it. However, in the interim, the August 18, 1992 Federal Register (57 FR 37194, Revision Checklist 109) added 261.3(f), (f)(1) & (f)(2). Thus

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261.3(e) must be reserved in order for the numbering to be consistent.

- 14 261.4(a)(9)(i) was originally entered into the Federal code as 261.4(a)(9) by Revision Checklist 82. Revision Checklist 92 redesignated 261.4(a)(9) as 261.4(a)(9)(i) and added a new paragraph 261.4(a)(9)(ii). Revision Checklist 167F added new paragraphs 261.4(a)(9)(iii) through 261.4(a)(9)(iii)(E).
- 15 The exclusion for recovered oil at 261.4(a)(12) was initially introduced into the code by Revision Checklist 135 (59 FR 38536; July 28, 1994) and revised by Revision Checklist 150 (61 FR 13103; March 26, 1996). The August 6, 1998 final rule (63 FR 42110; Revision Checklist 169) broadened the exclusion by including certain oil-bearing hazardous secondary materials. The paragraph at 261.4(a)(12) was completely revised by Revision Checklist 169 and separated into two separate paragraphs at 261.4(a)(12)(i)&(ii). The exemption for certain recycled materials at 261.6(a)(3)(v) was removed as part of the Revision Checklist 169 changes because those recycled materials are now excluded from the definition of solid waste at 261.4(a)(12)(i)&(ii). Although these changes are optional, it is strongly suggested that States that adopt the changes at 261.4(a)(12) also remove the provision at 261.6(a)(3)(v).
- 16 **Revision Checklist 168** (63 FR 33785; June 19, 1998) added a new paragraph 261.4(a)(16), the comparable fuels/syngas fuels exclusion. **However, Revision Checklist 167 (63 FR 28556; May 26, 1998) had already introduced the secondary materials exclusion at paragraph 261.4(a)(16). Revision Checklist 179 (64 FR 25414; May 11, 1999) corrected this typographical error by redesignating the provision introduced by Revision Checklist 167 as 261.4(a)(17).**
- 17 **There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). The second occurrence of "secondary material" should have also been revised to "spent material". States should make this revision.**
- 18 **There are typographical errors in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). In the first sentence, the rule incorrectly revises "on pads, rather than in tanks, containers, or buildings." to "on pads rather than tanks containers, or buildings." States should not make these changes. Additionally, in the third sentence, the rule should have also revised "secondary material" to "spent material". States should make this change.**
- 19 **There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). In the second sentence, "secondary material" should have been revised to "spent material". States should make this revision.**
- 20 **There is an error in the March 13, 2002 rule (67 FR 11251; Revision Checklist 199). The rule incorrectly revises the internal reference to "paragraph (a)(7) of this section". Paragraph (a)(7) discusses spent sulfuric acid. The correct revised internal reference should read "paragraph (b)(7) of this section".**
- 21 Since the 1993 CFR, an error continues as created in the Federal Register article addressed by Revision

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Checklist 108 at 57 FR 30658. "Specific waste" should read "Specific wastes" as found in the 1991 and 1992 CFRs.

- 22 Revision Checklist 167 E extensively revised 261.4(b)(7). The introductory paragraph was redesignated as follows: the first sentence was unchanged and left as the introductory paragraph at 261.4(b)(7); the second sentence was revised and redesignated as 261.4(b)(7)(i); and the third sentence was revised and redesignated as 261.4(b)(7)(ii). The provisions originally at 261.4(b)(7)(i)-(xx) were redesignated as 261.4(b)(7)(ii)(A)-(T). New paragraphs were added at 261.4(b)(7)(iii) through 261.4(b)(7)(iii)(B).
- 23 The list of excluded wastes from the processing of ores and minerals, currently represented by 261.4(b)(7)(ii)(A)-(T) as per Revision Checklist 167 E, has undergone extensive formatting changes over time. Checklist 53 addressed a fairly short list of wastes numbered 261.4(b)(7)(i)-(vi). Revision Checklist 65 made significant changes in that 261.4(b)(7)(i)(A)-(E) represented five wastes retained under the exclusion, and 261.4(b)(7)(ii)(A)-(T) represented twenty wastes conditionally retained under the exclusion. Citations numbered (b)(7)(iii)-(vi) were omitted at that point in time. Revision Checklist 71 resulted in a list of 20 wastes retained under the exclusion, numbered 261.4(b)(7)(i)-(xx). This list of exclusions was redesignated as 261.4(b)(7)(ii)(A)-(T) by Revision Checklist 167 E. Therefore, the references to Checklists 53, 65, and 71 in Column 2 are relevant only insofar as the numbering format of the Federal RCRA citations are concerned, as opposed to the text of the citations. Many of the wastes addressed by Revision Checklist 65 under paragraphs (i) and (ii) and subsequently addressed by Revision Checklist 71 under paragraphs (i)-(xx), are addressed in paragraphs (ii)(A)-(T) in Revision Checklist 167 E.
- 24 The October 5, 1990 interim final rule extended the compliance date to January 25, 1991 (see 55 FR 40834). The compliance date was further extended to March 25, 1991 by the February 1, 1991 interim final rule (see 56 FR 3978) and then to January 25, 1993 by the April 2, 1991 final rule (see 56 FR 13406).
- 25 A copy of the agreement should be sent to the U.S. Environmental Protection Agency, Office of Solid Waste, Characterization and Assessment Division, Waste Identification Branch, Characteristics Section (OS-333); thus, the reference to the Characteristics Section found at 261.4(b)(11)(ii) should remain in a State's code. A copy of the written agreement may also be sent to the State, if the State chooses to include this requirement.
- 26 This paragraph and its subparagraphs were introduced into the code as 261.4(b)(15) and 261.4(b)(15)(i)-(iv) by Revision Checklist 104 (57 FR 21524; May 20, 1992) even though 261.4(b)(13) and (14) had not yet been promulgated. To correct this error, 261.4(b)(15) and 261.4(b)(15)(i)-(iv) were redesignated as 261.4(b)(13) and (13)(i)-(iv) by Revision Checklist 122.
- 27 261.4(e)(3) was originally introduced to the Federal code by Revision Checklist 49 (53 FR 27290; July 19, 1988), and completely revised by Revision Checklist 129 (59 FR 8362; February 18, 1994). A new subparagraph 261.4(e)(3)(i) was added, and the last portions of the old 261.4(e)(3) were revised and restructured by designating them as new subparagraphs (e)(3)(ii) and (e)(3)(iii). The original subparagraphs were also redesignated: the old 261.4(e)(3)(i)-(v) were redesignated as 261.4(e)(3)(iii)(A)-

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(E), respectively.

- 28 There is a typographical error in the Federal Register addressed by Revision Checklist 129 (59 FR 8362; February 18, 1994): "treatabilty" should be "treatability". This error has been corrected in the CFR.
- 29 There appears to be a typographical error in the Federal Register for Revision Checklist 129 (59 FR 8362; February 18, 1994); the comma at the end of 261.4(e)(3)(iii)(A) should likely be a semi-colon as the other 261.4(e)(3)(iii) subparagraphs (i.e., 261.4(e)(iii)(B)-(D)) end with a semi-colon. The error has been corrected in the CFR.
- 30 Subparagraph 261.4(f)(4)(i) was originally added to the Federal code by the July 19, 1988 Federal Register (53 FR 27290, Revision Checklist 49) and then removed by the February 18, 1994 Federal Register (59 FR 8362, Revision Checklist 129).
- 31 261.4(f)(4)(ii) was originally added to the Federal code by Revision Checklist 49 (53 FR 27290; July 19, 1988). Revision Checklist 129 (59 FR 8362; February 18, 1994) moved the text of 261.4(f)(4)(ii) to 261.4(f)(4).
- 32 The rule for Revision Checklist 142 A (60 FR 25492; May 11, 1995) included but did not change the wording of 261.5(f)(3) intro, 261.5(f)(3)(i)-(v), 261.5(f)(3)(v)(A), 261.5(g)(3) intro, 261.5(g)(3)(i)-(v), and 261.5(g)(3)(v)(A).
- 33 The rule for Revision Checklist 153 (61 FR 34252; July 1, 1996) included but did not change 261.5(f)(3) intro, 261.5(f)(3)(i)-(iii), 261.5(g)(3) intro, and 261.5(g)(3)(i)-(iii). The rule added a new 261.5(f)(3)(v) and redesignated 261.5(f)(3)(v)&(vi) as 261.5(f)(3)(vi)&(vii). The rule added a new 261.5(g)(3)(v) and redesignated 261.5(g)(3)(v)&(vi) as 261.5(g)(3)(vi)&(vii).
- 34 The July 14, 1998 rule withdrew the revisions made by the May 6, 1998 rule (Revision Checklist 166) at 40 CFR 261.5(j).
- 35 261.6(a)(2)(iii)-(v) were introduced to the code by Revision Checklist 13. Revision Checklists 17 J and 19 subsequently amended 261.6(a)(2)(iii). Revision Checklist 112 removed the original 261.6(a)(2)(iii) and redesignated 261.6(a)(2)(iv) and (v) as 261.6(a)(2)(iii) and 261.6(a)(2)(iv).
- 36 Revision Checklist 13 introduced text at 261.6(a)(3) and (a)(3)(i)-(vii). Revision Checklist 19 subsequently revised (a)(3)(vii) and added text at (a)(3)(viii)(A)-(C) and (a)(3)(ix). Revision Checklist 85 removed the text at (a)(3)(vii) and redesignated the text at (a)(3)(viii) and (ix) as (a)(3)(vii) and (viii). Revision Checklist 112 removed the text at (a)(3)(iii) and redesignated (a)(3)(iv)-(vi) as (a)(3)(iii)-(v). It also redesignated the text at (a)(3)(vii) and (viii), originally (a)(3)(viii) and (ix), as (a)(3)(vi) and (vii). Revision Checklist 135 revised paragraph (a)(3)(iv), originally (a)(3)(v). It also removed the text at (a)(3)(v) and redesignated (a)(3)(vi) and (vii), originally (a)(3)(viii) and (ix), as (a)(3)(v) and (vi). It then revised the text at (a)(3)(vi). Revision Checklist 142 B removed the text at (a)(3)(ii) and redesignated

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(a)(3)(iii) and (iv), originally (a)(3)(iv) and (v), as (a)(3)(ii) and (iii). It also redesignated (a)(3)(v) and (vi), originally (a)(3)(viii) and (ix), as (a)(3)(iv) and (v). Revision Checklist 169 removed the text at (a)(3)(v), originally (a)(3)(ix).

37 States should adopt 261.9(a)-(c) as appropriate to reflect the universal wastes adopted. See the Federal rule for Revision Checklists 142 A through 142 D (60 FR 25492; May 11, 1995).

38 Revision Checklist 181 is optional for States that have not added spent lamps to their universal waste program or that have added spent lamps to their universal waste program and regulate spent lamps as stringently as the Federal program. For States that have universal waste programs that include spent lamps, but do not regulate spent lamps as stringently as the Federal program, Revision Checklist 181 is not optional.

39 States do not have to include this subpart as long as they regulate all of the wastes that are listed by EPA or determined to be hazardous by the characteristics given in Subpart C of 40 CFR Part 261.

40 The title of this section was changed by Revision Checklist 74 from "CHARACTERISTIC OF EP TOXICITY" to "TOXICITY CHARACTERISTIC."

41 This paragraph was originally designated as 261.31. Revision Checklist 81 redesignated it as 261.31(a) and added a new paragraph 261.31(b).

42 For those States that did not adopt the June 13, 1991 administrative stay (56 FR 27332, Revision Checklist 91), the Revision Checklist 120 (57 FR 61492; December 24, 1992) changes to these listings represent a narrowing of the F032, F034 and F035 listings. Thus, the Revision Checklist 120 changes are optional for States not adopting the Revision Checklist 91 administrative stay. Those States that adopted the Revision Checklist 91 administrative stay should remove the wording added by the stay and replace the wording with that shown in the December 24, 1992 rule and presented in Revision Checklist 120.

43 The change made by Revision Checklist 169 (63 FR 42110; August 6, 1998) is conditionally optional. If a State chooses to make the optional change at 40 CFR 261.4(a)(12), it needs to make this change as well. Additionally, Revision Checklist 169 incorrectly changed "...receiving dry weather flow. Sludge..." to "...receiving dry weather flow, sludge...". This error was corrected by Revision Checklist 187 (64FR 36365; June 8, 2000).

44 The change made by Revision Checklist 187 (65 FR 36365; June 8, 2000) is conditionally optional. If a State adopted the optional revised description of waste F037 in Revision Checklist 169, then it is required to adopt the change to F037 in 261.31(a)/table made by Revision Checklist 187.

45 In the October 15, 1992 Federal Register (57 FR 47376, Revision Checklist 115), in the hazardous waste description for K149, there is a comma after "groups" rather than the correct period, and there appears to be an extra period after "chloride.)). States are advised to use a period after "groups" and omit the period after the closing parenthesis, as shown on Revision Checklist 115.

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- 46 The listings of K064, K065, K066, K090, and K091 were initially added to the Federal code by the September 12, 1988 final rule addressed by Revision Checklist 53 (53 FR 35412). However, the listings were remanded by the U.S. Court of Appeals for the D.C. Circuit in American Mining Congress v. EPA, 907 F.2d 1179 (D.C. Cir. 1990). As such, Revision Checklist 53 was modified to not include the addition of these listings. Therefore, States may never have added these listings to their regulations.
- 47 The entire section at 261.38 was added by the June 19, 1998 rule (63 FR 33782; Revision Checklist 168).
- 48 Revision Checklist 74 replaced the EP toxicity test procedures in this appendix with the toxicity characteristic leaching procedures. Revision Checklist 126 (58 FR 46040; August 31, 1993) replaced the procedures in Appendix II with a note referencing the version of the TCLP incorporated by reference in § 260.11.
- 49 Revision Checklist 126 (58 FR 46040; August 31, 1993) replaced the chemical analysis procedures outlined in Appendix III with a note referencing the version of the appropriate analytical procedures incorporated by reference in § 260.11.
- 50 Note the following typographical errors are present in the November 8, 2000 rule (Revision Checklist 189), in the entry for K174 on page 67127:
- There should be a closing bracket following “Octachlorodibenzo-p-dioxin” in line 4 of the “Hazardous constituents for which listed” column;
 - There should not be a hyphenation between “tetrachlorodi” and “benzo-p-dioxins” in line 5 of the “Hazardous constituents for which listed” column; and
 - Both “tetrachlororodibenzo-p-dioxins” and “tetrachlorodibenzofurans” should be initially capitalized as with other constituents, in line 5 of the “Hazardous constituents for which listed” column.
- 51 Appendix X was added to the Federal code by the January 14, 1985 Federal Register (50 FR 1978; Revision Checklist 14), and then removed by the August 31, 1993 Federal Register (58 FR 46040; Revision Checklist 126).