

US EPA ARCHIVE DOCUMENT

CONSOLIDATED CHECKLIST C8

Land Disposal Restrictions
40 CFR Part 268 as of **December 31, 2002**

Note: This Consolidated Checklist corresponds to the 40 CFR Part 268, published on July 1, 2002, and as amended by the following final rules: 67 FR 48393, July 24, 2002 (Revision Checklist 200); and 67 FR 62618, October 7, 2002 (Revision Checklist 201)

Notes:

1) The following Part 268 sections are not delegable to States because of the national concerns which must be examined when decisions are made relative to them: 268.5 (case-by-case effective date extensions) and 268.42(b) (application for alternate treatment method). "No migration" petitions under 268.6 will be handled by EPA, even though States may be authorized to grant such petitions in the future. States have the authority to grant such petitions under RCRA Section 3006 because such decisions do not require a national perspective, as is the case for decisions under 268.5 or 268.42(b). However, EPA has had few opportunities to implement the land disposal restrictions and expects to gain valuable experience and information from reviewing "no-migration" petitions.

Section 268.44 was considered non-delegable (see 52 FR 25783, July 8, 1987) until just recently. In the HWIR-media proposed rule, EPA announced that States can seek authorization for both the site-specific treatment variances at 268.44 and the HWIR-media specific treatment variance procedures at Part 269 proposed in that rule. Because there has been some confusion over how to handle the delegability issue in State regulations, some States may have already been inadvertently authorized for 268.44. EPA is requesting that a State note in its HWIR-media program revision application, other authorization applications, or in official correspondence whether it believes it has been authorized for site-specific treatment variances. EPA will evaluate that aspect of a State's submittal to confirm the State's authorization. For further information see 61 FR 18828 (April 29, 1996).

2) In the past, the nondelegable sections/paragraphs of the LDR regulations have been omitted from the LDR checklists because States could not assume the authority for them. However, this procedure has led to confusion among the States on how to handle these sections/paragraphs in their code. For this reason, the Agency has decided to include these nondelegable sections on the LDR checklists. To differentiate these sections from the delegable portions of the LDR restrictions, asterisks precede (a single row) and follow (a double row) each nondelegable section. If States have already filled out a version of this consolidated checklist which does not include the nondelegable sections, they need not fill out a revised version containing these sections. This change in format was made only to improve clarity.

The Agency suggests that a State incorporate the nondelegable portions of the LDR regulations into its regulations because this incorporation aids the regulated community in knowing that the extensions, exemptions and variances addressed by the nondelegable sections of code are available to them. It is essential, however, that States leave the terms "Administrator", "Federal Register" and "Agency" unchanged; i.e., States may not substitute analogous State terms for these Federal terms. Similarly, States incorporating by reference must be careful to exclude these sections from blanket substitutions of State terms for Federal terms. For a more complete discussion of issues surrounding nondelegable sections, see Appendix J of the State Authorization Manual (SAM).

3) Note that while 268.40 is delegable to States, "Administrator" in the following phrase "approved by the Administrator under the procedures set forth in 268.42(b)" should not be replaced in 268.40(b) with an analogous State term because it is referring to decisions under 268.42(b). Such decisions will be made by the EPA Administrator.

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4) States do not need to adopt requirements equivalent to 40 CFR 268.10, 268.11, 268.12 and 268.13 because these sections of code contain the schedule by which EPA must evaluate wastes for land disposal restrictions. As such, these sections of code are not included in this consolidated checklist. States do need to adopt, however, requirements equivalent to 268.14. Such requirements address the length of time interim status impoundments can be used to receive or generate newly identified or listed hazardous wastes and resolve the potential conflicts between RCRA §§3004(h)(4), 3005(j)(6) and 3004(j)(11) [see the discussion in the Federal Register for Revision Checklist 109, pp. 37218-37221].

5) Adopting the alternate treatment standards for lab packs is optional. However, if a State chooses to adopt these alternate standards, all of the requirements related to these standards must be adopted, including all of the provisions added by the Third Third Scheduled Waste Rule (i.e., Revision Checklist 78) at 264.316(f), 265.316(f), 268.7(a)(8), 268.7(a)(9), 268.42(c), 268.42(c)(1)-(4), and Appendices IV and V to Part 268.

6) On April 9, 1999, the United States Court of Appeals for the District of Columbia in Great Lakes Chemical Corporation versus EPA (Docket No. 98-1312) granted the U.S. Government's motion for a voluntary vacatur of the rules addressed by Revision Checklist 165. Because of this vacatur, EPA has withdrawn this revision checklist. Note that the final rule published August 10, 1998 (63 FR 42580), is also vacated as it only clarified that the typographical errors made in the May 4, 1998 (63 FR 24596) rule were corrected by the June 29, 1998 rule (63 FR 35147).

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

1 PURPOSE, SCOPE AND APPLICABILITY

purpose	34	268.1(a)					
applicability	34	268.1(b)					
conditions for continued land disposal:	34,66	268.1(c)					
persons with an extension	34	268.1(c)(1)					
persons with an exemption	34	268.1(c)(2)					
2 wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited from land disposal are not prohibited if the wastes:	34,50,66,78,151	268.1(c)(3)					
3 are disposed into a nonhazardous or hazardous injection well	78,151	268.1(c)(3)(i)					

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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
as defined in 40 CFR 144.6(a) and							
do not exhibit any prohibited characteristic of hazardous waste identified in 40 CFR part 261, subpart C at the point of injection	78,137, 151	268.1(c)(3)(ii)					
removed	137,151	268.1(c)(3)(iii)					
2 wastes that exhibit a hazardous characteristic (except D003 reactive cyanide and those subject to a treatment method other than DEACT in 268.40) are not prohibited from land disposal if:	34,50,66, 151	268.1(c)(4)					
the wastes are managed in a treatment system with a permit under Clean Water Act (CWA) §402, or	151	268.1(c)(4)(i)					
the wastes are treated under the pretreatment requirements of CWA §307, or	151	268.1(c)(4)(ii)					
the wastes are managed in a zero discharge system engaged in CWA-equivalent treatment as defined in 268.37(a), and	151	268.1(c)(4)(iii)					
the wastes no longer exhibit a prohibited characteristic at the point of land disposal	151	268.1(c)(4)(iv)					
2 removed	39,48,50, 78	268.1(c)(5)					
preserve waiver	50	268.1(d)					

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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
availability under 121(d)(4) of CERCLA							
4 wastes that are not subject to any provisions of Part 268	66,157	268.1(e)					
4 wastes generated by generators of less than 100 kg of hazardous waste or less than 1 kg of acute hazardous waste, as defined in 261.5	66,157	268.1(e)(1)					
4 waste pesticides that a farmer disposes pursuant to 262.70	66,157	268.1(e)(2)					
4,5 wastes identified or listed as hazardous after November 8, 1984 for which EPA has not promulgated land disposal prohibitions or treatment standards	66,151,157	268.1(e)(3)					
5 <i>de minimis</i> losses of characteristic wastes to wastewaters are not considered prohibited wastes; definition of " <i>de minimis</i> losses"	124,137,151,157	268.1(e)(4)					
5 [subparagraphs added by Rule 151, were withdrawn by Rule 151.1]	151	268.1(e)(4)(i)&(i i)					
5 removed	124,137,151,157	268.1(e)(5)					
6,7 universal waste handlers and transporters are exempt from 268.7 and 268.50 for the listed hazardous wastes; these	142 A	268.1(f)					
	142 B	268.1(f)(1)					
	142 C, †181	268.1(f)(2)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
handlers are subject to Part 273 instead	142 D, †181	268.1(f)(3)					
	†181	268.1(f)(4)					
DEFINITIONS APPLICABLE IN THIS PART							
introductory paragraph regarding definitions	78	268.2					
"halogenated organic compounds" or "HOCs"	39,78	268.2(a)					
8 "hazardous constituent or constituents"	34,78	268.2(b)					
8 "land disposal"	34,39,78, 121,†175	268.2(c)					
"nonwastewaters"	78,83	268.2(d)					
9 "polychlorinated biphenyls" or "PCBs"	39,78	268.2(e)					
"wastewaters"	78,151	268.2(f)					
removed	78,83,151	268.2(f)(1)-(2)					
	78,151	268.2(f)(3)					
"debris"	78,83,109 ,137	268.2(g)					
10 removed	78,83,109	268.2(g)(1)-(8)					
"hazardous debris"	109,179	268.2(h)					
"underlying hazardous constituent"	124,137, 151,167A	268.2(i)					
"inorganic metal bearing waste"	151	268.2(j)					
11 "soil"	†167B, 179	268.2(k)					
5 [paragraph added by Rule 151 were withdrawn by Rule 151.1]	151	268.2(l)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT							
except as provided in 268.3(b), dilution not substitute for treatment; restriction regarding circumvention of effective dates and avoidance of prohibition of Subpart C or RCRA 3004	34,39,78, 151	268.3(a)					
permissible forms of dilution related to Sections 307 or 402 of the CWA; exception for D003 reactive cyanide wastewater or nonwastewater	78,102, 151	268.3(b)					
combustion of hazardous waste codes listed in part 268 Appendix XI is prohibited unless the waste complies with one or more criteria of 268.3(c)(1)-(6)	151	268.3(c)					
the waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard of 268.48	151	268.3(c)(1)					
the waste consists of organic, debris-like materials contaminated with an inorganic metal-bearing hazardous waste	151	268.3(c)(2)					
the waste, at the point of generation, has reasonable heating value	151	268.3(c)(3)					
the waste is co-generated	151	268.3(c)(4)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
with waste for which combustion is a required method of treatment							
the waste is subject to Federal and/or State requirements necessitating reduction of organics	151	268.3(c)(5)					
the waste contains greater than 1% Total Organic Carbon (TOC)	151	268.3(c)(6)					
adding iron filings or other metallic forms of iron to lead-containing hazardous wastes to achieve land disposal restriction treatment standard for lead is a form of impermissible dilution and is prohibited; list of lead-containing wastes	167A	268.3(d)					

† TREATMENT SURFACE IMPOUNDMENT EXEMPTION

when prohibited wastes may be treated in a surface impoundment	34	268.4(a)					
treatment occurs in impoundments	34	268.4(a)(1)					
soft hammer wastes in treatment surface impoundments that meet a list of conditions:	34,39,50	268.4(a)(2)					
sampling and testing requirements for wastes with and without treatment standards; supernatant and sludge samples tested separately	50	268.4(a)(2)(i)					
annual removal of	50,167C	268.4(a)(2)(ii)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
specific residues; flow-through standard of removal for supernatant							
subsequent management of treatment residues in another impoundment is prohibited	50,167C	268.4(a)(2)(iii)					
sampling and testing and recordkeeping provisions of 264.13 and 265.13 of this chapter apply	50,157	268.4(a)(2)(iv)					
design requirements/exemptions	34	268.4(a)(3)					
exempt under 264.221(d) or (e) or 265.221(c) or (d)	34	268.4(a)(3)(i)					
conditions under which Administrator grants waiver of requirements; meets §3005(j)(2)	34	268.4(a)(3)(ii)					
		268.4(a)(3)(ii)(A)					
		268.4(a)(3)(ii)(B)					
		268.4(a)(3)(ii)(C)					
modification granted on basis of a demonstration of no migration into groundwater or surface water at any future time; satisfies §3005(j)(11) no migration	34	268.4(a)(3)(iii)					
submittal of written certification	34,157	268.4(a)(4)					
evaporation of hazardous constituents not considered treatment for exemption purposes	39	268.4(b)					

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Guidance note: 268.5 is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this section into their code.

PROCEDURES FOR CASE-BY-CASE EXTENSIONS TO AN EFFECTIVE DATE

application to EPA Administrator for an extension to effective date of any Part 268, Subpart C restriction; what the applicant must demonstrate:	34	268.5(a)					
good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage waste according to Subpart C effective date	34	268.5(a)(1)					
binding contractual commitment to construct or provide alternate treatment, recovery (e.g., recycling), or disposal capacity that meets Subpart D treatment standards; requirements when no treatment standards	34,39	268.5(a)(2)					
demonstration that alternative capacity cannot reasonably be available by effective date due to circumstances beyond applicant's control; how this must be demonstrated	34	268.5(a)(3)					
capacity being constructed or provided by applicant must be sufficient to manage entire quantity of waste	34	268.5(a)(4)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
detailed schedule for obtaining required permits or outlines of how and when alternate capacity will be available	34	268.5(a)(5)					
arranged for adequate capacity during extension and documented in all site locations where wastes will be managed	34	268.5(a)(6)					
surface impoundment or landfill used must meet 268.5(h)(2) requirements	34	268.5(a)(7)					
certification by authorized representative signing an application	34	268.5(b)					
Administrator may request additional information	34	268.5(c)					
extension applies only to waste generated at individual facility covered by extension	34	268.5(d)					
Administrator may grant extension of up to 1 year from effective date; extension for 1 additional year if 268.5(a) demonstration can still be made; no extension beyond 24 months from 268, Subpart C effective date; length of extension determined by Administrator and basis; public notice and comment; final decision published in <u>Federal Register</u>	34	268.5(e)					
notify Administrator of	34	268.5(f)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
change in certified conditions							
written progress reports at intervals designated by Administrator; what progress reports must include; conditions for revocation of extension by Administrator	34	268.5(g)					
during period established by Administrator for which extension is in effect:	34	268.5(h)					
268.50(a) storage restrictions do not apply	34,39	268.5(h)(1)					
conditions for disposal in landfill or surface impoundment regardless of whether unit is existing, new, replacement or lateral extension	34,50,66	268.5(h)(2)					
interim status landfill requirements	34	268.5(h)(2)(i)					
permitted landfill requirements	34,109	268.5(h)(2)(ii)					
interim status surface impoundment requirements	34,39	268.5(h)(2)(iii)					
permitted surface impoundment requirements	34,109	268.5(h)(2)(iv)					
13 surface impoundments newly subject to RCRA 3006(j); compliance with 265 Subpart F within 12 months and with 265.221(a), (c), and (d) within 48 months; effect	109	268.5(h)(2)(v)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
of a national capacity variance							
13 requirements for landfills disposing of specified PCB waste	39,109	268.5(h)(2)(vi)					
pending decision on application, compliance with all legal disposal restrictions once effective date has been reached	34	268.5(i)					

Guidance note: 268.6 is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this section into their code.

PETITIONS TO ALLOW LAND DISPOSAL OF A WASTE PROHIBITED UNDER SUBPART C OF
PART 268

submit petition to Administrator; demonstration of no waste migration; demonstration components:	34	268.6(a)					
identify specific unit and waste	34	268.6(a)(1)					
waste analysis	34	268.6(a)(2)					
comprehensive disposal unit characterization	34	268.6(a)(3)					
monitoring plan detecting migration at the earliest time	50	268.6(a)(4)					
sufficient information to assure Administrator that owner/operator is in compliance with other applicable Federal, State and local laws	50	268.6(a)(5)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
demonstration criteria:	50	268.6(b)					
data must be accurate and reproducible	50	268.6(b)(1)					
Administrator approved sampling, testing and estimation techniques	34	268.6(b)(2)					
model calibration; models verified with actual data	34	268.6(b)(3)					
quality assurance/control plan approved by Administrator	34	268.6(b)(4)					
uncertainty analysis	34	268.6(b)(5)					
14 what each petition must include:	50	268.6(c)					
monitoring plan including description of monitoring program to verify continued compliance with variance; information which must be included:	50	268.6(c)(1)					
media monitored	50	268.6(c)(1)(i)					
type of monitoring	50	268.6(c)(1)(ii)					
monitoring station location	50	268.6(c)(1)(iii)					
monitoring interval	50	268.6(c)(1)(iv)					
specific hazardous constituents to be monitored	50	268.6(c)(1)(v)					
monitoring program implementation schedule	50	268.6(c)(1)(vi)					
monitoring station equipment	50	268.6(c)(1)(vii)					
sampling and analytical	50	268.6(c)(1)(viii)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
techniques employed							
data recording/reporting procedures	50	268.6(c)(1)(ix)					
268.6(c)(1) monitoring program must be in place by Administrator- specified time period, as part of approval of the petition prior to prohibited waste receipt at unit	50	268.6(c)(2)					
268.6(c)(1) monitoring data sent to Administrator according to monitoring plan must be according to approved format and schedule	50	268.6(c)(3)					
monitoring data as per 268.6(c)(1) monitoring plan must be kept in on- site operating record	50	268.6(c)(4)					
criteria the 268.6(c)(1) monitoring program must meet:	50	268.6(c)(5)					
Administrator approval for all sampling, testing, and analytical data; data accurate and reproducible	50	268.6(c)(5)(i)					
Administrator approval of all estimation and monitoring techniques	50	268.6(c)(5)(ii)					
QA/QC plan for all aspects of monitoring program provided to and approved by Administrator	50	268.6(c)(5)(iii)					
14,15 petition submitted to Administrator	34,50	268.6(d)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
15 reporting of changes at unit and/or surrounding environment that significantly depart from variances and affect migration potential	50	268.6(e)					
changes to unit design, construction or operation proposed in writing and a demonstration to Administrator 30 days prior to change; Administrator makes determination if petition is invalidated and determines appropriate response; Administrator approval before changes can be made	50	268.6(e)(1)					
within 10 days of discovering change, written notification to Administrator if condition is not as predicted or modeled in petition; Administrator decides if change requires further action	50	268.6(e)(2)					
15 owner/operator responsibilities if hazardous waste migration:	50	268.6(f)					
immediate suspension of prohibited waste receipt	50,66	268.6(f)(1)					
within 10 days written notification to Administrator	50	268.6(f)(2)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Administrator decision within 60 days as to continued receipt of prohibited waste; Administrator determines if further examination of any migration warranted	50	268.6(f)(3)					
15 signed statement	34,50	268.6(g)					
15 Administrator may request additional information	34,50	268.6(h)					
15 waste unit to which petition applies	34,50	268.6(i)					
15 Administrator gives public notice in <u>Federal Register</u> ; final decision in <u>Federal Register</u>	34,50	268.6(j)					
15 term of petition	34,50	268.6(k)					
15 requirements prior to Administrator's decision	34,50	268.6(l)					
15 petition granted by Administrator does not relieve responsibilities under RCRA	34,50	268.6(m)					
15 noneligibility of certain liquid PCB wastes for "no migration" petitions under 268.6	39,50	268.6(n)					
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WASTE ANALYSIS AND RECORDKEEPING

16 requirements for generators	157	268.7(a) intro					
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16 generator of hazardous waste must determine if it has to be treated before it can be land disposed and some soils are contaminated by such hazardous waste; this is done by determining if the waste meets treatment standards in 268.40, 268.45, or 268.49; determination can be made in two ways: test the waste; or use knowledge of the waste; for testing, method 1311 is used and land treatment methods of 268.40 and 268.42 may apply; if characteristic waste, generators must comply with 268.9	34,39,50,83,124,126,137,151,157,†167B	268.7(a)(1)					
16 removed	34,137,157	268.7(a)(1)(i)					
	34,39,78,83,124,137,151,157	268.7(a)(1)(ii)					
	34,109,137,157	268.7(a)(1)(iii)					
	109,137,151,157	268.7(a)(1)(iv)					
	34,109,137,151,157	268.7(a)(1)(v)					
	137,151	268.7(a)(1)(vi)					

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if waste or contaminated soil does not meet treatment standard, one-time notice with initial shipment of waste to each treatment or storage facility receiving waste; the generator must place a copy in the file; notice must include information in 268.7(a)(2) column of 268.7(a)(4) table; no further notice is necessary unless waste or facility change	34,39,50, 109,137,1 57,†167B	268.7(a)(2)					
17 for contaminated soil certification statement should be included, signed by an authorized representative; certification statement	†167B	268.7(a)(2)(i)					
17 reserved	†167B	268.7(a)(2)(ii)					
if waste or contaminated soil meets treatment standard at original point of generation	34,50,66, 137,157, †167B	268.7(a)(3) intro					
18 with initial shipment of waste, generator must send one-time written notice to each treatment/storage/disposal facility receiving waste, and place a copy in the file; notice must include information in the 268.7(a)(3) column of 268.7(a)(4) table; certification statement	50,137,15 7	268.7(a)(3)(i)					

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	for contaminated soil, with initial shipment of wastes generator must send notice & place copy in file; notice to include information in 268.7(a)(4) table	50,78,83,137,151,157,†167B	268.7(a)(3)(ii)					
†,19	if waste changes, generator must send new notice & certification to receiving facility, & place copy in files; generators excluded under 261.3(f) are not subject to these requirements	183	268.7(a)(3)(iii)					
20	removed	50,109,137,157	268.7(a)(3)(iv)-(vii)					
21,22	certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before land disposed include but are not limited to case-by-case extensions under 268.5, disposal in a no-migration unit under 268.6 or national capacity variance or case by case capacity variance under subpart C; with initial shipment, generator must send one-time written notice to each land disposal facility for exempted waste or soil; notice must include information in 268.7(a)(4) column of 268.7(a)(4) table; changed waste requires	157,†167B,179	268.7(a)(4)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
further notice; table							
21 for prohibited waste or contaminated soil managed in tanks, containers, or containment buildings under 262.34 and treated to meet 268.40 standards, waste analysis plan to be developed, followed and kept on-site; generators treating hazardous debris under 268.45, Table 1 alternative LDR treatment standards not subject to analysis requirements	50,66,78, 109,137, 157, †167B	268.7(a)(5)					
23 waste analysis plan based on detailed chemical and physical analysis of representative sample; contain information necessary to treat waste in accordance with 268 requirements	50,78, 137,157	268.7(a)(5)(i)					
23 plan must be kept on-site and made available to inspectors	50,78, 137,157	268.7(a)(5)(ii)					
23 compliance with 268.7(a)(3) notification requirements for wastes shipped off-site	50,78, 137,157	268.7(a)(5)(iii)					
23 removed	50,78	268.7(a)(4)(iv)					
21 maintenance of data supporting knowledge of waste or contaminated soil; retention of waste analysis data on-site in files	34,50, 137,157, †167B	268.7(a)(6)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
24 conditions under which a generator, managing a restricted waste excluded from the definition of hazardous or solid waste, must place a one-time notice, in the facility's file, containing specified information	83,137, 157,167C	268.7(a)(7)					
24 three-year retention period for notices, certifications, demonstrations, etc., produced relative to 268.7; extensions during unresolved enforcement actions; requirements apply to solid wastes even when hazard characteristic is removed prior to disposal or when waste excluded from definition of hazardous or solid waste in 261.2 through 261.6 or exempted from RCRA Subtitle C regulation subsequent to the point of generation	50,83, 137,157	268.7(a)(8)					
†, 24,25 if generator is managing lab packs containing hazardous waste and wishes to use alternative treatment method in 268.42(c):	78,83, 137,157	268.7(a)(9)					
† with initial shipment of waste, generator must submit notice with information in the 268.7(a)(9) column of the 268.7(a)(4) table; certification must be placed in files; replace	157	268.7(a)(9)(i)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
old certification with new certification							
† no further notification is necessary until wastes or receiving facility change in which case new notice and certification must be sent and copy placed in files	157	268.7(a)(9)(ii)					
† if lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents need not be determined	157	268.7(a)(9)(iii)					
† generator must also comply with requirements in 268.7(a)(6) and (a)(7)	157	268.7(a)(9)(iv)					
24,26 notification and certification requirements for small quantity generators with tolling agreements pursuant to 40 CFR 262.20(e)	78,83,137	268.7(a)(10)					
treatment facility testing at frequency specified in waste analysis plan	34,39,50,157	268.7(b)					
27 testing when standards are expressed in waste extract	50,157,†167B	268.7(b)(1)					
27,28 testing for wastes or contaminated soil with treatment standards expressed as concentrations in waste	50,157,†167B	268.7(b)(2)					
27,28 one- time notice must be sent with initial shipment of waste or contaminated soil to land disposal	34,50,109,157,†167B	268.7(b)(3)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
	facility; copy of notice must be placed in facility's file							
17,19,28	no further notification is necessary until waste or receiving facility change in which case new notice must be sent and copy placed in facility's file	34,50,157	268.7(b)(3)(i)					
28	information the one-time notice must include	34,39,50,78,83,124,137,151,157,167C,179	268.7(b)(3)(ii)					
28,29	removed	34,50,157	268.7(b)(3)(iii)					
			268.7(b)(3)(iv)					
27,28	treatment facility must submit a one-time certification signed by an authorized representative with initial shipment of waste or treatment residue of restricted waste to land disposal facility; certification; a certification is also necessary for contaminated soil; certification	34,39,50,109,157,†167B	268.7(b)(4) intro					
28	copy of the certification must be placed in treatment facility's on-site files; if waste or treatment residue changes, new notice must be sent and copy placed in files	34,39,50,78,157	268.7(b)(4)(i)					
28	debris excluded from definition of hazardous waste in 261.3(e) is	34,50,157	268.7(b)(4)(ii)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
subject to notification and certification requirements of 268.7(d)							
28 for wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with treatment standards is based in whole or in part on analytical detection limit alternative specified in 268.40(d), certification, signed by authorized representative; certification statement	78,157	268.7(b)(4)(iii)					
28,30 for characteristic wastes subject to 268.40 that are reasonably expected to contain 268.2(i) hazardous constituents which are treated on-site and then sent off-site, the certification must state; certification statement	137,151,157,167C,179	268.7(b)(4)(iv)					
28,30 for characteristic wastes containing underlying hazardous constituents as defined in 268.2(i) that are treated on-site to hazardous constituent levels in 268.48, the certification must state; certification statement	151,157,167C	268.7(b)(4)(v)					
28 compliance with generator notice and certification requirements if waste sent off-site	50,157,167C	268.7(b)(5)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
28,31, no 268.7(b)(3) 32 notification for recyclable materials used in a manner constituting disposal and subject to 266.20(b); with each shipment 268.7(b)(4) certification and 268.7(b)(3) notice to Regional Administrator; records of recipients of waste-derived products	50,66,78, 157,167C	268.7(b)(6)					
33 requirements for land disposal facility except where the owner or operator is disposing recyclable wastes pursuant to 266.20(b):	34,39,50, 78	268.7(c)					
33 have copies of notice and certifications under 268.7(a) or (b)	34,39,50, 157	268.7(c)(1)					
33 test of waste or extract; applicable treatment standards to be met; frequency of testing	39,50,157	268.7(c)(2)					
34 removed	50,78	268.7(c)(3)					
34 removed	66,78	268.7(c)(4)					
notification and certification requirements for generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under 261.3(e)	109,137	268.7(d)					
35 one-time notification including specified information	109,137	268.7(d)(1)					
	109	268.7(d)(1)(i)					
		268.7(d)(1)(ii)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
		268.7(d)(1)(iii)					
when notification must be updated	109	268.7(d)(2)					
how the owner or operator must document and certify compliance with Table 1, 268.45 treatment standards	109	268.7(d)(3)					
		268.7(d)(3)(i)					
		268.7(d)(3)(ii)					
		268.7(d)(3)(iii)					
generators & treaters who receive a determination that contaminated soil subject to 268.49(a) no longer contains a listed hazardous waste and determine that contaminated soil no longer exhibits a characteristic of hazardous waste must:	†167B	268.7(e) intro					
prepare a one-time only documentation of determinations including supporting information and,	†167B	268.7(e)(1)					
maintain that information in the facility files & other records for a minimum 3 years	†167B	268.7(e)(2)					
36 removed and reserved	50,66,78, 151	268.8					

SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
determination of applicable treatment standards under Subpart D of Part 268 by initial generator of a solid waste; code designation and exceptions; if generator determines that waste displays hazardous characteristic, generator must determine defined hazardous constituent except for certain D001 wastes	78,83,124,137,151,157	268.9(a)					
the treatment standard for the waste code listed in 40 CFR Part 261, Subpart D will operate for wastes both listed under Part 261 Subpart D and exhibit a characteristic under Subpart C of Part 261; conditions under which treatment standards for all applicable listed and characteristic waste codes must be met	78	268.9(b)					
no prohibited waste which exhibits a characteristic under 40 CFR Part 261, Subpart C may be land disposed unless waste complies with Part 268, Subpart D treatment standards	78	268.9(c)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
5 wastes that exhibit a characteristic are subject to 268.7 requirements; once wastes are no longer hazardous, place one-time notification and certification in generator's/treater's files and send to EPA region or authorized State; when notification and certification must be updated; annual EPA/State notification if such changes occur, by December 31	78,109,151	268.9(d)					
5,37 information needed with each notification	78	268.9(d)(1)					
	78,109,137,151	268.9(d)(1)(i)					
	78,83,109,137,151,157	268.9(d)(1)(ii)					
37 removed	78,109,137	268.9(d)(1)(iii)					
certification signed by authorized representative stating language found in 268.7(b)(5)	78,109,179	268.9(d)(2)					
if treatment removes the characteristic but does not treat underlying hazardous constituents, then the certification found in §268.7(b)(5)(iv) applies	137,179	268.9(d)(2)(i)					
reserved	137	268.9(d)(2)(ii)					
[subparagraphs added by Rule 151, withdrawn by Rule 151.1]	151	268.9(d)(3)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
[paragraphs added by Rule 151, withdrawn by Rule 151.1]	151	268.9(e)-(g)					

SUBPART B - SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF
TREATMENT STANDARDS

38 SURFACE IMPOUNDMENT EXEMPTIONS

defines additional circumstances in which prohibited waste may continue to be placed in a surface impoundment	109	268.14(a)					
continued storage of "newly identified waste" in newly regulated impoundment for 48 months after the promulgation of the additional listing or characteristic provided waste is not otherwise prohibited and impoundment is in compliance with 265, subpart F within 12 months after new listing/characteristic promulgation	109	268.14(b)					
continue treatment of "newly identified waste" in newly regulated impoundment, provided waste is not otherwise prohibited, and surface impoundment is in compliance with 265, Subpart F within 12 months after new listing/characteristic promulgation	109	268.14(c)					

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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 WASTE SPECIFIC PROHIBITIONS - WOOD PRESERVING WASTES							
40 effective August 11, 1997, the following wastes are prohibited from land disposal: F032, F034, F035	34,157	268.30(a)					
removed	34,157	268.30(a)(1)					
removed	34,50,157	268.30(a)(2)					
removed	34,50,157	268.30(a)(3)					
removed	39,157	268.30(a)(4)					
effective May 12, 1999, soil and debris contaminated with F032, F034, F035 and radioactive wastes mixed with F032, F034, F035 are prohibited from land disposal	34,50,157	268.30(b)					
41 between May 12, 1997 and May 12, 1999, soil and debris contaminated with F032, F034, F035 and radioactive waste mixed with F032, F034, F035 may be disposed in a landfill or surface impoundment only if 268.5(h)(2) requirements are met	50,157	268.30(c)					
41 requirements of 268.30(a) and (b) do not apply if:	34,50,157	268.30(d)					
wastes treated to meet Subpart D of Part 268	34,50,157	268.30(d)(1)					
disposal at facility with successful no-migration petition	34,50,157	268.30(d)(2)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
42 the wastes meet the applicable alternate treatment standards established pursuant to a petition granted under 268.44	157	268.30(d)(3)					
42 wastes and units for which case-by-case extensions have been granted	34,50,157	268.30(d)(4)					
to determine whether a hazardous waste identified in 268.40 exceeds applicable treatment standards, initial generator must test a sample of waste extract or entire waste; if waste contains constituents in excess of applicable treatment levels of 268.48, waste is prohibited from land disposal and all requirements of 268 are applicable unless otherwise specified	157	268.30(e)					

WASTE SPECIFIC PROHIBITIONS - DIOXIN-CONTAINING WASTES

effective November 8, 1988, the dioxin-containing wastes, F020-F023 and F026-F028, are prohibited from land disposal unless a specific condition applies:	34,50	268.31(a)					
these wastes are contaminated soil and debris waste resulting from response action under CERCLA or from a RCRA corrective	50	268.31(a)(1)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
action							
43 prohibit land disposal of F020-F023 and F026-F028 dioxin-containing wastes of 268.31(a)(1) effective November 8, 1990	50	268.31(b)					
between November 8, 1988, and November 8, 1990, wastes of 268.31(a)(1) disposed in landfill or surface impoundment must meet 268.5(h)(2) and applicable 264 and 265 requirements	34,50	268.31(c)					
43 situations where 268.31(a) and (b) do not apply	34,50	268.31(d)					
wastes treated to meet Subpart D, Part 268 standards	34,50	268.31(d)(1)					
disposal at facility with successful no-migration petition	34,50	268.31(d)(2)					
extension to effective date of a prohibition	34,50	268.31(d)(3)					

WASTE SPECIFIC PROHIBITIONS -- SOILS EXHIBITING THE TOXICITY CHARACTERISTIC FOR METALS AND CONTAINING PCBS

44 effective December 26, 2000, the following wastes are prohibited from land disposal: soil exhibiting the toxicity characteristic solely because of metals (D004-D011) and containing PCBs	39,50,66,157,†190	268.32(a)					
requirements of	†190	268.32(b) intro					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
268.32(a) do not apply if:							
wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and	†190	268.32(b)(1)(i)					
wastes meet 268 subpart D treatment standards for D004-D011, as applicable; or	†190	268.32(b)(1)(ii)					
wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and	†190	268.32(b)(2)(i)					
wastes meet 268.49 alternative treatment standards for contaminated soil; or	†190	268.32(b)(2)(ii)					
persons have been granted an extension from prohibition pursuant to 268.6 with respect to wastes and units covered by petition; or	†190	268.32(b)(3)					
wastes meet alternative treatment standards pursuant to 268.44 petition	†190	268.32(b)(4)					

WASTE SPECIFIC PROHIBITIONS – CHLORINATED ALIPHATIC WASTES

45	effective May 8, 2001, wastes K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed	50,66,83, 157,165, †185, 189	268.33(a)				
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CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
with these wastes are prohibited from land disposal							
requirements of 268.33(a) do not apply if:	189	268.33(b) intro					
wastes meet treatment standards specified in 268 subpart D;	189	268.33(b)(1)					
exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	189	268.33(b)(2)					
wastes meet treatment standards established pursuant to petition granted under 268.44;	189	268.33(b)(3)					
hazardous debris has met treatment standards in 268.40 or alternative treatment standards in 268.45; or	189	268.33(b)(4)					
extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	189	268.33(b)(5)					
to determine if identified hazardous waste exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains regulated constituents in excess of 268 subpart D levels, waste is prohibited from	189	268.33(c)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
land disposal, and all requirements of part 268 are applicable, except as otherwise specified							
disposal of K175 wastes complying with 268.40 treatment standards must also be macroencapsulated in accordance with 268.45 Table 1 unless waste is placed in:	189	268.33(d) intro					
Subtitle C monofill containing only applicable K175 wastes that meet 268.40 treatment standards; or	189	268.33(d)(1)					
dedicated Subtitle C landfill cell in which other co-disposed wastes are at pH#6.0	189	268.33(d)(2)					
46 WASTE SPECIFIC PROHIBITIONS - TOXICITY CHARACTERISTIC METAL WASTES							
effective August 24, 1998, the specified wastes are prohibited from land disposal	63,157, 167A	268.34(a)					
†,47 effective November 26, 1998, slags from secondary lead smelting which exhibit the Toxicity Characteristic due to one or more metals, are prohibited from land disposal	172	268.34(b)					
47 effective May 26, 2000, the specified wastes are prohibited from land disposal	167A,†172	268.34(c)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
47 between May 26, 1998 and May 26, 2000, newly identified characteristic wastes mixed with D004-D011 wastes, or mixed with newly identified characteristic mineral processing wastes, soil, or debris may be disposed in a landfill or surface impoundment if unit is in compliance with 268.5(h)(2)	167A,†17 2	268.34(d)					
47 requirements of 268.34(a) & (b) do not apply if:	167A,†17 2	268.34(e)					
47 wastes meet applicable treatment standards specified in part 268, subpart D	167A,†17 2	268.34(e)(1)					
47 persons have been granted an exemption from prohibition pursuant to a petition under 268.6, with respect to wastes & units covered	167A,†17 2	268.34(e)(2)					
47 wastes meet applicable alternate treatment standards pursuant to a petition under 268.44; or	167A,†17 2	268.34(e)(3)					
47 persons have been granted an exemption to the effective date of a prohibition pursuant to 268.5, with respect to wastes covered by extension	167A,†17 2	268.34(e)(4)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
47 to determine whether a hazardous waste exceeds treatment standards in 268.40, test the waste extract or entire waste, or use knowledge of the waste; if waste contains constituents in excess of applicable UTS levels of 268.48, waste is prohibited from land disposal and all requirements of 268 apply, except as specified	167A,†17 2	268.34(f)					
48 WASTE SPECIFIC PROHIBITIONS-PETROLEUM REFINING WASTES							
effective February 8, 1999, wastes K169-K172, soils and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soils and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	78,83, 103,106, 116,123, 157,169	268.35(a)					
requirements of 268.35(a) do not apply if:	169	268.35(b)					
wastes meet treatment standards specified in 268 subpart D;	169	268.35(b)(1)					
exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	169	268.35(b)(2)					
wastes meet treatment standards established	169	268.35(b)(3)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
pursuant to petition granted under 268.44;							
hazardous debris meeting treatment standards in 268.40 or alternative treatment standards in 268.45; or	169	268.35(b)(4)					
extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	169	268.35(b)(5)					
to determine if hazardous wastes identified in 268.35 exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains constituents in excess of UTS levels of 268.48, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	169	268.35(c)					
49 effective May 20, 2002, wastes K176-K178, soils and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soils and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	109,157, 195	268.36(a)					
requirements of	195	268.36(b)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
268.36(a) do not apply if:							
wastes meet treatment standards specified in 268 subpart D;	195	268.36(b)(1)					
exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	195	268.36(b)(2)					
wastes meet treatment standards established pursuant to petition granted under 268.44;	195	268.36(b)(3)					
hazardous debris meeting treatment standards in 268.40 or alternative treatment standards in 268.45; or	195	268.36(b)(4)					
extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	195	268.36(b)(5)					
to determine if hazardous wastes identified in 268.36 exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains constituents in excess of UTS levels of 268.48, waste is prohibited from land disposal, and all requirements of part 268 are applicable,	195	268.36(c)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
except as otherwise specified							
WASTE SPECIFIC PROHIBITIONS - IGNITABLE AND CORROSIVE CHARACTERISTIC WASTES WHOSE TREATMENT STANDARDS WERE VACATED							
effective August 9, 1993, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems other than those whose discharge is regulated under the CWA or that inject in Class I deep wells regulated under the SDWA or are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal; CWA- equivalent treatment defined	124	268.37(a)					
effective February 10, 1994, wastes specified in 261.21 as D001 (and not in the High TOC Ignitable Liquids subcategory) and in 261.22 as D002 that are managed in systems defined in 40 CFR 144.6(e) and 146.6(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection are prohibited from land disposal	124	268.37(b)					

WASTE SPECIFIC PROHIBITIONS - NEWLY IDENTIFIED ORGANIC TOXICITY CHARACTERISTIC

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
WASTES AND NEWLY LISTED COKE BY-PRODUCT AND CHLOROTOLUENE PRODUCTION WASTES							
land disposal prohibitions for specified wastes as of December 19, 1994; definition of CWA-equivalent treatment	137	268.38(a)					
September 19, 1996 land disposal prohibition of radioactive wastes mixed with DO18-DO43 meeting certain criteria; definition of CWA-equivalent treatment; similar prohibition for radioactive wastes mixed with K141-K145 and K147-K151 and for soil and debris contaminated with these radioactive mixed wastes	137	268.38(b)					
where 268.38(b) wastes may be disposed of between December 19, 1994 and September 19, 1996	137	268.38(c)					
when the requirements of 268.38(a), (b), and (c) do not apply:	137	268.38(d)					
wastes meet applicable Part 268, Subpart D treatment standards	137	268.38(d)(1)					
exemption pursuant to a 268.6 petition	137	268.38(d)(2)					
wastes meet alternate treatment standards pursuant to 268.44	137	268.38(d)(3)					
granted an extension to the effective date of a	137	268.38(d)(4)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
prohibition pursuant to 268.5							
how to and who determines whether a hazardous waste identified in 268.38 exceeds applicable treatment standards specified in 268.40	137	268.38(e)					

50 WASTE SPECIFIC PROHIBITIONS - SPENT ALUMINUM POTLINERS; REACTIVE; AND CARBAMATE WASTES

specified wastes and soil and debris contaminated with these wastes are prohibited from land disposal as of July 8, 1996	151,†159	268.39(a)					
51 as of July 8, 1996, D003 wastes are prohibited from land disposal; exceptions	151	268.39(b)					
on September 21, 1998, K088 waste and soil and debris contaminated with these wastes are prohibited from land disposal	151,155,160,173	268.39(c)					
radioactive wastes mixed with specified wastes and soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal as of April 8, 1998	151,†159	268.39(d)					
between July 8, 1996 and April 8, 1998, the wastes listed in 268.39(a),(c), and (d) may be disposed in a landfill or surface	151	268.39(e)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
impoundment only if such unit complies with the requirements of 268.5(h)(2)							
the requirements of 268.39(a)-(d) do not apply if:	151	268.39(f)					
the wastes meet the treatment standards specified in part 268 subpart D	151	268.39(f)(1)					
persons have been granted an exemption from a prohibition pursuant to a petition under 268.6, with respect to the wastes and units covered by the petition	151	268.39(f)(2)					
the wastes meet the applicable alternate treatment standards established pursuant to a petition granted under 268.44	151	268.39(f)(3)					
persons have been granted an extension to the effective date of a prohibition pursuant to 268.5, with respect to the wastes covered by the extension	151	268.39(f)(4)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
to determine whether a hazardous waste identified in 268.39 exceeds the applicable treatment standards specified in 268.40, the initial generator must test a sample of the waste extract, test the entire waste, or use knowledge of the waste; the waste is prohibited from land disposal, and part 268 requirements apply if the waste contains constituents exceeding part 268 subpart D levels, except as otherwise specified	151	268.39(g)					

SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

when a prohibited waste identified in "Treatment Standards for Hazardous Wastes" may be land disposed	34,†39, 50,78,83, 126,137, 151	268.40(a)					
all hazardous constituents in the waste or in the treatment residue must be at or below the values found in the table for that waste ("total waste standards")	137	268.40(a)(1)					
hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in the table ("waste extract standards")	137	268.40(a)(2)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
waste must be treated using the technology specified in the table ("technology standard"), which are described in detail in 268.42, Table 1 - Technology Codes and Description of Technology-Based Standards	137	268.40(a)(3)					
how to comply for wastewaters; how to comply for nonwastewaters; compliance for wastes covered by the waste extract standards; compliance for wastes covered by a technology standard	39,109, 124,137	268.40(b)					
treatment standards when wastes with differing treatment standards are combined	50,78,137	268.40(c)					
how treatment and disposal facilities demonstrate (and certify pursuant to 40 CFR 268.7(b)(5)) compliance with the treatment standards for organic constituents	109,137	268.40(d)					
treatment standards were established based on incineration in units operated in accordance with Part 264, Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical requirements	137	268.40(d)(1)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
use of methods referenced in 268.40(d)(1) to treat organic constituents	137	268.40(d)(2)					
demonstrate that good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in 268.40 by an order of magnitude	137	268.40(d)(3)					
for characteristic wastes with treatment standards in the "Treatment Standards for Hazardous Wastes" Table, and are not managed in wastewater treatment system regulated under the CWA, is CWA-equivalent, or is injected into Class I nonhazardous deep injection well, all underlying hazardous constituents must meet Universal Treatment Standards	137,151, 167A, 167C	268.40(e)					
5 [subparagraphs added by Rule 151, withdrawn by Rule 151.1]	151	268.40(e)(1)-(4)					
other wastes to which the treatment standards for F001-F005 nonwastewater constituents carbon disulfide, cyclohexanone, and/or methanol apply; how compliance is measured	137	268.40(f)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
52 between August 26, 1996 and March 4, 1999, treatment standards for listed carbamate wastes and soil contaminated with those wastes may be satisfied by either meeting constituent concentrations in 268.40 table "Treatment Standards for Hazardous Wastes" or by treating the waste using specified technologies	151, 161,171	268.40(g)					
prohibited D004-D011 mixed radioactive wastes & mixed radioactive listed wastes containing metals, previously treated & put into storage, do not have to be retreated prior to land disposal	167A	268.40(h)					
53 remove and reserve paragraph (i)	170,179, 200	268.40(i)					
53 effective September 4, 1998, treatment standards for certain "P" and "U" wastes specified in 261.33 may be satisfied by either meeting constituent concentrations in "Treatment Standards for Hazardous Wastes" table, or by treating the waste by technologies specified	171,179, 183	268.40(j)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
54,55, 56,57, 58, 59, 60 table "Treatment Standards for Hazardous Waste"	137,151,1 57,†159,1 65, 167A, 167C,169, 171,173, 179,183, †185, 189, 195 , †201	268.40/Table					

TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

note referring to 268.40 for regulations previously found at 268.41 and in Table CCWE	34,50,63, 78,102, 109,126, 137	268.41					
61 removed	34,50,63, 78,83,95, 109,124, 136,137	268.41(a)/Table CCWE					
61 removed	34,95, 137	268.41(b)					
61 removed	109,137	268.41(c)					

TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

note referring to 268.40 for the requirements previously found in 268.42, tables 2 and 3	137	268.42 note					
treatment of wastes identified in the table in 268.40, must use technology(s) specified in the table entitled "Technology Codes and Description of Technology-Based Standards" in 268.42	34,78, 137,167C	268.42(a)					
62 removed	39,167C	268.42(a)(1)					
62 removed	39,50,78,	268.42(a)(2)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
		83, 167C						
62, 63	removed	63,78,83, 167C	268.42(a)(3)					
64	removed	63,78	268.42(a)(4)					
	Technology Codes and Description of Technology-Based Standards	78,83, 137,151, 157	268.42(a)/Table 1					
65	removed	78,83,95, 102,109,1 24,134, 137	268.42(a)/Table 2					
65	removed	78,83,137	268.42(a)/ Table 3					

Guidance note: 268.42(b) is NOT DELEGABLE. States should see Note 2 at the beginning of this checklist regarding how to incorporate this section into their code.

submit application to Administrator demonstrating alternate treatment can achieve 268.42(a), (c), & (d) performance specifications for wastes or 268.45 Table 1 specifications for hazardous debris; information demonstrating compliance with Federal, State and local requirements; criteria for approval by Administrator; approval in writing containing provisions and conditions as the Administrator deems appropriate; compliance by person to	34,39,78, 109	268.42(b)					
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CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
whom approval is issued							
***** ***** ***** ***** *****							

†,25 Alternate Treatment Standards for Lab Packs

conditions for eligibility of lab packs for land disposal:	78	268.42(c)					
compliance of lab packs with applicable provisions of 264.316 and 265.316	78	268.42(c)(1)					
lab pack does not contain any Part 268, Appendix IV wastes	78,137	268.42(c)(2)					
incineration of lab packs in accordance with Part 264, Subpart O or Part 265, Subpart O requirements	78	268.42(c)(3)					
treatment standards for incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010 and D011	78	268.42(c)(4)					

66 radioactive mixed wastes are subject to the treatment standards in 268.40; when standards are specified in Table of Treatment Standards, then those govern; where there is no specific standard for radioactive mixed waste, then the treatment standard for the hazardous waste applies; hazardous debris

78,109,137	268.42(d)						
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CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
containing radioactive waste is subject to the 268.45 treatment standards							

TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS

67	for requirements previously found in this section and for treatment standards in Table CCW, refer to 268.40	34,50,63,78,137	268.43				
67	removed	50,62,63,78,83,109,124,137	268.43(a)/Table CCW				
67	removed	50,63,137	268.43(b)				
67	removed	78,83,137	268.43(c)				
67	removed	78,83,137	268.43(c)(1)-(3)				

VARIANCE FROM A TREATMENT STANDARD

5	based on petition, Administrator may approve a variance from applicable treatment standard if specified conditions are met	34,151,162	268.44(a)				
		162	268.44(a)(1)				
			268.44(a)(2) intro				
			268.44(a)(2)(i)				
			268.44(a)(2)(ii)				
	procedures in accordance with 260.20	34	268.44(b)				
	statement signed by petitioner or authorized representative	34	268.44(c)				
	additional information or samples may be requested by Administrator; additional copies for affected States	34	268.44(d)				

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
and region							
Administrator gives public notification in <u>Federal Register</u> ; final decision in <u>Federal Register</u>	34	268.44(e)					
268.7 waste analysis requirements must be followed for wastes covered by variance	34	268.44(f)					
requirements during petition review	34	268.44(g)					
68 based on petition, Administrator or delegated representative may approve a site-specific variance from an applicable treatment standard if specified conditions are met	50,66,162	268.44(h)					
	162	268.44(h)(1)					
		268.44(h)(2) intro					
		268.44(h)(2)(i)					
		268.44(h)(2)(ii)					
	†167B	268.44(h)(3) intro					
		268.44(h)(3)(i)					
		268.44(h)(3)(i)(A)					
		268.44(h)(3)(i)(B)					
		268.44(h)(3)(ii)					
		268.44(h)(4)					
	162, †167B	268.44(h)(5)					
260.20(b)(1)-(4) information must be included	50	268.44(i)					
Assistant Administrator	50	268.44(j)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
or delegated representative may request additional information							
if site-specific treatment standard variance then compliance with 268.7 waste analysis requirements	50	268.44(k)					
during application review process, compliance with land disposal restrictions once effective date for waste reached	50	268.44(l)					
for all variances, petitioner must demonstrate that compliance with treatment variance is sufficient to minimize threats to human health and environment; in evaluating demonstration, EPA may take into account whether a treatment variance should be approved if the waste is to be used in manner constituting disposal under 266.20 through 266.23	162	268.44(m)					
69 removed and reserved	157, 162	268.44(p)					
TREATMENT STANDARDS FOR HAZARDOUS DEBRIS							
treatment of hazardous debris prior to land disposal as specified unless EPA determines under 261.3(f)(2) that debris is no longer contaminated with hazardous waste	109,167C	268.45(a) intro					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
general; treatment for each 268.45(b) contaminant subject to treatment in accordance with 268.45, Table 1	109	268.45(a)(1)					
characteristic debris; deactivation as specified in 268.45, Table 1	109	268.45(a)(2)					
mixtures of debris types; standards for each debris type must be achieved; if applicable, immobilization must be used last	109	268.45(a)(3)					
mixtures of 268.45(b) contaminant types; 268.45, Table 1 treatment for each contaminant must be used; if applicable, immobilization must be used last	109	268.45(a)(4)					
waste PCBs; hazardous debris subject to both 40 CFR 761 and 268.45 must meet more stringent requirements	109	268.45(a)(5)					
hazardous debris treated for each "contaminant subject to treatment," determined as follows:	109	268.45(b)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
toxicity characteristic debris; those EP constituents for which debris exhibits a toxicity characteristic	109	268.45(b)(1)					
debris contaminated with listed waste; constituents or wastes for which treatment standards are established for the waste under §268.40	109,137	268.45(b)(2)					
cyanide reactive debris; reactive because of cyanide must be treated for cyanide	109	268.45(b)(3)					
when hazardous debris that has been treated is not considered a hazardous waste; hazardous debris contaminated with a listed waste that is treated by a Table 1 immobilization technology must be managed in a Subtitle C facility	109	268.45(c)					
general requirements for treatment residues:	109	268.45(d)(1)					
separate residue from debris by simple physical or mechanical means;	109	268.45(d)(1)(i)					
residue is subject to 268 Subpart D waste-specific	109	268.45(d)(1)(ii)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
treatment standards							
residue from nontoxic debris, as specified, must be deactivated; not subject to 268 Subpart D waste-specific treatment standards	109	268.45(d)(2)					
residue from cyanide-reactive debris must meet D003 treatment standards in "Treatment Standards for Hazardous Wastes" at 268.40	109,167C	268.45(d)(3)					
ignitable nonwastewater residue, as specified, must meet technology specified in the treatment standard for D001: Ignitable Liquids	109,167C	268.45(d)(4)					
layers of debris removed by spalling remain subject to 268.45 treatment standards	109	268.45(d)(5)					
alternative treatment standards for hazardous debris	109	268.45/Table 1					

ALTERNATIVE TREATMENT STANDARDS BASED ON HTMR

refer to 268.40 for treatment standards previously found in this section	109,137	268.46					
70 removed	109,137	268.46/Table 1					

UNIVERSAL TREATMENT STANDARDS

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
Table UTS identifies the hazardous constituents along with the nonwastewater and wastewater treatment standard levels used to regulate most prohibited hazardous wastes with numerical limits; standards cannot be exceeded for determining compliance with treatment standards for underlying hazardous constituents as defined in 268.2(i); compliance measured by analysis of grab samples unless noted in table	137	268.48(a)					
71,72, 73 Table UTS - Universal Treatment Standards	137,151, 161,165, 167A, 167C,171, 179, †185, 189,†190	268.48(a)/Table UTS					
reserved		268.48(b)					

†,74 **ALTERNATIVE LDR TREATMENT STANDARDS FOR CONTAMINATED SOIL**

applicability; LDRs must be complied with prior to placing contaminated soil into a land disposal unit; chart describes whether compliance with LDRs is necessary prior to placing contaminated soil into a land disposal unit; add table as shown at 63 <u>FR</u> 28751(May 26, 1998)	167B	268.49(a)					
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CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
prior to land disposal, contaminated soil identified by 268.49(a) must be treated according to 268.49(c) or 268.48 UTS applicable to contaminating waste and/or applicable characteristic; 268.49(c) treatment standards and the UTS may be modified through a variance approved under 268.44	167B	268.49(b)					
treatment standards for contaminated soils; prior to land disposal, contaminated soil identified by 268.49(a) as needing to comply with LDRs must be treated according to 268.49(c)(1)-(3) or 268.48 UTS	167B	268.49(c) intro					
19 all soils; prior to land disposal, all constituents subject to treatment must be treated according to standards specified	167B	268.49(c)(1) intro					
	167B, †183	268.49(c)(1)(A)					
	167B, †183	268.49(c)(1)(B)					
	167B	268.49(c)(1)(C)					
soils that exhibit characteristic of ignitability, corrosivity or reactivity; in addition to treatment required by 268.49(c)(1), prior to land disposal soils that exhibit a characteristic must be treated to	167B	268.49(c)(2)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
eliminate characteristic							
soils that contain nonanalyzable constituents; in addition to requirements of 268.49(c)(1)&(2), prior to land disposal specified treatment is required	167B,179	268.49(c)(3) intro					
		268.49(c)(3)(A)					
		268.49(c)(3)(B)					
75 constituents subject to treatment; when applying soil treatment standards in 268.49(c), constituents subject to treatment are any listed in 268.48, Table UTS that are reasonably expected to be present, with exceptions, and are present at greater than 10 times the UTS; PCBs are not a constituent subject to treatment in soil which exhibits the toxicity characteristic solely because of metals	167B,†190	268.49(d)					
management of treatment residuals; treatment residuals from treating contaminated soil identified by 268.49(a) must be managed as follows:	167B	268.49(e) intro					
soil residuals are subject to treatment standards of 268.49	167B	268.49(e)(1)					
non-soil residuals are subject to the standards specified	167B	268.49(e)(2) intro					
		268.49(e)(2)(A)					
		268.49(e)(2)(B)					

SUBPART E - PROHIBITIONS ON STORAGE

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
PROHIBITIONS ON STORAGE OF RESTRICTED WASTES							
except as provided in 268.50, storage of wastes restricted from land disposal is prohibited unless certain conditions are met:	34,39	268.50(a)					
on-site storage exemption for generator	34,109	268.50(a)(1)					
treatment, storage, and disposal facility exemption	34,109	268.50(a)(2)					
container labeling	34	268.50(a)(2)(i)					
tank labeling	34	268.50(a)(2)(ii)					
transporter exemption	34	268.50(a)(3)					
storage up to one year	34	268.50(b)					
storage longer than one year	34	268.50(c)					
268.50(a) prohibition does not apply if waste is exempt from a prohibition on the type of land disposal utilized for the waste	34,50,66	268.50(d)					
no prohibition where treatment standards are not specified or are met, or compliance with 268.32 or RCRA 3004 exists	34,†39	268.50(e)					
requirements for storage of liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm	39	268.50(f)					

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
†,76 prohibition and requirements in 268.50 do not apply to hazardous remediation wastes stored in staging pile approved pursuant to 265.554	175	268.50(g)					
APPENDIX I TO PART 268							
removed and reserved	34,74,126,157	Appendix I					
APPENDIX II TO PART 268							
removed and reserved	34,109,157	Appendix II					
APPENDIX III TO PART 268							
77 "List of Halogenated Organic Compounds Regulated Under § 268.32"	39,157,†190	Appendix III					
APPENDIX IV TO PART 268							
†,25 WASTES EXCLUDED FROM LAB PACKS UNDER THE ALTERNATIVE TREATMENT STANDARDS OF § 268.42(c)							
list of EPA hazardous waste codes for hazardous wastes that may not be placed in lab packs under the alternative lab pack treatment standards at 268.42(c)	78,83,137	Appendix IV					
APPENDIX V TO PART 268							
†,78 removed and reserved	78,83,137	Appendix V					
APPENDIX VI TO PART 268							

RECOMMENDED TECHNOLOGIES TO ACHIEVE DEACTIVATION OF CHARACTERISTICS IN SECTION 268.42

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 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
treatment standard for many characteristic wastes is stated in 268.40; characteristic wastes that are not managed in a facility must be treated not only by "deactivating" but also to achieve UTS for underlying constituents; use of specified technologies not mandatory	78,157	Appendix VI					

APPENDIX VII TO PART 268

EFFECTIVE DATES OF SURFACE DISPOSED WASTES REGULATED IN THE LDRs

79	comprehensive list of wastes and effective dates	78,83, 157,167C, 187, 192 B	Appendix VII, Table 1				
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APPENDIX VIII TO PART 268

80 NATIONAL CAPACITY LDR VARIANCES FOR UIC WASTES

	comprehensive list of national capacity LDR variances for UIC wastes	78,83, 157,167C	Appendix VIII				
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APPENDIX IX TO PART 268

EXTRACTION PROCEDURE (EP) TOXICITY TEST METHOD AND STRUCTURAL INTEGRITY TEST (METHOD 1310)

81	note regarding EP (Method 1310) is published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" as incorporated by reference in 260.11	83,126	Appendix IX				
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APPENDIX X TO PART 268

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- A-LENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
removed and reserved	137,157	Appendix X					

APPENDIX XI TO PART 268

METAL BEARING WASTES PROHIBITED FROM DILUTION IN A COMBUSTION UNIT
ACCORDING TO 40 CFR 268.3(c)

table listing wastes prohibited from dilution in a combustion unit	151	Appendix XI					
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CONSOLIDATED CHECKLIST C8
40 CFR Part 268 as of **December 31, 2002** (cont'd)

- 1 There is a typographical error in the title of this section as printed in 58 FR 29860 (May 24, 1993; Revision Checklist 124); "scope/and" should be "scope and." States should retain the correct title as it appears in the CFR.
- 2 Revision Checklist 34 introduced 268.1(c)(3) & (4) to the Federal code, and 268.1(c)(5) was introduced by Revision Checklist 39. The original subparagraph 268.1(c)(3) was then removed by Revision Checklist 50, with 268.1(c)(4) & (5) redesignated as (c)(3) & (4). Revision Checklist 50 then introduced a new 268.1(c)(5). The redesignated subparagraphs 268.1(c)(3) & (4) were subsequently removed by Revision Checklist 66. A new subparagraph 268.1(c)(3) was introduced into the code by Revision Checklist 78, which also removed 268.1(c)(5) as introduced by Revision Checklist 50. Rule 137 revised 268.1(c)(3) as introduced by Revision Checklist 78, including the addition of (c)(3)(iii). The April 6, 1996 rule of Revision Checklist 151 (61 FR 15660) removed and reserved 268.1(c)(3). The June 28, 1996 rule of Revision Checklist 151 (61 FR 33680), however, added a new 268.1(c)(3) that is very similar to the paragraph that existed in the CFR prior to the April 6, 1996 rule. Note that as compared to the prior language, the June 28, 1996 rule made no real changes to 268.1(c)(3)(i), and, also added a new paragraph at 268.1(c)(4).
- 3 A typographical error exists in the FR article for the June 28, 1996 rule for Revision Checklist 151 (61 FR 33680). The internal reference "40 CFR 146.6(a)" should be "40 CFR 144.6(a)".
- 4 Although 268.1(e) intro - (e)(3) were included on Revision Checklist 157 (62 FR 25998), no changes were made to those paragraphs.
- 5 The April 8, 1996 rule of Revision Checklist 151 (61 FR 15566) made changes by either adding, revising, or removing **this provision**. These changes were withdrawn by the April 8, 1996 rule of Revision Checklist 151 (61 FR 15660). Revision Checklist 157 (62 FR 26005) removed **268.1(e)(5)** although it does not explicitly say so. See p. 26005 in preamble. Verified by RCRA Hotline 7/14/00.
- 6 States should adopt 268.1(f)(1)-(3) as appropriate to reflect the universal wastes adopted. See the rule for Checklists 142 A-D (60 FR 25492; May 11, 1995).
- 7 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.
- 8 These definitions were introduced into the code as part of 268.2(a) by Revision Checklist 34. Revision Checklist 78 designated them as individual paragraphs 268.2(b) and (c). The text of the old 268.2(b), introduced into the code by Revision Checklist 34, was deleted from the section by Revision Checklist 78.
- 9 This definition was introduced into the code as part of 268.2(a) by Revision Checklist 39. Revision Checklist 78 designated it as an individual paragraph 268.2(e).
- 10 Subparagraphs 268.2(g)(1) through (8) were introduced into the code by Revision Checklist 78, modified by Revision Checklist 83, and removed by Revision Checklist 109.

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 as of **December 31, 2002** (cont'd)

- 11 Revision Checklist 167B (63 FR 28556; May 26, 1998) added the definition of soil at 268.2(k). See endnote 5 for information regarding 268.2(k) as introduced and withdrawn by Revision Checklist 151.
- 12 This paragraph was originally 268.3 when it was added to the code by Revision Checklist 34. However, it was redesignated as 268.3(a) by Revision Checklist 78.
- 13 Revision Checklist 109 redesignated the old 268.5(h)(2)(v) as 268.5(h)(2)(vi) and added a new 268.5(h)(2)(v).
- 14 Paragraph 268.6(c) was originally introduced by Revision Checklist 34. Revision Checklist 50 redesignated the old 268.6(c) as 268.6(d) and inserted a new 268.6(c).
- 15 Revision Checklist 34 originally introduced 268.6(d)-(j) to the Federal code. Revision Checklist 39 added 268.6(k). Revision Checklist 50 introduced new provisions at 268.6(e) and (f) and redesignated 268.6(d)-(k) as 268.6(g)-(n).
- 16 Revision Checklist 34 originally introduced 268.7(a)&(a)(1) to the Federal code. Revision Checklist 157 removed 268.7(a)(1), redesignated 268.7(a) as 268.7(a)(1), and introduced a new 268.7(a).
- 17 Revision Checklist 34 originally introduced 268.7(a)(2)(i) intro through 268.7(a)(2)(ii). Revision Checklist 137 made amendments to 268.7(a)(2)(i) intro, (i)(A), (i)(C), and (i)(D). Revision Checklists 39, 78, 83, 137, and 151 made amendments to 268.7(a)(2)(i)(B). Revision Checklists 39 and 137 made amendments to 268.7(a)(2)(ii). Revision Checklist 157 later removed these paragraphs. Revision Checklist 167B added new paragraph 268.7(a)(2)(i) and reserved 268.7(a)(2)(ii).
- 18 Revision Checklist 167B completely revised this paragraph. Note that there is a typographical error in the Federal Register article for Revision Checklist 167; the reference to “information in “268.7(a)(3) of the Generator” should be “information in column ‘268.7(a)(3)’ of the Generator”.
- 19 The addition of 268.7(a)(3)(iii) and the revisions to 268.49(c)(1)(A)&(B) are not optional for States that have adopted the optional treatment standards for contaminated soils addressed by Revision Checklist 167B. States having these treatment standards are required to make the revisions of Revision Checklist 183.
- 20 Note that the rule addressed by Revision Checklist 78 (55 FR 22520) makes it appear as if 268.7(a)(3)(iii)-(v) were removed (see page 22687). This was an error and these subparagraphs should remain in the code. Note that there is a typographical error in the Federal Register article for Revision Checklist 109. The instructions preceding 268.7 (on page 57 FR 37270) incorrectly say 268.7(a)(3)(vi) is added. It is a new 268.7(a)(3)(v) which is added and the old 268.7(a)(3)(v) is redesignated as 268.7(a)(3)(vi).
- 21 Revision Checklist 34 introduced 268.7(a)(4) to the Federal code. Revision Checklist 50 redesignated 268.7(a)(4) as 268.7(a)(5) and introduced a new 268.7(a)(4). Revision Checklist 157 redesignated and revised 268.7 (a)(4)-(8) as 268.7 (a)(5)-(9) and introduced a new 268.7(a)(4).
- 22 There is a typographical error in the Table at 268.7(a)(4). At the #8 entry, “complies with_“ should be “complies with]”.

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 as of **December 31, 2002** (cont'd)

- 23 Initially, subparagraphs 268.7(a)(4)(i)-(iv) were introduced into the code by Revision Checklist 50. Revision Checklist 78 completely changed the text of (a)(4)(i)-(iii) and removed (a)(4)(iv). Revision Checklist 157 revised and redesignated 268.7(a)(4)(i)-(iii) as 268.7(a)(5)(i)-(iii).
- 24 Revision Checklists 50 and 78 originally introduced 268.7(a)(6)-(9) to the Federal code. Revision Checklist 83 inserted a new 268.7(a)(6) and redesignated the old 268.7(a)(6)-(9) as 268.7(a)(7)-(10). Revision Checklist 137 revised 268.7(a) by removing and reserving (a)(9). Revision Checklist 157 redesignated 268.7(a)(5)-(8) as 268.7(a)(6)-(9).
- 25 This code is part of the optional requirements for the alternate treatment standards for lab packs under the Third Third Scheduled Waste Rule. If adopted, all of the requirements (i.e., 264.316(f), 265.316(f), 268.7(a)(8), 268.7(a)(9), 268.42(c), 268.42(c)(1)-(4), and Appendices IV and V to Part 268) related to these alternate treatment standards must be adopted.
- 26 Although 267.1(a)(10) was included on Revision Checklist 157 (62 FR 25998-26040), no changes were made to that paragraph.
- 27 Revision Checklist 34 introduced 268.7(b)(1) & (2) to the Federal code. New provisions were introduced by Revision Checklist 50 at 268.7(b)(1), (2), & (3). The old 268.7(b)(1) & (2) were redesignated as 268.7(b)(4) and (5), respectively, by that same checklist. The redesignated 268.7(b)(4) & (5) have subsequently been revised by various other checklists including the addition of new subparagraphs to 268.7(b)(5).
- 28 Revision Checklist 157 removed 268.7(b)(2) and revised and redesignated 268.7(b)(3)-(7) as 268.7(b)(2)-(6).
- 29 In addition to the redesignation of 268.7(b)(4) as 268.7(b)(3), Revision Checklist 157 revised the requirements which had been at 268.7(b)(4)(i)-(iv) as 268.7(b)(3)(i)&(ii); thus removing 268.7(b)(3)(iii)&(iv).
- 30 In the redesignation of 268.7(b)(5) as 268.7(b)(4), Revision Checklist 157 revised 268.7(b)(5)(i)-(v) as 268.7(b)(4)(i)-(iii); thus removing 268.7(b)(4)(iv)&(v). Revision Checklist 167C added new paragraphs at 268.7(b)(4)(iv)&(v).
- 31 This paragraph was originally 268.7(b)(8) when it was entered into the code by Revision Checklist 50, but it was redesignated as 268.7(b)(7) by Revision Checklist 78 because the old 268.7(b)(7) and 268.7(b)(7)(i)-(iv) were removed by Revision Checklist 78. Revision Checklist 66 corrected 268.7(b)(8) before it was redesignated by Revision Checklist 78. The paragraph was redesignated as 268.7(b)(6) by Revision Checklist 157.
- 32 Revision Checklist 167C incorrectly changed the internal reference at 268.7(b)(6) from "266.20(b)" to "268.20(b)". There is no 40 CFR 268.20(b); therefore, the original reference appears to have been correct and should be retained.
- 33 The notice, certification and test requirements currently found in Federal code at 268.7(c)(1) and (c)(2) were originally addressed in paragraph 268.7(c), as introduced into the code by Revision Checklist 34. 268.7(c) was subsequently modified by Revision Checklists 39, 50, and 157. Revision Checklist 39 added the testing requirements now found at 268.7(c)(2); although at the time, these requirements were still designated as 268.7(c). It was Revision Checklist 50 that significantly revised the paragraph so that the notice and certification requirements now appear at (c)(1) and the testing requirements appear at (c)(2). The checklist reference column, then, includes all relevant checklists for 268.7(c)(1) and (c)(2), rather than just Revision Checklist 50 which primarily affected the formatting changes.

CONSOLIDATED CHECKLIST C8
40 CFR Part 268 as of **December 31, 2002** (cont'd)

- 34 Subparagraphs 268.7(c)(3) and (c)(4), introduced into the code by Revision Checklists 50 and 66, respectively, were removed from the code by Revision Checklist 78.
- 35 Note that the CFR has incorrectly omitted subparagraphs 268.7(d)(1)(i)-(iii) beginning with the July 1, 1995 edition. The January 3, 1995 rule (60 FR 242-302), addressed by Revision Checklist 137, revised the text of 268.7(d)(1). This rule, however, did not revise or remove the text at (d)(1)(i)-(iii) as introduced by the August 18, 1992, rule (57 FR 37194-37282) addressed by Revision Checklist 109.
- 36 This entire section was removed and reserved by Revision Checklist 151. Note, however, that there are numerous internal references to this section throughout the CFR that were not removed.
- 37 The rule addressed by Revision Checklist 78 introduced the original text of 268.9(d)(1)(i)-(iii). The rules addressed by Revision Checklists 83 and 109 subsequently revised the language at (d)(1)(ii) and (d)(1)(i)-(iii) respectively. Then the rule addressed by Revision Checklist 137 revised (d)(1)(i)-(ii) again and removed (d)(1)(iii).
- 38 The rest of Subpart B is not included in this checklist because it deals with the schedule with which EPA will restrict wastes from land disposal. States do not need to adopt those sections (i.e., 268.10-268.13).
- 39 Revision Checklist 157 changed the title of this section from "Waste Specific Prohibitions – Solvent Wastes" to "Waste Specific Prohibitions – Wood Preserving Wastes". The provisions regarding solvent wastes were replaced with provisions regarding wood preserving wastes.
- 40 The 268.30(a) introduction appeared in the final rule addressed by Revision Checklist 50, but was not changed by that rule. See Revision Checklist 50 for more information.
- 41 Revision Checklist 34 introduced 268.30(c) and 268.30(c)(1)-(3) to the Federal code. Revision Checklist 50 redesignated them as 268.30(d) and 268.30(d)(1)-(3) and inserted a new paragraph at 268.30(c).
- 42 Revision Checklist 157 redesignated 268.30(d)(3) as 268.30(d)(4) and added new provisions at 268.30(d)(3).
- 43 Revision Checklist 34 introduced 268.31(b) and 268.31(b)(1)-(3) to the Federal code. Revision Checklist 50 redesignated them as 268.31(d) and 268.31(d)(1)-(3) and inserted a new paragraph at 268.31(b).
- 44 Originally, 268.32 dealt with "Waste Specific Prohibitions – California List Wastes" (added by Revision Checklist 39 and amended by Revision Checklists 50 and 66), but pursuant to Revision Checklist 157 (62 FR 25998, 26022; May 12, 1997), the section was removed and reserved effective August 11, 1997. Revision Checklist 190 (65 FR 81373; December 26, 2000) added a new 268.32.
- 45 Originally, 268.33 dealt with "Waste Specific Prohibitions – First Third Wastes" (added by Revision Checklist 50 and amended by Revision Checklists 66 and 83), but pursuant to Revision Checklist 157 (62 FR 25998, 26022; May 12, 1997), the section was removed and reserved effective August 11, 1997. Revision Checklist 165 (63 FR 24596; May 4, 1998-- Withdrawn see pre-note 6) added a new section at 268.33 while Revision Checklist 185 (65 FR 12378; March 8, 2000) removed and reserved 268.33. Revision Checklist 189 (65 FR 67068; November 8, 2000) added a new 268.33.

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40 CFR Part 268 as of **December 31, 2002** (cont'd)

- 46 Originally, 268.34 dealt with “Waste Specific Prohibitions – Second Third Wastes” (added by Revision Checklist 63), but was removed and reserved by Revision Checklist 157 (62 FR 26022; May 12, 1997) effective August 11, 1997. Revision Checklist 167A (63 FR 28556; May 26, 1998) added a new section at 268.34.
- 47 Revision Checklist 172 (63 FR 48124; September 9, 1998) introduced a new provision at 268.34(b) and redesignated 268.34(b)-(e), introduced into the code by Revision Checklist 167A (63 FR 28556; May 26, 1998), as 40 CFR 268.34(c)-(f).
- 48 Originally, 268.35 dealt with “Waste Specific Prohibitions – Third Third Wastes” (added by Revision Checklist 78 and amended by Revision Checklists 83, 103, 106, 116 and 123), but pursuant to Revision Checklist 157 (62 FR 25998, 26022; May 12, 1997), the section was removed and reserved effective August 11, 1997. Revision Checklist 169 (63 FR 42110; August 6, 1998) added a new section at 268.35.
- 49 Originally, 268.36 dealt with “Waste Specific Prohibitions – Newly Listed Wastes” (added by Revision Checklist 109), but pursuant to Revision Checklist 157 (62 FR 25998, 26022; May 12, 1997), the section was removed and reserved effective August 11, 1997. **Revision Checklist 195 (66 FR 58258; November 20 2001 and 67 FR 17119; April 9, 2002) added a new 268.36.**
- 50 This section was originally introduced by the April 8, 1996 rule of Revision Checklist 151 (61 FR 15566). It was completely withdrawn and re-introduced as revised by the April 8, 1996 rule of Revision Checklist 151 (61 FR 15660).
- 51 There is a typographical error in the Federal Register article for the April 8, 1996 rule of Revision Checklist 151 (61 FR 15660); “268.40)).” should be “268.40).”).
- 52 There are two typographical errors in the August 26, 1996 rule addressed by Revision Checklist 151 (61 FR 43924): “biodegradation as defined by the technolgy code BIODG” should be “biodegradation as defined by the technology code BIODG”.
- 53 Revision Checklist 170 (63 FR 46332; August 21, 1998) first introduced a provision at 268.40(i). Revision Checklist 171 (63 FR 47410; September 4, 1998) subsequently introduced a new paragraph, also designated 40 CFR 268.40(i). Revision Checklist 179 (64 FR 25408; May 11, 1999) appears to have redesignated the provision introduced by Revision Checklist 171 as 268.40(j). (Note that in the amendatory instruction, the FR notice states that the *first* provision designated 40 CFR 268.40(i) should be redesignated. Since the rule revises the provision introduced by the August 21, 1998 rule as 268.40(i), it appears that the *second* provision (the September 4, 1998 rule) designated 40 CFR 268.40(i) should be redesignated as 268.40(j).) This was corrected by Revision Checklist 183. **Revision Checklist 200 (67 FR 48393; July 24, 2002) removed and reserved the provision at 268.40(i) added by Revision Checklist 170.**
- 54 This table was introduced by CL 137, (59 FR 47982, September 19, 1994), and amended by 60 FR 242 (January 3, 1995). The table was replaced in the April 8, 1996 rule of Revision Checklist 151 (61 FR 15566), and amended by the April 8, 1996 (61 FR 15660), April 30, 1996 (61 FR 19117), June 28, 1996 (61 FR 35680), July 10, 1996 (61 FR 36419), August 26, 1996 (61 FR 43924) and February 19, 1997 (62 FR 7502) rules of Revision Checklist 151. The table was again replaced in the May 26, 1998 rule (63 FR 28556; Revision Checklist 167A).
- 55 The CAS number for U408 which is listed on 63 FR 2838 should be “118-79-6” instead of “111-79-6” as printed.

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40 CFR Part 268 as of **December 31, 2002** (cont'd)

- 56 Note that the August 6, 1998 rule (Revision Checklist 169) republished the appropriate footnotes to the Table of Treatment Standards at 40 CFR 268.40 without change.
- 57 Note that on pages 47416-47417 of the September 4, 1998 rule (Revision Checklist 171) “mg/l” has been erroneously expressed as “mg/L” throughout the table “Treatment Standards for Hazardous Wastes” and throughout the footnotes to the table. Milligrams per liter is correctly abbreviated as “mg/l”.
- 58 The September 4, 1998 rule (Revision Checklist 171) inadvertently revised footnote 11 of the table “Treatment Standards for Hazardous Wastes” to “mg/L TCLP”. The correct version of footnote 11 is found in the May 26, 1998 FR notice (63 FR 28738; Revision Checklist 167).
- 59 Note that in addition to adding a new footnote 12 to the table at 268.40, the November 8, 2000 rule (Revision Checklist 189) also republished footnotes 1-5 and 11. The only changes to these footnotes were revising upper case “Part” and “Subpart” to lower case “part” and “subpart” in footnotes 5 and 11. **Revision Checklist 195 (66 FR 58258, November 20, 2001; 67 FR 17119, April 9, 2002) reprints footnotes 1-5 and 11 to the table without change.**
- 60 There is an error in the November 8, 2000 rule (Revision Checklist 189). On page 67128 of the FR notice, for F039, the nonwastewater concentration for 1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD) is incorrectly listed as 0.0025. As verified by the RCRA Hotline on 9/20/01, the correct concentration limit is 0.005.
- 61 Revision Checklist 137 removed 268.41(a), (b), and (c).
- 62 Revision Checklist 167C removed subparagraphs at 40 CFR 268.42(a)(1)-(a)(3). Beginning with the 1998 version, the CFR contains an error in that these paragraphs were not removed.
- 63 Subparagraph 268.42(a)(3) was introduced into the code by Revision Checklist 63. Revision Checklist 78 removed this paragraph and Revision Checklist 83 added a new 268.42(a)(3). Revision Checklist 167C removed 268.42(a)(3).
- 64 Subparagraph 268.42(a)(4) was introduced into the code by Revision Checklist 63 and removed by Revision Checklist 78.
- 65 Revision Checklist 137 removed Tables 2 and 3 from § 268.42.
- 66 The 55 FR 22520, June 1, 1990 rule incorrectly states that subparagraph 268.42(e) is added. The Federal Register did not contain a 268.42(e); it only added 268.42(d).
- 67 Revision Checklist 137 revised the introductory paragraph of § 268.43 and removed paragraphs 268.43(a), (b), and (c).
- 68 Revision Checklist 167B redesignated 268.44(h)(3) as 268.44(h)(5) and added new paragraphs at 268.44(h)(3)&(4).
- 69 Note that 268.44(o) was added to the Federal code by a March 25, 1991 rule at 56 FR 12351. The March 25, 1991 rule also added and reserved paragraphs 268.44(m) and (n). Due to the limited applicability of this variance, no revision checklist was necessary for this rule. Revision Checklist 157 made changes to 268.44(o) and is included in this

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40 CFR Part 268 as of **December 31, 2002** (cont'd)

consolidated checklist for completeness. Revision Checklist 162 added a new paragraph at 268.44(m), redesignated 268.44(m)-(o) as 268.44(n)-(p), and removed the provision at 268.44(p) [formerly 268.44(o)].

- 70 Revision Checklist 137 removed Table 1 from § 268.46.
- 71 This table was completely replaced in the May 26, 1998 rule (63 FR 28556; Revision Checklist 167A). The revised numerical Universal Treatment Standards (UTS) for metal constituents Barium, Lead, Selenium, Beryllium, Nickel, Thallium, and Vanadium are less stringent (†) than existing standards and are optional for State adoption. The revised UTS for Cadmium, Chromium, Silver, Antimony, and Zinc are more stringent. The UTS for Mercury is printed in the rule because of the ongoing discussion regarding changing the standards; however, at this time the UTS for Mercury remains unchanged.
- 72 Note that there is no change to the 2,4,6-tribromophenol entry in the UTS Table in 268.48, although that table has been revised to reflect the new UTS for metal constituents by Revision Checklist 167A.
- 73 Note that although the amendatory language states the footnotes are republished without change, “mg/l” is incorrectly revised to “mg/L” in footnote 2. Also note that lower case “part” and “subpart” were incorrectly revised to upper case “Part” and “Subpart” in footnote 3. States should not adopt these revisions.
- 74 The entire section 268.49 was added by 63 FR 28556 (May 26, 1998; optional Revision Checklist 167B).
- 75 There is a typographical error in the December 26, 2000 rule (65 FR 81373; Revision Checklist 190). “PCBs are not constituent subject to treatment” should be “PCBs are not a constituent subject to treatment”.
- 76 In the November 30, 1998 rule (63 FR 65874; Revision Checklist 175), there appears to be an omission in 268.50(g). The word “section” should follow “prohibition and requirements in this”.
- 77 The amendatory language in the December 26, 2000 rule (65 FR 81373; Revision Checklist 190) erroneously states “Appendix III to Part 268 is added to subpart C”. Appendix III should instead be added to the section reserved for it at the end of Part 268.
- 78 Revision Checklist 137 removed and reserved Appendix V to Part 268.
- 79 In the preamble to the June 8, 2000 rule, it states that the Agency neglected to delete the reference to U408 in Appendix VII of 40 CFR Part 268 in the March 17, 2000 rule (65 FR 14472; Revision Checklist 185). However, there was no entry for U408 in that Appendix. The actual amendment for the rule incorrectly removes the entry for U048 from Appendix VII to 40 CFR Part 268. Therefore, States should not adopt any changes to this Appendix made by Revision Checklist 187. This error was corrected by Revision Checklist 192B (66 FR 27266, May 16, 2001).
- 80 Note that there is an error in the Federal Register notice which introduced the Revision Checklist 157 revisions at 62 FR 26037. The title for Appendix VIII should be listed as “National Capacity LDR Variances for UIC Wastes” but is incorrectly listed as “LDR Effective Dates of Surface Disposed Prohibited Hazardous Wastes”. This error appears in the CFR beginning with the July 1, 1997 edition. Revision Checklist 167C also lists the incorrect title with this appendix.

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40 CFR Part 268 as of **December 31, 2002** (cont'd)

- ⁸¹ Appendix IX to Part 268 was originally introduced to the Federal code by the January 31, 1991 Federal Register (56 FR 3864; Revision Checklist 83), and then the August 31, 1993 Federal Register (58 FR 46040, Revision Checklist 126) replaced the entire appendix with a note referencing "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", as incorporated by reference in §260.11.