

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
SUBPART A - GENERAL							
PURPOSE, SCOPE, AND APPLICABILITY							
part provides definition of terms, general standards, and overview information	*, 34	260.1(a)					
purpose of 260.2	*, 34	260.1(b)(1)					
purpose of 260.3	*, 34	260.1(b)(2)					
purpose of 260.10	*, 34	260.1(b)(3)					
purpose of 260.20	*, 34	260.1(b)(4)					
purpose of 260.21	*	260.1(b)(5)					
purpose of 260.22	*	260.1(b)(6)					
† AVAILABILITY OF INFORMATION; CONFIDENTIALITY OF INFORMATION							
†1 availability of information to the public	*, 29, 34, 152, 231, 238	260.2					
USE OF NUMBER AND GENDER							
use of number and gender in 260-265 and 268	*, 34	260.3					
masculine includes feminine and neuter	*	260.3(a)					
words in singular include plural	*	260.3(b)					
words in plural include singular	*	260.3(c)					
MANIFEST COPY SUBMISSION REQUIREMENTS FOR CERTAIN INTERSTATE WASTE SHIPMENTS							
designated facility that receives the waste shall	239	260.4(a)					
2 receiving facility manifest requirements	239	260.4(a)(1)					
		260.4(a)(2)					
		260.4(a)(3)					
		260.4(a)(4)					
APPLICABILITY OF ELECTRONIC MANIFEST SYSTEM AND USER FEE REQUIREMENTS							
“state-only regulated waste”	239	260.5(a)					
non-RCRA waste that a state regulates more broadly	239	260.5(a)(1)					
RCRA hazardous waste that is federally exempt from manifest requirements	239	260.5(a)(2)					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
receiving facility receiving waste shipment for management shall	239	260.5(b)					
comply with provisions of §§264.71 and 264.72	239	260.5(b)(1)					
2 pay the appropriate e-Manifest fee	239	260.5(b)(2)					

SUBPART B – DEFINITIONS

DEFINITIONS

terms have the following meanings throughout 260 through 273	*, 34, 85, †142A, ††175, 237	260.10 intro					
“above ground tank”	28	260.10					
“Act” or “RCRA”	*	260.10					
“active life”	24	260.10					
“active portion”	*	260.10					
“acute hazardous waste”	237	260.10					
“Administrator”	*	260.10					
“ancillary equipment”	28	260.10					
“AES filing compliance date”	236	260.10					
“aquifer”	*	260.10					
“authorized representative”	*	260.10					
† “battery”	142 B	260.10					
“boiler”	13	260.10					
		260.10(1)(i)					
		260.10(1)(ii)					
		260.10(1)(iii)					
		260.10(1)(iv)					
260.10(2)							
“carbon dioxide stream”	† 230	260.10					
“carbon regeneration unit”	85	260.10					
“cathode ray tube”	† 215	260.10					
“central accumulation area”	237	260.10					
“certification”	*	260.10					
“closed portion”	*	260.10					
“component”	28	260.10					
“confined aquifer”	*	260.10					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
“contained”	233B	260.10					
		260.10(1)					
		260.10(2)					
		260.10(3)					
		260.10(4)					
“container”	*	260.10					
“containment building”	109	260.10					
“contingency plan”	*	260.10					
3 “corrective action management unit (CAMU)” [Removed]	†121, †175, 196	260.10					
“corrosion expert”	28	260.10					
“CRT collector”	†215	260.10					
“CRT exporter”	232	260.10					
“CRT glass manufacturer”	†215	260.10					
“CRT processing”	†215	260.10					
4 “designated facility”	*, †13, 71, 207	260.10					
† “destination facility”	142 A	260.10					
“dike”	*	260.10					
“dioxins and furans (D/F)”	182	260.10					
“discharge” or “hazardous waste discharge”	*	260.10					
“disposal”	*	260.10					
“disposal facility”	*, †121	260.10					
“drip pad”	82	260.10					
“electronic import-export reporting compliance date”	236	260.10					
5 “electronic manifest (or e-Manifest)”	231	260.10					
5 “electronic manifest system (or e-Manifest system)”	231	260.10					
“elementary neutralization unit”	*, 52	260.10					
		260.10(1)					
		260.10(2)					
“EPA hazardous waste number”	*	260.10					
“EPA identification number”	*	260.10					
“EPA region”	*	260.10					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
“equivalent method”	*	260.10					
“existing hazardous waste management (HWM) facility” or “existing facility”	*	260.10					
		260.10(1)					
		260.10(2)(i)					
“existing facility”	*	260.10(2)(ii)					
“existing portion”	*	260.10					
“existing tank system” or “existing component”	28	260.10					
“explosives or munitions emergency”	156	260.10					
“explosives or munitions emergency response”	156	260.10					
“explosives or munitions emergency response specialist”	156	260.10					
6 “facility”	*, †121	260.10					
	*, †121, †219	260.10(1)					
	*, †121, †210	260.10(2)					
	†175	260.10(3)					
“Federal agency”	*	260.10					
“Federal, State and local approvals or permits necessary to begin physical construction”	*	260.10					
7 “final closure”	24	260.10					
“food-chain crops”	*	260.10					
“free liquids”	*	260.10					
“freeboard”	*	260.10					
8 “gasification” [Removed]	†216, 234	260.10					
“generator”	*	260.10					
“ground water”	*	260.10					
“hazardous secondary material”	†219, 233B	260.10					
9 “hazardous secondary material generated and reclaimed under the control of the generator” [Removed]	†219, 233D1, 233D2	260.10					
6 “hazardous secondary material generator”	†219	260.10					
“hazardous waste”	*	260.10					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
“hazardous waste constituent”	*	260.10					
“hazardous waste management unit”	24	260.10					
“in operation”	*	260.10					
“inactive portion”	*	260.10					
“incinerator”	*, 13, 85	260.10					
		260.10(1)					
		260.10(2)					
“incompatible waste”	*, 214	260.10					
		260.10(1)					
		260.10(2)					
“individual generation site”	*	260.10					
“industrial furnace”	13, 85	260.10					
		260.10(1)					
		260.10(2)					
		260.10(3)					
		260.10(4)					
		260.10(5)					
		260.10(6)					
		260.10(7)					
		260.10(8)					
		260.10(9)					
		260.10(10)					
		260.10(11)					
		260.10(12)					
		260.10(13)					
		260.10(13)(i)					
		260.10(13)(ii)					
		260.10(13)(iii)					
		260.10(13)(iv)					
260.10(13)(v)							
260.10(13)(vi)							
“infrared incinerator”	85, 111	260.10					
“inground tank”	28	260.10					
“injection well”	*	260.10					
“inner liner”	*	260.10					
“installation inspector”	28	260.10					
6 “intermediate facility”	† 219	260.10					
“international shipment”	*	260.10					
“large quantity generator”	237	260.10					
†, 10 “lamp”	181	260.10					

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				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
“landfill”	*, 45, †121	260.10					
“landfill cell”	*	260.10					
6 “land-based unit”	†219	260.10					
“land treatment facility”	*	260.10					
“leachate”	*	260.10					
“leak detection system”	28	260.10					
“liner”	*	260.10					
“management” or “hazardous waste management”	*	260.10					
“manifest”	*, 5, 207, 231	260.10					
11 “manifest document number” [Removed]	*, 5, 207	260.10					
11 “manifest tracking number”	207	260.10					
“mercury-containing equipment”	†209	260.10					
“military munitions”	156	260.10					
“mining overburden returned to the mine site”	*	260.10					
“miscellaneous unit”	45, 109, †121, †175	260.10					
“movement”	*	260.10					
“new hazardous waste management facility” or “new facility”	*, †223	260.10					
“new tank system” or “new tank component”	28	260.10					
“no free liquids”	†229	260.10					
“non-acute hazardous waste”	237	260.10					
“on ground tank”	28	260.10					
“on-site”	*	260.10					
“open burning”	*	260.10					
		260.10(1)					
		260.10(2)					
		260.10(3)					
“operator”	*	260.10					
“owner”	*	260.10					
“partial closure”	*, 24	260.10					

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				EQUIV-ALENT	LESS STRIN-GENT	MORE STRIN-GENT	BROADER IN SCOPE
† “ performance track member facility ” [Removed]	†213, 237	260.10					
“person”	*	260.10					
“personnel” or “facility personnel”	*, 214	260.10					
† “pesticide”	142 C	260.10					
		260.10(1)					
		260.10(2)					
		260.10(3)					
“pile”	*, 109	260.10					
“plasma arc incinerator”	85, 111	260.10					
“point source”	*	260.10					
“publicly owned treatment works” or “POTW”	*	260.10					
† “qualified ground-water scientist”	99	260.10					
“ recognized trader ”	236	260.10					
“Regional Administrator”	*	260.10					
† “ remanufacturing ”	233E	260.10					
“remediation waste”	†121, †175, 196	260.10					
† “remediation waste management site”	175	260.10					
“replacement unit”	100	260.10					
“representative sample”	*	260.10					
“run-off”	*	260.10					
“run-on”	*	260.10					
“saturated zone” or “zone of saturation”	*	260.10					
“sludge”	*	260.10					
“sludge dryer”	85	260.10					
“Small Quantity Generator”	23, 237	260.10					
“solid waste”	*	260.10					
“ solvent-contaminated wipes ”	†229	260.10					
“sorbent”	118	260.10					
† “staging pile”	175	260.10					
“State”	*	260.10					
“storage”	*	260.10					

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“sump”	28, 100	260.10					
“surface impoundment” or “impoundment”	*	260.10					
“tank”	*	260.10					
“tank system”	28	260.10					
“TEQ”	182	260.10					
“thermal treatment”	*	260.10					
† “thermostat”	142 D	260.10					
“totally enclosed treatment facility”	*	260.10					
6 “transfer facility”	*, †219	260.10					
“transport vehicle”	*	260.10					
“transportation”	*	260.10					
“transporter”	*	260.10					
†		260.10					
“treatability study”	49	260.10(1)					
		260.10(2)					
		260.10(3)					
		260.10(4)					
		260.10(5)					
“treatment”	*	260.10					
“treatment zone”	*	260.10					
“underground injection”	*	260.10					
“underground tank”	28	260.10					
“unfit-for-use tank system”	28	260.10					
10, 12	†142 A, †181	260.10					
“universal waste”	†142 B, †181	260.10(1)					
	†142 C, †181, 214	260.10(2)					
	†142 D, †181, † 209	260.10(3)					
	†181	260.10(4)					
†		260.10					
“universal waste handler”	142 A	260.10(1)					
		260.10(1)(i)					
		260.10(1)(ii)					
		260.10(2)					
		260.10(2)(i)					
		260.10(2)(ii)					

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† “universal waste transporter”	142 A	260.10					
“unsaturated zone” or “zone of aeration”	*	260.10					
“United States”	*	260.10					
“uppermost aquifer”	*	260.10					
“used oil”	112, 214	260.10					
5 “user of the electronic manifest system”	231	260.10					
		260.10(1)					
		260.10(1)(i)					
		260.10(1)(ii)					
		260.10(2)					
		260.10(3)					
“very small quantity generator”	237	260.10					
“vessel”	*	260.10					
“wastewater treatment unit”	*, 52	260.10					
		260.10(1)					
		260.10(2)					
		260.10(3)					
“water (bulk shipment)”	*	260.10					
“well”	*	260.10					
“well injection”	*	260.10					
“wipe”	†229	260.10					
“zone of engineering control”	28	260.10					
13,14 INCORPORATION BY REFERENCE							
15 “Parts 260 through 268 and 278”	*, †208, †212	260.11(a)					
[Removed]	79, 158	260.11(a) [no designation, duplicate entry removed]					
[Removed]	73, 126	260.11(a) [no designation, was “47 analytical test methods”]					
Materials available from American Society for Testing and Materials	†208	260.11(b)					

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references available at Office of the Federal Register; approved by director; incorporation and changes [Removed]	*, 154, † 208	260.11(b)					
“ASTM D-93-79 or D-93-80 , Standard Test Methods for Flash Point by Pensky-Martens Closed Tester”	*, 158, † 208	260.11(b)(1)					
“ASTM D-1946-82 , Standard Method for Analysis of Reformed Gas by Gas Chromatography”	79, 158, † 208	260.11(b)(2)					
“ASTM D 2267-88 , Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography”	79, 158, † 208	260.11(b)(3)					
“ASTM D 2382-83 , Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method)”	79, 158, † 208	260.11(b)(4)					
“ASTM 2879-92 , Standard Test Method for Vapor Pressure-- Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope”	154, 158, † 208	260.11(b)(5)					
“ASTM D-3278-78 , Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”	*, 158, † 208	260.11(b)(6)					
“ASTM E 168-88 , Standard Practices for General Techniques of Infrared Quantitative Analysis”	79, 158, † 208	260.11(b)(7)					

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“ASTM E 169–87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis”	79, 154, 158, 208	260.11(b)(8)					
“ASTM E 260–85, Standard Practice for Packed Column Gas Chromatography”	79, 158, 208	260.11(b)(9)					
“ASTM E 926–88, Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals,” ASTM Standard E926-88, Test Method C-Bomb, Acid Digestion Method	126, 158, † 208	260.11(b)(10)					
Materials available from National Technical Servicer	† 208	260.11(c)					
“APTI Course 415: Control of Gaseous Emissions”	79, 158, † 208 , † 210 , † 212	260.11(c)(1)					
“Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry”	180, 208	260.11(c)(2)					
Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Third Edition	*, 11, 35, 67, 126, 128, 132, 139, 141, 158, 180, 193, † 208	260.11(c)(3)					

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Method 0010	†208	260.11(c)(3)(i)					
Method 0020		260.11(c)(3)(ii)					
Method 0030		260.11(c)(3)(iii)					
Method 1320		260.11(c)(3)(iv)					
Method 1311		260.11(c)(3)(v)					
Method 1330A		260.11(c)(3)(vi)					
15 Method 1312		260.11(c)(3)(vii)					
Method 0011		260.11(c)(3)(viii)					
Method 0023A		260.11(c)(3)(ix)					
Method 0031		260.11(c)(3)(x)					
Method 0040		260.11(c)(3)(xi)					
Method 0050		260.11(c)(3)(xii)					
Method 0051		260.11(c)(3)(xiii)					
Method 0060		260.11(c)(3)(xiv)					
Method 0061		260.11(c)(3)(xv)					
Method 9071B		260.11(c)(3)(xvi)					
Method 1010A		260.11(c)(3)(xvii)					
Method 1020B		260.11(c)(3)(xviii)					
Method 1110A		260.11(c)(3)(xix)					
Method 1310B		260.11(c)(3)(xx)					
Method 9010C		260.11(c)(3)(xxi)					
Method 9012B		260.11(c)(3)(xxii)					
Method 9040C		260.11(c)(3)(xxiii)					
Method 9045D		260.11(c)(3)(xxiv)					
Method 9060A		260.11(c)(3)(xxv)					
Method 9070A		260.11(c)(3)(xxvi)					
Method 9095B	†208, †210	260.11(c)(3)(xxvii)					
Materials available from the National Fire Protection Association.	†208	260.11(d)					
“Flammable and Combustible Liquids Code”	*, 158, †208, †210, 237	260.11(d)(1)					
[Reserved]	†208	260.11(d)(2)					
Materials available from American Petroleum Institute.	†208	260.11(e)					
API Publication 2517, Third Edition, February 1989, “Evaporative Loss from External Floating-Roof Tanks	154, 158, †208	260.11(e)(1)					
[Reserved]	†208	260.11(e)(2)					

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Materials available from Environmental Protection Agency.	†208	260.11(f)					
“Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised”, October 1992, EPA Publication No. EPA-450/R-92-019	85, 125, 158, †208	260.11(f)(1)					
[Reserved]	†208	260.11(f)(2)					
Materials available from Organization for Economic Cooperation and Development, Environment Directorate.	†208, 236	260.11(g)					
Guidance manual for the control of transboundary movements of recoverable wastes	152, †208, 236	260.11(g)(1)					
[Reserved]	†208, 236	260.11(g)(2)					

SUBPART C - RULEMAKING PETITIONS

† GENERAL

petition to modify or revoke any provision in Parts 260-266, 268 and 273; purpose of 260.21 and 260.22	*, †34, 111, †142 E	260.20(a)					
submission by certified mail and what each petition must contain	*	260.20(b)					
		260.20(b)(1)					
		260.20(b)(2)					
		260.20(b)(3)					
Administrator makes tentative decision to grant or deny; notice of decision	*	260.20(c)					
		260.20(d)					
informal public hearing	*	260.20(d)					
final decision by Administrator	*	260.20(e)					

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† PETITIONS FOR EQUIVALENT TESTING OR ANALYTICAL METHODS							
petitions for a regulatory amendment to add testing or analytical methods; what must be demonstrated to the Administrator	*	260.21(a)					
what the petition must include	*	260.21(b)					
		260.21(b)(1)					
		260.21(b)(2)					
		260.21(b)(3)					
		260.21(b)(4)					
additional information	*	260.21(c)					
where an amendment for a new test method will be incorporated	*, 11, †208	260.21(d)					
† PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY							
petitions to exclude a waste at a particular generating facility	*, †17 B	260.22(a)					
	*, †17 B, 214	260.22(a)(1)					
	*, †17 B	260.22(a)(2)					
procedures for exclusion from 261.3(a)(2)(ii) or (c) for a waste described in these sections and listed in or derived from a waste in Subpart D; demonstration the petitioner must make; operation of 261, Subpart C	*, †17 B	260.22(b)					
waste listed with codes "I", "C", "R" or "E" in Subpart D	*, †17 B	260.22(c)					
		260.22(c)(1)					
	†17 B	260.22(c)(2)					

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waste listed with code "T" in Subpart D	*, †17 B	260.22(d)					
		260.22(d)(1)					
	*, †17 B, 126, †208	260.22(d)(1)(i)					
		260.22(d)(1)(ii)					
	†17 B	260.22(d)(2)					
		260.22(d)(3)					
260.22(d)(4)							
waste listed with an "H" code in Subpart D	*, †17 B	260.22(e)					
		260.22(e)(1)					
		260.22(e)(2)					
	†17 B	260.22(e)(3)					
		260.22(e)(4)					
reserved for listing radioactive waste	*	260.22(f)					
reserved for listing infectious waste	*	260.22(g)					
demonstration samples	*	260.22(h)					
what each petition must include in addition to 260.20(b) requirements	*	260.22(i)					
		260.22(i)(1)					
		260.22(i)(2)					
		260.22(i)(3)					
		260.22(i)(4)					
		260.22(i)(5)					
		260.22(i)(6)					
		260.22(i)(7)					
		260.22(i)(8)					
		260.22(i)(9)					
		260.22(i)(10)					
		260.22(i)(11)					
260.22(i)(12)							
additional information	*	260.22(j)					
waste to which exclusion applies	*	260.22(k)					
exclusion by Administrator of only part of waste for which demonstration was submitted	*	260.22(l)					
remove paragraph 260.22(m)	*, †17 B	260.22(m)					

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
† PETITIONS TO AMEND 40 CFR PART 273 TO INCLUDE ADDITIONAL HAZARDOUS WASTES							
persons seeking to add a hazardous waste or a category to Part 273 universal waste provisions may petition under 260.20, 260.23 and Part 273, Subpart G	142 E	260.23(a)					
what the petitioner must demonstrate to be successful; petition must include 260.20(b) information; petition must address 273.81 factors	142 E	260.23(b)					
Administrator will use 273.81 factors to evaluate and decide; factors on which the decision will be based	142 E	260.23(c)					
Administrator may request additional information	142 E	260.23(d)					
16† NON-WASTE DETERMINATIONS AND VARIANCES FROM CLASSIFICATION AS A SOLID WASTE							
6 materials the Administrator may determine are not solid wastes	13, 137, 219	260.30					
speculative accumulation	13	260.30(a)					
6 materials that are reclaimed and then reused	13, 137, 219	260.30(b)					
further reclamation	13	260.30(c)					
6 hazardous secondary materials reclaimed in a continuous industrial process	219	260.30(d)					
6 hazardous secondary materials indistinguishable	219	260.30(e)					
17 Removed	233D1,	260.30(f)					

6 Error!
Book mark not defined.

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
	233D2						
† STANDARDS AND CRITERIA FOR VARIANCES FROM CLASSIFICATION AS A SOLID WASTE							
speculative accumulation; standards and criteria on which Administrator's decisions will be based	13, 137	260.31(a)					
	13	260.31(a)(1)					
		260.31(a)(2)					
		260.31(a)(3)					
		260.31(a)(4)					
	260.31(a)(5)						
†18 returned to process; criteria on which Administrator's determination will be based	13, 137	260.31(b)					
	13	260.31(b)(1)					
	13, †213	260.31(b)(2)					
		260.31(b)(3)					
		260.31(b)(4)					
		260.31(b)(5)					
		260.31(b)(6)					
	260.31(b)(7)						
19 further reclamation; factors on which Regional Administrator's determination will be based	13, 233A	260.31(c)					
		260.31(c)(1)					
		260.31(c)(2)					
		260.31(c)(3)					
		260.31(c)(4)					
		260.31(c)(5)					
	13, 233A	260.31(c)(6), removed					
[Removed]	233D1, 233D2	260.31(d)					
† VARIANCE TO BE CLASSIFIED AS A BOILER							
case-by-case determination; criteria which must be considered	13, 137	260.32					
provisions for recovering and exporting thermal energy	13	260.32(a)					
integral design	13	260.32(b)					
efficiency of energy recovery	13	260.32(c)					
exported energy utilization	13	260.32(d)					
customary use as a "boiler"	13	260.32(e)					
other factors	13	260.32(f)					

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018 (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
16† PROCEDURES FOR VARIANCES FROM CLASSIFICATION AS A SOLID WASTE OR TO BE CLASSIFIED AS A BOILER, OR FOR NON-WASTE DETERMINATIONS							
6 procedures for evaluating applications	13, 137, 219	260.33					
6 where to apply and what the application must address	13, 137, 219	260.33(a)					
tentative decision; notice/public hearing; final decision	13, 137	260.33(b)					
regarding a change in circumstances, reapplication for determination that material meets 260.31, 260.32, or 260.34 criteria	219, 233A	260.33(c)					
variances and non-waste determinations effective for not more than 10 years	233A	260.33(d)					
facilities receiving variance must provide notification as required by 260.42	233A	260.33(e)					
† STANDARDS AND CRITERIA FOR NON-WASTE DETERMINATIONS							
6 applicant may apply for formal determination a hazardous secondary material is not discarded and therefore is not solid waste	219	260.34(a)					
6 state determines the hazardous secondary material meets the criteria	219	260.34(a)(1)					
6 state requests EPA review its determination	219	260.34(a)(2)					
6 EPA approves State determination	219	260.34(a)(3)					

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018 (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
6 when administrator may grant a non-waste determination for hazardous secondary material reclaimed in a continual industrial process	219	260.34(b) introductory paragraph					
6 management of hazardous secondary material is part of the continuous primary production process	219	260.34(b)(1)					
6 capacity of the production process, time frame and secondary material abandonment	219	260.34(b)(2)					
6 hazardous constituents in hazardous secondary material are reclaimed	219	260.34(b)(3)					
other relevant factors that demonstrate the hazardous secondary material is not discarded.	219, 233D1, 233D2	260.34(b)(4)					
6 non-waste determination may be granted if hazardous secondary material is indistinguishable from a product or intermediate	219	260.34(c) introductory paragraph					
6 market participants treat the hazardous secondary material as a product or intermediate rather than a waste	219	260.34(c)(1)					
6 chemical and physical identity of the hazardous secondary material is comparable to commercial products or intermediates	219	260.34(c)(2)					

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018 (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
6 capacity of the market would use the hazardous secondary material in a reasonable time frame	219	260.34(c)(3)					
6 hazardous constituents in the hazardous secondary material are reclaimed rather than released	219	260.34(c)(4)					
other relevant factors the hazardous secondary material is not discarded	219, 233D1, 233D2	260.34(c)(5)					
†, 20 ADDITIONAL REGULATION OF CERTAIN HAZARDOUS WASTE RECYCLING ACTIVITIES ON A CASE-BY-CASE BASIS							
case-by-case determination; factors which will be considered	13, 214	260.40(a)					
types of materials accumulated or stored	13	260.40(a)(1)					
method of accumulation or storage	13	260.40(a)(2)					
length of time	13	260.40(a)(3)					
release to the environment	13	260.40(a)(4)					
other factors	13	260.40(a)(5)					
†, 20 PROCEDURES FOR CASE-BY-CASE REGULATION OF HAZARDOUS WASTE RECYCLING ACTIVITIES							
procedures Regional Administrator will use for determination	13, 214	260.41					
notice to generator who is accumulating, setting forth factual basis for decision and 262 Subpart A, C, D & E compliance; public hearing; final order; appeals	13	260.41(a)					

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:				
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE	
accumulation as a storage facility; permit required; when to apply; ways to challenge decision; public comment period	13	260.41(b)						
† NOTIFICATION REQUIREMENT FOR HAZARDOUS SECONDARY MATERIALS								
hazardous secondary material generators, tolling contractors, toll manufacturers, reclaimers, and intermediate facilities managing hazardous secondary materials excluded from regulation	219, 233A	260.42(a)						
21 form notification requirements	219	260.42(a)(1)						
		260.42(a)(2)						
		260.42(a)(3)						
	219, 233A	260.42(a)(4)						
		260.42(a)(5)						
		260.42(a)(6)						
		260.42(a)(7)						
		260.42(a)(8)						
		260.42(a)(9)						
[Removed]	219, 233A	260.42(a)(10)						
notification when hazardous secondary material generator, tolling contractor, toll manufacturer, reclaimer or intermediate facility has submitted a notification, but then subsequently stops managing hazardous secondary materials	219, 233A	260.42(b)						
†,22 LEGITIMATE RECYCLING OF HAZARDOUS SECONDARY MATERIALS								
23 recycling must be legitimate	219, 233B	260.43(a)						

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018 (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 legitimate recycling must demonstrate hazardous secondary material provides a useful contribution	219, 233B	260.43(a)(1)					
useful contribution determination factors	219, 233B	260.43(a)(1)(i)					
		260.43(a)(1)(ii)					
		260.43(a)(1)(iii)					
		260.43(a)(1)(iv)					
		260.43(a)(1)(v)					
determination product or intermediate is valuable	219, 233B	260.43(a)(2)					
value determination factors	219, 233B	260.43(a)(2)(i)					
		260.43(a)(2)(ii)					
generator and the recycler should manage hazardous secondary material as a valuable commodity	219, 233B	260.43(a)(3)					
25 [Removed]	233B	260.43(a)(4)					
26 factors to consider when making a legitimacy determination	219, 233B	260.43(b)					
26 limitations for product of the recycling process	219, 233B	260.43(b)(1)					
		260.43(b)(1)(i)					
		260.43(b)(1)(ii)					
		260.43(b)(1)(iii)					
26 in legitimacy determination evaluate all factors and consider legitimacy as a whole	219, 233B	260.43(b)(2)					
26 [Removed]	219, 233B	260.43(c)					
APPENDIX I TO PART 260							
Appendix I [Removed]	*, †223	Appendix I					

† Optional

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018 (cont'd)

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- 1 40 CFR 260.2 is not required for authorization; therefore, states do not have to include 260.2 in their adoption of the federal regulations. The requirements for Availability of Information are found on the “Availability of Information” checklist for RCRA section 3006(f), but 260.2 is not included on that checklist. For details regarding changes to this provision, see the listed checklists for further information.
 - 2 **At 260.4(a)(4) and 260.5(b)(2), States must retain the term “EPA”.**
 - 3 The CAMU definition at 40 CFR § 260.10, introduced by Revision Checklist 121 (2/16/93; 58 FR 8658) and amended by Revision Checklist 175 (11/30/98; 63 FR 65874), was removed by Revision Checklist 196 (1/22/02; 67 FR 2962). Revision Checklist 196 also added the CAMU definition to the newly redesignated provision at 264.551(a) (previously 264.552(a)). For further details please refer to the Revision Checklist 196 summary and the checklist entry for 264.551(a).
 - 4 260.10 “Designated Facility” was part of the original base program regulations. It was subsequently amended by the final rules addressed by Revision Checklists 13 and 71. **The final rule addressed by Revision Checklist 207 revised the provision by splitting the existing paragraphs (1) and (2) into paragraph (1) with subparagraphs (i) thru (iv) and redesignating the last sentence of (2) as new paragraph (3). Newly added language related to generator sites designated on the manifest to receive its waste as a return has become the new paragraph (2).**
 - 5 **States cannot receive authorization to implement EPA’s national e-Manifest system; therefore, states must not replace language referring to “EPA” with state terms in the 260.10 definitions addressing electronic manifests.**
 - 6 **These provisions from 260.10, 260.30, 260.31, 260.33 were promulgated or amended by the October 30, 2008 final rule addressed by Revision Checklist 219 and are included on Revision Checklist 233D2; however, there were no changes to the provisions and they are not cited in the January 13, 2005 Federal Register notice.**
 - 7 **The 260.10 definition of “final closure” contains an internal reference error to 262.34. The final rule addressed by Revision Checklist 237 (81 FR 85732; November 28, 2016) removed and reserved 40 CFR 262.34 and incorporated the provisions into new sections of part 262. The reference to “§ 262.34” should be replaced with “§§ 262.15 and 262.17”.**
 - 8 **“Gasification” was added by the final rule addressing Revision Checklist 216. It was subsequently removed in response to the vacatur of the Comparable Fuels Rule and the Gasification Rule by Revision Checklist 234 (80 FR 18777, 4/8/15).**
 - 9 **The definition “hazardous secondary material generated and reclaimed under the control of the generator”, introduced by Revision Checklist 219 (73 FR 64668, 10/30/08) was removed by Revision Checklists 233D1 and D2 (80 FR 1694, 1/13/15).**
 - 10 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.
 - 11 **“Manifest document number” at 260.10 was part of the base RCRA program and was later amended by Revision Checklist 5. Revision Checklist 207 (70 FR 10776, 3/4/05) removed the definition and replaced it with “manifest tracking number”.**

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018 (cont'd)

- 12 There is a typographical error in the Federal Register for Revision Checklist 181 (64 FR 36466; July 6, 1999): in the introduction, “part § 273 of this chapter” should be “part 273 of this chapter” (there should not be a section (§) symbol).
- 13 Revision Checklist 158 (62 FR 32452-32463; June 13, 1997) redesignated the test methods listed at 260.11(a)(1) as numbered subparagraphs (i.e., the first test method was designated as 260.11(a)(1), and so on). **Revision Checklist 208 (70 FR 34538, June 14, 2005 as amended by 70 FR 44150, August 1, 2005) completely revised 260.11 by (1) incorporating language from 260.11(b) into 260.11(a); (2) redesignating the publication references from the subparagraphs of 260.11(a) and making them a part of the new citations at 260.11(b) and (c); and (3) adding 260.11(d) thru (g) and their subparagraphs to the federal regulations.**
- 14 **The final rule addressed by Revision Checklist 237 (81 FR 85732) revised the section heading to read “Incorporation by Reference.”**
- 15 **The final rule published on July 18, 2007 (72 FR 39331) amended the provisions at 260.11(a) and 260.11(c)(3)(vii), by adding references to provisions in 40 CFR part 278, and also added to the federal regulations part 278 (*Criteria For The Management Of Granular Mine Tailings (Chat) In Asphalt Concrete And Portland Cement Concrete In Transportation Construction Projects Funded In Whole Or In Part By Federal Funds*). Part 278 is not part of the federal hazardous waste program required for authorization under 40 CFR part 271.**
- 16 **The final rule addressed by Revision Checklist 219 (73 FR 64668, 10/30/08) revised the section heading for 260.30 by adding “Non-waste determinations and” and the section heading of 260.33 by adding “non-waste determinations”.**
- 17 **260.30(f) and 260.31(d) were added by the January 13, 2005 final rule ((80 FR 1694) and removed by the final rule: “Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule” (83 FR 24664, May 30, 2018).**
- 18 **260.31(b)(2) was removed by the final rule addressed by Revision Checklist 213 (71 FR 16862, April 4, 2006). 260.31(b)(3) thru (b)(8) were redesignated as (b)(2) thru (b)(7) following the removal.**
- 19 **260.31(c)(1)-(6) were all added to the base program as part of the final rule addressed by Revision Checklist 13. The final rule addressed by Revision Checklist 233A (80 FR 1694, 1/13/15) revised (c) intro. through (c)(5) and removed (c)(6).**
- 20 Not needed if the State does not allow the exclusion of 261.6(a)(2)(iv).
- 21 **260.42(a)(1) – (a)(3) are included in the January 13, 2015 final rule (80 FR 1694; Revision Checklist 233A); however, there were no changes to the provisions.**
- 22 **The language at 260.43 was originally added by the final rule addressed by Revision Checklist 219, significantly revised by the final rule addressed by Revision Checklist 233B, and further affected by the May 30, 2018 final rule (“Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule” (83 FR 24664)**
- 23 **260.43(a) was affected by the final rule “Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule,” (83 FR 24664, May 30, 2018). It is optional for states that adopted the 2015 DSW rule.**

CONSOLIDATED CHECKLIST C1
Hazardous Waste Management System: General
40 CFR Part 260 as of June 30, 2018 (cont'd)

- 24 260.43(a)(1) – (a)(1)(v) were reprinted in the May 30, 2018 final rule ((83 FR 24664) addressed by Revision Checklist 233B without change.**
- 25 The May 30, 2018 final rule “Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule” (83 FR 24664) addressed on Revision Checklist 233B removed the 260.43(a)(4) provision originally added by the January 13, 2015 final rule.**
- 26 260.43(b) and (c) were originally added by the October 30, 2008 final rule addressed by Revision Checklist 219. The provisions were removed by the January 13, 2015 final rule addressed by Revision Checklists 233B. The May 30, 2018 final rule “Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule” (83 FR 24664), which is also addressed by Revision Checklist 233B, reinstated most of the requirements from the 2008 version of 260.43(c) as 260.43(b).**