

CONSOLIDATED CHECKLIST C3

Standards Applicable to Generators of Hazardous Waste  
40 CFR Part 262 as of **December 31, 2002**

**Note: No final rules affecting 40 CFR Part 262 were promulgated between June 30, 2002 and December 31, 2002, therefore, this Consolidated Checklist corresponds to 40 CFR Part 262 as published on July 1, 2002.**

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<b>SUBPART A - GENERAL</b>							
<b>PURPOSE, SCOPE AND APPLICABILITY</b>							
establish standards for generators	*	262.10(a)					
1 261.5(c) and (d) must be used to determine the applicability of Part 262 for those provisions dependent on a quantity determination	†142 A	262.10(b)					
1 on-site generator requirements	II,48,†142 A	262.10(c)					
†.1 requirements for exporters/importers of waste subject to Part 262 manifest requirements or Part 273 universal waste standards or to analogous State standards, to or from countries listed in 262.58(a)(1)	152	262.10(d)					
1 importer requirements	II,†142 A,†152	262.10(e)					
1 farmer's requirements	II,48,†142 A,†152	262.10(f)					
1 compliance requirements and penalties	II,†142 A,†152	262.10(g)					
1 requirements for initiators of shipment	II,†142 A,†152	262.10(h)					

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40 CFR Part 262 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
persons responding to an explosives or munitions emergency not required to comply with Part 262	156	262.10(i)					

**HAZARDOUS WASTE DETERMINATION**

determine if a waste is a hazardous waste	*	262.11					
excluded under 261.4	II	262.11(a)					
listed in Subpart D, Part 261	II	262.11(b)					
identified in subpart C, Part 261	II,78,83	262.11(c)					
testing	II	262.11(c)(1)					
characteristics	II	262.11(c)(2)					
refer to Parts 261, 264, 265, 266, 268 and 273 for possible exclusions or restrictions pertaining to management of specific wastes	34, †142 A	262.11(d)					

**EPA IDENTIFICATION NUMBERS**

EPA identification number required	II	262.12(a)					
application for EPA ID number	II	262.12(b)					
hazardous waste must not be offered to transporters or TSDFs without EPA ID numbers	II	262.12(c)					

**SUBPART B - THE MANIFEST**

**GENERAL REQUIREMENTS**

offsite transportation; manifest preparation	II,5	262.20(a)					
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40 CFR Part 262 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
designated facility permitted to handle waste	II	262.20(b)					
designated alternate facility	II	262.20(c)					
procedures when transporter unable to deliver	II	262.20(d)					
exemption for generators of 100 kg to 1000 kg/month under specified conditions	23	262.20(e)					
		262.20(e)(1)					
		262.20(e)(1)(i)					
		262.20(e)(1)(ii)					
		262.20(e)(2)					
† exemption for transporters of hazardous waste on a right-of-way within or along the border of contiguous property; generator/transporter requirements if discharge	156	262.20(f)					

2 ACQUISITION OF MANIFESTS

use consignment State's manifest	5	262.21(a)					
use generator State's manifest	5	262.21(b)					
obtain manifest from any source	5	262.21(c)					

NUMBER OF COPIES

file copies; copy returned to generator	II	262.22					
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USE OF THE MANIFEST

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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
generator's duties	II	262.23(a)					
generator's signature	II	262.23(a)(1)					
initial transporter's signature and date	II	262.23(a)(2)					
retain copy	II	262.23(a)(3)					
copies to transporter	II	262.23(b)					
shipment by water	II	262.23(c)					
shipment by rail	II	262.23(d)					
		262.23(d)(1)					
		262.23(d)(2)					
		262.23(d)(3)					
shipment to State lacking authorization for particular waste	71	262.23(e)					

SUBPART C - PRE-TRANSPORT REQUIREMENTS

PACKAGING

package according to DOT regulations on packaging under 49 CFR 173, 178 and 179	II	262.30					
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LABELING

label according to DOT regulations on hazardous materials under 49 CFR 172	II	262.31					
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MARKING

mark each package according to DOT regulations on hazardous materials under 49 CFR 172	II	262.32(a)					
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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
mark each container of 110 gal. or less; specific wording in accordance with 49 CFR 172.304	II	262.32(b)					
<b>PLACARDING</b>							
placard prior to off-site shipment; DOT regulations for hazardous materials under 49 CFR 172, Subpart F	II	262.33					
<b>ACCUMULATION TIME</b>							
90 days accumulation without a permit; specific provisions which must be met	II,23	262.34(a)					
the waste is placed:	II,28,92	262.34(a)(1)					
3 in containers and generator complies with Subparts I, AA, BB & CC of Part 265; and/or	II,92,177	262.34(a)(1)(i)					
3 in tanks and generator complies with Subparts J, AA, BB and CC of Part 265, except 265.197(c) and 265.200; and/or	II,92,177	262.34(a)(1)(ii)					
†,4 on drip pads; generator compliance with Subpart W of Part 265; maintenance of the following records at the facility:	82,92,109	262.34(a)(1)(iii)					
†,4 description of procedures to ensure wastes are removed from drip pad and associated collection system at least	82,92	262.34(a)(1)(iii)(A)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
once every 90 days							
†,4 documentation of each waste removal, including quantity, date and time of removal; and/or	82,92,109	262.34(a)(1)(iii)(B)					
waste placed in containment buildings; compliance with 265, Subpart DD; professional engineer certification of compliance with 265.1101 design standards placed in operating record no later than 60 days after the date of initial unit operation; requirements after February 18, 1993; records which must be maintained	109	262.34(a)(1)(iv)					
written description of procedures to ensure each waste volume remains in unit for no more than 90 days; written description of waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit; documentation that procedures are complied with	109	262.34(a)(1)(iv)(A)					
documentation that unit is emptied at least once every 90 days	109	262.34(a)(1)(iv)(B)					
generator exemption from Subparts G and H of Part 265 requirements, except	82,92,109	unnumbered paragraph following 262.34(a)(1)(iv)(B)					

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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
	265.111 and 265.114							
4	date each period of accumulation begins is marked and visible	II,82,92,109	262.34(a)(2)					
4	labeled or marked "Hazardous Waste"	II,82,92	262.34(a)(3)					
4,5	compliance with 265, Subparts C and D, 265.16, and 268.7(a)(5)	II,78,82,92,†183	262.34(a)(4)					
	consequences of accumulation for longer than 90 days; criteria for extension beyond this period	II	262.34(b)					
	accumulation of up to 55 gal. of hazardous waste or 1 qt. acutely hazardous waste at point of generation; provisions which must be complied with; procedure if quantity limit is exceeded	12	262.34(c)(1)					
			262.34(c)(1)(i)					
			262.34(c)(1)(ii)					
			262.34(c)(2)					
	180 day accumulation for 100 kg to 1,000 kg/month generator, provided:	23	262.34(d)					
	quantity never exceeds 6000 kg	23	262.34(d)(1)					
	compliance with 265 of this chapter, Subpart I, except 265.176 and 265.178	23,28,154	262.34(d)(2)					
	compliance with 265.201	28	262.34(d)(3)					
6	compliance with 262.34(a)(2)&(3) and 265, Subpart C and 268.7(a)(4)	23,28,83,179	262.34(d)(4)					
6	compliance with specific emergency precautions and procedures	23,28	262.34(d)(5)					
			262.34(d)(5)(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
		262.34(d)(5)(ii)					
		262.34(d)(5)(ii)(A)					
		262.34(d)(5)(ii)(B)					
		262.34(d)(5)(ii)(C)					
		262.34(d)(5)(iii)					
		262.34(d)(5)(iv)					
		262.34(d)(5)(iv)(A)					
		262.34(d)(5)(iv)(B)					
		262.34(d)(5)(iv)(C)					
		262.34(d)(5)(iv)(C) (I)-(5)					
200 miles or more transport, 270 day accumulation time; compliance with 262.34(d)	23	262.34(e)					
requirements if accumulation in excess of 6000 kg or longer than 180 days (270 days if waste is transported over a distance of 200 miles)	23	262.34(f)					
† generators who generate 1,000 kilograms or greater of hazardous waste per month who also generate F006 wastes, may accumulate F006 waste on-site for up to 180 days without permit or interim status provided:	184	262.34(g) intro					
† generator implements pollution prevention	184	262.34(g)(1)					



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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
practices;							
† waste is legitimately recycled through metals recovery;	184	262.34(g)(2)					
† no more than 20,000 kilograms is accumulated on-site at any one time; and	184	262.34(g)(3)					
† waste is managed in accordance with practices specified	184	262.34(g)(4) intro					
		262.34(g)(4)(i) intro					
		262.34(g)(4)(i)(A)					
		262.34(g)(4)(i)(B)					
		262.34(g)(4)(i)(C) intro					
		262.34(g)(4)(i)(C) (1)&(2)					
		262.34(g)(4)(ii)					
		262.34(g)(4)(iii)					
		262.34(g)(4)(iv)					
		262.34(g)(4)(v)					
† generators who generate 1,000 kilograms or greater of hazardous waste per month who also generate F006 wastes, & must transport 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for up to 270 days without permit or interim status if complies with 262.34(g)(1)-(4)	184	262.34(h)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† generators accumulating in accordance with 262.34(g) & (h) who accumulate for more than 180 days, or accumulate more than 20,000 kilograms are operators of storage facilities subject to 40 CFR parts 264 & 265, & permit requirements of part 270, unless extension or exception granted; reasons for extensions & exceptions granted; Regional Administrator may grant extensions & exceptions on case-by-case basis	184	262.34(i)					

**SUBPART D - RECORDKEEPING AND REPORTING**

**RECORDKEEPING**

manifest copy retention for 3 years	II	262.40(a)					
biennial report and exception report retention for 3 years	II,†1	262.40(b)					
test results and waste analyses retention for 3 years	II	262.40(c)					
automatic extension of retention periods during unresolved enforcement action	II	262.40(d)					

**BIENNIAL REPORT**

off-site shipper must submit a biennial report; form used and what must be submitted	II,1,31	262.41(a)					
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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
EPA ID number	II	262.41(a)(1)					
calendar year covered	II	262.41(a)(2)					
off-site TSD facility information	II,31	262.41(a)(3)					
transporter information	II,31	262.41(a)(4)					
hazardous waste information and how it must be reported	II,31	262.41(a)(5)					
describe efforts to reduce volume and toxicity	17 D	262.41(a)(6)					
a description of changes in volume and toxicity	17 D	262.41(a)(7)					
7 certification	II,17 D	262.41(a)(8)					
on-site handler; separate annual reports for exports	II,1,31	262.41(b)					

**EXCEPTION REPORTING**

generators of greater than 1000 kg/month; requirements if manifest copy not received within 35 days	II,42	262.42(a)(1)					
if manifest copy not received within 45 days, must submit exception report; what the report must include	II,42	262.42(a)(2)					
		262.42(a)(2)(i)&(ii)					
generators of 100 to 1000 kg/month; requirements if manifest copy not received within 60 days	42	262.42(b)					

**ADDITIONAL REPORTING**

CONSOLIDATED CHECKLIST C3  
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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
additional information may be required under 2002(a) and 3002(6) of RCRA regarding quantity and disposition	II	262.43					

**SPECIAL REQUIREMENTS FOR GENERATORS OF BETWEEN 100 AND 1000 KG/MONTH**

requirements the generator of 100 to 1000 kg/month is subject to	23,42	262.44					
		262.44(a)					
		262.44(b)					
		262.44(c)					

8,9 **SUBPART E - EXPORTS OF HAZARDOUS WASTE**

**APPLICABILITY**

establishes applicability	31	262.50					
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10 **DEFINITIONS**

"consignee"	31	262.51					
"EPA Acknowledgement of Consent"	31	262.51					
"primary exporter"	31	262.51					
"receiving country"	31	262.51					
"transit country"	31	262.51					

**GENERAL REQUIREMENTS**

exports prohibited unless:	31	262.52					
notification	31	262.52(a)					
consent of receiving country	31	262.52(b)					
EPA Acknowledgment of Consent	31	262.52(c)					
conformation to terms	31	262.52(d)					

**NOTIFICATION OF INTENT TO EXPORT**

CONSOLIDATED CHECKLIST C3  
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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
contents of notification	31	262.53(a)					
		262.53(a)(1)					
		262.53(a)(2)					
		262.53(a)(2)(i)					
		262.53(a)(2)(ii)					
		262.53(a)(2)(iii)					
		262.53(a)(2)(iv)					
		262.53(a)(2)(v)					
		262.53(a)(2)(vi)					
		262.53(a)(2)(vii)					
		262.53(a)(2)(viii)					
office to notify	31,97, †152	262.53(b)					
changes in original notification	31	262.53(c)					
additional information	31	262.53(d)					
EPA notification to receiving and transit countries	31	262.53(e)					
EPA notification to primary exporter	31	262.53(f)					
<b>SPECIAL MANIFEST REQUIREMENTS</b>							
compliance with 262.20 through 262.23 requirements; exceptions:	31	262.54					
consignee	31	262.54(a)					
alternate consignee	31	262.54(b)					
point of departure							

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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
	31	262.54(c)					
item 16 of manifest	31	262.54(d)					
obtaining manifest	31	262.54(e)					
acknowledgment of receipt by consignee	31	262.54(f)					
procedures when unable to deliver	31	262.54(g)					
		262.54(g)(1)					
		262.54(g)(2)					
		262.54(g)(3)					
copy of Consent	31	262.54(h)					
manifest copy to Customs official at border	31	262.54(i)					
<b>EXCEPTION REPORTS</b>							
exporter requirements for exception reports:	31	262.55					
no manifest within 45 days	31	262.55(a)					
no confirmation within 90 days	31	262.55(b)					
returned waste	31	262.55(c)					
<b>ANNUAL REPORTS</b>							
reporting requirements; contents of report	31	262.56(a)					
		262.56(a)(1)					
		262.56(a)(2)					
		262.56(a)(3)					
		262.56(a)(4)					
		262.56(a)(5)					
		262.56(a)(5)(i)&(ii)					
		262.56(a)(6)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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office filed with	31,97, †152	262.56(b)					

**RECORDKEEPING**

length to keep records	31	262.57(a)					
		262.57(a)(1)					
		262.57(a)(2)					
		262.57(a)(3)					
		262.57(a)(4)					
retention period extension	31	262.57(b)					

†,11 **INTERNATIONAL AGREEMENTS**

requirements for exporters/importers of hazardous waste subject to manifest requirements of Part 262, to universal waste standards of Part 273 or to analogous state standards, to or from countries defined in (a)(1) for recovery	31,152	262.58(a)					
designated OECD countries	152	262.58(a)(1)					
Canada and Mexico	152	262.58(a)(2)					
requirements for exporters/importers of hazardous waste from OECD countries other than for recovery, or from Canada or Mexico for any purpose	152	262.58(b)					

**SUBPART F - IMPORTS OF HAZARDOUS WASTE**

**IMPORTS OF HAZARDOUS WASTE**

applicability	31	262.60(a)					
manifest requirements;	31	262.60(b)					

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exceptions		262.60(b)(1)					
		262.60(b)(2)					
obtaining manifest	31	262.60(c)					

SUBPART G - FARMERS

10 FARMERS

provisions for variance	II,31,†39	262.70					
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SUBPART H - TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE  
OECD

† APPLICABILITY

requirements of part 262 subpart H apply to imports and exports of wastes considered hazardous under U.S. national procedures and destined for recovery in countries listed in 262.58(a)(1); a waste is considered hazardous if it meets the definition of hazardous waste in 261.3 and is subject to either the manifesting requirements in part 262 subpart B, the universal waste management standards in part 273, or State requirements analogous to part 273	152	262.80(a)					
persons who mix two or more wastes or subjects two or more wastes to	152	262.80(b)					



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physical or chemical transformation operations, and thereby creates a new hazardous waste, become generators and assume generator duties under RCRA and any notifier duties under part 262 subpart H, if applicable							

† DEFINITIONS

definitions applicable to part 262 subpart H	152	262.81					
"competent authorities"	152	262.81(a)					
"concerned countries"	152	262.81(b)					
"consignee"	152	262.81(c)					
"country of transit"	152	262.81(d)					
"exporting country"	152	262.81(e)					
"importing country"	152	262.81(f)					
"notifier"	152	262.81(g)					
"OECD area"	152	262.81(h)					
"recognized trader"	152	262.81(i)					
"recovery facility"	152	262.81(j)					
"recovery operations"	152	262.81(k)					
"transfrontier movement"	152	262.81(l)					

† GENERAL CONDITIONS

level of import and export waste control is indicated by green, amber, or red lists and by U.S. national procedures as defined in	152	262.82(a)					
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262.80(a); green, amber, and red lists are incorporated by reference in 262.89(e)							
green-list wastes are subject to existing controls normally applied to commercial transactions, except as provided below:	152	262.82(a)(1)					
green-list wastes that are considered hazardous under U.S. national procedures are subject to amber-list controls	152	262.82(a)(1)(i)					
12 green-list wastes that are contaminated or mixed with amber-list wastes, such that the waste is considered hazardous, are subject to amber-list controls	152	262.82(a)(1)(ii)					
green-list wastes that are contaminated or mixed with red-list wastes, such that the waste is considered hazardous under U.S. national procedures, are subject to red-list controls	152	262.82(a)(1)(iii)					
amber-list wastes that are considered hazardous under 262.80(a) are subject to the amber-list controls of part 262 subpart H	152	262.82(a)(2)					
amber-list wastes contaminated or mixed with red-list wastes, such that the waste is considered hazardous	152	262.82(a)(2)(i)					

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under U.S. national procedures, must be handled in accordance with red-list controls							
Reserved	152	262.82(a)(2)(ii)					
red-list wastes that are considered hazardous under 262.80(a) are subject to red-list controls of part 262 subpart H	152	262.82(a)(3)					
wastes not yet assigned to a list are eligible for transfrontier movements, as follows:	152	262.82(a)(4)					
wastes considered hazardous under 262.80(a) are subject to red-list controls, or	152	262.82(a)(4)(i)					
wastes not considered hazardous under 262.80(a) may move as though they appeared on the green list	152	262.82(a)(4)(ii)					
general conditions applicable to transfrontier movements of hazardous waste	152	262.82(b)					
waste must be destined for recovery operations at a facility that, under domestic law, is operating or is authorized to operate in the importing country	152	262.82(b)(1)					
transfrontier movement must comply with international transport agreements, and	152	262.82(b)(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
waste transported through a non-OECD country must comply with applicable international and national laws and regulations	152	262.82(b)(3)					
provisions relating to re-export for recovery to a third country	152	262.82(c)					
re-export of amber-list wastes from U.S., as the importing country, to a third country listed in 262.58(a)(1) may occur only after a notifier in the U.S. provides notification to and obtains consent of competent authorities in the third country, the original exporting country, and new transit countries; notification must comply with 262.83; 30-day objection period to proposed movement	152	262.82(c)(1)					
30-day period begins when competent authorities in both the initial exporting country and the new importing country issue Acknowledgements of Receipt of the notification	152	262.82(c)(1)(i)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
transfrontier movement may commence if no objection lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries	152	262.82(c)(1)(ii)					
re-export of red-list wastes from original importing country to a third country listed in 262.58(a)(1) may occur following notification of the competent authorities in the third country, the original exporting country, and new transit countries by a notifier in original importing country in accordance with 262.83; transfrontier movement may not proceed until receipt by original importing country of written consent of the competent authorities	152	262.82(c)(2)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
re-export of amber-list or red-list wastes to a country other than those listed in 262.58(a)(1) is subject to the notification and consent requirements in 262.82(c)(1)&(2) in addition to compliance with international agreements and arrangements to which the first importing OECD country is party and all applicable regulatory requirements for exports from the first importing country	152	262.82(c)(3)					

† NOTIFICATION AND CONSENT

applicability; consent must be obtained from competent authorities of OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to part 262 subpart H; hazardous wastes subject to amber-list controls are subject to the requirements in 262.83(b); hazardous wastes subject to red-list controls are subject to the requirements in 262.83(c); and wastes not identified on any list is subject to the requirements in 262.83(d)	152	262.83(a)					
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CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
export from the U.S. of hazardous wastes on the amber list described in 262.80(a) is prohibited unless the requirements of 262.83(b)(1) or (2) are met	152	262.83(b)					
transactions requiring specific consent:	152	262.83(b)(1)					
at least 45 days prior to transfrontier movement the notifier must provide written notification in English of proposed transfrontier movement to Office of Enforcement and Compliance Assurance, with words "Attention: OECD Export Notification" on the envelope; notification must include all the information identified in 262.83(e); for wastes with similar physical and chemical characteristics, the same U.N. classifications, and the same RCRA wastes codes, which are to be sent to the same recovery facility, the notifier may submit one notification of intent to export wastes in multiple shipments during a period of up to one year	152	262.83(b)(1)(i)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
transfrontier movement may commence upon tacit consent; if no objections to notification provided pursuant to 262.83(b)(1)(i) are lodged within 30 days after issuance of Acknowledgment of Receipt by the competent authority of the importing country; tacit consent expires one year after close of 30 day period; renotification and renewal is required for exports after that expiration date	152	262.83(b)(1)(ii)					
written consent; if competent authorities of OECD importing and transit countries provide written consent in a period less than 30 days, transfrontier movement may commence immediately; written consent expires one year after date of consent; renotification and renewal is required for exports after that expiration date	152	262.83(b)(1)(iii)					
shipments to facilities pre-approved by competent authorities of importing countries:	152	262.83(b)(2)					



CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
notifier must provide EPA with information identified in 262.83(e) at least 10 days in advance of shipment to pre-approved facility; notification should indicate the facility is pre-approved, and may apply to a single specific shipment or multiple shipments as described in 262.83(b)(1)(i); information must be sent to Office of Enforcement and Compliance Assurance with "OECD Export Notification--Pre-approved Facility" displayed on the envelope	152	262.83(b)(2)(i)					
shipments may commence after notification required in 262.83(b)(1)(i) is received by competent authorities of all concerned countries, unless notifier receives information indicating objections to the shipment	152	262.83(b)(2)(ii)					
export from the U.S. of hazardous wastes as described in 262.80(a) that appear on the red list is prohibited unless notice pursuant to 262.83(b)(1)(i) is given and notifier receives written consent from the importing country and any transit countries prior to transfrontier movement	152	262.83(c)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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 not assigned to the green, amber, or red list that are considered hazardous under 262.80(a) are subject to notification and consent requirements for red-list wastes in accordance with 262.83(c); unlisted wastes that are not considered hazardous under 262.80(a) are not subject to amber or red controls when exported or imported	152	262.83(d)					
notifications submitted must include the following information:	152	262.83(e)					
serial number or other identifier of the notification form	152	262.83(e)(1)					
notifier name and EPA identification number, address, and telephone and telefax numbers	152	262.83(e)(2)					
importing recovery facility name, address, telephone and telefax numbers, and technologies employed	152	262.83(e)(3)					
consignee name, address, and telephone and telefax numbers; whether consignee will engage in waste exchange or storage prior to delivery to final recovery facility and identification of operations employed at final recovery facility	152	262.83(e)(4)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
intended transporters and/or their agents	152	262.83(e)(5)					
country of export and competent authority; point of departure	152	262.83(e)(6)					
countries of transit and competent authorities; points of entry and departure	152	262.83(e)(7)					
country of import and competent authority; point of entry	152	262.83(e)(8)					
statement of whether notification is single or general notification; if general, include period of validity requested	152	262.83(e)(9)					
date foreseen for commencement of transfrontier movement	152	262.83(e)(10)					
designation of waste type(s) from list (green, red or amber), descriptions of each waste type, estimated total quantity of each waste, RCRA waste code, and U.N. number; and	152	262.83(e)(11)					
certification/declaration signed by notifier that the information is complete and correct, and that legally enforceable written contractual obligations have been entered into	152	262.83(e)(12)					

† TRACKING DOCUMENT

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
U.S. parties subject to 262.85 must ensure that a tracking document meeting the conditions of 262.84(b), accompanies each transfrontier shipment of amber-list or red-list wastes as specified, except as provided in 262.84(a)(1) and (2)	152	262.84(a)					
for shipments of hazardous waste in the U.S. solely by water (bulk shipments only), the generator must forward tracking document with the manifest to last water transporter to handle the waste in the U.S. in accordance with 262.23(c)	152	262.84(a)(1)					
for rail shipments of hazardous waste in the U.S. originating at the site of generation, the generator must forward the tracking document with the manifest in accordance with 262.23(d) to next non-rail transporter or to last rail transporter to handle the waste in the U.S.	152	262.84(a)(2)					
tracking document must include information required under 262.83 and the following:	152	262.84(b)					
date shipment commenced	152	262.84(b)(1)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
name (if not notifier), address, phone and telefax number of primary exporter	152	262.84(b)(2)					
company name and EPA identification number of all transporters	152	262.84(b)(3)					
identification (license, registered name or registration number) of means of transport, including types of packaging	152	262.84(b)(4)					
any special precautions to be taken by transporters	152	262.84(b)(5)					
certification/declaration signed by notifier that no objection to the shipment has been lodged	152	262.84(b)(6)					
appropriate signatures for each custody transfer	152	262.84(b)(7)					
notifiers must comply with manifest requirements of 262.54 (a),(b),(c),(e),&(i) and part 262 subpart F	152	262.84(c)					
each U.S. person that has physical custody of waste must sign tracking document	152	262.84(d)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
within three working days of the receipt of imports subject to part 262 subpart H, the owner or operator of the U.S. recovery facility must send signed copies of the tracking document to notifier, Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to competent authorities of exporting and transit countries	152	262.84(e)					
† CONTRACTS							
transfrontier movements of hazardous wastes subject to amber or red control procedures are prohibited unless they occur under a valid written contract, chain of contracts, or equivalent arrangements; such contracts or equivalent arrangements must be executed by the notifier and the owner or operator of the recovery facility; such contracts or equivalent arrangements are valid only if participants have appropriate legal status	152	262.85(a)					
contracts or equivalent arrangements must specify name and EPA identification number, where available, of:	152	262.85(b)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
generator of each type of waste;	152	262.85(b)(1)					
each person who will have physical custody of wastes;	152	262.85(b)(2)					
each person who will have legal control of wastes; and	152	262.85(b)(3)					
the recovery facility	152	262.85(b)(4)					
contracts or equivalent arrangements must specify the party who will assume responsibility for alternate waste management if its disposition cannot be carried out as described in the notification of intent to export; contracts must specify:	152	262.85(c)					
person with actual possession or physical control of wastes must immediately inform notifier and competent authorities of the exporting and importing countries; if wastes located in a country of transit, notify competent authorities of that country; and	152	262.85(c)(1)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
person specified in contract assumes responsibility for adequate management of wastes in compliance with applicable laws including arranging for the return of the waste to original country of export, if necessary	152	262.85(c)(2)					
contracts must specify that the consignee will provide notification as required in 262.82(c) prior to re-export to a third country	152	262.85(d)					
contracts or equivalent arrangements must include financial guarantee provisions, if required, in accordance with applicable national or international law	152	262.85(e)					
contracts or equivalent arrangements must require compliance with all applicable requirements of part 262 subpart H	152	262.85(f)					
upon EPA request, U.S. notifiers, consignees, or recovery facilities must submit to EPA copies of contracts, chain of contracts or equivalent arrangements; confidential information in the contracts or equivalent arrangements will be disclosed by EPA only as provided in 260.2	152	262.85(g)					



CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
<b>† PROVISIONS RELATING TO RECOGNIZED TRADERS</b>							
a recognized trader who takes physical custody of waste and conducts recovery operations is acting as the owner or operator of a recovery facility and must be authorized in accordance with applicable Federal law	152	262.86(a)					
a recognized trader acting as notifier or consignee must comply with the requirements of part 262 subpart H	152	262.86(b)					
<b>† REPORTING AND RECORDKEEPING</b>							
for all waste movements subject to part 262 subpart H, primary exporters, as defined in 262.51, shall file annual reports no later than March 1 of each year that summarize the types, quantities, frequency, and ultimate destination of all hazardous waste exported; such reports shall include:	152	262.87(a)					
EPA identification number, name, mailing and site address of the notifier filing report	152	262.87(a)(1)					
calendar year covered by the report	152	262.87(a)(2)					
name and site address of each final recovery facility	152	262.87(a)(3)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for each hazardous waste exported by a final recovery facility, a description of the hazardous waste, EPA hazardous waste number, OECD waste type(s) and waste code, DOT hazard class, name and EPA identification number of each transporter, total amount of waste shipped, and number of shipments pursuant to each notification	152	262.87(a)(4)					
in even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1000 kg in a calendar month, and except for waste for which information already provided pursuant to 262.41:	152	262.87(a)(5)					
description of efforts to reduce volume and toxicity of waste generated; and	152	262.87(a)(5)(i)					
description of changes in volume and toxicity achieved during the year in comparison to previous years; and	152	262.87(a)(5)(ii)					
certification signed by primary exporter that the information is true, accurate, and complete	152	262.87(a)(6)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
exception reports; persons meeting the definition of primary exporter in 262.51 must file an exception report with the Administrator in lieu of the requirements of 262.42 if any of the following occurs:	152	262.87(b)					
he has not received a copy of the tracking document signed by the transporter stating the point of departure of the waste from the U.S. within 45 days from acceptance date	152	262.87(b)(1)					
within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation that the hazardous waste was received	152	262.87(b)(2)					
waste is returned to U.S.	152	262.87(b)(3)					
recordkeeping	152	262.87(c)					
persons meeting the definition of primary exporter in 262.51 shall keep the following records:	152	262.87(c)(1)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
a copy of each notification of intent to export and all written consents obtained from competent authorities of concerned countries for at least 3 years from the date the waste was accepted by the initial transporter	152	262.87(c)(1)(i)					
a copy of each annual report for at least 3 years from the due date of the report; and	152	262.87(c)(1)(ii)					
a copy of any exception reports and a copy of each confirmation of delivery sent by the recovery facility to the notifier for at least 3 years as specified	152	262.87(c)(1)(iii)					
periods of retention are automatically extended during unresolved enforcement action or as requested by Administrator	152	262.87(c)(2)					

† PRE-APPROVAL FOR U.S. RECOVERY FACILITIES

reserved	152	262.88					
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† OECD WASTE LISTS

for the purposes of part 262 subpart H, a waste is considered hazardous if the waste:	152	262.89(a)					
meets Federal definition of hazardous waste in 261.3; and	152	262.89(a)(1)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
is subject to the RCRA manifesting requirements at part 262, subpart B, to the universal waste standards of part 273, or to State requirements analogous to part 273	152	262.89(a)(2)					
if waste is hazardous under 262.89(a) and appears on the amber or red list, it is subject to amber- or red-list requirements, respectively	152	262.89(b)					
if waste is hazardous under 262.89(a) and does not appear on either the amber or red lists, it is subject to red-list requirements	152	262.89(c)					
the appropriate control procedures for hazardous waste and hazardous waste mixtures are addressed in 262.82	152	262.89(d)					
OECD Green, Amber, and Red Lists as set forth in Appendices 3, 4, and 5 to the OECD Council Decision C(92)39/FINAL are incorporated by reference as they existed on date of approval; notice of any change will be published in the <u>Federal Register</u> ; these materials are available for inspection at Office of Federal Register and may be obtained from the Organization for	152	262.89(e)					

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 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
Economic Cooperation, France							

APPENDIX TO PART 262

UNIFORM HAZARDOUS WASTE MANIFEST AND INSTRUCTIONS (EPA FORMS 8700-22 AND 8700-22A AND THEIR INSTRUCTIONS)

uniform hazardous waste manifest form; instructions	Base,5,17 D,31,32,5 8	Appendix					
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- 1 The rule addressed by Revision Checklists 142 A-E (60 FR 25492; May 11, 1995) introduced a new 262.10(b) and redesignated the former 262.10(b)-(f) as 262.10(c)-(g). Then the rule addressed by Revision Checklist 152 (61 FR 16290; April 12, 1996) introduced a new 262.10(d) and redesignated the former 262.10(d)-(g) as 262.10(e)-(h).
- 2 This section appeared in Base Program Checklist II but was completely reorganized and reworded by Revision Checklist 5.
- 3 The rules addressed by Revision Checklist 154 included but did not change the wording of 262.34(a)(1)(i) and (a)(1)(ii).
- 4 Base Program Checklist II originally introduced 262.34(a)(2)-(4) into the code. 262.34(a)(4) was revised by Revision Checklist 78. Revision Checklist 82 inserted a new 262.34(a)(2), 262.34(a)(2)(i), 262.34(a)(2)(ii) and redesignated the old 262.34(a)(2)-(4) as 262.34(a)(3)-(5). Revision Checklist 92 returned these subparagraphs to their original numbering prior to the redesignation by Revision Checklist 82, effectively removing the language of 262.34(a)(2) and incorporating these requirements into 262.34(a)(1) at 262.34(a)(1)(iii) and (iii)(A)&(B). An error in the July 1, 1991 and July 1, 1992 CFRs made it appear that there were two paragraphs designated as 262.34(a)(2) (see the editorial note in the CFRs). It was not the Agency's intent to include these requirements both at 262.34(a)(1)(iii)(A)&(B) and at 262.34(a)(2) as is indicated in the July 1, 1991 and July 1, 1992 CFRs. The first 262.34(a)(2) in the CFRs should not be in the code. Revision Checklist 109 removed the first 262.34(a)(2), returning the code to what was intended by Checklist 92.
- 5 If a State has adopted the optional revisions to the recordkeeping and paperwork requirements in Revision Checklist 157, then the State is required to adopt the change to 262.34(a)(4) in Revision Checklist 183.
- 6 Note that 262.34(d)(1)-(4) were originally introduced by Revision Checklist 23. Revision Checklist 28 added a new 262.34(d)(3) and redesignated 262.34(d)(3) and (4) as 262.34(d)(4) and (5).
- 7 This requirement appeared in the original program addressed by Base Program Checklist II as 262.41(a)(6).

CONSOLIDATED CHECKLIST C3  
40 CFR Part 262 as of **December 31, 2002** (cont'd)

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- 8 This subpart appeared in the original program addressed by Base Program Checklist II (amended by Revision Checklists 5 and 17 R) as "Special Conditions". However, Revision Checklist 31 (51 FR 28664, August 8, 1986) completely changed this subpart, renaming it "Exports of Hazardous Waste".
- 9 Special Notes: (1) States cannot assume the authority to receive "Notifications of Intent to Export." In addition, States are not authorized to transmit such information to foreign countries through the Department of State or to transmit "Acknowledgements of Consent" [see 50 FR 28678 (August 8, 1986) and the instructions to Appendix J of the Revised SAM for further clarification]. (2) Hazardous waste, identified or listed by the State as part of its authorized program which is broader in scope (not in the Federal universe), will not be subject to the export regulations.
- 10 This provision was originally at 262.51 in the base program. Revision Checklist 31 moved it to 262.70. Note that 262.51 was incorrectly changed to "Farmers" at 52 FR 25760 (July 8, 1987); however, this error was caught when Revision Checklist 39 for this rule was developed and it was not incorporated into this checklist. This section was subsequently moved back to its correct place at 262.70 and the appropriate 262.51 put back into the CFR by the final rule (53 FR 27164, July 19, 1988) addressed by Revision Checklist 48.
- 11 The rule addressed by Revision Checklist 31 (August 8, 1986; 51 FR 28664) reserved this section for international agreements but did not introduce any text at that time. The rule addressed by Revision Checklist 152 (April 12, 1996; 61 FR 16290) introduced text at paragraphs 262.58(a) and (b).
- 12 There is a typographical error in the rule addressed by Revision Checklist 152 (April 12, 1996; 61 FR 16290): "Green-list waste" should be "Green-list wastes".