Pollution Control & Ecology Commission # 014.00-023

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

REGULATION NO. 23

HAZARDOUS WASTE MANAGEMENT

Approved by the
Pollution Control and Ecology Commission
December 9, 2005

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ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

REGULATION No. 23

(HAZARDOUS WASTE MANAGEMENT)

Provisions of APC&EC Regulation No. 23 (Hazardous Waste Management), dated January 28, 2005, are amended as itemized below:

1. **Section 3(b)(4)** is modified to read as follows:

* * * * *

(4) All as adopted as final rules (including "interim final rules" and "technical amendments") published in the *Federal Register* by the U.S. Environmental Protection Agency on or before July 1, ~~2004~~ **2005**.

2. **Section 6(a)(3)(iii) and § 6(a)(4)(iii)** are amended to read as follows:

(a) * * * * *

(3) *Permits for Post Closure Care Only - Commercial Facility:*
* * * * *

(iii) Permit renewal fee - Base application fee ~~plus the waste management activity fee~~.

* * * * *

(4) *Permits for Post Closure Care Only - Noncommercial Facility:*
* * * * *

(iii) Permit renewal fee - Base application fee ~~plus the waste management activity fee~~.

3. **Section 260.10** is amended by removing the definition of "Manifest Document Number," by revising the definitions of "Designated facility," "Manifest," and "Universal Waste,", and by adding the definitions of "Manifest tracking number" and "Mercury-containing device" to read as follows:

§260.10 Definitions.

* * * * *

~~"**Designated facility**" means a hazardous waste treatment, storage, or disposal facility which (1) has received a permit (or interim status) in accordance with the requirements of Section 270 of this regulation, (2) has received a permit (or interim status) from a State authorized in accordance with 40 CFR Part 271, or (3) is regulated under § 261.6(c)(2) or subsection F of section 266 of this regulation, and (4) that has been designated on the manifest by the generator pursuant to § 260.20. If a waste is destined to a facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility must be a facility allowed by the receiving State to accept such waste.~~

"Designated facility" means (1) a hazardous waste treatment, storage, or disposal facility which (1) has received a permit (or interim status) in accordance with the requirements of Section 270 of this Regulation and 40 CFR 124, (2) has received a permit (or interim status) from a State authorized in accordance with 40

CFR 271, or (3) is regulated under § 261.6(c)(2) or Subsection F of Section 266 of this Regulation, and (4) that has been designated on the manifest by the generator pursuant to § 262.20 of this Regulation. *Designated facility* also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with § 264.72(f) or § 265.72(f) of this Regulation. If a waste is destined to a facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility must be a facility allowed by the receiving State to accept such waste.

* * * * *

~~*"**Manifest**" means the shipping document (Arkansas/EPA form 8700-22 and, if necessary, Arkansas/EPA form 8700-22A) originated and signed by the generator in accordance with the instructions included in the Appendix to Section 262.*~~

"Manifest" means: the shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A), originated and signed by the generator or offeror in accordance with the instructions in the appendix to Section 262 and the applicable requirements of Sections 262 through 265 of this Regulation.

~~"**Manifest document number**" means the U.S. EPA twelve-digit identification number assigned to the generator plus a unique five-digit document number assigned to and printed on the manifest for recording and reporting purposes~~

* * * * *

"Manifest tracking number" means: the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits), which is pre-printed in Item 4 of the Manifest by a registered source.

* * * * *

"Mercury-containing device" means a device or a part of a device (including thermostats, but excluding batteries and lamps) which contains elemental mercury integral to its function.

* * * * *

"Universal Waste" means any of the following hazardous wastes that are managed under the universal waste requirements of Section 273 of this regulation:

(1) Batteries as described in § 273.2 of this regulation;

(2) Pesticides as described in § 273.3 of this regulation;

(3) ~~Thermostats~~ **Mercury-containing devices** as described in § 273.4 of this regulation;

(4) Lamps as described in § 273.5 of this regulation; and

(5) Consumer electronic items ("electronic wastes") as described in § 273.6 of this regulation.

* * * * *

4. **Section 260.11** is revised to read as follows:

§ 260.11 References.

(a) When used in Sections 260 through 270 of this Regulation, the following publications are incorporated by reference.

(1) "ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D 3278-78, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(2) "ASTM Standard Test Methods for Flash Point by Pensky Martens Closed Tester," ASTM Standard D 93-79 or D 93-80. D 93-80 is available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(3) "ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography," ASTM Standard D 1946-82, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(4) "ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)," ASTM Standard D 2382-83, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(5) "ASTM Standard Practices for General Techniques of Ultraviolet Visible Quantitative Analysis," ASTM Standard E 169-87 available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(6) "ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis," ASTM Standard E 168-88, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(7) "ASTM Standard Practice for Packed Column Gas Chromatography," ASTM Standard E 260-85, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(8) "ASTM Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," ASTM Standard D 2267-88, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(9) "APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981, available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

(10) "Flammable and Combustible Liquids Code" (1977 or 1981), available from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(11) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,'' EPA Publication SW-846 [Third Edition (November 1986), as amended by Updates I (dated July 1992), II (dated September 1994), IIA (dated August 1993), IIB (dated January 1995), III (dated December 1996) and IIIA (dated April 1998)]. The Third Edition of SW-846 and Updates I, II, IIA, IIB, and III (document number 955-001-00000-1) are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800. Update IIIA is available through EPA's Methods Information Communication Exchange (MICE) Service. MICE can be contacted by phone at (703) 821-4690. Update IIIA can also be obtained by contacting the U.S. Environmental Protection Agency, Office of Solid Waste (5307W), OSW Methods Team,OSW Methods Team, 1200 Pennsylvania Ave., NW, Washington, DC, 20460. Copies of the Third Edition and all of its updates are also available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000 or (800) 553-6847. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(12) "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October 1992, EPA Publication No. EPA-450/R-92-019, Environmental Protection Agency, Research Triangle Park, NC.

(13) "ASTM 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, available from American Society for Testing Materials, 1916 Race Street, Philadelphia, PA 19103.

(14) "API Publication 2517, Third Edition", February 1989, "Evaporative Loss from External Floating Roof Tanks," available from the American Petroleum Institute, 1220 L Street, Northwest, Washington, DC 20005.

(15) "ASTM Standard Test Method for Vapor Pressure—Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," ASTM Standard D 2879-92, available from American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103.

(16) 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. Available at NTIS, PB99-121949, U.S. Department of Commerce, 5285 Port Royal, Springfield, Virginia 22161.

The following 47 analytical testing methods are contained in the Third Edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" EPA Publication SW-846 (November 1986) and its Revision I (December 1987), which are available for the cost of $110.00 from the Government Printing Office, Superintendent of Documents, Washington, DC 20402, (202) 783-3238 (document number 955-001-00000-1):[1]

0010 Modified Method 5 Sampling Train
0020 Source Assessment Sampling System (SASS)
0030 Volatile Organic Sampling Train
1320 Multiple Extraction Procedure
1330 Extraction Procedure for Oily Wastes
3611 Alumina Column Cleanup and Separation of Petroleum Wastes
5040 Protocol for Analysis of Sorbent Cartridges from Volatile Organic Sampling Train
6010 Inductively Coupled Plasma Atomic Emission Spectroscopy
7090 Beryllium (AA, Direct Aspiration)
7091 Beryllium (AA, Furnace Technique)
7198 Chromium, Hexavalent (Differential Pulse Polarography)
7210 Copper (AA, Direct Aspiration)
7211 Copper (AA, Furnace Technique)
7380 Iron (AA, Direct Aspiration)
7381 Iron (AA, Furnace Technique)

~~7460 Manganese (AA, Direct Aspiration)~~
~~7461 Manganese (AA, Furnace Technique)~~
~~7550 Osmium (AA, Direct Aspiration)~~
~~7770 Sodium (AA, Direct Aspiration)~~
~~7840 Thallium (AA, Direct Aspiration)~~
~~7841 Thallium (AA, Furnace Technique)~~
~~7910 Vanadium (AA, Direct Aspiration)~~
~~7911 Vanadium (AA, Furnace Technique)~~
~~7950 Zinc (AA, Direct Aspiration)~~
~~7951 Zinc (AA, Furnace Technique)~~
~~9022 Total Organic Halides (TOX) by Neutron Activation Analysis~~
~~9035 Sulfate (Colorimetric, Automated, Chloranilate)~~
~~9036 Sulfate (Colorimetric, Automated, Methylthymol Blue, AA II)~~
~~9038 Sulfate (Turbidimetric)~~
~~9060 Total Organic Carbon~~
~~9065 Phenolics (Spectrophotometric, Manual 4 AAP with Distillation)~~
~~9066* Phenolics (Colorimetric, Automated 4 AAP with Distillation)~~
~~9067 Phenolics (Spectrophotometric, MBTH with Distillation)~~
~~9070 Total Recoverable Oil and Grease (Gravimetric, Separatory Funnel Extraction)~~
~~9071 Oil and Grease Extraction Method for Sludge Samples~~
~~9080 Cation Exchange Capacity of Soils (Ammonium Acetate)~~
~~9081 Cation Exchange Capacity of Soils (Sodium Acetate)~~
~~9100 Saturated Hydraulic Conductivity, Saturated Leachate Conductivity, and Intrinsic Permeability~~
~~9131 Total Coliform: Multiple Tube Fermentation Technique~~
~~9132 Total Coliform: Membrane Filter Technique~~
~~9200 Nitrate~~
~~9250 Chloride (Colorimetric, Automated Ferricyanide AAI)~~
~~9251 Chloride (Colorimetric, Automated Ferricyanide AAII)~~
~~9252 Chloride (Titrimetric, Mercuric Nitrate)~~
~~9310 Gross Alpha and Gross Beta~~
~~9315 Alpha Emitting Radium Isotopes~~
~~9320 Radium 228~~

~~FOOTNOTE: *When Method 9066 is used it must be preceded by the manual distillation specified in procedure 7.1 of Method 9065. Just prior to distillation in Method 9065, adjust the sulfuric acid preserved sample to pH 4 with 1 + 9 NaOH. After the manual distillation is completed, the autoanalyzer manifold is simplified by connecting the re sample line directly to the sampler.~~

These incorporations by reference were approved by the Director of the *Federal Register* pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the *Federal Register*. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW. (3403T), Washington, DC 20460, *libraryhq@epa.gov*; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*

(b) ~~The references listed in paragraph (a) of this section are also available for inspection at the Office of the *Federal Register*, 800 North Capitol Street, NW, Suite 700, Washington, DC 20408. These incorporations by reference were approved by the Director of the *Federal Register*. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the *Federal Register*.~~ **The following materials are available for purchase from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959.**

(1) ASTM D–93–79 or D–93–80, ''Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester,'' IBR approved for § 261.21.

(2) ASTM D–1946–82, ''Standard Method for Analysis of Reformed Gas by Gas Chromatography,'' IBR approved for §§ 264.1033, 265.1033.

(3) ASTM D 2267–88, ‘‘Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography,’’ IBR approved for § 264.1063.

(4) ASTM D 2382–83, ‘‘Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method),’’ IBR approved for §§ 264.1033, 265.1033.

(5) ASTM D 2879–92, ‘‘Standard Test Method for Vapor Pressure—Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope,’’ IBR approved for § 265.1084.

(6) ASTM D–3278–78, ‘‘Standard Test Methods for Flash Point for Liquids by Setaflash Closed Tester,’’ IBR approved for § 261.21(a).

(7) ASTM E 168–88, ‘‘Standard Practices for General Techniques of Infrared Quantitative Analysis,’’ IBR approved for § 264.1063.

(8) ASTM E 169–87, ‘‘Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis,’’ IBR approved for § 264.1063.

(9) ASTM E 260–85, ‘‘Standard Practice for Packed Column Gas Chromatography,’’ IBR approved for § 264.1063.

(10) ASTM E 926–88, ‘‘Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals,’’ Test Method C—Bomb, Acid Digestion Method.

(c) The following materials are available for purchase from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; or for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

(1) ‘‘APTI Course 415: Control of Gaseous Emissions,’’ EPA Publication EPA–450/2–81–005, December 1981, IBR approved for §§ 264.1035, 265.1035, 270.24, 270.25.

(2) 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, PB99–121949, IBR approved for Section 261, appendix IX.

(3) The following methods as published in the test methods compendium known as ‘‘Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,’’ EPA Publication SW–846, Third Edition. A suffix of ‘‘A’’ in the method number indicates revision one (the method has been revised once). A suffix of ‘‘B’’ in the method number indicates revision two (the method has been revised twice). A suffix of ‘‘C’’ in the method number indicates revision three (the method has been revised three times). A suffix of ‘‘D’’ in the method number indicates revision four (the method has been revised four times).

(i) Method 0010, dated September 1986 and in the Basic Manual, IBR approved for Section 261, appendix IX.

(ii) Method 0020, dated September 1986 and in the Basic Manual, IBR approved for Section 261, appendix IX.

(iii) Method 0030, dated September 1986 and in the Basic Manual, IBR approved for Section 261, appendix IX.

(iv) Method 1320, dated September 1986 and in the Basic Manual, IBR approved for Section 261, appendix IX.

(v) Method 1311, dated September 1992 and in Update I, IBR approved for Section 261, appendix IX, and §§ 261.24, 268.7, 268.40.

(vi) Method 1330A, dated September 1992 and in Update I, IBR approved for Section 261, appendix IX.

(vii) Method 1312 dated September 1994 and in Update II, IBR approved for Section 261, appendix IX.

(viii) Method 0011, dated December 1996 and in Update III, IBR approved for Section 261, appendix IX, and Section 266, appendix IX.

(ix) Method 0023A, dated December 1996 and in Update III, IBR approved for Section 261, appendix IX, Section 266, appendix IX, and § 266.104.

(x) Method 0031, dated December 1996 and in Update III, IBR approved for Section 261, appendix IX.

(xi) Method 0040, dated December 1996 and in Update III, IBR approved for Section 261, appendix IX.

(xii) Method 0050, dated December 1996 and in Update III, IBR approved for Section 261, appendix IX, Section 266, appendix IX, and § 266.107.

(xiii) Method 0051, dated December 1996 and in Update III, IBR approved for Section 261, appendix IX, Section 266, appendix IX, and § 266.107.

(xiv) Method 0060, dated December 1996 and in Update III, IBR approved for Section 261, appendix IX, § 266.106, and Section 266, appendix IX.

(xv) Method 0061, dated December 1996 and in Update III, IBR approved for Section 261, appendix IX, § 266.106, and Section 266, appendix IX.

(xvi) Method 9071B, dated April 1998 and in Update IIIA, IBR approved for Section 261, appendix IX.

(xvii) Method 1010A, dated November 2004 and in Update IIIB, IBR approved for Section 261, appendix IX.

(xviii) Method 1020B, dated November 2004 and in Update IIIB, IBR approved for Section 261, appendix IX.

(xix) Method 1110A, dated November 2004 and in Update IIIB, IBR approved for § 261.22 and Section 261, appendix IX.

(xx) Method 1310B, dated November 2004 and in Update IIIB, IBR approved for Section 261, appendix IX.

(xxi) Method 9010C, dated November 2004 and in Update IIIB, IBR approved for Section 261, appendix IX and §§ 268.40, 268.44, 268.48.

(xxii) Method 9012B, dated November 2004 and in Update IIIB, IBR approved for Section 261, appendix IX and §§ 268.40, 268.44, 268.48.

(xxiii) Method 9040C, dated November 2004 and in Update IIIB, IBR approved for Section 261, appendix IX and § 261.22. (xxiv) Method 9045D, dated November 2004 and in Update IIIB, IBR approved for Section 261, appendix IX. (xxv) Method 9060A, dated November 2004 and in Update IIIB, IBR approved for Section 261, appendix IX, and §§ 264.1034, 264.1063, 265.1034, 265.1063. (xxvi) Method 9070A, dated November 2004 and in Update IIIB, IBR approved for Section 261, appendix IX. (xxvii) Method 9095B, dated November 2004 and in Update IIIB, IBR approved, Section 261, appendix IX, and §§ 264.190, 264.314, 265.190, 265.314, 265.1081, 268.32.

(d) The following materials are available for purchase from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269–9101.

(1) ''Flammable and Combustible Liquids Code'' (1977 or 1981), IBR approved for §§ 264.198, 265.198.

(2) [Reserved]

(e) The following materials are available for purchase from the American Petroleum Institute, 1220 L Street, Northwest, Washington, DC 20005.

(1) API Publication 2517, Third Edition, February 1989, ''Evaporative Loss from External Floating-Roof Tanks,'' IBR approved for § 265.1084.

(2) [Reserved]

(f) The following materials are available for purchase from the Environmental Protection Agency, Research Triangle Park, NC.

(1) ''Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised'', October 1992, EPA Publication No. EPA–450/R–92–019, IBR approved for Section 266, appendix IX.

(2) [Reserved]

(g) The following materials are available for purchase from the Organisation for Economic Co-operation and Development, Environment Direcorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France.

(1) OECD Green List of Wastes (revised May 1994), Amber List of Wastes and Red List of Wastes (both revised May 1993) as set forth in Appendix 3, Appendix 4 and Appendix 5,

respectively, to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations), IBR approved for 262.89 of this Regulation.

(2) [Reserved]

Subsection C—Rulemaking Petitions

5. Section 260.21 is amended by revising paragraph (d) to read as follows:

§ 260.21 Petitions for equivalent testing or analytical methods.

* * * * *

(d) ~~If the Commission amends the regulations to permit use of a new testing method *which is not contained in "Test Methods for the Evaluation of Solid Waste: Physical/Chemical Methods," SW-846, U.S. Environmental Protection Agency, Office of Solid Waste, Washington, DC 20460), the new method shall be fully described and listed in an appendix to the appropriate section of this regulation.*~~ **If the EPA Administrator amends the regulations to permit use of a new testing method, the method will be incorporated by reference in 40 CFR 260.11 and added to ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,'' EPA Publication SW–846, U.S. Environmental Protection Agency, Office of Solid Waste, Washington, DC 20460.**

6. Section 260.22 is amended by revising paragraph (d)(1)(i) to read as follows:

§ 260.22 Petitions to amend Section 261 to exclude a waste produced at a particular facility.

* * * * *

(d) * * *

(1) * * *

(i) Does not contain the constituent or constituents (as defined in Appendix VII of Section 261 of this regulation) that caused the Commission to list the waste, ~~using the appropriate test methods prescribed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11~~; or

* * * * *

SECTION 261 — IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Subpart A — General

7. Section 261.3 is amended by revising paragraph (a)(2)(v) introductory text to read as follows:

§ 261.3 Definition of hazardous waste.

(a) * * *

(2) * * *

(v) *Rebuttable presumption for used oil.* Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subsection D of Section 261 of this Regulation. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, ~~by using an analytical method from SW-846, Third Edition,~~ to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of Section 261 of this Regulation). ~~EPA Publication SW-846, Third Edition, is available for the cost of $110.00 from the Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954. 202-783-3238 (document number 955-001-00000-1).~~

* * * * *

8. **Section 261.4** is amended by revising paragraph (b)(15) to read as follows:

§ 261.4 Exclusions.

* * * * *

(b) * * * * *

(15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed, provided that:

(i) The solid wastes disposed would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, K172, K174, K175, K176, K177, ~~and~~ K178 **and K181** if these wastes had been generated after the effective date of the listing;

(ii) The solid wastes described in paragraph (b)(15)(i) of this section were disposed prior to the effective date of the listing;

(iii) The leachate or gas condensate do not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;

(iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under sections 307(b) or 402 of the Clean Water Act.

(v) As of February 13, 2001, leachate or gas condensate derived from K169-K172 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. As of November 21, 2003, leachate or gas condensate derived from K176, K177, and K178 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. **After February 26, 2007, leachate or gas condensate derived from K181 will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge.** There is one exception: if the surface impoundment is

used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this paragraph (b)(15)(v) after the emergency ends.

* * * * *

9. **Section 261.7** is amended by revising paragraph (b)(1)(iii) to read as follows:

§ 261.7 Residues of hazardous waste in empty containers.

* * * * *

(b)(1) * * *

(iii)(A) No more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to ~~110~~ **119** gallons in size; or

(B) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than ~~110~~ **119** gallons in size.

10. **Section 261.9(c)** is amended to read as follows:

§ 261.9 Requirements for Universal Waste.

The wastes listed in this section are exempt from regulation under Sections 262 through 270 of this regulation except as specified in Section 273 of this regulation and, therefore are not fully regulated as hazardous waste. The wastes listed in this section are subject to regulation under Section 273:

* * * * *

(c) ~~Thermostats~~ **Mercury-containing devices** as described in § 273.4 of this regulation;

* * * * *

Subsection C—Characteristics of Hazardous Waste

11. **Section 261.21** is amended by revising paragraphs (a)(1), (3), and (4) to read as follows:

§ 261.21 Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60°C (140°F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80 (incorporated by reference, see § 260.11), or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 (incorporated by reference, see § 260.11). ~~or as determined by an equivalent test method approved by the Director under procedures set forth in §§ 260.20 and 260.21.~~

(2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

(3) It is a~~n ignitable~~ **flammable** compressed gas as defined in ~~49 CFR 173.300~~ **49 CFR 173.115** and as determined by the test methods described in that regulation or equivalent test methods approved by the Director under §§ 260.20 and 260.21.

(4) It is an oxidizer as defined in ~~49 CFR 173.151~~ **49 CFR 173.127.**

12. **Section 261.22** is amended by revising paragraphs (a)(1) and (2) to read as follows:

§ 261.22 Characteristic of corrosivity.

(a) * * *

(1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040**C** in ‘‘Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,’’ EPA Publication SW–846, as incorporated by reference in § 260.11 of this Regulation.

(2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55 °C (130 °F) as determined by ~~the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846, as incorporated by reference in § 260.11 of this regulation.~~ **Method 1110A in ‘‘Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,’’ EPA Publication SW–846, and as incorporated by reference in § 260.11 of this Regulation.**

* * * * *

13. **Section 261.32** is amended by:

a. Designating the existing text and table as paragraph (a),

b. In the table by adding a new entry, “K181,” in alphanumeric order (by first column) under the heading “Organic Chemicals”,

c. Adding paragraphs (b), (c) and (d).

The revisions and additions read as follows:

* * * * *

K181..... Nonwastewaters from the production of dyes and/or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in paragraph (c) of this section that are equal to or greater than the corresponding paragraph (c) levels, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are: (i) disposed in a Subtitle D landfill unit subject to the design criteria in § 258.40, (ii) disposed in a Subtitle C landfill unit subject to either § 264.301 or § 265.301, (iii) disposed in other Subtitle D landfill units that meet the design criteria in § 258.40, § 264.301, or § 265.301, or (iv) treated in a combustion unit that is permitted under Subtitle C, or an onsite combustion unit that is permitted under the federal Clean Air Act. For the purposes of this listing, dyes and/or pigments production is defined in paragraph (b)(1) of this section. Paragraph (d) of this section describes the process for demonstrating that a facility's nonwastewaters are not K181. This listing does not apply to wastes that are otherwise identified as hazardous under §§ 261.21-261.24 and 261.31-261.33 at the point of generation. Also, the listing does not apply to wastes generated before any annual mass loading limit is met. (T)

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* * * * *

(b) Listing Specific Definitions: (1) For the purposes of the K181 listing, dyes and/or pigments production is defined to include manufacture of the following product classes: dyes, pigments, or FDA certified colors that are classified as azo, triarylmethane, perylene or anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azoic, benzidine, and pyrazolone products. Triarylmethane products include both triarylmethane and triphenylmethane products. Wastes that are not generated at a dyes and/ or pigments manufacturing site, such as wastes from the offsite use, formulation, and packaging of dyes and/or pigments, are not included in the K181 listing.

(c) K181 Listing Levels. Nonwastewaters containing constituents in amounts equal to or exceeding the following levels during any calendar year are subject to the K181 listing, unless the conditions in the K181 listing are met.

Constituent	Chemical Abstracts No.	Mass levels (kg/yr)
Aniline.....	62-53-3	9,300
o-Anisidine.....	90-04-0	110
4-Chloroaniline.....	106-47-8	4,800
p-Cresidine.....	120-71-8	660
2,4-Dimethylaniline.....	95-68-1	100
1,2-Phenylenediamine.....	95-54-5	710
1,3-Phenylenediamine.....	**108-45-2**	**1,200**

(d) Procedures for demonstrating that dyes and/or pigment nonwastewaters are not K181. The procedures described in paragraphs (d)(1)-(d)(3) and (d)(5) of this section establish when nonwastewaters from the production of dyes/pigments would not be hazardous (these procedures apply to wastes that are not disposed in landfill units or treated in combustion units as specified in paragraph (a) of this section). If the nonwastewaters are disposed in landfill units or treated in combustion units as described in paragraph (a) of this section, then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 listing description, the generator must maintain documentation as described in paragraph (d)(4) of this section.

(1) Determination based on no K181 constituents. Generators that have knowledge (e.g., knowledge of constituents in wastes based on prior sampling and analysis data and/or information about raw materials used, production

processes used, and reaction and degradation products formed) that their wastes contain none of the K181 constituents (see paragraph (c) of this section) can use their knowledge to determine that their waste is not K181. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.

(2) Determination for generated quantities of 1,000 MT/yr or less for wastes that contain K181 constituents. If the total annual quantity of dyes and/or pigment nonwastewaters generated is 1,000 metric tons or less, the generator can use knowledge of the wastes (e.g., knowledge of constituents in wastes based on prior analytical data and/or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of paragraph (c) of this section. To make this determination, the generator must:

(i) Each year document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 metric tons.

(ii) Track the actual quantity of nonwastewaters generated from January 1 through December 31 of each year. If, at any time within the year, the actual waste quantity exceeds 1,000 metric tons, the generator must comply with the requirements of paragraph (d)(3) of this section for the remainder of the year.

(iii) Keep a running total of the K181 constituent mass loadings over the course of the calendar year.

(iv) Keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:

(A) The quantity of dyes and/or pigment nonwastewaters generated.

(B) The relevant process information used.

(C) The calculations performed to determine annual total mass loadings for each K181 constituent in the nonwastewaters during the year.

(3) Determination for generated quantities greater than 1,000 MT/yr for wastes that contain K181 constituents. If the total annual quantity of dyes and/or pigment nonwastewaters generated is greater than 1,000 metric tons, the generator must perform all of the steps described in paragraphs ((d)(3)(i)-(d)(3)(xi) of this section) in order to make a determination that its waste is not K181.

(i) Determine which K181 constituents (see paragraph (c) of this section) are reasonably expected to be present in the wastes based on knowledge of the wastes (e.g., based on prior sampling and analysis data and/or information about raw materials used, production processes used, and reaction and degradation products formed).

(ii) If 1,2-phenylenediamine is present in the wastes, the generator can use either knowledge or sampling and analysis procedures to determine the level of this constituent in the wastes. For determinations based on use of knowledge, the generator must comply with the procedures for

using knowledge described in paragraph (d)(2) of this section and keep the records described in paragraph (d)(2)(iv) of this section. For determinations based on sampling and analysis, the generator must comply with the sampling and analysis and recordkeeping requirements described below in this section.

(iii) Develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes. At a minimum, the plan must include:

(A) A discussion of the number of samples needed to characterize the wastes fully;

(B) The planned sample collection method to obtain representative waste samples;

(C) A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes.

(D) A detailed description of the test methods to be used, including sample preparation, clean up (if necessary), and determinative methods.

(iv) Collect and analyze samples in accordance with the waste sampling and analysis plan.

(A) The sampling and analysis must be unbiased, precise, and representative of the wastes.

(B) The analytical measurements must be sufficiently sensitive, accurate and precise to support any claim that the constituent mass loadings are below the listing levels of paragraph (c) of this section.

(v) Record the analytical results.

(vi) Record the waste quantity represented by the sampling and analysis results.

(vii) Calculate constituent-specific mass loadings (product of concentrations and waste quantity).

(viii) Keep a running total of the K181 constituent mass loadings over the course of the calendar year.

(ix) Determine whether the mass of any of the K181 constituents listed in paragraph (c) of this section generated between January 1 and December 31 of any year is below the K181 listing levels.

(x) Keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:

(A) The sampling and analysis plan.

(B) The sampling and analysis results (including QA/QC data)

(C) The quantity of dyes and/or pigment nonwastewaters generated.

(D) The calculations performed to determine annual mass loadings.

(xi) Nonhazardous waste determinations must be conducted annually to verify that the wastes remain nonhazardous.

(A) The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are

nonhazardous. The generator can then use knowledge of the wastes to support subsequent annual determinations.

(B) The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels.

(C) If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a nonhazardous determination. If testing is reinstated, a description of the process change must be retained.

(4) Recordkeeping for the landfill disposal and combustion exemptions. For the purposes of meeting the landfill disposal and combustion condition set out in the K181 listing description, the generator must maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or meets the landfill design standards set out in the listing description, or was treated in combustion units as specified in the listing description.

(5) Waste holding and handling. During the interim period, from the point of generation to completion of the hazardous waste determination, the generator is responsible for storing the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the subtitle C requirements during the interim period, the generator could be subject to an enforcement action for improper management.

Subsection D—Lists of Hazardous Wastes

14. **Section 261.35** is amended by revising paragraphs (b)(2)(iii)(A) and (B) to read as follows:

§ 261.35 Deletion of certain hazardous waste codes following equipment cleaning and replacement.

* * * * *

(b) * * *

(2) * * *

(iii) * * *

(A) Rinses must be tested ~~in accordance with SW-846, Method 8290~~. **by using an appropriate method.**

(B) ‘‘Not detected’’ means at or below the ~~lower method calibration limit (MCL) in Method 8290, Table 1~~ **following lower method calibration limits (MCLs): The 2,3,7,8-TCDD-based MCL—0.01 parts per trillion (ppt), sample weight of 1000 g, IS spiking level of 1 ppt, final extraction volume of 10–50 uL. For other congeners—multiply the values by 1 for TCDF/PeCDD/PeCDF, by 2.5 for HxCDD/HxCDF/ HpCDD/HpCDF, and by 5 for OCDD/OCDF.**

* * * * *

15. **Section 261.38** is amended by revising paragraph (c)(7) introductory text to read as follows:

§ 261.38 Comparable/Syngas Fuel Exclusion.

* * * * *

(c) * * *

(7) Waste analysis plans. The generator of a comparable/syngas fuel shall develop and follow a written waste analysis plan which describes the procedures for sampling and analysis of the hazardous waste to be excluded. ~~The waste analysis plan shall be developed in accordance with the applicable sections of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846).~~ The plan shall be followed and retained at the facility excluding the waste.

* * * * *

16. **Appendix I to Section 261** is amended by revising paragraphs four and five to read as follows:

Appendix I to Section 261—Representative Sampling Methods

* * * * *

Containerized liquid waste— ''COLIWASA.'' ~~described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods,"[1a] U.S. Environmental Protection Agency, Office of Solid Waste, Washington, D.C. 20460. [Copies may be obtained from Solid Waste Information, U.S. Environmental Protection Agency, 26 W. St. Clair St., Cincinnati, Ohio 45268]~~

~~NOTE: [1a]These methods are also described in "Samplers and Sampling Procedures for Hazardous Waste Streams," EPA 600/2-80-018, January 1980.~~

Liquid waste in pits, ponds, lagoons, and similar reservoirs.—''Pond Sampler.'' ~~described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods."[1a]~~

~~This manual also contains additional information on application of these protocols.~~

* * * * *

Appendices II and III to Section 261 [Removed and Reserved]

17. **Section 261** is amended by removing and reserving **Appendices II and III.**

~~**Appendix II to Section 261 — Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)**~~

~~Note: The TCLP (Method 1311) is published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter.~~

~~**Appendix III to Section 261 — Chemical Analysis Test Methods**~~

~~Note: Appropriate analytical procedures to determine whether a sample contains a given toxic constituent are specified in Chapter Two, "Choosing the Correct Procedure" found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter. Prior to final sampling and analysis method selection, the individual should consult the specific section or method described in SW-846 for additional guidance on which of the approved methods should be employed for a specific sample analysis situation.~~

18. **Appendix VII to Section 261** is amended by adding the following entry in alphanumeric order (by the first column) to read as follows.

Appendix VII to Part 261—Basis for Listing Hazardous Waste

EPA hazardous waste No.	Hazardous constituents for which listed
* * * *	
K181.....	**Aniline, o-anisidine, 4-chloroaniline, p-cresidine, 2,4-dimethylaniline, 1,2-phenylenediamine, 1,3- phenylenediamine.**
* * * *	

* * * * *

Appendix VIII to Section 261—Hazardous Constituents

19. **Appendix VIII to Section 261** is amended by adding in alphabetical sequence of common name the following entries:

* * * * *

Common name	Chemical abstracts name	Chemical abstracts No.	Hazardous waste No.
* * * * * * *			
o-Anisidine (2-methoxyaniline).	**Benzenamine, 2-Methoxy-.**	**90-04-0**	**.....**
* * * * * * *			
p-Cresidine.....	**2-Methoxy-5-methylbenzenamine.**	**120-71-8**	**.....**
* * * * * * *			
2,4-Dimethylaniline (2,4-xylidine).	**Benzenamine, 2,4-dimethyl-.**	**95-68-1**	**.....**
* * * * * * *			
1,2-Phenylenediamine.....	**1,2-**	**95-54-5**	**.....**

Benzenediamine.

* * * * * * *

1,3-Phenylenediamine..... 1,3- Benzenediamine. 108-45-2 .....

* * * * * * *

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20. **Appendix IX to Section 261** is amended in Table 1:

(a) In the entry for ''Arkansas Department of Pollution Control and Ecology, Vertac Superfund site, Jacksonville, Arkansas,'' under the ''Waste description'' column, by revising the introductory text of paragraph (1) and by revising paragraph (3)(C);

(b) In the entry for ''Tokusen USA, Inc., Conway, AR,'' under the ''Waste description'' column, by revising paragraph (2)(C), the introductory text of paragraph (3), and paragraphs (3)(A)(ii), (3)(B), and (3)(C)(ii);

The revisions read as follows:

Appendix IX to Section 261—Wastes Excluded Under §§ 260.20 and 260.22

Facility
Arkansas Department of Environmental Quality.
Vertac Superfund site,
Jacksonville, Arkansas.

Kiln ash, cyclone ash, and calcium chloride salts from incineration of residues (EPA Hazardous Waste No. F020 and F023) generated from the primary production of 2,4,5-T and 2,4-D after August 24, 1990. This one-time exclusion applies only to the incineration of the waste materials described in the petition, and it is conditional upon the data obtained from ADEQ's full-scale incineration facility. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern once the full-scale treatment facility is in operation, ADEQ must implement a testing program for the petitioned waste. This testing program must meet the following conditions for the exclusion to be valid:

(1) Testing: Sample collection and analyses (including quality control (QC) procedures) ~~must be performed according to SW-846 methodologies.~~ **according to appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of SW–846 methods incorporated by reference in 40 CFR 260.11 must be used without substitution. As applicable, the SW–846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses EPA Method 1664, Rev. A), 9071B, and 9095B.**

(A) Initial testing: Representative grab samples must be taken from each drum and kiln ash and cyclone ash generated from each 24 hours of operation, and the grab samples composited to form one composite sample of ash for each 24-hour period. Representative grab samples must also be taken from each drum of calcium chloride salts generated from each 24 hours of operation and composited to form one composite sample of calcium chloride salts for each 24-hour period. The initial testing requirements must be fulfilled for the following wastes: (i) incineration by-products generated prior to and during the incinerator's trial burn; (ii) incineration by-products from the treatment of 2,4-D wastes for one week (or 7 days if incineration is not on consecutive days) after completion of the trial burn; (iii) incineration by-products from the treatment of blended 2,4-D and 2,4 5-T wastes for two weeks (or 14 days if incineration is not on consecutive days) after completion of the trial burn; and (iv) incineration by-products from the treatment of blended 2,4-D and 2,4,5-T wastes for one week (or 7 days if incineration is not on consecutive days) when the percentage of 2, 4, 5-T wastes exceeds the maximum percentage treated under Condition (1)(A)(iii). Prior to disposal of the residues from each 24-hour sampling period, the daily composite must be analyzed for all the constituents listed in Condition (3). ADEQ must report the analytical test data, including quality control information, obtained during this initial period no later than 90 days after the start of the operation.

(B). Subsequent testing: Representative grab samples of each drum of kiln and cyclone ash generated from each week of operation must be composited to form one composite sample of ash for each weekly period. Representative grab samples of each drum of calcium chloride salts generated from each week of operation must also be composited to form one composite sample of calcium chloride salts for each weekly period.

Prior to disposal of the residues from each weekly sampling period, the weekly composites must be analyzed for all of the constituents listed in Condition (3). The analytical data, including quality control information, must be compiled and maintained on site for a minimum of three years. These data must be furnished upon request and made available for inspection by any employee or representative of EPA.

(2) Waste holding: The incineration residues that are generated must be stored as hazardous until the initial verification analyses or subsequent analyses are completed.

If the composite incineration residue samples (from either Condition (1)(A) or Condition (1)(B) do not exceed any of the delisting levels set in Condition (3), the incineration residues corresponding to these samples may be managed and disposed of in accordance with all applicable solid waste regulations.

If any composite incineration residue sample exceeds any of the delisting levels set in Condition (3), the incineration residues generated during the time period corresponding to this sample must be retreated until they meet these levels (analyses must be repeated) or managed and disposed of in accordance with subtitle C of RCRA. Incineration residues which are generated but for which analysis is not complete or valid must be managed and disposed of in accordance with subtitle C of RCRA, until valid analyses demonstrate that the wastes meet the delisting levels.

(3) Delisting levels: If concentrations in one or more of the incineration residues for any of the hazardous constituents listed below exceed their respective maximum allowable concentrations also listed below, the batch of failing waste must either be re-treated until it meets these levels or managed and disposed of in accordance with subtitle C of RCRA.

(A) Inorganics (Leachable): Arsenic, 0.32 ppm; Barium, 6.3 ppm; Cadmium, 0.06 ppm; Chromium, 0.32 ppm; Cyanide, 4.4 ppm; Lead, 0.32 ppm; Mercury, 0.01 ppm; Nickel, 4.4 ppm; Selenium, 0.06 ppm; Silver, 0.32 ppm. Metal concentrations must be measured in the waste leachate as per 40 CFR 261.24. Cyanide extractions must be conducted using distilled water.

(B) Organics: Benzene, 0.87 ppm; Benzo(a)anthracene, 0.10 ppm; Benzo(a)pyrene, 0.04 ppm; Benzo (b)fluoranthene, 0.16 ppm; Chlorobenzene, 152 ppm; o-Chlorophenol, 44 ppm; Chrysene, 15 ppm; 2, 4-D, 107 ppm; DDE, 1.0 ppm; Dibenz(a,h)anthracene, 0.007 ppm; 1, 4-Dichlorobenzene, 265 ppm; 1, 1-Dichlorethylene, 1.3 ppm; trans-1,2 Dichloroethylene, 37 ppm; Dichloromethane, 0.23 ppm; 2,4-Dichlorphenol, 43 ppm; Hexachlorobenzene, 0.26 ppm; Indeno (1,2,3-cd) pyrene, 30 ppm; Polychlorinated biphenyls, 12 ppm; 2,4,5-T, 1 X 10^6 ppm; 1,2,4,5-Tetrachlorobenzene, 56 ppm; Tetrachloroethylene, 3.4 ppm; Trichloroethylene, 1.1 ppm; 2,4,5-Trichlorophenol, 21,000 ppm; 2,4,6-Trichlorophenol, 0.35 ppm.

(C) Chlorinated dioxins and furans: 2,3,7,8-Tetrachlorodibenzo-p-dioxin equivalents: 4 x10^{-7}ppm.

The petitioned by-product must be analyzed for the tetra-, penta-, hexa-, and heptachlorodibenzo-p-dioxins, and the tetra-, penta-, hexa-, and heptachlorodibenzofurans to determine the 2, 3, 7, 8-tetra- chlorodibenzo-p-dioxin equivalent concentration. The analysis must be conducted using ~~Method 8290, a high resolution gas chromatography/high resolution mass spectrometry method, and must achieve practical quantitation limits of 15 parts per trillion (ppt) for the tetra- and penta- homologs, and 37 ppt for the hexa- and hepta- homologs~~ **a measurement system that achieves practical quantitation limits of 15 parts per trillion (ppt) for the tetra- and penta-homologs, and 37 ppt for the hexa- and hepta-homologs.**

(4) Termination of testing: Due to the possible variability of the incinerator feeds, the testing requirements of Condition (1)(B) will continue indefinitely.

(5) Data submittals: Within one week of system start-up. ADEQ must notify the Section Chief, Variances Section (see address below) when the full-scale incineration system is on-line and waste treatment has begun. The data obtained through Condition (1)(A) must be submitted to the Section Chief, Variances Section, PSPD/OSW (OS-343), U.S. EPA, 401 M Street SW., Washington, DC 20460, within the time period specified. At the Section Chief's request, ADEQ must submit analytical data obtained through Condition (1)(B) within the time period specified by the Section Chief. Failure to submit the required data obtained from Condition (1)(A) within the specified time period or to maintain the required records for the time specified in Condition (1)(B) (or to submit data within the time specified by the Section Chief) will be considered by the Agency, at its discretion, sufficient basis to revoke ADEQ's exclusion to the extent directed by EPA. All data must be accompanied by the following certification statement:

"Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true accurate and complete. In the event that any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of wastes will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion."

Tokusen USA, Inc.
Conway, AR

Dewatered wastewater treatment plant (WWTP) sludge (EPA Hazardous Waste Nos. F006) generated at a maximum annual rate of 670 cubic yards per calendar year after December 31, 2002 and disposed of in a Subtitle D landfill. For the exclusion to be valid, Tokusen must implement a testing program that meets the following Paragraphs:

(1) Delisting Levels: All leachable concentrations for those constituents listed below in (i) and (ii) must not exceed the following levels (mg/l). Tokusen must use an acceptable leaching method, for example SW-846, Method 1311 to measure constituents in the waste leachate, dewatered WWTP sludge

(i) Inorganic Constituents Antimony- 0.360 mg/l; Arsenic - 0.0654 mg/l; Barium - 51.1 mg/l; Chromium - 5.0 mg/l; Cobalt - 15.7 mg/l; Copper - 7,350 mg/l; Lead - 5.0 mg/l; Nickel - 19.7 mg/l; Selenium - 1.0 mg/l; Silver - 2.68 mg/l; Vanadium - 14.8 mg/l; Zinc – 196 mg/l.

(ii) OrganicConstituents 1,4-Dichlorobenzene - 3.03 mg/l; Hexachlorobutadiene - 0.21 mg/l.

(2) Waste Holding and Handling: Tokusen must store the dewatered WWTP sludge as described in its RCRA permit, or continue to dispose of as hazardous all dewatered WWTP sludge generated, until they have completed verification testing described in Paragraph (3)(A) and (B), as appropriate, and valid analyses show that paragraph (1) is satisfied.

(A) Not used.

(B) Levels of constituents measured in the samples of the dewatered WWTP sludge that do not exceed the levels set forth in Paragraph (1) are non-hazardous. Tokusen can manage and dispose the non-hazardous dewatered WWTP sludge according to all applicable solid waste regulations.

(C) If constituent levels in a sample exceed any of the delisting levels set in Paragraph (1), Tokusen must re-treat the batches of waste used to generate the representative sample ~~(according to SW-846 methodologies)~~ until it meets the levels. Tokusen must repeat the analyses of the treated waste.

(D) If the facility has not treated the waste, Tokusen must manage and dispose the waste generated under Subtitle C of RCRA.

(3) Verification Testing Requirements: Tokusen must perform sample collection and analyses, including quality control procedures, ~~according to SW-846 methodologies.~~ **using appropriate methods. As applicable to the method-defined parameters concern, analyses requiring the use of SW–846 methods incorporated by reference in 40 CFR 260.11 must be used without substitution. applicable, the SW–846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses EPA Method 1664, Rev.A), 9071B, and 9095B.** If the Department and EPA judge the process to be effective under the operating conditions used during the initial verification testing, Tokusen may replace the testing required in Paragraph (3)(A) with the testing required in Paragraph (3)(B). Tokusen must continue to test as specified in Paragraph (3)(A) until and unless notified by EPA and the Department in writing that testing in Paragraph (3)(A) may be replaced by Paragraph (3)(B).

(A) Initial Verification Testing: After EPA and ADEQ grant this final exclusion, Tokusen must do the following:

(i) Collect and analyze composites of the dewatered WWTP sludge.

(ii) Make two composites of representative grab samples ~~(according to SW-846 methodologies)~~ collected.

(iii) Analyze the waste, before disposal, for all of the constituents listed in Paragraph 1.

(iv) Sixty (60) days after this exclusion becomes final, report to EPA and ADEQ the operational and analytical test data, including quality control information.

(B) Subsequent Verification Testing: Following written notification by EPA and the Department, Tokusen may substitute the testing conditions in (3)(B) for (3)(A). Tokusen must continue to monitor operating conditions, and analyze representative samples ~~(according to SW-846 methodologies)~~ each quarter of operation during the first year of waste generation, **using appropriate methods. As applicable to method-defined parameters of concern, analyses requiring the use SW–846 methods incorporated by reference in § 260.11 must be used without substitution. As applicable, the SW–846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses EPA Method 1664, Rev. A), 9071B, and 9095B.** The samples must represent the waste generated during the quarter.

(C) Termination of Organic Testing:

(i) Tokusen must continue testing as required under Paragraph (3)(B) for organic constituents in Paragraph (1)(A)(ii), until the analytical results submitted under Paragraph (3)(B) show a minimum of two consecutive samples below the delisting levels in Paragraph (1)(A)(i), Tokusen may then request that EPA and the Department stop quarterly organic testing. After EPA and ADEQ notify Tokusen in writing, the company may end quarterly organic testing.

(ii) Following cancellation of the quarterly testing, Tokusen must continue to test a representative composite sample ~~(according to SW-846 methodologies)~~ for all constituents listed in Paragraph (1) annually (by twelve months after final exclusion), **using appropriate methods. As applicable to method-defined parameters of concern, analyses requiring the use SW–846 methods incorporated by reference in § 260.11 must be used without substitution. As applicable, the SW–846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses EPA Method 1664, Rev. A), 9071B, and 9095B.**.

(4) Changes in Operating Conditions: If Tokusen significantly changes the process described in its petition or starts any processes that generate(s) the waste that may or could affect the composition or type of waste generated as established under Paragraph (1) (by illustration, but not limitation, changes in equipment or operating conditions of the treatment process), they must notify EPA and the Department in writing; they may no longer handle the waste generated from the new process as nonhazardous until the waste meets the delisting levels set in Paragraph (1) and they have received written approval to do so from EPA and the Department.

(5) Data Submittals: Tokusen must submit the information described below. If Tokusen fails to submit the required data within the specified time or maintain the required records on-site for the specified time, EPA and ADEQ, at their discretion, will consider this sufficient basis to reopen the exclusion as described in Paragraph 6. Tokusen must:

(A) Submit the data obtained through Paragraph 3 to the Region 6 Delisting Program, EPA, 1445 Ross Avenue, Dallas, Texas 75202-2733, Mail Code, (6PD-O) and to the Active Sites Branch, Hazardous Waste Division, ADEQ, 8001 National Drive, Little Rock, AR 72219 within the time specified.

(B) Compile records of operating conditions and analytical data from Paragraph (3), summarized, and maintained on-site for a minimum of five years.

(C) Furnish these records and data when EPA or the State of Arkansas request them for inspection.

(D) A company official having supervisory responsibility should send along with all data a signed copy of the following certification statement, to attest to the truth and accuracy of the data submitted: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification

that this information is true, accurate and complete. If any of this information is determined by EPA or ADEQ in their sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA or ADEQ and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.

(6) Reopener.

(A) If, anytime after disposal of the delisted waste, Tokusen possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at a level higher than the delisting level allowed by the Director and the Regional Administrator or his delegate in granting the petition, then the facility must report the data, in writing, to the Director and the Regional Administrator or his delegate within 10 days of first possessing or being made aware of that data.

(B) If the annual testing of the waste does not meet the delisting requirements in Paragraph (1), Tokusen must report the data, in writing, to the Director and the Regional Administrator or his delegate within 10 days of first possessing or being made aware of that data.

(C) If Tokusen fails to submit the information described in paragraphs (5), (6)(A) or (6)(B) or if any other information is received from any source, the Director and/or Regional Administrator or his delegate will make a preliminary determination as to whether the reported information requires Department or Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.

(D) If the Director, or Regional Administrator or his delegate determines that the reported information does require Department or Agency action, the Director or Regional Administrator or his delegate will notify the facility in writing of the actions the Director, the Regional Administrator or his delegate believe are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed Department or Agency action is not necessary. The facility shall have 10 days from the date of the Director's and/or the Regional Administrator or his delegate's notice to present such information.

(E) Following the receipt of information from the facility described in paragraph (6)(D) or (if no information is presented under paragraph (6)(D)) the initial receipt of information described in paragraphs (5), (6)(A) or (6)(B), the Director or the Regional Administrator or his delegate will issue a final written determination describing the Department and/or Agency actions that are necessary to protect human health or the environment. Any required action described in the Director's or the Regional Administrator or his delegate's determination shall become effective immediately, unless the Director or the Regional Administrator or his delegate provides otherwise.

(7) Notification Requirements: Tokusen must do the following before transporting the delisted waste. Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the decision:

(A) Provide a one-time written notification to any State Regulatory Agency to which or through which they will transport the delisted waste described above for disposal, 60 days before beginning such activities.

(B) Update the one-time written notification if they ship the delisted waste into a different disposal facility.

Section 262
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

21. **Section 262.13** is revised to delete paragraph (b) and re-number the following paragraphs as appropriate.

§ 262.13 State Requirements for Transportation of Waste from Generators of over 100 kgs per Month.

(a) In addition to the hazardous waste determination set forth in § 262.11 a person who generates any hazardous waste which is part of a total quantity of hazardous waste greater than 100 kilograms during a calendar month shall comply with all state and federal manifesting and transportation requirements and the provisions of Subsection C of this section, with the inclusion that a small quantity generator must notify the Department of his hazardous waste activity and obtain an EPA identification number.

~~*(b) Any generator who ships any hazardous waste to any location in Arkansas for storage, treatment, or disposal must obtain a manifest form from ADEQ and use only such manifests as are issued by ADEQ for such shipments.*~~

* * * * *

22. **Section 262.20 (a)** is revised to read as follows:

Subsection B -- The Manifest

§ 262.20 General Requirements.

~~(a) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage, or disposal must prepare a manifest (ADEQ/ EPA form 8700-22, and, if necessary, EPA form 8700-22A), according to the instructions included in Appendix I to this section.~~

(a)(1) A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the appendix to this part.

(2) The revised manifest form and procedures in 40 CFR and Sections 260.10, 261.7, 262.20, 262.21, 262.27, 262.32, 262.34,262.54, 262.60, and the appendix to Section 262 of this Regulation, shall not apply until September 5, 2006. The manifest form and procedures in 40 CFR and Sections 260.10, 261.7, 262.20, 262.21, 262.32, 262.34, 262.54, 262.60, and the Appendix to part 262, contained in the 40 CFR, parts 260 to 265, edition revised as of July 1, 2004, shall be applicable until September 5, 2006.

(b) A generator must designate on the manifest one treatment, storage, or disposal facility which is permitted to handle the waste described on the manifest.

(c) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste to the generator.

(e) [Reserved]

(f) The requirements of this subsection and § 262.32(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding § 263.10(a), the generator or transporter must comply with the requirements for transporters set forth in §§ 263.30 and 263.31 in the event of a discharge of hazardous waste on a public or private right-of-way.

23. **Section 262.21** is revised to read as follows:

~~**§ 262.21 Acquisition of Manifests.**~~

~~(a) If the State to which the shipment is manifested (consignment State) supplies the manifest and requires its use, then the generator must use that manifest.~~

~~(b) If the consignment State does not supply the manifest, but the State in which the generator is located (generator State) supplies the manifest and requires its use, then the generator must use that State's manifest.~~

~~*(c) [Reserved]*~~

~~*(d) The Department supplies and requires the use of an Arkansas manifest, supplied by the Department, for the shipment of hazardous wastes as defined in this regulation from Arkansas generators to Arkansas treatment, storage, or disposal facilities; and in the case of paragraph (b) above where the generator is located in Arkansas.*~~

§ 262.21 Manifest tracking numbers, manifest printing, and obtaining manifests.

(a) (1) A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the U.S. EPA Director of the Office of Solid Waste to do so under paragraphs (c) and (e) of this section.

(2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of this section. The registrant is responsible for assigning manifest tracking numbers to its manifests.

(b) A registrant must submit an initial application to the EPA Director of the Office of Solid Waste that contains the following information:

(1) Name and mailing address of registrant;

(2) Name, telephone number and email address of contact person;

(3) Brief description of registrant's government or business activity;

(4) EPA identification number of the registrant, if applicable;

(5) Description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including:

(i) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company.

(ii) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of this section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be pre-printed on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that

numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time.

(iii) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase).

(6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest.

(7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest.

(8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of this Section and that it will notify the EPA Director of the Office of Solid Waste of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.

(c) EPA will review the application submitted under paragraph (b) of this section and either approve it or request additional information or modification before approving it.

(d)(1) Upon EPA approval of the application under paragraph (c) of this section, EPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in paragraph (d)(3) of this section. The registrant's samples must meet all of the specifications in paragraph (f) of this section and be printed by the company that will print the manifest as identified in the application approved under paragraph (c) of this Section we are in 262.21.

(2) The registrant must submit a description of the manifest samples as follows:

(i) Paper type (i.e., manufacturer and grade of the manifest paper);

(ii) Paper weight of each copy;

(iii) Ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and

(iv) Method of binding the copies.

(3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.

(e) EPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until EPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved under paragraph (c) of this Section and the manifest specifications in paragraph (f) of this Section. It also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.

(f) Paper manifests and continuation sheets must be printed according to the following specifications:

(1) The manifest and continuation sheet must be printed with the exact format and appearance as EPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be pre-printed on the manifest form.

(2) A unique manifest tracking number assigned in accordance with a numbering system approved by EPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.

(3) The manifest and continuation sheet must be printed on 8 ½ x 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.

(4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be in red ink.

(5) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32nd of an inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

(6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

(i) Page 1 (top copy): "Designated facility to destination State (if required)".

(ii) Page 2: "Designated facility to generator State (if required)".

(iii) Page 3: "Designated facility to generator".

(iv) Page 4: "Designated facility's copy".

(v) Page 5: "Transporter's copy".

(vi) Page 6 (bottom copy): "Generator's initial copy".

(7) The instructions in the appendix to 40 CFR Part 262 must appear legibly on the back of the copies of the manifest and continuation sheet as

provided in this paragraph. The instructions must not be visible through the front of the copies when photocopied or faxed.

(i) Manifest Form 8700-22

(A) The "Instructions for Generators" on Copy 6;

(B) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and

(C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

(ii) Manifest Form 8700-22A.

(A) The "Instructions for Generators" on Copy 6;

(B) The "Instructions for Transporters" on Copy 5; and

(C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

(g) (1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under paragraphs (c) and (e) of this section. A registered source may be a:

(i) State agency;

(ii) Commercial printer;

(iii) Hazardous waste generator, transporter or TSDF; or

(iv) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

(2) A generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under these states' authorized programs. Generators also must determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

(h)(1) If an approved registrant would like to update any of the information provided in its application approved under paragraph (c) of this section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the EPA Director of the Office of Solid Waste, along with an indication or explanation of the update, as soon as practicable after the change occurs. EPA either will approve or deny the revision. If EPA denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.

(2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the EPA Director of the Office of Solid Waste, along with the reason for requesting it. EPA will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.

(3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval under Paragraph (e) of this Subsection, then the registrant must submit three samples of the revised form for EPA review and approval. If the approved registrant would like to use a

new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. EPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until EPA approves them.

(i) If, subsequent to its approval under Paragraph (e) of this Section, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by EPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. EPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until EPA approves them.

(j) EPA may exempt a registrant from the requirement to submit form samples under paragraph (d) or (h)(3) of this section if EPA is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions and binding method of the form samples approved for some other registrant). A registrant may request an exemption from EPA by indicating why an exemption is warranted.

(k) An approved registrant must notify EPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.

(l) If, subsequent to approval of a registrant under paragraph (e) of this section, EPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, EPA will contact the registrant and require modifications to the form.

(m)(1) EPA may suspend and, if necessary, revoke printing privileges if we find that the registrant:

(i) Has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or

(ii) Exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.

(2) EPA will send a warning letter to the registrant that specifiies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, EPA will send a second letter notifying the registrant that EPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to EPA if requested.

24. **Section 262.24(a)** is revised to correct the citation to the instructions for manifest discrepancies in Sections 264 and 265 of this Regulation. Additionally, **Sections 262.24**

(c), and **(h)(2)** are revoked and deleted, and the remaining paragraphs are renumbered appropriately:

§ 262.24 Additional Requirements for Generators of Hazardous Wastes in Arkansas (Including Wastes from Generators of over 100 kgs per month)

*(a) Each generator in Arkansas must provide a discrepancy report to the Department containing the information required by §**§ 264.72 and** 265.72 for those shipments to a TSDF involving significant discrepancies as defined by §**§ 264.72 and** 265.72 of this regulation.*

(b) In addition to the requirements for immediate action in the event of a discharge during transportation required by 40 CFR 263.30, an air, rail, highway or water transporter who has discharged hazardous waste in the State of Arkansas shall also take the following actions:

(1) Give immediate notice to the Arkansas State Police and to the principal office or designated contact for the transporter.

(2) Submit a copy of the written report required by 49 CFR 171.16 and 263.30(c)(2) to ADEQ simultaneously with its submission to the federal Department of Transportation.

~~*(c) Any generator who ships any hazardous waste to any location in Arkansas for storage, treatment, or disposal must obtain a manifest form from ADEQ and use only such manifests as are issued by ADEQ for such shipments.*~~

~~*(d)*~~***(c)*** *In addition to all of the requirements hereof, all transportation of hazardous wastes in Arkansas shall comply with all applicable state and federal rules and regulations governing such transportation.*

~~*(e)*~~***(d)*** *Generators may not assign hazardous wastes to unpermitted transporters; and TSDFs may not accept hazardous wastes from unpermitted transporters without specific authorization from this Department.*

~~*(f)*~~***(e)*** *A generator may not ship a hazardous waste to a TSDF unless the TSDF has a valid permit, or has interim status, or is specifically approved to receive such a waste. A generator may not list a non-approved TSDF as the alternate TSDF when manifesting. If a RCRA facility, the alternate TSDF must have a valid RCRA permit or interim status to receive such waste.*

~~*(g)*~~ ***(f)*** *A TSDF may not accept hazardous waste without a generator's EPA ID number on the manifest, unless specific prior authorization has been obtained from this Department.*

(h) Exports of Hazardous Wastes. ~~*(1)*~~ *Generators, transporters, or TSD facilities intending to ship hazardous wastes outside the United States must comply with Federal requirements detailed at 40 CFR 262.53, 262.54(g) and (i), 262.56, 262.57, 263.20(g)(4), 264.12(a), 265.55. At these citations, references to "EPA", "EPA Administrator", "Regional Administrator", and "U.S. Customs Official" remain unchanged, and are not replaced by the title of the State counterpart.*

~~*(2) A copy of all export notifications and manifests must be submitted to the Department.*~~

25. New **Section 262.27** is added, to read as follows:

§ 262.27 Waste Minimization certification.

A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

(a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;" or

(b) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford. "

Subsection C -- Pre-Transport Requirements

26. **Section 262.32(b)** is revised to read as follows:

§ 262.32 Marking

(a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR Part 172;

(b) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of ~~110~~ **119** gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304:

"HAZARDOUS WASTE — State and Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address ————— .

Manifest ~~Document~~ **Tracking** Number ————————— ."

27. **Section 262.34** is amended by adding paragraphs (j), (k), (l), and (m) to read as follows:

§ 262.34 Accumulation time.

* * * * *

(j) A member of the Performance Track Program who generates 1000 kg or greater of hazardous waste per month or one kilogram or more of acute hazardous waste) may accumulate hazardous waste on-site without a permit or interim status for an extended period of time, provided that:

(1) The generator accumulates the hazardous waste for no more than 180 days, or for no more than 270 days if the generator must transport the waste (or offer the waste for transport) more than 200 miles from the generating facility; and

(2) The generator first notifies the Regional Administrator and the ADEQ Director in writing of its intent to begin accumulation of hazardous waste for extended time periods under the provisions of this section. Such advance notice must include:

(i) Name and EPA ID number of the facility, and specification of when the facility will begin accumulation of hazardous wastes for extended periods of time in accordance with this section; and

(ii) A description of the types of hazardous wastes that will be accumulated for extended periods of time, and the units that will be used for such extended accumulation; and

(iii) A Statement that the facility has made all changes to its operations procedures, including emergency preparedness procedures, and equipment, including equipment needed for emergency preparedness, that will be necessary to accommodate extended time periods for accumulating hazardous wastes; and

(iv) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under Section 270 of this Regulation to receive these wastes is not available within 200 miles of the generating facility; and

(3) The waste is managed in:

(i) Containers, in accordance with the applicable requirements of subsections I, AA, BB, and CC of Section 265 and § 264.175 of this Regulation; or

(ii) Tanks, in accordance with the applicable requirements of subsections J, AA, BB, and CC of Section 265, except for §§ 265.197(c) and 265.200 of this Regulation; or

(iii) Drip pads, in accordance with subsection W of Section 265 of this Regulation; or

(iv) Containment buildings, in accordance with subsection DD of Section 265 of this Regulation; and

(4) The quantity of hazardous waste that is accumulated for extended time periods at the facility does not exceed 30,000 kg; and

(5) The generator maintains the following records at the facility for each unit used for extended accumulation times:

(i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 180 days (or 270 days, as applicable), a description of the waste generation and management practices at the facility showing that they are consistent with the extended accumulation time limit, and documentation that the procedures are complied with; or

(ii) Documentation that the unit is emptied at least once every 180 days (or 270 days, if applicable); and

(6) Each container or tank that is used for extended accumulation time periods is labeled or marked clearly with the words ‘‘Hazardous Waste,’’ and for each container the date upon which each period of accumulation begins is clearly marked and visible for inspection; and

(7) The generator complies with the requirements for owners and operators in subsections C and D in Section 265, with § 265.16, and with § 268.7(a)(5) of this Regulation. In addition, such a generator is exempt from all the requirements in subsections G and H of Section 265 of this Regulation, except for §§ 265.111 and 265.114; and

(8) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants released to the environment prior to its recycling, treatment, or disposal; and

(9) The generator includes the following with its Performance Track Annual Performance Report, which must be submitted to the Regional Administrator and the Director of the authorized State:

(i) Information on the total quantity of each hazardous waste generated at the facility that has been managed in the previous year according to extended accumulation time periods; and

(ii) Information for the previous year on the number of off-site shipments of hazardous wastes generated at the facility, the types and locations of destination facilities, how the wastes were managed at the destination facilities (*e.g.*, recycling, treatment, storage, or disposal), and what changes in on-site or off-site waste management practices have occurred as a result of extended accumulation times or other pollution prevention provisions of this section; and

(iii) Information for the previous year on any hazardous waste spills or accidents occurring at extended accumulation units at the facility, or during off-site transport of accumulated wastes; and

(iv) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under Section 270 of this Regulation to receive these wastes is not available within 200 miles of the generating facility; and

(k) If hazardous wastes must remain on-site at a Performance Track member facility for longer than 180 days (or 270 days, if applicable) due to unforeseen, temporary, and uncontrollable circumstances, an extension to the extended accumulation time period of up to 30 days may be granted at the discretion of the Director on a case-by-case basis.

(1) If a generator who is a member of the Performance Track Program withdraws from the Performance Track Program, or if the Regional Administrator terminates a generator’s membership, the generator must return to compliance with all otherwise applicable hazardous waste regulations as soon as possible, but no later than six months after the date of withdrawal or termination.

(m) A generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of §264.72 or §265.72 of this Regulation may accumulate the returned waste on-site in accordance with paragraphs (a) and (b) or (d), (e) and (f) of this section, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must:

(1) sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

(2) sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest;

28. **Section 262.54** is revised to read as follows:

Subsection E -- Exports of Hazardous Waste

§ 262.54 Special manifest requirements.

A primary exporter must comply with the manifest requirements of §§ 262.20 through 262.23 except that:

(a) In lieu of the name, site address and EPA ID number of the designated permitted facility, the primary exporter must enter the name and site address of the consignee;

(b) In lieu of the name, site address and EPA ID number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee.

(c) In Special Handling Instructions and Additional Information, the primary exporter must ~~identify the point of departure from the United States;~~ **check the export box and enter the point of exit (city and State) from the United States**.

(d) The following statement must be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform Hazardous Waste Manifest Form: "and conforms to the terms of the attached EPA Acknowledgment of Consent";

(e) ~~In lieu of the requirements of § 262.21, the primary exporter must obtain the manifest form from the primary exporter's State if that State supplies the manifest form and requires its use. If the primary exporter's State does not supply the manifest form, the primary exporter may obtain a manifest form from any source.~~ **The primary exporter may obtain the manifest from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).**

(f) The primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies (as defined in § 264.72(a)) between the manifest and the shipment. A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste.

(g) In lieu of the requirements of § 262.20(d), where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:

(1) Renotify EPA of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with § 262.53(c) and obtain an EPA Acknowledgment of Consent prior to delivery; or

(2) Instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and

(3) Instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.

(h) The primary exporter must attach a copy of the EPA Acknowledgment of Consent to the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with an EPA Acknowledgment of Consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter must attach the copy of the EPA Acknowledgment of Consent to the shipping paper.

(i) The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with § 263.20(g)(4).

Subsection F -- Imports of Hazardous Waste

29. **Section 262.60** is revised to read as follows:

§ 262.60 Imports of hazardous waste.

(a) Any person who imports hazardous waste from a foreign country into the United States must comply with the requirements of this section and the special requirements of this Subsection.

(b) When importing hazardous waste, a person must meet all the requirements of § 262.20(a) for the manifest except that:

(1) In place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used.

(2) In place of the generator's signature on the certification statement, the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter.

(c) A person who imports hazardous waste ~~must obtain the manifest form from the consignment State if the consignment State supplies the manifest and requires its use. If the consignment State does not supply the manifest form, then the manifest form may be obtained from any source.~~ **may obtain the manifest form from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).**

(d) In the International Shipments block, the importer must check the import box and enter the point of entry (city and State) into the United States.

(e) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with §264.71(a)(3) and §265.71(a)(3) of this Regulation.

30. **Appendix I to Section 262** is revised to read as follows:

~~Appendix I to Section 262 — Uniform Hazardous Waste Manifest and Instructions (Arkansas/EPA Forms 8700-22 and 8700-22A and Their Instructions)~~

~~***Arkansas/EPA Form 8700-22***~~

~~Read all instructions before completing this form.~~

~~This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used — press down hard.~~

~~State and Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to use this form (Arkansas/EPA 8700-22) and, if necessary, the continuation sheet (Form 8700-22A) for both inter- and intrastate transportation.~~

~~State and Federal regulations also require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage and disposal facilities to complete the following information:~~

~~* * * * *~~

~~The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions to the form, or accompanying the form:~~

~~"Public reporting burden for this collection of information is estimated to average: 37 minutes for generators, 15 minutes for transporters, and 10 minutes for treatment, storage and disposal facilities. This includes time for reviewing instructions, gathering data, and completing and reviewing the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to: Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503."~~

~~GENERATORS~~

~~**Item 1. Generator's U.S. EPA ID Number — Manifest Document Number:**~~
~~Enter the generator's U.S. EPA twelve digit identification number and the unique five digit number assigned to this Manifest (e.g., 00001) by the generator.~~

~~**Item 2. Page 1 of ——**~~
~~Enter the total number of pages used to complete this Manifest, i.e., the first page (Arkansas/EPA Form 8700-22) plus the number of Continuation Sheets (EPA Form 8700-22A), if any.~~

~~**Item 3. Generator's Name and Mailing Address**~~
~~Enter the name and mailing address of the generator. The address should be the location that will manage the returned Manifest forms.~~

~~**Item 4. Generator's Phone Number**~~
~~Enter a telephone number where an authorized agent of the generator may be reached in the event of an emergency.~~

~~**Item 5. Transporter 1 Company Name**~~

Enter the company name of the first transporter who will transport the waste.

Item 6. U.S. EPA ID Number
Enter the U.S. EPA twelve digit identification number of the first transporter identified in item 5.

Item 7. Transporter 2 Company Name
If a second transporter is used during this shipment, enter the company name of the second transporter who will transport the waste. If more than two transporters are used to transport the waste, use a Continuation Sheet(s) (EPA Form 8700-22A) and list the transporters in the order they will be transporting the waste.

Item 8. U.S. EPA ID Number
If applicable, enter the U.S. EPA twelve digit identification number of the second transporter identified in item 7.

Note: If more than two transporters are used, enter each additional transporter's company name and U.S. EPA twelve digit identification number in items 24-27 on the Continuation Sheet (EPA Form 8700-22A). Each Continuation Sheet has space to record two additional transporters. Every transporter used between the generator and the designated facility must be listed.

Item 9. Designated Facility Name and Site Address
Enter the company name and site address of the facility designated to receive the waste listed on this Manifest. The address must be the site address, which may differ from the company mailing address.

Item 10. U.S. EPA ID Number
Enter the U.S. EPA twelve digit identification number of the designated facility identified in item 9.

Item 11. U.S. DOT Description [Including Proper Shipping Name, Hazard Class, and ID Number (UN/NA)]
Enter the U.S. DOT Proper Shipping Name, Hazard Class, and ID Number (UN/NA) for each waste as identified in 49 CFR 171 through 177.

Note: If additional space is needed for waste descriptions, enter these additional descriptions in item 28 on the Continuation Sheet (EPA Form 8700-22A).

Item 12. Containers (No. and Type)
Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

Table I — Types of Containers

DM = Metal drums, barrels, kegs	DW = Wooden drums, barrels, kegs
DF = Fiberboard or plastic drums, barrels, kegs	TP = Tanks portable
TT = Cargo tanks (tank trucks)	TC = Tank cars
DT = Dump truck	CY = Cylinders
CM = Metal boxes, cartons, cases (including roll-off)	CW = Wooden boxes, cartons, cases
CF = Fiber or plastic boxes, cartons, or cases	BA = Burlap, cloth, paper or plastic bags

Item 13. Total Quantity
Enter the total quantity of waste described on each line.

Item 14. Unit (Wt./Vol.)
Enter the appropriate abbreviation from Table II (below) for the unit of measure.

Table II — Units of Measure

G = Gallons (liquids only)	P = Pounds

T = Tons (2000 lbs) Y = Cubic yards
L = Liters (liquids only) K = Kilograms
M = Metric tons (1000 kg) N = Cubic meters

Item 15. Special Handling Instructions and Additional Information

Generators may use this space to indicate special transportation, treatment, storage, or disposal information or Bill of Lading information. States may not require additional, new, or different information in this space. For international shipments, generators must enter in this space the point of departure (City and State) for those shipments destined for treatment, storage, or disposal outside the jurisdiction of the United States.

Item 16. Generator's Certification

The generator must read, sign (by hand), and date the certification statement. If a mode other than highway is used, the word "highway" should be lined out and the appropriate mode (rail, water, or air) inserted in the space below. If another mode in addition to the highway mode is used, enter the appropriate additional mode (e.g., and rail) in the space below.

Primary exporters shipping hazardous wastes to a facility located outside of the United States must add to the end of the first sentence of the certification the following words "and conforms to the terms of the EPA Acknowledgment of Consent to the shipment."

In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements.

Generators may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator certifications.

Note: All of the above information except the handwritten signature required in item 16 may be preprinted.

* * * * *

TRANSPORTERS

Item 17. Transporter 1 Acknowledgement of Receipt of Materials

Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 18. Transporter 2 Acknowledgement of Receipt of Materials

Enter, if applicable, the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Note: International Shipments — Transporter Responsibilities.

Exports — Transporters must sign and enter the date the waste left the United States in item 15 of Form 8700-22.

Imports — Shipments of hazardous waste regulated by RCRA and transported into the United States from another country must upon entry be accompanied by the U.S. EPA Uniform Hazardous Waste Manifest. Transporters who transport hazardous waste into the United States from another country are responsible for completing the Manifest (40 CFR 263.10(c)(1)).

OWNERS AND OPERATORS OF TREATMENT, STORAGE, OR DISPOSAL FACILITIES

Item 19. Discrepancy Indication Space

The authorized representative of the designated (or alternate facility's owner or operator must note in this space any significant discrepancy between the waste described on the Manifest and the waste actually received at the facility.

Owners and operators of Arkansas facilities should contact the Department for information on State Discrepancy Report requirements.

Item 20. Facility Owner or Operator: Certification of Receipt of Hazardous Materials Covered by This Manifest Except as Noted in Item 19

Print or type the name of the person accepting the waste on behalf of the owner or operator of the facility. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Arkansas' Additional Requirements for Completing the Hazardous Waste Manifest:

(a) The following items shall be completed as State manifest reporting requirements: (the following instructions refer to items A-K on the hazardous waste manifest report form (Arkansas/EPA Form No. 8700-22) and are to be completed for all inter- and intrastate shipments of hazardous waste):

(1) ITEM B: If an EPA identification number is not required, enter the provisional identification number assigned by ADEQ.

(2) ITEMS C and E: Enter the Transportation Permit number issued by the Arkansas Highway and Transportation Department.

(3) ITEMS D and F: The phone number of the transporter.

(4) ITEM H: The phone number of the designated facility.

(5) ITEM I: The EPA Waste Code.

(6) ITEM J: The name, address and I.D. number of an alternate treatment, storage or disposal facility (if any).

(7) ITEM K: Emergency response contact (e.g., a telephone contact that is monitored 24 hours daily, and the name of a person or company which can provide specific information about the history and contents of the load in question).

(b) For rail transportation, the first and last rail transporter delivering the shipment must sign and date the manifest or continuation sheet in the appropriate space on the manifest.

INSTRUCTIONS — CONTINUATION SHEET, U.S. EPA FORM 8700-22A

ADEQ does not supply manifest continuation forms. Should a continuation form be required, generators may use a uniform manifest continuation form as shown in 40 CFR 262 Appendix I, and completed in accordance with these directions. ***The Continuation form is only valid when accompanied by a Manifest (AR/EPA Form 8700-22) and when the corresponding manifest serial number is clearly indicated on each page of the continuation form.***

Read all instructions before completing this form.

This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used — press down hard.

This form must be used as a continuation sheet to U.S. EPA Form 8700-22 if:

- More than two transporters are to be used to transport the waste;
- More space is required for the U.S. DOT description and related information in Item 11 of Arkansas/EPA Form 8700-22.Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the uniform hazardous waste manifest (Arkansas/EPA Form 8700-22) and, if necessary, this continuation sheet (EPA Form 8700-22A) for both inter- and intrastate transportation.

GENERATORS

Item 21. Generator's U.S. EPA ID Number — Manifest Document Number

Enter the generator's U.S. EPA twelve digit identification number and the unique five digit number assigned to this Manifest (e.g., 00001) as it appears in item 1 on the first page of the Manifest.

Item 22. Page
Enter the page number of this Continuation Sheet.

Item 23. Generator's Name
Enter the generator's name as it appears in item 3 on the first page of the Manifest.

Item 24. Transporter Company Name
If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 3 Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 25. U.S. EPA ID Number
Enter the U.S. EPA twelve digit identification number of the transporter described in item 24.

Item 26. Transporter Company Name
If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 27. U.S. EPA ID Number
Enter the U.S. EPA twelve digit identification number of the transporter described in item 26.

Item 28. U.S. DOT Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA)
Refer to item 11.

Item 29. Containers (No. and Type)
Refer to item 12.

Item 30. Total Quantity
Refer to item 13.

Item 31. Unit (Wt./Vol.)
Refer to item 14.

Item 32. Special Handling Instructions
Generators may use this space to indicate special transportation, treatment, storage, or disposal information or Bill of Lading information. States are not authorized to require additional, new, or different information in this space.

* * * * *

TRANSPORTERS

Item 33. Transporter Acknowledgement of Receipt of Materials
Enter the same number of the Transporter as identified in item 24. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in item 24. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 34. Transporter Acknowledgement of Receipt of Materials

~~Enter the same number as identified in item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.~~

~~* * * * *~~

~~**OWNERS AND OPERATORS OF TREATMENT, STORAGE, OR DISPOSAL FACILITIES**~~

~~**Item 35. Discrepancy Indication Space**~~
~~Refer to item 19.~~

APPENDIX TO SECTION 262 — UNIFORM HAZARDOUS WASTE MANIFEST AND INSTRUCTIONS (EPA FORMS 8700-22 AND 8700-22A AND THEIR INSTRUCTIONS) U.S. EPA FORM 8700-22

Read all instructions before completing this form.

1. This form has been designed for use on a 12-pitch (elite) typewriter which is also compatible with standard computer printers; a firm point pen may also be used — press down hard.

2. Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to complete this form (FORM 8700–22) and, if necessary, the continuation sheet (FORM 8700–22A) for both inter- and intrastate transportation of hazardous waste.

The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions to the form, or accompanying the form: "Public reporting burden for this collection of information is estimated to average: 30 minutes for generators, 10 minutes for transporters, and 25 minutes for owners or operators of treatment, storage, and disposal facilities. This includes time for reviewing instructions, gathering data, completing, reviewing and transmitting the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to: Chief, Information Policy Branch (2136), U.S. Environmental Protection Agency, Ariel Rios Building; 1200 Pennsylvania Ave., NW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503."

I. INSTRUCTIONS FOR GENERATORS

Item 1. Generator's U.S. EPA Identification Number. Enter the generator's U.S. EPA twelve digit identification number, or the State generator identification number if the generator site does not have an EPA identification number.

Item 2. Page 1 of Enter the total number of pages used to complete this Manifest (i.e., the first page (EPA Form 8700-22) plus the number of Continuation Sheets (EPA Form 8700-22A), if any).

Item 3. Emergency Response Phone Number. Enter a phone number for which emergency response information can be obtained in the event of an incident during transportation. The emergency response phone number must:

1. Be the number of the generator or the number of an agency or organization who is capable of and accepts responsibility for providing detailed information about the shipment;

2. Reach a phone that is monitored 24 hours a day at all times the waste is in transportation (including transportation related storage); and

3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has comprehensive emergency response and spill cleanup/incident mitigation information for the material being shipped or has immediate access to a person who has that knowledge and information about the shipment.

Note: Emergency Response phone number information should only be entered in Item 3 when there is one phone number that applies to all the waste materials described in Item 9b. If a situation (e.g., consolidated shipments) arises where more than one Emergency Response phone number applies to the various wastes listed on the manifest, the phone numbers associated with each specific material should be entered after its description in Item 9b.

Item 4. Manifest Tracking Number: This unique tracking number must be pre-printed on the manifest by the forms printer.

Item 5. Generator's Mailing Address, Phone Number and Site Address Enter the name of the generator, the mailing address to which the completed manifest signed by the designated facility should be mailed, and the generator's telephone number. Note, the telephone number (including area code) should be the normal business number for the generator, or the number where the generator or his authorized agent may be reached to provide instructions in the event the designated and/or alternate (if any) facility rejects some or all of the shipment. Also enter the physical site address from which the shipment originates only if this address is different than the mailing address.

Item 6. Transporter 1 Company Name, and U.S. EPA ID Number: Enter the company name and U.S. EPA ID number of the first transporter who will transport the waste. Vehicle or driver information may not be entered here.

Item 7. Transporter 2 Company Name and U.S. EPA ID Number: If applicable, enter the company name and U.S. EPA ID number of the second transporter who will transport the waste. Vehicle or driver information may not be entered here. If more than two transporters are needed, use a Continuation Sheet(s) (EPA Form 8700-22A).

Item 8. Designated Facility Name, Site Address, and U.S. EPA ID Number: Enter the company name and site address of the facility designated to receive the waste listed on this manifest. Also enter the facility's phone number and the U.S. EPA twelve digit identification number of the facility.

Item 9. U.S. DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)

Item 9a. If the wastes identified in Item 9b consist of both hazardous and nonhazardous materials, then identify the hazardous materials by entering an "X" in this Item next to the corresponding hazardous material identified in Item 9b.

Item 9b. Enter the U.S. DOT Proper Shipping Name, Hazard Class or Division, Identification Number (UN/NA) and Packing Group for each waste as identified in 49 CFR 172. Include technical name(s) and reportable quantity references, if applicable.

NOTE: If additional space is needed for waste descriptions, enter these additional descriptions in Item 27 on the Continuation Sheet (EPA Form 8700-22A). Also, if more than one Emergency Response phone number applies to the various wastes described in either Item 9b or Item 27, enter applicable Emergency Response phone numbers immediately following the shipping descriptions for those Items.

Item 10. Containers (Number and Type): Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

TABLE I. TYPES OF CONTAINERS
BA = Burlap, cloth, paper, or plastic bags
CF = Fiber or plastic boxes, cartons, cases
CM = Metal boxes, cartons, cases (including roll-offs)
CW = Wooden boxes, cartons, cases
CY = Cylinders
DF = Fiberboard or plastic drums, barrels, kegs
DM = Metal drums, barrels, kegs
DT = Dump truck
DW = Wooden drums, barrels, kegs
HG = Hopper or gondola cars
TC = Tank cars
TP = Portable tanks
TT = Cargo tanks (tank trucks)

Item 11. Total Quantity: Enter, in designated boxes, the total quantity of waste. Round partial units to the nearest whole unit, and do not enter decimals or fractions. To the extent practical, report quantities using appropriate units of measure that will allow you to report quantities with precision. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped. Container capacities are generally not acceptable as estimates.

Item 12. Units of Measure (Weight/Volume): Enter, in designated boxes, the appropriate abbreviation from Table II (below) for the unit of measure.

TABLE II. UNITS OF MEASURE

G = Gallons (liquids only)
K = Kilograms
L = Liters (liquids only)
M = Metric Tons (1000 kilograms)†
N = Cubic Meters†
P = Pounds
T = Tons (2000 pounds)†
Y = Cubic Yards†

† Note: Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.

Item 13. Waste Codes : Enter up to six federal and state waste codes to describe each waste stream identified in Item 9b. State waste codes that are not redundant with federal codes must be entered here, in addition to the federal waste codes which are most representative of the properties of the waste.

Item 14. Special Handling Instructions and Additional Information.

1. Generators may enter any special handling or shipment-specific information necessary for the proper management or tracking of the materials under the generator's or other handler's business processes, such as waste profile numbers, container codes, bar codes, or response guide numbers. Generators also may use this space to enter additional descriptive information about their shipped materials, such as chemical names, constituent percentages, physical state, or specific gravity of wastes identified with volume units in Item 12.

2. This space may be used to record limited types of federally required information for which there is no specific space provided on the manifest, including any alternate facility designations; the manifest tracking number of the original manifest for rejected wastes and residues that are re-shipped under a second manifest; and the specification of PCB waste descriptions and PCB out-of-service dates required under 40 CFR 761.207. Generators, however, cannot be required to enter information in this space to meet state regulatory requirements.

Item 15. Generator's/Offeror's Certifications

1. The generator must read, sign, and date the waste minimization certification statement. In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements. The Generator's Certification also contains the required attestation that the shipment has been properly prepared and is in proper condition for transportation (the shipper's certification). The content of the shipper's certification statement is as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked, and labeled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent." When a party other than the generator prepares the shipment for transportation, this party may also sign the shipper's certification statement as the offeror of the shipment.

2. Generator or Offeror personnel may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator/offeror certification, to indicate that the individual signs as the employee or agent of the named principal.

Note: All of the above information except the handwritten signature required in Item 15 may be pre-printed.

II. INSTRUCTIONS FOR INTERNATIONAL SHIPMENT BLOCK

Item 16. International Shipments: For export shipments, the primary exporter must check the export box, and enter the point of exit (city and state) from the United States. For import shipments, the importer must check the import box and enter the point of entry (city and state) into the United States. For exports, the transporter must sign and date the manifest to indicate the day the shipment left the United States. Transporters of hazardous waste shipments must deliver a copy of the manifest to the U.S. Customs when importing or exporting the waste across U.S. borders.

III. INSTRUCTIONS FOR TRANSPORTERS

Item 17. Transporters' Acknowledgments of Receipt: Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt. Only one signature per transportation company is required. Signatures are not required to track the movement of wastes in and out of transfer facilities, unless there is a change of custody between transporters. If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

NOTE: Transporters carrying imports or exports of hazardous waste may also have responsibilities to enter information in the International Shipments Block. See above instructions for Item 16.

III. INSTRUCTIONS FOR OWNERS AND OPERATORS OF TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Item 18 Discrepancy

Item 18a. Discrepancy Indication Space

1. The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any discrepancies between the waste described on the Manifest and the waste actually received at the facility. Manifest discrepancies are: (1) significant differences (as defined by §§ 264.72(b) and 265.72(b)) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives, (2) rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept, or (3) container residues, which are residues that exceed the quantity limits for "empty" containers set forth in § 261.7(b).

2. For rejected loads and residues (§ 264.72(d), (e), and (f), or § 265.72(d), (e), or (f)), check the appropriate box if the shipment is a rejected load (i.e., rejected by the designated and/or alternate facility and is sent to an alternate facility or returned to the generator) or a regulated residue that cannot be removed from a container. Enter the reason for the rejection or the inability to remove the residue and a description of the waste. Also, reference the manifest tracking number for any additional manifests being used to track the rejected waste or residue shipment on the original manifest. Indicate the original manifest tracking number in Item 14, the Special Handling Block and Additional Information Block of the additional manifests.

3. Owners or operators of facilities located in unauthorized States (i.e., states in which the U.S. EPA administers the hazardous waste management program) who cannot resolve significant differences in quantity or type within 15 days of receiving the waste must submit to their EPA Regional Administrator a letter with a copy of the Manifest at issue describing the discrepancy and attempts to reconcile it (§§ 264.72(c) and 265.72(c)).

4. Owners or operators of facilities located in authorized States (i.e., those States that have received authorization from the U.S. EPA to administer the hazardous waste management program) should contact their State agency for information on where to report discrepancies involving "significant differences" to state officials.

Item 18b. Alternate Facility (or Generator) for Receipt of Full Load Rejections: Enter the name, address, phone number, and EPA Identification Number of the Alternate Facility which the rejecting TSDF has designated, after consulting with the generator, to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being returned to

the generator, the rejecting TSDF may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue waste shipments.

Item 18c. Alternate Facility (or Generator)Signature.: The authorized representative of the alternate facility (or the generator in the event of a returned shipment) must sign and date this field of the form to acknowledge receipt of the fully rejected wastes or residues identified by the initial TSDF.

Item 19. Hazardous Waste Report Management Method Codes: Enter the most appropriate Hazardous Waste Report Management Method code for each waste listed in Item 9. The Hazardous Waste Report Management Method code is to be entered by the first treatment, storage, or disposal facility (TSDF) that receives the waste and is the code that best describes the way in which the waste is to be managed when received by the TSDF.

Item 20. Designated Facility Owner or Operator Certification of Receipt (Except As Noted in Item 18a): Enter the name of the person receiving the waste on behalf of the owner or operator of the facility. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date of receipt or rejection where indicated. Since the Facility Certification acknowledges receipt of the waste except as noted in the Discrepancy Space in Item 18a, the certification should be signed for both waste receipt and waste rejection, with the rejection being noted and described in the space provided in Item 18a. Fully rejected wastes may be forwarded or returned using Item 18b after consultation with the generator. Enter the name of the person accepting the waste on behalf of the owner or operator of the alternate facility or the original generator. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date they received or rejected the waste in Item 18c. Partially rejected wastes and residues must be re-shipped under a new manifest, to be initiated and signed by the rejecting TSDF as offeror of the shipment.

INSTRUCTIONS–CONTINUATION SHEET, U.S. EPA FORM 8700-22A

Read all instructions before completing this form. This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used—press down hard.

This form must be used as a continuation sheet to U.S. EPA Form 8700-22 if:

- **More than two transporters are to be used to transport the waste; or**
- **More space is required for the U.S. DOT descriptions and related information in Item 9 of U.S. EPA Form 8700-22.**

Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the uniform hazardous waste manifest (EPA Form 8700-22) and, if necessary, this continuation sheet (EPA Form 8700-22A) for both interstate and intrastate transportation.

Item 21. Generator's ID Number: Enter the generator's U.S. EPA twelve digit identification number or, the State generator identification number if the generator site does not have an EPA identification number.

Item 22. Page —: Enter the page number of this Continuation Sheet.

Item 23. Manifest Tracking Number: Enter the Manifest Tracking number from Item 4 of the Manifest form to which this continuation sheet is attached.

Item 24. Generator's Name — Enter the generator's name as it appears in Item 5 on the first page of the Manifest.

Item 25. Transporter — Company Name: If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 3 Company Name. Also enter the U.S. EPA twelve digit identification number of the transporter described in Item 25.

Item 26. Transporter — Company Name: If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet can record the names of two additional transporters. Also enter the U.S. EPA twelve digit identification number of the transporter named in Item 26.

Item 27. U.S. D.O.T. Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA): For each row enter a sequential number under Item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect the total number of wastes being shipped. Refer to instructions for Item 9 of the manifest for the information to be entered.

Item 28. Containers (No. And Type): Refer to the instructions for Item 10 of the manifest for information to be entered.

Item 29. Total Quantity: Refer to the instructions for Item 11 of the manifest form.

Item 30. Units of Measure (Weight/Volume): Refer to the instructions for Item 12 of the manifest form.

Item 31. Waste Codes: Refer to the instructions for Item 13 of the manifest form.

Item 32. Special Handling Instructions and Additional Information: Refer to the instructions for Item 14 of the manifest form.

TRANSPORTERS

Item 33. Transporter — Acknowledgment of Receipt of Materials. Enter the same number of the Transporter as identified in Item 25. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 25. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 34. Transporter — Acknowledgment of Receipt of Materials: Enter the same number of the Transporter as identified in Item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

OWNER AND OPERATORS OF TREATMENT, STORAGE, OR DISPOSAL FACILITIES

Item 35. Discrepancy Indication Space. Refer to Item 18. This space may be used to more fully describe information on discrepancies identified in Item 18a of the manifest form.

Item 36. Hazardous Waste Report Management Method Codes. For each field here, enter the sequential number that corresponds to the waste materials described under Item 27, and enter the appropriate process code that describes how the materials will be processed when received. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the waste materials identified on that sheet.

Manifest Form

Please print or type

Form Approved. OMB No. 2050 - 0039 Expires 9 - 30 - 91

UNIFORM HAZARDOUS WASTE MANIFEST

1 Generator's US EPA ID No. | Manifest Document No.

2. Page 1 of

Information in the shaded areas is not required by Federal law

GENERATOR

3. Generator's Name and Mailing Address

4. Generator's Phone ( )

A. State Manifest Document Number

B. State Generator's ID

5. Transporter 1 Company Name

6. US EPA ID Number

C. State Transporter's ID

D. Transporter's Phone

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

10. US EPA ID Number

G. State Facility's ID

H. Facility's Phone

11. US DOT Description *(Including Proper Shipping Name, Hazard Class, and ID Number)*	12. Containers No.	12. Containers Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
a.					
b.					
c.					
d.					

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; **OR,** if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name | Signature | *Month Day Year*

TRANSPORTER

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name | Signature | *Month Day Year*

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name | Signature | *Month Day Year*

FACILITY

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.

Printed/Typed Name | Signature | *Month Day Year*

EPA Form 8700 - 22 (Rev. 9 - 88) Previous editions are obsolete.

Manifest Continuation Sheet

Please print or type

Form Approved. OMB No. 2050 - 0039 Expires 9 - 30 - 91

UNIFORM HAZARDOUS WASTE MANIFEST
(continuation sheet)

21. Generator's US EPA ID No. | Manifest Document No.

22. Page

Information in the shaded areas is not required by Federal law

23. Generator's Name

L. State Manifest Document Number

M. State Generator's ID

24. Transporter ____ Company Name

25. US EPA ID Number

N. State Transporter's ID

O. Transporter's Phone

26. Transporter ____ Company Name

27. US EPA ID Number

P. State Transporter's ID

Q. Transporter's Phone

28. US DOT Description *(Including Proper Shipping Name, Hazard Class, and ID Number)*	29. Containers No.	Type	30. Total Quantity	31. Unit Wt/Vol	R. Waste No.
a.					
b.					
c.					
d.					
e.					
f.					
g.					
h.					
i.					

GENERATOR

S. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

31. Special Handling Instructions and Additional Information

TRANSPORTER

33. Transporter ____ Acknowledgement of Receipt of Materials

Printed/Typed Name | Signature | Date (Month Day Year)

34. Transporter ____ Acknowledgement of Receipt of Materials

Printed/Typed Name | Signature | Date (Month Day Year)

FACILITY

35. Discrepancy Indication Space

EPA Form 8700 - 22A (Rev. 9 - 88) Previous editions are obsolete.

31. **Appendix II to Section 262** is removed.

~~Appendix II to Section 262~~

~~**LINE-BY-LINE INSTRUCTIONS FOR COMPLETING EPA FORM 8700-12(AR-5-00R), NOTIFICATION OF REGULATED WASTE ACTIVITY**~~

~~Type or print all items except Item X, "Signature", leaving a blank between words. Abbreviate, if necessary, to stay within the number of characters allowed for each item. If you must use additional sheets, indicate clearly the number of the item on the form to which the information on the separate sheet applies. (*NOTE: When submitting a updated notification form, notifiers must complete the entire form.*)~~

~~**Item I — Installation EPA ID Number:**~~

~~Check the appropriate box to indicate whether this is your first notification or an updated notification for this site. If you have filed a previous notification, enter the EPA Identification Number assigned to this site. This item has a limit of 12 characters.~~

~~*NOTE: When the owner of a facility changes, the new owner must notify the ADEQ of the change, even if the previous owner already received a U.S. EPA Identification Number. Because the U.S. EPA ID Number is "site specific", the new owner will keep the existing U.S. EPA ID Number. If the facility moves to another location, the owner/operator must notify this Department of this change, to receive a new U.S. EPA ID Number for the new location.*~~

~~**Item II — Installation Name:**~~

~~Complete Item II with the name of the installation. This item has a limit of 40 characters, including spaces.~~

~~**Item III — Installation Location:**~~

~~• **Address:** Complete Item III in its entirety. Please note that the address you give must be a specific physical address (not a post office box or route number) . A highway number alone is not enough (e.g.; Hwy. 64 South). The address has a limit of 30 characters, including spaces. The City or Town has a limit of 25 characters, including spaces. Use the U.S. Postal Service two letter abbreviation for the State. The ZIP Code has a limit of 9 characters (does not include hyphen).~~

~~• **County:** Enter the county name. The county name is limited to 27 characters, including spaces.~~

~~• **Latitude and Longitude:** Please enter the latitude and longitude of the facility in degrees, minutes, and seconds. For larger facilities, enter the latitude and longitude at the approximate mid-point of the facility. Latitude and longitude information is available from Regional Offices of the U.S. Department of Interior, Geological Survey, and from the Arkansas Geological Commission. Each item is limited to 7 characters.~~

~~• **NAICS Codes:** Please indicate the North American Industry Classification System (NAICS) code that best describes the installation's activities. The NAICS replaces the U.S. Standard Industrial Classification (SIC) system. NAICS was developed by the U.S., Canada, and Mexico to provide comparable statistics across the three countries. NAICS also provides for increased comparability with the International Standard Industrial Classification (ISIC) system, developed and maintained by the United Nations.~~

~~**Item IV — Mailing Address:**~~

~~Enter the Installation Mailing Address. If the Mailing Address and the Installation Location (Item III) are the same, you may print "Same" in the address box for Item IV. See Item III for character limits.~~

~~**Item V — Contact Person:**~~

~~Enter the name, title, and business telephone number of the person who should be contacted regarding information submitted on this form. Last Name, First Name, and Job Title each have a limit of 15 characters.~~

~~**Item VI — Contact Address:**~~

~~• **Same As:** If the contact address is the same as the location or mailing address listed, check the appropriate box.~~

• **Address:** Enter the contact address only if the contact address is different from either the location or mailing address. See Item III for character limits.

Item VII – Ownership:

• **Name(s), Address(es), and Phone Number(s) of Legal Owner(s):** Enter the name of the installation's legal owner(s). Enter the address(es) and phone number(s) where individual(s) can be reached. Use additional sheets if necessary to list more than one owner. Installation's Legal Owner has a limit of 40 characters, including spaces. See Item III for other character limits.

• **Land Type:** Indicate the code which best describes the current legal status of the land on which the facility is located:

Federal Indian County District State
Private Municipal* Other

**NOTE: If the Land Type is best described as Indian, County, or District, please use those codes; otherwise, use Municipal.*

• **Owner Type:** Using the codes listed in Land Type above, indicate the code which best describes the legal status of the current owner of the facility.

• **Change of Ownership:** (If this is the installation's first notification, leave this Item blank and skip to Item VIII. If this is a updated notification, complete this Item as directed below.)

If the ownership of this facility has changed since the facility's previous notification, check the box marked "Yes" and enter the date the ownership changed. If the ownership of this facility has not changed since the facility's original notification, check the box marked "No" and skip to Item VIII. If an additional owner(s) has been added or replaced since the facility's previous notification, check the box marked "Yes." Use an additional sheet to list any additional owners, the dates they became owners, and which owner(s) (if any) they replaced.

• **Name(s), Address(es), and Phone Number(s) of Property Owner(s):** Enter the name(s) of the property owner(s). Enter the address(es) and phone number(s) where individual(s) can be reached. Use additional sheets if necessary to list more than one property owner. Property Owner has a limit of 40 characters, including spaces. See Item III for other character limits.

Item VIII – Regulated Waste Activity:

A. Hazardous Waste Management: Check the appropriate box(es) to identify hazardous waste activities that occur **at this installation.**

1. Hazardous Waste Generation Status: If the facility generates a hazardous waste check the appropriate box for the quantity of hazardous waste that is generated in any calendar month.

• **(LQG) Large Quantity Generator:** A facility that generates greater than 1,000 kg/mo (2,200 lbs/mo) or has more than 6,000 kg (13,200 lbs) on-site.

• **(SQG) Small Quantity Generator:** A facility that generates less than 1,000 kg/mo (2,200 lbs/mo) but more than 100 kg/mo (220 lbs/mo), and has no more than 6,000 kg (13,200 lb) on-site.

• **(CEG) Conditionally Exempt Small Quantity Generator:** A facility that generates less than 100 kg/mo (220 lbs/mo) and has no more than 1,000 kg (2,200 lbs) on site. Accumulation of more than 1,000 kg (2,200 lbs) on-site, subjects generators of less than 100 kg/mo to SQG requirements.

• **(NGN) Non-Generating Facility:** No Hazardous Waste Generated - Facility is still operating.

• **(CLD) Closed Facility:** No Hazardous Waste Generated - Facility has ceased operations and closed. (Provide date of closure.)

• **Large Quantity Handler of Universal Waste:** Indicates that universal waste handling activities are taking place at this installation and will result in the universal waste handler becoming a Large Quantity Handler of Universal Waste. The regulations for large quantity handlers of universal waste are found in Regulation No. 23, Section 273, Subpart C.

• **Provisional Generator Only:** Hazardous waste is being generated only due to a one-time event such as a spill, cleanup, etc.

2. Hazardous Waste Transportation Status: If you transport hazardous waste, indicate the type of transportation operations occurring at the facility. Mark all boxes that apply. Indicate the method(s) of transportation you use to transport hazardous waste only if you transport hazardous waste. Facilities which only transport wastes commercially or operate as a transfer facility only do

not have to complete Item IX of this form, but must sign the certification in Item X. Regulations for hazardous waste transporters are found in Regulation No. 23, Section 263.

The State of Arkansas requires that hazardous waste transporters have an Arkansas Hazardous Waste Transportation Permit, issued by the Arkansas Highway Police, to transport hazardous waste in Arkansas.

3. Hazardous Waste Treatment/Storage/Disposal Status: Indicate the type of *RCRA permitted* treatment, storage, or disposal activity occurring on site, if applicable. You must have a RCRA permit to dispose of hazardous waste.

4. Exempt Boiler and/or Industrial Furnace: Check "Smelting, Melting, and Refining Furnace Exemption" if the facility burns hazardous waste in a smelting, melting, or refining furnance solely for metals recovery, as described in Regulation No. 23, § 266.100 (c), or to recover economically significant amounts of precious metals, as described in Regulation No. 23, § 266.100(f). If you burn small quantities of hazardous waste in a on-site boiler or industrial furnace in accordance with the conditions in Regulation No. 23, § 266.108, check "Small Quantity On Site Burner Exemption.

5. Underground Injection Control Status: Check the box if the facility disposes of hazardous waste into an underground well. You must have a RCRA permit to dispose of hazardous waste.

B. Used Oil Recycling Activities

Check the appropriate box(es) to indicate which used oil recycling activities are taking place **at this installation.**

1. Used Oil Fuel Marketer Status: Identify the used oil marketing by the facility. If either of these boxes are marked, you must also notify (or have previously notified) as a used oil transporter, off specification used oil fuel burner, or used oil processor/re-refiner, unless the facility is only a used oil generator. (Used oil generators only are not required to notify.)

2. Used Oil Burner Status: If you burn off specification used oil fuel, check the appropriate box(es) to indicate the type(s) of combustion device(s) in which off specification used oil fuel is burned.

3. Used Oil Transportation Status: If you transport used oil and/or operate a used oil transfer facility, check the appropriate box(es) to indicate this used oil recycling activity. Used oil transporters do not have to complete Item IX of this form, but must sign the certification in Item X.

4. Used Oil Processing Status: If you process and/or re-refine used oil, check the appropriate box(es) to indicate this used oil activity.

Item IX Description of Regulated Wastes:

You may refer to Regulation No. 23, Section 261 to complete this section. Regulation No. 23, Section 261 identifies those wastes that EPA defines as hazardous wastes. If you need help completing this section, please contact the Arkansas Department of Environmental Quality, Hazardous Waste Division at (501) 682-0833.

If you handle hazardous wastes that are not listed in Regulation No. 23, Section 261, Subsection D; but do exhibit a characteristic of hazardous waste as defined in Regulation No. 23, Section 261, Subsection C; you should describe these wastes by the appropriate EPA characteristic waste codes (Codes beginning with "D"). Check the appropriate boxes to identify the characteristics of the wastes that you handle. Write additional characteristic waste codes in the boxes provided.

If you handle hazardous wastes that are listed in Regulation No. 23, Section 261, Subsection D, enter the appropriate 4 digit EPA waste codes in the boxes provided. If you handle more than 22 listed hazardous wastes please continue listing the waste codes on the extra sheet provided, and/or attach an additional page to the form before mailing it to the Arkansas Department of Environmental Quality..

Item X Certification:

This certification must be signed by the facility owner, operator, or an authorized representative of the installation. An "authorized representative" is a person responsible for the overall operation of the facility (i.e., a plant manager or superintendent, or a person of equal responsibility). All notifications must include this certification. The signature must be an original signature.

~~**Item XI — Comments:**~~
~~Use this space for explanation of any portion of this form.~~

SECTION 263 — STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

32. **Section 263.20** is amended by revising paragraphs (a) and (g) to read as follows:

§263.20 The manifest system.

(a)**(1) Manifest Requirement.** A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the requirements of § ~~262.20~~ **262.23**. ~~In the case of exports other than those subject to Subsection H of § 262 (40 CFR 262, Subpart H), a transporter may not accept such waste from a primary exporter or other person (1) if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and (2) unless, in addition to a manifest signed in accordance with the provisions of § 262.20, such waste is also accompanied by an EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of § 262, Subsection H, a transporter may not accept hazardous waste without a tracking document that inlcludes all information required by § 262.84.~~

(2) Exports. In the case of exports other than those subject to Section 262, subsection H of this Regulation, a transporter may not accept such waste from a primary exporter or other person if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and unless, in addition to a manifest signed by the generator as provided in this section, the transporter shall also be provided with an EPA Acknowledgment of Consent which, except for shipments by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of Subpart H of 40 CFR Part 262, a transporter may not accept hazardous waste without a tracking document that includes all information required by 40 CFR 262.84.

(3) Compliance Date for Form Revisions. The revised Manifest form and procedures in 40 CFR and Sections 260.10, 261.7, 263.20, and 263.21 of this regulation, shall not apply until September 5, 2006. The Manifest form and procedures in 40 CFR 260.10, 261.7, 263.20, and 263.21, contained in the 40 CFR, parts 260 to 265, edition revised as of July 1, 2004, shall be applicable until September 5, 2006.

* * * * *

(g) Transporters who transport hazardous waste out of the United States must:

~~(1) Indicate on the manifest the date the hazardous waste left the United States; and~~

~~(2) Sign the manifest and retain one copy in accordance with § 263.22(c); and~~

(1) Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States;

(2) Retain one copy in accordance with § 263.22(d);

(3) Return a signed copy of the manifest to the generator; and

(4) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

* * * * *

33. **Section 263.21** is amended by revising paragraph (b) to read as follows:

§ 263.21 Compliance with the manifest.

* * * * *

(a) The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

(1) The designated facility listed on the manifest; or

(2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(3) The next designated transporter; or

(4) The place outside the United States designated by the generator.

(b) ~~If the hazardous waste cannot be delivered in accordance with paragraph (a) of this section, the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.~~ **(1) If the hazardous waste cannot be delivered in accordance with paragraph (a) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.**

(2) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:

(i) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with § 263.22, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in Section 264.72(e)(1)-(6) or (f)(1)-(6) or Section 265.72(e)(1)-(6) or (f)(1)-(6) of this Regulation.

(ii) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and Identification Number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with § 263.22, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with Section 264.72(e)(1)-(6) or 265.72(e)(1)-(6) of this Regulation.

* * * * *

SECTION 264 — STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBSECTION A - GENERAL

34. **Section 264.1(g)(11)** is revised to read as follows:

§ 264.1 Purpose, Scope and Applicability.

* * * *

(g)

(11) Universal waste handlers and universal waste transporters (as defined in § 260.10) handling the wastes listed below. These handlers are subject to regulation under § 273, when handling the below listed universal wastes.

(i) Batteries as described in § 273.2;

(ii) Pesticides as described in § 273.3;

(iii) ~~Thermostats~~ **Mercury-containing devices** as described in § 273.4;

(iv) Lamps as described in § 273.5;

***(v) Consumer electronic items as described in § 273.6*.**

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

35. **Section 264.70** is revised to read as follows:

§ 264.70 Applicability.

(a) The regulations in this subsection apply to owners and operators of both on-site and offsite facilities, except as § 264.1 provides otherwise. Sections 264.71, 264.72, and 264.76 do not apply to owners and operators of on-site facilities that do not receive any

hazardous waste from off-site sources, nor to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under Section 266.203(a) of this Regulation. ~~Section 264.73(b) only applies to permittees who treat, store, or dispose of hazardous wastes on-site where such wastes were generated.~~

(b) The revised Manifest form and procedures in 40 CFR and Sections 260.10, 261.7, 264.70, 264.71. 264.72, and 264.76 of this Regulation, shall not apply until September 5, 2006. The Manifest form and procedures in 40 CFR 260.10, 261.7, 264.70, 264.71. 264.72, and 264.76, contained in the 40 CFR, parts 260 to 265, edition revised as of July 1, 2004, shall be applicable until September 5, 2006.

36. **Section 264.71** is amended by revising paragraphs (a) and (b)(4) and adding paragraph (e) to read as follows:

§264.71 Use of manifest system.

~~(a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or his agent, must:~~

~~(1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;~~

~~(2) Note any significant discrepancies in the manifest (as defined in § 264.72(a)) on each copy of the manifest;~~

~~[Comment: The Department and EPA do not intend that the owner or operator of a facility whose procedures under § 264.13(c) include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Section 264.72(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.]~~

~~(3) Immediately give the transporter at least one copy of the signed manifest;~~

~~(4) Within 30 days after the delivery, send a copy of the manifest to the generator; and~~

~~(5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.~~

(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator or his/her agent must sign and date the manifest as indicated in paragraph (a)(2) to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

(2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator or his agent must:

(i) Sign and date, by hand, each copy of the manifest;

(ii) Note any discrepancies (as defined in § 264.72(a)) on each copy of the manifest;

(iii) Immediately give the transporter at least one copy of the manifest;

(iv) Within 30 days of delivery, send a copy of the manifest to the generator; and

(v) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) If a facility receives hazardous waste imported from a foreign source, the receiving facility must mail a copy of the manifest to the following address within 30 days of delivery:

International Compliance Assurance Division
OFA/OECA (2254A), U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW, Washington, DC 20460

(b) * * *

~~(4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and~~

(4) Within 30 days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator, and

* * * * *

(f) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under its state hazardous waste program. Facilities must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

* * * * *

37. **Section 264.72** is revised to read as follows:

§264.72 Manifest discrepancies.

~~(a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are:~~

~~(1) For bulk waste, variations greater than 10 percent in weight, and~~

~~(2) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.~~

(a) Manifest discrepancies are:

(1) Significant differences (as defined by paragraph (b) of this section) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;

(2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept; or

(3) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 40 CFR 261.7(b).

(b) Significant differences in quantity are: For bulk waste, variations greater than 10 percent in weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant differences in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

~~(b)~~**(c)** Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(d)(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in Section 261.7(b) of this Regulation, the facility must consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator. The facility must send the waste to the alternative facility or to the generator within 60 days of the rejection or the container residue identification.

(2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it must ensure that either the delivering transporter retains custody of the waste, or, the facility must provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under paragraph (e) or (f) of this Section.

(e) Except as provided in paragraph (e)(7) of this section, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with § 262.20(a) of this Regulation and the following instructions:

(1) Write the generator's U.S. EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the alternate designated facility and the facility's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment,

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

(5) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

(7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility must retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with paragraphs (e)(1), (2), (3), (4), (5), and (6) of this Section.

(f) Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with § 262.20(a) of this Regulation and the following instructions:

(1) Write the facility's U.S. EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the initial generator and the generator's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment,

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a),

(5) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Offeror's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation,

(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility must retain a copy for its records and then give the remaining copies

of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with paragraphs (f)(1), (2), (3), (4), (5), and (6) of this Section.

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in 40 CFR 261.7(b) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest, and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three years from the date of amendment, and must within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended.

38. **Section 264.76** is revised to read as follows:

§264.76 Unmanifested waste report.

~~If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in § 263.20(e)(2) of this regulation, and if the waste is not excluded from the manifest requirement by § 261.5 of this regulation, then the owner or operator must prepare and submit a single copy of a report to the Director within fifteen days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated "Unmanifested Waste Report" and include the following information:~~

~~(a) The EPA identification number, name, and address of the facility;~~

~~(b) The date the facility received the waste;~~

~~(c) The EPA identification number, name, and address of the generator and the transporter, if available;~~

~~(d) A description and the quantity of each unmanifested hazardous waste and facility received;~~

~~(e) The method of treatment, storage, or disposal for each hazardous waste;~~

~~(f) The certification signed by the owner or operator of the facility or his authorized representative; and~~

~~(g) A brief explanation of why the waste was unmanifested, if known.~~

(a) If a facility accepts for treatment, storage, or disposal any hazardous waste from an offsite source without an accompanying manifest, or without an accompanying shipping paper as described by § 263.20(e) of this Regulation, and if the waste is not excluded from the manifest requirement by this Regulation, then the owner or operator must prepare and submit a letter to the Director within 15 days after receiving the waste. The unmanifested waste report must contain the following information:

(1) The EPA identification number, name and address of the facility;

(2) The date the facility received the waste;

(3) The EPA identification number, name and address of the generator and the transporter, if available;

(4) A description and the quantity of each unmanifested hazardous waste the facility received;

(5) The method of treatment, storage, or disposal for each hazardous waste;

(6) The certification signed by the owner or operator of the facility or his authorized representative; and,

(7) A brief explanation of why the waste was unmanifested, if known.

(b) [Reserved]

Subsection J—Tank Systems

39. **Section 264.190** is amended by revising paragraph (a) to read as follows:

§ 264.190 Applicability.

* * * * *

(a) Tank systems that are used to store or treat hazardous waste which contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in § 264.193. To demonstrate the absence or presence of free liquids in the stored/treated waste, ~~EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846) must be used~~ **the following test must be used: Method 9095B (Paint Filter Liquids Test) as described in ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,'' EPA Publication SW–846, as incorporated by reference in § 260.11 of this Regulation.**

* * * * *

Subsection N—Landfills

40. **Section 264.314** is amended by revising paragraph (c) to read as follows:

§ 264.314 Special requirements for bulk and containerized liquids.

* * * * *

(c) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: ~~Method 9095~~ **Method 9095B** (Paint Filter Liquids Test) as described in ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,'' EPA Publication SW–846, as incorporated by reference in § 260.11 of this Regulation.

* * * * *

Subsection AA—Air Emission Standards for Process Vents

41. **Section 264.1034** is amended by revising paragraphs (c)(1)(ii), (c)(1)(iv), (d)(1)(iii) and (f) to read as follows:

§ 264.1034 Test methods and procedures.

* * * * *

(c) * * *

(1) * * *

(ii) Method 18 **or Method 25A** in 40 CFR part 60, appendix A, for organic content. **If Method 25A is used, the organic HAP used as the calibration gas must be the single organic HAP representing the largest percent by volume of the emissions. The use of Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.**

* * * * *

(iv) Total organic mass flow rates shall be determined by the following equation:

(A) **For sources utilizing Method 18.**

$$E_h = Q_{2sd}\left\{\sum_{i=1}^{n} C_i MW_i\right\}[0.0416]\left[10^{-6}\right]$$

where:

E_h=Total organic mass flow rate, kg/h;
Q_{sd}=Volumetric flow rate of gases entering or exiting control device, as determined by Method 2, dscm/h;
n=Number of organic compounds in the vent gas;
C_i=Organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18;
MW_i=Molecular weight of organic compound i in the vent gas, kg/kg-mol;
0.0416=Conversion factor for molar volume, kg-mol/m^3 (@ 293 K and 760 mm Hg);
10^{-6}=Conversion from ppm, ppm^{-1}.

(B) For sources utilizing Method 25A.

$$\mathbf{E_h = (Q)(C)(MW)(0.0416)(10^{-6})}$$

Where:

E_h = Total organic mass flow rate, kg/h;
Q = Volumetric flow rate of gases entering or exiting control device,as determined by Method 2, dscm/h;
C = Organic concentration in ppm, dry basis, as determined by Method 25A;
MW = Molecular weight of propane, 44;
0.0416 = Conversion factor for molar volume, kg-mol/m3 (@ 293 K and 760 mm Hg);
10^{-6} = Conversion from ppm.

* * * * *

(d) * * *

(1) * * *

(iii) Each sample shall be analyzed and the total organic concentration of the sample shall be computed using Method 9060**A** ~~or 8260~~ (incorporated by reference under § 260.11) **of ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,'' EPA Publication SW–846, or analyzed for its individual organic constituents.**

* * * * *

(f) When an owner or operator and the Director do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, ~~the procedures in Method 8260 of SW-846 (incorporated by reference under § 260.11) may be used to resolve the dispute~~ **the dispute may be resolved by using direct measurement as specified at paragraph (d)(1) of this section.**

42. **Section 264.1050** is amended by adding paragraph (h) after paragraph (g) and before the note to read as follows:

§ 264.1050 Applicability.

* * * * *

(h) Purged coatings and solvents from surface coating operations subject to the national emission standards for hazardous air pollutants (NESHAP) for the surface coating of automobiles and light-duty trucks at 40 CFR part 63, subpart IIII, are not subject to the requirements of this subsection.

* * * * *

Subsection BB—Air Emission Standards for Equipment Leaks

43. **Section 264.1063** is amended by revising paragraph (d)(2) to read as follows:

§ 264.1063 Test methods and procedures.

* * * * *

(d) * * *

(2) ~~Method 9060 or 8260 of SW-846 (incorporated by reference under § 260.11)~~ **Method 9060A (incorporated by reference under 40 CFR 260.11) of ''Test Methods for Evaluating Solid Waste,'' EPA Publication SW–846, for computing total organic concentration of the sample, or analyzed for its individual organic constituents;** or

* * * * *

43. **Appendix IX to Section 264** is revised to read as follows:

Groundwater Monitoring List

Common name (1)	*CAS RN (2)*	*Chemical abstracts service index name (3)*	~~*Suggested methods (5)*~~	~~*PQL (µg/L) (6)*~~
Acenaphthene	83-32-9	Acenaphthylene, 1,2-dihydro-	~~8100~~	~~200~~
			~~8270~~	~~10~~
Acenaphthylene	208-96-8	Acenaphthylene	~~8100~~	~~200~~
			~~8270~~	~~10~~
Acetone	67-64-1	2-Propanone	~~8240~~	~~100~~
Acetophenone	98-86-2	Ethanone, 1-phenyl-	~~8270~~	~~10~~
Acetonitrile; Methyl cyanide	75-05-8	Acetonitrile	~~8015~~	~~100~~
2-Acetylaminofluorene;2-AAF	53-96-3	Acetamide, N-9H-fluoren-2-yl-	~~8270~~	~~10~~
Acrolein	107-02-8	2-Propenal	~~8030~~	~~5~~
			~~8240~~	~~5~~
Acrylonitrile	107-13-1	2-Propenenitrile	~~8030~~	~~5~~
			~~8240~~	~~5~~
Aldrin	309-00-2	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro- 1,4, 4a,5,8,8a-hexahydro- (1a,4a, 4ab,5a,8a,8ab)-	~~8080~~	~~0.05~~
			~~8270~~	~~10~~
Allyl chloride	107-05-1	1-Propene, 3-chloro-	~~8010~~	~~5~~
			~~8240~~	~~100~~
4-Aminobiphenyl	92-67-1	[1,1-Biphenyl]-4-amine	~~8270~~	~~10~~
Aniline	62-53-3	Benzenamine	~~8270~~	~~10~~
Anthracene	120-12-7	Anthracene	~~8100~~	~~200~~
			~~8270~~	~~10~~
Antimony	(Total)	Antimony	~~6010~~	~~300~~
			~~7040~~	~~2,000~~
			~~7041~~	~~30~~
Aramite	140-57-8	Sulfurous acid, 2-chloroethyl 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester	~~8270~~	~~10~~
Arsenic	(Total)	Arsenic	~~6010~~	~~500~~
			~~7060~~	~~10~~
			~~7061~~	~~20~~
Barium	(Total)	Barium	~~6010~~	~~20~~
			~~7080~~	~~1,000~~
Benzene	71-43-2	Benzene	~~8020~~	~~2~~
			~~8240~~	~~5~~
Benzo[a]anthracene; Benzanthracene	56-55-3	Benz[a]anthracene	~~8100~~	~~200~~
			~~8270~~	~~10~~
Benzo[b]fluoranthene	205-99-2	Benz[e]acephenanthrylene	~~8100~~	~~200~~
			~~8270~~	~~10~~
Benzo[k]fluoranthene	207-08-9	Benzo[k]fluoranthene	~~8100~~	~~200~~
			~~8270~~	~~10~~
Benzo[ghi]perylene	191-24-2	Benzo[ghi]perylene	~~8100~~	~~200~~
			~~8270~~	~~10~~
Benzo[a]pyrene	50-32-8	Benzo[a]pyrene	~~8100~~	~~200~~
			~~8270~~	~~10~~
Benzyl alcohol	100-51-6	Benzenemethanol	~~8270~~	~~20~~
Beryllium	(Total)	Beryllium	~~6010~~	~~3~~
			~~7090~~	~~50~~
			~~7091~~	~~2~~
alpha-BHC	319-84-6	Cyclohexane, 1,2,3,4,5,6-hexachloro-(1a,2a,3b,4a,5b,6b)	~~8080~~	~~0.05~~
			~~8250~~	~~10~~
beta-BHC	319-85-7	Cyclohexane, 1,2,3,4,5,6-hexachloro-(1a,2b,3a,4b,5a, 6b)	~~8080~~	~~0.05~~
			~~8250~~	~~40~~
delta-BHC	319-86-8	Cyclohexane, 1,2,3,4,5,6-hexachloro-,(1a,2a,3a,4b,5a,6b)	~~8080~~	~~0.1~~
			~~8250~~	~~30~~
gamma-BHC; Lindane	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-,(1a,2a,3b,4a,5a,6b)	~~8080~~	~~0.05~~
			~~8250~~	~~10~~
Bis(2-chloroethoxy)methane	111-91-1	Ethane, 1,1-[methylenebis (oxy)]bis[2-chloro-	~~8270~~	~~10~~
Bis(2-chloroethyl)ether	111-44-4	Ethane, 1,1-oxybis[2-chloro-	~~8270~~	~~10~~
Bis(2-chloro-1-methylethyl) ether; 2,2-Di- chlorodiisopropyl ether	108-60-1	Propane, 2,2-oxybis[1-chloro-	~~8010~~	~~100~~
			~~8270~~	~~10~~

Common name (2)	*CAS RN (3)*	*Chemical abstracts service index name (4)*	*Suggested methods (5)*	*PQL (μg/L) (6)*
Bis(2-ethylhexyl) phthalate	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl)ester	8060 8270	20 10
Bromodichloromethane	75-27-4	Methane, bromodichloro-	8010 8240	1 5
Bromoform; Tribromomethane	75-25-2	Methane, tribromo-	8010 8240	2 5
4-Bromophenyl phenyl ether	101-55-3	Benzene, 1-bromo-4-phenoxy	8270	10
Butyl benzyl phthalate; Benzyl butyl phthalate	85-68-7	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	8060 8270	5 10
Cadmium	(Total)	Cadmium	6010 7130 7131	40 50 1
Carbon disulfide	75-15-0	Carbon disulfide	8240	5
Carbon tetrachloride	56-23-5	Methane, tetrachloro-	8010 8240	1 5
Chlordane	57-74-9	4,7-Methano-1H-indene,1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	8080 8250	0.1 10
p-Chloroaniline	106-47-8	Benzenamine, 4-chloro-	8270	20
Chlorobenzene	108-90-7	Benzene, chloro-	8010 8020 8240	2 2 5
Chlorobenzilate	510-15-6	Benzeneacetic acid, 4-chloro-(4-chlorophenyl)-_-hydroxy-, ethyl ester	8270	10
p-Chloro-m-cresol	59-50-7	Phenol, 4-chloro-3-methyl-	8040 8270	5 20
Chloroethane; Ethyl chloride	75-00-3	Ethane, chloro-	8010 8240	5 10
Chloroform	67-66-3	Methane, trichloro-	8010 8240	0.5 5
2-Chloronaphthalene	91-58-7	Naphthalene, 2-chloro-	8120 8270	10 10
2-Chlorophenol	95-57-8	Phenol, 2-chloro-	8040 8270	5 10
4-Chlorophenyl phenyl ether	7005-72-3	Benzene, 1-chloro-4-phenoxy-	8270	10
Chloroprene	126-99-8	1,3-Butadiene, 2-chloro-	8010 8240	50 5
Chromium	(Total)	Chromium	6010 7190 7191	70 500 10
Chrysene	218-01-9	Chrysene	8100 8270	200 10
Cobalt	(Total)	Cobalt	6010 7200 7201	70 500 10
Copper	(Total)	Copper	6010 7210	60 200
m-Cresol	108-39-4	Phenol, 3-methyl-	8270	10
o-Cresol	95-48-7	Phenol, 2-methyl-	8270	10
p-Cresol	106-44-5	Phenol, 4-methyl-	8270	10
Cyanide	57-12-5	Cyanide	9010	40
2,4-D; 2,4-Dichlorophenoxyacetic acid	94-75-7	Acetic acid, (2,4-dichlorophenoxy)-	8150	10
4,4-DDD	72-54-8	Benzene 1,1-(2,2-dichloroethylidene)bis[4-chloro-	8080 8270	0.1 10
4,4-DDE	72-55-9	Benzene, 1,1-(dichloroethenylidene)bis[4-chloro-	8080 8270	0.05 10
4,4-DDT	50-29-3	Benzene, 1,1-(2,2,2-trichloroethylidene)bis[4-chloro-	8080 8270	0.1 10
Diallate	2303-16-4	Carbamothioic acid, bis(1-methylethyl)- , S- (2,3-dichloro-2-propenyl) ester	8270	10
Dibenz[a,h]anthracene	53-70-3	Dibenz[a,h]anthracene	8100 8270	200 10

Common name (2)	*CAS RN (3)*	*Chemical abstracts service index name (4)*	*Suggested methods (5)*	*PQL (µg/L) (6)*
Dibenzofuran	132-64-9	Dibenzofuran	8270	10
Dibromochloromethane; Chlorodibromomethane	124-48-1	Methane, dibromochloro-	8010 8240	1 5
1,2-Dibromo-3-chloropropane; DBCP	96-12-8	Propane, 1,2-dibromo-3-chloro-	8010 8240 8270	100 5 10
1,2-Dibromoethane; Ethylene dibromide	106-93-4	Ethane, 1,2-dibromo-	8010 8240	10 5
Di-n-butyl phthalate	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	8060 8270	5 10
o-Dichlorobenzene	95-50-1	Benzene, 1,2-dichloro-	8010 8020 8120 8270	2 5 10 10
m-Dichlorobenzene	541-73-1	Benzene, 1,3-dichloro-	8010 8020 8120 8270	5 5 10 10
p-Dichlorobenzene	106-46-7	Benzene, 1,4-dichloro-	8010 8020 8120 8270	2 5 15 10
3,3-Dichlorobenzidine	91-94-1	[1,1-Biphenyl]-4,4-diamine, 3, 3-dichloro-	8270	20
trans-1,4-Dichloro-2-butene	110-57-6	2-Butene, 1,4-dichloro-, (E)-	8240	5
Dichlorodifluoromethane	75-71-8	Methane, dichlorodifluoro-	8010 8240	10 5
1,1-Dichloroethane	75-34-3	Ethane, 1,1-dichloro-	8010 8240	1 5
1,2-Dichloroethane; Ethylene dichloride	107-06-2	Ethane, 1,2-dichloro-	8010 8240	0.5 5
1,1-Dichloroethylene; Vinylidene chloride	75-35-4	Ethene, 1,1-dichloro-	8010 8240	1 5
trans-1,2-Dichloroethylene	156-60-5	Ethene, 1,2-dichloro-, (E)-	8010 8240	1 5
2,4-Dichlorophenol	120-83-2	Phenol, 2,4-dichloro-	8040 8270	5 10
2,6-Dichlorophenol	87-65-0	Phenol, 2,6-dichloro-	8270	10
1,2-Dichloropropane	78-87-5	Propane, 1,2-dichloro-	8010 8240	0.5 5
cis-1,3-Dichloropropene	10061-01-5	1-Propene, 1,3-dichloro-, (Z)-	8010 8240	20 5
trans-1,3-Dichloropropene	10061-02-6	1-Propene, 1,3-dichloro-, (E)-	8010 8240	5 5
Dieldrin	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aa,2b,2aa,3b,6b,6aa,7b,7aa)-	8080 8270	0.05 10
Diethyl phthalate	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	8060 8270	5 10
O,O-Diethyl O-2-pyrazinyl phosphorothioate; Thionazin	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	8270	10
Dimethoate	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	8270	10
p-(Dimethylamino)azobenzene	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	8270	10
7,12-Dimethylbenz[a]anthracene	57-97-6	Benz[a]anthracene, 7,12-dimethyl-	8270	10
3,3-Dimethylbenzidine	119-93-7	[1,1-Biphenyl]-4,4-diamine, 3, 3-dimethyl-	8270	10
alpha, alpha-Dimethylphenethylamine	122-09-8	Benzeneethanamine, a,a-dimethyl-	8270	10
2,4-Dimethylphenol	105-67-9	Phenol, 2,4-dimethyl-	8040 8270	5 10
Dimethyl phthalate	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	8060 8270	5 10

Common name (2)	*CAS RN (3)*	*Chemical abstracts service index name (4)*	*Suggested methods (5)*	*PQL (μg/L) (6)*
m-Dinitrobenzene	99-65-0	Benzene, 1,3-dinitro-	8270	10
4,6-Dinitro-o-cresol	534-52-1	Phenol, 2-methyl-4,6-dinitro-	8040	150
			8270	50
2,4-Dinitrophenol	51-28-5	Phenol, 2,4-dinitro-	8040	150
			8270	50
2,4-Dinitrotoluene	121-14-2	Benzene, 1-methyl-2,4-dinitro-	8090	0.2
			8270	10
2,6-Dinitrotoluene	606-20-2	Benzene, 2-methyl-1,3-dinitro-	8090	0.1
			8270	10
Dinoseb; DNBP; 2-sec-Butyl-4,6-dinitrophenol	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	8150	1
			8270	10
Di-n-octyl phthalate	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	8060	30
			8270	10
1,4-Dioxane	123-91-1	1,4-Dioxane	8015	150
Diphenylamine	122-39-4	Benzenamine, N-phenyl-	8270	10
Disulfoton	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl]ester	8140	2
			8270	10
Endosulfan I	959-98-8	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3a,5ab,6a,9a,9ab)-	8080	0.1
			8250	10
Endosulfan II	33213-65-9	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro- 1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3a,5aa,6b,9b,9aa)-	8080	0.05
Endosulfan sulfate	1031-07-8	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro- 1,5,5a,6,9,9a-hexahydro-, 3,3-dioxide	8080	0.5
			8270	10
Endrin	72-20-8	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aa, 2b,2ab,3a,6a,6ab,7b,7aa)-	8080	0.1
			8250	10
Endrin aldehyde	7421-93-4	1,2,4-Methenocyclopenta[cd]pentalene-5-carboxaldehyde, 2,2a,3,3,4,7-hexachlorodecahydro-, (1a,2b,2ab,4b,4ab,5b,6ab,6bb,7R*)-	8080	0.2
			8270	10
Ethylbenzene	100-41-4	Benzene, ethyl-	8020	2
			8240	5
Ethyl methacrylate	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	8015	10
			8240	5
			8270	10
Ethyl methanesulfonate	62-50-0	Methanesulfonic acid, ethyl ester	8270	10
Famphur	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl]-O,O-dimethyl ester	8270	10
Fluoranthene	206-44-0	Fluoranthene	8100	200
			8270	10
Fluorene	86-73-7	9H-Fluorene	8100	200
			8270	10
Heptachlor	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	8080	0.05
			8270	10
Heptachlor epoxide	1024-57-3	2,5-Methano-2H-indeno[1,2-b]oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a,-hexahydro-, (1aa,1bb,2a,5a,5ab,6b,6aa)	8080	1
			8270	10
Hexachlorobenzene	118-74-1	Benzene, hexachloro-	8120	0.5
			8270	10
Hexachlorobutadiene	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	8120	5
			8270	10
Hexachlorocyclopentadiene	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,	8120	5

Common name (2)	*CAS RN (3)*	*Chemical abstracts service index name (4)*	~~*Suggested methods (5)*~~	~~*PQL (µg/L) (6)*~~
		5-hexachloro-	~~8270~~	~~10~~
Hexachloroethane	67-72-1	Ethane, hexachloro-	~~8120~~	~~0.5~~
Hexachlorophene	70-30-4	Phenol, 2,2-methylenebis[3,4,6-trichloro-	~~8270~~	~~10~~
Hexachloropropene	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	~~8270~~	~~10~~
2-Hexanone	591-78-6	2-Hexanone	~~8240~~	~~50~~
Indeno(1,2,3-cd)pyrene	193-39-5	Indeno[1,2,3-cd]pyrene	~~8100~~	~~200~~
			~~8270~~	~~10~~
Isobutyl alcohol	78-83-1	1-Propanol, 2-methyl-	~~8015~~	~~50~~
Isodrin	465-73-6	1,4,5,8-Dimethanonaphthalene,1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a hexahydro-(1a,4a,4ab,5b,8b,8ab)-	*8270*	*10*
Isophorone	78-59-1	2-Cyclohexen-1-one, 3,5,5-trimethyl-	~~8090~~	~~60~~
			~~8270~~	~~10~~
Isosafrole	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	~~8270~~	~~10~~
Kepone	143-50-0	1,3,4-Metheno-2H-cyclobuta-[cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	~~8270~~	~~10~~
Lead	(Total)	Lead	~~6010~~	~~40~~
			~~7420~~	~~1,000~~
			~~7421~~	~~10~~
Mercury	(Total)	Mercury	~~7470~~	~~2~~
Methacrylonitrile	126-98-7	2-Propenenitrile, 2-methyl-	~~8015~~	~~5~~
			~~8240~~	~~5~~
Methapyrilene	91-80-5	1,2,Ethanediamine, N,N-dimethyl-N-2-pyridinyl-N-(2-thienylmethyl)-	~~8270~~	~~10~~
Methoxychlor	72-43-5	Benzene, 1,1-(2,2,2, trichloroethylidene)bis[4-methoxy-	~~8080~~	~~2~~
			~~8270~~	~~10~~
Methyl bromide; Bromomethane	74-83-9	Methane, bromo-	~~8010~~	~~20~~
			~~8240~~	~~10~~
Methyl chloride; Chloromethane	74-87-3	Methane, chloro-	~~8010~~	~~1~~
			~~8240~~	~~10~~
3-Methylcholanthrene	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	~~8270~~	~~10~~
Methylene bromide; Dibromomethane	74-95-3	Methane, dibromo-	~~8010~~	~~15~~
			~~8240~~	~~5~~
Methylene chloride; Dichloromethane	75-09-2	Methane, dichloro-	~~8010~~	~~5~~
			~~8240~~	~~5~~
Methyl ethyl ketone; MEK	78-93-3	2-Butanone	~~8015~~	~~10~~
			~~8240~~	~~100~~
Methyl iodide; Iodomethane	74-88-4	Methane, iodo-	~~8010~~	~~40~~
			~~8240~~	~~5~~
Methyl methacrylate	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	~~8015~~	~~2~~
			~~8240~~	~~5~~
Methyl methanesulfonate	66-27-3	Methanesulfonic acid, methyl ester	~~8270~~	~~10~~
2-Methylnaphthalene	91-57-6	Naphthalene, 2-methyl-	~~8270~~	~~10~~
Methyl parathion; Parathion methyl	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	~~8140~~	~~0.5~~
			~~8270~~	~~10~~
4-Methyl-2-pentanone; Methyl isobutyl ketone	108-10-1	2-Pentanone, 4-methyl-	~~8015~~	~~5~~
			~~8240~~	~~50~~
Naphthalene	91-20-3	Naphthalene	~~8100~~	~~200~~
			~~8270~~	~~10~~
1,4-Naphthoquinone	130-15-4	1,4-Naphthalenedione	~~8270~~	~~10~~
1-Naphthylamine	134-32-7	1-Naphthalenamine	~~8270~~	~~10~~
2-Naphthylamine	91-59-8	2-Naphthalenamine	~~8270~~	~~10~~
Nickel	(Total)	Nickel	~~6010~~	~~50~~
			~~7520~~	~~400~~

Common name (2)	*CAS RN (3)*	*Chemical abstracts service index name (4)*	~~*Suggested methods (5)*~~	~~*PQL (µg/L) (6)*~~
o-Nitroaniline	88-74-4	Benzenamine, 2-nitro-	~~8270~~	~~50~~
m-Nitroaniline	99-09-2	Benzenamine, 3-nitro-	~~8270~~	~~50~~
p-Nitroaniline	100-01-6	Benzenamine, 4-nitro-	~~8270~~	~~50~~
Nitrobenzene	98-95-3	Benzene, nitro-	~~8090~~	~~40~~
			~~8270~~	~~0~~
o-Nitrophenol	88-75-5	Phenol, 2-nitro-	~~8040~~	~~5~~
			~~8270~~	~~10~~
p-Nitrophenol	100-02-7	Phenol, 4-nitro-	~~8040~~	~~10~~
			~~8270~~	~~50~~
4-Nitroquinoline 1-oxide	56-57-5	Quinoline, 4-nitro-, 1-oxide	~~8270~~	~~10~~
N-Nitrosodi-n-butylamine	924-16-3	1-Butanamine, N-butyl-N-nitroso-	~~8270~~	~~10~~
N-Nitrosodiethylamine	55-18-5	Ethanamine, N-ethyl-N-nitroso-	~~8270~~	~~10~~
N-Nitrosodimethylamine	62-75-9	Methanamine, N-methyl-N-nitroso-	~~8270~~	~~10~~
N-Nitrosodiphenylamine	86-30-6	Benzenamine, N-nitroso-N-phenyl-	~~8270~~	~~10~~
N-Nitrosodipropylamine; Di-n-propylnitrosamine	621-64-7	1-Propanamine, N-nitroso-N-propyl-	~~8270~~	~~10~~
N-Nitrosomethylethylamine	10595-95-6	Ethanamine, N-methyl-N-nitroso-	~~8270~~	~~10~~
N-Nitrosomorpholine	59-89-2	Morpholine, 4-nitroso-	~~8270~~	~~10~~
N-Nitrosopiperidine	100-75-4	Piperidine, 1-nitroso-	~~8270~~	~~10~~
N-Nitrosopyrrolidine	930-55-2	Pyrrolidine, 1-nitroso-	8270	10
5-Nitro-o-toluidine	99-55-8	Benzenamine, 2-methyl-5-nitro-	~~8270~~	~~10~~
Parathion	56-38-2	Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester	~~8270~~	~~10~~
Polychlorinated biphenyls; PCBs	See Note 7	1,1-Biphenyl, chloro derivatives	~~8080~~	~~50~~
			~~8250~~	~~100~~
Polychlorinated dibenzo-p-dioxins; PCDDs	See Note 8	Dibenzo[b,e][1,4]dioxin, chloro derivatives	~~8280~~	~~0.01~~
Polychlorinated dibenzofurans; PCDFs	See Note 9	Dibenzofuran, chloro derivatives	~~8280~~	~~0.01~~
Pentachlorobenzene	608-93-5	Benzene, pentachloro-	~~8270~~	~~10~~
Pentachloroethane	76-01-7	Ethane, pentachloro-	~~8240~~	~~5~~
			~~8270~~	~~10~~
Pentachloronitrobenzene	82-68-8	Benzene, pentachloronitro-	~~8270~~	~~10~~
Pentachlorophenol	87-86-5	Phenol, pentachloro-	~~8040~~	~~5~~
			~~8270~~	~~50~~
Phenacetin	62-44-2	Acetamide, N-(4-ethoxyphenyl)	~~8270~~	~~10~~
Phenanthrene	85-01-8	Phenanthrene	~~8100~~	~~200~~
			~~8270~~	~~10~~
Phenol	108-95-2	Phenol	~~8040~~	~~1~~
			~~8270~~	~~10~~
p-Phenylenediamine	106-50-3	1,4-Benzenediamine	~~8270~~	~~10~~
Phorate	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	~~8140~~	~~2~~
			~~8270~~	~~10~~
2-Picoline	109-06-8	Pyridine, 2-methyl-	~~8240~~	~~5~~
			~~8270~~	~~10~~
Pronamide	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	~~8270~~	~~10~~
Propionitrile; Ethyl cyanide	107-12-0	Propanenitrile	~~8015~~	~~60~~
			~~8240~~	~~5~~
Pyrene	129-00-0	Pyrene	~~8100~~	~~200~~
			~~8270~~	~~10~~
Pyridine	110-86-1	Pyridine	~~8240~~	~~5~~
			~~8270~~	~~10~~
Safrole	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	~~8270~~	~~10~~
Selenium	(Total)	Selenium	~~6010~~	~~750~~
			~~7740~~	~~20~~
			~~7741~~	~~20~~
Silver	(Total)	Silver	~~6010~~	~~70~~
			~~7760~~	~~100~~
Silvex; 2,4,5-TP	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	~~8150~~	~~2~~
Styrene	100-42-5	Benzene, ethenyl-	~~8020~~	~~1~~
			~~8240~~	~~5~~

Common name (2)	*CAS RN (3)*	*Chemical abstracts service index name (4)*	~~*Suggested methods (5)*~~	~~*PQL (µg/L) (6)*~~
Sulfide	18496-25-8	Sulfide	~~9030~~	~~10,000~~
2,4,5-T; 2,4,5-Trichlorophenoxyacetic acid	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	~~8150~~	~~2~~
2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	~~8280~~	~~0.005~~
1,2,4,5-Tetrachlorobenzene	95-94-3	Benzene, 1,2,4,5-tetrachloro-	~~8270~~	~~10~~
1,1,1,2-Tetrachloroethane	630-20-6	Ethane, 1,1,1,2-tetrachloro-	~~8010~~	~~5~~
			~~8240~~	~~5~~
1,1,2,2-Tetrachloroethane	79-34-5	Ethane, 1,1,2,2-tetrachloro-	~~8010~~	~~0.5~~
			~~8240~~	~~5~~
Tetrachloroethylene; Perchloroethylene; Tetrachloroethene	127-18-4	Ethene, tetrachloro-	~~8010~~	~~0.5~~
			~~8240~~	~~5~~
2,3,4,6-Tetrachlorophenol	58-90-2	Phenol, 2,3,4,6-tetrachloro-	~~8270~~	~~10~~
Tetraethyl dithiopyrophosphate; Sulfotepp	3689-24-5	Thiodiphosphoric acid ([(HO)2P(S)]2O), tetraethyl ester	~~8270~~	~~10~~
Thallium	(Total)	Thallium	~~6010~~	~~400~~
			~~7840~~	~~1,000~~
			~~7841~~	~~10~~
Tin	(Total)	Tin	~~7870~~	~~8,000~~
Toluene	108-88-3	Benzene, methyl-	~~8020~~	~~2~~
			~~8240~~	~~5~~
o-Toluidine	95-53-4	Benzenamine, 2-methyl-	~~8270~~	~~10~~
Toxaphene	8001-35-2	Toxaphene	~~8080~~	~~2~~
			~~8250~~	~~10~~
1,2,4-Trichlorobenzene	120-82-1	Benzene, 1,2,4-trichloro-	~~8270~~	~~10~~
1,1,1-Trichloroethane; Methylchloroform	71-55-6	Ethane, 1,1,1-trichloro-	~~8240~~	~~5~~
1,1,2-Trichloroethane	79-00-5	Ethane, 1,1,2-trichloro-	~~8010~~	~~0.2~~
			~~8240~~	~~5~~
Trichloroethylene; Trichloroethene	79-01-6	Ethene, trichloro-	~~8010~~	~~1~~
			~~8240~~	~~5~~
Trichlorofluoromethane	75-69-4	Methane, trichlorofluoro-	~~8010~~	~~10~~
			~~8240~~	~~5~~
2,4,5-Trichlorophenol	95-95-4	Phenol, 2,4,5-trichloro-	~~8270~~	~~10~~
2,4,6-Trichlorophenol	88-06-2	Phenol, 2,4,6-trichloro-	~~8040~~	~~5~~
			~~8270~~	~~10~~
1,2,3-Trichloropropane	96-18-4	Propane, 1,2,3-trichloro-	~~8010~~	~~10~~
			~~8240~~	~~5~~
O,O,O-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, O,O,O-triethyl ester	~~8270~~	~~10~~
sym-Trinitrobenzene	99-35-4	Benzene, 1,3,5-trinitro-	~~8270~~	~~10~~
Vanadium	(Total)	Vanadium	~~6010~~	~~80~~
			~~7910~~	~~2,000~~
			~~7911~~	~~40~~
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester	~~8240~~	~~5~~
Vinyl chloride	75-01-4	Ethene, chloro-	~~8010~~	~~2~~
			~~8240~~	~~10~~
Xylene (total)	1330-20-7	Benzene, dimethyl-	~~8020~~	~~5~~
			~~8240~~	~~5~~
Zinc	(Total)	Zinc	~~6010~~	~~20~~
			~~7950~~	~~50~~

FOOTNOTES:

~~(1) The regulatory requirements pertain only to the list of substances; the right hand columns (Methods and PQL) are given for informational purposes only. See also footnotes 5 and 6.~~

~~(2)~~ **(1)** Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

~~(3)~~ **(2)** Chemical Abstracts Service registry number. Where "Total" is entered, all species in the ground water that contain this element are included.

~~(4)~~ **(3)** CAS index names are those used in the 9th Cumulative Index.

~~(5) Suggested methods refer to analytical procedure numbers used in the EPA publication, SW-846, "Test Methods for Evaluating Solid Waste", Third Edition. Analytical details can be found in SW-846 and in documentation on file at the Agency. The packed column gas chromatography methods 8010, 8020, 8030, 8040, 8060, 8080, 8090, 8110, 8120, 8140, 8150, 8240, and 8250 were promulgated methods through Update IIB of SW-846 and,~~ **~~as of Update III, the Agency has replaced these methods with "capillary column GC methods", as the suggested methods~~**~~.~~

~~(6) Practical Quantitation Limits (PQLs) are the lowest concentrations of analytes in ground waters that can be reliably determined within specified limits of precision and accuracy by the indicated methods under routine laboratory operating conditions. The PQLs listed are generally stated to one significant figure. CAUTION: The PQL values in many cases are based only on a general estimate for the method and not on a determination for individual compounds; PQLs are not a part of the regulation.~~

~~(7)~~ **(4)** Polychlorinated biphenyls (CAS RN 1336-36-3); this category contains congener chemicals, including constituents of Aroclor-1016 (CAS RN 12674-11-2), Aroclor-1221 (CAS RN 11104-28-2), Aroclor-1232 (CAS RN 11141-16-5), Aroclor-1242 (CAS RN 53469-21-9), Aroclor-1248 (CAS RN 12672-29-6), Aroclor-1254 (CAS RN 11097-69-1), and Aroclor-1260 (CAS RN 11096-82-5). ~~The PQL shown is an average value for PCB congeners.~~

~~(8)~~ **(5)** This category contains congener chemicals, including tetrachlorodibenzo-p-dioxins (see also 2,3,7,8-TCDD), pentachlorodibenzo-p-dioxins, and hexachlorodibenzo-p-dioxins. ~~The PQL shown is an average value for PCDD congeners.~~

~~(9)~~ **(6)** This category contains congener chemicals, including tetrachlorodibenzofurans, pentachlorodibenzofurans, and hexachlorodibenzofurans. ~~The PQL shown is an average value for PCDF congeners.~~

SECTION 265 — STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBSECTION A - GENERAL

45. **Section 265.1(g)(14)** is revised to read as follows:

§ 264.1 Purpose, Scope and Applicability.

* * * *

(g)

(14) Universal waste handlers and universal waste transporters (as defined in § 260.10) handling the wastes listed below. These handlers are subject to regulation under § 273, when handling the below listed universal wastes.

(i) Batteries as described in § 273.2;

(ii) Pesticides as described in § 273.3;

(iii) ~~Thermostats~~ **Mercury-containing devices** as described in § 273.4;

(iv) Lamps as described in § 273.5;

***(v) Consumer electronic items as described in § 273.6*.**

SUBSECTION E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

46. **Section 265.70** is revised to read as follows:

§ 265.70 Applicability.

(a) The regulations in this subpart apply to owners and operators of both on-site and offsite facilities, except as § 265.1 provides otherwise. Sections 265.71, 265.72, and 265.76 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, ~~and~~ **nor** to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under § 266.203(a) of this Regulation.

(b) The revised Manifest form and procedures in 40 CFR and Section 260.10, 261.7, 265.70, 265.71. 265.72, and 265.76 of this Regulation, shall not apply until September 5, 2006. The Manifest form and procedures in 40 CFR 260.10, 261.7, 265.70, 265.71. 265.72, and 265.76, contained in the 40 CFR, parts 260 to 265, edition revised as of July 1, 2004, shall be applicable until September 5, 2006.

47. **Section 265.71** is amended by revising paragraphs (a) and (b)(4) and adding paragraph (e) to read as follows:

§265.71 Use of manifest system.

~~(a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or his agent, must:~~

~~(1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;~~

~~(2) Note any significant discrepancies in the manifest (as defined in § 265.72(a)) on each copy of the manifest;~~

~~[Comment: The Department does not intend that the owner or operator of a facility whose procedures under § 265.13(c) include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Section 265.72(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.]~~

~~(3) Immediately give the transporter at least one copy of the signed manifest;~~

~~(4) Within 30 days after the delivery, send a copy of the manifest to the generator; and~~

~~(5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.~~

(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator or his/her agent must sign and date the manifest as indicated in paragraph (a)(2) to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

(2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator or his/her agent must:

(i) Sign and date, by hand, each copy of the manifest;

(ii) Note any discrepancies (as defined in § 264.72(a)) on each copy of the manifest;

(iii) Immediately give the transporter at least one copy of the manifest;

(iv) Within 30 days of delivery, send a copy of the manifest to the generator; and

(v) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) If a facility receives hazardous waste imported from a foreign source, the receiving facility must mail a copy of the manifest to the following address within 30 days of delivery:

International Compliance Assurance Division
OFA/OECA (2254A), U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW, Washington, DC 20460

(b) * * *

(4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; ~~however, if the manifest has not been received within~~

~~30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator~~ **or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator; and**

* * * * *

(f) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under its state hazardous waste program. Facilities must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

* * * * *

48. **Section 265.72** is revised to read as follows:

§265.72 Manifest discrepancies.

~~(a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are:~~

~~(1) For bulk waste, variations greater than 10 percent in weight, and~~

~~(2) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.~~

(a) Manifest discrepancies are:

(1) Significant differences (as defined by paragraph (b) of this section) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;

(2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept; or

(3) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in Section 261.7(b) of this Regulation.

(b) Significant differences in quantity are: For bulk waste, variations greater than 10 percent in weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant differences in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

~~(b)~~**(c)** Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter

(e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(d)(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in Section 261.7(b) of this Regulation, the facility must consult with generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator. The facility must send the waste to the alternative facility or to the generator within 60 days of the rejection or the container residue identification.

(2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it must ensure that either the delivering transporter retains custody of the waste, or the facility must provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under paragraph (e) or (f) of this section.

(e) Except as provided in paragraph (e)(7) of this section, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with § 262.20(a) of this Regulation and the following instructions:

(1) Write the generator's U.S. EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space in Item 5.

(2) Write the name of the alternate designated facility and the facility's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment,

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

(5) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

(7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and

supplying the information on the next destination facility in the Alternate Facility space. The facility must retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with paragraphs (e)(1), (2), (3), (4), (5), and (6) of this Section.

(f) Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with § 262.20(a) of this Regulation and the following instructions:

(1) Write the facility's U.S. EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the initial generator and the generator's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment,

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a),

(5) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Offeror's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation,

(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility must retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with paragraphs (f)(1), (2), (3), (4), (5), and (6) of this Section.

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in Section 261.7(b) of this Regulation after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to the discrepancy space of the amended manifest, and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three years from the date of

amendment, and must within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended.

49. **Section 265.76** is amended to read as follows:

§265.76 Unmanifested Waste Report

(a) If a facility accepts for treatment, storage, or disposal any hazardous waste from an offsite source without an accompanying manifest, or without an accompanying shipping paper as described by § 263.20(e)~~(2)~~ of this Regulation, and if the waste is not excluded from the manifest requirement by this Regulation, then the owner or operator must prepare and submit a letter to the Director within fifteen days after receiving the waste. ~~The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated 'Unmanifested Waste Report' and include the following information:~~ **The unmanifested waste report must contain the following information:**

(1) The EPA identification number, name and address of the facility;

(2) The date the facility received the waste;

(3) The EPA identification number, name and address of the generator and the transporter, if available;

(4) A description and the quantity of each unmanifested hazardous waste the facility received;

(5) The method of treatment, storage, or disposal for each hazardous waste;

(6) The certification signed by the owner or operator of the facility or his authorized representative; and,

(7) A brief explanation of why the waste was unmanifested, if known.

Subsection J—Tank Systems

50. **Section 265.190** is amended by revising paragraph (a) to read as follows:

§ 265.190 Applicability.

* * * * *

(a) Tank systems that are used to store or treat hazardous waste which contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in § 265.193. To demonstrate the absence or presence of free liquids in the stored/treated waste, the following test must be used: Method 9095**B** (Paint Filter Liquids Test) as described in ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,'' EPA Publication SW–846, as incorporated by reference in § 260.11 of this Regulation.

* * * * *

Subsection N—Landfills

51. **Section 265.314** is amended by revising paragraph (d) to read as follows:

§ 265.314 Special requirements for bulk and containerized liquids.

* * * * *

(d) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095**B** (Paint Filter Liquids Test) as described in ‘‘Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,’’ EPA Publication SW–846, as incorporated by reference in § 260.11 of this Regulation.

* * * * *

Subsection AA—Air Emission Standards for Process Vents

52. **Section 265.1034** is amended by revising paragraphs (c)(1)(ii), (c)(1)(iv), (d)(1)(iii) and (f) to read as follows:

§ 265.1034 Test methods and procedures.

* * * * *

(c) * * *

(1) * * *

(ii) Method 18 **or Method 25A** in 40 CFR Section 60, appendix A, for organic content. **If Method 25A is used, the organic HAP used as the calibration gas must be the single organic HAP representing the largest percent by volume of the emissions. The use of Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.**

* * * * *

(iv) Total organic mass flow rates shall be determined by the following equation:

(A) For sources utilizing Method 18.

$$E_h = Q_{2sd}\left\{\sum_{i=1}^{n} C_i MW_i\right\}[0.0416]\left[10^{-6}\right]$$

where:

E_h=Total organic mass flow rate, kg/h;

Q_{sd}=Volumetric flow rate of gases entering or exiting control device, as determined by Method 2, dscm/h;

n=Number of organic compounds in the vent gas;

C_i=Organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18;

MW_i=Molecular weight of organic compound i in the vent gas, kg/kg-mol;

(B) For sources utilizing Method 25A.

$$E_h = (Q)(C)(MW)(0.0416)(10^{-6})$$

Where:
E_h = Total organic mass flow rate, kg/h;
Q = Volumetric flow rate of gases entering or exiting control device, as determined by Method 2, dscm/h;
C = Organic concentration in ppm, dry basis, as determined by Method 25A;
MW = Molecular weight of propane, 44;
0.0416 = Conversion factor for molar volume, kg-mol/m3 (@ 293 K and 760 mm Hg);
10^{-6} = Conversion from ppm.

* * * * *

(d) * * *

(1) * * *

(iii) Each sample shall be analyzed and the total organic concentration of the sample shall be computed using Method 9060**A** ~~or 8260~~ (incorporated by reference under § 260.11 of this Regulation) **of ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,'' EPA Publication SW–846; or analyzed for its individual organic constituents.**

* * * * *

(f) When an owner or operator and the Director do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, ~~procedures in Method 8260 of SW-846 (incorporated by reference under § 260.11) can be used to resolve the dispute~~ **the dispute may be resolved using direct measurement as specified at paragraph (d)(1) of this subsection.**

53. **Section 265.1050** is amended by adding paragraph (g) after paragraph (f) and before the note to read as follows:

§ 265.1050 Applicability.

* * * * *

(g) Purged coatings and solvents from surface coating operations subject to the national emission standards for hazardous air pollutants (NESHAP) for the surface coating of automobiles and light-duty trucks at 40 CFR Part 63, subpart IIII, are not subject to the requirements of this subsection.

* * * * *

Subsection BB—Air Emission Standards for Equipment Leaks

54. **Section 265.1063** is amended by revising paragraph (d)(2) to read as follows:

§ 265.1063 Test methods and procedures.

* * * * *

(d) * * *

(2) Method 9060**A** ~~or 8260~~ (incorporated by reference under § 260.11 **of this Regulation) of ‘‘Test Methods for Evaluating Solid Waste,’’ EPA Publication SW–846 or analyzed for its individual organic constituents;** or

* * * * *

Subsection CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

55. **Section 265.1081** is amended by revising the definition ‘‘Waste stabilization process’’ to read as follows:

§ 265.1081 Definitions.

* * * * *

Waste stabilization process means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095**B** (Paint Filter Liquids Test) in ‘‘Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,’’ EPA Publication SW–846, ~~EPA Publication No. SW-846, Third Edition, September 1986, as amended by Update I, November 15, 1992 (incorporated by reference—refer to § 260.11 of this regulation)~~ **as incorporated by reference in § 260.11**. A waste stabilization process includes mixing the hazardous waste with binders or other materials, and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are ‘‘waste fixation’’ or ‘‘waste solidification.’’ This does not include the adding of absorbent materials to the surface of a waste, without mixing, agitation, or subsequent curing, to absorb free liquid.

56. **Section 265.1084** is amended by revising paragraphs (a)(3)(ii)(C), (a)(3)(iii), (b)(3)(ii)(C), (b)(3)(iii), and (c)(3)(i) to read as follows:

§ 265.1084 Waste determination procedures.

(a) * * *

(3) * * *

(ii) * * *

(C) All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A

copy of the written sampling plan shall be maintained onsite in the facility operating records. ~~An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, (incorporated by reference – refer to '260.11(a) of this regulation), or in Method 25D in 40 CFR section 60, appendix A.~~ **An example of acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found in Method 25D in 40 CFR part 60, appendix A.**

* * * * *

(iii) *Analysis.* Each collected sample shall be prepared and analyzed in accordance with ~~one or more of the methods listed in paragraphs (a)(3)(iii)(A) through (a)(3)(iii)(I) of this section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR Part 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8 x 10^{-6} atmospheres/gram-$mole^{3}$] at 25 degrees Celsius. Each of the analytical methods listed in paragraphs (a)(3)(iii)(B) through (a)(3)(iii)(G) of this section has an associated list of approved chemical compounds, for which EPA considers the method appropriate for measurement. If an owner or operator uses EPA Method 624, 625, 1624, or 1625 in 40 CFR part 136, appendix A to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5 must be followed. If an owner or operator uses EPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,'' EPA Publication SW-846, (incorporated by reference—refer to § 260.11(a) of this regulation) to analyze one or more compounds that are not on that method's published list, the procedures in paragraph (a)(3)(iii)(H) of this section must be followed. At the owner or operator's discretion, the owner or operator may adjust test data measured by a method other than Method 25D to the corresponding average VO concentration value which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR part 60, appendix A. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 degrees Celsius contained in the waste. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards,~~

~~Research Triangle Park, NC 27711.~~ **Method 25D in 40 CFR part 60, appendix A for the total concentration of volatile organic constituents, or using one or more methods when the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as $1.8x10^{-6}$ atmospheres/gram-mole/m^3] at 25 degrees Celsius. At the owner or operator's discretion, the owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25 degrees Celsius. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (fm25D). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 degrees Celsius contained in the waste. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711. Other test methods may be used if they meet the requirements in paragraph (a)(3)(iii)(A) or (B) of this section and provided the requirement to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X [which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3] at 25 degrees Celsius, is met.**

(A) ~~Method 25D in 40 CFR Part 60, appendix A.~~ **Any EPA standard method that has been validated in accordance with ''Alternative Validation Procedure for EPA Waste and Wastewater Methods,'' 40 CFR part 63, appendix D.**

(B) ~~Method 624 in 40 CFR part 136, appendix A.~~ **Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR part 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.**

~~(C) Method 625 in 40 CFR part 136, appendix A. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.~~

~~(D) Method 1624 in 40 CFR part 136, appendix A.~~

~~(E) Method 1625 in 40 CFR part 136, appendix A.~~

~~(F) Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, (incorporated by reference — refer to § 260.11(a) of this regulation). Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program shall include the following elements:~~

~~(1) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.~~

~~(2) Measurement of the overall accuracy and precision of the specific procedures.~~

~~(G) Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, (incorporated by reference — refer to § 260.11(a) of this regulation). Maintain a formal quality assurance program consistent with the require-ments of Method 8270. The quality assurance program shall include the following elements:~~

~~(1) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.~~

~~(2) Measurement of the overall accuracy and precision of the specific procedures.~~

~~(H) Any other EPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR part 63, appendix D. As an alternative, other EPA standard methods may be validated by the procedure specified in paragraph (a)(3)(iii)(I) of this section.~~

~~(I) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR part 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required~~

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(C) All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which

representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan shall be maintained onsite in the facility operating records. ~~An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846, (incorporated by reference – refer to § 260.11(a) of this regulation), or in Method 25D in 40 CFR part 60, appendix A.~~ **An example of acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found in Method 25D in 40 CFR part 60, appendix A.**

* * * * *

(iii) *Analysis.* Each collected sample shall be prepared and analyzed in accordance with ~~one or more of the methods listed in paragraphs (b)(3)(iii)(A) through (b)(3)(iii)(I) of this section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system to determine if the conditions of §§ 264.1082(c)(2)(i) through (c)(2)(vi) or §§ 265.1083(c)(2)(i) through (c)(2)(vi) are met, then the waste samples shall be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. If Method 25D in 40 CFR Part 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole fraction in the gas phase/mole fraction in the liquid phase (0.1 Y/X) [which can also be expressed as 1.8 x 10^{-6} atmospheres/gram-mole/m^3] at 25°C. Each of the analytical methods listed in paragraphs (b)(3)(iii)(B) through (b)(3)(iii)(G) of this section has an associated list of approved chemical compounds, for which EPA considers the method appropriate for measurement. If an owner or operator uses EPA Method 624, 625, 1624, or 1625 in 40 CFR part 136, appendix A to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5 must be followed. If an owner or operator uses EPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,'' EPA Publication SW-846, (incorporated by reference — refer to § 260.11(a) of this regulation) to analyze one or more compounds that are not on that method's published list, the procedures in paragraph (b)(3)(iii)(H) of this section must be followed. At the owner or operator's discretion, the owner or operator may adjust test data measured by a method other than~~

~~Method 25D to the corresponding average VO concentration value which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR part 60, appendix A. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant equal to or greater than 0.1 Y/X at 25 degrees Celsius contained in the waste. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.~~ **Method 25D in 40 CFR part 60, appendix A for the total concentration of volatile organic constituents, or using one or more methods when the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8 x 10^{-6} atmospheres/gram-mole/m^3] at 25 degrees Celsius. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system to determine if the conditions of § 264.1082(c)(2)(i) through (c)(2)(vi) of this Regulation, or § 265.1083(c)(2)(i) through (c)(2)(vi) of this Subsection are met, then the waste samples shall be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. At the owner or operator's discretion, the owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value less than 0.1 Y/X at 25 degrees Celsius. To adjust these data, the measured concentration of each individual chemical constituent in the waste is multiplied by the appropriate constituent-specific adjustment factor (fm25D). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 degrees Celsius contained in the waste. Constituent-specific adjustment factors (fm25D) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711. Other test methods may be used if they meet the requirements in paragraph (a)(3)(iii)(A) or (B) of this section and provided the requirement to reflect all organic compounds in the waste with Henry's law constant values greater than**

or equal to 0.1 Y/X [which can also be expressed as 1.8 x 10^{-6} atmospheres/gram-mole/m^3] at 25 degrees Celsius, is met.

(A) ~~Method 25D in 40 CFR part 60, appendix A.~~ **Any EPA standard method that has been validated in accordance with ''Alternative Validation Procedure for EPA Waste and Wastewater Methods,'' 40 CFR part 63, appendix D. (B) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR part 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.**

~~(B) Method 624 in 40 CFR part 136, appendix A.~~

~~(C) Method 625 in 40 CFR part 136, appendix A. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.~~

~~(D) Method 1624 in 40 CFR part 136, appendix A.~~

~~(E) Method 1625 in 40 CFR part 136, appendix A.~~

~~(F) Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, (incorporated by reference - refer to § 260.11(a) of this regulation). Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program shall include the following elements:~~

~~(1) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.~~

~~(2) Measurement of the overall accuracy and precision of the specific procedures.~~

~~(G) Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, (incorporated by reference - refer to § 260.11(a) of this regulation). Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program shall include the following elements:~~

~~(1) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.~~

~~(2) Measurement of the overall accuracy and precision of the specific procedures.~~

~~(H) Any other EPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and~~

~~Wastewater Methods", 40 CFR part 63, appendix D. As an alternative, other EPA standard methods may be validated by the procedure specified in paragraph (b)(3)(iii)(I) of this section.~~

~~(I) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR part 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.~~

* * * * *

(c) * * *

(3) * * *

(i) Sampling. A sufficient number of samples shall be collected to be representative of the waste contained in the tank. All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of the hazardous waste are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan shall be maintained on-site in the facility operating records. ~~An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846, (incorporated by reference – refer to § 260.11(a) of this regulation), or in Method 25D in 40 CFR part 60, appendix A~~ **An example of acceptable sample collection and handling procedures may be found in Method 25D in 40 CFR part 60, appendix A.**

* * * * *

SECTION 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Subsection H—Hazardous Waste Burned in Boilers and Industrial Furnaces

57. **Section 266.100** is amended by revising paragraphs (d)(1)(ii) and (g)(2) to read as follows:

§ 266.100 Applicability.

* * * * *

(d) * * *

(1) * * *

(ii) Sample and analyze the hazardous waste and other feed stocks as necessary to comply with the requirements of this paragraph ~~under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in § 260.11 of this regulation or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and~~ **by using appropriate methods; and**

* * * * *

(g) * * *

(2) Sample and analyze the hazardous waste as necessary to document that the waste ~~is burned for recovery of economically significant amounts of precious metal using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in § 260.11 of this regulation or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and~~ **contains economically significant amounts of the metals and that the treatment recovers economically significant amounts of precious metal; and**

* * * * *

58. **Section 266.102** is amended by revising paragraph (b)(1) to read as follows:

§ 266.102 Permit standards for burners.

* * * * *

(b) **Hazardous waste analysis.**

(1) The owner or operator must provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in appendix VIII of Section 261 of this Regulation that may reasonably be expected to be in the waste. Such constituents must be identified and quantified if present, at levels detectable by using appropriate analytical procedures. The appendix VIII, Section 261 constituents excluded from this analysis must be identified and the basis for their exclusion explained. This analysis will be used to provide all information required by this Subsection and §§ 270.22 and 270.66 of this Regulation and to enable the permit writer to prescribe such permit conditions as necessary to protect human health and the environment. Such analysis must be included as a portion of the part B permit application, or, for facilities operating under the interim status standards of this Subsection, as a portion of the trial burn plan that may be submitted before the part B application under provisions of § 270.66(g) of this Regulation as well as any other analysis required by the permit authority in preparing the permit. Owners and operators of boilers and industrial furnaces not

operating under the interim status standards must provide the information required by §§ 270.22 or 270.66(c) of this Regulation in the part B application to the greatest extent possible.

* * * * *

59. **Section 266.106** is amended by revising paragraph (a) to read as follows:

§ 266.106 Standards to control metals emissions.

(a) General. The owner or operator must comply with the metals standards provided by paragraphs (b), (c), (d), (e), or (f) of this section for each metal listed in paragraph (b) of this section that is present in the hazardous waste at detectable levels ~~using analytical procedures specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846), incorporated by reference in § 260.11 of this regulation.~~ **by using appropriate analytical procedures.**

* * * * *

60. **Section 266.112** is amended by revising paragraph (b)(1) introductory text and paragraph (b)(2)(i) to read as follows:

§ 266.112 Regulation of residues.

* * * * *

(b) * * *

(1) *Comparison of waste-derived residue with normal residue.* The waste-derived residue must not contain appendix VIII, Section 261 constituents (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in appendix VIII of this Section that may be generated as products of incomplete combustion. ~~Sampling and analyses shall be in conformance with procedures prescribed in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, incorporated by reference in § 260.11(a) of this regulation.~~ For polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed to determine specific congeners and homologues, and the results converted to 2,3,7,8-TCDD equivalent values using the procedure specified in section 4.0 of appendix IX of this Section.

* * * * *

(2) * * *

(i) *Nonmetal constituents.* The concentration of each nonmetal toxic constituent of concern (specified in paragraph (b)(1) of this section) in the

waste-derived residue must not exceed the health-based level specified in appendix VII of this Section, or the level of detection ~~(using analytical procedures prescribed in SW-846)~~, whichever is higher. If a health-based limit for a constituent of concern is not listed in appendix VII of this Section, then a limit of 0.002 micrograms per kilogram or the level of detection (which must be determined by using appropriate analytical procedures), whichever is higher, must be used. The levels specified in appendix VII of this Section (and the default level of 0.002 micrograms per kilogram or the level of detection for constituents as identified in Note 1 of appendix VII of this Regulation) are administratively stayed under the condition, for those constituents specified in paragraph (b)(1) of this section, that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in § 268.43 of this Regulation for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of best good-faith efforts as defined by applicable Department or EPA guidance or standards, the owner or operator is deemed to be in compliance for that constituent. Until new guidance or standards are developed, the owner or operator may demonstrate such good faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above the level provided by § 268.43 of this Regulation for F039 nonwastewaters. In complying with the § 268.43 F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total penta-chlorodibenzo-p-dioxins, total penta-chlorodibenzofurans, total tetrachloro-dibenzo-p-dioxins, and total tetrachloro-dibenzofurans.

Note to this paragraph (b)(2)(i): The administrative stay, under the condition that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in § 268.43 of this Regulation for F039 nonwastewaters, remains in effect until further administrative action is taken and notice is published in the *Federal Register* and the Code of Federal Regulations.

* * * * *

SECTION 268 – LAND DISPOSAL RESTRICTIONS

61. **Section 268.1(f)** is revised to read as follows:

(f) Universal waste handlers and universal waste transporters (as defined in § 260.10) are exempt from § 268.7 and 268.50 for the hazardous wastes listed below. These handlers are subject to regulation under § 273.

(1) Batteries as described in § 273.2;

(2) Pesticides as described in § 273.3 of this regulation;

(3) ~~Thermostats~~ **Mercury-containing devices** as described in § 273.4;

(4) Lamps as described in § 273.5; **and**

(5) Consumer electronic items as described in § 273.6.

Subsection C—Prohibitions on Land Disposal

62. **Subsection C** is amended by adding § 268.20 and adding and reserving §§ 268.21 through 268.29 to read as follows:

§ 268.20 Waste specific prohibitions—Dyes and/or pigments production wastes.

(a) Effective August 23, 2005, the waste specified in Section 261 of this Regulation as EPA Hazardous Waste Number K181, and soil and debris contaminated with this waste, radioactive wastes mixed with this waste, and soil and debris contaminated with radioactive wastes mixed with this waste are prohibited from land disposal.

(b) The requirements of paragraph (a) of this section do not apply if:

(1) The wastes meet the applicable treatment standards specified in subsection D of this Section;

(2) Persons have been granted an exemption from a prohibition pursuant to a petition under § 268.6, with respect to those wastes and units covered by the petition;

(3) The wastes meet the applicable treatment standards established pursuant to a petition granted under § 268.44;

(4) Hazardous debris has met the treatment standards in § 268.40 or the alternative treatment standards in § 268.45; or

(5) Persons have been granted an extension to the effective date of a prohibition pursuant to § 268.5, with respect to these wastes covered by the extension.

(c) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in § 268.40, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract of the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable subsection D levels, the waste is prohibited from land disposal, and all requirements of Section 268 are applicable, except as otherwise specified.

63. **Section 268.40** is amended by revising paragraph (b) to read as follows:

§ 268.40 Applicability of treatment standards.

* * * * *

(b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab

sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure found in ‘‘Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,’’ EPA Publication SW–846, as incorporated by reference in § 260.11, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311, or Method 1310**B**, the Extraction Procedure Toxicity Test. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the EPA Administrator under the procedures set forth in § 268.42(b).

* * * * *

64. In **Section 268.40**, the Table of Treatment Standards is amended by revising the entry for F039 to add constituents in alphabetical sequence, and by adding in alphanumeric order the new entry for K181, and revise footnote 7 of the table ‘‘Treatment Standards for Hazardous Wastes’’ to read as follows:

§ 268.40 Applicability of treatment standards.

* * * * *

§ 268.40 TREATMENT STANDARDS FOR HAZARDOUS WASTE					
WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		COMMON NAME	CAS NUMBER	CONCENTRATION IN MG/L[3]; OR TECHNOLOGY CODE[4]	CONCENTRATION IN MG/KG[5] UNLESS NOTED AS "MG/L TCLP"; OR TECHNOLOGY CODE[4]
		* * * * *			
F039	**Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under subpart d of this part. (leachate resulting from the disposal of one or more of the following epa hazardous wastes and no other hazardous wastes retains its epa hazardous waste number(s): F020, F021, F022, F026, F027, and/or F028.).**	* * * * o-Anisidine (2-methoxyaniline) * * * * p-Cresidine * * * * 2,4-Dimethylaniline (2,4-xylidine) * * * * 1,3-Phenylene-diamine	 90-04-0 120-71-8 95-68-1 108-45-2	 0.010 0.010 0.010 0.010	 0.66 0.66 0.66 0.66
* * * * *					
K181	**Nonwastewaters from the production of dyes and/or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in paragraph (c) of § 261.32 that are equal to or greater than the corresponding paragraph (c) levels, as determined on a calendar year basis.**	Aniline o-Aanisidine (2-methoxyaniline) 4-Chloroaniline p-Cresidine 2,4-dimethyl-aniline (2,4-xylidine) 1,2-phenylene-diamine	62-53-3 90-04-0 106-47-8 120-71-8 95-68-1 95-54-5	0.81 0.010 0.46 0.010 0.010 CMBST; OR CHOXD FB	14 0.66 16 0.66 0.66 CMBST; OR CHOXD FB (BIODG OR

		1,3-phenylene-diamine	108-45-2	(BIODG OR CARBN); OR BIODG FB CARBN 0.010	CARBN); OR BIODG FB CARBN 0.66

* * * * *

* * * * *

[7] **both cyanides (total) and cyanides (amenable) for nonwastewaters are to be analyzed using method 9010C or 9012B, found in ‘‘Test Methods’ for Evaluating Solid Waste, Physical/Chemical Methods,’’ EPA publication SW–846, as incorporated by reference in Section 260.11, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.**

* * * * *

65. **Section 268.44** is amended by revising footnote 4 of the table ‘‘Wastes Excluded From the Treatment Standards Under § 268.40’’ to read as follows:

§ 268.44 Variance from a treatment standard.

* * * * *

Table—Wastes Excluded From the Treatment Standards Under § 268.40

* * * * *

(4)—Cyanide nonwastewaters are analyzed using SW–846 Method 9010**C** or 9012**B**, as incorporated by reference in § 260.11 of this Regulation, sample size 10 grams, distillation time, 1 hour and 15 minutes.

* * * * *

66. **Section 268.48** is amended by revising footnote 4 of the table ‘‘Universal Treatment Standards’’ to read as follows:

§ 268.48 Universal treatment standards.

* * * * *

Universal Treatment Standards

* * * * *

[4] Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010**C** or 9012**B**, found in ‘‘Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods,’’ EPA Publication SW–846, as incorporated by reference in 40 CFR 260.11, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

* * * * *

67. **Appendix IX to Section 268** is revised as follows:

Appendix IX to Section 268—Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test (Method 1310B)

Note: The EP (Method 1310**B**) is published in ‘‘Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,’’ EPA Publication SW–846, as incorporated by reference in § 260.11 of this Regulation.

SECTION 270 — ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT

68. **Section 270.1(c)(2)(vii)** is revised to read as follows:

(viii) Universal waste handlers and universal waste transporters (as defined in § 260.10) managing the wastes listed below. These handlers are subject to regulation under § 273.

(A) Batteries as described in § 273.2;

(B) Pesticides as described in § 273.3 of this regulation;

(C) ~~Thermostats~~ **Mercury-containing devices** as described in § 273.4;

(D) Lamps as described in § 273.5; and

(E) Consumer electronic items as described in § 273.6.

Subsection B—Permit Application

69. **Section 270.19** is amended by revising paragraphs (c)(1)(iii) and (iv) to read as follows:

§ 270.19 Specific part B information requirements for incinerators.

* * * * *

(c) * * *

(1) * * *

(iii) An identification of any hazardous organic constituents listed in Section 261, appendix VIII, of this Regulation, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Section 261, appendix VIII, of this Regulation which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on ~~analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11 of this regulation and § 270.6, or their equivalent~~ **appropriate analytical techniques**.

(iv) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by ~~the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11 of this regulation and § 270.6~~ **appropriate analytical methods**.

* * * * *

70. **Section 270.22** is amended by revising paragraph (a)(2)(ii)(B) to read as follows:

§ 270.22 Specific part B information requirements for boilers and industrial furnaces burning hazardous waste.

* * * * *

(a) * * *

(2) * * *

(ii) * * *

(B) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in appendix VIII of Section 261 of this Regulation, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on ~~analytical techniques specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (incorporated by reference, see § 260.11)~~ **appropriate analytical techniques**.

* * * * *

Subsection F—Special Forms of Permits

71. **Section 270.62** is amended by revising paragraphs (b)(2)(i)(C) and (D) to read as follows:

§ 270.62 Hazardous waste incinerator permits.

* * * * *

(b) * * *

(2) * * *

(i) * * *

(C) An identification of any hazardous organic constituents listed in Section 261, appendix VIII of this Regulation, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Section 261, appendix VIII, of this Regulation which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for the exclusion stated. The waste analysis must rely on ~~analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11 of this regulation and § 270.6, or other equivalent~~ **appropriate analytical techniques**.

(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by ~~the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated~~

~~by reference in § 260.11 of this regulation and § 270.6, or their equivalent~~ **appropriate analytical methods.**

* * * * *

72. **Section 270.66** is amended by revising paragraphs (c)(2)(i) and (ii) to read as follows:

§ 270.66 Permits for boilers and industrial furnaces burning hazardous waste.

* * * * *

(c) * * *

(2) * * *

(i) An identification of any hazardous organic constituents listed in appendix VIII, Section 261, of this Regulation that are present in the feed stream, except that the applicant need not analyze for constituents listed in appendix VIII that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The waste analysis must be conducted in accordance with ~~analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11 of this regulation and § 270.6, or their equivalent~~ **appropriate analytical techniques**.

(ii) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by ~~the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11 of this regulation and § 270.6, or other equivalent~~ **appropriate analytical methods**.

* * * *

Section 273 — STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

Subsection A – General

73. **Section 273.1(a)(3)** is revised to replace the term "thermostats" with "Mercury-containing devices."

§ 273.1 Scope.

(a) This part establishes requirements for managing the following:

(1) Batteries as described in § 273.2;

(2) Pesticides as described in § 273.3;
(3) ~~Thermostats~~ **Mercury-containing devices** as described in § 273.4;
(4) Lamps as described in § 273.5: and
(5) Consumer electronic items as described in § 273.6.

* * * * *

74. **Section 273.4** is revised to read as follows:

§ 273.4 Applicability – Mercury ~~Thermostats~~ -Containing Devices.

(a) ~~Thermostats~~ **Mercury-containing devices** covered under § 273. The requirements of this section apply to persons managing ~~thermostats~~ **mercury-containing devices**, as described in § 273.9 of this Section, except those listed in paragraph (b) of this section.

(b) ~~Thermostats~~ **Mercury-containing devices** not covered under § 273. The requirements of this section do not apply to persons managing the following ~~thermostats~~ **mercury-containing devices**:

(1) ~~Thermostats~~ **Mercury-containing devices** that are not yet wastes under § 261 of this Regulation. Paragraph (c) of this section describes when ~~thermostats~~ **mercury-containing devices** become wastes.

(2) ~~Thermostats~~ **Mercury-containing devices** that are not hazardous waste. A ~~thermostat~~ **mercury-containing device** is a hazardous waste if it exhibits one or more of the characteristics identified in § 261, Subsection C, **or is listed in § 261, subsection D of this regulation; and**

(3) Equipment and devices from which the mercury-containing components have been removed.

(c) Generation of waste ~~thermostats~~ **mercury-containing devices**.

(1) A used ~~thermostat~~ **mercury-containing device** becomes a waste on the date it is discarded. ~~(e.g., sent for reclamation).~~

(2) An unused ~~thermostat~~ **mercury-containing device** becomes a waste on the date the handler decides to discard it.

* * * * *

75. **Section 273.9** is revised to add the definition of "Mercury-containing devices," and to amend the definition of "Universal Waste," to read as follows:

§ 273.9 Definitions.

* * * * *

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

* * * * *

"Mercury-containing device" means a device or a part of a device (including thermostats, but excluding batteries and lamps) which contains elemental mercury integral to its function.

* * * * *

"Universal Waste" means any of the following hazardous wastes that are subject to the universal waste requirements of § 273:

(a) Batteries as described in § 273.2;

(b) Pesticides as described in § 273.3;

(c) ~~Thermostats~~ **Mercury-containing devices** as described in § 273.4;

(d) Lamps as described in § 273.5;

(5) Consumer electronic items as described in § 273.6.

* * * * *

76. **Section 273.13** is revised to replace the term "thermostats" with "mercury-containing devices" as follows:

Subsection B – Standards for Small Quantity Handlers of Universal Waste

§ 273.13 Waste management.

* * * * *

(c) Universal waste ~~thermostats~~ **mercury-containing devices**: A small quantity handler of universal waste must manage universal waste ~~thermostats~~ **mercury-containing devices** in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste must ~~contain~~ **place in a container** any universal waste ~~thermostat~~ **mercury-containing device with non-contained elemental mercury or** that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions ~~in a container~~. The container must be closed, structurally sound, compatible with the contents of the ~~thermostat~~ **device**, ~~and~~ must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, **and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.**

(2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats or other universal waste **mercury-containing devices** provided the handler:

(i) Removes the ampules in a manner designed to prevent breakage of the ampules;

(ii) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken

ampules, from that containment device to a container that meets the requirements of § 262.34;

(iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of § 262.34;

(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(vii) Stores removed ampules in closed, non-leaking containers that are in good condition;

(viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(3) A small quantity handler of universal waste mercury-containing devices that do not contain an ampule may remove the original housing holding the mercury from universal waste mercury-containing devices provided the hander

(i) Immediately seals the original housing holding the mercury with an airtight seal; and

(ii) Follows all requirements for removing ampules and managing removed ampules under paragraph (2) of this subsection; and

(4)(i) A small quantity handler of universal waste who removes mercury-containing ampules from ~~thermostats~~ **mercury-containing devices or seals mercury from mercury-containing devices in its original housing** must determine whether the following exhibit a characteristic of hazardous waste identified in § 261, Subsection C:

(A) Mercury or clean-up residues resulting from spills or leaks; and/or

(B) Other solid waste generated as a result of the removal of mercury-containing ampules **or housings** (e.g., the remaining ~~thermostat units or other~~ **mercury-containing device**).

(ii) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of Sections 260 through 270. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it is subject to § 262.

(iii) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

77. **Section 273.14** is revised to replace the term “thermostats” with “mercury-containing devices” as follows:

§ 273.14 Labeling/marking.

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

* * * *

(d) Universal waste ~~thermostats~~ **mercury-containing devices** (i.e., each ~~thermostat or other mercury-containing~~ device), or a container in which the thermostats or mercury-containing devices are contained, must be labeled or marked clearly with any one of the following phrases: ~~"Universal Waste – Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)"~~ **"Universal Waste," followed by a description of the item or the items in the container – e.g., ''Mercury-Containing Device(s),'' or ''Waste Mercury-Containing Device(s),'' ''Used Mercury-Containing Device(s),'' Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)"** .

Subsection C – Standards for Large Quantity Handlers of Universal Waste

78. **Section 273.32** is amended by revising paragraphs (b)(4) and (b)(5) to read as follows:

§ 273.32 Notification.

* * * *

(b) This notification must include:

* * * *

(4) A list of all of the types of universal waste managed by the handler (e.g, batteries, pesticides, ~~thermostats~~ **mercury-containing devices**, lamps, ***consumer electronic items***);

(5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g, batteries, pesticides, ~~thermostats~~ **mercury-containing devices**, lamps, ***consumer electronic items***) the handler is accumulating above this quantity.

79. **Section 273.33** is revised to replace the term "thermostats" with "mercury-containing devices" as follows:

§ 273.33 Waste management.

* * * *

(c) Universal waste ~~thermostats~~ **mercury-containing devices**: A large quantity handler of universal waste must manage universal waste ~~thermostats~~ **mercury-containing devices** in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste must ~~contain~~ **place in a container** any universal waste ~~thermostat~~ **mercury-containing device with non-contained elemental mercury or** that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. ~~in a container~~. The container must be closed, structurally sound, compatible with the contents of the ~~thermostat~~ **mercury-containing device**, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, **and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.**

(2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats or other **mercury-containing devices** provided the handler:

(i) Removes the ampules in a manner designed to prevent breakage of the ampules;

(ii) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of § 262.34;

(iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of § 262.34;

(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(vii) Stores removed ampules in closed, non-leaking containers that are in good condition;

(viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(3) A large quantity handler of universal waste mercury-containing devices that do not contain an ampule may remove the original housing holding the mercury from universal waste mercury-containing devices provided the hander

(i) immediately seals the original housing holding the mercury with an airtight seal; and

(ii) Follows all requirements for removing ampules and managing removed ampules under paragraph (2) of this subsection; and

(3) ***(4)***(i) A large quantity handler of universal waste who removes mercury-containing ampules from ~~thermostats or any other~~ **mercury-containing devices or seals mercury from mercury-containing devices** must determine whether the

following exhibit a characteristic of hazardous waste identified in § 261, Subsection C:

(A) Mercury or clean-up residues resulting from spills or leaks; and/or

(B) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., **the** remaining ~~thermostat units or other~~ **mercury-containing device**).

(ii) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of Sections 260 through 270 of this Regulation. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to § 262 of this regulation.

(iii) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

80. **Section 273.14** is revised to replace the term "thermostats" with "mercury-containing devices" as follows:

§ 273.34 Labeling/marking.

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

* * * *

(d) Universal waste ~~thermostats~~ **mercury-containing devices** (i.e., each ~~thermostat or other~~ mercury-containing device), or a container in which the ~~thermostats or~~ mercury-containing devices are contained, must be labeled or marked clearly with any one of the following phrases: ~~"Universal Waste – Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)"~~ **"Universal Waste," followed by a description of the item or the items in the container – e.g., ''Mercury-Containing Device(s),'' or ''Waste Mercury-Containing Device(s),'' ''Used Mercury-Containing Device(s),'' Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)".**

SECTION 279 — STANDARDS FOR THE MANAGEMENT OF USED OIL

Subsection B—Applicability

81. **Section 279.10** is amended by revising paragraph (b)(1)(ii) introductory text to read as follows:

§ 279.10 Applicability.

* * * * *

(b) * * *

(1) * * *

(ii) *Rebuttable presumption for used oil.* Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subsection D of Section 261 of this Regulation. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (~~e.g., by using a analytical method from SW-846, 3rd Edition, to show that~~ **for example, by showing that** the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of Section 261 of this Regulation).

* * * * *

Subsection E—Standards for Used Oil Transporter and Transfer Facilities

82. **Section 279.44** is amended by revising the introductory text of paragraph (c) to read as follows:

§ 279.44 Rebuttable presumption for used oil.

* * * * *

(c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subsection D of Section 261 of this Regulation. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (~~e.g., by using a analytical method from SW-846, 3rd Edition, to show that~~ **for example, by showing that** the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of Section 261 of this Regulation).

* * * * *

Subsection F—Standards for Used Oil Processors and Re-Refiners

83. **Section 279.53** is amended by revising paragraph (c) introductory text to read as follows:

§ 279.53 Rebuttable presumption for used oil.

* * * * *

(c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subsection D of Section 261 of this Regulation. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (~~e.g., by using a analytical method from SW-846, 3rd Edition, to show that~~ **for**

example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of Section 261 of this Regulation).

* * * * *

Subsection G—Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery

84. **Section 279.63** is amended by revising paragraph (c) introductory text to read as follows:

§ 279.63 Rebuttable presumption for used oil.

* * * * *

(c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subsection D of Section 261 of this Regulation. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (~~e.g., by using a analytical method from SW-846, 3rd Edition, to show that~~ **for example, by showing that** the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of Section 261 of this Regulation).

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