

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION No. 23 HAZARDOUS WASTE MANAGEMENT

INITIAL DRAFT

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**ARKANSAS POLLUTION CONTROL & ECOLOGY
COMMISSION**

REGULATION No. 23

(HAZARDOUS WASTE MANAGEMENT)

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Provisions of APC&EC Regulation No. 23 (Hazardous Waste Management), dated April 25, 2008, are amended as itemized below:

Section 3. AMENDMENT AND UPDATE OF REGULATION No. 23 (HAZARDOUS WASTE MANAGEMENT)

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

(b) **Incorporations by Reference.** The regulations listed immediately below, promulgated by the U.S. Environmental Protection Agency, are hereby adopted as provisions of this Chapter as though set forth herein line for line and word for word with the exception that all references therein to “Administrator”, “Regional Administrator”, “Director”, or “State Director” shall be considered references to the “Director of the Arkansas Department of Environmental Quality”; and all references to the “U.S. Environmental Protection Agency” or “EPA” shall be considered references to the “Arkansas Department of Environmental Quality”. All references elsewhere in this chapter to any of the following regulations shall constitute a reference to the regulation as herein adopted; and provided that the effective date of provisions adopted herein by reference as provisions of this Regulation shall be the date such provisions are specified as being effective by the Commission in its rulemaking and the effective date of the federal regulations adopted herein shall have no bearing on the effective date of any provisions of this Regulation.

Title 40 Code of Federal Regulations:

(1) Appendix IX of Part 261 (with the exception of delisting decisions for Arkansas companies; for analogous provisions, see Reg. 23 § 261 Appendix IX);

(2) Appendix IX of Part 266; and

(3) Subpart A of Part 124 with the following exceptions: 124.1, 124.2, 124.3(b), 124.3(d), 124.3(e), 124.4, 124.5(b), 124.5(e), 124.5(g), 124.6(b), 124.9, 124.10(a)(1)(i), 124.10(a)(1)(iv), 124.10(a)(1)(v), 124.12(e), 124.14, 124.15, 124.16, 124.18, 124.19, and 124.21 (see also APC&EC Regulation No. 8 (Administrative Procedures) for analogous provisions as referenced in § 270 of this Regulation.)

(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 ~~January 1, 2008~~ June 30, 2009.

Section 6. Fees

2. **Section 6** is amended by removing and reserving paragraph (v), and moving and renumbering the provisions formerly listed at Section 25, and redesignating it as paragraph (aa) to read as follows:

(v) ~~Arkansas Hazardous Waste Manifest forms (Arkansas/EPA Form 8700-22) to be used by Sections 262 and 263 of this Regulation shall be purchased from the Department for a fee of \$2.00 per manifest, for the purpose of offsetting the cost of reproducing, distributing and processing such manifests. [Reserved]~~

(aa) Fees on the Generation of Hazardous Waste

(1) On or before April 1 of each year:

(i) Every person who generated hazardous wastes in Arkansas during the preceding calendar year; and every person who accepted for treatment, storage, or disposal in Arkansas during the preceding calendar year hazardous wastes generated outside the State shall report the total amount of such hazardous wastes generated or accepted to the Director on forms prescribed by the Department. [Note: for facilities subject to the Arkansas Annual Report of Hazardous Waste at §§ 262.41, 264.75, and/or 265.75, submission of the annual report on or before March 1 fulfills this reporting requirement.]

(ii) Every person required to report wastes pursuant to subsection (a) above shall be assessed a fee, based upon the combined total of such wastes (except as exempted at paragraph (3) below) and billed by the Department in accordance with reported waste generation, to be paid to the Department on or before July 1 of each year. These fees shall be calculated and paid according to the following schedule:

<u>Category</u>	<u>Pounds Generated</u>	<u>Annual Fee</u>
<u>1</u>	<u>0 to 29,999</u>	<u>\$ 0.00</u>
<u>2</u>	<u>30,000 to 99,999</u>	<u>\$ 750.00</u>
<u>3</u>	<u>100,000 to 199,999</u>	<u>\$ 1,500.00</u>
<u>4</u>	<u>200,000 to 299,999</u>	<u>\$ 3,000.00</u>
<u>5</u>	<u>300,000 to 399,999</u>	<u>\$ 5,000.00</u>
<u>6</u>	<u>400,000 to 499,999</u>	<u>\$ 7,500.00</u>
<u>7</u>	<u>500,000 and above</u>	<u>\$10,000.00</u>

(iii) No fee shall be assessed pursuant to

paragraph (ii) above for hazardous wastes excluded from inclusion in a facility's determination of its compliance status or category as a generator (pursuant to § 261.5(c)(1)-(6) of this regulation.

3. Section 260.10 is amended by adding in alphabetical order the definition of "Gasification," to read as follows:

§ 260.10 Definitions.

* * * * *

Gasification. For the purpose of complying with Section 261.4(a)(12)(i) of this regulation, gasification is a process, conducted in an enclosed device or system, designed and operated to process petroleum feedstock, including oil-bearing hazardous secondary materials through a series of highly controlled steps utilizing thermal decomposition, limited oxidation, and gas cleaning to yield a synthesis gas composed primarily of hydrogen and carbon monoxide gas.

* * * * *

4. Section 260.11(c)(3)(vii) is amended to read as follows:

§ 260.11 References.

(a) When used in Sections 260 through 268 and 278 of this regulation, the following publications are incorporated by reference. * * *

* * * * *

(c) * * *

(3) * * *

(vii) Method 1312 dated September 1994 and in Update ~~H~~ III, IBR approved for Section 261, appendix IX and 40 CFR 278.3(b)(1).

5. Section 260.20 (d), (e), and (f)(2) are amended to read as follows:

§ 260.20 General.

(d) *If the Commission initiates rulemaking procedures in response to a third-party petition, or upon the written request of any interested person, the Commission shall cause notice of the proposed regulation to be given as provided by APC&EC Regulation No. 8, ~~§ 3-1~~ § 8.801-803, and shall hold a public hearing as required by Regulation No. 8, ~~§ 3-2~~ § 8.804-806.*

(e) *The Commission ~~may~~ shall direct the proponent of a third-party rule to compile or produce portions of the rulemaking record required by Regulation No. 8, ~~§ 3-6-1~~ §*

8.814. In all cases the proponent of a third-party rule shall prepare a proposed Statement of Basis and Purpose and Responsive Summary required by Regulation No. 8, ~~§ 3-6-2~~ § 8.815 for the Commission's review prior to its final rulemaking decision.

(f) (1) *Prior to the close of the public comment period, the Department shall state its position on any proposed third-party proposal to change regulations in writing for the record.*

(2) *The Department shall prepare its own proposed Statement of Basis and Purpose and Responsive Summary at the close of the public comment period pursuant to the guidelines of Regulation No. 8, § ~~3-6-2~~ 8.815. ~~This Statement shall include a proposed responsive summary as required by Regulation No. 8, § 3-6-2(2).~~*

(3) *Upon consideration of the petitioner's and the Department's positions and proposed Statements of Basis and Purpose and Responsive Summaries, the Commission may issue its final ruling, or order whatever rulemaking proceedings it deems appropriate, giving due regard to the right of the public to fair notice as provided by this regulation and Regulation No. 8.*

Section 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

5. Section 261.2 (c)(1)(i) is amended by revising the reference to "Table I" to read "Table 1" (i.e., revise the letter "I" to be the number "1").

§ 261.2 Definition of Solid Waste.

* * * * *

(c) * * *

(1) * * *

(i) Materials noted with an "X" in Column 1 of ~~Table I~~ Table 1 are solid wastes when they are:

* * * * *

6. Section 261.3 is amended by revising paragraphs (a)(2)(iv)(A), (a)(2)(iv)(B), (a)(2)(iv)(D), (a)(2)(iv)(F) and (a)(2)(iv)(G) to read as follows:

261.3 Definition of hazardous waste.

(a) * * *

(2) * * *

(iv) * * *

(A) One or more of the following spent solvents listed in § 261.31—benzene, carbon tetrachloride, tetrachloroethylene, trichloroethylene or the scrubber waters derived-from the combustion of these spent solvents—Provided, That the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million, OR the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act, as amended, at 40 CFR Parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 1 part per million on an average weekly basis. Any facility that uses benzene as a solvent and claims this exemption must use an aerated biological wastewater treatment system and must use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Director, as the context requires, or an authorized representative ("Director" as defined in § 270.2 of this regulation). A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Director. The Director may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Director rejects the sampling and analy-

sis plan or if the Director finds that the facility is not following the sampling and analysis plan, the Director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

(B) One or more of the following spent solvents listed in § 261.31 – methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o- dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, 2-ethoxyethanol, or the scrubber waters derived-from the combustion of these spent solvents—Provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million, OR the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 25 parts per million on an average weekly basis. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Director, or an authorized representative ("Director" as defined in § 270.2). A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Director. The Director may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to cal-

culate the weekly average concentration of these chemicals accurately. If the Director rejects the sampling and analysis plan or if the Director finds that the facility is not following the sampling and analysis plan, the Director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

* * * * *

(D) A discarded hazardous waste, commercial chemical product, or chemical intermediate listed in § 261.31 through 261.33, arising from de minimis losses of these materials ~~from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process.~~ For purposes of this paragraph (a)(2)(iv)(D), de minimis losses ~~include those from~~ are inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing. Any manufacturing facility that claims an exemption for de minimis quantities of wastes listed in §§ 261.31 through 261.32, or any nonmanufacturing facility that claims an exemption for de minimis quantities of wastes listed in subsection D of this section must either have eliminated the discharge of wastewaters or have included in its Clean Water Act permit application or submission to its pretreatment control authority the constituents for which each waste was listed (in Section 261, Appendix VII) of this Regulation; and the constituents in the table “Treatment Standards for Hazardous Wastes” in § 268.40 of this Regulation for which each waste has a treatment standard (i.e., Land Disposal Restriction constituents). A facility is eligible to claim the exemption once the permit writer or control authority has been notified of possible de minimis re-

leases via the Clean Water Act permit application or the pretreatment control authority submission. A copy of the Clean Water permit application or the submission to the pretreatment control authority must be placed in the facility’s on-site files; or

* * * * *

(F) One or more of the following wastes listed in § 261.32 of this Regulation — wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)—Provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilution into the headworks of the facility’s wastewater treatment system does not exceed a total of 5 parts per million by weight OR the total measured concentration of these chemicals entering the headworks of the facility’s wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR Parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 5 parts per million on an average weekly basis. Facilities that choose to measure concentration levels must file copy of their sampling and analysis plan with the Director, as the context requires, or an authorized representative (“Director” as defined in § 270.2). A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility’s operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Director. The Director may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan param-

eters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Director rejects the sampling and analysis plan or if the Director finds that the facility is not following the sampling and analysis plan, the Director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

G) Wastewaters derived from the treatment of one or more of the following wastes listed in § 261.32 of this Regulation – organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156).—Provided, that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter OR the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR Parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 5 milligrams per liter on an average weekly basis. Facilities that choose to measure concentration levels must file copy of their sampling and analysis plan with the Director, as the context requires, or an authorized representative ("Director" as defined in § 270.2). A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Director. The Director may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the

above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Director rejects the sampling and analysis plan or if the Director finds that the facility is not following the sampling and analysis plan, the Director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected.

* * * * *

7. **Section 261.4** is revised as follows:

- a. In paragraph (a)(9)(iii)(E) to read as follows:
- b. by revising paragraph (a)(12)(i) to read as follows:
- c. Adding a new paragraph (a)(22), to read as follows:
- d. In paragraph (b)(6)(ii) introductory text, revise "Specific waste" to read "Specific wastes";
- e. In paragraph (b)(6)(ii)(D), revise "crome" to read "chrome";
- f. In paragraph (b)(6)(ii)(F), revise "sludes" to read "sludges", and revise the word "chrometan" to read "chrome tan";
- g. In paragraph (b)(9), revise "and wood product" to read "and wood products";
- h. Amend paragraph (b)(15)(v) by changing "As of" to read "After".
- i. In paragraph (e)(2)(vi), revise the citation "(e)(v)(C)" to read "(e)(2)(v)(C)";
- j. In paragraph (f)(9) introductory text to read as follows:

§ 261.4 Exclusions.

(a) * * *

(9) * * *

(iii) * * *

(E) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records ~~for a period of no less than 3 years from the date specified in the notice~~ until closure of the facility. The exclusion applies so long as the plant meets all of the conditions. If the plant goes out

of compliance with any condition, it may apply to the Director for reinstatement. The Director may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that the violations are not likely to recur.

* * * * *

(12)(i) Oil-bearing hazardous secondary materials (*i.e.*, sludges, byproducts, or spent materials) that are generated at a petroleum refinery (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911—including, but not limited to, distillation, catalytic cracking, fractionation, gasification (as defined in § 260.10) or thermal cracking units (*i.e.*, cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this paragraph, provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in paragraph (a)(12)(ii) of this section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (*i.e.*, from sources other than petroleum refineries) are not excluded under this section. Residuals generated from processing or recycling materials excluded under this paragraph (a)(12)(i), where such materials as generated would have otherwise met a listing under Subsection D of this Section, are designated as F037 listed wastes when disposed of or intended for disposal.

(a) * * *

(22) Used cathode ray tubes (CRTs)

(i) Used, intact CRTs as defined in § 260.10 of this regulation are not solid wastes within the United States unless they are disposed, or unless they are speculatively accumulated as defined in § 261.1(c)(8) by CRT collectors or glass processors.

(ii) Used, intact CRTs as defined in § 260.10 of this regulation are not solid wastes when exported for recycling provided that they meet the requirements of Sec. 261.40.

(iii) Used, broken CRTs as defined in § 260.10 of this regulation are not solid wastes provided that they meet the requirements of § 261.39.

(iv) Glass removed from CRTs is not a solid waste provided that it meets the requirements of § 261.39(c).

* * * * *

(b) * * *

(6) * * *

* * * * *

(ii) ~~Specific waste~~ Specific wastes which

meet the standard in paragraphs (b)(6)(i) (A), (B), and (C) (so long as they do not fail the test for the toxicity characteristic for any other constituent, and do not exhibit any other characteristic) are:

* * * * *

(D) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/~~chrome~~ chrome tan/retan/wet finish; hair save/ chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

* * * * *

(F) Wastewater treatment ~~sludges~~ sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/~~chrometan~~ chrome tan /retan/wet finish; and through-the-blue.

* * * * *

(9) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the Toxicity Characteristic for Hazardous Waste Codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood ~~and wood product~~ and wood products for these materials' intended end use.

* * * * *

(15)

(v) ~~As of~~ After November 21, 2003, leachate or gas condensate from K176, K177, and K178 is no longer exempt if stored or managed in surface impoundment prior to discharge. After February 26, 2007, leachate or gas

* * * * *

(e) * * *

(2) * * *

(vi) The generator reports the information required under paragraph ~~(e)(v)(C)~~ (e)(2)(v)(C) of this section in its annual report.

* * * * *

(f) * * *

(9) The facility prepares and submits a report to the Director by March 15 of each year, that ~~estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and~~ includes the following information for the previous calendar year:

* * * * *

8. Section 261.5 is amended by removing the period at the end of paragraph (c)(6) and adding in its place a semicolon,

and by adding paragraph (c)(7) to read as follows:

§ 261.5 Special requirements for hazardous waste generated by conditionally exempt small quantity generators.

(c) ***

(7) Is a hazardous waste that is an unused commercial chemical product (Section 261, subsection D or exhibiting one or more characteristics in Section 261, subsection C of this regulation) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to § 262.213. For purposes of this provision, the term eligible academic entity shall have the meaning as defined in § 262.200 of Section 262.

9. Section 261.6 is amended as follows:

a. In paragraph (a)(2)(i), remove the parenthetical phrase “(subsection C)” and add “(Section 266, subsection C)” in its place;

b. In paragraph (a)(2)(ii), remove the parenthetical phrase “(subsection H)” and add “(Section 266, subsection H)” in its place;

c. In paragraph (a)(2)(iii), remove the parenthetical phrase “(subsection F)” and add “(Section 266, subsection F)” in its place;

d. In paragraph (a)(2)(iv), remove the parenthetical phrase “(subsection G)” and add “(Section 266, Subsection G)” in its place;

e. In paragraph (c)(2), revise the word “rcycled” to read “recycled”.

§ 261.6 Requirements for recyclable materials.

(a) ***

(2) ***

(i) Recyclable materials used in a manner constituting disposal ~~(subsection C)~~ (§ 266, subsection C);

(ii) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under subsection O of section 264 or 265 of this regulation ~~(subsection H)~~ (§ 266, subsection H);

(iii) Recyclable materials from which precious metals are reclaimed ~~(subsection F)~~ (§ 266, subsection F);

(iv) Spent lead-acid batteries that are being reclaimed ~~(subsection G)~~ (§ 266, subsection G).

(c) ***

(2) Owners or operators of facilities that recycle recyclable materials without storing them before they are ~~reyled~~ recycled are subject to the following requirements, except as provided in paragraph (a) of this section:

10. Section 261.7(a)(1) is revised to read as follows:

§ 261.7 Residues of hazardous waste in empty containers.

(a)(1) Any hazardous waste remaining in either:

(i) an empty container; or

(ii) an inner liner removed from an empty container, as defined in paragraph (b) of this section, is not subject to regulation under sections 261 through 265, ~~or Section 267~~, 268, 270 of this Regulation or 40 CFR 124, or to the notification requirements of section 3010 of RCRA.

11. Section 261.21 is amended by revising paragraphs (a)(3) and (a)(4) and adding notes 1 through 4 to the end of the section to read as follows:

§ 261.21 Characteristic of ignitability.

(a) ***

~~(3) It is a flammable compressed gas as defined in 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 173.127.~~

(3) It is an ignitable compressed gas.

(i) The term “compressed gas” shall designate any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70 degrees F or, regardless of the pressure at 70 degrees F, having an absolute pressure exceeding 104 p.s.i. at 130 degrees F; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100 degrees F as determined by ASTM Test D-323.

(ii) A compressed gas shall be characterized as ignitable if any one of the following occurs:

(A) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall

be determined at atmospheric temperature and pressure.

The method of sampling and test procedure shall be acceptable to the Bureau of Explosives and approved by the director, Pipeline and Hazardous Materials Technology, U.S. Department of Transportation (see Note 2).

(B) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(C) Using the Bureau of Explosives' Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source.

(D) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum.

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

(4) It is an oxidizer. An oxidizer for the purpose of this subchapter is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter (see Note 4).

(i) An organic compound containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide unless:

(A) The material meets the definition of a Class A explosive or a Class B explosive, as defined in § 261.23(a)(8), in which case it must be classed as an explosive, (B) The material is forbidden to be offered for transportation according to 49 CFR 172.101 and 49 CFR 173.21, (C) It is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide, or (D) According to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation (see Note 3), it has been determined that the material does not present a hazard in transportation.

* * * * *

Note 1: A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the

Bureau of Explosives.

Note 2: As part of a U.S. Department of Transportation (DOT) reorganization, the Office of Hazardous Materials Technology (OHMT), which was the office listed in the 1980 publication of 49 CFR 173.300 for the purposes of approving sampling and test procedures for a flammable gas, ceased operations on February 20, 2005. OHMT programs have moved to the Pipeline and Hazardous Materials Safety Administration (PHMSA) in the DOT.

Note 3: As part of a U.S. Department of Transportation (DOT) reorganization, the Research and Special Programs Administration (RSPA), which was the office listed in the 1980 publication of 49 CFR 173.151a for the purposes of determining that a material does not present a hazard in transport, ceased operations on February 20, 2005. RSPA programs have moved to the Pipeline and Hazardous Materials Safety Administration (PHMSA) in the DOT.

Note 4: The DOT regulatory definition of an oxidizer was contained in § 173.151 of 49 CFR, and the definition of an organic peroxide was contained in paragraph 173.151a. An organic peroxide is a type of oxidizer.

* * * * *

12. In Section 261.24, amend paragraph (b) by revising the reference to "Table I" to read "Table 1" (i.e., replace the letter "I" with the number "1").

§ 261.24 Toxicity characteristic.

* * * * *

(b) A solid waste that exhibits the characteristic of toxicity has the EPA Hazardous Waste Number specified in ~~Table~~ **Table 1** which corresponds to the toxic contaminant causing it to be hazardous.

* * * * *

13. Section 261.31 is amended as follows:

a. In the table in paragraph (a) by revising the entry for F019.

F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. Wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process will not be subject to this listing at the point of generation if the wastes are not placed outside on the land prior to shipment to a landfill for disposal and are either: disposed in a Subtitle D municipal or industrial landfill unit that is equipped with a single clay liner and is permitted, licensed or otherwise authorized by the state; or disposed in a landfill unit subject to, or otherwise meeting, the landfill requirements in § 258.40, § 264.301 or § 265.301. For the purposes of this listing, motor vehicle manufacturing is defined in paragraph (b)(4)(i) of this section and (b)(4)(ii) of this section describes the recordkeeping requirements for motor vehicle manufacturing facilities.

b. Amend the Table in § 261.31(a) by adding a footnote at the bottom to read as follows: "'*(I,T) should be used to specify mixtures that are ignitable and contain toxic constituents.'"

c. By adding paragraph (b)(4).

* * * * *

(b) * * *

(4) For the purposes of the F019 listing, the following apply to wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process.

(i) Motor vehicle manufacturing is defined to include the manufacture of automobiles and light trucks/utility vehicles (including light duty vans, pick-up trucks, minivans, and sport utility vehicles). Facilities must be engaged in manufacturing complete vehicles (body and chassis or unibody) or chassis only.

(ii) Generators must maintain in their on-site records documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the conditions of the listing. These records must include: the volume of waste generated and disposed of off site; documentation showing when the waste volumes were generated and sent off site; the name and address of the receiving facility; and documentation confirming receipt of the waste by the receiving facility. Generators must maintain these documents on site for no less than three years. The retention period for the documentation is automatically extended during the course of any enforcement action or as requested by the Director.

§ 261.31 Hazardous wastes from non-specific sources.

(a) * * *

FOOTNOTE: *(I,T) should be used to specify mixtures containing ignitable and toxic constituents.

* * * * *

13. In **Section 261.32**, amend the Table entries for “K107”, “1,1-dimethyl-hydrazine” by deleting the hyphen to read “1,1-dimethylhydrazine”;

§ 261.32 Hazardous wastes from specific sources.

* * * * *

K107 Column bottoms from product separation from the production of ~~1,1-dimethyl-hydrazine~~ 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines.(C,T)

* * * * *

14. **Section 261.33** is amended as follows:

a. In paragraph (e), revise the phrase “are subject to be the” to read “are subject to the”;

b. In paragraph (e), amend the bracketed Comment by adding a sentence at the end, within the brackets, to read as set forth below;

c. Amend paragraph (f) by revising “manufacturing” to read “manufacturing”.

d. In paragraph (f), amend the bracketed Comment by adding a sentence to the end, within the brackets, to read as set forth below.

e. In the table of paragraph (f), add an entry just above the entry for “U227” (in column 1), “79-00-5” (in column 2), and “1,1,2-Trichloroethane” (in column 3) to read as set forth below.

§ 261.33 Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.

* * * * *

(e) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H) and ~~are subject to be the~~ are subject to the small quantity exclusion defined in § 261.5(e).

* * * * *

Comment: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound only is listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.

* * * * *

Hazardous waste No.	Chemical Abstracts No	Substance
* * * * *		
<u>P001</u>	<u>181-81-2</u>	<u>2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%</u>
<u>P001</u>	<u>181-81-2</u>	<u>Warfarin, & salts, when present at concentrations greater than 0.3%</u>
<u>P002</u>	<u>591-08-2</u>	<u>Acetamide, - (aminothioxomethyl)-</u>
<u>P002</u>	<u>591-08-2</u>	<u>1-Acetyl-2-thiourea</u>
<u>P003</u>	<u>107-02-8</u>	<u>Acrolein</u>
<u>P003</u>	<u>107-02-8</u>	<u>2-Propenal</u>
<u>P004</u>	<u>309-00-2</u>	<u>Aldrin</u>
<u>P004</u>	<u>309-00-2</u>	<u>1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1-alpha,4alpha,4abeta-5alpha,8alpha,8abeta)-</u>

P005 107-18-6	Allyl alcohol	P037 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-, (1aalpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta,7a-alpha)-
P005 107-18-6	2-Propen-1-ol	P038 692-42-2	Arsine, diethyl-
P006 20859-73-8	Aluminum phosphide (R,T)	P038 692-42-2	Diethylarsine
P007 2763-96-4	5-(Aminomethyl)-3-isoxazolol	P039 298-04-4	Disulfoton
P007 2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	P039 298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P008 504-24-5	4-Aminopyridine	P040 297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P008 504-24-5	4-Pyridinamine	P040 297-97-2	Phosphorothioic acid, O-diethyl O-pyrazinyl ester
P009 131-74-8	Ammonium picrate (R)	P041 311-45-5	Diethyl-p-nitrophenyl phosphate
P009 131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)	P041 311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P010 7778-39-4	Arsenic acid H ₃ AsO ₄	P042 51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P011 1303-28-2	Arsenic oxide As ₂ O ₅	P042 51-43-4	Epinephrine
P011 1303-28-2	Arsenic pentoxide	P043 55-91-4	isopropyl fluoro-phosphate (DFP)
P012 1327-53-3	Arsenic oxide As ₂ O ₃	P043 55-91-4	Phosphorofluoridic acid, bis(1-methyl ethyl) ester
P012 1327-53-3	Arsenic trioxide	P044 60-51-5	Dimethoate
P013 542-62-1	Barium cyanide	P044 60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methyl amino)-2-oxoethyl] ester
P014 108-98-5	Benzenethiol	P045 39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime
P014 108-98-5	Thiophenol	P045 39196-18-4	Thiofanox
P015 7440-41-7	Beryllium powder	P046 122-09-8	Benzenethanamine, alpha, alpha-dimethyl-
P016 542-88-1	Dichloromethyl ether	P046 122-09-8	alpha, alpha-dimethyl-phenethylamine
P016 542-88-1	Methane, oxybis [chloro- Bromoacetone	P047 1534-52-1	4,6-Dinitro-o-cresol, & salts
P017 598-31-2	2-Propanone, 1-bromo- Brucine	P047 1534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P017 598-31-2	Strychnidin-10-one,	P048 51-28-5	2,4-Dinitrophenol
P018 357-57-3	2,3-dimethoxy-	P048 51-28-5	Phenol, 2,4-dinitro-Dithiobiuret
P018 357-57-3	Dinoseb	P049 541-53-7	Thioimidodicarbonic diamide [(H ₂ N)C(S)] ₂ NH
P020 88-85-7	Phenol, 2-(1-methyl propyl)-4,6-dinitro-	P049 541-53-7	Endosulfan
P020 88-85-7	Calcium cyanide	P050 115-29-7	6,9-Methano-2,4,3-benzodioxathiepin,
P021 592-01-8	Calcium cyanide	P050 115-29-7	6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P021 592-01-8	Ca(CN) ₂	P051 172-20-8	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-, (1aalpha,2beta,2alpha,3alpha,6alpha,6beta,7beta,
P022 75-15-0	Carbon disulfide		
P023 107-20-0	Acetaldehyde, chloro-		
P023 107-20-0	Chloroacetaldehyde		
P024 106-47-8	Benzenamine, 4-chloro-		
P024 106-47-8	p-Chloroaniline		
P026 5344-82-1	1-(o-Chlorophenyl) thiourea		
P026 5344-82-1	Thiourea, (2-chloro-phenyl)-		
P027 542-76-7	3-Chloropropionitrile		
P027 542-76-7	Propanenitrile, 3-chloro-		
P028 100-44-7	Benzene, (chloro-methyl)-		
P028 100-44-7	Benzyl chloride		
P029 544-92-3	Copper cyanide		
P029 544-92-3	Copper cyanide		
P030	Cu(CN)		
P031 460-19-5	Cyanides (soluble cyanide salts), not otherwise specified		
P031 460-19-5	Cyanogen		
P033 506-77-4	Ethanedinitrile		
P033 506-77-4	Cyanogen chloride		
P034 131-89-5	(CN)Cl		
P034 131-89-5	2-Cyclohexyl-4,6-dinitrophenol		
P036 696-28-6	Phenol, 2-cyclohexyl-4,6-dinitro-		
P036 696-28-6	Arsonous dichloride, phenyl-		
P037 60-57-1	Dichlorophenylarsine		
	Dieldrin		

	7a(alpha)-, & metabolites	P077 100-01-6	Benzenamine, 4-nitro-
P051 72-20-8	Endrin	P077 100-01-6	p-Nitroaniline
P051 72-20-8	Endrin, & metabolites	P078 10102-44-0	Nitrogen dioxide
P054 151-56-4	Aziridine	P078 10102-44-0	Nitrogen oxide NO₂
P054 151-56-4	Ethyleneimine	P081 55-63-0	Nitroglycerine (R)
P056 7782-41-4	Fluorine	P081 55-63-0	1,2,3-Propanetriol,
P057 640-19-7	Acetamide, 2-fluoro-		trinitrate (R)
P057 640-19-7	Fluoroacetamide	P082 62-75-9	Methanamine, -
P058 62-74-8	Acetic acid, fluoro-,	P082 62-75-9	methyl-N- nitroso-
	sodium salt		N-Nitrosodimethyl
P058 62-74-8	Fluoroacetic acid,	P084 4549-40-0	amine
P059 76-44-8	sodium salt	P084 4549-40-0	N-Nitrosomethyl vinyl
P059 76-44-8	Heptachlor		amine
	4,7-Methano-1H-	P085 152-16-9	N-nitroso-
	indene, 1,4,5,6,7,8,8-	P085 152-16-9	Diphosphoramidate,
	heptachloro-3a,4,7,7a-	P087 20816-12-0	octamethyl-
	tetrahydro-	P087 20816-12-0	Octamethylpyro-
P060 465-73-6	1,4,5,8-Dimethano	P088 145-73-3	phosphoramidate
	naphthalene, 1,2,3,4,10,10-	P088 145-73-3	Osmium oxide OsO₄,
	hexa-chloro-1,4,4a,5,8,8a-		(T-4)-
	hexahydro-, (1alpha,	P089 56-38-2	Osmium tetroxide
	4alpha, 4abeta	P089 56-38-2	Endothall
	,5beta,8beta,8abeta)-	P092 62-38-4	7-Oxabicyclo[2.2.1]
P060 465-73-6	Isodrin	P092 62-38-4	heptane- 2,3-dicarboxyl
P062 757-58-4	Hexaethyl	P093 103-85-5	ic acid
	tetraphosphate	P093 103-85-5	Parathion
P062 757-58-4	Tetraphosphoric acid,	P094 298-02-2	Phosphorothioic acid,
P063 74-90-8	hexaethyl ester	P094 298-02-2	O,O-diethyl O-(4-
P063 74-90-8	Hydrocyanic acid		nitrophenyl) ester
P064 624-83-9	Hydrogen cyanide	P095 75-44-5	Mercury, (acetato-
P064 624-83-9	Methane, isocyanato-	P095 75-44-5	O)phenyl-
P065 628-86-4	Methyl isocyanate	P096 7803-51-2	Phenylmercury acetate
	Fulminic acid, mercury	P096 7803-51-2	Phenylthiourea
P065 628-86-4	(2+) salt (R,T)	P097 52-85-7	Thiourea, phenyl-
	Mercury fulminate	P097 52-85-7	Phorate
P066 16752-77-5	(R,T)	P098 151-50-8	Phosphorodithioic acid,
	Ethanimidothioic acid,	P098 151-50-8	O,O-diethyl S-
	N-[(methylamino)	P099 506-61-6	[(ethylthio)methyl] ester
	carbonyl] oxy]-, methyl	P099 506-61-6	Carbonic dichloride
	ester	P101 107-12-0	Phosgene
P066 16752-77-5	Methomyl	P101 107-12-0	Hydrogen phosphide
P067 75-55-8	Aziridine, 2-methyl-	P102 107-19-7	Phosphine
P067 75-55-8	1,2-Propylenimine	P102 107-19-7	Famphur
P068 60-34-4	Hydrazine, methyl-	P103 630-10-4	Phosphorothioic acid, O-
P068 60-34-4	Methyl hydrazine	P104 506-64-9	[4-[(dimethylamino)
P069 75-86-5	2-Methylactonitrile	P104 506-64-9	sulfonyl]phenyl] O,O-
P069 75-86-5	Propanenitrile, 2-	P105 26628-22-8	dimethyl ester
	hydroxy- 2-methyl-	P106 143-33-9	Potassium cyanide
P070 116-06-3	Aldicarb	P106 143-33-9	Potassium cyanide K(CN)
P070 116-06-3	Propanal, 2-methyl-2-	P108 1 157-24-9	Argentate(1-), bis(cyano-
	(methylthio)-, O-		C)-, potassium
	(methylamino)	P108 1 157-24-9	Potassium silver cyanide
P071 298-00-0	carbonyl] oxime	P109 3689-24-5	Ethyl cyanide
P071 298-00-0	Methyl parathionith	P109 3689-24-5	Propanenitrile
	Phosphorothioic acid,	P110 78-00-2	Propargyl alcohol
	O,O,-dimethyl O-(4-		2-Propyn-1-ol
	nitrophenyl) ester		Selenourea
P072 86-88-4	alpha-Naphthylthiourea		Silver cyanide
P072 86-88-4	Thiourea, 1-		Silver cyanide Ag(CN)
	naphthalenyl-		Sodium azide
P073 13463-39-3	Nickel carbonyl		Sodium cyanide
P073 13463-39-3	Nickel carbonyl		Sodium cyanide Na(CN)
	Ni(CO)₄, (T-4)-		Strychnidin-10-one, &
P074 557-19-7	Nickel cyanide		salts
P074 557-19-7	Nickel cyanide Ni(CN)₂		Strychnine, & salts
P075 54-11-5	Nicotine, & salts		Tetraethyldithiopyro
P075 54-11-5	Pyridine, 3-(1-methyl-		phosphate
	2-pyrrolidinyl)-, (S)-, &		Thiodiphosphoric acid,
	salts		tetraethyl ester
P076 10102-43-9	Nitric oxide		Plumbane, tetraethyl-
P076 10102-43-9	Nitrogen oxide NO		

P110	78-00-2	Tetraethyl lead
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Methane, tetranitro-(R)
P112	509-14-8	Tetranitromethane (R)
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl_2O_3
P114	12039-52-0	Selenious acid, dithallium(1+) salt
P114	12039-52-0	Tetraethyldithio pyrophosphate
P115	7446-18-6	Thiodiphosphoric acid, tetraethyl ester
P115	7446-18-6	Plumbane, tetraethyl-
P116	79-19-6	Tetraethyl lead
P116	79-19-6	Thiosemicarbazide
P118	75-70-7	Methanethiol, trichloro-
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Ammonium vanadate
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V_2O_5
P120	1314-62-1	Vanadium pentoxide
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide $Zn(CN)_2$
P122	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations greater than 10% (R,T)
P123	8001-35-2	Toxaphene
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate,
P127	1563-66-2	Carbofuran
P128	315-8-4	Mexacarbate
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl] oxime,
P185	26419-73-8	Tirpate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P188	57-64-7	Physostigmine salicylate
P189	55285-14-8	Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P189	55285-14-8	Carbosulfan
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P190	1129-41-5	Metolcarb
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-

pyrazol-5-yl ester		Isolan
P192	119-38-0	Ethanimidthioic acid, 2-(dimethylamino)-N-[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P194	23135-22-0	Manganese, bis(dimethyl carbamodithioato-S,S')-, Manganese dimethyldithio carbamate
P196	15339-36-3	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[(methylamino)carbonyl]oxy]phenyl]-
P197	17702-57-7	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[(methylamino)-carbonyl]oxy]phenyl]-monohydrochloride
P198	23422-53-9	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P199	2032-65-7	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Promecarb
P201	2631-37-0	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P202	64-00-6	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P203	1646-88-4	Physostigmine
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P204	57-47-6	Zinc, bis(dimethyl carbamodithioato-S,S')-, Ziram
P205	137-30-4	
P205	137-30-4	

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(f) The commercial chemical products, **manufacturing** **manufacturing** chemical intermediates, or off-specification commercial chemical products referred to in paragraphs (a) through (d) of this section, are identified as toxic wastes (T), unless otherwise designated and are subject to the small quantity generator exclusion defined in § 261.5 (a) and (g).

Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only listed for toxicity. *Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.*

* * * * *

Hazardous waste No.	Chemical abstracts No	Substance

U226 71-55-6		1,1,1-Trichloroethane

U001 75-07-0		Acetaldehyde (I)
U001 75-07-0		Ethanal (I)
U002 67-64-1		Acetone (I)
U002 67-64-1		2-Propanone (I)
U003 75-05-8		Acetonitrile (I,T)
U004 98-86-2		Acetophenone
U004 98-86-2		Ethanone, 1-phenyl-
U005 53-96-3		Acetamide, -9H-fluoren-2-yl-
U005 53-96-3		2-Acetylaminofluorene
U006 75-36-5		Acetyl chloride (C,R,T)
U007 79-06-1		Acrylamide
U007 79-06-1		2-Propenamide
U008 79-10-7		Acrylic acid (I)
U008 79-10-7		2-Propenoic acid (I)
U009 107-13-1		Acrylonitrile
U009 107-13-1		2-Propenenitrile
U010 50-07-7		Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha, 8beta,8aalpha,8balpha)]-Mitomycin C
U010 50-07-7		Amitrole
U011 61-82-5		1H-1,2,4-Triazol-3-amine
U011 61-82-5		Aniline (I,T)
U012 62-53-3		Benzenamine (I,T)
U012 62-53-3		Auramine
U014 492-80-8		Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-azaserine
U014 492-80-8		L-Serine, diazoacetate
U015 115-02-6		
U015 115-02-6	(ester)	
U016 225-51-4		Benz[c]acridine
U017 98-87-3		Benzal chloride
U017 98-87-3		Benzene, (dichloromethyl)-
U018 56-55-3		Benz[a]anthracene
U019 71-43-2		Benzene (I,T)
U020 98-09-9		Benzenesulfonic acid
U020 98-09-9	chloride (C,R)	
U020 98-09-9		Benzenesulfonyl chloride (C,R)
U021 92-87-5		Benzidine
U021 92-87-5		[1,1'-Biphenyl]-4,4'-diamine
U022 50-32-8		Benzo[a]pyrene
U023 98-07-7		Benzene, (trichloromethyl)-
U023 98-07-7		Benzotrichloride (C,R,T)
U024 111-91-1		Dichloromethoxy ethane
U024 111-91-1		Ethane, 1,1'-[methylene bis(oxy)]bis[2-chloro-
U025 111-44-4		Dichloroethyl ether
U025 111-44-4	chloro-	Ethane, 1,1'-oxybis[2-
U026 494-03-1		Chlornaphazin
U026 494-03-1		Naphthalenamine, N,N'-bis(2-chloroethyl)-
U027 108-60-1		Dichloroisopropyl ether

U027 108-60-1	Propane, 2,2'-oxybis[2-chloro-
U028 117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U028 117-81-7	Diethylhexyl phthalate
U029 74-83-9	Methane, bromo-
U029 74-83-9	Methyl bromide
U030 101-55-3	Benzene, 1-bromo-4-phenoxy-
U030 101-55-3	4-Bromophenyl phenyl ether
U031 71-36-3	1-Butanol (I)
U031 71-36-3	n-Butyl alcohol (I)
U032 13765-19-0	Calcium chromate
U032 13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U033 353-50-4	Carbonic difluoride
U033 353-50-4	Carbon oxyfluoride (R,T)
U034 75-87-6	Acetaldehyde, trichloro-
U034 75-87-6	Chloral
U035 305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U035 305-03-3	Chlorambucil
U036 57-74-9	Chlordane, alpha & gamma isomers
U036 57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro- 2,3,3a,4,7,7a-hexahydro-
U037 108-90-7	Benzene, chloro-
U037 108-90-7	Chlorobenzene
U038 510-15-6	Benzenecetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U038 510-15-6	Chlorobenzilate
U039 59-50-7	p-Chloro-m-cresol
U039 59-50-7	Phenol, 4-chloro-3-methyl-
U041 106-89-8	Epichlorohydrin
U041 106-89-8	Oxirane, (chloromethyl)-
U042 110-75-8	2-Chloroethyl vinyl ether
U042 110-75-8	Ethene, (2-chloroethoxy)-
U043 75-01-4	Ethene, chloro-
U043 75-01-4	Vinyl chloride
U044 67-66-3	Chloroform
U044 67-66-3	Methane, trichloro-
U045 74-87-3	Methane, chloro- (I,T)
U045 74-87-3	Methyl chloride (I,T)
U046 107-30-2	Chloromethyl methyl ether
U046 107-30-2	Methane, chloromethoxy-beta-Chloronaphthalene
U047 91-58-7	Naphthalene, 2-chloro-o-Chlorophenol
U047 91-58-7	Phenol, 2-chloro-
U048 95-57-8	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U048 95-57-8	4-Chloro-o-toluidine, hydrochloride
U049 3165-93-3	Chrysene
U049 3165-93-3	Creosote
U050 218-01-9	Cresol (Cresylic acid)
U051 1319-77-3	Phenol, methyl-
U052 1319-77-3	2-Butenal
U053 4170-30-3	Crotonaldehyde
U053 4170-30-3	Benzene, (1-methyl-ethyl)- (I)
U055 98-82-8	

U055	98-82-8	Cumene (I)	U081	120-83-2	Phenol, 2,4-dichloro-
U056	110-82-7	Benzene, hexahydro-(I)	U082	87-65-0	2,6-Dichlorophenol
U056	110-82-7	Cyclohexane (I)	U082	87-65-0	Phenol, 2,6-dichloro-
U057	108-94-1	Cyclohexanone (I)	U083	78-87-5	Propane, 1,2-dichloro-
U058	50-18-0	Cyclophosphamide	U083	78-87-5	Propylene dichloride
U058	50-18-0	2H-1,3,2-Oxazaphos-	U084	542-75-6	1,3-Dichloropropene
		phorin-2-amine, N,N-	U084	542-75-6	1-Propene, 1,3-dichloro-
		bis(2-chloroethyl)	U085	1464-53-5	2,2'-Bioxirane
		tetrahydro-, 2-oxide	U085	1464-53-5	1,2:3,4-Diepoxybutane
U059	20830-81-3	Daunomycin			(I,T)
U059	20830-81-3	5,12-Naphthacenedione, 8-	U086	1615-80-1	N,N'-Diethylhydrazine
		acetyl-10-[(3-amino-2,3,6-	U086	1615-80-1	Hydrazine, 1,2-diethyl-
		trideoxy)-alpha-L-lyxo-	U087	3288-58-2	O,O-Diethyl S-methyl
		hexopyranosyl)oxy]-			dithiophosphate
		7,8,9,10-tetrahydro-6,8,11-	U087	3288-58-2	Phosphorodithioic acid,
		trihydroxy-1-methoxy-, (8S-			O,O-diethyl S-methyl
		cis)-			ester
U060	72-54-8	Benzene, 1,1'-(2,2-	U088	84-66-2	1,2-Benzenedicarboxylic
		dichloroethylidene)bis[4-			acid, diethyl ester
		chloro-	U088	84-66-2	Diethyl phthalate
U060	72-54-8	DDD	U089	56-53-1	Diethylstilbesterol
U061	50-29-3	Benzene, 1,1'-(2,2,2-	U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-
		trichloroethylidene)bis[4-			1,2-ethenediyl)bis-, (E)-
		chloro-	U090	94-58-6	1,3-Benzodioxole, 5-
U061	50-29-3	DDT			propyl-
U062	2303-16-4	Carbamothioic acid, bis(1-	U090	94-58-6	Dihydrosafrole
		methylethyl)-, S-(2,3-di	U091	119-90-4	[1,1'-Biphenyl]-4,4'-
		chloro-2-propenyl) ester			diamine, 3,3'-dimethoxy-
U062	2303-16-4	Diallate	U091	119-90-4	3,3'-Dimethoxybenzidine
U063	53-70-3	Dibenz[a,h]anthracene	U092	124-40-3	Dimethylamine (I)
U064	189-55-9	Benzo[rs]pentaphene	U092	124-40-3	Methanamine, -methyl-(I)
U064	189-55-9	Dibenzo[a,i]pyrene	U093	60-11-7	Benzenamine, N,N-
U066	96-12-8	1,2-Dibromo-3-			dimethyl-4-(phenylazo)-
		chloropropane	U093	60-11-7	p-Dimethylamino
U066	96-12-8	Propane, 1,2-dibromo-3-			azobenzene
		chloro-	U094	57-97-6	Benz[a]anthracene, 7,12-
U067	106-93-4	Ethane, 1,2-dibromo-			dimethyl-
U067	106-93-4	Ethylene dibromide	U094	57-97-6	7,12-Dimethylbenz[a]
U068	74-95-3	Methane, dibromo-			anthracene
U068	74-95-3	Methylene bromide			[1,1'-Biphenyl]-4,4'-
U069	84-74-2	1,2-Benzenedicarboxylic	U095	119-93-7	diamine, 3,3'-dimethyl-
		acid, dibutyl ester			3,3'-Dimethylbenzidine
U069	84-74-2	Dibutyl phthalate	U095	119-93-7	alpha, alpha-Dimethyl
U070	95-50-1	Benzene, 1,2-dichloro-	U096	80-15-9	benzylhydroperoxide (R)
U070	95-50-1	o-Dichlorobenzene			Hydroperoxide, 1-methyl-
U071	541-73-1	Benzene, 1,3-dichloro-	U096	80-15-9	1-phenylethyl-(R)
U071	541-73-1	m-Dichlorobenzene			Carbamic chloride,
U072	106-46-7	Benzene, 1,4-dichloro-	U097	79-44-7	dimethyl-
U072	106-46-7	p-Dichlorobenzene			Dimethylcarbamoyl
U073	91-94-1	[1,1'-Biphenyl]-4,4'-	U097	79-44-7	chloride
		diamine, 3,3'-dichloro-			1,1-Dimethylhydrazine
U073	91-94-1	3,3'-Dichlorobenzidine	U098	57-14-7	Hydrazine, 1,1-dimethyl-
U074	764-41-0	2-Butene, 1,4-dichloro-	U098	57-14-7	1,2-Dimethylhydrazine
		(I,T)	U099	540-73-8	Hydrazine, 1,2-dimethyl-
		1,4-Dichloro-2-butene	U099	540-73-8	2,4-Dimethylphenol
U074	764-41-0		U101	105-67-9	Phenol, 2,4-dimethyl-
		(I,T)	U101	105-67-9	1,2-Benzenedicarboxylic
U075	75-71-8	Dichlorodifluoromethane	U102	131-11-3	acid, dimethyl ester
U075	75-71-8	Methane, dichloro-			Dimethyl phthalate
		difluoro-	U102	131-11-3	Dimethyl sulfate
U076	75-34-3	Ethane, 1,1-dichloro-	U103	77-78-1	Sulfuric acid, dimethyl
U076	75-34-3	Ethylidene dichloride			ester
U077	107-06-2	Ethane, 1,2-dichloro-	U105	121-14-2	Benzene, 1-methyl-2,4-
U077	107-06-2	Ethylene dichloride			dinitro-
U078	75-35-4	1, 1-Dichloroethylene	U105	121-14-2	2,4-Dinitrotoluene
U078	75-35-4	Ethene, 1,1-dichloro-	U106	606-20-2	Benzene, 2-methyl-1,3-
U079	156-60-5	1,2-Dichloroethylene			dinitro-
U079	156-60-5	Ethene, 1,2-dichloro-,	U106	606-20-2	2,6-Dinitrotoluene
		(E)-	U107	117-84-0	1,2-Benzenedicarboxylic
U080	75-09-2	Methane, dichloro-			acid, dioctyl ester
U080	75-09-2	Methylene chloride	U107	117-84-0	Di-n-octyl phthalate
U081	120-83-2	2,4-Dichlorophenol			

U108 123-91-1	1,4-Diethyleneoxide	U138 74-88-4	Methane, iodo-
U108 123-91-1	1,4-Dioxane	U138 74-88-4	Methyl iodide
U109 122-66-7	1,2-Diphenylhydrazine	U140 78-83-1	Isobutyl alcohol (I,T)
U109 122-66-7	Hydrazine, 1,2-diphenyl-	U140 78-83-1	1-Propanol, 2-methyl-
U110 142-84-7	Dipropylamine (I)		(I,T)
U110 142-84-7	1-Propanamine, N-propyl-(I)	U141 120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U111 621-64-7	Di-n-propylnitrosamine	U141 120-58-1	Isosafrole
U111 621-64-7	1-Propanamine, N-nitroso-N-propyl-	U142 143-50-0	Kepone
U112 141-78-6	Acetic acid ethyl ester (I)	U142 143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-
U112 141-78-6	Ethyl acetate (I)		2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]-
U113 140-88-5	Ethyl acrylate (I)	U143 303-34-4	Lasiocarpine
U113 140-88-5	2-Propenoic acid, ethyl ester (I)		Acetic acid, lead(2+) salt
U114 111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts & esters	U143 303-34-4	Lead acetate
U114 111-54-6	Ethylenebisdithiocarbamic acid, salts & esters	U144 301-04-2	Lead phosphate
U115 75-21-8	Ethylene oxide (I,T)	U144 301-04-2	Phosphoric acid, lead(2+) salt (2:3)
U115 75-21-8	Oxirane (I,T)	U145 7446-27-7	Lead, bis(acetato-O)tetrahydroxytri-
U116 96-45-7	Ethylenethiourea	U145 7446-27-7	Lead subacetate
U116 96-45-7	2-Imidazolidinethione	U146 1335-32-6	2,5-Furandione
U117 60-29-7	Ethane, 1,1'-oxybis-(I)	U146 1335-32-6	Maleic anhydride
U117 60-29-7	Ethyl ether (I)	U147 108-31-6	Maleic hydrazide
U118 97-63-2	Ethyl methacrylate	U147 108-31-6	3,6-Pyridazinedione, 1,2-dihydro-
U118 97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	U148 123-33-1	Malononitrile
U119 62-50-0	Ethyl methanesulfonate	U148 123-33-1	Propanedinitrile
U119 62-50-0	Methanesulfonic acid, ethyl ester	U149 109-77-3	Melphalan
U120 206-44-0	Fluoranthene	U149 109-77-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U121 75-69-4	Methane, trichlorofluoro-	U150 148-82-3	Mercury
U121 75-69-4	Trichloromonofluoro-	U150 148-82-3	Methacrylonitrile (I,T)
U122 50-00-0	methane Formaldehyde	U151 7439-97-6	2-Propenenitrile, 2-methyl-(I,T)
U123 64-18-6	Formic acid (C,T)	U152 126-98-7	Methanethiol (I,T)
U124 110-00-9	Furan (I)	U152 126-98-7	Thiomethanol (I,T)
U124 110-00-9	Furfuran (I)	U153 74-93-1	Methanol (I)
U125 98-01-1	2-Furancarboxaldehyde (I)	U153 74-93-1	Methyl alcohol (I)
U125 98-01-1	Furfural (I)	U154 67-56-1	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U126 765-34-4	Glycidylaldehyde	U154 67-56-1	Methapyrilene
U126 765-34-4	Oxiranecarboxyaldehyde	U155 91-80-5	Carbonochloridic acid, methyl ester (I,T)
U127 118-74-1	Benzene, hexachloro-	U155 91-80-5	Methyl chlorocarbonate (I,T)
U127 118-74-1	Hexachlorobenzene	U156 79-22-1	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-
U128 87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	U156 79-22-1	3-Methylcholanthrene
U128 87-68-3	Hexachlorobutadiene	U157 56-49-5	Benzenamine, 4,4'-methylenebis[2-chloro-4,4'-Methylenebis(2-chloroaniline)]
U129 58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha, 2alpha, beta, 4alpha, 5alpha, 6beta)-	U158 101-14-4	2-Butanone (I,T)
U129 58-89-9	Lindane	U158 101-14-4	Methyl ethyl ketone (MEK) (I,T)
U130 77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	U159 78-93-3	2-Butanone, peroxide (R,T)
U130 77-47-4	Hexachlorocyclopentadiene	U159 78-93-3	Methyl ethyl ketone peroxide (R,T)
U131 67-72-1	Ethane, hexachloro-	U160 1338-23-4	Methyl isobutyl ketone (I)
U131 67-72-1	Hexachloroethane	U160 1338-23-4	4-Methyl-2-pentanone (I)
U132 70-30-4	Hexachlorophene	U161 108-10-1	Pentanol, 4-methyl-
U132 70-30-4	Phenol, 2,2'-methylene bis[3,4,6-trichloro-	U161 108-10-1	
U133 302-01-2	Hydrazine (R,T)		
U134 7664-39-3	Hydrofluoric acid (C,T)		
U134 7664-39-3	Hydrogen fluoride (C,T)		
U135 7783-06-4	Hydrogen sulfide		
U135 7783-06-4	Hydrogen sulfide H ₂ S		
U136 75-60-5	Arsinic acid, dimethyl-		
U136 75-60-5	Cacodylic acid		
U137 193-39-5	Indeno[1,2,3-cd]pyrene		

U162 80-62-6	Methyl methacrylate (I,T)	U193 1120-71-4	1,3-Propane sultone
U162 80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)	U194 107-10-8	1-Propanamine (I,T)
U163 70-25-7	Guanidine, -methyl-N'-nitro-N-nitroso-	U194 107-10-8	n-Propylamine (I,T)
U163 70-25-7	MNNG	U196 110-86-1	Pyridine
U164 56-04-2	Methylthiouracil	U197 106-51-4	p-Benzoquinone
U164 56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	U197 106-51-4	2,5-Cyclohexadiene-1,4-dione
U165 91-20-3	Naphthalene	U200 50-55-5	Reserpine
U166 130-15-4	1,4-Naphthalenedione	U200 50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-
U166 130-15-4	1,4-Naphthoquinone	U201 108-46-3	1,3-Benzenediol
U167 134-32-7	1-Naphthalenamine	U201 108-46-3	Resorcinol
U167 134-32-7	alpha-Naphthylamine	U202 181-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts
U168 91-59-8	2-Naphthalenamine	U202 181-07-2	Saccharin, & salts
U168 91-59-8	beta-Naphthylamine	U203 94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U169 98-95-3	Benzene, nitro-	U203 94-59-7	Safrole
U169 98-95-3	Nitrobenzene (I,T)	U204 7783-00-8	Selenious acid
U170 100-02-7	p-Nitrophenol	U204 7783-00-8	Selenium dioxide
U170 100-02-7	Phenol, 4-nitro-	U205 7488-56-4	Selenium sulfide
U171 79-46-9	2-Nitropropane (I,T)	U205 7488-56-4	Selenium sulfide SeS ₂ (R,T)
U171 79-46-9	Propane, 2-nitro- (I,T)	U206 18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitroso
U172 924-16-3	1-Butanamine, N-butyl-N-nitroso-	U206 18883-66-4	ureido)-, D-
U172 924-16-3	N-Nitrosodi-n-butylamine	U206 18883-66-4	D-Glucose, 2-deoxy-2-[(methylnitroso amino)-carbonyl]amino]-
U173 1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	U206 18883-66-4	Streptozotocin
U173 1116-54-7	N-Nitrosodiethanolamine	U207 95-94-3	Benzene, 1,2,4,5-tetra
U174 55-18-5	Ethanamine, -ethyl-N-nitroso-	U207 95-94-3	chloro-
U174 55-18-5	N-Nitrosodiethylamine	U207 95-94-3	benzene
U176 759-73-9	N-Nitroso-N-ethylurea	U208 630-20-6	chloro-
U176 759-73-9	Urea, N-ethyl-N-nitroso-	U208 630-20-6	1,1,1,2-Tetrachloroethane
U177 684-93-5	N-Nitroso-N-methylurea	U209 79-34-5	Ethane, 1,1,2,2-tetra-
U177 684-93-5	Urea, N-methyl-N-nitroso-	U209 79-34-5	1,1,2,2-Tetrachloroethane
U178 615-53-2	Carbamic acid, methyl nitroso-, ethyl ester	U210 127-18-4	Ethene, tetrachloro-
U178 615-53-2	N-Nitroso-N-methylurethane	U210 127-18-4	Tetrachloroethylene
U179 100-75-4	N-Nitrosopiperidine	U211 56-23-5	Carbon tetrachloride
U179 100-75-4	Piperidine, 1-nitroso-	U211 56-23-5	Methane, tetrachloro-
U180 930-55-2	N-Nitrosopyrrolidine	U213 109-99-9	Furan, tetrahydro-(I)
U180 930-55-2	Pyrrolidine, 1-nitroso-	U213 109-99-9	Tetrahydrofuran (I)
U181 99-55-8	Benzenamine, 2-methyl-5-nitro-	U214 563-68-8	Acetic acid, thallium(1+) salt
U181 99-55-8 5-	Nitro-o-toluidine	U214 563-68-8	Thallium(I) acetate
U182 123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	U215 6533-73-9	Carbonic acid, dithallium(1+) salt
U182 123-63-7	Paraldehyde	U215 6533-73-9	Thallium(I) carbonate
U183 608-93-5	Benzene, pentachloro-	U216 7791-12-0	Thallium(I) chloride
U183 608-93-5	Pentachlorobenzene	U216 7791-12-0	Thallium chloride TiCl
U184 76-01-7	Ethane, pentachloro-	U217 10102-45-1	Nitric acid, thallium(1+) salt
U184 76-01-7	Pentachloroethane	U217 10102-45-1	Thallium(I) nitrate
U185 82-68-8	Benzene, pentachloronitro-	U218 62-55-5	Ethanethioamide
U185 82-68-8	Pentachloronitrobenzene (PCNB)	U218 62-55-5	Thioacetamide
U186 504-60-9	1-Methylbutadiene (I)	U219 62-56-6	Thiourea
U186 504-60-9	1,3-Pentadiene (I)	U220 108-88-3	Benzene, methyl-
U187 62-44-2	Acetamide, -(4-ethoxyphenyl)-	U220 108-88-3	Toluene
U187 62-44-2	Phenacetin	U221 25376-45-8	Benzenediamine, ar-methyl-
U188 108-95-2	Phenol	U221 25376-45-8	Toluenediamine
U189 1314-80-3	Phosphorus sulfide (R)	U222 636-21-5	Benzenamine, 2-methyl-, hydrochloride
U189 1314-80-3	Sulfur phosphide (R)	U222 636-21-5	o-Toluidine hydrochloride
U190 85-44-9	1,3-Isobenzofurandione	U223 26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R,T)
U190 85-44-9	Phthalic anhydride		
U191 109-06-8	2-Picoline		
U191 109-06-8	Pyridine, 2-methyl-		
U192 23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-		
U192 23950-58-5	Pronamide		
U193 1120-71-4	1,2-Oxathiolane, 2,2-dioxide		

U223 26471-62-5	Toluene diisocyanate (R,T)	U280 101-27-9	Carbamic acid, (3-chloro-phenyl)-, 4-chloro-2-butylnyl ester
U225 75-25-2	Bromoform	U328 95-53-4	Benzenamine, 2-methyl-o-Toluidine
U225 75-25-2	Methane, tribromo-	U328 95-53-4	Benzenamine, 4-methyl-p-Toluidine
U226 71-55-6	Ethane, 1,1,1-trichloro-	U353 106-49-0	Ethanol, 2-ethoxy-
U226 71-55-6	Methyl chloroform	U359 110-80-5	Ethylene glycol monoethyl ether
U226 71-55-6	1,1,1-Trichloroethane	U359 110-80-5	Bendiocarb phenol
U227 79-00-5	Ethane, 1,1,2-trichloro-	U364 22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, 7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U227 79-00-5	1,1,2-Trichloroethane	U364 22961-82-6	Carbofuran phenol
U228 79-01-6	Ethene, trichloro-	U367 1563-38-8	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U228 79-01-6	Trichloroethylene	U367 1563-38-8	Carbendazim
U234 99-35-4	Benzene, 1,3,5-trinitro-1,3,5-Trinitrobenzene	U372 10605-21-7	Carbamic acid, phenyl-, 1-methylethyl ester
U235 126-72-7	(R,T) 1-Propanol, 2,3-dibromo-, phosphate (3:1)	U372 10605-21-7	Propham
U235 126-72-7	Tris(2,3-dibromopropyl) phosphate	U373 122-42-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U236 72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt	U387 52888-80-9	Prosulfocarb
U236 72-57-1	Trypan blue	U389 2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U237 66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-	U389 2303-17-5	Triallate
U237 66-75-1	Uracil mustard	U394 30558-43-1	A2213
U238 51-79-6	Carbamic acid, ethyl ester	U394 30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U238 51-79-6	Ethyl carbamate (urethane)	U395 5952-26-1	Diethylene glycol, dicarbamate
U239 1330-20-7	Benzene, dimethyl- (I,T)	U395 5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U239 1330-20-7	Xylene (I)	U404 121-44-8	Ethanamine, N,N-diethyl-Triethylamine
U240 194-75-7	Acetic acid, (2,4-dichloro phenoxy)-, salts & esters	U404 121-44-8	Carbamic acid, [1,2-phenylenebis (iminocarbonothioyl)]bis-, dimethyl ester
U240 194-75-7	2,4-D, salts & esters	U409 23564-05-8	Thiophanate-methyl
U243 1888-71-7	Hexachloropropene	U410 59669-26-0	Ethanimidothioic acid, N,N'-[thiobis (methylimino) carbonyl oxy]]bis-, dimethyl ester
U243 1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	U410 59669-26-0	Thiodicarb
U244 137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-	U411 114-26-1	Phenol, 2-(1-methyl ethoxy)-, methyl carbamate
U244 137-26-8	Thiram	U411 114-26-1	Propoxur
U246 506-68-3	Cyanogen bromide (CN)Br	See F027 93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U247 72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-	See F027 87-86-5	Pentachlorophenol
U247 72-43-5	Methoxychlor	See F027 87-86-5	Phenol, pentachloro-
U248 181-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations of 0.3% or less	See F027 58-90-2	Phenol, 2,3,4,6-tetrachloro-
U248 181-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less	See F027 95-95-4	Phenol, 2,4,5-trichloro-
U249 1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10% or less	See F027 88-06-2	Phenol, 2,4,6-trichloro-Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U271 17804-35-2	Benomyl	See F027 93-72-1	Silvex (2,4,5-TP)
U271 17804-35-2	Carbamic acid, [1-(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester	See F027 93-72-1	2,4,5-T
U278 22781-23-3	Bendiocarb	See F027 93-76-5	2,3,4,6-Tetrachloro-
U278 22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	See F027 58-90-2	2,4,5-Trichlorophenol
U279 63-25-2	Carbaryl	See F027 95-95-4	
U279 63-25-2	1-Naphthalenol, methyl carbamate		
U280 101-27-9	Barban		

15. **Section 261.38** is revised to amend the certification statement in paragraph (c)(1)(i)(C)(4) to read as follows:

§ 261.38 Comparable/Syngas Fuel Exclusion.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(C) * * *

(4) The following statement ~~is~~ which shall be signed and submitted by the person claiming the exclusion or his authorized representative: Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of ~~40-CFR Regulation No. 23 § 261.38~~ have been met for all waste identified in this notification. Copies of the records and information required at ~~40-CFR 261.28(c)(10)~~ APC&EC Regulation No. 23 § 261.38 (c)(10) are available at the comparable/syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

* * * * *

165. **Section 261** is amended by adding Subsection E, moving **Section 261.38** from Subsection D to the new Subsection E, and adding new **Sections 261.39, 261.40, and 261.41**, to read as follows:

Subsection E—Exclusions/Exemptions

§ 261.38 Comparable/Syngas Fuel Exclusion.

§ 261.39 Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.

§ 261.40 Conditional Exclusion for Used, Intact Cathode Ray Tubes (CRTs) Exported for Recycling.

§ 261.41 Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse.

Subsection E—Exclusions/Exemptions

* * * * *

§ 261.39 Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.

Used, broken CRTs are not solid wastes if they meet the following conditions:

(a) Prior to processing: These materials are not solid wastes if they are destined for recycling and if they meet the following requirements:

(1) Storage. The broken CRTs must be either:

(i) Stored in a building with a roof, floor, and walls, or

(ii) Placed in a container (i.e., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

(2) Labeling. Each container in which the used, broken CRT is contained must be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass" or "Leaded glass from televisions or computers." It must also be labeled: "Do not mix with other glass materials."

(3) Transportation. The used, broken CRTs must be transported in a container meeting the requirements of paragraphs (a)(1)(ii) and (2) of this section.

(4) Speculative accumulation and use constituting disposal. The used, broken CRTs are subject to the limitations on speculative accumulation as defined in paragraph (c)(8) of this section. If they are used in a manner constituting disposal, they must comply with the applicable requirements of Section 266, Subsection C of this regulation instead of the requirements of this section.

(5) Exports. In addition to the applicable conditions specified in paragraphs (a)(1)-(4) of this section, exporters of used, broken CRTs must comply with the following requirements:

(i) Notify the U.S. EPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a twelve (12) month or lesser period. The notification must be in writing, signed by the exporter, and include the following information:

(A) Name, mailing address, telephone number and EPA ID number (if appli-

cable) of the exporter of the CRTs.

(B) The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported.

(C) The estimated total quantity of CRTs specified in kilograms.

(D) All points of entry to and departure from each foreign country through which the CRTs will pass.

(E) A description of the means by which each shipment of the CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.)).

(F) The name and address of the recycler and any alternate recycler.

(G) A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs.

(H) The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.

(ii) Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 1200 Pennsylvania Ave., NW., Washington, DC. In both cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export CRTs."

(iii) Upon request by EPA, the exporter shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.

(iv) EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of paragraph (a)(5)(i) of this section. Where

a claim of confidentiality is asserted with respect to any notification information required by paragraph (a)(5)(i) of this section, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

(v) The export of CRTs is prohibited unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, EPA will forward an Acknowledgment of Consent to Export CRTs to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, EPA will notify the exporter in writing. EPA will also notify the exporter of any responses from transit countries.

(vi) When the conditions specified on the original notification change, the exporter must provide EPA with a written renotification of the change, except for changes to the telephone number in paragraph (a)(5)(i)(A) of this section and decreases in the quantity indicated pursuant to paragraph (a)(5)(i)(C) of this section. The shipment cannot take place until consent of the receiving country to the changes has been obtained (except for changes to information about points of entry and departure and transit countries pursuant to paragraphs (a)(5)(i)(D) and (a)(5)(i)(H) of this section) and the exporter of CRTs receives from EPA a copy of the Acknowledgment of Consent to Export CRTs reflecting the receiving country's consent to the changes.

(vii) A copy of the Acknowledgment of Consent to Export CRTs must accompany the shipment of CRTs. The shipment must conform to the terms of the Acknowledgment.

(viii) If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must renotify EPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with paragraph (a)(5)(vi) of this section and obtain another Acknowledgment of Consent to Export CRTs.

(ix) Exporters must keep copies of notifications and Acknowledgments of Consent to Export CRTs for a period of three years following receipt of the Acknowledgment.

(b) Requirements for used CRT processing: Used, broken CRTs undergoing CRT processing as defined in § 260.10 of this regulation are not solid wastes if they

meet the following requirements:

(1) Storage. Used, broken CRTs undergoing processing are subject to the requirement of paragraph (a)(4) of this section.

(2) Processing.

(i) All activities specified in paragraphs (2) and (3) of the definition of “CRT processing” in § 260.10 of this regulation must be performed within a building with a roof, floor, and walls; and

(ii) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

(c) Processed CRT glass sent to CRT glass making or lead smelting: Glass from used CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter after processing is not a solid waste unless it is speculatively accumulated as defined in § 261.1(c)(8).

(d) Use constituting disposal: Glass from used CRTs that is used in a manner constituting disposal must comply with the requirements of Section 266, subsection C of this regulation instead of the requirements of this section.

§ 261.40 Conditional Exclusion for Used, Intact Cathode Ray Tubes (CRTs) Exported for Recycling.

Used, intact CRTs exported for recycling are not solid wastes if they meet the notice and consent conditions of § 261.39(a)(5), and if they are not speculatively accumulated as defined in § 261.1(c)(8).

§ 261.41 Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse.

(a) Persons who export used, intact CRTs for reuse must send a one- time notification to the Regional Administrator. The notification must include a statement that the notifier plans to export used, intact CRTs for reuse, the notifier’s name, address, and EPA ID number (if applicable) and the name and phone number of a contact person.

(b) Persons who export used, intact CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported.

Appendix VII to Section 261—[Amended]

17. In **Section 261 Appendix VII**, amend the entries for “F002”, “F038”, “F039”, “K001”, and “K073” as follows:

lows:

a. In the second column of the “F002” row, revise “trichloroethane” to read “trifluoroethane”;

b. In the second column of the “F038” row, add a comma between “benzo(a)pyrene” and “chrysene” to read “benzo(a)pyrene, chrysene”;

c. In the second column of the “F039” row, revise the citation “40 CFR 268.43(a)” to read “40 CFR 268.43”;

d. In the second column of the “K001” row, revise “cresosote” to read “creosote”;

e. In the second column of the “K073” row, revise “hexachloroethane” to read “hexachloroethane”.

Appendix VII to Section 261 — Basis for Listing Hazardous Waste

F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trichloroethane, ~~trifluoroethane~~ trifluoroethane, orthodichlorobenzene, trichlorofluoromethane.

F038 Benzene, ~~benzo(a)pyrene-chrysene~~ benzo(a)pyrene, chrysene, lead, chromium.

F039 All constituents for which treatment standards are specified for multi-source leachate (wastewaters and nonwastewaters) under ~~40 CFR 268.43(a)~~ 40 CFR 268.43, Table CCW.

K001 Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenyl, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, ~~cresosote~~ creosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene.

K073 Chloroform, carbon tetrachloride, ~~hexachloroethane~~ hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.

18. Amend **Section 261 Appendix VIII** by amending the entries for “Allyl chloride”, “Benzidine”, § 1,2-Dichloroethylene”, “Lasiocarpine”, and “Nitrosamines, N.O.S.” to read as follows:

a. In the third column of the “Allyl chloride” row, revise “107-18-6” to read “107-05-1”;

b. In the second column of the “Benzidine” row, amend “-4,41-” by changing the superscript “1” to the symbol “” to read, “-4,4’-”;

c. In the second column of the “1,2-Dichloroethylene” row, revise “-dichloro-” to read “-dichloro-”;

d. In the third and fourth columns of the “Lasiocarpine” row, revise “303-34-1” to read “303-34-4”; and revise “4143” to read “U143”;

e. In the third column of the “Nitrosamines, N.O.S.” row, revise “35576-91-1D” to read “35576-91-1”.

Appendix VIII — Hazardous Constituents

Allyl chloride 1-Propane, 3-chloro

~~107-18-6~~ 107-05-1

Benzidine [1,1'-Biphenyl]-~~4,4'~~-4,4'-diamine U021
 92-87-5
 * * * * *

1,2-Dichloroethylene Ethene, 1,2-~~dichloro-~~dichloro-, (E)-
 156-60-5 U079
 * * * * *

Lasiocarpine 2-Butenoic acid, 2-methyl-,
~~303-34-1~~ 303-34-4 U143
 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-
 -3-methyl-1-oxobutoxy]methyl]-
 2,3,5,7-tetrahydro-
 1H-pyrrolizin-1-yl ester,
 [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]-
 * * * * *

Nitrosamines, N.O.S.1
~~35576-91-1~~ 35576-91-1
 * * * * *

19. The entry in **Section 261, Appendix IX** for Tokusen USA, Inc. is removed and revoked as follows:

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) Organic Constituents 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 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, 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 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 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 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 de-

scribed 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

Subsection A—General

20. Section 262.10 is amended by adding paragraph (I) to read as follows:

§ 262.10 Purpose, scope, and applicability.

* * * * *

(I) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subsection K of this Section are not subject to (for purposes of this paragraph, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in § 262.200 of Subsection K of this Section).:

(1) The requirements of § 262.11 or § 262.34(c), for large quantity generators and small quantity generators, except as provided in Subsection K, and

(2) The conditions of § 261.5(b), for conditionally exempt small quantity generators, except as provided in Subsection K.

21. Section 262 is amended by adding Subsection K to read as follows:

Subsection K—Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities

Sec.
262.200 Definitions for this subpart.

262.201 Applicability of this subpart.
262.202 This Subsection is optional.
262.203 How an eligible academic entity indicates it will be subject to the requirements of this subpart.
262.204 How an eligible academic entity indicates it will withdraw from the requirements of this subpart.
262.205 Summary of the requirements of this subpart.
262.206 Labeling and management standards for containers of unwanted material in the laboratory.
262.207 Training.
262.208 Removing containers of unwanted material from the laboratory.
262.209 Where and when to make the hazardous waste determination and where to send containers of unwanted material upon removal from the laboratory.
262.210 Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory.
262.211 Making the hazardous waste determination at an on-site central accumulation area.
262.212 Making the hazardous waste determination at an on-site interim status or permitted treatment, storage or disposal facility.
262.213 Laboratory clean-outs.
262.214 Laboratory management plan.
262.215 Unwanted material that is not solid or hazardous waste.
262.216 Non-laboratory hazardous waste generated at an eligible academic entity.

Subsection K—Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities

§ 262.200 Definitions for this subpart.

The following definitions apply to this subpart:

“Central accumulation area” means an on-site hazardous waste accumulation area subject to either § 262.34(a) of this section (large quantity generators); or § 262.34(d)–(f) of this section (small quantity generators). A central accumulation area at an eligible academic entity that chooses to be subject to this subsection must also comply with § 262.211 of this regulation when accumulating unwanted material and/or hazardous waste.

“College/University” means a private or public, post-secondary, degree-granting, academic institution, that is accredited by an accrediting agency listed annually by the U.S. Department of Education.

“Eligible academic entity” means a college or university, or a non-profit research institute that is owned by or has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or has a formal written affiliation agreement with a college or university.

“Formal written affiliation agreement for a non-profit research institute” means a written document that establishes a relationship between institutions for the purposes of research and/or education and is signed by authorized representatives, as defined by § 260.10 of this regulation, from each institution. A relationship on a project-by-project or grant-by-grant basis is not

considered a formal written affiliation agreement. A “formal written affiliation agreement for a teaching hospital” means a master affiliation agreement and program letter of agreement, as defined by the Accreditation Council for Graduate Medical Education, with an accredited medical program or medical school.

“Laboratory” means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are considered laboratories. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also considered laboratories.

“Laboratory clean-out” means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or that have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor/occupant. A regularly scheduled removal of unwanted material as required by § 262.208 of this regulation does not qualify as a laboratory clean-out.

“Laboratory worker” means a person who handles chemicals and/or unwanted material in a laboratory and may include, but is not limited to, faculty, staff, post-doctoral fellows, interns, researchers, technicians, supervisors/managers, and principal investigators. A person does not need to be paid or otherwise compensated for his/her work in the laboratory to be considered a laboratory worker. Undergraduate and graduate students in a supervised classroom setting are not laboratory workers.

“Non-profit research institute” means an organization that conducts research as its primary function and files as a non-profit organization under the tax code of 26 U.S.C. 501(c)(3).

“Reactive acutely hazardous unwanted material” means an unwanted material that is one of the acutely hazardous commercial chemical products listed in § 261.33(e) for reactivity.

“Teaching hospital” means a hospital that trains students to become physicians, nurses or other health or laboratory personnel.

“Trained professional” means a person who has completed the applicable RCRA training requirements of § 265.16 for large quantity generators, or is knowledgeable about normal operations and emergencies in accordance with § 262.34(d)(5)(iii) for small quantity generators and conditionally exempt small quantity generators. A trained professional may be an employee of

the eligible academic entity or may be a contractor or vendor who meets the requisite training requirements.

“Unwanted material” means any chemical, mixtures of chemicals, products of experiments or other material from a laboratory that is no longer needed, wanted or usable in the laboratory and that is destined for hazardous waste determination by a trained professional. Unwanted materials include reactive acutely hazardous unwanted materials and materials that may eventually be determined not to be solid waste pursuant to § 261.2, or a hazardous waste pursuant to § 261.3. If an eligible academic entity elects to use another equally effective term in lieu of “unwanted material,” as allowed by § 262.206(a)(1)(i), the equally effective term has the same meaning and is subject to the same requirements as “unwanted material” under this subpart.

“Working container” means a small container (i.e., two gallons or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.

§ 262.201 Applicability of this subsection.

(a) Large quantity generators and small quantity generators. This Subsection provides alternative requirements to the requirements in §§ 262.11 and 262.34(c) for the hazardous waste determination and accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to this subpart, provided that they complete the notification requirements of § 262.203.

(b) Conditionally exempt small quantity generators. This Subsection provides alternative requirements to the conditional exemption in § 261.5(b) for the accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to this subsection, provided that they complete the notification requirements of § 262.203.

§ 262.202 This Subsection is optional.

(a) Large quantity generators and small quantity generators: Eligible academic entities have the option of complying with this Subsection with respect to its laboratories, as an alternative to complying with the requirements of §§ 262.11 and 262.34(c).

(b) Conditionally exempt small quantity generators. Eligible academic entities have the option of complying with this Subsection with respect to its laboratories, as an alternative to complying with the conditional exemption of § 261.5(b).

§ 262.203 How an eligible academic entity indicates it will be subject to the requirements of

this subsection.

(a) An eligible academic entity must notify the Director in writing, using the RCRA Subtitle C Site Identification Form (EPA Form 8700-12), that it is electing to be subject to the requirements of this Subsection for all the laboratories owned by the eligible academic entity under the same EPA Identification Number. An eligible academic entity that is a conditionally exempt small quantity generator and does not have an EPA Identification Number must notify that it is electing to be subject to the requirements of this Subsection for all the laboratories owned by the eligible academic entity that are on-site, as defined by § 260.10. An eligible academic entity must submit a separate notification (Site Identification Form) for each EPA Identification Number (or site, for conditionally exempt small quantity generators) that is electing to be subject to the requirements of this subsection, and must submit the Site Identification Form before it begins operating under this subsection.

(b) When submitting the Site Identification Form, the eligible academic entity must, at a minimum, fill out the following fields on the form:

- (1) Reason for Submittal.
- (2) Site EPA Identification Number.
- (3) Site Name.
- (4) Site Location Information.
- (5) Site Land Type.
- (6) North American Industry Classification System (NAICS) Code(s) for the Site.
- (7) Site Mailing Address.
- (8) Site Contact Person.
- (9) Operator and Legal Owner of the Site.
- (10) Type of Regulated Waste Activity.
- (11) Certification.

(c) An eligible academic entity must keep a copy of the notification on file at the eligible academic entity for as long as its laboratories are subject to this subsection.

(d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this subsection.

(e) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to this subsection.

§ 262.204 How an eligible academic entity indicates it will withdraw from the requirements of this subsection.

(a) An eligible academic entity must notify the Director in writing, using the RCRA Subtitle C Site Identification Form (EPA Form 8700-12), that it is electing to no longer

be subject to the requirements of this Subsection for all the laboratories owned by the eligible academic entity under the same EPA Identification Number and that it will comply with the requirements of §§ 262.11 and 262.34(c) for small quantity generators and large quantity generators. An eligible academic entity that is a conditionally exempt small quantity generator and does not have an EPA Identification Number must notify that it is withdrawing from the requirements of this Subsection for all the laboratories owned by the eligible academic entity that are on-site and that it will comply with the conditional exemption in § 261.5(b). An eligible academic entity must submit a separate notification (Site Identification Form) for each EPA Identification Number (or site, for conditionally exempt small quantity generators) that is withdrawing from the requirements of this Subsection and must submit the Site Identification Form before it begins operating under the requirements of §§ 262.11 and 262.34(c) for small quantity generators and large quantity generators, or § 261.5(b) for conditionally exempt small quantity generators.

(b) When submitting the Site Identification Form, the eligible academic entity must, at a minimum, fill out the following fields on the form:

- (1) Reason for Submittal.
- (2) Site EPA Identification Number.
- (3) Site Name.
- (4) Site Location Information.
- (5) Site Land Type.
- (6) North American Industry Classification System (NAICS) Code(s) for the Site.
- (7) Site Mailing Address.
- (8) Site Contact Person.
- (9) Operator and Legal Owner of the Site.
- (10) Type of Regulated Waste Activity.
- (11) Certification.

(c) An eligible academic entity must keep a copy of the withdrawal notice on file at the eligible academic entity for three years from the date of the notification.

§ 262.205 Summary of the requirements of this subsection.

An eligible academic entity that chooses to be subject to this Subsection is not required to have interim status or a RCRA Part B permit for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of this Subsection and the eligible academic entity has a Laboratory Management Plan (LMP) in accordance with § 262.214 that describes how the laboratories owned by the eligible academic entity will comply with the requirements of this subsection.

§ 262.206 Labeling and management standards

for containers of unwanted material in the laboratory.

An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this subsection.

(a) Labeling: Label unwanted material as follows:

(1) The following information must be affixed or attached to the container:

(i) The words “unwanted material” or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan, and

(ii) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to:

(A) The name of the chemical(s),

(B) The type or class of chemical, such as organic solvents or halogenated organic solvents.

(2) The following information may be affixed or attached to the container, but must at a minimum be associated with the container:

(i) The date that the unwanted material first began accumulating in the container, and

(ii) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid and hazardous waste and to assign the proper hazardous waste code(s), pursuant to § 262.11. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid or hazardous waste include, but are not limited to:

(A) The name and/or description of the chemical contents or composition of the unwanted material, or, if known, the product of the chemical reaction,

(B) Whether the unwanted material has been used or is unused,

(C) A description of the manner in which the chemical was produced or processed, if applicable.

(b) Management of Containers in the Laboratory:

An eligible academic entity must properly manage containers of unwanted material in the laboratory to assure safe storage of the unwanted material, to prevent leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following:

(1) Containers are maintained and kept in good condition and damaged containers are replaced, overpacked, or repaired, and

(2) Containers are compatible with their contents to avoid reactions between the contents and the container; and are made of, or lined with, material that is compatible with the unwanted material so that the container's integrity is not impaired, and

(3) Containers must be kept closed at all times, except:

(i) When adding, removing or consolidating unwanted material, or

(ii) A working container may be open until the end of the procedure or work shift, or until it is full, whichever comes first, at which time the working container must either be closed or the contents emptied into a separate container that is then closed, or

(iii) When venting of a container is necessary.

(A) For the proper operation of laboratory equipment, such as with in-line collection of unwanted materials from high performance liquid chromatographs, or

(B) To prevent dangerous situations, such as build-up of extreme pressure.

§ 262.207 Training.

An eligible academic entity must provide training to all individuals working in a laboratory at the eligible academic entity, as follows:

(a) Training for laboratory workers and students must be commensurate with their duties so they understand the requirements in this Subsection and can implement them.

(b) An eligible academic entity can provide training for laboratory workers and students in a variety of ways, including, but not limited to:

(1) Instruction by the professor or laboratory manager before or during an experiment; or

(2) Formal classroom training; or

(3) Electronic/written training; or

(4) On-the-job training; or

(5) Written or oral exams.

(c) An eligible academic entity that is a large quantity generator must maintain documentation for the durations specified in § 265.16(e) demonstrating training for all laboratory workers that is sufficient to determine whether laboratory workers have been trained. Examples of documentation demonstrating training can include, but are not limited to, the following:

(1) Sign-in/attendance sheet(s) for training session(s); or

(2) Syllabus for training session; or

(3) Certificate of training completion; or

(4) Test results.

(d) A trained professional must:

(1) Accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory, and

(2) Make the hazardous waste determination, pursuant to § 262.11, for unwanted material.

§ 262.208 Removing containers of unwanted material from the laboratory.

(a) Removing containers of unwanted material on a regular schedule. An eligible academic entity must either:

(1) Remove all containers of unwanted material from each laboratory on a regular interval, not to exceed 6 months; or

(2) Remove containers of unwanted material from each laboratory within 6 months of each container's accumulation start date.

(b) The eligible academic entity must specify in Part I of its Laboratory Management Plan whether it will comply with paragraph (a)(1) or (a)(2) of this subsection for the regular removal of unwanted material from its laboratories.

(c) The eligible academic entity must specify in Part II of its Laboratory Management Plan how it will comply with paragraph (a)(1) or (a)(2) of this section and develop a schedule for regular removals of unwanted material from its laboratories.

(d) Removing containers of unwanted material when volumes are exceeded.

(1) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons before the regularly scheduled removal, the eligible academic entity must ensure that all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):

(i) Are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that 55 gallons is exceeded; and

(ii) Are removed from the laboratory within 10 calendar days of the date that 55 gallons was exceeded, or at the next regularly scheduled removal, whichever comes first.

(2) If a laboratory accumulates more than 1 quart of reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure

that all containers of reactive acutely hazardous unwanted material:

(i) Are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that 1 quart is exceeded; and

(ii) Are removed from the laboratory within 10 calendar days of the date that 1 quart was exceeded, or at the next regularly scheduled removal, whichever comes first.

§ 262.209 Where and when to make the hazardous waste determination and where to send containers of unwanted material upon removal from the laboratory.

(a) Large quantity generators and small quantity generators—an eligible academic entity must ensure that a trained professional makes a hazardous waste determination, pursuant to § 262.11, for unwanted material in any of the following areas:

(1) In the laboratory before the unwanted material is removed from the laboratory, in accordance with § 262.210;

(2) Within 4 calendar days of arriving at an on-site central accumulation area, in accordance with § 262.211; and

(3) Within 4 calendar days of arriving at an on-site interim status or permitted treatment, storage or disposal facility, in accordance with § 262.212.

(b) Conditionally exempt small quantity generators—an eligible academic entity must ensure that a trained professional makes a hazardous waste determination, pursuant to § 262.11, for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with § 262.210.

§ 262.210 Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory.

If an eligible academic entity makes the hazardous waste determination, pursuant to § 262.11, for unwanted material in the laboratory, it must comply with the following:

(a) A trained professional must make the hazardous waste determination, pursuant to § 262.11, before the unwanted material is removed from the laboratory.

(b) If an unwanted material is a hazardous waste, the eligible academic entity must:

(1) Write the words “hazardous waste” on the container label that is affixed or attached to the container, before the hazardous waste may be

removed from the laboratory; and

(2) Write the appropriate hazardous waste code(s) on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site.

(3) Count the hazardous waste toward the eligible academic entity’s generator status, pursuant to § 261.5(c) and (d), in the calendar month that the hazardous waste determination was made.

(c) A trained professional must accompany all hazardous waste that is transferred from the laboratory(ies) to an on-site central accumulation area or on-site interim status or permitted treatment, storage or disposal facility.

(d) When hazardous waste is removed from the laboratory:

(1) Large quantity generators and small quantity generators must ensure it is taken directly from the laboratory(ies) to an on-site central accumulation area, or on-site interim status or permitted treatment, storage or disposal facility, or transported off-site.

(2) Conditionally exempt small quantity generators must ensure it is taken directly from the laboratory(ies) to any of the types of facilities listed in § 261.5(f)(3) for acute hazardous waste, or § 261.5(g)(3) for hazardous waste.

(e) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations when it is removed from the laboratory.

§ 262.211 Making the hazardous waste determination at an on-site central accumulation area.

If an eligible academic entity makes the hazardous waste determination, pursuant to § 262.11, for unwanted material at an on-site central accumulation area, it must comply with the following:

(a) A trained professional must accompany all unwanted material that is transferred from the laboratory(ies) to an on-site central accumulation area.

(b) All unwanted material removed from the laboratory(ies) must be taken directly from the laboratory(ies) to the on-site central accumulation area.

(c) The unwanted material becomes subject to the generator accumulation regulations of §262.34(a) for large quantity generators or §262.34(d)–(f) for small quantity generators as soon as it arrives in the central accumulation area, except for the “hazardous waste” labeling requirements of §262.34(a)(3).

(d) A trained professional must determine, pursuant to § 262.11, if the unwanted material is a hazardous waste within 4 calendar days of the unwanted materials’ arrival

at the on-site central accumulation area.

(e) If the unwanted material is a hazardous waste, the eligible academic entity must:

(1) Write the words “hazardous waste” on the container label that is affixed or attached to the container, within 4 calendar days of arriving at the on-site central accumulation area and before the hazardous waste may be removed from the on-site central accumulation area, and

(2) Write the appropriate hazardous waste code(s) on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site, and

(3) Count the hazardous waste toward the eligible academic entity’s generator status, pursuant to § 261.5(c) and (d) in the calendar month that the hazardous waste determination was made, and

(4) Manage the hazardous waste according to all applicable hazardous waste regulations.

§ 262.212 Making the hazardous waste determination at an on-site interim status or permitted treatment, storage or disposal facility.

If an eligible academic entity makes the hazardous waste determination, pursuant to § 262.11, for unwanted material at an on-site interim status or permitted treatment, storage or disposal facility, it must comply with the following:

(a) A trained professional must accompany all unwanted material that is transferred from the laboratory(ies) to an on-site interim status or permitted treatment, storage or disposal facility.

(b) All unwanted material removed from the laboratory(ies) must be taken directly from the laboratory(ies) to the on-site interim status or permitted treatment, storage or disposal facility.

(c) The unwanted material becomes subject to the terms of the eligible academic entity’s hazardous waste permit or interim status as soon as it arrives in the on-site treatment, storage or disposal facility.

(d) A trained professional must determine, pursuant to § 262.11, if the unwanted material is a hazardous waste within 4 calendar days of the unwanted materials’ arrival at an on-site interim status or permitted treatment, storage or disposal facility.

(e) If the unwanted material is a hazardous waste, the eligible academic entity must:

(1) Write the words “hazardous waste” on the container label that is affixed or attached to the container (or on the label that is affixed or attached to the container, if that is preferred) within 4 calendar days of arriving at the on-site

interim status or permitted treatment, storage or disposal facility and before the hazardous waste may be removed from the on-site interim status or permitted treatment, storage or disposal facility, and

(2) Write the appropriate hazardous waste code(s) on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed on-site or transported off-site, and

(3) Count the hazardous waste toward the eligible academic entity’s generator status, pursuant to § 261.5(c) and (d) in the calendar month that the hazardous waste determination was made, and

(4) Manage the hazardous waste according to all applicable hazardous waste regulations.

§ 262.213 Laboratory clean-outs.

(a) One time per 12 month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this subpart, except that:

(1) If the volume of unwanted material in the laboratory exceeds 55 gallons (or 1 quart of reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons (or 1 quart of reactive acutely hazardous unwanted material), as required by § 262.208. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days from the start of the laboratory clean-out; and

(2) For the purposes of on-site accumulation, an eligible academic entity is not required to count a hazardous waste that is an unused commercial chemical product (listed in Section 261, Subsection D of this regulation or exhibiting one or more characteristics in Section 261, Subsection C of this regulation) generated solely during the laboratory clean-out toward its hazardous waste generator status, pursuant to § 261.5(c) and (d). An unwanted material that is generated prior to the beginning of the laboratory clean-out and is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator status, pursuant to § 261.5(c) and (d), if it is determined to be hazardous waste; and

(3) For the purposes of off-site management, an eligible academic entity must count all its hazardous waste, regardless of whether the

hazardous waste was counted toward generator status under paragraph (a)(2) of this section, and if it generates more than 1 kg/month of acute hazardous waste or more than 100 kg/month of hazardous waste (i.e., the conditionally exempt small quantity generator limits of § 261.5), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off-site; and

(4) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out begins and ends, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain the records for a period of three years from the date the clean-out ends; and

(b) For all other laboratory clean-outs conducted during the same 12-month period, an eligible academic entity is subject to all the applicable requirements of this subpart, including, but not limited to:

(1) The requirement to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons (or 1 quart of reactive acutely hazardous unwanted material), as required by § 262.208; and

(2) The requirement to count all hazardous waste, including unused hazardous waste, generated during the laboratory clean-out toward its hazardous waste generator status, pursuant to § 261.5(c) and (d).

§ 262.214 Laboratory management plan.

An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this subpart. An eligible academic entity may write one Laboratory Management Plan for all the laboratories owned by the eligible academic entity that have opted into this subpart, even if the laboratories are located at sites with different EPA Identification Numbers. The Laboratory Management Plan must contain two parts with a total of nine elements identified in paragraphs (a) and (b) of this section. In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in paragraph (a) of this section. An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of the Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the

elements listed in paragraph (b) of this section. The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a violation of this subpart. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it chooses.

(a) The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must:

(1) Describe procedures for container labeling in accordance with §262.206(a), including:

(i) Identifying whether the eligible academic entity will use the term "unwanted material" on the containers in the laboratory. If not, identify an equally effective term that will be used in lieu of "unwanted material" and consistently by the eligible academic entity. The equally effective term, if used, has the same meaning and is subject to the same requirements as "unwanted material."

(ii) Identifying the manner in which information that is "associated with the container" will be imparted.

(2) Identify whether the eligible academic entity will comply with §262.208(a)(1) or (a)(2) for regularly scheduled removals of unwanted material from the laboratory.

(b) In Part II of its Laboratory Management Plan, an eligible academic entity must:

(1) Describe its intended best practices for container labeling and management, including how the eligible academic entity will manage containers used for in-line collection of unwanted materials, such as with high performance liquid chromatographs and other laboratory equipment (see the required standards at §262.206).

(2) Describe its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at §262.207(a)).

(3) Describe its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at §262.207(d)(1)).

(4) Describe its intended best practices for removing unwanted material from the laboratory, including:

(i) For regularly scheduled removals—Develop a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at

§262.208(a)(1) and (a)(2)).

(ii) For removals when maximum volumes are exceeded:

(A) Describe its intended best practices for removing unwanted materials from the laboratory within 10 calendar days when unwanted materials have exceeded their maximum volumes (see the required standards at §262.208(d)).

(B) Describe its intended best practices for communicating that unwanted materials have exceeded their maximum volumes.

(5) Describe its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at §262.11 and §§262.209 through 262.212).

(6) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in §262.213, including:

(i) Procedures for conducting laboratory clean-outs (see the required standards at §262.213(a)(1) through (3)); and

(ii) Procedures for documenting laboratory clean-outs (see the required standards at §262.213(a)(4)).

(7) Describe its intended best practices for emergency prevention, including:

(i) Procedures for emergency prevention, notification, and response, appropriate to the hazards in the laboratory; and

(ii) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date and/or as they degrade; and

(iii) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date and/or as they degrade; and

(iv) Procedures for the timely characterization of unknown chemicals.

(c) An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who request it.

(d) An eligible academic entity must review and revise its Laboratory Management Plan, as needed.

§ 262.215 Unwanted material that is not solid or hazardous waste.

(a) If an unwanted material does not meet the definition of solid waste in § 261.2, it is no longer subject

to this Subsection or to the RCRA hazardous waste regulations.

(b) If an unwanted material does not meet the definition of hazardous waste in § 261.3, it is no longer subject to this Subsection or to the RCRA hazardous waste regulations, but must be managed in compliance with any other applicable regulations and/or conditions.

§ 262.216 Non-laboratory hazardous waste generated at an eligible academic entity.

An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under this subpart; and

(a) Remains subject to the generator requirements of §§ 262.11 and 262.34(c) for large quantity generators and small quantity generators (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of Section 262 of this regulation, with respect to that hazardous waste; or

(b) Remains subject to the conditional exemption of § 261.5(b) for conditionally exempt small quantity generators, with respect to that hazardous waste.

23. **Section 263.20(h)(1)** is removed and reserved, to read as follows:

Subsection B -- Compliance with the Manifest System and Recordkeeping

§ 263.20 The manifest system.

* * * * *

(h) A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month need not comply with the requirements of this section or those of § 263.22 provided that:

(1) ~~The waste is being transported pursuant to a reclamation agreement as provided for in § 262.20(e)~~
[Reserved];

* * * * *

24. **Section 264.340** is amended by revising the first sentence of paragraph (b)(1) and paragraph (b)(3).

§ 264.340 Applicability.

* * * * *

(b) Integration of the MACT standards.

(1) Except as provided by paragraphs (b)(2), ~~through~~ (b)(3), and (b)(4) of this section, the

standards of this section ~~no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR Part 63, subpart EEE, by conducting a comprehensive performance test and submitting to the Director a Notification of Compliance under 40 CFR 63.1207(j) and 40 CFR 63.1210(b) documenting compliance with the requirements of 40 CFR Part 63, subpart EEE~~ do not apply to a new hazardous waste incineration unit that becomes subject to RCRA permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR Part 63, subpart EEE, by conducting a comprehensive performance test and submitting to the Director a Notification of Compliance under 40 CFR §§ 63.1207(j) and 63.1210(d) documenting compliance with the requirements of 40 CFR Part 63, subpart EEE. * * *

* * * * *

(3) The particulate matter standard of § 264.343(c) remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard under 40 CFR Part 63.1206(b)(14) and 63.1219(e).

* * * * *

Section 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

25. Section 266.100 is amended by redesignating the second paragraph (b)(3)(ii) as (b)(3)(iii).

26. Section 270.7(e)(2)(ii) is amended to read as follows:

§ 270.7 Arkansas's General Requirements for Permit Applications

(e) Public notice requirements at the application stage.

(2) Notification at application submittal.

(ii) The notice shall be published in accordance with the provisions of *Regulation*

No. 8, § 2.1.4(a) § 8.205. In addition to the information required at Regulation No. 8 § 2.1.4(b) § 8.205(B), the notice must include:

27. Chapter 4 is removed and reserved.

CHAPTER 4 REGULATIONS PROMULGATED UNDER ACT 479 OF 1985

Section 23 AUTHORITY

The regulations under this Chapter are promulgated pursuant to the Remedial Action Trust Fund Act of 1985 (Act 479 of 1985, as amended, A.C.A. 8-7-501 (*et seq.*)).

Section 24. Reserved

Section 25. FEES ON THE GENERATION OF HAZARDOUS WASTE

(a) On or before April 1 of each year:

(1) Every person who generated hazardous wastes in Arkansas during the preceding calendar year; and every person who accepted for treatment, storage, or disposal in Arkansas during the preceding calendar year hazardous wastes generated outside the State shall report the total amount of such hazardous wastes generated or accepted to the Director on forms prescribed by the Department. [Note: for facilities subject to the Arkansas Annual Report of Hazardous Waste at §§ 262.41, 264.75, and/or 265.75, submission of the annual report on or before March 1 fulfills this reporting requirement.]

(2) Every person required to report wastes pursuant to subsection (a) above shall be assessed a fee, based upon the combined total of such wastes (except as exempted at paragraph (3) below) and billed by the Department in accordance with reported waste generation, to be paid to the Department on or before July 1 of each year. These fees shall be calculated and paid according to the following schedule:

Category	Pounds Generated	Annual Fee
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1	0 to 29,999	\$ 0.00
2	30,000 to 99,999	\$ 750.00
3	100,000 to 199,999	\$ 1,500.00
4	200,000 to 299,999	\$ 3,000.00
5	300,000 to 399,999	\$ 5,000.00
6	400,000 to 499,999	\$ 7,500.00
7	500,000 and above	\$10,000.00

(3) No fee shall be assessed pursuant to paragraph (2) above for wastes excluded at § 261.5(c)(1)-(6) from inclusion in a facility's determination of its compliance status or category as a generator.

Section 26

CRITERIA FOR LISTING HAZARDOUS SUBSTANCE SITES

(a) Monies deposited into the Hazardous Substance Remedial Action Trust Fund shall be segregated into two portions:

(1) Eighty percent (80%) of the annual receipts shall be designated for expenditures related to National Priority List (NPL) sites as listed in APC&EC Regulation No. 30 (Hazardous Substances Remedial Action Trust Fund Priority List):

(2) Twenty percent (20%) of the annual receipts shall be designated for expenditures related to State Priority List (SPL) sites as listed in APC&EC Regulation No. 30 (Hazardous Substances Remedial Action Trust Fund Priority List):

(3) In the event monies from either NPL or SPL sites are not expended in any given year, the remaining monies shall be carried over to the next year and shall remain as originally apportioned, unaffected by apportionment of additional funds in subsequent years.

(b) Monies from the Hazardous Substance Remedial Action Trust Fund may not be expended by the Director at any hazardous substance site until such hazardous substance site is listed in APC&EC Regulation No. 30 (Hazardous Substances Remedial Action Trust Fund Priority List):

(c) A hazardous substance site may be listed in APC&EC Regulation No. 30, § 30.202 (National Priority List (NPL) site) provided that:

(1) The hazardous substance site has been investigated and ranked by use of the revised Hazard Ranking System (rHRS), and

(2) The hazardous substance site scored a minimum of 28.50 based on the rHRS, or has been designated as the State's priority site in accordance with 40 CFR 300.425(c)(2) and placed on the federal

National Priorities List as published in the *Federal Register*, and

(3) A final Remedial Investigation/Feasibility Study (and Health Risk Assessment, where applicable) has been conducted, and

(4) The Department has concurred with the remedy selection, and

(5) A Record of Decision (ROD) regarding the remedial action has been issued, and

(6) Federal monies for the remedial action at the hazardous substance site have been committed, and

(7) The Remedial Design has progressed to the 90% complete stage, and

(8) The Department has provided a 30 day public comment period and opportunity for hearing:

(d) In the event EPA implements a Superfund Accelerated Clean-up, a hazardous substance site may be listed at APC&EC Regulation No. 30, § 30.202 (NPL Sites) provided that:

(1) EPA has published the hazardous substance site on an Early Action List in the *Federal Register*, or

(2) EPA has identified the hazardous substance site as a Fast Track Remediation site, and

(3) The Remedial Design has progressed to the 90% complete stage, and

(4) The Department has concurred that delay in listing would cause unwarranted delay in clean-up of the site and restoration of the environment, and

(5) The Department has provided a 30 day public comment period and opportunity for hearing:

(e) Should the Commission disapprove the inclusion of a hazardous substance site to APC&EC Regulation No. 30, § 30.202, the Chairperson of the Commission shall cause the record to reflect the specific rationale for this disapproval:

(f) In the event two (2) or more hazardous substance sites identified at APC&EC Regulation No. 30, § 30.202 are eligible for funding in any given year under the above criteria, priority for available funding shall be as follows:

(1) Those sites at which remedial actions (including operations and maintenance) have been initiated previously:

(2) Additional hazardous substance sites based on the order of greatest impact to public health and/or the environment, as determined by the Director after reviewing available information developed in accordance with CERCLA as amended, and any other information considered applicable and scientifically reliable:

(g) Hazardous substance sites may be listed at APC&EC Regulation No. 30, § 30.302 (State Priority List (SPL) sites) which pose a potential substantial endangerment to human health and/or the environment but do not meet the criteria listed at Section 26(c) or (d). Hazardous substance sites listed at APC&EC Regulation No. 30, § 30.302 will be eligible for investigation and necessary remedial action on a case-by-case basis as determined by the Director:

(h) Hazardous substance sites listed at APC&EC

Regulation No. 30, § 30.302(A) are those where investigatory activities are required to determine the extent and degree (if any) of the release or threat of release of a hazardous substance at the site and any scientific or engineering studies deemed necessary by the Director to determine available and necessary alternatives for remediation:

(i) ~~Hazardous substance sites listed at APC&EC Regulation No. 30, § 30.302(B) are those requiring remediation activities to adequately secure, contain, abate, treat, dispose, or control hazardous substances to the extent financially and technically feasible, as determined by the director. Remediation activities shall include but are not limited to any engineering design work necessary to adequately plan and implement remedial measures:~~

(j) ~~Hazardous substance sites may be listed at APC&EC Regulation No. 30, § 30.302 based on:~~

- ~~(1) Proximity to population centers;~~
- ~~(2) Potential impacts to surface waters;~~
- ~~(3) Potential impact to groundwater;~~
- ~~(4) Hydrologic and geologic characteristics;~~
- ~~(5) The toxicity and characterization of hazardous substances present;~~
- ~~(6) The mobility of the hazardous substances present;~~
- ~~(7) The attenuation of the hazardous substances present; and~~
- ~~(8) Releases or threat of releases of the hazardous substances;~~

(k) ~~In the event two or more hazardous substance sites identified at APC&EC Regulation No. 30, § 30.302 are eligible for funding in any given year under the above criteria, priority for available funding shall be as follows:~~

- ~~(1) Those sites at which remedial actions (including operations and maintenance) have been initiated previously;~~
- ~~(2) Additional hazardous substance sites based on the order of greatest impact to public health and/or the environment, as determined by the Director after reviewing available information developed or discovered in the investigatory process;~~

(l) ~~The above shall not be construed to preclude or limit the authority of the Director in:~~

- ~~(1) Mandating actions, pursuant to Ark. Code, Ann. §§ 8-7-401 *et seq.* (the Emergency Response Trust Fund Act), deemed necessary to abate an imminent and substantial endangerment to the public health, safety, and welfare, or to the environment, or~~
- ~~(2) Ordering responsible parties to address and abate any release of a hazardous substance, pursuant to Ark. Code, Ann. §§ 8-7-401 *et seq.* or 8-7-501 *et seq.*~~

~~Section 27 (Reserved)~~

