

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION No. 23 HAZARDOUS WASTE MANAGEMENT

INITIAL DRAFT

Presented to the Pollution Control and Ecology Commission
on
September 24, 2010

TABLE OF CONTENTS
ARKANSAS POLLUTION CONTROL & ECOLOGY
COMMISSION

REGULATION No. 23

(HAZARDOUS WASTE MANAGEMENT)

Section 1. AUTHORITY	1
Section 2. VIOLATIONS	1
Section 3. AMENDMENT AND UPDATE OF REGULATION No. 23 (HAZARDOUS WASTE MANAGEMENT)	1
Section 4. CONFLICT OF INTEREST.	2
Section 5. (Reserved)	2
Section 6. FEES AND COSTS.	2

Section 260.
HAZARDOUS WASTE
MANAGEMENT SYSTEM - GENERAL

Subsection A -- General	260-1
§ 260.1 Purpose, scope, and applicability	260-1
§ 260.2 Availability of information; confidentiality of information	260-1
§ 260.3 Use of number and gender.	260-1
Subsection B -- Definitions	260-2
§ 260.10 Definitions.	260-2
§ 260.11 References.	260-10
Subsection C -- Rulemaking Petitions	260-12
§ 260.20 General.	260-12
§ 260.21 Petitions for equivalent testing or analytical methods	260-13
§ 260.22 Petitions to amend Section 261 to exclude a waste produced at a particular facility.	260-13
§ 260.23 Petitions to amend Section 273 to include additional hazardous wastes.	260-15
§ 260.30 Variances from classification as a solid waste.	260-15
§ 260.31 Standards and criteria for variances from classification as a solid waste.	260-15
§ 260.32 Variance to be classified as a boiler.	260-16
§ 260.33 Procedures for variances from classification as a solid waste or to be classified as a boiler.	260-16
§ 260.40 Additional regulation of certain hazardous waste recycling activities on a case-by-case basis.	260-16
§ 260.41 Procedures for case-by-case regulation of hazardous waste recycling activities.	260-17
Appendix I to Section 260: Overview of Subtitle C Regulations	260-17

Section 261 --
IDENTIFICATION AND LISTING
OF HAZARDOUS WASTE

Subsection A -- General	261-1
§ 261.1 Purpose and scope.	261-1
§ 261.2 Definition of Solid Waste.	261-2
§ 261.3 Definition of Hazardous Waste.	261-4
§ 261.4 Exclusions.	261-8
§ 261.5 Special requirements for hazardous waste generated by conditionally-exempt small quantity generators	261-18
§ 261.6 Requirements for recyclable materials	261-20

§ 261.7 Residues of hazardous waste in empty containers.	261-21
§ 261.8 PCB Wastes Regulated under Toxic Substances Control Act	261-22
§ 261.9 Requirements for Universal Waste.	261-22

Subsection B -- Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Waste 261-22

§ 261.10 Criteria for identifying the characteristics of hazardous waste.	261-22
§ 261.11 Criteria for listing hazardous waste.	261-22

Subsection C -- Characteristics of Hazardous Waste 261-23

§ 261.20 General.	261-23
§ 261.21 Characteristic of ignitability.	261-23
§ 261.22 Characteristic of corrosivity.	261-23
§ 261.23 Characteristic of reactivity.	261-23
§ 261.24 Toxicity characteristic.	261-24

Subsection D -- Lists of Hazardous Wastes 261-24

§ 261.30 General.	261-24
§ 261.31 Hazardous wastes from non-specific sources.	261-25
§ 261.32 Hazardous wastes from specific sources.	261-27
§ 261.33 Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.	261-31
§ 261.35 Deletion of certain hazardous waste codes following equipment cleaning and replacement.	261-39
§ 261.36 [Reserved]	261-39
§ 261.37 [Reserved]	261-40

Subsection E -- Exclusions/Exemptions

§ 261.38 Comparable/Syngas Fuel Exclusion.	261-40
§ 261.39 Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.	261-48
§ 261.40 Conditional Exclusion for Used, Intact Cathode Ray Tubes (CRTs) Exported for Recycling.	261-50
§ 261.41 Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse.	261-50
Appendix I to Section 261 - Representative Sampling Methods	261-51
Appendix II to Section 261 -- Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)	261-51
Appendix III to Section 261 Chemical Analysis Test Methods	261-51
Appendix VII to Section 261 -- Basis for Listing Hazardous Waste	261-51
§ 261 Appendix VIII -- Hazardous Constituents	261-53
Appendix IX -- Wastes Excluded Under §§ 260.20 and 260.22	261-63

Section 262
STANDARDS APPLICABLE TO GENERATORS
OF HAZARDOUS WASTE

Subsection A -- General	262-1
§ 262.10 Purpose, scope, and applicability.	262-1
§ 262.11 Hazardous waste determination.	262-1
§ 262.12 EPA identification numbers.	262-1
§ 262.13 State Requirements for Transportation of Waste from Generators of over 100 kgs per Month.	262-2
Subsection B -- The Manifest	262-2
§ 262.20 General Requirements.	262-2
§ 262.21 Manifest tracking numbers, manifest printing, and obtaining manifests	262-3
§ 262.22 Number of copies.	262-6
§ 262.23 Use of the Manifest.	262-6

§ 262.24 Additional Requirements for Generators of Hazardous Wastes in Arkansas (Including Wastes from Generators of over 100 kgs per month)	262-6	262.207 Training.	262-25
§ 262.27 Waste Minimization certification	262-7	262.208 Removing containers of unwanted material from the laboratory.	262-26
Subsection C -- Pre-Transport Requirements	262-7	262.209 Where and when to make the hazardous waste determination and where to send containers of unwanted material upon removal from the laboratory.	262-26
§ 262.30 Packaging	262-7	262.210 Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory.	262-26
§ 262.31 Labeling.	262-7	262.211 Making the hazardous waste determination at an on-site central accumulation area.	262-27
§ 262.32 Marking	262-7	262.212 Making the hazardous waste determination at an on-site interim status or permitted treatment, storage or disposal facility.	262-27
§ 262.33 Placarding	262-7	262.213 Laboratory clean-outs.	262-28
§ 262.34 Accumulation time.	262-7	262.214 Laboratory management plan.	262-28
§ 262.35 Handling and Disposal Requirements for Conditionally-Exempt Small Quantity Generators.	262-11	262.215 Unwanted material that is not solid or hazardous waste.	262-29
Subsection D -- Recordkeeping and Reporting	262-11	262.216 Non-laboratory hazardous waste generated at an eligible academic entity.	262-29
§ 262.40 Recordkeeping.	262-11	Appendix I to Section 262	262-30
§ 262.41 Annual Report.	262-12		
§ 262.42 Exception reporting.	262-12	Section 263 —	
§ 262.43 Additional reporting.	262-12	STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE	
§ 262.44 [Reserved]	262-12	Subsection A -- General	263-1
Subsection E -- Exports of Hazardous Waste	262-12	§ 263.10 Scope.	263-1
§ 262.50 Applicability.	262-12	§ 263.11 EPA identification number.	263-1
§ 262.51 Definitions.	262-13	§ 263.12 Transfer facility requirements.	263-1
§ 262.52 General requirements.	262-13	§ 263.13 Transporter Permits.	263-1
§ 262.53 Notification of intent to export.	262-13	Subsection B -- Compliance with the Manifest System and Recordkeeping	263-1
§ 262.54 Special manifest requirements.	262-14	§ 263.20 The manifest system.	263-1
§ 262.55 Exception reports.	262-14	§ 263.21 Compliance with the manifest.	263-3
§ 262.56 Annual reports.	262-15	§ 263.22 Recordkeeping.	263-3
§ 262.57 Recordkeeping.	262-15	Subsection C -- Hazardous Waste Discharges	263-4
§ 262.58 International agreements.	262-15	§ 263.30 Immediate Action.	263-4
Subsection F -- Imports of Hazardous Waste	262-15	§ 263.31 Discharge clean-up.	263-4
§ 262.60 Imports of hazardous waste.	262-15	Section 264.	
Subsection G -- Farmers	262-16	STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES	
§ 262.70 Farmers.	262-16	Subsection A -- General	264-3
Subsection H -- Transfrontier Shipments of Hazardous Waste for Recovery within the OECD	262-16	§ 264.1 Purpose, scope, and applicability.	264-5
§ 262.80 Applicability.	262-16	§ 264.2 [Reserved]	264-5
§ 262.81 Definitions.	262-16	§ 264.3 Relationship to interim status standards.	264-5
§ 262.82 General conditions.	262-17	§ 264.4 Imminent hazard action.	264-5
§ 262.83 Notification and consent.	262-18	Subsection B -- General Facility Standards	264-5
§ 262.84 Tracking document.	262-18	§ 264.10 Applicability.	264-5
§ 262.85 Contracts.	262-20	§ 264.11 Identification number.	264-6
§ 262.86 Provisions relating to recognized traders.	262-21	§ 264.12 Required notices.	264-6
§ 262.87 Reporting and recordkeeping.	262-21	§ 264.13 General waste analysis.	264-6
§ 262.88 Pre-approval for U.S. Recovery Facilities	262-22	§ 264.14 Security	264-7
§ 262.89 OECD Waste Lists.	262-22	§ 264.15 General Inspection requirements.	264-8
Subsections I-J [Reserved]		§ 264.16 Personnel training.	264-8
Subsection K—Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities	262-22	§ 264.17 General requirements for ignitable, reactive, or incompatible wastes.	264-10
262.200 Definitions for this subsection.	262-22	§ 264.18 Location standards.	264-10
262.201 Applicability of this subsection.	262-23	§ 264.19 Construction quality assurance program.	264-12
262.202 This Subsection is optional.	262-23	§ 264.20 State-specific Performance Standards	264-12
262.203 How an eligible academic entity indicates it will be subject to the requirements of this subsection.	262-24	Subsection C -- Preparedness and Prevention	264-13
262.204 How an eligible academic entity indicates it will withdraw from the requirements of this subsection.	262-24		
262.205 Summary of the requirements of this subsection.	262-24		
262.206 Labeling and management standards for containers of unwanted material in the laboratory.	262-25		

§ 264.278	Unsaturated zone monitoring.	264-98
§ 264.279	Recordkeeping.	264-100
§ 264.280	Closure and post-closure care.	264-100
§ 264.281	Special requirements for ignitable or reactive waste	264-101
§ 264.282	Special requirements for incompatible wastes.	264-101
§ 264.283	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027.	264-101
Subsection N -- Landfills		
§ 264.300	Applicability.	264-101
§ 264.301	Design and operating requirements.	264-101
§ 264.302	Action leakage rate.	264-103
§ 264.303	Monitoring and inspection.	264-104
§ 264.304	Response actions.	264-104
§§ 264.305 — 264.308	[Reserved]	264-105
§ 264.309	Surveying and recordkeeping.	264-105
§ 264.310	Closure and post-closure care.	264-105
§ 264.311	[Reserved]	264-105
§ 264.312	Special requirements for ignitable or reactive waste	264-105
§ 264.313	Special requirements for incompatible wastes.	264-105
§ 264.314	Special requirements for bulk and containerized liquids.	264-105
§ 264.315	Special requirements for containers.	264-106
§ 264.316	Disposal of small containers of hazardous wastes in overpacked drums (“lab packs”).	264-106
§ 264.317	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027.	264-107
Subsection O -- Incinerators		
§ 264.340	Applicability.	264-107
§ 264.341	Waste analysis.	264-108
§ 264.342	Principal organic hazardous constituents (POHCs).	264-108
§ 264.343	Performance standards.	264-108
§ 264.344	Hazardous waste incinerator permits.	264-109
§ 264.345	Operating requirements.	264-109
§ 264.346	[Reserved]	264-110
§ 264.347	Monitoring and inspections.	264-110
§ 264.351	Closure.	264-110
Subsections P-R [Reserved]		
264-110		
Subsection S -- Special Provisions for Cleanup		
264-110		
§ 264.550	Applicability of Corrective Action Management Unit Regulations	264-110
§ 264.551	Grandfathered Corrective Action Management Units	264-111
§ 264.552	Corrective Action Management Units.	264-112
§ 264.553	Temporary Units	264-117
§ 264.554	Staging piles.	264-117
§ 264.555	Disposal of CAMU-Eligible Waste in permitted hazardous waste landfills	264-119
Subsections T-V [Reserved]		
264-120		
Subsection W -- Drip Pads		
264-120		
§ 264.570	Applicability.	264-120
§ 264.571	Assessment of existing drip pad integrity.	264-121
§ 264.572	Design and installation of new drip pads.	264-121
§ 264.573	Design and operating requirements.	264-121
§ 264.574	Inspections.	264-123
§ 264.575	Closure.	264-123
Subsection X - Miscellaneous Units		
264-124		
§ 264.600	Applicability	264-124
§ 264.601	Environmental performance standards.	264-124
§ 264.602	Monitoring, analysis, inspection, response, reporting, and corrective action.	264-125
§ 264.603	Post-closure care.	264-125

Subsections Y-Z [Reserved]		
264-125		
Subsection AA -- Air Emission Standards for Process Vents		
264-125		
§ 264.1030	Applicability.	264-125
§ 264.1031	Definitions.	264-126
§ 264.1032	Standards: Process vents.	264-127
§ 264.1033	Standards: Closed-vent systems and control devices.	264-127
§ 264.1034	Test methods and procedures.	264-132
§ 264.1035	Recordkeeping requirements.	264-134
§ 264.1036	Reporting requirements.	264-137
Subsection BB -- Air Emissions Standards for Equipment Leaks		
264-137		
§ 264.1050	Applicability.	264-137
§ 264.1051	Definitions.	264-138
§ 264.1052	Standards: Pumps in light liquid service.	264-138
§ 264.1053	Standards: Compressors.	264-139
§ 264.1054	Standards: Pressure relief devices in gas/vapor service.	264-139
§ 264.1055	Standards: Sample connecting systems.	264-140
§ 264.1056	Standards: Open-ended valves or lines.	264-140
§ 264.1057	Standards: Valves in gas/vapor service or light liquid service.	264-140
§ 264.1058	Standards: Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors.	264-141
§ 264.1059	Standards: Delay of repair.	264-141
§ 264.1060	Standards: Closed-vent systems and control devices.	264-141
§ 264.1061	Alternative standards for valves in gas/vapor service or in light liquid service: percentage of valves allowed to leak.	264-142
§ 264.1062	Alternative standards for valves in gas/vapor service or in light liquid service; skip period leak detection and repair.	264-142
§ 264.1063	Test methods and procedures.	264-142
§ 264.1064	Recordkeeping requirements.	264-143
§ 264.1065	Reporting requirements.	264-145
§§ 264.1066 -- 264.1079	[Reserved]	264-145
Subsection CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers		
264-145		
§ 264.1080	Applicability.	264-145
§ 264.1081	Definitions.	264-146
§ 264.1082	Standards: General.	264-146
§ 264.1083	Waste determination procedures.	264-149
§ 264.1084	Standards: Tanks.	264-150
§ 264.1085	Standards: Surface impoundments.	264-158
§ 264.1086	Standards: Containers.	264-161
§ 264.1087	Standards: Closed-vent systems and control devices.	264-166
§ 264.1088	Inspection and monitoring requirements.	264-168
§ 264.1089	Recordkeeping requirements.	264-168
§ 264.1090	Reporting requirements.	264-171
Subsection DD – Containment Buildings		
264-172		
§ 264.1100	Applicability.	264-172
§ 264.1101	Design and operating standards.	264-173
§ 264.1102	Closure and post-closure care.	264-175
§ 264.1103-264.1110	[Reserved]	264-175
Subsection EE — Hazardous Waste Munitions and Explosives Storage		
264-175		
§ 264.1200	Applicability.	264-175
§ 264.1201	Design and operating standards.	264-175
§ 264.1202	Closure and post-closure care.	264-176
Appendix I --	Recordkeeping Instructions	264-177
Appendices II - III	[Reserved]	264-178

Appendix IV -- Cochran's Approximation to the Behrens-Fisher Students' T-Test	264-178
Appendix V -- Examples of Potentially Incompatible Waste	264-179
Appendices VII - VIII [Reserved]	264-179
§ 264 Appendix IX	264-180

Section 265. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Subsection A -- General	265-1
§ 265.1 Purpose, scope, and applicability.	265-3
§ 265.2 - 265.3 [Reserved]	265-4
§ 265.4 Imminent hazard action.	265-4
Subsection B -- General Facility Standards	265-5
§ 265.10 Applicability	265-5
§ 265.11 Identification number.	265-5
§ 265.12 Required notices.	265-5
§ 265.13 General waste analysis.	265-5
§ 265.14 Security.	265-6
§ 265.15 General Inspection requirements.	265-7
§ 265.16 Personnel training.	265-7
§ 265.17 General requirements for ignitable, reactive, or incompatible wastes.	265-9
§ 265.18 Location standards.	265-9
§ 265.19 Construction quality assurance program.	265-9
Subsection C -- Preparedness and Prevention	265-10
§ 265.30 Applicability.	265-10
§ 265.31 Maintenance and operation of facility.	265-10
§ 265.32 Required equipment.	265-10
§ 265.33 Testing and maintenance of equipment.	265-10
§ 265.34 Access to communications or alarm system.	265-10
§ 265.35 Required aisle space.	265-11
§ 265.36 [Reserved]	265-11
§ 265.37 Arrangements with local authorities.	265-11
Subsection D -- Contingency Plan and Emergency Procedures	265-11
§ 265.50 Applicability.	265-11
§ 265.51 Purpose and implementation of contingency plan.	265-11
§ 265.52 Content of contingency plan.	265-11
§ 265.53 Copies of contingency plan.	265-12
§ 265.54 Amendment of contingency plan.	265-12
§ 265.55 Emergency coordinator.	265-12
§ 265.56 Emergency procedures.	265-12
Subsection E -- Manifest System, Recordkeeping, & Reporting	265-13
§ 265.70 Applicability.	265-13
§ 265.71 Use of manifest system.	265-13
§ 265.72 Manifest discrepancies.	265-14
§ 265.73 Operating record.	265-15
§ 265.74 Availability, retention, and disposition of records.	265-16
§ 265.75 Annual Report.	265-16
§ 265.76 Unmanifested waste report.	265-17
§ 265.77 Additional reports.	265-17
Subsection F -- Groundwater Monitoring	265-17
§ 265.90 Applicability.	265-17
§ 265.91 Ground-water monitoring system.	265-18
§ 265.92 Sampling and analysis.	265-19
§ 265.93 Preparation, evaluation, and response.	265-19
§ 265.94 Recordkeeping and reporting.	265-20

Subsection G -- Closure and Post-Closure	265-21
§ 265.110 Applicability.	265-21
§ 265.111 Closure performance standard.	265-21
§ 265.112 Closure plan; amendment of plan.	265-21
§ 265.113 Closure; time allowed for closure.	265-23
§ 265.114 Disposal or decontamination of equipment, structures, and soils.	265-26
§ 265.115 Certification of closure.	265-26
§ 265.116 Survey plat.	265-26
§ 265.117 Post-closure care and use of property.	265-26
§ 265.118 Post-closure plan; amendment of plan.	265-27
§ 265.119 Post-closure notices.	265-29
§ 265.120 Certification of completion of post-closure care.	265-29
§ 265.121 Post-closure requirements for facilities that obtain enforceable documents in lieu of post-closure permits.	265-29
Subsection H -- Financial Requirements	265-30
§ 265.140 Applicability.	265-30
§ 265.141 Definitions of terms as used in this Subsection.	265-30
§ 265.142 Cost estimate for closure.	265-31
§ 265.143 Financial assurance for closure.	265-32
§ 265.144 Cost estimate for post-closure care.	265-38
§ 265.145 Financial assurance for post-closure care.	265-39
§ 265.146 Use of a mechanism for financial assurance of both closure and post-closure care.	265-45
§ 265.147 Liability requirements.	265-45
§ 265.148 Incapacity of owners or operators, guarantors, or financial institutions.	265-50
§ 265.149 Use of State-required mechanisms.	265-50
§ 265.150 State assumption of responsibility.	265-50
Subsection I -- Use and Management of Containers	
§ 265.170 Applicability.	265-51
§ 265.171 Condition of containers.	265-51
§ 265.172 Compatibility of waste with container.	265-51
§ 265.173 Management of containers.	265-51
§ 265.174 Inspections.	265-51
§ 265.175 [Reserved]	265-51
§ 265.176 Special requirements for ignitable or reactive waste	265-51
§ 265.177 Special requirements for incompatible wastes.	265-51
§ 265.178 Air emission standards.	265-51
Subsection J -- Tank Systems	265-51
§ 265.190 Applicability.	265-51
§ 265.191 Assessment of existing tank system's integrity.	265-52
§ 265.192 Design and installation of new tank systems or components.	265-52
§ 265.193 Containment and detection of releases.	265-53
§ 265.194 General operating requirements.	265-57
§ 265.195 Inspections.	265-57
§ 265.196 Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.	265-57
§ 265.197 Closure and post-closure care.	265-58
§ 265.198 Special requirements for ignitable or reactive wastes	265-58
§ 265.199 Special requirements for incompatible wastes.	265-59
§ 265.200 Waste analysis and trial tests.	265-59
§ 265.201 Special requirements for Generators of between 100 and 1000 kg/mo who accumulate hazardous waste in tanks	265-59
§ 265.202 Air emission standards.	265-60
Subsection K -- Surface Impoundments	265-60
§ 265.220 Applicability.	265-60
§ 265.221 Design and operating requirements.	265-61
§ 265.222 Action leakage rate.	265-62
§ 265.223 Response actions.	265-62
§ 265.224 Containment system.	265-62
§ 265.225 Waste analysis and trial tests.	265-62
§ 265.226 Monitoring and inspection.	265-63

§ 265.227 [Reserved]	265-63	§ 265.377 Monitoring and inspections.	265-75
§ 265.228 Closure and post-closure care.	265-63	§ 265.381 Closure.	265-75
§ 265.229 Special requirements for ignitable or reactive wastes	265-64	§ 265.382 Open burning; waste explosives.	265-75
§ 265.230 Special requirements for incompatible wastes.	265-64	§ 265.383 Interim status thermal treatment devices burning particular hazardous waste.	265-76
§ 265.231 Air emission standards.	265-64		
Subsection L – Waste Piles	265-64	Subsection Q -- Chemical, Physical, and Biological Treatment	265-76
§ 265.250 Applicability.	265-64	§ 265.400 Applicability.	265-76
§ 265.251 Protection from wind.	265-64	§ 265.401 General operating requirements.	265-76
§ 265.252 Waste analysis.	265-64	§ 265.402 Waste analysis and trial tests.	265-77
§ 265.253 Containment.	265-64	§ 265.403 Inspections.	265-77
§ 265.254 Design and operating requirements.	265-65	§ 265.404 Closure.	265-77
§ 265.255 Action leakage rates.	265-65	§ 265.405 Special requirements for ignitable or reactive waste	265-77
§ 265.256 Special requirements for ignitable or reactive waste.	265-65	§ 265.406 Special requirements for incompatible wastes.	265-77
§ 265.257 Special requirements for incompatible wastes.	265-65	Subsection R -- Underground Injection	265-77
§ 265.258 Closure and post-closure care.	265-65	§ 265.430 Applicability.	265-77
§ 265.259 Response actions.	265-66		
§ 265.260 Monitoring and inspection.	265-66	Subsection W -- Drip Pads	265-77
Subsection M – Land Treatment	265-66	§ 265.440 Applicability.	265-77
§ 265.270 Applicability.	265-66	§ 265.441 Assessment of existing drip pad integrity.	265-78
§ 265.271 [Reserved]	265-66	§ 265.442 Design and installation of new drip pads.	265-78
§ 265.272 General operating requirements.	265-66	§ 265.443 Design and operating requirements.	265-78
§ 265.273 Waste analysis.	265-66	§ 265.444 Inspections.	265-80
§ 265.274 - 265.275 [Reserved]	265-67	§ 265.445 Closure.	265-80
§ 265.276 Food chain crops.	265-67	Subsection AA -- Air Emission Standards for Process Vents	265-81
§ 265.277 [Reserved]	265-68	§ 265.1030 Applicability.	265-81
§ 265.278 Unsaturated zone (zone of aeration) monitoring.	265-68	§ 265.1031 Definitions.	265-81
§ 265.279 Recordkeeping.	265-68	§ 265.1032 Standards: Process vents.	265-81
§ 265.280 Closure and post-closure.	265-68	§ 265.1033 Standards: Closed-vent systems and control devices	265-82
§ 265.281 Special requirements for ignitable or reactive waste	265-69	§ 265.1034 Test methods and procedures.	265-86
§ 265.282 Special requirements for incompatible wastes.	265-69	§ 265.1035 Recordkeeping requirements.	265-88
Subsection N -- Landfills	265-69	Subsection BB -- Air Emission Standards for Equipment Leaks	265-91
§ 265.300 Applicability.	265-69	§ 265.1050 Applicability.	265-91
§ 265.301 Design and operating requirements.	265-69	§ 265.1051 Definitions.	265-92
§ 265.302 Action Leakage rate.	265-70	§ 265.1052 Standards: Pumps in light liquid service.	265-92
§ 265.303 Response actions.	265-70	§ 265.1053 Standards: Compressors.	265-93
§ 265.304 Monitoring and inspection.	265-71	§ 265.1054 Standards: Pressure relief devices in gas/vapor service.	265-93
§ 265.305 - 265.308 [Reserved]	265-71	§ 265.1055 Standards: Sampling connecting systems.	265-93
§ 265.309 Surveying and recordkeeping.	265-71	§ 265.1056 Standards: Open-ended valves or lines.	265-94
§ 265.310 Closure and post-closure care.	265-71	§ 265.1057 Standards: Valves in gas/vapor service or in light liquid service.	265-94
§ 265.311 [Reserved]	265-72	§ 265.1058 Standards: Pumps and valves in heavy liquid service, pressure relief devices in light liquid service, and flanges and other connectors.	265-94
§ 265.312 Special requirements for ignitable or reactive waste	265-72	§ 265.1059 Standards: Delay of repair.	265-95
§ 265.313 Special requirements for incompatible wastes.	265-72	§ 265.1060 Standards: Closed-vent systems and control devices.	265-95
§ 265.314 Special requirements for bulk and containerized liquids.	265-72	§ 265.1061 Alternative standards for valves in gas/vapor service or in light liquid service; percentage of valves allowed to leak.	265-96
§ 265.315 Special requirements for containers.	265-72	§ 265.1062 Alternative standards for valves in gas/vapor or in light liquid service; skip period leak detection and repair.	265-96
§ 265.316 Disposal of small containers of hazardous waste in overpacked drums (“lab packs”).	265-73	§ 265.1063 Test methods and procedures.	265-96
Subsection O -- Incinerators	265-73	§ 265.1064 Recordkeeping requirements.	265-97
§ 265.340 Applicability.	265-73	Subsection CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers	265-99
§ 265.341 Waste analysis.	265-74	§ 265.1080 Applicability.	265-99
§ 265.342 - 265.344 [Reserved]	265-74	§ 265.1081 Definitions.	265-100
§ 265.345 General operating requirements.	265-74	§ 265.1082 Schedule for implementation of air emission standards.	265-102
§ 265.346 [Reserved]	265-74	§ 265.1083 Standards: General.	265-103
§ 265.347 Monitoring and inspections.	265-74		
§ 265.348 - 265.350 [Reserved]	265-74		
§ 265.351 Closure.	265-74		
§ 265.352 Interim status incinerators burning particular hazardous wastes.	265-74		
§ 265.353 - 265.369 [Reserved]	265-75		
Subsection P -- Thermal Treatment	265-75		
§ 265.370 Other thermal treatment.	265-75		
§ 265.373 General operating requirements.	265-75		
§ 265.375 Waste analysis.	265-75		

§ 265.1084	Waste determination procedures.	265-105	chlorine gas (Cl2) emissions.	266-27
§ 265.1085	Standards: Tanks.	265-113	§ 266.108 Small quantity on-site burner exemption.	266-31
§ 265.1086	Standards: surface impoundments.	265-121	§ 266.109 Low risk waste exemption.	266-32
§ 265.1087	Standards: Containers	265-124	§ 266.110 Waiver of DRE trial burn for boilers.	266-32
§ 265.1088	Standards: Closed-vent systems and control devices.	265-129	§ 266.111 Standards for direct transfer.	266-33
§ 265.1089	Inspection and monitoring requirements.	265-131	§ 266.112 Regulation of residues.	266-34
§ 265.1090	Recordkeeping requirements.	265-131		
Subsection DD – Containment Buildings		265-135	Subsections I-L (Reserved)	266-37
§ 265.1100	Applicability.	265-135	Subsection M — Military Munitions	266-37
§ 265.1101	Design and operating standards.	265-135	§ 266.200 Applicability.	266-37
§ 265.1102	Closure and post-closure care.	265-137	§ 266.201 Definitions.	266-37
			§ 266.202 Definition of solid waste.	266-37
Subsection EE — Hazardous Waste Munitions and Explosives Storage		265-137	§ 266.203 Standards applicable to the transportation of solid waste military munitions.	266-38
§ 265.1200	Applicability.	265-137	§ 266.204 Standards applicable to emergency responses.	266-39
§ 265.1201	Design and operating standards.	265-138	§ 266.205 Standards applicable to the storage of solid waste military munitions.	266-39
§ 265.1202	Closure and post-closure care.	265-138	§ 266.206 Standards applicable to the treatment and disposal of waste military munitions.	266-40
Appendices to Part 265		265-139	Subsection N — Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal	266-40
Appendix I -- Recordkeeping Instructions		265-139		
Appendix II -- [Reserved]		265-140	Terms	
Appendix III -- EPA Interim Primary Drinking Water Standards		265-140	§ 266.210 What definitions apply to this subpart?	266-40
Appendix IV -- Tests for Significance		265-140	Storage and Treatment Conditional Exemption and Eligibility	266-41
Appendix V -- Examples of Potentially Incompatible Waste		265-140	§ 266.220 What does a storage and treatment conditional exemption do?	266-41
Appendix VI to Section 265 — Compounds With Henry's Law Constant Less Than 0.1 Y/X		265-141	§ 266.225 What wastes are eligible for the storage and treatment conditional exemption?	266-41
			§ 266.230 What conditions must you meet for your LLMW to qualify for and maintain a storage and treatment exemption?	266-41
Section 266 – STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES			Treatment	266-41
Subsections A -- B [Reserved]		266-1	§ 266.235 What waste treatment does the storage and treatment conditional exemption allow?	266-41
Subsection C -- Recyclable Materials Used in a Manner Constituting Disposal		266-2	Loss of Conditional Exemption	266-42
§ 266.20	Applicability.	266-2	§ 266.240 How could you lose the conditional exemption for your LLMW and what action must you take?	266-42
§ 266.21	Standards applicable to generators and transporters of materials used in a manner that constitute disposal.	266-2	§ 266.245 If you lose the storage and treatment conditional exemption for your LLMW, can the exemption be reclaimed?	266-42
§ 266.22	Standards applicable to storers of materials that are to be used in a manner that constitutes disposal who are not the ultimate users.	266-2	RecordKeeping	266-42
§ 266.23	Standards applicable to users of materials that are used in a manner that constitutes disposal.	266-2	§ 266.250 What records must you keep at your facility and for how long?	266-42
Subsection D - E [Reserved]		266-2	Reentry Into RCRA	266-43
Subsection F -- Recyclable Materials Utilized for Precious Metal Recovery		266.3	§ 266.255 When is your low-level mixed waste no longer eligible for the storage conditional exemption?	266-43
§ 266.70	Applicability and requirements.	266-3	Storage Unit Closure	266-43
Subsection G -- Spent Lead-Acid Batteries Being Reclaimed		266-3	§ 266.260 Do closure requirements apply to units that stored LLMW prior to the effective date of subpart N?	266-43
§ 266.80	Applicability and requirements.	266-3	Transportation and Disposal Conditional Exemption	266-43
Subsection H – Hazardous Waste Burned in Boilers and Industrial Furnaces		266-4	§ 266.305 What does the transportation and disposal conditional exemption do?	266-43
§ 266.100	Applicability.	266-4	Eligibility	266-43
§ 266.101	Management prior to burning.	266-4	§ 266.310 What wastes are eligible for the transportation and disposal conditional exemption?	266-43
§ 266.102	Permit standards for burners.	266-6	Conditions	266-43
§ 266.103	Interim status standards for burners.	266-7		
§ 266.104	Standards to control organic emissions.	266-13		
§ 266.105	Standards to control particulate matter.	266-25		
§ 266.106	Standards to control metals emissions.	266-27		
§ 266.107	Standards to control hydrogen chloride (HCl) and			

§ 266.315 What are the conditions you must meet for your waste to qualify for and maintain the transportation and disposal exemption?	266-43
§ 266.320 What treatment standards must your eligible waste meet?	266-43
§ 266.325 Are you subject to the manifest and transportation condition in Sec. 266.315(b)?	266-43
§ 266.330 When does the transportation and disposal exemption take effect?	266-43
§ 266.335 Where must your exempted waste be disposed of?	266-43
§ 266.340 What type of container must be used for disposal of exempted waste?	266-44
Notification	266-44
§ 266.345 Whom must you notify?	266-44
Recordkeeping	266-44
§ 266.350 What records must you keep at your facility and for how long?	266-44
Loss of Transportation and Disposal Conditional Exemption	266-45
§ 266.355 How could you lose the transportation and disposal conditional exemption for your waste and what actions must you take?	266-45
§ 266.360 If you lose the transportation and disposal conditional exemption for a waste, can the exemption be reclaimed?	266-45
Appendix I - Tier I and II Feed Rate and Emissions Screening Limits for Metals	266-46
Appendix II - Tier I feed Rate Screening Limits for Total Chlorine	266-49
Appendix III -Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride	266-49
Appendix IV -Reference Air Concentrations	266-50
Appendix V - Risk Specific Doses	266-51
Appendix VI - Stack Plume Rise	266-52
Appendix VII - Health Based Limits for Exclusion of Waste-Derived Residues*	266-52
Appendix VIII - Potential PICs for Determination of Exclusion of Waste-Derived Residues	266-53
Appendix IX - Methods Manual For Compliance With BIF Regulations	266-53
Appendix X - Guideline on Air Quality Models	266-53
Appendix XI - Lead-Bearing Materials that May Be Processed in Exempt Lead Smelters	266-54
Appendix XII - Nickel or Chromium-bearing Materials that May Be Processed in Exempt Nickel-Chromium Recovery Furnaces	266-54
Appendix XIII - Mercury Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units	266-54
 Section 267— STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT	
Subsection A—General	267-2
267.1 What are the purpose, scope and applicability of this section?	267-2
267.2 What is the relationship to interim status standards?	267-2
267.3 How does this section affect an imminent hazard action?	267-2
Subsection B—General Facility Standards	267-2
267.10 Does this subsection apply to me?	267-2
267.11 What must I do to comply with this subsection?	267-2
267.12 How do I obtain an identification number?	267-2

267.13 What are my waste analysis requirements?	267-2
267.14 What are my security requirements?	267-3
267.15 What are my general inspection requirements?	267-3
267.16 What training must my employees have?	267-3
267.17 What are the requirements for managing ignitable, reactive, or incompatible wastes?	267-4
267.18 What are the standards for selecting the location of my facility?	267-5
Subsection C—Preparedness and Prevention	267-5
267.30 Does this subsection apply to me?	267-5
267.31 What are the general design and operation standards?	267-5
267.32 What equipment am I required to have?	267-5
267.33 What are the testing and maintenance requirements for the equipment?	267-5
267.34 When must personnel have access to communication equipment or an alarm system?	267-5
267.35 How do I ensure access for personnel and equipment during emergencies?	267-5
267.36 What arrangements must I make with local authorities for emergencies?	267-6
Subsection D—Contingency Plan and Emergency Procedures	267-6
267.50 Does this subsection apply to me?	267-6
267.51 What is the purpose of the contingency plan and how do I use it?	267-6
267.52 What must be in the contingency plan?	267-6
267.53 Who must have copies of the contingency plan?	267-6
267.54 When must I amend the contingency plan?	267-7
267.55 What is the role of the emergency coordinator?	267-7
267.56 What are the required emergency procedures for the emergency coordinator?	267-7
267.57 What must the emergency coordinator do after an emergency?	267-7
267.58 What notification and recordkeeping must I do after an emergency?	267-8
Subsection E Manifest System, Recordkeeping, Reporting, and Notifying	267-8
267.70 Does this subsection apply to me?	267-8
267.71 Use of the manifest system.	267-8
267.72 Manifest discrepancies.	267-9
267.73 What information must I keep?	267-9
267.74 Who sees the records?	267-9
267.75 What reports must I prepare and to whom do I send them?	267-9
267.76 What notifications must I make?	267-10
Subsection F—Releases from Solid Waste Management Units	267-10
267.90 Who must comply with this section?	267-10
267.91–267.100 [Reserved]	267-10
267.101 What must I do to address corrective action for solid waste management units?	267-10
Subsection G—Closure	267-10
267.110 Does this subsection apply to me?	267-10
267.111 What general standards must I meet when I stop operating the unit?	267-10
267.112 What procedures must I follow?	267-11
267.113 Will the public have the opportunity to comment on the plan?	267-11
267.114 [Reserved]	
267.115 After I stop operating, how long until I must close?	267-12
267.116 What must I do with contaminated equipment, structure, and soils?	267-12
267.117 How do I certify closure?	267-12
Subsection H—Financial Requirements	267-12

267.140 Who must comply with this subsection, and briefly, what do they have to do?	267-12	267.1108 What must I do when I stop operating the containment building?	267-29
267.141 Definitions of terms as used in this subsection.	267-12		
267.142 Cost estimate for closure.	267-13		
267.143 Financial assurance for closure.	267-14		
267.144–267.146 [Reserved]			
267.147 Liability requirements.	267-17		
267.148 Incapacity of owners or operators, guarantors, or financial institutions.	267-20		
267.149 [Reserved]			
267.150 State assumption of responsibility.	267-20		
267.151 Wording of the instruments	267-21		
Subsection I—Use and Management of Containers	267-22	Section 268 --	
267.170 Does this subsection apply to me?	267-22	LAND DISPOSAL RESTRICTIONS	
267.171 What standards apply to the containers?	267-22		
267.172 What are the inspection requirements?	267-22	Subsection A -- General	268-1
267.173 What standards apply to the container storage areas?	267-22	§ 268.1 Purpose, scope and applicability.	268-1
267.174 What special requirements must I meet for ignitable or reactive waste?	267-23	§ 268.2 Definitions applicable in this section.	268-2
267.175 What special requirements must I meet for incompatible wastes?	267-23	§ 268.3 Dilution prohibited as a substitute for treatment.	268-3
267.176 What must I do when I want to stop using the containers?	267-23	§ 268.4 Treatment surface impoundment exemption.	268-3
267.177 What air emission standards apply?	267-23	§ 268.5 Procedures for case-by-case extensions to an effective date.	268-4
		§ 268.6 Petitions to allow land disposal of a waste prohibited under Subsection C of Section 268.	268-6
		§ 268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities.	268-7
		§ 268.8 [Reserved]	268-12
		§ 268.9 Special rules regarding wastes that exhibit a characteristic.	268-12
		268-12	
		Subsection B -- Schedule for Land Disposal Prohibition and Establishment of Treatment Standards	268-13
		§ 268.10 - 268.12 [Reserved]	268-13
		§ 268.13 Schedule for wastes identified or listed after November 8, 1984.	268-13
		§ 268.14 Surface impoundment exemptions.	268-13
		Subsection C -- Prohibitions on Land Disposal	268-13
		§ 268.20 Waste specific prohibitions — Dyes and/or pigments production wastes	268-13
		§ 268.31 – 268.29 (Reserved).	268-13
		§ 268.30 Waste specific prohibitions — wood preserving wastes.	268-13
		§ 268.31 Waste specific prohibitions -- Dioxin-containing wastes.	268-14
		§ 268.32 Waste specific prohibitions — Soils exhibiting the toxicity characteristic for metals and containing PCBs	268-14
		§ 268.33 Waste specific prohibitions — Chlorinated aliphatic wastes	268-14
		§ 268.34 Waste specific prohibitions — toxicity characteristic metal wastes.	268-15
		§ 268.35 Waste specific prohibitions — petroleum refining wastes.	268-15
		§ 268.36 Waste specific prohibitions — Inorganic chemical wastes	268-16
		§ 268.37 Waste specific prohibitions-ignitable and corrosive characteristic wastes whose treatment standards were vacated.	268-16
		§ 268.38 Waste specific prohibitions-newly identified organic toxicity characteristic wastes and newly listed coke by-product and chlorotoluene production wastes.	268-16
		§ 268.39 Waste specific prohibitions -- spent aluminum potliners; reactive; and carbamate wastes.	268-17
		Subsection D -- Treatment Standards	268-18
		§ 268.40 Applicability of Treatment Standards.	268-18
		§ 268.41 Treatment standards expressed as concentrations in waste extract.	268-119
		§ 268.42 Treatment standards expressed as specified technologies.	268-119
		§ 268.43 Treatment standards expressed as waste concentrations.	268-121
		§ 268.44 Variance from a treatment standard.	268-121
		§ 268.45 Treatment standards for hazardous debris.	268-122
		§ 268.46 Alternative treatment standards based on HTMR.	268-126
		§ 268.47 [Reserved]	268-126
Subsection J—Tank Systems	267-23		
267.190 Does this subsection apply to me?	267-23		
267.191 What are the required design and construction standards for new tank systems or components?	267-23		
267.192 What handling and inspection procedures must I follow during installation of new tank systems?	267-24		
267.193 What testing must I do?	267-25		
267.194 What installation requirements must I follow?	267-25		
267.195 What are the secondary containment requirements?	267-25		
267.196 What are the required devices for secondary containment and what are their design, operating and installation requirements?	267-26		
267.197 What are the requirements for ancillary equipment?	267-25		
267.198 What are the general operating requirements for my tank systems?	267-25		
267.199 What inspection requirements must I meet?	267-26		
267.200 What must I do in case of a leak or a spill?	267-26		
267.201 What must I do when I stop operating the tank system?	267-27		
267.202 What special requirements must I meet for ignitable or reactive wastes?	267-27		
267.203 What special requirements must I meet for incompatible wastes?	267-27		
267.204 What air emission standards apply?	267-27		
Subsections K Through CC [Reserved]			
Subsection DD—Containment buildings	267-27		
267.1100 Does this subsection apply to me?	267-27		
267.1101 What design and operating standards must my containment building meet?	267-27		
267.1102 What other requirements must I meet to prevent releases?	267-28		
267.1103 What additional design and operating standards apply if liquids will be in my containment building?	267-28		
267.1104 How may I obtain a waiver from secondary containment requirements?	267-29		
267.1105 What do I do if my containment building contains areas both with and without secondary containment?	267-29		
267.1106 What do I do if I detect a release?	267-29		
267.1107 Can a containment building itself be considered secondary containment?	267-29		

§ 268.48 Universal Treatment Standards	268-126	§ 270.27 Specific Part B information requirements for air emission controls for tanks, surface impoundments, and containers.	270-37
§ 268.49 Alternative LDR treatment standards for contaminated soil.	268-126	§ 270.28 Part B information requirements for post-closure permits.	270-38
Subsection E -- Prohibitions on Storage	268-129	§ 270.29 Permit Denial.	270-38
§ 268.50 Prohibitions on storage of restricted wastes.	268-129		
Appendix I [Reserved]	268-130	Subsection C – Permit Conditions	270-38
Appendix II [Reserved]	268-130	§ 270.30 Conditions applicable to all permits.	270-23
Appendix III - List of Halogenated Organic Compounds Regulated Under § 268.32	268-130	§ 270.31 Requirements for recording and reporting of monitoring results.	270-40
Appendix IV - Wastes Excluded From Lab Packs Under the Alternative Treatment Standards of § 268.42(c)	268-130	§ 270.32 Establishing permit conditions.	270-40
Appendix V [Reserved]	268-131	§ 270.33 Schedules of compliance.	270-41
Appendix VI - Recommended Technologies to Achieve Deactivation of Characteristics in § 268.42	268-132	§ 270.34 Health Monitoring and Hazard Identification.	270-41
Appendix VII - Effective Dates of Disposal	268-132	Subsection D – Changes to Permits	270-42
Section VIII - LDR Effective Dates of Injected Prohibited Hazardous Waste	268-138	§ 270.40 Transfer of permits.	270-42
Appendix IX - See 40 CFR, Appendix IX	268-138	§ 270.41 Modification or revocation and reissuance of permits.	270-42
Appendix XI - Metal Bearing Wastes Prohibited From Dilution in a Compuision Unit According to 40 CFR 268.3(c)	268-140	§ 270.42 Permit modification at the request of the Permittee.	270-43
		§ 270.43 Termination of permits.	270-54
		Subsection E – Expiration and Continuation of Permits	
		§ 270.50 Duration of Permits.	270-54
		§ 270.51 Continuation of Expiring Permits	270-54
		Subsection F – Special Forms of Permits	270-54
		§ 270.60 Permits by rule.	270-54
		§ 270.61 Emergency permits.	270-55
		§ 270.62 Hazardous waste incinerator permits.	270-58
		§ 270.63 Permits for land treatment demonstrations using field test or laboratory analyses.	270-58
		§ 270.64 Interim permits for UIC wells.	270-58
		§ 270.65 Research, development, and demonstration permits.	270-59
		§ 270.66 Permits for boilers and industrial furnaces burning hazardous waste.	270-62
		§ 270.67 RCRA standardized permits for storage and treatment units.	
		§ 270.68 Remedial Action Plans (RAPs).	270-62
		Subsection G -- Interim Status	270-62
		§ 270.70 Qualifying for interim status.	270-62
		§ 270.71 Operation during interim status.	270-62
		§ 270.72 Changes during interim status.	270-62
		§ 270.73 Termination of interim status.	270-64
		Subsection H – Remedial Action Plans (RAPs)	270-64
		§ 270.79 Why is this subpart written in a special format?	270-64
		<i>General Information</i>	270-64
		§ 270.80 What is a RAP?	270-64
		§ 270.85 When do I need a RAP?	270-64
		§ 270.90 Does my RAP grant me any rights or relieve me of any obligations?	270-64
		<i>Applying for a RAP</i>	270-65
		§ 270.95 How do I apply for a RAP?	270-65
		§ 270.100 Who must obtain a RAP?	270-65
		§ 270.105 Who must sign the application and any required reports for a RAP?	270-65
		§ 270.110 What must I include in my application for a RAP?	270-65
		§ 270.115 What if I want to keep this information confidential?	270-66
		§ 270.120 To whom must I submit my RAP application?	270-66
		§ 270.125 If I submit my RAP application as part of another document, what must I do?	270-66
		<i>Getting a RAP Approved</i>	270-66

§ 270.130 What is the process for approving or denying my application for a RAP?	270-66
§ 270.135 What must the Director include in a draft RAP?	270-66
§ 270.140 What else must the Director prepare in addition to the draft RAP or notice of intent to deny?	270-66
§ 270.145 What are the procedures for public comment on the draft RAP or notice of intent to deny?	270-67
§ 270.150 How will the Director make a final decision on my RAP application?	270-67
§ 270.155 May the decision to approve or deny my RAP application be administratively appealed?	270-67
§ 270.160 When does my RAP become effective?	270-68
§ 270.165 When may I begin physical construction of new units permitted under the RAP?	270-68

How May my RAP be Modified, Revoked and Reissued, or Terminated? 270-68

§ 270.170 After my RAP is issued, how may it be modified, revoked and reissued, or terminated?	270-68
§ 270.175 For what reasons may the Director choose to modify my final RAP?	270-68
§ 270.180 For what reasons may the Director choose to revoke and reissue my final RAP?	270-69
§ 270.185 For what reasons may the Director choose to terminate my final RAP, or deny my renewal application?	270-69
§ 270.190 May the decision to approve or deny a modification, revocation and reissuance, or termination of my RAP be administratively appealed?	270-69
§ 270.195 When will my RAP expire?	270-70
§ 270.200 How may I renew my RAP if it is expiring?	270-70
§ 270.205 What happens if I have applied correctly for a RAP renewal but have not received approval by the time my old RAP expires?	270-70

Operating Under Your RAP 270-70

§ 270.210 What records must I maintain concerning my RAP?	270-70
§ 270.215 How are time periods in the requirements in this subpart and my RAP computed?	270-70
§ 270.220 How may I transfer my RAP to a new owner or operator?	270-70
§ 270.225 What must the State or EPA Region report about noncompliance with RAPs?	270-71

Obtaining a RAP for an Off-Site Location 270-71

§ 270.230 May I perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated?	270-71
--	--------

Subsection I – Integration with Maximum Achievable Control Technology (MACT) Standards 270-71

§ 270.235 Options for incinerators and cement and lightweight aggregate kilns to minimize emissions from startup, shutdown, and malfunction events	270-71
--	--------

Subsection J—RCRA Standardized Permits for Storage and Treatment Units 270-76

General Information About Standardized Permits 270-76

§ 270.250 What is a RCRA standardized permit?	270-76
§ 270.255 Who is eligible for a standardized permit?	270-76
§ 270.260 What requirements of Section 270 apply to a standardized permit?	270-76

Applying for a Standardized Permit 270-76

§ 270.270 How do I apply for a standardized permit?	270-76
§ 270.275 What information must I submit to the permitting agency to support my standardized permit application?	270-76
§ 270.280 What are the certification requirements?	270-77

Information That Must Be Kept at Your Facility 270-77

§ 270.290 What general types of information must I keep at my facility?	270-77
§ 270.300 What container information must I keep at my facility?	270-78
§ 270.305 What tank information must I keep at my facility?	270-78
§ 270.310 What equipment information must I keep at my facility?	270-79
§ 270.315 What air emissions control information must I keep at my facility?	270-79

Modifying a Standardized Permit
 § 270.320 How do I modify my RCRA standardized permit? 270.79

**Section 273 —
 STANDARDS FOR
 UNIVERSAL WASTE MANAGEMENT**

Subsection A – General 273-1

§ 273.1 Scope.	273-1
§ 273.2 Applicability – Batteries.	273-1
§ 273.3 Applicability – Pesticides.	273-1
§ 273.4 Applicability – Mercury-Containing Devices	273-2
§ 273.5 Applicability – Lamps.	273-3
§ 273.6 Applicability – Consumer Electronic Items	273-3
§ 273.7 [Reserved]	273-3
§ 273.8 Applicability – household and conditionally exempt small quantity generator waste.	273-3
§ 273.9 Definitions.	273-3

Subsection B – Standards for Small Quantity Handlers of Universal Waste 273-4

§ 273.10 Applicability.	273-4
§ 273.11 Prohibitions.	273-4
§ 273.12 Notification.	273-5
§ 273.13 Waste management.	273-5
§ 273.14 Labeling/markings.	273-7
§ 273.15 Accumulation time limits.	273-7
§ 273.16 Employee training.	273-8
§ 273.17 Response to releases.	273-8
§ 273.18 Off-site shipments.	273-8
§ 273.19 Tracking universal waste shipments.	273-8
§ 273.20 Exports.	273-8

Subsection C – Standards for Large Quantity Handlers of Universal Waste 273-9

§ 273.30 Applicability.	273-9
§ 273.31 Prohibitions.	273-9
§ 273.32 Notification.	273-9
§ 273.33 Waste management.	273-9
§ 273.34 Labeling/markings.	273-11
§ 273.35 Accumulation time limits.	273-12
§ 273.36 Employee training.	273-12
§ 273.37 Response to releases.	273-12
§ 273.38 Off-site shipments.	273-12
§ 273.39 Tracking universal waste shipments.	273-13
§ 273.40 Exports.	273-13

Subsection D – Standards for Universal Waste Transporters.

§ 273.50 Applicability.	273-14
§ 273.51 Prohibitions.	273-14
§ 273.52 Waste management.	273-14
§ 273.53 Storage time limits.	273-14
§ 273.54 Response to releases.	273-14
§ 273.55 Off-site shipments	273-14
§ 273.56 Exports.	273-14

Subsection E – Standards for Destination Facilities
 § 273.60 Applicability 273-14

§ 273.61 Off-site shipments.	273-15	§ 279.57 Operating record and reporting.	279-16
§ 273.62 Tracking universal waste shipments.	273-15	§ 279.58 Off-site shipments of used oil.	279-17
Subsection F – Import Requirements	273-15	§ 279.59 Management of residues.	279-17
§ 273.70 Imports.	273-15	Subsection G – Standards for Used Oil Burners Who Burn Off-specification Used Oil for Energy Recovery	
Subsection G – Petitions to Include Other Wastes under § 273	273-15	§ 279.60 Applicability.	279-17
§ 273.80 General.	273-15	§ 279.61 Restrictions on burning.	279-17
§ 273.81 Factors for Petitions to Include Other Wastes under § 273.	273-16	§ 279.62 Notification.	279-18
		*-§ 279.63 Rebuttable presumption for used oil.	279-18
		§ 279.64 Used oil storage.	279-18
		§ 279.65 Tracking.	279-19
		§ 279.66 Notices.	279-19
		§ 279.67 Management of residues.	279-19
Section 279.		Subsection H – Standards for Used Oil Fuel Marketers	
STANDARDS FOR THE MANAGEMENT OF USED OIL		§ 279.70 Applicability.	279-19
Subsection A – Definitions	279-1	§ 279.71 Prohibitions.	279-20
§ 279.1 Definitions.	279-1	§ 279.72 On-specification used oil fuel.	279-20
Subsection B – Applicability	279-2	§ 279.73 Notification.	279-20
§ 279.10 Applicability.	279-2	§ 279.74 Tracking.	279-20
§ 279.11 Used oil specifications.	279-4	§ 279.75 Notices.	279-20
§ 279.12 Prohibitions.	279-4	Subsection I – Standards for Use as a Dust Suppressant and Disposal of Used Oil	
Subsection C – Standards for Used Oil Generators	279-5	§ 279.80 Applicability.	279-21
§ 279.20 Applicability.	279-5	§ 279.81 Disposal.	279-21
§ 279.21 Hazardous waste mixing.	279-6	§ 279.82 Use as a dust suppressant.	279-21
§ 279.22 Used oil storage.	279-6		
§ 279.23 On-site burning in space heaters.	279-6	CHAPTER 3	
§ 279.24 Off-site shipments.	279-6	Section 19	
Subsection D – Standards for Used Oil Collection Centers and Aggregation Points	279-7	Effect Of Federal Regulations	279-22
§ 279.30 Do-it-yourselfer used oil collection centers.	279-7	Section 20	
§ 279.31 Used oil collection centers.	279-7	Authority.	279-22
§ 279.32 Used oil aggregation points owned by the generator.	279-7	Section 21	
Subsection E – Standards for Used Oil Transporter and Transfer Facilities		Definitions.	279-22
§ 279.40 Applicability.	279-7	Section 22	
§ 279.41 Restrictions on transporters who are not also processors or re-refiners.	279-8	State/EPA Memorandum of Agreement	279-22
§ 279.42 Notification.	279-8		
§ 279.43 Used oil transportation.	279-8	CHAPTER 4 [Reserved]	279-22
§ 279.44 Rebuttable presumption for used oil.	279-9		
§ 279.45 Used oil storage at transfer facilities.	279-9	CHAPTER 5	279-22
§ 279.46 Tracking.	279-10	Section 28	
§ 279.47 Management of residues.	279-10	Penalty Policy and Administrative Procedures.	279-22
Subsection F – Standards for Used Oil Processors & Re-refiners		Section 29	
§ 279.50 Applicability.	279-10	Severability.	279-22
§ 279.51 Notification.	279-11	Section 30	
§ 279.52 General facility standards.	279-11	Effective Dates.	279-23
§ 279.53 Rebuttable presumption for used oil.	279-14		
§ 279.54 Used oil management.	279-14		
§ 279.55 Analysis plan.	279-15		
§ 279.56 Tracking.	279-16		

Provisions of APC&EC Regulation No. 23 (Hazardous Waste Management), dated April 23, 2010, 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 ~~June 30, 2009~~ August 31, 2010.

2. Amend Section 260.10, the definition of “New hazardous waste management facility or new facility” by removing the date “October 21, 1976” and adding in its place the date “November 19, 1980”.

§ 260.10 Definitions.

When used in Sections 260 through 279 of this regulation, the following terms have the meanings given below:

* * * * *

“**New hazardous waste management facility**” or “**new facility**” means a facility which began operation, or for which construction commenced after ~~October 21, 1976~~ November 19, 1980. (See also “Existing hazardous waste management facility”.)

* * * * *

3. Amend Section 260 by removing Appendix I.

Appendix I to Section 260 — Overview of Subtitle C Regulations

~~The Department believes that there are many people who suspect, but are not sure, that their activities are subject to control under the RCRA Subtitle C rules. This appendix is written for these people. It is designed to help those who are unfamiliar with the hazardous waste control program to determine with which, if any, of the regulations they should comply.~~

Definition of Solid Waste

~~The first question which such a person should ask himself is: “Is the material I handle a solid waste?” If the answer to this question is “No”, then the material is not subject to control under RCRA and, therefore, the person need not worry about whether he should comply with the Subtitle C rules.~~

~~Section 261.2 of this regulation provides a definition of “solid waste” which expands the statutory definition of that term given in section 1004(27) of RCRA. This definition is diagrammed in Figure 1 below.~~

~~Figure 1 explains that all materials are either: (1) Garbage refuse, or sludge; (2) solid, liquid, semi-solid or contained gaseous material; or (3) something else. No materials in the third category are solid waste. All materials in the first category are solid waste. Materials in the second category are solid waste unless they are one of the five exclusions specified in § 261.4(a).~~

Definition of Hazardous Waste

~~If a person has determined that his material is a “solid waste”, the next question he should ask is: “Is the solid waste I handle a hazardous waste?”~~

~~Hazardous waste is defined in § 261.3 of this regulation. Section 261.3 provides that, in general, a solid waste is a hazardous waste if: (1) It is, or contains, a hazardous waste listed in Subsection D of Section 261 of this regulation, or (2) the waste exhibits any of the characteristics defined in Subsection C of Section 261. However, Sections 260 and 261 also contain provisions which exclude (§§ 261.4(b), 260.20, and 260.22) certain solid wastes from the definition of “hazardous waste”, even though they are listed in Subsection D or exhibit one or more of the characteristics defined in Subsection C. Figure 2 depicts the interplay of these special provisions with the definition of “hazardous waste”. It presents a series of questions which a person should ask himself concerning his waste. After doing so, the per-~~

son should be able to determine if the solid waste he handles is a hazardous waste:

Hazardous Waste Regulations

If this is the case, the person should look at Figure 3. Figure 3 depicts the special provisions specified in the final Section 261 rules for hazardous waste which:

1. Is generated by a small quantity generator
2. Is or is intended to be legitimately and beneficially used, re-used, recycled, or reclaimed
3. Is a sludge; is listed in Section 261, Subsection D; or is a mixture containing a waste listed in Section 261, Subsection D.

For each of these Groups, Figure 3 indicates with which Subtitle C regulations (if any) the person handling these wastes must comply. Figure 3 also explains that, if a person handles hazardous waste which is not included in any one of the above three categories, his waste is subject to the Subtitle C regulations diagrammed in Figure 4.

Figure 4 is a flowchart which identifies the three categories of activities regulated under the Subtitle C rules, and the corresponding set of rules with which people in each of these categories must comply. It points out that all people who handle hazardous waste are either: (1) Generators of hazardous waste, (2) transporters of hazardous waste, (3) owners or operators of hazardous waste treatment, storage, or disposal facilities, or (4) a combination of the above. Figure 4 indicates that all of these people must notify the Department of their hazardous waste activities in accordance with the Section 3010 Notification Procedures (see 45 FR 12746 et seq.), and obtain an EPA identification number.

It should be noted that people handling wastes listed in Subsection D of Section 261 who have filed, or who intend to file an application to exempt their waste from regulation under the Subtitle C rules, must also comply with the notification requirements of RCRA section 3010.

If a person generates hazardous waste, Figure 4 indicates that he must comply with the Section 262 rules. If he transports it, he must comply with the Section 263 rules. The standards in both these sections are designed to ensure, among other things, proper recordkeeping and reporting, the use of a manifest system to track shipments of hazardous waste, the use of proper labels and containers, and the delivery of the waste to a permitted treatment, storage, or disposal facility.

If a person owns or operates a facility which treats, stores, or disposes of hazardous waste, the standards with which he must comply depend on a number of factors. First of all, if the owner or operator of a storage facility is also the person who generates the waste, and the waste is stored at the facility for less than 90 days for subsequent shipment off-site, then the person must comply with § 262.34 of the Section 262 rules.

All other owners or operators of treatment, storage, or disposal facilities must comply with either the Section 264 or the Section 265 rules. To determine with which of these sets of rules an owner or operator must comply, he must find out whether his facility qualifies for interim status. To qualify, the owner or operator must: (1) Have been treating, storing, or disposing of the hazardous waste, or commenced facility construction on or before October 21, 1976, (2) comply with the section 3010 notification requirements, and (3) apply for a permit under Section 270 of this regulation.

If the owner or operator has done all of the above, he qualifies for interim status, and he must comply with the Section 265 rules. These rules contain administrative requirements, monitoring and closure standards, and an abbreviated set of technical and closure and post-closure cost estimate requirements. The owner or operator must comply with these standards until final administrative disposition of his permit application is made. If a permit is issued to the owner or operator, he must then comply with the permit which will be based on the Section 264 rules.

If the owner or operator has not carried out the above three requirements, he does not qualify for interim status. Until he is issued a permit for his facility, the owner or operator must stop waste management operations (if any) at the facility, and send his hazardous waste (if any) to a facility whose owner or operator has interim status or to a storage facility following the Section 262 rules.

In order to apply for a permit, the owner or operator must comply with the procedures specified in Section 270 of this regulation.

It should be noted that the Department will be periodically revising the rules depicted in Figures 3 and 4. All persons are encouraged to call or write to the Department to verify that the regulations which they are reading are

up-to-date. To obtain this verification, contact: Hazardous Waste Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas, 72118-5317; (501) 682-0876.

SECTION 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

4. Amend **Section 261.1(c)(10)** by removing the citation “§ 261.4(a)(13)” and adding in its place the citation “§ 261.4(a)(14)”.

§ 261.1 Purpose and Scope

* * * * *

(c) * * *

(10) “Processed scrap metal” is scrap metal which has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and, fines, drosses and related materials which have been agglomerated. (Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (§ 261.4(a)(13)(14)).

* * * * *

5. Amend **Section 261.2(c), Table 1**, by removing the entry for “Scrap metal other than excluded scrap metal (see § 261.1(c)(9))” and adding in its place the entry “Scrap metal that is not excluded under § 261.4(a)(13)” to read as follows:

§ 261.2 Definition of Solid Waste

* * * * *

(c) * * *

Table 1

	Use constituting disposal §261.2(c)(1) (1)	Energy recovery/fuel §261.2(c)(2) (2)	Reclamation §261.2(c)(3) (3)	Speculative Accumulation § 261.2(c)(4) (4)
Spent Materials	X	X	X	X
Sludges (listed in § 261.31 or § 261.32)	X	X	X	X
Sludges exhibiting a characteristic of	X	X	--	X

hazardous waste				
By-products (listed in § 261.31 or § 261.32)	X	X	X	X
By-products exhibiting a characteristic of hazardous waste	X	X	--	X
Commercial chemical products listed in § 261.33	X	X	--	--
Scrap metal other than excluded scrap metal (see § 261.1(c)(9))	X	X	X	--- X
<u>Scrap metal that is not excluded under § 261.4(a)(13)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>---</u> X

Note: The terms "spent materials", "sludges", "by-product", "scrap metal", and "processed scrap metal" are defined in § 261.1.

6. Amend **Section 261.4**, paragraph (a)(17)(vi) by removing the citation "(a)(7)" and adding in its place the citation "(b)(7)".

§ 261.4 Exclusions.

- (a) * * *
- (vi) For purposes of paragraph ~~(a)~~**(b)**(7) of this section, mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.
- * * * * *

7. Amend **Section 261.5** as follows:
- a. By revising paragraph (b).
 - b. By revising paragraph (e).
 - c. By revising paragraph (f) introductory text.
 - d. By revising paragraph (f)(2).
 - e. By revising paragraph (g) introductory text.
 - f. By revising paragraph (g)(2).

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

* * * * *

(b) Except for those wastes identified in paragraphs (e), (f), (g), and (j) of this section, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under ~~sections 262 through 266, 268, and section 270~~ **Sections 262 through 268 and 270 of this Regulation** and 40 CFR Part 124, and the notification requirements of section 3010 of RCRA, provided the generator complies with the requirements of paragraphs (f), (g), and (j) of this section, and § Section 262.35.

* * * * *

(e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under ~~sections 262 through 266, 268, and section 270~~ **Sections 262 through 268, and 270 of this Regulation**, and 40 CFR Part 124, and the notification requirements of section 3010 of RCRA:

- (1) A total of one kilogram of acute hazardous wastes listed in §§ 261.31, ~~261.32~~ or 261.33(e).
- (2) A total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in §§ 261.31, ~~261.32~~ or 261.33(e).

Note to paragraph (e): "Full regulation" means those regulations applicable to generators of 1,000 kg or greater of hazardous waste in a calendar month.

* * * * *

(f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in paragraphs (e)(1) or ~~(e)~~**(2)** of this section to be excluded from full regulation under this section, the generator must comply with the following requirements:

* * * * *

- (2) The generator may accumulate acute hazardous waste on-site. If he accumulates at any time acute hazardous wastes in quantities greater than those set forth in paragraph (e)(1) or (e)(2) of this section, all of those accumulated wastes are subject to regulation under ~~sections 262 through 266, 268, and section 270~~ **Sections 262 through 268, and 270 of this Regulation**, and 40 CFR Part 124, and the applicable notification requirements of section 3010 of RCRA. The time period of § 262.34(a) of this chapter, for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit;

* * * * *

(g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of ~~less than 100 kilograms~~ **100 kilograms or less** of hazardous waste during a calendar month to be excluded from full regulation under this section, the generator must comply with the following requirements:

* * * * *

- (2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If he accumulates at any time 1,000 kilograms or greater of his hazardous wastes, all of those accumulated wastes are subject to regulation under the special provisions of Section 262 applicable to generators of ~~less than 1000 kg~~ **greater than 100 kg and less than 1000 kg** of hazardous waste in a calendar month as well as the requirements of ~~sections 262 through 266, 268, and section 270~~ **Sections 263 through 268, and 270 of this Regulation** and 40 CFR Part 124, and the applicable

notification requirements of section 3010 of RCRA. The time period of § 262.34(d) for accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes equal or exceed 1000 kilograms;

8. Amend **Section 261.6** as follows:
- a. By revising paragraph (a)(2) introductory text.
 - b. By revising paragraph (a)(2)(ii).
 - c. By revising paragraph (a)(3) introductory text.
 - d. By revising paragraph (c)(1).
 - e. By revising paragraph (d).

The revisions read as follows:

§ 261.6 Requirements for recyclable materials.

(a) ***

(2) The following recyclable materials are not subject to the requirements of this section but are regulated under subsections C through ~~H~~ ~~N~~ of Section 266 of this Regulation and all applicable provisions in Sections ~~268 and~~ 270 of this Regulation, and 40 CFR Part 124.

(ii) Hazardous wastes burned ~~for energy recovery~~ ~~(as defined in § 266.100(a))~~ in boilers and industrial furnaces that are not regulated under Subsection O of Section 264 or 265 of this Regulation (~~Section 266~~, Subsection H);

(3) The following recyclable materials are not subject to regulation under ~~sections 262 through 266, 268, and section 270~~ Section 262 through Sections 268 and 270 of this Regulation, or 40 CFR Part 124, and are not subject to the notification requirements of section 3010 of RCRA:

(c)(1) Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of subsections A through L, AA, BB, and CC of Sections 264 and 265 of this regulation, and under sections 266, ~~267~~, 268, and 270 of this regulation and 40 CFR Part 124 and the notification requirements under section 3010 of RCRA, except as provided in paragraph (a) of this section. (The recycling process itself is exempt from regulation except as provided in § 261.6(d).)

(d) Owners or operators of facilities subject to RCRA permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the requirements of subparts AA and BB of Section 264, 265 ~~or~~ 267 of this regulation.

9. Amend **Section 261.7** as follows:

- a. By revising paragraph (a).
- b. By revising paragraph (b)(1) introductory text.
- c. By revising paragraph (b)(3) introductory text.

The revisions read as follows:

§ 261.7 Residues of hazardous waste in empty containers.

(a)(1) Any hazardous waste remaining in either: an empty container; or 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 268 and 270 of this regulation, or 40 CFR Part 124 or to the notification requirements of section 3010 of RCRA.

(2) Any hazardous waste in either a container that is not empty or an inner liner removed from a container that is not empty, as defined in paragraph (b) of this section, is subject to regulation under sections 261 through 268 and 270 of this Regulation, and 40 CFR 124 and to the notification requirements of section 3010 of RCRA.

(b)(1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in §§ 261.31 ~~261.32~~, or 261.33(e) of this regulation is empty if:

(3) A container or an inner liner removed from a container that has held an acute hazardous waste listed in §§ 261.31, ~~261.32~~, or 261.33(e) is empty if:

10. Amend **Section 261.23** by revising paragraph (a)(8) to read as follows:

§ 261.23 Characteristic of reactivity.

(a) ***

(8) It is a forbidden explosive as defined in ~~49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88~~ 49 CFR 173.54, or is a Division 1.1, 1.2 or 1.3 explosive as defined in 49 CFR 173.50 and 173.53.

11. Amend **Section 261.30** by revising paragraphs (c) and (d) to read as follows:

§ 261.30 General.

* * * * *

(c) Each hazardous waste listed in this subpart is assigned an EPA Hazardous Waste Number which precedes the name of the waste. This number must be used in complying with the notification requirements of Section 3010 of the Act and certain recordkeeping and reporting requirements under Sections 262 through 265, 267, 268, and 270 of this regulation.

(d) The following hazardous wastes listed in § 261.31 ~~or § 261.32~~ are subject to the exclusion limits for acutely hazardous wastes established in § 261.5: EPA Hazardous Wastes Nos. F020, F021, F022, F023, F026 and F027.

12. In **Section 261.31(a)**, the table is amended by revising the entry for F037 to read as follows:

§ 261.31 Hazardous wastes from non-specific sources.

(a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under §§ 260.20 and 260.22 and listed in Appendix IX.

* * * * *

F037 -- Petroleum refinery primary oil/water/solids separation sludge --

Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and ~~oil~~ **oily** cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under § 261.4(a)(12)(i), if those residuals are to be disposed of. (T)

* * * * *

13. In **Section 261.32(a)**, the table is amended as follows:

- a. Under the heading "organic chemicals", revise the entry for "K107".
- b. Remove the heading "Primary copper:".
- c. Remove the heading "Primary lead:".
- d. Remove the heading "Primary zinc:".
- e. Remove the heading "Ferroalloys:"

The revision reads as follows:

§ 261.32 Hazardous wastes from specific sources

(a) * * *
* * * * *

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

* * * * *

14. In **Section 261.33(f)**, the table is amended by revising the entry for U239 to read as follows:

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

* * * * *

(f) * * *

U239 1330-20-7 Benzene, dimethyl- (I,~~T~~)

Appendix VII [Amended]

15. **Section 261, Appendix VII** is amended by removing in its entirety the entries for EPA Hazardous Waste Nos. "K064," "K065," "K066," "K090," and "K091".

16. **Section 261, Appendix XI** is amended by adding a delisting decision for Tokusen Inc., to the end of the table, to read as follows:

Table 1—Waste Excluded From Non-Specific Sources

Facility	Address	Waste description
----------	---------	-------------------

* * * * *

**Tokusen, USA Inc
Conway, AR**

Wastewater Treatment Sludge (EPA Hazardous Waste No. F006) generated at a maximum annual rate of 2,000 cubic yards per calendar year after [Insert date of Commission adoption of this revision] to be disposed of in a Subtitle D landfill. For the exclusion to be valid, Tokusen must implement a verification testing program that meets the following paragraphs:

(1) Delisting Levels: All leachable concentrations for those constituents must not exceed the following levels (mg/L for TCLP).

(A) Inorganic Constituents: Antimony - 0.4; Arsenic - 1.59; Barium - 100; Chromium - 5.0; Cobalt - 0.8; Copper - 91.3; Lead - 2.32; Nickel - 50.5; Selenium - 1.0; Zinc - 748.

(B) Organic Constituents: Acetone - 1950.

(2) Waste Management:

(A) Tokusen must manage as hazardous all WWTP sludge generated, until it has completed initial verification testing described in paragraph (3)(A) and (B), as appropriate, and valid analyses show that paragraph (1) is satisfied and approval is received by EPA.

(B) Levels of constituents measured in the samples of the WWTP sludge that do not exceed the levels set forth in paragraph (1) are non-hazardous. Tokusen can manage and dispose of the non-hazardous 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 can collect one additional sample and perform expedited analyses to verify if the constituent exceeds the delisting level. If this sample confirms the exceedance, Tokusen must, from that point forward, treat all the waste covered by this exclusion as hazardous until it is demonstrated that the waste again meets the levels in paragraph (1). Tokusen must manage and dispose of the waste generated under Subtitle C of RCRA when it becomes aware of any exceedance.

(D) Upon completion of the verification testing described in paragraph 3(A) and (B) as appropriate and the transmittal of the results to EPA, and if the testing results meet the requirements of paragraph (1), Tokusen may proceed to manage its WWTP sludge as non-hazardous waste. If subsequent verification testing indicates an exceedance of the Delisting Levels in paragraph (1), Tokusen must manage the WWTP sludge as a hazardous waste after it has received approval from EPA as described in paragraph (2)(C).

(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 of concern, analyses requiring the use of SW-846 methods incorporated by reference in Section 260.11 of this Regulation must be used without substitution. As applicable, the SW-846 methods might include Methods 8260B, 1311/8260B, 8270C, 6010B, 7470, 9034A, ASTM D-4982B, ASTM D-5049, E413.2. Methods must meet Performance Based Measurement System Criteria in which The Data Quality Objectives are to demonstrate that representative samples of sludge meet the delisting levels in paragraph (1). If EPA judges 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 in writing that testing in paragraph (3)(A) may be replaced by paragraph (3)(B).

(A) Initial Verification Testing: After EPA grants the final exclusion, Tokusen must do the following:

(i) The first sampling event for eight (8) samples will be performed within thirty (30) days of operation after this exclusion becomes final.

(ii) The samples are to be analyzed and compared against the Delisting Levels in paragraph (1).

(iii) Within sixty (60) days after this exclusion becomes final, Tokusen will report initial verification analytical test data for the WWTP sludge, including analytical quality control information. Tokusen must request in writing that EPA allows Tokusen to substitute the Testing conditions in (3)(B) for (3)(A).

(B) Subsequent Verification Testing: Following written notification by EPA, Tokusen may substitute the testing conditions in (3)(B) for (3)(A). Tokusen must continue to monitor operating conditions, and analyze two representative samples of the wastewater treatment sludge for each quarter of operation during the first year of waste generation. If levels of constituents measured in the samples of the WWTP sludge do not exceed the levels set forth in paragraph (1) in two consecutive quarters, Tokusen can manage and dispose of the WWTP sludge according to all applicable solid waste regulations. After the first year of sampling events, one (1) verification sampling test can be performed on two (2) annual samples of the waste treatment sludge. The results are to be compared to the Delisting Levels in paragraph (1).

(C) Termination of Testing:

(i) After the first year of quarterly testings, if the

Delisting Levels in paragraph (1) are met, Tokusen may then request that EPA does not require a quarterly testing.

(ii) Following termination of the quarterly testing, Tokusen must conduct one (1) sampling event on two (2) representative samples for all constituents listed in paragraph (1) annually.

(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 significantly 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), it must notify EPA and ADEQ in writing; it may no longer handle the wastes generated from the new process as non-hazardous until the wastes meet the delisting levels set in paragraph (1) and it has received written approval to do so from EPA and ADEQ.

(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, at its discretion, will consider this sufficient basis to re-open the exclusion as described in paragraph (6). Tokusen must:

(A) Submit the data obtained through paragraph (3) to the Section Chief, Corrective Action and Waste Minimization Section, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Mail Code, (6PD-C) 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 requests them for inspection.

(D) 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. 001 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 can not 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 in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.

(6) Re-Opener:

(A) If, any time 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 level higher than the delisting level allowed by the Division Director in granting the petition, then the facility must report the data, in writing, to the Division Director and ADEQ 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 Division Director 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 Division Director will make a preliminary determination as to whether the reported information requires EPA action to protect human health and/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 Division Director determines that the reported information does require action, EPA's Division Director will notify the facility in writing of the actions the Division Director believes 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 action by EPA is not necessary. The facility shall have 10 days from the date of the Division Director's notice to present such information.

(E) Following the receipt of information from the facility described in paragraph (6)(D) or (if) no information is presented under paragraph (6)(D)) the initial receipt of information described in paragraphs (5), (6)(A) or (6)(B), the Division Director will issue a final written determination describing EPA's actions that are necessary to protect human health and/or the environment. Any required action described in the Division Director's determination shall become effective immediately, unless the Division Director 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 it will transport the delisted waste described above for disposal, 60 days before beginning such activities.

(B) Update one-time written notification, if it ships the delisted waste into a different disposal facility.

(C) Failure to provide this notification will result in a violation of the delisting variance and a possible revocation of the decision.

* * * * *

SECTION 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

17. Amend **Section 262.10** by revising paragraphs (d) and (f) as follows:

§ 262.10 Purpose, scope and applicability.

* * * * *

(d) Any person who exports or imports wastes that are considered hazardous under U.S. national procedures to or from the countries listed in § 262.58(a)(1) of this regulation for recovery must comply with subsection H of this section. A waste is considered hazardous under U.S. national procedures if the waste meets the Federal definition of hazardous waste in 40 CFR 261.3 (§ 261.3 of this regulation) and is subject to either the Federal RCRA manifesting requirements at 40 CFR Part 262, subpart B, the universal waste management standards of 40 CFR part 273, Section 273 of this regulation, the export requirements in the spent lead-acid battery management standards of 40 CFR part 266, subpart G, or Section 266, Subsection G of this regulation.

* * * * *

(f) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of § 262.70 of this regulation is not required to comply with other standards in this Section or sections 270, 264, 265, **267**, or 268 with respect to such pesticides.

* * * * *

18. Amend **Section 262.11** by revising paragraph (d) to read as follows:

§ 262.11 Hazardous waste determination.

* * * * *

(d) If the waste is determined to be hazardous, the generator must refer to Sections 261, 264, 265, 266, **267**, 268, and 273 of this regulation for possible exclusions or restrictions pertaining to management of the specific waste.

19. Amend **Section 262.23** by adding paragraph (f) to read as follows:

§ 262.23 Use of the manifest.

* * * * *

(f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility (following the procedures of §§ 264.72(f) or 265.72(f)) of this regulation, the generator must:

(1) Sign either:

(i) Item 20 of the new manifest if a new manifest is used for the returned shipment;
or

(ii) Item 18c of the original manifest if the original manifest is used for the returned shipment;

(2) Provide the transporter a copy of the manifest;

(3) Within 30 days of delivery of the rejected

shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and

(4) Retain at the generator's site a copy of each manifest for at least three years from the date of delivery.

20. Amend **Section 262.34** as follows:

- a. By revising paragraph (a)(4).
- b. By revising paragraph (b).
- c. By revising paragraph (c)(1) introductory text.
- d. By revising paragraph (c)(2).
- e. By revising paragraph (d)(4).
- f. By revising paragraph (f).
- g. By revising paragraph (i).

The revisions and addition read as follows:

§ 262.34 Accumulation time.

* * * * *

(a)

(4) The generator complies with the requirements for owners or operators in subparts C and D in section 265, with § 265.16, and with ~~268.7(a)(5)~~ all applicable requirements under Section 268.

* * * * *

(b) ~~A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of §§ 264 and 265 and the permit requirements of § 270 unless he has been granted an extension to the 90-day period. A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in §§ 261.31 or 261.33(e) in a calendar month, who accumulates hazardous waste or acute hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of Sections 264, 265, and 267 of this regulation and the permit requirements of Section 270 unless they have been granted an extension to the 90-day period.~~ Such extension may be granted by ADEQ if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Director on a case-by-case basis.

(c)(1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.31 or § 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) or (d) of this section provided he:

* * * * *

(2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in §§ 261.31

or 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this regulation. During the three day period the generator must continue to comply with paragraphs (c)(1)(i) and (ii) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

* * * * *

(d) * * *

(4) The generator complies with the requirements of paragraphs (a)(2) and (a)(3) of this section, the requirements of subsection C of Section 265 of this regulation, ~~the requirements of §268.7(a)(5);~~ with all applicable requirements under Section 268; and

* * * * *

(f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if he must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of Sections 264, 265 and 267, and the permit requirements of Section 270 of this regulation unless he has been granted an extension to the 180-day (or 270-day if applicable) period. Such extension may be granted by ADEQ if hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Director on a case-by-case basis.

* * * * *

(i) A generator accumulating F006 in accordance with paragraphs (g) and (h) of this section who accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more), or who accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements of Sections 264, 265 and 267, and the permit requirements of Section 270 of this regulation unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit. Such extensions and exceptions may be granted by ADEQ if F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) or if more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation limit may be granted at the discretion of the Director on a case-by-case basis.

* * * * *

21. Amend **Section 262.42** as follows:
- a. By revising paragraph (a)(1).
 - b. By revising paragraph (a)(2) introductory text.
 - c. By adding paragraph (c).
- The revisions and addition read as follows:

§ 262.42 Exception reporting.

(a)(1) A generator of ~~greater than~~ 1000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in § 261.31. or § 261.33(e) in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(2) A generator of ~~greater than~~ 1000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in § 261.31. or § 261.33(e) in a calendar month, must submit an Exception Report to the Director if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

- (i) A legible copy of the manifest for which the generator does not have confirmation of delivery;
- (ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

* * * * *

(c) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of Section 264.72(e)(1) through (6) or Section 265.72(e)(1) through (6) of this regulation), the generator must comply with the requirements of paragraph (a) or (b) of this section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of paragraph (a) or (b) of this section for a shipment forwarding such waste to an alternate facility by a designated facility:

(1) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility, and

(2) The 35/45/60-day timeframes begin the date the waste was accepted by the initial

transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

22. **Section 262.55** is amended by revising the introductory text to read as follows:

§ 262.55 Exception reports.

In lieu of the requirements of § 262.42, a primary exporter must file an exception report ~~with the Regional Administrator with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460,~~ if any of the following occurs:

* * * * *

23. **Section 262.58** is revised to read as follows:

§ 262.58 International agreements.

(a) Any person who exports or imports wastes that are considered hazardous under U.S. national procedures to or from designated Member countries of the Organization for Economic Cooperation and Development (OECD) as defined in paragraph (a)(1) of this subsection for purposes of recovery is subject to subsection H of this section. The requirements of subsections E and F of this section do not apply to such exports and imports. A waste is considered hazardous under U.S. national procedures if the waste meets the Federal definition of hazardous waste in 40 CFR 261.3 and is subject to either the Federal RCRA manifesting requirements at 40 CFR part 262, subpart B, the universal waste management standards of 40 CFR part 273, Section 273 of this regulation, the export requirements in the spent lead-acid battery management standards of 40 CFR part 266, subpart G, or Section 266, Subsection G of this regulation.

(1) For the purposes of subpart H, the designated OECD Member countries consist of Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

(2) For the purposes of subpart H of this part, Canada and Mexico are considered OECD Member countries only for the purpose of transit.

(b) Any person who exports hazardous waste to or imports hazardous waste from: a designated OECD Member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any

purpose) remains subject to the requirements of subsections E and F of this section, **and is not subject to the requirements of subsection H of this section.**

24. Amend **Section 262.60(b)** introductory text by removing the citation “§ 262.20(a)” and adding in its place “§ 262.20”.

25. **Section 262 Subsection H** is revised to read as follows:

Subsection H—Trans-boundary Movements of Hazardous Waste for Recovery Within the OECD

§ 262.80 Applicability.

~~(a) The requirements of this subsection apply to imports and exports of wastes that are considered hazardous under U.S. national procedures and are destined for recovery operations in the countries listed in § 262.58(a)(1). A waste is considered hazardous under U.S. national procedures if it meets the Federal definition of hazardous waste in 40 CFR 261.3 and it is subject to either the Federal manifesting requirements at 40 CFR Part 262, Subpart B, to the universal waste management standards of 40 CFR Part 273, or to State requirements analogous to 40 CFR Part 273.~~

(a) The requirements of this subsection apply to imports and exports of wastes that are considered hazardous under U.S. national procedures and are destined for recovery operations in the countries listed in § 262.58(a)(1). A waste is considered hazardous under U.S. national procedures if the waste:

(1) Meets the Federal definition of hazardous waste in 40 CFR 261.3; and

(2) Is subject to either the Federal RCRA manifesting requirements at 40 CFR part 262, subsection B, the universal waste management standards of 40 CFR part 273, Section 273 of this regulation, the export requirements in the spent lead-acid battery management standards of 40 CFR part 266, subpart G, or Section 266, subsection G of this regulation.

(b) Any person (exporter, importer, or recovery facility operator) who mixes two or more wastes (including hazardous and non-hazardous wastes) or otherwise subjects two or more wastes (including hazardous and nonhazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any **notifier exporter** duties, if applicable, under this subsection.

§ 262.81 Definitions.

The following definitions apply to this subsection.

(a) “Competent **authorities authority**” means the regulatory authority or authorities of concerned countries having jurisdiction over **transfrontier trans-boundary** movements of wastes destined for recovery operations.

(b) **“Concerned countries”** ~~Countries concerned~~ means the **exporting and importing** OECD member countries **of export or import** and any OECD member countries of transit.

(c) ~~“Consignee” means the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country.~~

“Country of export” means any designated OECD member country listed in § 262.58(a)(1) from which a trans-boundary movement of hazardous wastes is planned to be initiated or is initiated.

“Country of import” means any designated OECD member country listed in § 262.58(a)(1) to which a trans-boundary movement of hazardous wastes is planned or takes place for the purpose of submitting the wastes to recovery operations therein.

(d) “Country of transit” means any designated OECD member country listed in § 262.58(a)(1) and (a)(2) other than the **exporting or importing** country **of export or country of import** across which a **transfrontier trans-boundary** movement of **hazardous** wastes is planned or takes place.

(e) ~~“Exporting country” means any designated OECD member country in § 262.58(a)(1) from which a transfrontier movement of wastes is planned or has commenced.~~

(f) ~~“Importing country” means any designated OECD country in § 262.58(a)(1) to which a transfrontier movement of wastes is planned or takes place for the purpose of submitting the wastes to recovery operations therein.~~

(g) ~~“Notifier”~~ **“Exporter”** means the person under the jurisdiction of the **exporting** country **of export** who has, or will have at the time the planned **transfrontier trans-boundary** movement commences, possession or other forms of legal control of the wastes and who proposes **their transfrontier trans-boundary** movement **of the hazardous wastes** for the ultimate purpose of submitting them to recovery operations. When the United States (U.S.) is the **exporting** country **of export**, ~~notifier~~ **“exporter”** is interpreted to mean a person domiciled in the United States.

“Importer” means the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the country of import.

“OECD” means the Organization for Economic Cooperation and Development.

(h) “OECD area” means all land or marine areas under the national jurisdiction of any **designated** OECD member country listed in § 262.58. When the regulations refer to shipments to or from an OECD **member** country, this means “OECD area.”

(i) “Recognized trader” means a person who, with appropriate authorization of **concerned** countries ~~concerned~~,

acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate ~~transfrontier~~ trans-boundary movements of wastes destined for recovery operations.

(j) “Recovery facility” means a facility which, under applicable domestic law, is operating or is authorized to operate in the ~~importing~~ country of import to receive wastes and to perform recovery operations on them.

(k) “Recovery operations” means activities leading to resource recovery, recycling, reclamation, direct re-use or alternative uses, ~~as listed in Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988, (available from the Environmental Protection Agency, RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket # F-94-IEHF-FFFFF) and the Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France)~~ which include:

R1 Use as a fuel (other than in direct incineration) or other means to generate energy.

R2 Solvent reclamation/regeneration.

R3 Recycling/reclamation of organic substances which are not used as solvents.

R4 Recycling/reclamation of metals and metal compounds.

R5 Recycling/reclamation of other inorganic materials.

R6 Regeneration of acids or bases.

R7 Recovery of components used for pollution abatement.

R8 Recovery of components used from catalysts.

R9 Used oil re-refining or other reuses of previously used oil.

R10 Land treatment resulting in benefit to agriculture or ecological improvement.

R11 Uses of residual materials obtained from any of the operations numbered R1–R10.

R12 Exchange of wastes for submission to any of the operations numbered R1–R11.

R13 Accumulation of material intended for any operation ~~in Table 2.B~~ numbered R1–R12.

(l) “~~Transfrontier~~ Trans-boundary movement” means any movement of wastes from an area under the national jurisdiction of one OECD member country to an area under the national jurisdiction of another OECD member country.

§ 262.82 General conditions.

(a) Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to either a list of wastes subject to the Green control procedures or a list of wastes subject to the Amber control procedures and by the national procedures of the United States, as

defined in § 262.80(a). The OECD Green and Amber lists are incorporated by reference in § 262.89(d).

(1) Listed wastes subject to the Green control procedures.

(i) Green wastes that are not considered hazardous under U.S. national procedures as defined in § 262.80(a) are subject to existing controls normally applied to commercial transactions.

(ii) Green wastes that are considered hazardous under U.S. national procedures as defined in § 262.80(a) are subject to the Amber control procedures set forth in this subsection.

(2) Listed wastes subject to the Amber control procedures.

(i) Amber wastes that are considered hazardous under U.S. national procedures as defined in § 262.80(a) are subject to the Amber control procedures set forth in this subsection.

(ii) Amber wastes that are considered hazardous under U.S. national procedures as defined in § 262.80(a), are subject to the Amber control procedures in the United States, even if they are imported to or exported from a designated OECD member country listed in § 262.58(a)(1) that does not consider the waste to be hazardous. In such an event, the responsibilities of the Amber control procedures shift as provided:

(A) For U.S. exports, the United States shall issue an acknowledgement of receipt and assume other responsibilities of the competent authority of the country of import.

(B) For U.S. imports, the U.S. recovery facility/importer and the United States shall assume the obligations associated with the Amber control procedures that normally apply to the exporter and country of export, respectively.

(iii) Amber wastes that are not considered hazardous under U.S. national procedures as defined in § 262.80(a), but are considered hazardous by an OECD member country are subject to the Amber control procedures in the OECD Member country that considers the waste hazardous. All responsibilities of the U.S. importer/exporter shift to the importer/exporter of the OECD member country that considers the waste hazardous unless the parties make other arrangements through contracts.¹

(3) Procedures for mixtures of wastes.

(i) A Green waste that is mixed with one

or more other Green wastes such that the resulting mixture is not considered hazardous under U.S. national procedures as defined in § 262.80(a) shall be subject to the Green control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.²

(ii) A Green waste that is mixed with one or more Amber wastes, in any amount, *de minimis* or otherwise, or a mixture of two or more Amber wastes, such that the resulting waste mixture is considered hazardous under U.S. national procedures as defined in § 262.80(a) are subject to the Amber control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.³

(4) Wastes not yet assigned to an OECD waste list are eligible for trans-boundary movements, as follows:

(i) If such wastes are considered hazardous under U.S. national procedures as defined in § 262.80(a), such wastes are subject to the Amber control procedures.

(ii) If such wastes are not considered hazardous under U.S. national procedures as defined in § 262.80(a), such wastes are subject to the Green control procedures.

(b) General conditions applicable to trans-boundary movements of hazardous waste: (1) The waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country;

(2) The trans-boundary movement must be in compliance with applicable international transport agreements; and⁴

(3) Any transit of waste through a non-OECD member country must be conducted in compliance with all applicable international and national laws and regulations.

(c) Provisions relating to re-export for recovery to a third country: (1) Re-export of wastes subject to the Amber control procedures from the United States, as the country of import, to a third country listed in § 262.58(a)(1) may occur only after an exporter in the United States provides notification to and obtains consent from the competent authorities in the third country, the original country of export, and any transit countries. The notification must comply with the notice and consent procedures in § 262.83 for all countries concerned and the original country of export. The competent authorities of the original country of export, as well as the competent authorities of all other countries concerned have thirty (30) days to object to the proposed movement.

(i) The thirty (30) day period begins once the competent authorities of both the initial

country of export and new country of import issue Acknowledgements of Receipt of the notification.

(ii) The trans-boundary movement may commence if no objection has been lodged after the thirty (30) day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries.

(2) In the case of re-export of Amber wastes to a country other than those listed in § 262.58(a)(1), notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in paragraph (c)(1) of this section, in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first country of import.

(d) Duty to return or re-export waste subject to the Amber control procedures. When a trans-boundary movement of wastes subject to the Amber control procedures cannot be completed in accordance with the terms of the contract or the consent(s) and alternative arrangements cannot be made to recover the waste in an environmentally sound manner in the country of import, the waste must be returned to the country of export or reexported to a third country. The provisions of paragraph (c) of this section apply to any shipments to be reexported to a third country. The following provisions apply to shipments to be returned to the country of export as appropriate:

(1) Return from the United States to the country of export: The U.S. importer must inform EPA at the specified address in § 262.83(b)(1)(i) of the need to return the shipment. EPA will then inform the competent authorities of the countries of export and transit, citing the reason(s) for returning the waste. The U.S. importer must complete the return within ninety (90) days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another timeframe agreed to by the concerned member countries. If the return shipment will cross any transit country, the return shipment may only occur after EPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the U.S. importer.

(2) Return from the country of import to the United States: The U.S. exporter must provide for the return of the hazardous waste shipment within ninety (90) days from the time the country of import informs EPA of the need to return the

waste or such other period of time as the concerned member countries agree. The U.S. exporter must submit an exception report to EPA in accordance with § 262.87(b).

(e) Duty to return wastes subject to the Amber control procedures from a country of transit. When a trans-boundary movement of wastes subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover these wastes in an environmentally sound manner, the waste must be returned to the country of export. The following provisions apply as appropriate:

(1) Return from the United States (as country of transit) to the country of export: The U.S. transporter must inform EPA at the specified address in § 262.83(b)(1)(i) of the need to return the shipment. EPA will then inform the competent authority of the country of export, citing the reason(s) for returning the waste. The U.S. transporter must complete the return within ninety (90) days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another timeframe agreed to by the concerned member countries.

(2) Return from the country of transit to the United States (as country of export): The U.S. exporter must provide for the return of the hazardous waste shipment within ninety (90) days from the time the competent authority of the country of transit informs EPA of the need to return the waste or such other period of time as the concerned member countries agree. The U.S. exporter must submit an exception report to EPA in accordance with § 262.87(b).

(f) Requirements for wastes destined for and received by R12 and R13 facilities. The trans-boundary movement of wastes destined for R12 and R13 operations must comply with all Amber control procedures for notification and consent as set forth in § 262.83 and for the movement document as set forth in § 262.84. Additional responsibilities of R12/R13 facilities include:

(1) Indicating in the notification document the foreseen recovery facility or facilities where the subsequent R1–R11 recovery operation takes place or may take place.

(2) Within three (3) days of the receipt of the wastes by the R12/R13 recovery facility or facilities, the facility(ies) shall return a signed copy of the movement document to the exporter and to the competent authorities of the countries of export and import. The facility(ies) shall retain the original of the movement document for three (3) years.

(3) As soon as possible, but no later than thirty

(30) days after the completion of the R12/R13 recovery operation and no later than one (1) calendar year following the receipt of the waste, the R12 or R13 facility(ies) shall send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, by mail, email without digital signature followed by mail, or fax followed by mail.

(4) When an R12/R13 recovery facility delivers wastes for recovery to an R1–R11 recovery facility located in the country of import, it shall obtain as soon as possible, but no later than one (1) calendar year following delivery of the waste, a certification from the R1–R11 facility that recovery of the wastes at that facility has been completed. The R12/R13 facility must promptly transmit the applicable certification to the competent authorities of the countries of import and export, identifying the trans-boundary movements to which the certification pertain.

(5) When an R12/R13 recovery facility delivers wastes for recovery to an R1–R11 recovery facility located:

(i) In the initial country of export, Amber control procedures apply, including a new notification;

(ii) In a third country other than the initial country of export, Amber control procedures apply, with the additional provision that the competent authority of the initial country of export shall also be notified of the trans-boundary movement.

(g) Laboratory analysis exemption The trans-boundary movement of an Amber waste is exempt from the Amber control procedures if it is in certain quantities and destined for laboratory analysis to assess its physical or chemical characteristics, or to determine its suitability for recovery operations. The quantity of such waste shall be determined by the minimum quantity reasonably needed to perform the analysis in each particular case adequately, but in no case exceed twenty-five kilograms (25 kg). Waste destined for laboratory analysis must still be appropriately packaged and labeled.

§ 262.83 Notification and consent.

(a) *Applicability.* Consent must be obtained from the competent authorities of the relevant OECD ~~importing and exporting~~ countries **of import and transit** prior to exporting hazardous waste destined for recovery operations subject to this Subsection. Hazardous wastes subject to the ~~amber-list~~

controls Amber control procedures are subject to the requirements of paragraph (b) of this section; and wastes not identified on any list are subject to the requirements of paragraph (c) of this section.

~~(b) Amber-list wastes. The export from the U.S. of hazardous wastes as described in § 262.80(a) that appear on the amber list is prohibited unless the notification and consent requirements of paragraph (b)(1) or paragraph (b)(2) of this section are met:~~

~~(1) Transactions requiring specific consent:~~

~~(i) Notification. At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written notification in English of the proposed transfrontier movement to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in paragraph (c) of this section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year:~~

~~(ii) Tacit consent. If no objection has been lodged by any concerned country (i.e., exporting, importing, or transit countries) to a notification provided pursuant to paragraph (b)(1)(i) of this section within 30 days after the date of issuance of the Acknowledgment of Receipt of notification by the competent authority of the importing country, the transfrontier movement may commence. Tacit consent expires one calendar year after the close of the 30 day period; renotification and renewal of all consents is required for exports after that date:~~

~~(iii) Written consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the transfrontier movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date:~~

~~(2) Shipments to facilities pre-approved by the competent authorities of the importing countries to accept specific wastes for recovery:~~

~~(i) The notifier must provide EPA the information identified in paragraph (c) of this section in English, at least 10 days in advance of commencing shipment to a pre-approved facility. The notification should indicate that the recovery facility is pre-approved, and may apply to a single specific shipment or to multiple shipments as described in paragraph (b)(1)(i) of this section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, with the words "OECD Export Notification--Pre-approved Facility" prominently displayed on the envelope:~~

~~(ii) Shipments may commence after the notification required in paragraph (b)(1)(i) of this section has been received by the competent authorities of all concerned countries, unless the notifier has received information indicating that the competent authorities of one or more concerned countries objects to the shipment.~~

(b) Amber wastes. Exports of hazardous wastes from the United States as described in § 262.80(a) that are subject to the Amber control procedures are prohibited unless the notification and consent requirements of paragraph (b)(1) or paragraph (b)(2) of this section are met.

(1) Transactions requiring specific consent:

(i) Notification. At least forty-five (45) days prior to commencement of each trans-boundary movement, the exporter must provide written notification in English of the proposed trans-boundary movement to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in paragraph (d) of this section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, the same RCRA waste codes, and are to be sent periodically to the same recovery facility by the same exporter, the exporter may submit one general notification of intent to

export these wastes in multiple shipments during a period of up to one (1) year. Even when a general notification is used for multiple shipments, each shipment still must be accompanied by its own movement document pursuant to § 262.84.

(ii) Tacit consent. If no objection has been lodged by any countries concerned (i.e., exporting, importing, or transit) to a notification provided pursuant to paragraph (b)(1)(i) of this section within thirty (30) days after the date of issuance of the Acknowledgement of Receipt of notification by the competent authority of the country of import, the trans-boundary movement may commence. Tacit consent expires one (1) calendar year after the close of the thirty (30) day period; renotification and renewal of all consents is required for exports after that date.

(iii) Written consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than thirty (30) days, the trans-boundary movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one (1) calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.

(2) Trans-boundary movements to facilities pre-approved by the competent authorities of the importing countries to accept specific wastes for recovery:

(i) Notification. The exporter must provide EPA a notification that contains all the information identified in paragraph (d) of this section in English, at least ten (10) days in advance of commencing shipment to a preapproved facility. The notification must indicate that the recovery facility is preapproved, and may apply to a single specific shipment or to multiple shipments as described in paragraph (b)(1)(i) of this section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, with the words "OECD Export Notification—Pre-approved Facility" prominently

displayed on the envelope. General notifications that cover multiple shipments as described in paragraph (b)(1)(i) of this section may cover a period of up to three (3) years. Even when a general notification is used for multiple shipments, each shipment still must be accompanied by its own movement document pursuant to § 262.84.

(ii) Exports to pre-approved facilities may take place after the elapse of seven (7) working days from the issuance of an Acknowledgement of Receipt of the notification by the competent authority of the country of import unless the exporter has received information indicating that the competent authority of any countries concerned objects to the shipment.

~~(e) Red-list wastes. The export from the U.S. of hazardous wastes as described in § 262.80(a) that appear on the red list is prohibited unless notice is given pursuant to paragraph (b)(1)(i) of this section and the notifier receives written consent from the importing country and any transit countries prior to commencement of the transfrontier movement.~~

(c) Wastes not covered in the OECD Green and Amber lists. Wastes destined for recovery operations, that have not been assigned to the OECD Green and Amber lists, incorporated by reference in § 262.89(d), but which are considered hazardous under U.S. national procedures as defined in § 262.80(a), are subject to the notification and consent requirements established for the Amber control procedures in accordance with paragraph (b) of this section. Wastes destined for recovery operations, that have not been assigned to the OECD Green and Amber lists incorporated by reference in § 262.89(d), and are not considered hazardous under U.S. national procedures as defined by § 262.80(a) are subject to the Green control procedures.

~~(d) Unlisted wastes. Wastes not assigned to the green, amber, or red list that are considered hazardous under U.S. national procedures as defined in § 262.80(a) are subject to the notification and consent requirements established for red-list wastes in accordance with paragraph (c) of this section. Unlisted wastes that are not considered hazardous under U.S. national procedures as defined in § 262.80(a) are not subject to amber or red controls when exported or imported.~~

(d) Notifications submitted under this section must include the information specified in paragraphs (d)(1) through (d)(14) of this section: (1) Serial number or other accepted identifier of the notification document;

(2) Exporter name and EPA identification number (if applicable), address, telephone, fax numbers, and email address;

(3) Importing recovery facility name, address, telephone, fax numbers, e-mail address, and technologies employed;

(4) Importer name (if not the owner or operator

of the recovery facility), address, telephone, fax numbers, and email address; whether the importer will engage in waste exchange recovery operation R12 or waste accumulation recovery operation R13 prior to delivering the waste to the final recovery facility and identification of recovery operations to be employed at the final recovery facility;

(5) Intended transporter(s) and/or their agent(s); address, telephone, fax, and e-mail address;

(6) Country of export and relevant competent authority, and point of departure;

(7) Countries of transit and relevant competent authorities and points of entry and departure;

(8) Country of import and relevant competent authority, and point of entry;

(9) Statement of whether the notification is a single notification or a general notification. If general, include period of validity requested;

(10) Date(s) foreseen for commencement of trans-boundary movement(s);

(11) Means of transport envisaged;

(12) Designation of waste type(s) from the appropriate OECD list incorporated by reference in § 262.89(d), description(s) of each waste type, estimated total quantity of each, RCRA waste code, and the United Nations number for each waste type;

(13) Specification of the recovery operation(s) as defined in § 262.81.

(14) Certification/Declaration signed by the exporter that states:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or shall be in force covering the trans-boundary movement.

Name: _____ Signature: _____ Date: _____

Note to Paragraph (d)(14): The United States does not currently require financial assurance for these waste shipments. However, U.S. exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.

~~(e) Notification information. Notifications submitted under this section must include:~~

~~(1) Serial number or other accepted identifier of the notification form;~~

~~(2) Notifier name and EPA identification number (if applicable), address, and telephone and telefax numbers;~~

~~(3) Importing recovery facility name, address, telephone and telefax numbers, and technologies employed;~~

~~(4) Consignee name (if not the owner or operator of the recovery facility) address, and telephone and telefax numbers; whether the consignee will engage in waste exchange or storage prior to delivering the~~

~~waste to the final recovery facility and identification of recovery operations to be employed at the final recovery facility;~~

~~(5) Intended transporters and/or their agents;~~

~~(6) Country of export and relevant competent authority, and point of departure;~~

~~(7) Countries of transit and relevant competent authorities and points of entry and departure;~~

~~(8) Country of import and relevant competent authority, and point of entry;~~

~~(9) Statement of whether the notification is a single notification or a general notification. If general, include period of validity requested;~~

~~(10) Date foreseen for commencement of transfrontier movement;~~

~~(11) Designation of waste type(s) from the appropriate list (amber or red and waste list code), descriptions of each waste type, estimated total quantity of each, RCRA waste code, and United Nations number for each waste type; and~~

~~(12) Certification/Declaration signed by the notifier that states:~~

~~I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement.~~

~~Name: _____~~

~~Signature: _____~~

~~Date: _____~~

~~Note to paragraph (e)(12): The U.S. does not currently require financial assurance; however, U.S. exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.~~

(e) Certificate of Recovery. As soon as possible, but no later than thirty (30) days after the completion of recovery and no later than one (1) calendar year following receipt of the waste, the U.S. recovery facility shall send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import by mail, e-mail without a digital signature followed by mail, or fax followed by mail. The certificate of recovery shall include a signed, written and dated statement that affirms that the waste materials were recovered in the manner agreed to by the parties to the contract required under § 262.85.

§ 262.84 Tracking Movement document.

(a) All U.S. parties subject to the contract provisions of § 262.85 must ensure that a **tracking movement** document meeting the conditions of **§ 262.84(b) paragraph (b) of this section** accompanies each **transfrontier trans-boundary** movement of wastes subject to the **amber-list or red-list Amber control procedures** from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored and/or **sorted exchanged** by the **consignee importer** prior to shipment to the final recovery

facility, except as provided in ~~§ 262.84~~ **paragraphs (a)(1) and (2) of this section.**

(1) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must forward the **tracking movement** document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water, (in accordance with the manifest routing procedures at § 262.23(c)).

(2) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must forward the **tracking movement** document with the manifest (in accordance with the routing procedures for the manifest in § 262.23(d)) to the next non-rail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.

(b) The **tracking movement** document must include all information required under § 262.83 (for notification), as well as the following **paragraphs (b)(1) through (b)(7) of this section:**

- (1) Date movement commenced;
- (2) Name (if not **notifier exporter**), address, telephone, fax numbers, and e-mail of primary exporter;
- (3) Company name and EPA ID number of all transporters;
- (4) Identification (license, registered name or registration number) of means of transport, including types of packaging envisaged;
- (5) Any special precautions to be taken by transporter(s);
- (6) Certification/declaration signed by the **notifier exporter** that no objection to the shipment has been lodged, as follows:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or shall be in force covering the trans-boundary movement, and that:

1. All necessary consents have been received; OR
2. The shipment is directed to a recovery facility within the OECD area and no objection has been received from any of the countries concerned within the thirty (30) day tacit consent period; OR
3. The shipment is directed to a recovery facility pre-approved for that type of waste within the OECD area; such an authorization has not been revoked, and no objection has been received from any of the countries concerned.

(Delete sentences that are not applicable)

Name: _____

Signature: _____

Date: _____

(7) Appropriate signatures for each custody transfer (e.g., transporter, **consignee importer**, and owner or operator of the recovery facility).

(c) **Notifiers Exporters** also must comply with the special manifest requirements of 40 CFR 262.54(a), (b), (c), (e), and (i) and **consignees importers** must comply with the

import subsection F.

(d) Each U.S. person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the **tracking movement** document (e.g., transporter, **consignee importer**, and owner or operator of the recovery facility).

(e) Within three (3) working days of the receipt of imports subject to this subsection, the owner or operator of the U.S. recovery facility must send signed copies of the **tracking movement** document to the **notifier exporter**, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and to the competent authorities of the countries of export and transit. **If the concerned U.S. recovery facility is a R12/R13 recovery facility as defined under § 262.81, the facility shall retain the original of the movement document for three (3) years.**

§ 262.85 Contracts.

(a) ~~Transfrontier movements of hazardous wastes subject to amber or red control procedures~~ **Trans-boundary movements of hazardous wastes subject to the Amber control procedures** are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the **notifier exporter** and the owner or operator of the recovery facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

(b) Contracts or equivalent arrangements must specify the name and EPA ID number, where available, of **paragraph (b)(1) through (b)(4) of this section:**

- (1) The generator of each type of waste;
- (2) Each person who will have physical custody of the wastes;
- (3) Each person who will have legal control of the wastes; and
- (4) The recovery facility.

(c) Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if their disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify that:

- (1) The person having actual possession or physical control over the wastes will immediately inform the **notifier exporter** and the competent authorities of the countries of export and import and, if the wastes are located in a country of transit,

the competent authorities of that country; and

(2) The person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of wastes **and, as the case may be, shall provide the notification for re-export.**

(d) Contracts must specify that the **consignee importer** will provide the notification required in § 262.82(c) prior to the re-export of controlled wastes to a third country.

(e) Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements.

Note to Paragraph (e): Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD Member countries do. It is the responsibility of the exporter to ascertain and comply with such requirements; in some cases, transporters or importers may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

(f) Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this subsection.

(g) Upon request by EPA, U.S. **notifiers exporters, consignees importers**, or recovery facilities must submit to EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 40 CFR 2.203(b) will be treated as confidential and will be disclosed by EPA only as provided in 40 CFR 260.2.

Note to Paragraph (g): Although the United States does not require routine submission of contracts at this time, the OECD Decision allows Member countries to impose such requirements. When other OECD Member countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, EPA will request the required information; absent submission of such information, some OECD Member countries may deny consent for the proposed movement.

§ 262.86 Provisions relating to recognized traders.

(a) A recognized trader who takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so authorized in accordance with all applicable Federal laws.

(b) A recognized trader acting as **a notifier or consignee an exporter or importer** for **transfrontier trans-boundary** shipments of waste must comply with all the requirements of this subsection associated with being **a notifier or consignee an exporter or importer**.

§ 262.87 Reporting and recordkeeping.

(a) *Annual reports.* For all waste movements subject to this subsection, persons (e.g., **notifiers exporters**, recognized traders) who meet the definition of primary exporter in § 262.51 **or who initiate the movement documentation under § 262.84** shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter **or the person who initiates the movement document under § 262.84** is required to file an annual report for waste exports that are not covered under this subsection, he may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD Member countries is contained in a separate section.) Such reports shall include **all of the following paragraphs (a)(1) through (a)(6) of this section specified as follows:**

(1) The EPA identification number, name, and mailing and site address of the **notifier exporter** filing the report;

(2) The calendar year covered by the report;

(3) The name and site address of each final recovery facility;

(4) By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from 40 CFR part 261, subpart C or D), designation of waste type(s) and applicable waste code(s) from the appropriate OECD waste list **incorporated by reference in § 262.89(d)**, DOT hazard class, the name and U.S. EPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this subsection, and number of shipments pursuant to each notification;

(5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100kg but less than 1,000kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to § 262.41:

(i) A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and

(ii) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

(6) A certification signed by the person acting as primary exporter **or initiator of the movement**

document under § 262.84 that states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

(b) *Exception reports.* Any person who meets the definition of primary exporter in § 262.51 or who initiates the movement document under § 262.84 must file an exception report in lieu of the requirements of § 262.42 (if applicable) with the ~~Administrator~~ Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, if any of the following occurs:

(1) He has not received a copy of the tracking documentation RCRA hazardous waste manifest (if applicable) signed by the transporter stating identifying the point of departure of the waste from the United States, within forty-five (45) days from the date it was accepted by the initial transporter;

(2) Within ninety (90) days from the date the waste was accepted by the initial transporter, the exporter notifier has not received written confirmation from the recovery facility that the hazardous waste was received;

(3) The waste is returned to the United States.

(c) *Recordkeeping.* (1) Persons who meet the definition of primary exporter in § 262.51 or who initiate the movement document under § 262.84 shall keep the following records in paragraphs (c)(1)(i) through (c)(1)(iv) of this section:

(i) A copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries concerned for a period of at least three (3) years from the date the hazardous waste was accepted by the initial transporter;

(ii) A copy of each annual report for a period of at least three (3) years from the due date of the report;

(iii) A copy of any exception reports and a copy of each confirmation of delivery (*i.e.*, tracking movement document) sent by the recovery facility to the exporter notifier for at least three (3) years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable; and

(iv) A copy of each certificate of recovery sent by the recovery facility to the exporter for at least three (3) years from the date that the recovery facility completed processing the waste shipment.

(2) The periods of retention referred to in this

section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

§ 262.88 Pre-approval for U.S. recovery facilities [Reserved].

§ 262.89 OECD waste lists.

(a) *General.* For the purposes of this subsection, a waste is considered hazardous under U.S. national procedures, and hence subject to this subsection, if the waste:

(1) Meets the Federal definition of hazardous waste in 40 CFR 261.3; and

(2) Is subject to either the Federal RCRA manifesting requirements at 40 CFR part 262, subpart B, the universal waste management standards of 40 CFR part 273, State requirements analogous to 40 CFR part 273, the export requirements in the spent lead-acid battery management standards of 40 CFR part 266, subpart G, or State requirements analogous to the export requirements in 40 CFR part 266, subsection G.

(b) If a waste is hazardous under paragraph (a) of this section and it appears on the amber or red list, it is subject to amber or red list requirements respectively the Amber control procedures, regardless of whether it appears in Appendix 4 of the OECD Decision, as defined in § 262.81.

(c) The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in § 262.82.

(d) The OECD waste lists, as set forth in Annex B (“Green List”) and Annex C (“Amber List”) (collectively “OECD waste lists”) of the 2009 “Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Trans-boundary Movements of Wastes Destined for Recovery Operations,” are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This material is incorporated as it exists on the date of the approval and a notice of any change in these materials will be published in the Federal Register. The materials are available for inspection at: the U.S. Environmental Protection Agency, Docket Center Public Reading Room, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004 (Docket # EPA-HQ-RCRA-2005-0018) or at the National Archives and Records Administration (NARA), and may be obtained from the Organization for Economic Cooperation and Development, Environment Directorate, 2 rue Andre’ Pascal, F-75775 Paris Cedex 16, France. For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal->

[register/cfr/ibr-locations.html](#). To contact the EPA Docket Center Public Reading Room, call (202) 566-1744. To contact the OECD, call +33 (0) 1 45 24 81 67.

¹ **Note to Paragraph (a)(2):** Some wastes subject to the Amber control procedures are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the Amber control procedures of this subsection. Regardless of the status of the waste under RCRA, however, other Federal environmental statutes (e.g., the Toxic Substances Control Act) restrict certain waste imports or exports. Such restrictions continue to apply with regard to this subsection.

² **Note to Paragraph (a)(3)(i):** The regulated community should note that some OECD Member countries may require, by domestic law, that mixtures of different Green wastes be subject to the Amber control procedures.

³ **Note to Paragraph (a)(3)(ii):** The regulated community should note that some OECD Member countries may require, by domestic law, that a mixture of a Green waste and more than a *de minimis* amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

⁴ **Note to Paragraph (b)(2):** These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

SECTION 263—STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

26. Section 263.10(d) is amended by revising paragraph (d) to read as follows:

§ 263.10 Scope.

* * * * *

(d) A transporter of hazardous waste subject to the Federal manifesting requirements of 40 CFR part 262, or subject to the waste management standards of 40 CFR part 273, or subject to Section 273 of this Regulation, that is being imported from or exported to any of the countries listed in 40 CFR 262.58(a)(1) for purposes of recovery is subject to this Subsection and to all other relevant requirements of subsection H of 40 CFR part 262, including, but not limited to, 40 CFR 262.84 for **tracking movement** documents.

* * * * *

27. Revise Section 263.12 to read as follows:

§ 263.12 Transfer facility requirements.

A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of § 262.30 at a transfer facility for a period of ten days or less is

not subject to regulation under Sections 264, 265, [267](#), 268, and 270 of this regulation with respect to the storage of those wastes.

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

28. Amend Section 264.52(b) in the first sentence by removing the words “, or part 1510 of chapter V”.

29. Amend Section 264.56(d)(2) introductory text by removing the parenthetical phrase “(in the applicable regional contingency plan under part 1510 of this title)”.

30. Section 264.12 is amended by revising paragraph (a)(2) to read as follows:

§ 264.12 Required notices.

(a) * * *

(2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR part 262, subpart H must provide a copy of the **tracking movement** document bearing all required signatures to the **foreign exporter notifier**; to the Office of Enforcement and Compliance Assurance, Office of **Compliance, Enforcement Planning, Targeting and Data Division (2222A) Federal Activities, International Compliance Assurance Division (2254A)**, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to the competent authorities of all other countries concerned within three (3) working days of receipt of the shipment. The original of the signed movement document must be maintained at the facility for at least three (3) years. **In addition, such owner or operator shall, as soon as possible, but no later than thirty (30) days after the completion of recovery and no later than one (1) calendar year following the receipt of the hazardous waste, send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to EPA’s Office of Enforcement and**

Compliance Assurance at the above address by mail, e-mail without a digital signature followed by mail, or fax followed by mail.

31. Section 264.52(b) is amended by removing the words, "or Part 1510 of chapter V..."

§ 264.52 Content of contingency plan.

(b) If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112, ~~or part 1510 of Chapter V, CFR,~~ or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Section.

32. Section 264.56(d)(2) is amended by removing the parenthetical phrase in the first sentence ad follos:

§ 264.56 Emergency procedures.

(d) ***

(2) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area, ~~(in the applicable regional contingency plan under 40 CFR Part 1510)~~ or the National Response Center (using their 24-hour toll free number, 1-800-424-8802). The report must include:

33. Section 264.71 is amended by revising paragraphs (a)(3) and (d) to read as follows:

§ 264.71 Use of manifest system.

(a) ***

(3) If a facility receives hazardous waste imported from a foreign source, the receiving facility must mail a copy of the manifest and documentation confirming EPA's consent to the import of hazardous waste to the following address within thirty (30) days of delivery: ~~International Compliance Assurance Division,)FA/OECA (2254A), U.S. Environmental Protection Agency, Ariel Rios Building~~ Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

(d) Within three (3) working days of the receipt of a shipment subject to 40 CFR part 262, subsection H, the owner or operator of a facility must provide a copy of the tracking movement document bearing all required signatures to the ~~notifier exporter,~~ to the ~~International Compliance Assurance Division,)FA/OECA (2254A), U.S. Environmental Protection Agency, 401 M Street, SW~~ Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the tracking movement document must be maintained at the facility for at least three (3) years from the date of signature.

34. Amend Section 264.72 as follows:

- a. By revising paragraph (e)(6).
- b. By revising paragraph (f)(1).
- c. By revising paragraph (f)(7).
- d. By adding paragraph (f)(8).

The revisions and addition read as follows:

§ 264.72 Manifest discrepancies.

(e) ***

(6) Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation, and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.

(f) ***

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

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

(3), (4), (5), (6), and (8) of this subsection.

(8) For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in § 262.42(a) of this regulation.

* * * * *

35. In **Section 264.314**, amend paragraph (d) introductory text by revising “(e)(1)” to read “(d)(1)” and by revising “(e)(2)” to read “(d)(2)”.

36. In **Section 264.316**, amend paragraph (b) by removing the citation “§ 264.314(e)” and adding in its place “§ 264.314(d)”.

37. Amend **Section 264.552** as follows:

a. In paragraph (a)(3)(ii), remove the citation “§ 264.314(d)” and add in its place “§ 264.314(c)”;

b. In paragraph (a)(3)(iii), remove the citation “§ 264.314(f)” and add in its place “§ 264.314(e)”;

c. In paragraph (a)(3)(iv), remove the citation “§ 264.314(c)” and add in its place “§ 264.314(b)” and remove the citation “§ 264.314(e)” and add in its place “§ 264.314(d)”;

d. In paragraph (e)(4)(iv)(F), remove the citation “260.11(a)(11)” and add in its place “§ 260.11(c)(3)(v)”.

38. **Section 264.1062** is amended by removing paragraph (a)(2) and redesignating paragraph (a)(1) as paragraph (a).

§ 264.1062 Alternative standards for valves in gas/vapor service or in light liquid service; skip period leak detection and repair.

(a)(+) An owner or operator subject to the requirements of § 264.1057 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in paragraphs (b) (2) and (3) of this section.

~~(2) An owner or operator must notify the Director before implementing one of the alternative work practices:~~

* * * * *

SECTION 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE,

AND DISPOSAL FACILITIES

39. **Section 265.12** is amended by revising paragraph (a)(2) to read as follows:

§ 265.12 Required notices.

(a) * * *

(2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR part 262, subpart H must provide a copy of the movement document bearing all required signatures to the **notifier foreign exporter**; to the Office of Enforcement and Compliance Assurance, ~~Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460~~ **Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460**; and to the competent authorities of all other **concerned** countries concerned within three (3) working days of receipt of the shipment. The original of the signed movement document must be maintained at the facility for at least three (3) years. **In addition, such owner or operator shall, as soon as possible, but no later than thirty (30) days after the completion of recovery and no later than one (1) calendar year following the receipt of the hazardous waste, send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to EPA’s Office of Enforcement and Compliance Assurance at the above address by mail, e-mail without a digital signature followed by mail, or fax followed by mail.**

* * * * *

40. Amend paragraph **Section 265.52(b)** in the first sentence by removing the words “or part 1510 of chapter V”.

41. Amend **Section 265.56(d)(2)** by removing the parenthetical phrase “(in the applicable regional contingency plan under part 1510 of this title)”.

42. **Section 265.71** is amended by revising paragraphs (a)(3) and (d) to read as follows:

§ 265.71 Use of manifest system.

(a) * * *

(3) If a facility receives hazardous waste imported from a foreign source, the receiving facility must mail a copy of the manifest ~~to the following address within 30 days of delivery:~~ and documentation confirming EPA's consent to the import of hazardous waste to the following address within thirty (30) days of delivery: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

* * * * *

(d) Within three (3) working days of the receipt of a shipment subject to 40 CFR part 262, subpart H, the owner or operator of a facility must provide a copy of the ~~movement tracking document~~ bearing all required signatures to the ~~notifier exporter,~~ to the Office of Enforcement and Compliance Assurance, ~~Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460,~~ Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and to competent authorities of all other ~~concerned~~ countries concerned. The original copy of the ~~movement tracking~~ document must be maintained at the facility for at least three (3) years from the date of signature.

* * * * *

43. Amend **Section 265.72** as follows:

- a. By revising paragraph (e)(6).
- b. By revising paragraph (f)(1).
- c. By revising paragraph (f)(7).
- d. By adding paragraph (f)(8).

The revisions and addition read as follows:

§ 265.72 Manifest discrepancies.

* * * * *

(e) * * *

(6) Sign the Generator's/Offerrer's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation, and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.

* * * * *

(f) * * *

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

then write the facility's site address in the designated space for Item 5 of the new manifest.

* * * * *

(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the alternate Facility space. The facility must retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with paragraphs (f)(1), (2), (3), (4), (5), (6), and (8) of this subsection.

(8) For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in § 262.42(a).

* * * * *

44. In **Section 265.314**, amend paragraph (e) introductory text by removing the citation "(f)(1)" and adding in its place "(e)(1)" and by removing the citation "(f)(2)" and adding in its place "(e)(2)".

45. In **Section 265.316**, amend paragraph (b) by removing the citation "\$ 265.314(f)" and adding in its place "\$ 265.314(e)".

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

46. Revise **Section 266.22** to read as follows:

§ 266.22 Standards applicable to storers of materials that are to be used in a manner that constitutes disposal who are not the ultimate users.

Owners or operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal, but who are not the ultimate users of the materials, are regulated under all applicable provisions of Subsections A through L of Sections 264, 265, 267, and 270 of this regulation and 40 CFR 124 and the notification requirement under section 3010 of RCRA.

47. Amend **Section 266.70** by revising paragraph (d) to read as follows:

§ 266.70 Applicability and requirements.

* * * * *

(d) Recyclable materials that are regulated under this subsection that are accumulated speculatively (as defined in § 261.1(c) of this regulation) are subject to all applicable provisions of Sections 262 through 265, 267, and 270 of this regulation, and 40 CFR 124.

48. In **Section 266.80(a)** the existing table is revised, to read as follows:

§ 266.80 Applicability and requirements.

(a) * * *

If your batteries . . .	And if you . . .	Then you . . .	And you . . .
(1) Will be reclaimed through regeneration (such as by electrolyte replacement). are exempt from §§ 262 (except for § 262.11), 263, 264, 265, 266, 268, and 270 of this regulation, and the notification requirements at § 3010 of RCRA.	... are subject to § 261 and § 262.11 of this regulation.
(2) Will be reclaimed other than through regeneration.	generate, collect, and/or transport these batteries.	... are exempt from Sections 262 (except for § 262.11), 263, 264, 265, 266, and 270 of this regulation, and the notification requirements at § 3010 of RCRA.	... are subject to § 261 and § 262.11, and applicable provisions under § 268.
<u>(3) Will be reclaimed other than through regeneration.</u>	store these batteries but you aren't the reclaimer.	... are exempt from §§ 262 (except for § 262.11), 263, 264, 265, 266, and 270 of this regulation, and the notification requirements at § 3010 of RCRA.	... are subject to § 261 and § 262.11, and applicable provisions under § 268.
(4) Will be reclaimed other than through regeneration.	store these batteries before you reclaim them.	... must comply with § 266.80(b) and as appropriate other regulatory provisions described in § 266.80(b).	... are subject to § 261, § 262.11, and applicable provisions under § 268.
(5) Will be reclaimed other than through regeneration.	don't store these batteries before you reclaim them.	... are exempt from §§ 262 (except for § 262.11), 263, 264, 265, 266, and 270 of this regulation, and the notification requirements at § 3010 of RCRA.	... are subject to § 261, § 262.11, and applicable provisions under § 268.

<p>(6) Will be reclaimed through regeneration or any other means.</p>	<p>export these batteries for reclamation in a foreign country.</p>	<p>... are exempt from §§ 263, 264, 265, 266, 268, and 270 of this regulation, and the notification requirements at § 3010 of RCRA. You are also exempt from § 262, except for 262.11, and except for the applicable requirements in either: (1) § 262 subsection H; or (2) 262.53 "Notification of Intent to Export," 262.56(a)(1) through (4)(6) and (b) "Annual Reports," and 262.57 "Record-keeping".</p>	<p>... are subject to § 261 and § 262.11, and either must comply with § 262, subsection H (if shipping to one of the OECD countries specified in § 262.58(a)(1)), or must:</p> <p>(a) Comply with the requirements applicable to a primary exporter in §§ 262.53, 262.56(a)(1) through (4), (6), and (b) and 262.57; and</p> <p>(b) Export these batteries only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in Subsection E of § 262 of this regulation; and</p> <p>(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.</p>
<p>(7) Will be reclaimed through re-generation or any other means.</p>	<p>Transport these batteries in the U.S. to export them for reclamation in a foreign country.</p>	<p>... are exempt from §§ 263, 264, 265, 266, 268, and 270 of this regulation, and the notification requirements at § 3010 of RCRA.</p>	<p>... must comply with applicable requirements in § 262, subsection H (if shipping to one of the OECD countries specified in § 262.58(a)(1)), or must comply with the following:</p> <p>(a) you may not accept a shipment if you know the shipment does not conform to the EPA Acknowledgment of Consent;</p> <p>(b) you must ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment; and</p> <p>(c) you must ensure that the shipment is delivered to the facility designated by the person initiating the shipment.</p>

49. Amend **Section 266.80** by adding paragraphs (b)(1)(viii) and (b)(2)(viii) to read as follows:

§ 266.80 Applicability and requirements.

* * * * *

(b) * * *

(1) * * *

(viii) All applicable provisions in Section 267 of this regulation.

(2) * * *

(viii) All applicable provisions in Section 267 of this regulation.

50. Amend **Section 266.101** by revising paragraph (c) to read as follows:

§ 266.101 Management prior to burning.

* * * * *

(c) Storage and treatment facilities. (1) Owners and

operators of facilities that store or treat hazardous waste that is burned in a boiler or industrial furnace are subject to the applicable provisions of Sections 264, 265, ~~267~~ and 270 of this regulation, except as provided by paragraph (c)(2) of this section. These standards apply to storage and treatment by the burner as well as to storage and treatment facilities operated by intermediaries (processors, blenders, distributors, etc.) between the generator and the burner.

(2) ~~Applicability of Section 264 standards.~~

Owners and operators of facilities that burn, in an onsite boiler or industrial furnace exempt from regulation under the small quantity burner provisions of § 266.108, hazardous waste that they generate are exempt from the regulations of Sections 264, 265, 267 and 270 of this regulation applicable to storage units for those storage units that store mixtures of hazardous waste and the primary fuel to the boiler or industrial furnace in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation as prescribed in paragraph (c)(1) of

[this section.](#)

SECTION 268—LAND DISPOSAL RESTRICTIONS

51. In **Section 268.40(j)**, the table “Treatment Standards for Hazardous Wastes,” is amended as shown on the following pages:

- a. By revising the entry for F025.
- b. By revising the entry for K031.
- c. By revising the entry for K156.
- d. By revising the entry for K157.
- e. By revising the entry for K158.

§268.40 TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NON-WASTEWATERS
		Common Name	CAS ² Number	Concentration ³ in mg/L; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as "mg/L TCLP"; or Technology Code ⁴
F025	Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025 - Light Ends Subcategory	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,1-Dichloroethylene	75-35-4	0.025	6.0
		Methylene chloride	75-9-2	0.089	30
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
		Vinyl chloride	75-01-4	<u>0.27</u>	6.0
	Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025 - Spent Filters/Aids and Desiccants Subcategory	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Hexachlorobenzene	118-74-1	0.055	10
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane		79-00-5	0.054	6.0	
Trichloroethylene		79-01-6	0.054	6.0	
Vinyl chloride	75-01-4	<u>0.27</u>	6.0		
K031	By-product salts generated in the production of MSMA and cacodylic acid.	Arsenic	7440-38-2	<u>1.4</u>	5.0 mg/L TCLP

K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) ¹⁰	Acetonitrile	75-05-8	5.6	1.8
		Acetophenone	98-86-2	0.010	9.7
		Aniline	62-53-3	0.81	14
		Benomyl	17804-35-2	0.056	1.4
		Benzene	71-43-2	0.14	10
		Carbaryl	63-25-2	0.006	0.14
		Carbenzadim	10605-21-7	0.056	1.4
		Carbofuran	1563-66-2	0.006	0.14
		Carbosulfan	55285-14-8	0.028	1.4
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Methomyl	16752-77-5	0.028	0.14
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16		
Toluene	108-88-3	0.080	10		
Triethylamine	121-44-8	0.081	1.5		
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) ¹⁰	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Chloromethane	74-87-3	0.19	30
		Methomyl	16752-77-5	0.028	0.14
		Methylene chloride	75-09-2	0.089	30

		Methyl ethyl ketone	78-93-3	0.28	36
		Pyridine	110-86-1	0.014	16
		Triethylamine	121-44-8	0.081	1.5
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. <u>(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.</u> ¹⁰	Benomyl	17804-35-2	0.056	1.4
		Benzene	71-43-2	0.14	10
		Carbenzadim	10605-21-7	0.056	1.4
		Carbofuran	1563-66-2	0.006	0.14
		Carbosulfan	55285-14-8	0.028	1.4
		Chloroform	67-66-3	0.046	6.0
		Methylene chloride	75-09-2	0.089	30
		Phenol	108-95-2	0.039	6.2

52. In **Section 268.48(a)**, the table “Universal Treatment Standards,” is amended by adding the specific entries, “bis(2-Ethylhexyl)phthalate” and for “Hexachloropropylene” in alphabetical order:

§ 268.48 Universal Treatment Standards.

(a) * * *

§ 268.48 Table UTS – Universal Treatment Standards

TABLE UTS - UNIVERSAL TREATMENT STANDARDS
NOTE: NA means not applicable

Chemical Name	CAS No ¹	Waste waters ²	Nonwaste waters ³
Organic Constituents			

<u>Ethyl ether</u>	<u>60-29-7</u>	<u>0.12</u>	<u>160</u>
<u>bis(2-Ethylhexyl)phthalate</u>	<u>117-81-7</u>	<u>0.28</u>	<u>28</u>

<u>Hexachloroethane</u>	<u>67-72-1</u>	<u>0.055</u>	<u>30</u>
<u>Hexachloropropylene</u>	<u>1888-71-7</u>	<u>0.035</u>	<u>30</u>

SECTION 270—ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

53. Amend **Section 270.4** as follows:

- a. By redesignating paragraph (a)(1) as paragraph (a)(1)(i).
- b. By redesignating paragraph (a)(2) as paragraph (a)(1)(ii).
- c. By redesignating paragraph (a)(3) as paragraph (a)(1)(iii).

- d. By redesignating paragraph (a)(4) as paragraph (a)(1)(iv).
- e. By redesignating paragraph (a) as introductory text (a)(1).
- f. By adding paragraph (a)(2) to read as follows:

§ 270.4 Effect of a permit.

(a)(1) Compliance with an HWM permit during its term constitutes compliance, for purposes of enforcement, with subtitle C of RCRA except for those requirements not included in the permit which:

- (+) (i) Become effective by statute;
- (-) (ii) Are promulgated under Section 268 of this regulation or 40 CFR Part 268 restricting the placement of hazardous wastes in or on the land; or
- (+) (iii) Are promulgated under Section 264 of this regulation regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, CQA programs, monitoring, action leakage rates, and response action plans, and will be implemented through the procedures of § 270.42 Class 1* permit modifications.
- (+) (iv) Are promulgated under Subsections AA, BB, or CC of Section 265 of this Regulation limiting air emissions.

(2) A permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§ 270.41 and 270.43, or the permit may be modified upon the request of the permittee as set forth in § 270.42.

* * * * *