

EXHIBIT A:

PROPOSED RULE CHANGES

(MARK-UP OF REVISED SECTIONS ONLY)

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

REGULATION No. 23

**HAZARDOUS WASTE
MANAGEMENT**



INITIAL DRAFT

**Submitted to
the Pollution Control and Ecology Commission
in January 2012**

REGULATION No. 23 HAZARDOUS WASTE MANAGEMENT

TABLE OF CONTENTS

CHAPTER 1.

1	Authority	1
2	Violations	1
3	Amendments & Updates to Regulation No. 23 (Hazardous Waste Management)	1
4	Conflict of Interest	2
5	(Reserved)	2
6	Fees and Costs	2

CHAPTER 2.

Section 260. HAZARDOUS WASTE MANAGEMENT SYSTEM – GENERAL

<i>Subsection A – General</i>		
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
<i>Subsection B – Definitions</i>		
260.10	Definitions.	260-2
260.11	References.	260-10
<i>Subsection C – Rulemaking Petitions</i>		
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.	260-15
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

Section 261.

IDENTIFICATION & LISTING OF HAZARDOUS WASTE

<i>Subsection A – General</i>		
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-
261.6	Requirements for recyclable materials	261-
261.7	Residues of hazardous waste in empty containers	261-
261.8	PCB Wastes Regulated under Toxic Substances Control Act	261-
261.9	Requirements for Universal Waste.	261-
<i>Subsection B—Criteria for Identifying the Characteristics of Hazardous Waste and for Listing of Hazardous Waste</i>		
261.10	Criteria for identifying the characteristics of hazardous waste.	261-
261.11	Criteria for listing hazardous waste.	261-
<i>Subsection C – Characteristics of Hazardous Waste</i>		
261.20	General	261-
261.21	Characteristic of ignitability.	261-
261.22	Characteristic of corrosivity.	261-
261.23	Characteristic of reactivity.	261-
261.24	Toxicity characteristic.	261-
<i>Subsection D – Lists of Hazardous Wastes</i>		
261.30	General.	261-
261.31	Hazardous wastes from non-specific sources.	261-
261.32	Hazardous wastes from specific sources.	261-
261.33	Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.	261-
261.35	Deletion of certain hazardous waste codes following equipment cleaning and replacement.	261-
261.36	[Reserved]	261-
261.37	[Reserved]	261-

<i>Subsection E – Exclusions/Exemptions</i>			262.32	Marking	262-
<i>Comparable/Syngas Fuel</i>			262.33	Placarding	262-
Exclusion. <i>Exclusion of Comparable Fuel and Syngas Fuel</i>			262.34	Accumulation time.	262-
261.38		261-	262.35	Handling and Disposal Requirements for Conditionally-Exempt Small Quantity Generators.	262-
261.39	Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.	261-	<i>Subsection D – Recordkeeping & Reporting</i>		
261.40	Conditional Exclusion for Used, Intact Cathode Ray Tubes (CRTs) Exported for Recycling.	261-	262.40	Recordkeeping..	262-
261.42	Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse.	261-	262.41	Annual Report.	262-
	Appendix I -- Representative Sampling Methods	261-	262.42	Exception reporting.	262-
	Appendix II - Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)	261-	262.43	Additional reporting.	262-
	Appendix III - Chemical Analysis Test Methods	261-	262.44	[Reserved]	262-
	Appendix VII - Basis for Listing Hazardous Waste	261-	<i>Subsection E – Exports of Hazardous Waste</i>		
	Appendix VIII - Hazardous Constituents	261-	262.50	Applicability.	262-
	Appendix IX - Wastes Excluded Under §§ 260.20 and 260.22	261-	262.51	Definitions.	262-
Section 262.			262.52	General requirements.	262-
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE			262.53	Notification of intent to export.	262-
<i>Subsection A – General</i>			262.54	Special manifest requirements	262-
262.10	Purpose, scope, and applicability.	262-	262.55	Exception reports.	262-
262.11	Hazardous waste determination.	262-	262.56	Annual reports.	262-
262.12	EPA identification numbers.	262-	262.57	Recordkeeping.	262-
262.13	State Requirements for Transportation of Waste from Generators of over 100 kgs per Month.	262-	262.58	International agreements.	262-
<i>Subsection B – The Manifest</i>			<i>Subsection F – Imports of Hazardous Waste</i>		
262.20	General Requirements.	262-	262.60	Imports of hazardous waste.	262-
262.21	Manifest tracking numbers, manifest printing, and obtaining manifests	262-	<i>Subsection G – Farmers</i>		
262.22	Number of copies.	262-	262.70	Farmers	262-
262.23	Use of the Manifest.	262-	<i>Subsection H – Trans-Frontier Shipments of Hazardous Waste for Recovery within the OECD</i>		
262.24	Additional Requirements for Generators of Hazardous Wastes in Arkansas (Including Wastes from Generators of over 100 kgs per month)	262-	262.80	Applicability.	262-
262.27	Waste Minimization certification	262-	262.81	Definitions.	262-
<i>Subsection C – Pre-Transport Requirements</i>			262.82	General conditions.	262-
262.30	Packaging	262-	262.83	Notification and consent.	262-
262.31	Labeling.	262-	262.84	Tracking document.	262-
			262.85	Contracts.	262-
			262.86	Provisions relating to recognized traders.	262-
			262.87	Reporting and recordkeeping.	262-
			262.88	Pre-approval for U.S. Recovery Facilities	262-
			262.89	OECD Waste Lists.	262-
			<i>Subsections I-J: {Reserved}</i>		
			<i>Subsection K – Alternative Requirements for Hazardous Waste Determination & Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities</i>		
			262.200	Definitions for this subsection.	262-
			262.201	Applicability of this subsection.	262-
			262.202	This Subsection is optional.	262-
			262.203	How an eligible academic entity indicates it will be subject to the requirements of this subsection.	262-
			262.204	How an eligible academic entity indicates it will withdraw from the requirements of this subsection.	262-

262.205	Summary of the requirements of this subsection.	262-			
262.206	Labeling and management standards for containers of unwanted material in the laboratory.	262-	264.1	Purpose, scope, and applicability.	264-
262.207	Training.	262-	264.2	[Reserved]	264-
262.208	Removing containers of unwanted material from the laboratory.	262-	264.3	Relationship to interim status standards.	264-
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-	264.4	Imminent hazard action.	264-
262.210	Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory.	262-			
262.211	Making the hazardous waste determination at an on-site central accumulation area.	262-	264.10	Applicability.	264-
262.212	Making the hazardous waste determination at an on-site interim status or permitted treatment, storage or disposal facility.	262-	264.11	Identification number.	264-
262.213	Laboratory clean-outs.	262-	264.12	Required notices.	264-
262.214	Laboratory management plan.	262-	264.13	General waste analysis.	264-
262.215	Unwanted material that is not solid or hazardous waste.	262-	264.14	Security	264-
262.216	Non-laboratory hazardous waste generated at an eligible academic entity.	262-	264.15	General Inspection requirements.	264-
	Appendix I to Section 262	262-	264.16	Personnel training.	264-
			264.17	General requirements for ignitable, reactive, or incompatible wastes.	264-
			264.18	Location standards.	264-
			264.19	Construction quality assurance program.	264-
			264.20	State-specific Performance Standards	264-

Subsection A – General

Subsection B – General Facility Standards

Subsection C – Preparedness & Prevention

Section 263. STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

	<i>Subsection A – General</i>				
263.10	Scope.	263-			
263.11	EPA identification number.	263-	264.30	Applicability.	264-
263.12	Transfer facility requirements.	263-	264.31	Design and operation of facility.	264-
263.13	Transporter Permits.	263-	264.32	Required equipment.	264-
			264.33	Testing and maintenance of equipment.	264-
			264.34	Access to communications or alarm system.	264-
			264.35	Required aisle space.	264-
			264.36	[Reserved]	264-
			264.37	Arrangements with local authorities.	264-
	<i>Subsection B – Compliance with the Manifest System & Recordkeeping</i>				
263.20	The manifest system.	263-			
263.21	Compliance with the manifest.	263-			
263.22	Recordkeeping.	263-			
	<i>Subsection C – Hazardous Waste Discharges</i>				
263.30	Immediate Action	263-	264.50	Applicability.	264-
263.31	Discharge clean-up	263-	264.51	Purpose and implementation of contingency plan.	264-
			264.52	Content of contingency plan.	264-
			264.53	Copies of contingency plan.	264-
			264.54	Amendment of contingency plan.	264-
			264.55	Emergency coordinator.	264-
			264.56	Emergency procedures.	264-
			264.70	Applicability.	264-
			264.71	Use of manifest system.	264-
			264.72	Manifest discrepancies.	264-
			264.73	Operating record.	264-
			264.74	Availability, retention, and disposition of records.	264-
			264.75	Annual Report.	264-
			264.76	Unmanifested waste report.	264-
			264.77	Additional reports.	264-

Subsection D – Contingency Plan and Emergency Procedures

Subsection E – Manifest System, Recordkeeping, & Reporting

Subsection F – Releases from Solid

Section 264. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, & DISPOSAL FACILITIES

	<i>Waste Management Units</i>			
264.90	Applicability.	264-	264.173	Management of containers.
264.91	Required programs.	264-	264.174	Inspections.
264.92	Ground-water protection standard.	264-	264.175	Containment.
264.93	Hazardous constituents.	264-	264.176	Special requirements for ignitable or reactive waste
264.94	Concentration limits.	264-	264.177	Special requirements for incompatible wastes.
264.95	Point of compliance.	264-	264.178	Closure.
264.96	Compliance period	264-	264.179	Air emission standards.
264.97	General groundwater monitoring requirements.	264-		
264.98	Detection monitoring program.	264-		<i>Subsection J – Tank Systems</i>
264.99	Compliance monitoring program.	264-	264.190	Applicability.
264.100	Corrective action program.	264-	264.191	Assessment of existing tank system's integrity.
264.101	Corrective action for solid waste management units	264-	264.192	Design and installation of new tank systems or components.
			264.193	Containment and detection of releases.
	<i>Subsection G – Closure and Post-Closure</i>		264.194	General operating requirements.
264.110	Applicability	264-	264.195	Inspections.
264.111	Closure performance standard.	264-	264.196	Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.
264.112	Closure plan; amendment of plan.	264-	264.197	Closure and post-closure care.
264.113	Closure; time allowed for closure.	264-	264.198	Special requirements for ignitable or reactive wastes
264.114	Disposal or decontamination of equipment, structures, and soils.	264-	264.199	Special requirements for incompatible wastes.
264.115	Certification of closure.	264-	264.200	Air emission standards.
264.116	Survey plat.	264-		
264.117	Post-closure care and use of property.	264-		<i>Subsection K—Surface Impoundments</i>
264.118	Post-closure plan; amendment of plan.	264-	264.220	Applicability.
264.119	Post-closure notices.	264-	264.221	Design and operating requirements.
264.120	Certification of completion of post-closure care.	264-	264.222	Action leakage rate.
			264.223	Response actions.
	<i>Subsection F – Financial Requirements</i>		264.224	- 264.225 [Reserved]
264.140	Applicability.	264-	264.226	Monitoring and inspection
264.141	Definitions of terms as used in this Subsection.	264-	264.227	Emergency repairs; contingency plans.
264.142	Cost estimate for closure.	264-	264.228	Closure and post-closure care.
264.143	Financial assurance for closure.	264-	264.229	Special requirements for ignitable or reactive wastes
264.144	Cost estimate for post-closure care.	264-	264.230	Special requirements for incompatible wastes.
264.145	Financial assurance for post-closure care.	264-	264.231	Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027.
264.146	Use of a mechanism for financial assurance of both closure and post-closure care.	264-	264.232	Air emission standards.
264.147	Liability requirements.	264-		
264.148	Incapacity of owners or operators, guarantors, or financial institutions.	264-		<i>Subsection L – Waste Piles</i>
264.149	Use of State-required mechanisms.	264-	264.250	Applicability.
264.150	State assumption of responsibility.	264-	264.251	Design and operating requirements.
264.151	Wording of the instruments.	264-	264.252	Action leakage rate.
			264.253	Response actions.
	<i>Subsection I – Use and Management of Containers</i>		264.254	Monitoring and inspection.
264.170	Applicability.	264-	264.255	[Reserved]
264.171	Condition of containers.	264-	264.256	Special requirements for ignitable or reactive waste
264.172	Compatibility of waste with containers.	264-	264.257	Special requirements for incompatible wastes.
			264.258	Closure and post-closure care.
			264.259	Special requirements for hazardous wastes F020, F021,

	F022, F023, F026, and F027.				
	<i>Subsection M – Land Treatment</i>				
264.270	Applicability.	264-	264.552	Management Units	
264.271	Treatment Program.	264-		Corrective Action Management	264-
264.272	Treatment demonstration.	264-	264.553	Units.	
264.273	Design and operating	264-	264.554	Temporary Units	264-
	requirements.		264.555	Staging piles.	264-
264.274	- 264.275 [Reserved]	264-		Disposal of CAMU-Eligible	264-
264.276	Food-chain crops	264-		Waste in permitted hazardous	
264.277	[Reserved]	264-		waste landfills	
264.278	Unsaturated zone monitoring.	264-		<i>Subsections T – V (Reserved)</i>	
264.279	Recordkeeping	264-		<i>Subsection W – Drip Pads</i>	
264.280	Closure and post-closure care.	264-	264.570	Applicability.	264-
264.281	Special requirements for	264-	264.571	Assessment of existing drip pad	264-
	ignitable or reactive waste			integrity.	
264.282	Special requirements for	264-	264.572	Design and installation of new	264-
	incompatible wastes.			drip pads.	
264.283	Special requirements for	264-	264.573	Design and operating	264-
	hazardous wastes F020, F021,			requirements	
	F022, F023, F026, and F027.		264.574	Inspections.	264-
			264.575	Closure.	264-
	<i>Subsection N – Landfills</i>			<i>Subsection X – Miscellaneous Units</i>	
264.300	Applicability.	264-	264.600	Applicability	264-
264.301	Design and operating	264-	264.601	Environmental performance	264-
	requirements.			standards.	
264.302	Action leakage rate.	264-	264.602	Monitoring, analysis, inspection,	264-
264.303	Monitoring and inspection.	264-		response, reporting, and	
264.304	Response actions.	264-		corrective action.	
264.305	— 264.308 [Reserved]	264-	264.603	Post-closure care	264-
264.309	Surveying and recordkeeping	264-		<i>Subsections Y – Z (Reserved)</i>	
264.310	Closure and post-closure care.	264-		<i>Subsection AA – Air Emission</i>	
264.311	[Reserved]	264-		<i>Standards for Process Vents</i>	
264.312	Special requirements for	264-	264.1030	Applicability.	264-
	ignitable or reactive waste		264.1031	Definitions.	264-
264.313	Special requirements for	264-	264.1032	Standards: Process vents	264-
	incompatible wastes.		264.1033	Standards: Closed-vent	264-
264.314	Special requirements for bulk	264-		systems and control devices.	
	and containerized liquids.		264.1034	Test methods and procedures.	264-
264.315	Special requirements for	264-	264.1035	Recordkeeping requirements.	264-
	containers.		264.1036	Reporting requirements.	264-
264.316	Disposal of small containers of	264-		<i>Subsection BB – Air Emission</i>	
	hazardous wastes in			<i>Standards for Equipment Leaks</i>	
	overpacked drums ("lab packs").		264.1050	Applicability.	264-
264.317	Special requirements for	264-	264.1051	Definitions.	264-
	hazardous wastes F020, F021,		264.1052	Standards: Pumps in light liquid	264-
	F022, F023, F026, and F027.			service.	
	<i>Subsection O -- Incinerators</i>		264.1053	Standards: Compressors.	264-
264.340	Applicability.	264-	264.1054	Standards: Pressure relief	264-
264.341	Waste analysis.	264-		devices in gas/vapor service.	
264.342	Principal organic hazardous	264-	264.1055	Standards: Sample connecting	264-
	constituents (POHCs)			systems.	
264.343	Performance standards.	264-	264.1056	Standards: Open-ended valves	264-
264.344	Hazardous waste incinerator	264-		or lines.	
	permits.		264.1057	Standards: Valves in gas/vapor	264-
264.345	Operating requirements.	264-		service or light liquid service.	
264.346	[Reserved]	264-	264.1058	Standards: Pumps and valves in	264-
264.347	Monitoring and inspections.	264-		heavy liquid service, pressure	
264.351	Closure.	264-		relief devices in light liquid or	
	<i>Subsections P—R (Reserved)</i>			heavy liquid service, and	
	<i>Subsection S – Special Provisions for</i>			flanges and other connectors.	
	<i>Cleanup</i>		264.1059	Standards: Delay of repair.	264-
264.550	Applicability of Corrective Action	264-	264.1060	Standards: Closed-vent	264-
	Management Unit Regulations			systems and control devices.	
264.551	Grandfathered Corrective Action	264-			

264.1061	Alternative standards for valves in gas/vapor service or in light liquid service: percentage of valves allowed to leak.	264-
264.1062	Alternative standards for valves in gas/vapor service or in light liquid service; skip period leak detection and repair.	264-
264.1063	Test methods and procedures	264-
264.1064	Recordkeeping requirements.	264-
264.1065	Reporting requirements.	264-
264.1066	-- 264.1079 [Reserved]	264-

Subsection CC – Air Emission Standards for Tanks, Surface Impoundments, and Containers

264.1080	Applicability.	264-
264.1081	Definitions.	264-
264.1082	Standards: General.	264-
264.1083	Waste determination procedures.	264-
264.1084	Standards: Tanks.	264-
264.1085	Standards: Surface impoundments.	264-
264.1086	Standards: Containers.	264-
264.1087	Standards: Closed-vent systems and control devices	264-
264.1088	Inspection and monitoring requirements	264-
264.1089	Recordkeeping requirements.	264-
264.1090	Reporting requirements.	264-

Subsection DD – Containment Buildings

264.1100	Applicability.	264-
264.1101	Design and operating standards.	264-
264.1102	Closure and post-closure care.	264-
264.1103	-264.1110 [Reserved]	264-

Subsection EE – Hazardous Waste Munitions and Explosives Storage

264.1200	Applicability.	264-
264.1201	Design and operating standards.	264-
264.1202	Closure and post-closure care.	264-
	Appendix I -- Recordkeeping Instructions	264-
	Appendix II -- III -- [Reserved]	264-
	Appendix IV -- Cochran's Approximation to the Behrens-Fisher Students' T-Test	264-
	Appendix V -- Examples of Potentially Incompatible Waste	264-
	Appendices VI-VIII -- [Reserved]	264-
	Appendix IX -- Groundwater Monitoring List	264-

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

265.1	Purpose, scope, and applicability.	265-
265.2	- 265.3 [Reserved]	265-
265.4	Imminent hazard action.	265-

Subsection B – General Facility Standards

265.10	Applicability	265-
265.11	Identification number.	265-
265.12	Required notices.	265-
265.13	General waste analysis.	265-
265.14	Security.	265-
265.15	General Inspection requirements.	265-
265.16	Personnel training	265-
265.17	General requirements for ignitable, reactive, or incompatible wastes.	265-
265.18	Location standards.	265-
265.19	Construction quality assurance program.	265-

Subsection C – Preparedness & Prevention

265.30	Applicability.	265-
265.31	Maintenance and operation of facility.	265-
265.32	Required equipment.	265-
265.33	Testing and maintenance of equipment.	265-
265.34	Access to communications or alarm system.	265-
265.35	Required aisle space.	265-
265.36	[Reserved]	265-
265.37	Arrangements with local authorities.	265-

Subsection D – Contingency Plan & Emergency Procedures

265.50	Applicability.	265-
265.51	Purpose and implementation of contingency plan.	265-
265.52	Content of contingency plan.	265-
265.53	Copies of contingency plan.	265-
265.54	Amendment of contingency plan.	265-
265.55	Emergency coordinator.	265-
265.56	Emergency procedures.	265-

Subsection E – Manifest System, Recordkeeping, and Reporting

265.70	Applicability.	265-
265.71	Use of manifest system.	265-
265.72	Manifest discrepancies.	265-
265.73	Operating record.	265-
265.74	Availability, retention, and disposition of records.	265-
265.75	Annual Report.	265-
265.76	Unmanifested waste report.	265-
265.77	Additional Reports	265-

Subsection F – Groundwater Monitoring

265.90	Applicability.	265-
--------	----------------	------

265.91	Ground-water monitoring system.	265-	265.190	Applicability.	265-
265.92	Sampling and analysis.	265-	265.191	Assessment of existing tank system's integrity.	265-
265.93	Preparation, evaluation, and response.	265-	265.192	Design and installation of new tank systems or components	265-
265.94	Recordkeeping and reporting.	265-	265.193	Containment and detection of releases.	265-
<i>Subsection G – Closure and Post-Closure</i>			265.194	General operating requirements.	265-
265.110	Applicability.	265-	265.195	Inspections.	265-
265.111	Closure performance standard.	265-	265.196	Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.	265-
265.112	Closure plan; amendment of plan.	265-	265.197	Closure and post-closure care.	265-
265.113	Closure; time allowed for closure.	265-	265.198	Special requirements for ignitable or reactive wastes	265-
265.114	Disposal or decontamination of equipment, structures, and soils.	265-	265.199	Special requirements for incompatible wastes.	265-
265.115	Certification of closure.	265-	265.200	Waste analysis and trial tests.	265-
265.116	Survey plat.	265-	265.201	Special requirements for Generators of between 100 and 1000 kg/mo who accumulate hazardous waste in tanks	265-
265.117	Post-closure care and use of property	265-	265.202	Air emission standards.	265-
265.118	Post-closure plan; amendment of plan.	265-	<i>Subsection K—Surface Impoundments</i>		
265.119	Post-closure notices.	265-	265.220	Applicability.	265-
265.120	Certification of completion of post-closure care.	265-	265.221	Design and operating requirements.	265-
265.120	Post-closure requirements for facilities that obtain enforceable documents in lieu of post-closure permits	265-	265.222	Action leakage rate.	265-
<i>Subsection H – Financial Requirements</i>			265.223	Response actions.	265-
265.140	Applicability.	265-	265.224	Containment system.	265-
265.141	Definitions of terms as used in this Subsection.	265-	265.225	Waste analysis and trial tests.	265-
265.141	Cost estimate for closure.	265-	265.226	Monitoring and inspection.	265-
265.143	Financial assurance for closure.	265-	265.227	[Reserved]	265-
265.144	Cost estimate for post-closure care.	265-	265.228	Closure and post-closure care.	265-
265.146	Financial assurance for post-closure care.	265-	265.229	Special requirements for ignitable or reactive wastes	265-
265.147	Use of a mechanism for financial assurance of both closure and post-closure care.	265-	265.230	Special requirements for incompatible wastes.	265-
265.148	Liability requirements.	265-	265.231	Air emission standards.	265-
265.149	Incapacity of owners or operators, guarantors, or financial institutions.	265-	<i>Subsection L – Waste Piles</i>		
265.150	Use of State-required mechanisms.	265-	265.250	Applicability.	265-
<i>Subsection I – Use and Management of Containers</i>			265.251	Protection from wind.	265-
265.170	Applicability.	265-	265.252	Waste analysis	265-
265.171	Condition of containers.	265-	265.253	Containment.	265-
265.172	Compatibility of waste with containers.	265-	265.254	Design and operating requirements.	265-
265.173	Management of containers.	265-	265.255	Action leakage rates.	265-
265.174	Inspections.	265-	265.256	Special requirements for ignitable or reactive waste.	265-
265.175	[Reserved]	265-	265.257	Special requirements for incompatible wastes.	265-
265.176	Special requirements for ignitable or reactive waste	265-	265.258	Closure and post-closure care.	265-
265.177	Special requirements for incompatible wastes.	265-	265.259	Response actions.	265-
265.178	Air Emission Standards	265-	265.260	Monitoring and inspection.	265-
<i>Subsection J – Tank Systems</i>			<i>Subsection M – Land Treatment</i>		
			265.270	Applicability.	265-
			265.271	[Reserved]	265-
			265.272	General operating requirements.	265-
			265.273	Waste analysis.	265-
			265.274	- 265.275 [Reserved]	265-
			265.276	Food chain crops.	265-

265.277	[Reserved]	265-	265.406	Special requirements for	265-
265.278	Unsaturated zone (zone of aeration) monitoring.	265-		incompatible wastes.	
265.279	Recordkeeping.	265-		<i>Subsection R – Underground Injection</i>	
265.280	Closure and post-closure.	265-	265.430	Applicability.	265-
265.281	Special requirements for ignitable or reactive waste	265-		<i>Subsection W – Drip Pads</i>	
265.282	Special requirements for incompatible wastes.	265-	265.440	Applicability.	265-
	<i>Subsection N – Landfills</i>		265.441	Assessment of existing drip pad integrity.	265-
265.301	Applicability.	265-	265.442	Design and installation of new drip pads	265-
265.302	Action Leakage rate.	265-	265.443	Design and operating requirements.	265-
265.303	Response actions.	265-	265.444	Inspections	265-
265.304	Monitoring and inspection.	265-	265.445	Closure.	265-
265.305	- 265.308 [Reserved]	265-		<i>Subsection AA – Air Emission Standards for Process Vents</i>	
265.309	Surveying and recordkeeping.	265-	265.1030	Applicability.	265-
265.310	Closure and post-closure care.	265-	265.1031	Definitions.	265-
265.311	[Reserved]	265-	265.1032	Standards: Process vents	265-
265.312	Special requirements for ignitable or reactive waste	265-	265.1033	Standards: Closed-vent systems and control devices.	265-
265.313	Special requirements for incompatible wastes.	265-	265.1034	Test methods and procedures.	265-
265.314	Special requirements for bulk and containerized liquids.	265-	265.1035	Recordkeeping requirements.	265-
265.315	Special requirements for containers.	265-		<i>Subsection BB – Air Emission Standards for Equipment Leaks</i>	
265.316	Disposal of small containers of hazardous waste in overpacked drums ("lab packs")	265-	265.1050	Applicability.	265-
	<i>Subsection O – Incinerators</i>		265.1051	Definitions.	265-
265.340	Applicability.	265-	265.1052	Standards: Pumps in light liquid service.	265-
265.341	Waste analysis.	265-	265.1053	Standards: Compressors.	265-
265.342	- 265.344 [Reserved]	265-	265.1054	Standards: Pressure relief devices in gas/vapor service.	265-
265.345	General operating requirements.	265-	265.1055	Standards: Sample connecting systems.	265-
265.346	[Reserved]	265-	265.1056	Standards: Open-ended valves or lines.	265-
265.347	Monitoring and inspections.	265-	265.1057	Standards: Valves in gas/vapor service or light liquid service.	265-
265.348	- 265.350 [Reserved]	265-	265.1058	Standards: Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors.	265-
265.351	Closure.	265-	265.1059	Standards: Delay of repair.	265-
265.352	Interim status incinerators burning particular hazardous wastes.	265-	265.1060	Standards: Closed-vent systems and control devices.	265-
265.353	- 265.369 [Reserved]	265-	265.1061	Alternative standards for valves in gas/vapor service or in light liquid service: percentage of valves allowed to leak.	265-
	<i>Subsection P – Thermal Treatment</i>		265.1062	Alternative standards for valves in gas/vapor service or in light liquid service; skip period leak detection and repair.	265-
265.370	Other thermal treatment.	265-	265.1063	Test methods and procedures	265-
265.373	General operating requirements.	265-	265.1064	Recordkeeping requirements.	265-
265.375	Waste analysis.	265-		<i>Subsection CC – Air Emission Standards for Tanks, Surface Impoundments, and Containers</i>	
265.377	Monitoring and inspections.	265-	265.1080	Applicability.	265-
265.381	Closure.	265-			
265.382	Open burning; waste explosives.	265-			
265.383	Interim status thermal treatment devices burning particular hazardous waste.	265-			
	<i>Subsection Q – Chemical, Physical, & Biological Treatment</i>				
265.400	Applicability.	265-			
265.401	General operating requirements.	265-			
265.402	Waste analysis and trial tests.	265-			
265.403	Inspections.	265-			
265.404	Closure.	265-			
265.405	Special requirements for ignitable or reactive waste	265-			

265.1081	Definitions.	265-	of materials that are to be used	
265.1082	Standards: General.	265-	in a manner that constitutes	
265.1083	Waste determination procedures.	265-	disposal who are not the ultimate users.	
265.1084	Standards: Tanks.	265-	Standards applicable to users of	266-
265.1085	Standards: Surface impoundments.	265-	materials that are used in a manner that constitutes disposal.	
265.1086	Standards: Containers.	265-		
265.1087	Standards: Closed-vent systems and control devices	265-		
265.1088	Inspection and monitoring requirements	265-	<i>Subsections D – E (Reserved)</i>	
265.1089	Recordkeeping requirements.	265-	<i>Subsection F – Recyclable Materials Utilized for Precious Metal Recovery</i>	
265.1090	Reporting requirements	265-	Applicability and requirements.	266-
	<i>Subsection DD – Containment Buildings</i>		<i>Subsection G – Spent Lead-Acid Batteries being Reclaimed</i>	
265.1100	Applicability	265-	Applicability and requirements.	266-
265.1101	Design and Operating Standards	265-		
265.1102	Closure and Post-Closure Care	265-	<i>Subsection H – Hazardous Waste being Burned in Boilers and Industrial Furnaces</i>	
265.1103	-- 265.1110 [Reserved]	265-		
	<i>Subsection EE – Hazardous Waste Munitions and Explosives Storage</i>		266.100	Applicability. 266-
265.1200	Applicability.	265-	266.101	Management prior to burning. 266-
265.1201	Design and operating standards.	265-	266.102	Permit standards for burners. 266-
			266.103	Interim Status standards for burners. 266-
265.1202	Closure and post-closure care	265-	266.104	Standards to control organic emissions 266-
	Appendix I -- Recordkeeping Instructions	265-	266.105	Standards to control particulate matter. 266-
	Appendix II -- [Reserved]	265-	266.106	Standards to control metals emissions. 266-
	Appendix III -- EPA Interim Primary Drinking Water Standards	265-	266.107	Standards to control hydrogen chloride (HCl) and chlorine gas (Cl ₂) emissions. 266-
	Appendix IV -- Tests for Significance	265-	266.108	Small quantity on-site burner exemption. 266-
	Appendix V -- Examples of Potentially Incompatible Waste	265-	266.109	Low risk waste exemption. 266-
	Appendix VI -- Compounds With Henry's Law Constant Less Than 0.1 Y/X	265-	266.110	Waiver of DRE trial burn for boilers 266-
			266.111	Standards for direct transfer. 266-
			266.112	Regulation of residues. 266-
				<i>Subsections I – L (Reserved)</i>
				<i>Subsection M – Military Munitions</i>
			266.200	Applicability. 266-
			266.201	Definitions. 266-
			266.202	Definition of solid waste. 266-
			266.203	Standards applicable to the transportation of solid waste military munitions. 266-
			266.204	Standards applicable to emergency responses. 266-
			266.205	Standards applicable to the storage of solid waste military munitions. 266-
			266.206	Standards applicable to the treatment and disposal of waste military munitions. 266-
				<i>Subsection N – Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation, and Disposal</i>
266.20	Applicability.	266-	266.210	What definitions apply to this 266-
266.21	Standards applicable to generators and transporters of materials used in a manner that constitute disposal.	266-		
266.22	Standards applicable to storers	266-		

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

Subsections A – B (Reserved)

Subsection C – Recyclable Materials Used in a Manner Constituting Disposal

	subsection?		Appendix II -- Tier I feed Rate Screening Limits for Total Chlorine	266-
266.220	What does a storage and treatment conditional exemption do?	266-	Appendix III -- Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride	266-
266.225	What wastes are eligible for the storage and treatment conditional exemption?	266-	Appendix IV -- Reference Air Concentrations	266-
266.230	What conditions must you meet for your LLMW to qualify for and maintain a storage and treatment exemption?	266-	Appendix V --Risk Specific Doses	266-
266.235	What waste treatment does the storage and treatment conditional exemption allow?	266-	Appendix VI -- Stack Plume Rise	266-
266.240	How could you lose the conditional exemption for your LLMW and what action must you take?	266-	Appendix VII -- Health Based Limits for Exclusion of Waste-Derived Residues*	266-
266.245	If you lose the storage and treatment conditional exemption for your LLMW, can the exemption be reclaimed?	266-	Appendix VIII -- Potential PICs for Determination of Exclusion of Waste-Derived Residues	266-
266.250	What records must you keep at your facility and for how long?	266-	Appendix IX -- Methods Manual For Compliance With BIF Regulations	266-
266.255	When is your low-level mixed waste no longer eligible for the storage conditional exemption?	266-	Appendix X -- Guideline on Air Quality Models	266-
266.260	Do closure requirements apply to units that stored LLMW prior to the effective date of subsection N?	266-	Appendix XI -- Lead-Bearing Materials that May Be Processed in Exempt Lead Smelters	266-
266.305	What does the transportation and disposal conditional exemption do?	266-	Appendix XII - Nickel or Chromium-bearing Materials that May Be Processed in Exempt Nickel-Chromium Recovery Furnaces	266-
266.310	What wastes are eligible for the transportation and disposal conditional exemption?	266-	Appendix XIII -- Mercury Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units	266-
266.315	What are the conditions you must meet for your waste to qualify for and maintain the transportation and disposal exemption?	266-		
266.320	What treatment standards must your eligible waste meet?	266-		
266.325	Are you subject to the manifest and transportation condition in § 266.315(b)?	266-		
266.330	When does the transportation and disposal exemption take effect?	266-		
266.335	Where must your exempted waste be disposed of?	266-		
266.340	What type of container must be used for disposal of exempted waste?	266-		
266.345	Whom must you notify?	266-		
266.350	What records must you keep at your facility and for how long?	266-		
266.355	How could you lose the transportation and disposal conditional exemption for your waste and what actions must you take?	266-		
266.360	If you lose the transportation and disposal conditional exemption for a waste, can the exemption be reclaimed?	266-		
	Appendix I -- Tier I and II Feed Rate and Emissions Screening Limits for Metals	266-		

Section 267. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT

Subsection A – General

267.1	What are the purpose, scope and applicability of this section?	267-
267.2	What is the relationship to interim status standards?	267-
267.3	How does this section affect an imminent hazard action?	267-

Subsection B – General Facility Standards

267.10	Does this subsection apply to me?	267-
267.11	What must I do to comply with this subsection?	267-
267.12	How do I obtain an identification number?	267-
267.13	What are my waste analysis requirements?	267-
267.14	What are my security requirements?	267-
267.15	What are my general inspection	267-

	requirements?				<i>Subsection F – Releases from Solid Waste Management Units</i>	
267.16	What training must my employees have?	267-		267.90	Who must comply with this section?	267-
267.17	What are the requirements for managing ignitable, reactive, or incompatible wastes?	267-		267.91	–267.100 [Reserved]	267-
267.18	What are the standards for selecting the location of my facility?	267-		267.101	What must I do to address corrective action for solid waste management units?	267-
	<i>Subsection C – Preparedness & Prevention</i>				<i>Subsection G – Closure</i>	
267.30	Does this subsection apply to me?	267-		267.110	Does this subsection apply to me?	267-
267.31	What is the purpose of the contingency plan and how do I use it?	267-		267.111	What general standards must I meet when I stop operating the unit?	267-
267.32	What equipment am I required to have?	267-		267.112	What procedures must I follow?	267-
267.33	What are the testing and maintenance requirements for the equipment?	267-		267.113	Will the public have the opportunity to comment on the plan?	267-
267.34	When must personnel have access to communication equipment or an alarm system?	267-		267.114	[Reserved]	267-
267.35	How do I ensure access for personnel and equipment during emergencies?	267-		267.115	After I stop operating, how long until I must close?	267-
267.36	What arrangements must I make with local authorities for emergencies?	267-		267.116	What must I do with contaminated equipment, structure, and soils?	267-
	<i>Subsection D – Contingency Plans and Emergency Procedures</i>			267.117	How do I certify closure?	267-
267.50	Does this subsection apply to me?	267-			<i>Subsection H – Financial Requirements</i>	
267.51	What is the purpose of the contingency plan and how do I use it?	267-		267.140	Who must comply with this subsection, and briefly, what do they have to do?	267-
267.52	What must be in the contingency plan?	267-		267.141	Definitions of terms as used in this subsection.	267-
267.53	Who must have copies of the contingency plan?	267-		267.142	Cost estimate for closure.	267-
267.54	When must I amend the contingency plan?	267-		267.143	Financial assurance for closure.	267-
267.55	What is the role of the emergency coordinator?	267-		267.144	–267.146 [Reserved]	267-
267.56	What are the required emergency procedures for the emergency coordinator?	267-		267.147	Liability requirements.	267-
267.57	What must the emergency coordinator do after an emergency?	267-		267.148	Incapacity of owners or operators, guarantors, or financial institutions.	267-
267.58	What notification and recordkeeping must I do after an emergency?	267-		267.149	[Reserved]	267-
	<i>Subsection E – Manifest System, Recordkeeping, and Reporting</i>			267.150	State assumption of responsibility.	267-
267.70	Does this subsection apply to me?	267-		267.151	Wording of the instruments	267-
267.71	Use of the manifest system.	267-			<i>Subsection I – Use and Management of Containers</i>	
267.72	Manifest Discrepancies	267-		267.170	Does this subsection apply to me?	267-
267.73	What information must I keep?	267-		267.171	What standards apply to the containers?	267-
267.74	Who sees the records?	267-		267.172	What are the inspection requirements?	267-
267.75	What reports must I prepare and to whom do I send them?	267-		267.173	What standards apply to the container storage areas?	267-
267.76	What notifications must I make?	267-		267.174	What special requirements must I meet for ignitable or reactive waste?	267-
				267.175	What special requirements must I meet for incompatible wastes?	267-
				267.176	What must I do when I want to stop using the containers?	267-
				267.177	What air emission standards apply?	267-
					<i>Subsection J – Tank Systems</i>	
				267.190	Does this subsection apply to me?	267-

267.191	What are the required design and construction standards for new tank systems or components?	267-
267.192	What handling and inspection procedures must I follow during installation of new tank systems?	267-
267.193	What testing must I do?	267-
267.194	What installation requirements must I follow?	267-
267.195	What are the secondary containment requirements?	267-
267.196	What are the required devices for secondary containment and what are their design, operating and installation requirements?	267-
267.197	What are the requirements for ancillary equipment?	267-
267.198	What are the general operating requirements for my tank systems?	267-
267.199	What inspection requirements must I meet?	267-
267.200	What must I do in case of a leak or a spill?	267-
267.201	What must I do when I stop operating the tank system?	267-
267.202	What special requirements must I meet for ignitable or reactive wastes?	267-
267.203	What special requirements must I meet for incompatible wastes?	267-
267.204	What air emission standards apply?	267-

Subsections K through CC (Reserved)

Subsection DD – Containment Buildings

267.1100	Does this subsection apply to me?	267-
267.1101	What design and operating standards must my containment building meet?	267-
267.1102	What other requirements must I meet to prevent releases?	267-
267.1103	What additional design and operating standards apply if liquids will be in my containment building?	267-
267.1104	How may I obtain a waiver from secondary containment requirements?	267-
267.1105	What do I do if my containment building contains areas both with and without secondary containment?	267-
267.1106	What do I do if I detect a release?	267-
267.1107	Can a containment building itself be considered secondary containment?	267-
267.1108	What must I do when I stop operating the containment building?	267-

Section 268.

LAND DISPOSAL RESTRICTIONS

Subsection A – General

268.1	Purpose, scope and applicability.	268-
268.2	Definitions applicable in this section.	268-
268.3	Dilution prohibited as a substitute for treatment.	268-
268.4	Treatment surface impoundment exemption.	268-
268.5	Procedures for case-by-case extensions to an effective date.	268-
268.6	Petitions to allow land disposal of a waste prohibited under Subsection C of Section 268.	268-
268.7	Testing, tracking, and record-keeping requirements for generators, treaters, and disposal facilities.	268-
268.8	[Reserved]	268-
268.9	Special rules regarding wastes that exhibit a characteristic.	268-

Subsection B – Schedule for Land Disposal Prohibition and Establishment of Treatment Standards

268.10	- 268.12 [Reserved]	268-
268.13	Schedule for wastes identified or listed after November 8, 1984.	268-
268.14	Surface impoundment exemptions.	268-

Subsection C – Prohibitions on Land Disposal

268.20	Waste specific prohibitions — Dyes and/or pigments production wastes	268-
268.31	– 268.29 (Reserved)	268-
268.30	Waste specific prohibitions — wood preserving wastes.	268-
268.31	Waste specific prohibitions — Dioxin-containing wastes.	268-
268.32	Waste specific prohibitions — Soils exhibiting the toxicity characteristic for metals and containing PCBs	268-
268.33	Waste specific prohibitions — Chlorinated aliphatic wastes	268-
268.34	Waste specific prohibitions — toxicity characteristic metal wastes.	268-
268.35	Waste specific prohibitions — petroleum refining wastes.	268-
268.36	Waste specific prohibitions — Inorganic chemical wastes	268-
268.37	Waste specific prohibitions- ignitable and corrosive characteristic wastes whose treatment standards were vacated.	268-
268.38	Waste specific prohibitions- newly identified organic toxicity characteristic wastes and newly listed coke by-product and chlorotoluene production wastes.	268-
268.39	Waste specific	268-

	prohibitions -- spent aluminum potliners; reactive; and carbamate wastes.	
	<i>Subsection D – Treatment Standards</i>	
268.40	Applicability of Treatment Standards.	268-
268.41	Treatment standards expressed as concentrations in waste extract.	268-
268.42	Treatment standards expressed as specified technologies.	268-
268.43	Treatment standards expressed as waste concentrations.	268-
268.44	Variance from a treatment standard	268-
268.45	Treatment standards for hazardous debris.	268-
268.46	Alternative treatment standards based on HTMR.	268-
268.47	Reserved]	268-
268.48	Universal Treatment Standards	268-
268.49	Alternative LDR treatment standards for contaminated soil.	268-
	<i>Subsection E – Prohibitions on Storage</i>	
268.50	Prohibitions on storage of restricted wastes.	268-
	Appendices I – II -- [Reserved]	268-
	Appendix III -- List of Halogenated Organic Compounds Regulated Under § 268.32	268-
	Appendix IV -- Wastes Excluded From Lab Packs Under the Alternative Treatment Standards of § 268.42(c)	268-
	Appendix V -- [Reserved]	268-
	Appendix VI -- Recommended Technologies to Achieve Deactivation of Characteristics in § 268.42	268-
	Appendix VII -- Effective Dates of Disposal	268-
	Appendix XIII -- LDR Effective Dates of Ingested Prohibited Hazardous Waste	268-
	Appendix IX -- See 40 CFR 268, Appendix IX	268-

Section 270. ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

	<i>Subsection A; General Information</i>	
270.1	Purpose and scope of these regulations.	270-
270.2	Definitions.	270-
270.3	Considerations under Federal law.	270-
270.4	Effect of a permit.	270-
270.5	Noncompliance and program reporting by the Director.	270-
270.6	References.	270-
270.7	Arkansas's General	270-

Requirements for Permit Applications

	<i>Subsection B – Permit Applications</i>	
270.10	General application requirements.	270-
270.11	Signatories to permit applications and reports.	270-
270.12	Availability of Information and Protection of Trade and Business Secrets.	270-
270.13	Contents of Part A of the permit application.	270-
270.14	Contents of Part B: General requirements.	270-
270.15	Specific Part B information requirements for containers.	270-
270.16	Specific Part B information requirements for tank systems.	270-
270.17	Specific Part B information requirements for surface impoundments.	270-
270.18	Specific Part B information requirements for waste piles.	270-
270.19	Specific Part B information requirements for incinerators.	270-
270.20	Specific Part B information requirements for land treatment facilities.	270-
270.21	Specific Part B information requirements for landfills.	270-
270.22	Specific Part B information requirements for boilers and industrial furnaces burning hazardous waste.	270-
270.23	Specific Part B information requirements for miscellaneous units.	270-
270.24	Specific Part B information requirements for process vents.	270-
270.25	Specific Part B information requirements for equipment leaks	270-
270.26	Special Part B information requirements for drip pads.	270-
270.27	Specific Part B information requirements for air emission controls for tanks, surface impoundments, and containers.	270-
270.28	Part B information requirements for post-closure permits.	270-
270.29	Permit Denial.	270-
	<i>Subsection C – Permit Conditions</i>	
270.30	Conditions applicable to all permits.	270-
270.31	Requirements for recording and reporting of monitoring results.	270-
270.32	Establishing permit conditions.	270-
270.33	Schedules of compliance.	270-
270.34	Health Monitoring and Hazard Identification.	270-
	<i>Subsection D – Changes to Permits</i>	
270.40	Transfer of permits.	270-
270.41	Modification or revocation and reissuance of permits.	270-
270.42	Permit modification at the	270-

270.43	request of the Permittee. Termination of permits.	270-		final decision on my RAP application?	270-
	<i>Subsection E – Expiration and Continuation of Permits</i>		270.155	May the decision to approve or deny my RAP application be administratively appealed?	270-
270.50	Duration of Permits	270-	270.160	When does my RAP become effective?	270-
270.51	Continuation of Expiring Permits	270-	270.165	When may I begin physical construction of new units permitted under the RAP?	270-
	<i>Subsection F – Special Forms of Permits</i>		270.170	After my RAP is issued, how may it be modified, revoked and reissued, or terminated?	270-
270.60	Permits by rule.	270-	270.180	For what reasons may the Director choose to modify my final RAP?	270-
270.61	Emergency permits.	270-	270.185	For what reasons may the Director choose to terminate my final RAP, or deny my renewal application?	270-
270.62	Hazardous waste incinerator permits.	270-	270.190	May the decision to approve or deny a modification, revocation and reissuance, or termination of my RAP be administratively appealed?	270-
270.63	Permits for land treatment demonstrations using field test or laboratory analyses.	270-	270.195	When will my RAP expire?	270-
270.64	Interim permits for UIC wells.	270-	270.200	How may I renew my RAP if it is expiring?	270-
270.65	Research, development, and demonstration permits.	270-	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-
270.66	Permits for boilers and industrial furnaces burning hazardous waste	270-	270.210	What records must I maintain concerning my RAP?	270-
270.67	RCRA standardized permits for storage and treatment units.	270-	270.215	How are time periods in the requirements in this subpart and my RAP computed?	270-
270.68	Remedial Action Plans (RAPs).	270-	270.220	How may I transfer my RAP to a new owner or operator?	270-
	<i>Subsection G – Interim Status</i>		270.225	What must the State or EPA Region report about noncompliance with RAPs?	270-
270.70	Qualifying for interim status.	270-	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-
270.71	Operation during interim status.	270-		<i>Subsection I: Integration with Maximum Achievable Control Technology (MACT) Standards</i>	
270.72	Changes during interim status.	270-	270.235	Options for incinerators and cement and lightweight aggregate kilns to minimize emissions from startup, shutdown, and malfunction events	270-
270.73	Termination of interim status.	270-		<i>Subsection J: RCRA Standardized Permits for Storage and Treatment Units</i>	
	<i>Subsection H – Remedial Action Plans</i>		270.250	What is a RCRA standardized permit?	270-
270.79	Why is this subsection written in a special format?	270-	270.255	Who is eligible for a standardized permit?	270-
270.80	What is a RAP?	270-	270.260	What requirements of Section	270-
270.85	When do I need a RAP?	270-			
270.90	Does my RAP grant me any rights or relieve me of any obligations?	270-			
270.95	How do I apply for a RAP?	270-			
270.100	Who must obtain a RAP?	270-			
270.105	Who must sign the application and any required reports for a RAP?	270-			
270.110	What must I include in my application for a RAP?	270-			
270.115	What if I want to keep this information confidential?	270-			
270.120	To whom must I submit my RAP application?	270-			
270.125	If I submit my RAP application as part of another document, what must I do?	270-			
270.130	What is the process for approving or denying my application for a RAP?	270-			
270.135	What must the Director include in a draft RAP?	270-			
270.140	What else must the Director prepare in addition to the draft RAP or notice of intent to deny?	270-			
270.145	What are the procedures for public comment on the draft RAP or notice of intent to deny?	270-			
270.150	How will the Director make a	270-			

	270 apply to a standardized permit?	
270.270	How do I apply for a standardized permit?	270-
270.275	What information must I submit to the permitting agency to support my standardized permit application?	270-
270.280	What are the certification requirements?	270-
270.290	What general types of information must I keep at my facility?	270-
270.300	What container information must I keep at my facility?	270-
270.305	What tank information must I keep at my facility?	270-
270.310	What equipment information must I keep at my facility?	270-
270.315	What air emissions control information must I keep at my facility?	270-
270.320	How do I modify my RCRA standardized permit?	270-

Section 273. STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

	<i>Subsection A – General</i>	
273.1	Scope	273-
273.2	Applicability – Batteries.	273-
273.3	Applicability – Pesticides.	273-
273.4	Applicability – Mercury-Containing Devices	273-
273.5	Applicability – Lamps.	273-
273.6	Applicability – Consumer Electronic Items	273-
273.7	[Reserved]	273-
273.8	Applicability – household and conditionally exempt small quantity generator waste.	273-
273.9	Definitions	273-
	<i>Subsection B – Standards for Small Quantity Handlers of Universal Waste</i>	
273.10	Applicability.	273-
273.11	Prohibitions.	273-
273.12	Notification.	273-
273.13	Waste management	273-
273.14	Labeling/marketing.	273-
273.15	Accumulation time limits.	273-
273.16	Employee training	273-
273.17	Response to releases.	273-
273.18	Off-site shipments.	273-
273.19	Tracking universal waste shipments.	273-
273.20	Exports.	273-
	<i>Subsection C – Standards for Large Quantity Handlers of Universal Waste</i>	
273.30	Applicability.	273-
273.31	Prohibitions.	273-
273.32	Notification.	273-
273.33	Waste management	273-

273.34	Labeling/marketing.	273-
273.35	Accumulation time limits.	273-
273.36	Employee training	273-
273.37	Response to releases.	273-
273.38	Off-site shipments.	273-
273.39	Tracking universal waste shipments.	273-
273.40	Exports.	273-
	<i>Subsection D – Standards for Universal Waste Transporters</i>	
273.50	Applicability.	273-
273.51	Prohibitions.	273-
273.52	Waste management	273-
273.53	Storage Time Limits	273-
273.54	Response to releases.	273-
273.55	Off-site shipments.	273-
273.56	Exports.	273-
	<i>Subsection E – Standards for Destination Facilities</i>	
273.60	Applicability.	273-
273.61	Off-site shipments.	273-
273.62	Tracking universal waste shipments.	273-

	<i>Subsection F – Import Requirements</i>	
273.70	Imports	273-

	<i>Subsection G – Petitions to Include Other Wastes under § 273</i>	
--	---	--

273.80	General	273-
273.81	Factors for Petitions to Include Other Wastes under § 273.	273-

Section 279. STANDARDS FOR THE MANAGEMENT OF USED OIL

	<i>Subsection A -- General</i>	
279.1	Definitions	279-
	<i>Subsection B -- Applicability</i>	
279.10	Applicability.	279-
279.11	Used oil specifications.	279-
279.12	Prohibitions.	279-
	<i>Subsection C – Standards for Used Oil Generators</i>	
279.20	Applicability.	279-
279.21	Hazardous waste mixing.	279-
279.22	Used oil storage.	279-
279.23	On-site burning in space heaters.	279-
279.24	Off-site shipments.	279-
	<i>Subsection D – Standards for Used Oil Collection Centers and Aggregation Points</i>	
279.30	Do-it-yourselfer used oil collection centers	279-
279.31	Used oil collection centers.	279-

279.32	Used oil aggregation points owned by the generator.	279-	279.64	Used oil storage.	279-
			279.65	Tracking.	279-
			279.66	Notices.	279-
			279.67	Management of residues.	279-
	<i>Subsection E – Standards for Used Oil Transporter and Transfer Facilities</i>			<i>Subsection H – Standards for Used Oil Fuel Marketers</i>	
279.40	Applicability.	279-	279.70	Applicability.	279-
279.41	Restrictions on transporters who are not also processors or re-refiners.	279-	279.71	Prohibitions.	279-
279.42	Notification.	279-	279.72	On-specification used oil fuel.	279-
279.43	Used oil transportation.	279-	279.73	Notification.	279-
279.44	Rebuttable presumption for used oil.	279-	279.74	Tracking.	279-
279.45	Used oil storage at transfer facilities.	279-	279.75	Notices.	279-
279.46	Tracking.	279-		<i>Subsection I – Standards for Use as a Dust Suppressant and Disposal of Used Oil</i>	
279.47	Management of residues.	279-	279.80	Applicability.	279-
	<i>Subsection F – Standards for Used Oil Processors and Re-refiners</i>		279.81	Disposal.	279-
279.50	Applicability.	279-	279.82	Use as a dust suppressant.	279-
279.51	Notification.	279-		CHAPTER 3	
279.52	General facility standards.	279-	19	Effect of Federal Regulations	279-
279.53	Rebuttable presumption for used oil.	279-	20	Authority	279-
279.54	Used oil management.	279-	21	Definitions	279-
279.55	Analysis plan	279-	22	State/EPA Memorandum of Agreement	
279.56	Tracking.	279-		CHAPTER 4	
279.57	Operating record and reporting.	279-		(Reserved)	279-
279.58	Off-site shipments of used oil.	279-		CHAPTER 5	
279.59	Management of residues.	279-	28	Penalty Policy & Administrative Policies	
	<i>Subsection G – Standards for Used Oil Burners Who Burn Off—specification Used Oil for Energy Recovery</i>		29	Severability	279-
279.60	Applicability.	279-	30	Effective Date.	279-
279.61	Restrictions on burning.	279-			
279.62	Notification.	279-			
279.63	Rebuttable presumption for used oil.	279-			

Proposed Itemized Revisions to Regulation No. 23 2011 Annual Update

Provisions of APC&EC Regulation No. 23 (Hazardous Waste Management), dated August 26, 2011, are amended as itemized below:

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 ~~August 31, 2010~~ December 31, 2011.

2. **Section 261.33** is amended by removing the entries for the U202 hazardous waste code (Saccharin) in the table under paragraph (f).

3. Previous provisions at **Section 261.38** are deleted in their entirety and replaced by the following federal provisions:

~~§261.38 Comparable/Syngas Fuel Exclusion.~~

~~Wastes that meet the following comparable/syngas fuel requirements are not solid wastes:~~

~~(a) Comparable fuel specifications. (1) Physical specifications.~~

~~(i) Heating value. The heating value must exceed 5,000 BTU/lbs. (11,500 J/g).~~

~~(ii) Viscosity. The viscosity must not exceed: 50 cs, as-fired.~~

~~(2) Constituent specifications. For compounds listed in Table 1 to this paragraph the specification levels and, where non-detect is the specification, minimum required detection limits are: (see Table 1 on following page).~~

~~(b) Synthesis gas fuel specification. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must:~~

~~(1) Have a minimum Btu value of 100 Btu/Scf;~~

~~(2) Contain less than 1 ppmv of total halogen;~~

~~(3) Contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);~~

~~(4) Contain less than 200 ppmv of hydrogen sulfide; and~~

~~(5) Contain less than 1 ppmv of each hazardous constituent in the target list of Appendix VIII constituents of this Section.~~

~~(c) Implementation. Waste that meets the comparable or syngas fuel specifications provided by paragraphs (a) or (b) of this section (these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in paragraphs (c)(3) or (4) of this section) is excluded from the definition of solid waste provided that the following requirements are met:~~

~~(1) Notices — For purposes of this section, the person claiming and qualifying for the exclusion is called the comparable/syngas fuel generator and the person burning the comparable/syngas fuel is called the comparable/syngas burner. The person who generates the comparable fuel or syngas fuel must claim and certify to the exclusion:~~

~~(i) State RCRA and CAA Directors in Authorized States or Regional RCRA and CAA Directors in Unauthorized States.~~

~~(A) The generator must submit a one-time notice to the Regional or State RCRA and CAA Directors, in whose jurisdiction the exclusion is being claimed and where the comparable/syngas fuel will be burned, certifying~~

~~compliance with the conditions of the exclusion and providing documentation as required by paragraph (c)(1)(i)(C) of this section;~~

~~(B) If the generator is a company that generates comparable/syngas fuel at more than one facility, the generator shall specify at which sites the comparable/syngas fuel will be generated;~~

~~(C) A comparable/syngas fuel generator's notification to the Directors must contain the following items:~~

~~(1) The name, address, and RCRA ID number of the person/facility claiming the exclusion;~~

~~(2) The applicable EPA Hazardous Waste Codes for the hazardous waste;~~

~~(3) Name and address of the units, meeting the requirements of paragraph (c)(2) of this section, that will burn the comparable/syngas fuel; and~~

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

~~(ii) Public notice. Prior to burning an excluded comparable/syngas fuel, the burner must publish in a major newspaper of general circulation local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Comparable/Syngas Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:~~

~~(A) Name, address, and RCRA ID number of the generating facility;~~

~~(B) Name and address of the unit(s) that will burn the comparable/syngas fuel;~~

~~(C) A brief, general description of the manufacturing, treatment, or other process generating the comparable/syngas fuel;~~

~~(D) An estimate of the average and maximum monthly and annual quantity of the waste claimed to be excluded; and~~

~~(E) Name and mailing address of the Regional or State Directors to whom the claim was submitted.~~

~~(2) Burning. The comparable/syngas fuel exclusion for fuels meeting the requirements of paragraphs (a) or (b) and (c)(1) of this section applies only if the~~

~~fuel is burned in the following units that also shall be subject to Federal/State/local air emission requirements, including all applicable CAA MACT requirements:~~

~~(i) Industrial furnaces as defined in §260.10 of this regulation;~~

~~(ii) Boilers, as defined in §260.10 of this regulation, that are further defined as follows:~~

~~(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or~~

~~(B) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;~~

~~(iii) Hazardous waste incinerators subject to regulation under subsection O of Sections 264 or 265 of this regulation or applicable CAA MACT standards.~~

~~(iv) Gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.~~

~~(3) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification shall:~~

~~(i) As generated and prior to any blending, manipulation, or processing meet the constituent and heating value specifications of paragraphs (a)(1)(i) and (a)(2) of this section;~~

~~(ii) Be blended at a facility that is subject to the applicable requirements of Sections 264 and 265, or §262.34 of this regulation; and~~

~~(iii) Not violate the dilution prohibition of paragraph (c)(6) of this regulation.~~

~~(4) Treatment to meet the comparable fuel exclusion specifications. (i) A hazardous waste may be treated to meet the exclusion specifications of paragraphs (a)(1) and (2) of this section provided the treatment:~~

~~(A) Destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;~~

~~(B) Is performed at a facility that is subject to the applicable requirements of Sections 264 and 265, or §262.34 of this regulation; and~~

~~(C) Does not violate the dilution prohibition of paragraph (c)(6) of this section.~~

~~(ii) Residuals resulting from the treatment of a hazardous waste listed in subsection D of this Section to generate a comparable fuel remain a hazardous waste.~~

~~(5) Generation of a syngas fuel. (i) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of paragraph (b) of this section provided the processing:~~

~~(A) Destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;~~

~~(B) Is performed at a facility that is subject to the applicable requirements of Sections 264 and 265, or §262.34 of this regulation or is an exempt recycling unit pursuant to §261.6(c) of this regulation; and~~

~~(C) Does not violate the dilution prohibition of paragraph (c)(6) of this section.~~

~~(ii) Residuals resulting from the treatment of a hazardous waste listed in subsection D of this Section to generate a syngas fuel remain a hazardous waste.~~

~~(6) Dilution prohibition for comparable and syngas fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a hazardous waste to meet the exclusion specifications of paragraph (a)(1)(i), (a)(2) or (b) of this section.~~

~~(7) Waste analysis plans. The generator of a comparable/syngas fuel shall develop and follow a written waste analysis plan which describes the procedures for sampling and analysis of the hazardous waste to be excluded. The plan shall be followed and retained at the facility excluding the waste.~~

~~(i) At a minimum, the plan must specify:~~

~~(A) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of those parameters;~~

~~(B) The test methods which will be used to test for these parameters;~~

~~(C) The sampling method which will be used to obtain a representative sample of the waste to be analyzed;~~

~~(D) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and~~

~~(E) If process knowledge is used in the waste determination, any information prepared by the generator in making such determination.~~

~~(ii) The waste analysis plan shall also contain records of the following:~~

~~(A) The dates and times waste samples were obtained, and the dates the samples were analyzed;~~

~~(B) The names and qualifications of the person(s) who obtained the samples;~~

~~(C) A description of the temporal and spatial locations of the samples;~~

~~(D) The name and address of the laboratory facility at which analyses of the samples were performed;~~

~~(E) A description of the analytical methods used, including any clean up and sample preparation methods;~~

~~(F) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan which occurred;~~

~~(G) All laboratory results demonstrating that the exclusion specifications have been met for the waste; and~~

~~(H) All laboratory documentation that support the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in paragraph (c)(11) of this section and also provides for the availability of the documentation to the claimant upon request.~~

~~(iii) Syngas fuel generators shall submit for approval, prior to performing sampling, analysis, or any management of a syngas fuel as an excluded waste, a waste analysis plan containing the elements of paragraph (c)(7)(i) of this section to the appropriate regulatory authority. The approval of waste analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the waste analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.~~

~~(8) Comparable fuel sampling and analysis. (i) General. For each waste for which an exclusion is claimed, the generator of the hazardous waste must test for all the constituents on Appendix VIII to this Section, except those that the generator determines, based on testing or knowledge, should not be present in the waste. The generator is required to document the basis of each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents should not be present:~~

~~(A) A constituent that triggered the toxicity characteristic for the waste constituents that were the basis of the listing of the waste stream, or constituents for which there is a treatment standard for the waste code in § 268.40;~~

~~(B) A constituent detected in previous analysis of the waste;~~

~~(C) Constituents introduced into the process that generates the waste;~~

~~or~~

~~(D) Constituents that are byproducts or side reactions to the process that generates the waste.~~

Note to paragraph (c)(8): Any claim under this section must be valid and accurate for all hazardous constituents; a determination not to test for a hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.

~~(ii) For each waste for which the exclusion is claimed where the generator of the comparable/syngas fuel is not the original generator of the hazardous waste, the generator of the comparable/syngas fuel may not use process knowledge pursuant to paragraph (c)(8)(i) of this section and must test to determine that all of the constituent specifications of paragraphs (a)(2) and (b) of this section have been met.~~

~~(iii) The comparable/syngas fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the waste. For the waste to be eligible for exclusion, a generator must demonstrate that:~~

~~(A) Each constituent of concern is not present in the waste above the specification level at the 95% upper confidence limit around the mean; and~~

~~(B) The analysis could have detected the presence of the constituent at or below the specification level at the 95% upper confidence limit around the mean.~~

~~(iv) Nothing in this paragraph preempts, overrides or otherwise negates the provision in §262.11 of this regulation, which requires any person who generates a solid waste to determine if that waste is a hazardous waste.~~

~~(v) In an enforcement action, the burden of proof to establish conformance with the exclusion specification shall be on the generator claiming the exclusion.~~

~~(vi) The generator must conduct sampling and analysis in accordance with their waste analysis plan developed under paragraph (c)(7) of this section.~~

~~(vii) Syngas fuel and comparable fuel that has not been blended in order to meet the kinematic viscosity specifications shall be analyzed as generated.~~

~~(viii) If a comparable fuel is blended in order to meet the kinematic viscosity specifications, the generator shall:~~

~~(A) Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and~~

~~(B) After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable/syngas fuel specifications.~~

~~(ix) Excluded comparable/syngas fuel must be re-tested, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties of the waste.~~

~~(9) Speculative accumulation. Any persons handling a comparable/syngas fuel are subject to the speculative accumulation test under §261.2(c)(4) of this regulation.~~

~~(10) Records. The generator must maintain records of the following information on-site:~~

~~(i) All information required to be submitted to the implementing authority as part of the notification of the claim:~~

~~(A) The owner/operator name, address, and RCRA facility ID number of the person claiming the exclusion;~~

~~(B) The applicable EPA Hazardous Waste Codes for each hazardous waste excluded as a fuel; and~~

~~(C) The certification signed by the person claiming the exclusion or his authorized representative.~~

~~(ii) A brief description of the process that generated the hazardous waste and process that generated the excluded fuel, if not the same;~~

~~(iii) An estimate of the average and maximum monthly and annual quantities of each waste claimed to be excluded;~~

~~(iv) Documentation for any claim that a constituent is not present in the hazardous waste as required under paragraph (c)(8)(i) of this section;~~

~~(v) The results of all analyses and all detection limits achieved as required under paragraph (c)(8) of this section;~~

~~(vi) If the excluded waste was generated through treatment or blending, documentation as required under paragraph (c)(3) or (4) of this section;~~

~~(vii) If the waste is to be shipped off site, a certification from the burner as required under paragraph (c)(12) of this section;~~

~~(viii) A waste analysis plan and the results of the sampling and analysis that includes the following:~~

~~(A) The dates and times waste samples were obtained, and the dates the samples were analyzed;~~

~~(B) The names and qualifications of the person(s) who obtained the samples;~~

~~(C) A description of the temporal and spatial locations of the samples;~~

~~(D) The name and address of the laboratory facility at which analyses of the samples were performed;~~

~~(E) A description of the analytical methods used, including any clean-up and sample preparation methods;~~

~~(F) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan which occurred;~~

~~(G) All laboratory analytical results demonstrating that the exclusion specifications have been met for the waste; and~~

~~(H) All laboratory documentation that support the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in paragraph (c)(11) of this section and also provides for the availability of the documentation to the claimant upon request; and~~

~~(ix) If the generator ships comparable/syngas fuel off-site for burning, the generator must retain for each shipment the following information on-site:~~

~~(A) The name and address of the facility receiving the comparable/syngas fuel for burning;~~

~~(B) The quantity of comparable/syngas fuel shipped and delivered;~~

~~(C) The date of shipment or delivery;~~

~~(D) A cross reference to the record of comparable/syngas fuel analysis or other information used to make the determination that the comparable/syngas fuel meets the specifications as required under paragraph (c)(8) of this section; and~~

~~(E) A one time certification by the burner as required under paragraph (c)(12) of this section.~~

~~(11) Records retention. Records must be maintained for the period of three years. A generator must maintain a current waste analysis plan during that three year period.~~

~~(12) Burner certification. Prior to submitting a notification to the Director and EPA Regional Administrator, a comparable/syngas fuel generator who intends to ship their fuel off site for burning must obtain a one time written, signed statement from the burner:~~

~~–(i) Certifying that the comparable/syngas fuel will only be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required under paragraph (c)(2) of this section;~~

~~–(ii) Identifying the name and address of the units that will burn the comparable/syngas fuel; and~~

~~–(iii) Certifying that the state in which the burner is located is authorized to exclude wastes as comparable/syngas fuel under the provisions of this section.~~

~~(13) Ineligible waste codes. Wastes that are listed because of presence of dioxins or furans, as set out in Appendix VII of this Section, are not eligible for this exclusion, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to full RCRA hazardous waste management requirements.~~

§ 261.38 Exclusion of comparable fuel and syngas fuel.

(a) Specifications for excluded fuels. Wastes that meet the specifications for comparable fuel or syngas fuel under paragraphs (a)(1) or (a)(2) of this section, respectively, and the other requirements of this section, are not solid wastes.

(1) Comparable fuel specifications.—

(i) Physical specifications.—

(A) Heating value. The heating value must exceed 5,000 Btu/lbs. (11,500 J/g).

(B) Viscosity. The viscosity must not exceed: 50 cS, as-fired.

(ii) Constituent specifications. For compounds listed in Table 1 to this section, the specification levels and, where non-detect is the specification, minimum required detection limits are: (see Table 1 of this section).

(2) Synthesis gas fuel specifications.—Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must:

(i) Have a minimum Btu value of 100 Btu/Scf;

(ii) Contain less than 1 ppmv of total halogen;

(iii) Contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);

(iv) Contain less than 200 ppmv of hydrogen sulfide; and

(v) Contain less than 1 ppmv of each hazardous constituent in the target list of appendix VIII constituents of this section.

(3) Blending to meet the specifications.

(i) Hazardous waste shall not be blended to meet the comparable fuel specification under paragraph (a)(1) of this section, except as provided by paragraph (a)(3)(ii) of this section:

(ii) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification for comparable fuel shall:

(A) As generated and prior to any blending, manipulation, or processing, meet the constituent and heating value specifications of paragraphs (a)(1)(i)(A) and (a)(1)(ii) of this section;

(B) Be blended at a facility that is subject to the applicable requirements of Sections 264, 265, or 267 or § 262.34 of this regulation; and

(C) Not violate the dilution prohibition of paragraph (a)(6) of this section.

(4) Treatment to meet the comparable fuel specifications.

(i) A hazardous waste may be treated to meet the specifications for comparable fuel set forth in paragraph (a)(1) of this section provided the treatment:

(A) Destroys or removes the constituents listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;

(B) Is performed at a facility that is subject to the applicable requirements of Sections 264, 265, or 267, or § 262.34 of this regulation; and

(C) Does not violate the dilution prohibition of paragraph (a)(6) of this section.

(ii) Residuals resulting from the treatment of a hazardous waste listed in Subsection D of this section to generate a comparable fuel remain a hazardous waste.

(5) Generation of a syngas fuel.

(i) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of paragraph (a)(2) of this section provided the processing:

(A) Destroys or removes the constituents listed in the specification or raises the heating value by removing or destroying constituents or materials;

(B) Is performed at a facility that is subject to the applicable requirements of Sections 264, 265, or 267, or § 262.34 of this regulation or is an exempt recycling unit pursuant to § 261.6(c); and

(C) Does not violate the dilution prohibition of paragraph (a)(6) of this section.

(ii) Residuals resulting from the treatment of a hazardous waste listed in Subsection D of this Section to generate a syngas fuel remain a hazardous waste.

(6) Dilution prohibition. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a hazardous waste to meet the specifications of paragraphs (a)(1)(i)(A) or (a)(1)(ii) of this section for comparable fuel, or paragraph (a)(2) of this section for syngas.

(b) Implementation.

(1) General.

(i) Wastes that meet the specifications provided by paragraph (a) of this section for comparable fuel or syngas fuel are excluded from the definition of solid waste provided that the conditions under this section are met. For purposes of this section, such materials are called excluded fuel; the person claiming and qualifying for the exclusion is called the excluded fuel generator and the person burning the excluded fuel is called the excluded fuel burner.

(ii) The person who generates the excluded fuel must claim the exclusion by complying with the conditions of this section and keeping records necessary to document compliance with those conditions.

(2) Notices.

(i) Notices to State RCRA and CAA Directors in authorized States or regional RCRA and CAA Directors in unauthorized States.

(A) The generator must submit a one-time notice, except as provided by paragraph (b)(2)(i)(C) of this section, to the Regional or State RCRA and CAA Directors, in whose jurisdiction the exclusion is being claimed and where the excluded fuel will be burned, certifying compliance with the conditions of the exclusion and providing the following documentation:

(1) The name, address, and EPA ID number of the person/facility claiming the exclusion;

(2) The applicable EPA Hazardous Waste Code(s) that would otherwise apply to the excluded fuel;

(3) The name and address of the units meeting the requirements of paragraphs (b)(3) and (c) of this section, that will burn the excluded fuel;

(4) An estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed, except as provided by paragraph (b)(2)(i)(C) of this section; and

(5) The following statement, which shall be signed and submitted by the person claiming the exclusion or his authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 40 CFR 261.38 and APC&EC Regulation No. 23 have been met for all comparable fuels identified in this notification. Copies of the records and information required at 40 CFR 261.38(b)(8) are available at the generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the

information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(B) If there is a substantive change in the information provided in the notice required under this paragraph, the generator must submit a revised notification.

(C) Excluded fuel generators must include an estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed only in notices submitted after December 19, 2008 for newly excluded fuel or for revised notices as required by paragraph (b)(2)(i)(B) of this section.

(ii) Public notice. Prior to burning an excluded fuel, the burner must publish in a major newspaper of general circulation local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Fuel Excluded Under the Resource Conservation and Recovery Act" and containing the following information:

(A) Name, address, and EPA ID number of the generating facility(ies);

(B) Name and address of the burner and identification of the unit(s) that will burn the excluded fuel;

(C) A brief, general description of the manufacturing, treatment, or other process generating the excluded fuel;

(D) An estimate of the average and maximum monthly and annual quantity of the excluded fuel to be burned; and

(E) Name and mailing address of the Regional or State Directors to whom the generator submitted a claim for the exclusion.

(3) Burning. The exclusion applies only if the fuel is burned in the following units that also shall be subject to Federal/State/local air emission requirements, including all applicable requirements implementing section 112 of the federal Clean Air Act:

(i) Industrial furnaces as defined in § 260.10 of this regulation;

(ii) Boilers, as defined in § 260.10 of this regulation, that are further defined as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;

(iii) Hazardous waste incinerators subject to regulation under Subsection O of Sections 264 or 265 of this regulation and applicable CAA MACT standards.

(iv) Gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

(4) Fuel analysis plan for generators. The generator of an excluded fuel shall develop and follow a written fuel analysis plan which describes the procedures for sampling and analysis of the material to be excluded. The plan shall be followed and retained at the site of the generator claiming the exclusion.

(i) At a minimum, the plan must specify:

(A) The parameters for which each excluded fuel will be analyzed and the rationale for the selection of those parameters;

(B) The test methods which will be used to test for these parameters;

(C) The sampling method which will be used to obtain a representative sample of the excluded fuel to be analyzed;

(D) The frequency with which the initial analysis of the excluded fuel will be reviewed or repeated to ensure that the analysis is accurate and up to date; and

(E) If process knowledge is used in the determination, any information prepared by the generator in making such determination.

(ii) For each analysis, the generator shall document the following:

(A) The dates and times that samples were obtained, and the dates the samples were analyzed;

(B) The names and qualifications of the person(s) who obtained the samples;

(C) A description of the temporal and spatial locations of the samples;

(D) The name and address of the laboratory facility at which analyses of the samples were performed;

(E) A description of the analytical methods used, including any clean-up and sample preparation methods;

(F) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and the description of any deviations from analytical methods written in the plan or from any other activity written in the plan which occurred;

(G) All laboratory results demonstrating whether the exclusion specifications have been met; and

(H) All laboratory documentation that support the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in paragraph (b)(9) of this section and also provides for the availability of the documentation to the claimant upon request.

(iii) Syngas fuel generators shall submit for approval, prior to performing sampling, analysis, or any management of an excluded syngas fuel, a fuel analysis plan containing the elements of paragraph (b)(4)(i) of this section to the appropriate regulatory authority. The approval of fuel analysis

plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the fuel analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.

(5) Excluded fuel sampling and analysis.

(i) General. For wastes for which an exclusion is claimed under the specifications provided by paragraphs (a)(1) or (a)(2) of this section, the generator of the waste must test for all the constituents in appendix VIII to this section, except those that the generator determines, based on testing or knowledge, should not be present in the fuel. The generator is required to document the basis of each determination that a constituent with an applicable specification should not be present. The generator may not determine that any of the following categories of constituents with a specification in Table 1 to this section should not be present:

(A) A constituent that triggered the toxicity characteristic for the constituents that were the basis for listing the hazardous secondary material as a hazardous waste, or constituents for which there is a treatment standard for the waste code in § 268.40 of this regulation;

(B) A constituent detected in previous analysis of the waste;

(C) Constituents introduced into the process that generates the waste;

or

(D) Constituents that are byproducts or side reactions to the process that generates the waste.

Note to paragraph (b)(5): Any claim under this section must be valid and accurate for all hazardous constituents; a determination not to test for a hazardous constituent will not shield a generator from liability should that constituent later be found in the excluded fuel above the exclusion specifications.

(ii) Use of process knowledge. For each waste for which the comparable fuel or syngas exclusion is claimed where the generator of the excluded fuel is not the original generator of the hazardous waste, the generator of the excluded fuel may not use process knowledge pursuant to paragraph (b)(5)(i) of this section and must test to determine that all of the constituent specifications of paragraphs (a)(1) and (a)(2) of this section, as applicable, have been met.

(iii) The excluded fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the excluded fuel. For the fuel to be eligible for exclusion, a generator must demonstrate that:

(A) The 95% upper confidence limit of the mean concentration for each constituent of concern is not above the specification level; and

(B) The analyses could have detected the presence of the constituent at or below the specification level.

(iv) Nothing in this paragraph preempts, overrides or otherwise negates the provision in § 262.11 of this regulation, which requires any person who generates a solid waste to determine if that waste is a hazardous waste.

(v) In an enforcement action, the burden of proof to establish conformance with the exclusion specification shall be on the generator claiming the exclusion.

(vi) The generator must conduct sampling and analysis in accordance with the fuel analysis plan developed under paragraph (b)(4) of this section.

(vii) Viscosity condition for comparable fuel.

(A) Excluded comparable fuel that has not been blended to meet the kinematic viscosity specification shall be analyzed as-generated.

(B) If hazardous waste is blended to meet the kinematic viscosity specification for comparable fuel, the generator shall:

(1) Analyze the hazardous waste as-generated to ensure that it meets the constituent and heating value specifications of paragraph (a)(1) of this section; and

(2) After blending, analyze the fuel again to ensure that the blended fuel meets all comparable fuel specifications.

(viii) Excluded fuel must be re-tested, at a minimum, annually and must be retested after a process change that could change its chemical or physical properties in a manner that may affect conformance with the specifications.

(6) (Reserved)

(7) Speculative accumulation. Excluded fuel must not be accumulated speculatively, as defined in § 261.1(c)(8).

(8) Operating record. The generator must maintain an operating record on site containing the following information:

(i) All information required to be submitted to the implementing authority as part of the notification of the claim:

(A) The owner/operator name, address, and EPA ID number of the person claiming the exclusion;

(B) For each excluded fuel, the EPA Hazardous Waste Codes that would be applicable if the material were discarded; and

(C) The certification signed by the person claiming the exclusion or his authorized representative.

(ii) A brief description of the process that generated the excluded fuel. If the comparable fuel generator is not the generator of the original hazardous waste, provide a brief description of the process that generated the hazardous waste;

(iii) The monthly and annual quantities of each fuel claimed to be excluded;

(iv) Documentation for any claim that a constituent is not present in the excluded fuel as required under paragraph (b)(5)(i) of this section;

(v) The results of all analyses and all detection limits achieved as required under paragraph (b)(4) of this section;

(vi) If the comparable fuel was generated through treatment or blending, documentation of compliance with the applicable provisions of paragraphs (a)(3) and (a)(4) of this section;

(vii) If the excluded fuel is to be shipped off-site, a certification from the burner as required under paragraph (b)(10) of this section;

(viii) The fuel analysis plan and documentation of all sampling and analysis results as required by paragraph (b)(4) of this section; and

(ix) If the generator ships excluded fuel off-site for burning, the generator must retain for each shipment the following information on-site:

(A) The name and address of the facility receiving the excluded fuel for burning;

(B) The quantity of excluded fuel shipped and delivered;

(C) The date of shipment or delivery;

(D) A cross-reference to the record of excluded fuel analysis or other information used to make the determination that the excluded fuel meets the specifications as required under paragraph (b)(4) of this section; and

(E) A one-time certification by the burner as required under paragraph (b)(10) of this section.

(9) Records retention. Records must be maintained for a period of three (3) years.

(10) Burner certification to the generator. Prior to submitting a notification to the State and Regional Directors, a generator of excluded fuel who intends to ship the excluded fuel off-site for burning must obtain a one-time written, signed statement from the burner:

(i) Certifying that the excluded fuel will only be burned in an industrial furnace, industrial boiler, utility boiler, or hazardous waste incinerator, as required under paragraph (b)(3) of this section;

(ii) Identifying the name and address of the facility that will burn the excluded fuel; and

(iii) Certifying that the State in which the burner is located is authorized to exclude wastes as excluded fuel under the provisions of this section.

(11) Ineligible waste codes. Wastes that are listed as hazardous waste because of the presence of dioxins or furans, as set out in Appendix VII of this Section, are not eligible for these exclusions, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to the full RCRA hazardous waste management requirements.

(12) Regulatory status of boiler residues. Burning excluded fuel that was otherwise a hazardous waste listed under §§ 261.31 through 261.33 does not subject boiler residues, including bottom ash and emission control residues, to regulation as derived-from hazardous wastes.

(13) Residues in containers and tank systems upon cessation of operations.

(i) Liquid and accumulated solid residues that remain in a container or tank system for more than 90 days after the container or tank system ceases to be operated for storage or transport of excluded fuel product are subject to regulation under Sections 262 through 265, 267, 268, and 270 of this regulation.

(ii) Liquid and accumulated solid residues that are removed from a container or tank system after the container or tank system ceases to be operated for storage or transport of excluded fuel product are solid wastes subject to regulation as hazardous waste if the waste exhibits a characteristic of hazardous waste under §§ 261.21 through 261.24 or if the fuel were otherwise a hazardous waste listed under §§ 261.31 through 261.33 when the exclusion was claimed.

(iii) Liquid and accumulated solid residues that are removed from a container or tank system and which do not meet the specifications for exclusion under paragraphs (a)(1) or (a)(2) of this section are solid wastes subject to regulation as hazardous waste if:

(A) The waste exhibits a characteristic of hazardous waste under §§ 261.21 through 261.24; or

(B) The fuel were otherwise a hazardous waste listed under §§ 261.31 through 261.33. The hazardous waste code for the listed waste applies to these liquid and accumulated solid residues.

(14) Waiver of RCRA Closure Requirements. Interim status and permitted storage and combustion units, and generator storage units exempt from the permit requirements under § 262.34 of this regulation, are not subject to the closure requirements of Sections 264, 265, and 267 provided that the storage and combustion unit has been used to manage only hazardous waste that is subsequently excluded under the conditions of this section, and that afterward will be used only to manage fuel excluded under this section.

(15) Spills and leaks.

(i) Excluded fuel that is spilled or leaked and that therefore no longer meets the conditions of the exclusion is discarded and must be managed as a hazardous waste if it exhibits a characteristic of hazardous waste under §§ 261.21 through 261.24 or if the fuel were otherwise a hazardous waste listed in §§ 261.31 through 261.33.

(ii) For excluded fuel that would have otherwise been a hazardous waste listed in §§ 261.31 through 261.33 and which is spilled or leaked, the hazardous waste code for the listed waste applies to the spilled or leaked material.

(16) Nothing in this section preempts, overrides, or otherwise negates the provisions in CERCLA Section 103, which establish reporting obligations for releases of hazardous substances, or the Department of Transportation requirements for hazardous materials in 49 CFR parts 171 through 180.

(c) Failure to comply with the conditions of the exclusion. An excluded fuel loses its exclusion if any person managing the fuel fails to comply with the conditions of the exclusion under this section, and the material must be managed as hazardous waste from the point of generation. In such situations, EPA or an authorized State agency may take enforcement action under RCRA section 3008(a).

Table 1 to § 261.38 – Detection and Detection Limit Values for Comparable Fuel Specification					
Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (BTU/lb)	Concentration Limit (mg/kg at 10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Total Nitrogen as N	NA	9000	18400	4900	--
Total Halogen as Cl	NA	1000	18400	540	--
Total Organic Halogens as Cl	NA	--	--	(^a)	--
Polychlorinated biphenyl, total [Aroclors, total]	1338-36-3	ND	--	ND	1.4
Cyanide, total	57-12-5	ND	--	ND	1
Metals					
Antimony, total	7440-36-0	ND	--	12	--
Arsenic, total	7440-38-2	ND	--	0.23	--
Barium, total	7440-39-3	ND	--	23	--
Beryllium, total	7440-41-7	ND	--	1.2	--
Cadmium, total	7440-43-9	ND	--	1.2	--
Chromium, total	7440-47-3	ND	--	2.3	--
Cobalt	7440-48-4	ND	--	4.6	--
Lead, total	7439-92-1	57	18100	31	--
Manganese	7439-96-5	ND	--	1.2	--
Mercury, total	7439-97-6	ND	--	0.25	--
Nickel, total	7440-02-0	106	18400	58	--
Selenium, total	7782-49-2	ND	--	0.23	--
Silver, total	7440-22-4	ND	--	2.3	--
Thallium, total	7440-28-0	ND	--	23	--
Hydrocarbons					
Benzo(a)anthracene	56-55-3	ND	--	2400	--
Benzene	71-43-2	8000	19600	4100	--
Benzo(b)fluoranthene	205-99-2	ND	--	2400	--
Benzo(k)fluoranthene	207-08-9	ND	--	2400	--
Benzo(a)pyrene	50-32-8	ND	--	2400	--
Chrysene	218-01-9	ND	--	2400	--
Dibenzo(a,h)anthracene	52-70-3	ND	--	2400	--
7,12-Dimethylbenz(a)anthracene	57-97-6	ND	--	2400	--
Fluoranthene	206-44-0	ND	--	2400	--
Indeno(1,2,3-cd)pyrene	193-39-5	ND	--	3400	--
3-Methylcholanthrene	56-49-5	ND	--	2400	--
Napthalene	91-20-3	6200	19400	3200	--
Toluene	108-88-3	69000	19400	36000	--
Oxygenates					
Acetophenone	98-86-1	ND	--	2400	--
Acrolein	107-02-8	ND	--	39	--
Allyl alcohol	107-18-6	ND	--	30	--
Bis(2-ethylhexyl)phthalate [Di-2-ethylhexyl phthalate]	117-81-7	ND	--	2400	--

Table 1 to § 261.38 – Detection and Detection Limit Values for Comparable Fuel Specification					
Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (BTU/lb)	Concentration Limit (mg/kg at 10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Butyl benzyl phthalate	85-68-7	ND	--	2400	--
o-Cresol (2-methyl phenol)	95-48-7	ND	--	2400	--
m-Cresol (3-methyl phenol)	108-39-4	ND	--	2400	--
p-Cresol (4-methyl phenol)	106-44-5	ND	--	2400	--
Di-n-butyl phthalate	84-74-2	ND	--	2400	--
Diethyl phthalate	84-66-2	ND	--	2400	--
2,4-Dimethylphenol	105-67-9	ND	--	2400	--
Dimethyl phthalate	117-8-0	ND	--	2400	--
Endothall	145-73-3	ND	--	100	--
Ethyl methacrylate	97-63-2	ND	--	39	--
2-Ethoxyethanol (Ethylene glycol monoethyl ether)	110-80-5	ND	--	100	--
Isobutyl alcohol	78-83-1	ND	--	39	--
Isosafrole	120-58-1	ND	--	2400	--
Methyl ethyl ketone (2-butanone)	78-93-3	ND	--	39	--
Methyl methacrylate	80-62-6	ND	--	39	--
1,4-Napthoquinone	13-15-4	ND	--	2400	--
Phenol	108-95-2	ND	--	2400	--
Propargyl alcohol (2-propyn-1-ol)	107-19-7	ND	--	30	--
Safrole	94-59-7	ND	--	2400	--
Sulfonated Organics					
Carbon disulfide	75-15-0	--	--	ND	39
Disulfoton	298-04-4	--	--	ND	2400
Ethyl methanesulfonate	62-50-0	--	--	ND	2400
Methyl methanesulfonate	66-27-3	--	--	ND	2400
Phorate	298-02-2	--	--	ND	2400
1,3-Propane sulfone	1120-71-4	--	--	ND	100
Tetraethyldithiopyrophosphate (Sulfotepp)	3689-24-5	--	--	ND	2400
Thiophenol (benzenethiol)	108-98-5	--	--	ND	30
O,O,O-Triethyl phosphorothioate	126-68-1	--	--	ND	2400
Nitrogenated Organics					
Acetonitrile (Methyl cyanide)	75-05-8	ND	--	ND	30
2-Acetylaminofluorene [2-AAF]	53-96-3	ND	--	ND	2400
Acrylonitrile	107-13-1	ND	--	ND	39
4-Aminibiphenyl	92-67-1	ND	--	ND	2400
4-Aminopyridine	504-24-5	ND	--	ND	100
Aniline	62-53-3	ND	--	ND	2400
Benzidine	92-67-5	ND	--	ND	2400
Dibenz(a,j)acridine	224-42-0	ND	--	ND	2400
O,O-Diethyl O-pyrazinyl phosphorothioate (Thionazin)	297-97-2	ND	--	ND	2400
Dimethoate	60-51-5	ND	--	ND	2400
p-(Dimethylamino) azobenzene [4-dimethylaminoazobenzene]	60-11-7	ND	--	ND	2400
3,3'-Dimethylbenzidine	119-93-7	ND	--	ND	2400
α,α-Dimethylphenethylamine	122-09-8	ND	--	ND	2400
3,3'-Dimethoxybenzidine	119-93-8	ND	--	ND	100
1,3-Dinitrobenzene [m-dinitrobenzene]	99-65-0	ND	--	ND	2400

Table 1 to § 261.38 – Detection and Detection Limit Values for Comparable Fuel Specification					
Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (BTU/lb)	Concentration Limit (mg/kg at 10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
4,6-Dinitro-o-cresol	534-52-1	ND	--	ND	2400
2,4-Dinitrophenol	51-28-5	ND	--	ND	2400
2,4-Dinitrotoluene	121-14-2	ND	--	ND	2400
2,6-Dinitrotoluene	605-20-2	ND	--	ND	2400
Dinoseb (2-sec-butyl-4,6-dinitrophenol)	88-85-7	ND	--	ND	2400
Diphenylamine	122-39-4	ND	--	ND	2400
Ethyl carbamate (Urethane)	51-79-6	ND	--	ND	100
Ethylenethiourea (2-imidazolidinethione)	96-45-7	ND	--	ND	110
Famphur	52-85-7	ND	--	ND	2400
Methacrylonitrile	126-98-7	ND	--	ND	39
Methapyrilene	91-80-5	ND	--	ND	2400
Methomyl	16752-77-5	ND	--	ND	57
2-Methylactonitrile (acetone cyanohydrin)	75-86-5	ND	--	ND	100
Methyl parathion	298-00-0	ND	--	ND	2400
MNNG [N-methyl-N-nitroso-N'-nitroguanidine]	70-25-7	ND	--	ND	110
1-Naphthylamine [α -naphthylamine]	134-32-7	ND	--	ND	2400
2-Naphthylamine [β -naphthylamine]	91-59-8	ND	--	ND	2400
Nicotine	54-11-5	ND	--	ND	100
4-Nitroaniline (p-nitroaniline)	100-01-6	ND	--	ND	2400
Nitrobenzene	98-96-3	ND	--	ND	2400
p-Nitrophenol	100-02-7	ND	--	ND	2400
5-Nitro-o-toluidine	99-55-8	ND	--	ND	2400
N-Nitroso-di-n-butylamine	924-16-3	ND	--	ND	2400
N-Nitrosodiethylamine	55-18-5	ND	--	ND	2400
N-Nitrosodiphenylamine (diphenylnitrosamine)	86-30-6	ND	--	ND	2400
N-Nitroso-N-methylethylamine	10595-95-6	ND	--	ND	2400
N-Nitrosomorpholine	59-89-2	ND	--	ND	2400
N-Nitrosopiperidine	100-75-4	ND	--	ND	2400
N-Nitrosopyrrolidine	930-55-2	ND	--	ND	2400
2-Nitropropane	79-46-9	ND	--	ND	2400
Parathion	56-38-2	ND	--	ND	2400
Phenacetin	62-44-2	ND	--	ND	2400
1,4-Phenylene diamine (p-phenylenediamine)	106-50-3	ND	--	ND	2400
N-Phenylthiourea	103-85-5	ND	--	ND	57
2-Picoline (α -picoline)	109-06-8	ND	--	ND	2400
Propylthiouracil (6-propyl-2-thiouracil)	51-52-5	ND	--	ND	100
Pyridine	110-86-1	ND	--	ND	2400
Strychnine	57-24-9	ND	--	ND	100
Thioacetamide	62-55-5	ND	--	ND	57
Thiofanox	39196-18-4	ND	--	ND	100
Thiourea	62-56-6	ND	--	ND	57

Table 1 to § 261.38 – Detection and Detection Limit Values for Comparable Fuel Specification					
Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (BTU/lb)	Concentration Limit (mg/kg at 10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Toluene-2,4-diamine (2,4-diaminotoluene)	95-80-7	ND	--	ND	57
Toluene-2,6-diamine (2,6-diaminotoluene)	823-40-5	ND	--	ND	57
o-Toluidine	95-53-4	ND	--	ND	2400
p-Toluidine	106-49-0	ND	--	ND	100
1,3,5-Trinitrobenzene (sym-trinitrobenzene)	99-35-4	ND	--	ND	2400
Halogenated Organics					
Allyl chloride	107-05-1	ND	--	ND	2400
Aramite	140-57-8	ND	--	ND	2400
Benzal chloride (dichloromethyl benzene)	98-57-3	ND	--	ND	2400
Benzyl chloride	100-44-77	ND	--	ND	2400
bis(2-Chloroethyl) ether dichloroethyl ether)	111-44-4	ND	--	ND	39
Bromoform (tribromomethane)	75-25-2	ND	--	ND	39
Bromomethane (methyl bromide)	74-84-9	ND	--	ND	39
4-Bromophenyl phenyl ether (p-bromodiphenyl ether)	101-55-3	ND	--	ND	2400
Carbon tetrachloride	56-23-5	ND	--	ND	2400
Chlordane	57-75-9	ND	--	ND	2400
p-Chloroaniline	106-47-8	ND	--	ND	39
Chlorobenzene	108-90-7	ND	--	ND	39
Chlorobenzilate	510-15-6	ND	--	ND	39
p-Chloro-m-cresol	59-50-7	ND	--	ND	30
2-Chloroethyl vinyl ether	110-75-8	ND	--	ND	1.4
Chloroform	67-66-3	ND	--	ND	1.4
Chloromethane (methyl chloride)	74-87-3	ND	--	ND	1.4
2-Chloronaphthalene (β-chloronaphthalene)	91-58-7	ND	--	ND	1.4
2-Chlorophenol (o-chlorophenol)	95-57-8	ND	--	ND	1.4
Chloroprene (2-chloro-1,3-butadiene)	1126-99-8	ND	--	ND	30
2,4-D (2,4-dichlorophenoxyacetic acid)	94-75-7	ND	--	ND	39
Diallate	2303-16-4	ND	--	ND	100
1,2-Dibromo-3-chloropropane	96-12-8	ND	--	ND	1.4
1,2-Dichlorobenzene (o-dichlorobenzene)	95-50-1	ND	--	ND	2.8
1,3-Dichlorobenzene (m-dichlorobenzene)	541-73-1	ND	--	ND	2400
1,4-Dichlorobenzene (p-dichlorobenzene)	106-47-7	ND	--	ND	2400
3,3'-Dichlorobenzidine	91-94-1	ND	--	ND	2400
Dichlorodifluoromethane (CFC-12)	75-71-8	ND	--	ND	2400
1,2-Dichlorethane (ethylene dichloride)	107-06-2	ND	--	ND	59000
1,1-Dichloroethylene (vinylidene chloride)	75-35-4	ND	--	ND	2400
Dichloromethoxy ethane (bis(2-chlorethoxy) methane	111-91-1	ND	--	ND	2400

Table 1 to § 261.38 – Detection and Detection Limit Values for Comparable Fuel Specification					
Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (BTU/lb)	Concentration Limit (mg/kg at 10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
2,4-Dichlorophenol	120-83-2	ND	--	ND	4700
2,6-Dichlorophenol	87-65-0	ND	--	ND	1.4
1,2-Dichloropropane (propylene dichloride)	78-87-5	ND	--	ND	39
cis-1,3-Dichloropropylene	10061-01-5	ND	--	ND	100
trans-1,3-Dichloropropylene	10061-02-6	ND	--	ND	39
1,3-Dichloro-2-propanol	96-23-1	ND	--	ND	2400
Endosulfan I	959-98-8	ND	--	ND	39
Endosulfan II	33213-65-9	ND	--	ND	2400
Endrin	72-20-8	ND	--	ND	2400
Endrin aldehyde	7421-93-4	ND	--	ND	2400
Endrin ketone	53494-70-5	ND	--	ND	30
Epichlorohydrin (1-chloro-2,3-epoxy propane)	106-89-8	ND	--	ND	30
Ethylidene dichloride (1,1-dichloroethane)	75-34-3	ND	--	ND	2400
2-Fluoroacetamide	640-19-7	ND	--	ND	39
Heptachlor	76-44-8	ND	--	ND	39
Heptachlor epoxide	1024-57-3	ND	--	ND	2400
Hexachlorobenzene	118-74-1	ND	--	ND	2400
Hexachloro-1,3-butadiene (hexachlorobutadiene)	87-88-3	ND	--	ND	39
Hexachlorocyclopentadiene	77-47-4	ND	--	ND	39
Hexachloroethane	67-72-1	ND	--	ND	39
Hexachlorophene	70-30-4	ND	--	ND	39
Hexachloropropene (hexachloropropylene)	1888-71-7	ND	--	ND	2400
Isodrin	465-73-6	ND	--	ND	2400
Kepone (chlordecone)	143-50-0	ND	--	ND	39
Lindane (γ-BHC; γ-hexachlorocyclohexane)	58-89-9	ND	--	ND	39
Methylene chloride (dichloromethane)	75-09-2	ND	--	ND	--
4,4'-Methylenr-bis-(2-chloroaniline)	101-14-4	ND	--	ND	--
Methyl iodide (iodomethane)	74-88-4	ND	--	ND	--
Pentachlorobenzene	608-93-5	ND	--	ND	--
Pentachloroethane	76-01-7	ND	--	ND	--
Pentachloronitrobenzene (PCNB, Quintobezene, Quintozene)	82-68-8	ND	--	ND	--
Pentachlorophenol	87-88-5	ND	--	ND	--
Pronamide	23950-58-5	ND	--	ND	--
Silvex (2,4,5-Trichlorophenoxypropionic acid)	93-72-1	ND	--	ND	--
2,3,7,8-Tetrachlorodibenzo-p- dioxin (2,3,7,8-TCDD)	1746-01-6	ND	--	ND	--

Table 1 to § 261.38 – Detection and Detection Limit Values for Comparable Fuel Specification					
Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (BTU/lb)	Concentration Limit (mg/kg at 10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
1,2,4,5-Tetrachlorobenzene	95-94-3	ND	--	ND	--
1,1,2,2-Tetrachloroethane	79-35-4	ND	--	ND	--
Tetrachloroethylene (perchloroethylene)	127-18-4	ND	--	ND	--
2,3,4,6-Tetrachlorophenol	58-90-2	ND	--	ND	--
1,2,4-Trichlorobenzene	120-82-1	ND	--	ND	--
1,1,1-Trichloroethane (methyl chloroform)	71-55-6	ND	--	ND	--
1,1,2-Trichloroethane (vinyl trichloride)	79-00-5	ND	--	ND	--
Trichloroethylene	79-01-6	ND	--	ND	--
Trichlorofluoromethane (trichloromonofluoromethane)	75-69-4	ND	--	ND	--
2,4,5-Trichlorophenol	95-95-4	ND	--	ND	--
2,4,6-Trichlorophenol	88-06-2	ND	--	ND	--
1,2,3-Trichloropropane	98-18-4	ND	--	ND	--
Vinyl chloride	75-01-4	ND	--	ND	--
Notes: NA – Not Applicable ND – Non-detect (a) – 25 or individual halogenated organics listed below					

5. **Appendix VIII to Section 261** is amended by removing the entries for “Saccharin” and “Saccharin salts” from the table “Hazardous Constituents.”

6. **Section 262.21** is amended by revising paragraph (f)(4) to read as follows:

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

* * * * *

(f) * * *

(4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, or faxed, except that the marginal words indicating copy distribution must be ~~in red ink~~ printed with a distinct ink color or with another method (e.g., white text against black background in text box, or, black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.

* * * * *

7. Amend **Section 262.200** to revise the definition of “central accumulation area” to read as follows:

§ 262.200 Definitions for this subsection.

* * * * *

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

* * * * *

8. Amend **Section 262.206** to revise paragraph (b)(3)(i), to read as follows:

§ 262.206 Labeling and management standards for containers of unwanted material in the laboratory.

* * * * *

(b) * * *

(3) * * *

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

* * * * *

9. Amend **Section 262.212** to revise paragraph (e)(1), to read as follows:

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

* * * * *

(e) * * *

(1) Write the words “hazardous waste” on the container label that is affixed or attached to the container ~~{or on the label that is affixed or attached to the container, if that is preferred}~~ within 4 calendar days of arriving at the on-site interim status or permitted treatment, storage disposal facility and before the hazardous waste may be removed from the on-site interim status or permitted treatment, storage or disposal facility, and

* * * * *

10. Amend **Section 262.214** to revise paragraphs (a)(1) introductory text and (b)(1), to read as follows:

§ 262.214 Laboratory management plan.

(a) * * *

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

* * * * *

(b) * * *

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

* * * * *

11. **Section 264.16** is amended to add new paragraph (a)(4) to read as follows:

§ 264.16 Personnel training.

(a) * * *

(4) For facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1910.120(p)(8) and 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this section, provided that the overall facility training meets all the requirements of this section.

12. **Section 264.195** is revised to read as follows:

§ 264.195 Inspections.

(a) * * * * *

~~(b) The owner or operator must inspect at least once each operating day:~~

~~(1) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;~~

~~(2) Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and~~

~~(3) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).~~

(b) The owner or operator must inspect at least once each operating day data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design.

[Note: Section 264.15(c) requires the owner or operator to remedy any deterioration or malfunction he finds. Section 264.196 requires the owner or operator to notify the Director within 24 hours of confirming a leak. Also, 40 CFR part 302 may require the owner or operator to notify the National Response Center of a release.]

~~(c) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:~~

~~(1) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and~~

~~(2) All sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).~~

~~(d) The owner or operator must document in the operating record of the facility an inspection of those items in paragraphs (a) through (c) of this section.~~

(c) In addition, except as noted under paragraph (d) of this section, the owner or operator must inspect at least once each operating day:

(1) Above ground portions of the tank system, if any, to detect corrosion or releases of waste.

(2) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).

(d) Owners or operators of tank systems that either use leak detection systems to alert facility personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly those areas described in paragraphs (c)(1) and (c)(2) of this section. Use of the alternate inspection schedule must be documented in the facility's operating record. This documentation must include a description of the established workplace practices at the facility.

(e) (Reserved)

(f) Ancillary equipment that is not provided with secondary containment, as described in § 264.193(f)(1) through (4), must be inspected at least once each operating day.

(g) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

(1) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and

(2) All sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).

[Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.]

(h) The owner or operator must document in the operating record of the facility an inspection of those items in paragraphs (a) through (c) of this section.

13. Section 264.251(c) is revised to read as follows:

§ 264.251 Design and operating requirements.

* * * * *

(c) The owner or operator of each new waste pile unit ~~on which construction commences after January 29, 1992~~, each lateral expansion of a waste pile unit ~~on which construction commences after July 29, 1992~~, and each replacement of an existing waste pile unit ~~that is to commence reuse after July 29, 1992~~ must install two or more liners and a leachate collection and removal system above and between such liners. ~~"Construction commences" is as defined in § 260.10 under "existing facility".~~

* * * * *

14. Section 264.301 is revised to read as follows:

§ 264.301 Design and operating requirements.

(e) The double liner requirement set forth in paragraph (c) of this section may be waived by the Director for any monofill, if:

(1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes hazardous for reasons other than the Toxicity Characteristic in § 261.24 of this regulation, with EPA Hazardous Waste Numbers D004 through D017; and

(2)(i)(A) The monofill has at least one liner for which there is no evidence that such liner is leaking;

(B) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in ~~40 CFR 144.3~~ § 270.2 of this regulation); and

(C) The monofill is in compliance with generally applicable ground-water monitoring requirements for facilities with permits under RCRA 3005(c);
or

15. Section 264.314 is revised to read as follows:

§ 264.314 Special requirements for bulk and containerized liquids.

(a) ~~The following materials shall not be disposed of in landfills permitted under this Regulation and Regulation:~~

~~(1) Bulk liquids, semisolids and sludges unless, before disposal, such waste is treated or stabilized into cement like material.~~

~~(2) Containers holding free liquids unless all freestanding liquid has been removed or treated or stabilized into cement like material; or the container is very small, such as an ampule, or is a lab pack as defined in 264.316 or 265.316, as applicable and is disposed of in accordance with 264.316 or 265.316 as applicable.~~

~~(3) Municipal refuse which is not hazardous waste.~~

~~(4) Ignitable wastes in containers, unless all free liquids therein have been removed or treated and stabilized into cement like material.~~

The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

~~(b) Effective May 8, 1985, the placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. Before disposal, liquid waste or waste containing free liquids must be treated or stabilized, (e.g. by mixing with a sorbent solid so that free liquids are no longer present and the waste meets the requirements of (a)(1) or (2) above).~~

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

~~(d)~~ **(c)** Containers holding free liquids must not be placed in a landfill unless:

(1) All free-standing liquid:

(i) Has been removed by decanting, or other methods;

(ii) Has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or

(iii) Has been otherwise eliminated; or

(2) The container is very small, such as an ampule; or

(3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

(4) The container is a lab pack as defined in § 264.316 and is disposed of in accordance with § 264.316.

~~(e)~~(d) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in paragraph (d)(1) of this section; materials that pass one of the tests in paragraph (d)(2) of this section; or materials that are determined by EPA to be nonbiodegradable through the Section 260 petition process.

(1) Nonbiodegradable sorbents.

(i) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or

(ii) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

(iii) Mixtures of these nonbiodegradable materials.

(2) Tests for nonbiodegradable sorbents.

(i) The sorbent material is determined to be nonbiodegradable under ASTM Method 21-70 (1984a) — Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or

(ii) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b) — Standard Practice for Determining Resistance of Plastics to Bacteria; or

(iii) The sorbent material is determined to be non-biodegradable under OECD test 301B: CO₂ Evolution (Modified Sturm Test)].

~~(f)~~(e) The placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the Director, or the Director determines that:

(1) The only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain, hazardous waste; and

(2) Placement in such owner or operator's landfill will not present a risk of contamination of any "underground source of drinking water" (as that term is defined in ~~40 CFR 144.3~~ [§ 270.2 of this regulation.](#))

16. **Section 264.552** is revised to read as follows:

§ 264.552 Corrective Action Management Units (CAMU).

* * * * *

(e) * * * * *

(4) * * * * *

(iv) * * * * *

* * * * *

(F) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the Director may specify a leaching test other than the TCLP (SW-846 Method 1311, ~~40 CFR 144.3~~ § 260.11(a)(11)) to measure treatment effectiveness, provided the Director determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.

17. **Section 264.1030(c)** is revised to read as follows:

§ 264.1030 Applicability.

* * * * *

(c) For the owner and operator of a facility subject to this subsection and who received a final permit under RCRA section 3005 prior to December 6, 1996, the requirements of this subsection shall be incorporated into the permit when the permit is reissued in accordance with the requirements of 40 CFR 124.15 or reviewed in accordance with the requirements of § 270.50 (d). Until such date when the owner and operator receive a final permit incorporating the requirements of this subsection, the owner and operator are subject to the requirements of Section 265, Subsection AA of this regulation.

18. **Section 265.1(c)(4)** is amended to read as follows:

§ 265.1 Purpose, scope, and applicability.

* * * * *

(c)

* * * * *

(4) A person who treats, stores, or disposes of hazardous waste in a State with a RCRA hazardous waste program authorized under subpart A or B of 40 CFR part 271, except that the requirements of this section will continue to apply:

(i) If the authorized State RCRA program does not cover disposal of hazardous waste by means of underground injection; or

(ii) To a person who treats, stores, or disposes of hazardous waste in a State authorized under subpart A or B of 40 CFR part 271 if the State has not been authorized to carry out the requirements and prohibitions applicable to the treatment, storage, or disposal of hazardous waste at his facility which are imposed pursuant to the Hazardous and Solid Waste Act Amendments of 1984. The requirements and prohibitions that are applicable until a State receives authorization to carry them out include all Federal program requirements identified in 40 CFR 271.1(j);

19. **Section 265.142** is revised to read as follows:

§ 265.142 Cost estimate for closure.

(a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in §§ 265.111 through 265.115 and applicable closure requirements in §§ 265.197, 265.228, 265.258, 265.280, 265.310, 265.351, 265.381, 265.404, and 265.1102.

20. **Section 268.7(b)(3)(ii)** is amended by amending the first entry in the Table:

Treatment Facility Paperwork Requirements Table	
Required information	§ 268.7(b)
1. EPA Hazardous Waste Numbers and Manifest Number <u>of first shipment.</u>	✓
2. The waste is subject to the LDRs. The constituents concern for F001-F005, and F039, and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.	✓
3. The notice must include the applicable wastewater/nonwastewater category (see §§ 268.2(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide	✓
4. Waste analysis data (when available)	✓
5. For contaminated soil subject to LDRs as provided in § 268.49(a), the constituents subject to treatment as described in § 268.49(d) and the following statement, "this contaminated soil [does/does not] exhibit a characteristic of hazardous waste and [is subject to/ complies with] the soil	✓

treatment standards as provided by § 268.49(c)"	
6. A certification is needed (see applicable section exact wording).	✓

21. **Section 268.40** is amended by removing the entry for waste code U202 from the table "Treatment Standards for Hazardous Wastes."

22. **Section 268.40, the Table of Treatment Standards** in paragraph (b) is amended by revising the entries for "K156", "K157", "K158", "K159", "K161", "P127", "P128", "P185", "P188", "P189", "P190", "P191", "P192", "P194", "P196", "P197", "P198", "P199", "P201", "P202", "P203", "P204", "P205", "U271", "U278", "U279", "U280", "U364", "U367", "U372", "U373", "U387", "U389", "U394", "U395", "U404", "U409", "U410", and "U411" to read as follows:

§268.40 TABLE TTS – TREATMENT STANDARDS FOR HAZARDOUS WASTES <i>NOTE: NA means not applicable</i>					
Waste Code	Waste Description & 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
	...				
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
		Benomyi ¹⁰	17804-35-2	0.056; <u>or CMBST, CHOXD, BIODG, or CARBN</u>	1.4; <u>or CMBST</u>
		Benzene	71-43-2	0.14	10
		Carbaryl ¹⁰	63-25-2	0.006; <u>or CMBST, CHOXD, BIODG, or CARBN</u>	0.14; <u>or CMBST</u>
		Carbenzadim ¹⁰	10605-21-7	0.056; <u>or CMBST, CHOXD, BIODG, or CARBN</u>	1.4; <u>or CMBST</u>
		Carbofuran ¹⁰	1563-66-2	0.006; <u>or CMBST, CHOXD, BIODG, or CARBN</u>	0.14; <u>or CMBST</u>
		Carbosulfan ¹⁰	55285-14-8	0.028; <u>or CMBST, CHOXD, BIODG, or CARBN</u>	1.4; <u>or CMBST</u>
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0

§268.40 TABLE TTS – TREATMENT STANDARDS FOR HAZARDOUS WASTES					NOTE: NA means not applicable
Waste Code	Waste Description & 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
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Methomyl ¹⁰	16752-77-5	0.028; or CMBST, CHOXD, BIODG, or CARBN	0.14; or CMBST
		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 ¹⁰	121-44-8	0.081; or CMBST, CHOXD, BIODG, or CARBN	1.5; or CMBST
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 ¹⁰	16752-77-5	0.028; or CMBST, CHOXD, BIODG, or CARBN	0.14; or CMBST
		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 ¹⁰	121-44-8	0.081; or CMBST, CHOXD, BIODG, or CARBN	1.5; or CMBST
K158	Bag house dusts and filter/separation solids 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	Benomyl	17804-35-2	0.056	1.4
		Benzene	71-43-2	0.14	10
		Carbenzadim ¹⁰	10605-21-7	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
		Carbofuran ¹⁰	1563-66-2	0.006; or CMBST, CHOXD, BIODG, or CARBN	0.14; or CMBST

§268.40 TABLE TTS – TREATMENT STANDARDS FOR HAZARDOUS WASTES					NOTE: NA means not applicable
Waste Code	Waste Description & 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
		Carbosulfan ¹⁰	55285-14-8	0.028; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
		Chloroform	67-66-3	0.046	6.0
		Methylene chloride	75-09-2	0.089	30
		Phenol	108-95-2	0.039	6.2
K159	Organics from the treatment of thiocarbamate wastes. ¹⁰	Benzene	71-43-2	0.14	10
		Butylate ¹⁰	2008-41-5	0.042; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
		EPTC (Eptam) ¹⁰	759-94-4	0.042; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
		Molinate ¹⁰	2212-67-1	0.042; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
		Pebulate ¹⁰	1114-71-2	0.042; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
		Vernolate ¹⁰	1929-77-7	0.042; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
K161	Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts. ¹⁰	Antimony	7440-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
		Carbon disulfide	75-15-0	3.8	4.8 mg/L TCLP
		Dithiocarbamates (total) ¹⁰	NA	0.028; or CMBST, CHOXD, BIODG, or CARBN	28; or CMBST
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
		Nickel	7440-02-0	3.98	11 mg/L TCLP
		Selenium	7782-49-2	0.82	5.7 mg/L TCLP
	...				
P127	Carbofuran	Carbofuran ¹⁰	1563-66-2	0.006; or CMBST, CHOXD, BIODG, or CARBN	0.14; or CMBST

§268.40 TABLE TTS – TREATMENT STANDARDS FOR HAZARDOUS WASTES					<i>NOTE: NA means not applicable</i>
Waste Code	Waste Description & 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
P128	Mexacarbate	Mexacarbate ¹⁰	315-18-4	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P185	Tirpate ¹⁰	Tirpate ¹⁰	26419-73-8	0.056; or CMBST, CHOXD, BIODG, or CARBN	0.28; or CMBST
P188	Physostigmine salicylate	Physostigmine salicylate ¹⁰	57-64-7	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P189	Carbosulfan	Carbosulfan ¹⁰	55285-14-8	0.028; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P190	Metolcarb	Metolcarb ¹⁰	1129-41-5	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P191	Dimetilan ¹⁰	Dimetilan ¹⁰	644-64-4	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P192	Isolan ¹⁰	Isolan ¹⁰	119-38-0	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P194	Oxamyl	Oxamyl ¹⁰	23135-22-0	0.056; or CMBST, CHOXD, BIODG, or CARBN	0.028; or CMBST
P196	Manganese dimethyldithiocarbamate	Dithiocarbamates (total) ¹⁰	NA	0.028; or CMBST, CHOXD, BIODG, or CARBN	0.28; or CMBST
P197	Formparanate ¹⁰	Formparanate ¹⁰	17702-57-7	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P198	Formetanate hydrochloride	Formetanate hydrochloride ¹⁰	23422-53-9	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P199	Methiocarb	Methiocarb ¹⁰	2032-65-7	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P201	Promecarb	Promecarb ¹⁰	2631-37-0	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P202	m-Cumenyl methylcarbamate	m-Cumenyl methylcarbamate ¹⁰	64-00-6	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P203	Aldicarb sulfone	Aldicarb sulfone ¹⁰	1646-	0.056; or CMBST	0.28; or CMBST

§268.40 TABLE TTS – TREATMENT STANDARDS FOR HAZARDOUS WASTES					NOTE: NA means not applicable
Waste Code	Waste Description & 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
			88-4	CHOXD, BIODG, or CARBN	
P204	Physostigmine	Physostigmine ¹⁰	57-47-6	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
P205	Ziram	Dithiocarbamates (total) ¹⁰	NA	0.028; or CMBST, CHOXD, BIODG, or CARBN	28; or CMBST
...					
U271	Benomyl	Benomyl ¹⁰	17804-35-2	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U278	Bendiocarb	Bendiocarb ¹⁰	22781-23-3	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U279	Carbaryl	Carbaryl ¹⁰	63-25-2	0.006; or CMBST, CHOXD, BIODG, or CARBN	0.14; or CMBST
U280	Barban	Barban ¹⁰	101-27-9	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
...					
U364	Bendiocarb phenol ¹⁰	Bendiocarb phenol ¹⁰	22961-82-6	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U367	Carbofuran phenol	Carbofuran phenol ¹⁰	1563-38-8	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U372	Carbendazim	Carbendazim ¹⁰	10605-21-7	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U373	Propham	Propham ¹⁰	122-42-9	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U387	Prosulfocarb	Prosulfocarb ¹⁰	52888-80-9	0.042; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U389	Triallate	Triallate ¹⁰	2303-17-5	0.042; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U394	A2213 ¹⁰	A2213 ¹⁰	30558-43-1	0.042; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U395	Diethylene glycol, dicarbamate ¹⁰	Diethylene glycol,	5952-	0.056; or CMBST	1.4; or CMBST

§268.40 TABLE TTS – TREATMENT STANDARDS FOR HAZARDOUS WASTES					<i>NOTE: NA means not applicable</i>
Waste Code	Waste Description & 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
		dicarbamate ¹⁰	26-1	CHOXD, BIODG, or CARBN	
U404	Triethylamine	Triethylamine ¹⁰	101-44-8	0.081; or CMBST, CHOXD, BIODG, or CARBN	1.5; or CMBST
U409	Thiophanate-methyl	Thiophanate-methyl ¹⁰	23564-05-8	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U410	Thiodicarb	Thiodicarb ¹⁰	59669-26-0	0.019; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
U411	Propoxur	Propoxur ¹⁰	114-26-1	0.056; or CMBST, CHOXD, BIODG, or CARBN	1.4; or CMBST
FOOTNOTES TO TREATMENT STANDARD TABLE 268.40					
1	The waste descriptions provided in this table do not replace waste descriptions in Section 261 of this regulation. Descriptions of Treatment/Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.				
2	CAS means <i>Chemical Abstract Services</i> . When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.				
3	Concentration standards for wastewaters are expressed in mg/L and are based on analysis of composite samples.				
4	All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in § 268.42 Table 1 - Technology Codes and Descriptions of Technology-Based Standards.				
5	Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the non-wastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of Section 264, Subsection O or Section 265, Subsection O of this regulation, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in § 268.40(d) of this regulation. All concentration standards for non-wastewaters are based on analysis of grab samples.				
10	The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in this table or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at § 268.42 Table 1 of this Section, for non-wastewaters; and, biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at § 268.42 Table 1 of this Section, for wastewaters.				

23. At Section 268.48, Table UTS – Universal Treatment Standards, is amended by

a. Removing the entries for Aldicarb sulfone, Barban, Bendiocarb, Benomyl, Butylate, Carbaryl, Carbenzadim, Carbofuran, Carbofuran phenol, Carbosulfan, m-Cumenyl methylcarbamate, Dithiocarbamates (total), EPTC (Eptam), Formetanate hydrochloride, Methiocarb, Methomyl, Metolcarb, Mexacarbate, Molinate, Oxamyl,

Pebulate, Physostigmine, Physostigmine salicylate, Promecarb, Propham, Propoxur, Prosulfocarb, Thiodicarb, Thiophanate-methyl, Triallate, Triethylamin, and Vemolate; and

b. Removing and reserving footnote 6.

24. **Appendix VII to Section 268** is amended by removing the entry for waste code U202 from Table 1, “Effective Dates of Surface Disposed Wastes (Non-Soil and Debris) Regulated in the LDRs – Comprehensive List.”

25. **Section 273.34(d)** is revised to read as follows:

(d)**(1)** Mercury-containing devices (i.e., each device), or a container in which the mercury-containing device is contained, must be labeled or marked clearly with any of the following phrases: “Universal Waste—Mercury Containing Device(s),” “Waste Mercury-Containing Devices,” or “Used Mercury-Containing Devices.”

(2) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: “Universal Waste—Mercury Thermostat(s),” “Waste Mercury Thermostat(s),” or “Used Mercury Thermostat(s).”