

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- |

| | | | | |
|---------|--|------|--------|---|
| 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 | <i>Subsection A – General</i> |
| 262.207 | Training. | 262- | 264.2 | Purpose, scope, and applicability. |
| 262.208 | Removing containers of unwanted material from the laboratory. | 262- | 264.3 | [Reserved] |
| 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 | Relationship to interim status standards. |
| 262.210 | Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory. | 262- | | Imminent hazard action. |
| 262.211 | Making the hazardous waste determination at an on-site central accumulation area. | 262- | | <i>Subsection B – General Facility Standards</i> |
| 262.212 | Making the hazardous waste determination at an on-site interim status or permitted treatment, storage or disposal facility. | 262- | 264.10 | Applicability. |
| 262.213 | Laboratory clean-outs. | 262- | 264.11 | Identification number. |
| 262.214 | Laboratory management plan. | 262- | 264.12 | Required notices. |
| 262.215 | Unwanted material that is not solid or hazardous waste. | 262- | 264.13 | General waste analysis. |
| 262.216 | Non-laboratory hazardous waste generated at an eligible academic entity. | 262- | 264.14 | Security |
| | Appendix I to Section 262 | 262- | 264.15 | General Inspection requirements. |
| | | | 264.16 | Personnel training. |
| | | | 264.17 | General requirements for ignitable, reactive, or incompatible wastes. |
| | | | 264.18 | Location standards. |
| | | | 264.19 | Construction quality assurance program. |
| | | | 264.20 | State-specific Performance Standards |
| | | | | <i>Subsection C – Preparedness & Prevention</i> |
| | | | 264.30 | Applicability. |
| | | | 264.31 | Design and operation of facility. |
| | | | 264.32 | Required equipment. |
| | | | 264.33 | Testing and maintenance of equipment. |
| | | | 264.34 | Access to communications or alarm system. |
| | | | 264.35 | Required aisle space. |
| | | | 264.36 | [Reserved] |
| | | | 264.37 | Arrangements with local authorities. |

**Section 263.
STANDARDS APPLICABLE TO
TRANSPORTERS OF
HAZARDOUS WASTE**

| | | | | |
|--------|---|------|--------|---|
| | <i>Subsection A – General</i> | | | |
| 263.10 | Scope. | 263- | | <i>Subsection D – Contingency Plan and Emergency Procedures</i> |
| 263.11 | EPA identification number. | 263- | 264.50 | Applicability. |
| 263.12 | Transfer facility requirements. | 263- | 264.51 | Purpose and implementation of contingency plan. |
| 263.13 | Transporter Permits. | 263- | | Content of contingency plan. |
| | <i>Subsection B – Compliance with the Manifest System & Recordkeeping</i> | | 264.52 | Copies of contingency plan. |
| 263.20 | The manifest system. | 263- | 264.53 | Amendment of contingency plan. |
| 263.21 | Compliance with the manifest. | 263- | 264.54 | Emergency coordinator. |
| 263.22 | Recordkeeping. | 263- | 264.55 | Emergency procedures. |
| | <i>Subsection C – Hazardous Waste Discharges</i> | | 264.56 | |
| 263.30 | Immediate Action | 263- | 264.70 | <i>Subsection E – Manifest System, Recordkeeping, & Reporting</i> |
| 263.31 | Discharge clean-up | 263- | 264.71 | Applicability. |
| | | | 264.72 | Use of manifest system. |
| | | | 264.73 | Manifest discrepancies. |
| | | | 264.74 | Operating record. |
| | | | 264.75 | Availability, retention, and disposition of records. |
| | | | 264.76 | Annual Report. |
| | | | 264.77 | Unmanifested waste report. |
| | | | | Additional reports. |
| | | | | <i>Subsection F – Releases from Solid</i> |

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

| | | | | |
|---------|--|------|----------|---|
| | 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 |
| 264.272 | Treatment demonstration. | 264- | 264.553 | Units. |
| 264.273 | Design and operating | 264- | 264.554 | Temporary Units |
| | requirements. | | 264.555 | Staging piles. |
| 264.274 | - 264.275 [Reserved] | 264- | | Disposal of CAMU-Eligible |
| 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. |
| 264.281 | Special requirements for | 264- | 264.571 | Assessment of existing drip pad |
| | ignitable or reactive waste | | | integrity. |
| 264.282 | Special requirements for | 264- | 264.572 | Design and installation of new |
| | incompatible wastes. | | | drip pads. |
| 264.283 | Special requirements for | 264- | 264.573 | Design and operating |
| | hazardous wastes F020, F021, | | | requirements |
| | F022, F023, F026, and F027. | | 264.574 | Inspections. |
| | | | 264.575 | Closure. |
| | <i>Subsection N – Landfills</i> | | | <i>Subsection X – Miscellaneous Units</i> |
| 264.300 | Applicability. | 264- | 264.600 | Applicability |
| 264.301 | Design and operating | 264- | 264.601 | Environmental performance |
| | requirements. | | | standards. |
| 264.302 | Action leakage rate. | 264- | 264.602 | Monitoring, analysis, inspection, |
| 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 |
| 264.309 | 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 |
| | ignitable or reactive waste | | | Applicability. |
| 264.313 | Special requirements for | 264- | 264.1031 | Definitions. |
| | incompatible wastes. | | 264.1032 | Standards: Process vents |
| 264.314 | Special requirements for bulk | 264- | 264.1033 | Standards: Closed-vent |
| | and containerized liquids. | | | systems and control devices. |
| 264.315 | Special requirements for | 264- | 264.1034 | Test methods and procedures. |
| | containers. | | 264.1035 | Recordkeeping requirements. |
| 264.316 | Disposal of small containers of | 264- | 264.1036 | Reporting requirements. |
| | hazardous wastes in | | | <i>Subsection BB – Air Emission</i> |
| | overpacked drums (“lab packs”). | | | <i>Standards for Equipment Leaks</i> |
| 264.317 | Special requirements for | 264- | | 264.1050 |
| | hazardous wastes F020, F021, | | | Applicability. |
| | F022, F023, F026, and F027. | | | 264.1051 |
| | | | | Definitions. |
| | <i>Subsection O -- Incinerators</i> | | | 264.1052 |
| 264.340 | Applicability. | 264- | | Standards: Pumps in light liquid |
| 264.341 | Waste analysis. | 264- | | service. |
| 264.342 | <i>Principal organic hazardous</i> | 264- | 264.1053 | Standards: Compressors. |
| | <i>constituents (POHCs)</i> | | 264.1054 | Standards: Pressure relief |
| 264.343 | <i>Performance standards.</i> | 264- | | devices in gas/vapor service. |
| 264.344 | <i>Hazardous waste incinerator</i> | 264- | 264.1055 | Standards: Sample connecting |
| | <i>permits.</i> | | | systems. |
| 264.345 | <i>Operating requirements.</i> | 264- | 264.1056 | Standards: Open-ended valves |
| 264.346 | [Reserved] | 264- | | or lines. |
| 264.347 | Monitoring and inspections. | 264- | 264.1057 | Standards: Valves in gas/vapor |
| 264.351 | Closure. | 264- | | service or light liquid service. |
| | | | 264.1058 | Standards: Pumps and valves in |
| | <i>Subsections P–R (Reserved)</i> | | | heavy liquid service, pressure |
| | <i>Subsection S – Special Provisions for</i> | | | relief devices in light liquid or |
| | <i>Cleanup</i> | | | heavy liquid service, and |
| 264.550 | Applicability of Corrective Action | 264- | 264.1059 | flanges and other connectors. |
| | Management Unit Regulations | | 264.1060 | Standards: Delay of repair. |
| 264.551 | Grandfathered Corrective Action | 264- | | Standards: Closed-vent |
| | | | | systems and control devices. |

| | | | | | |
|---------|--|------|---------|---|------|
| 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- | 266.23 | | 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- | 266.70 | | Applicability and requirements. | 266- |
| | <i>Subsection DD – Containment Buildings</i> | | | | <i>Subsection G – Spent Lead-Acid Batteries being Reclaimed</i> | |
| 265.1100 | Applicability | 265- | 266.80 | | 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> | | | | | |
| 265.1200 | Applicability. | 265- | 266.100 | | Applicability. | 266- |
| 265.1201 | Design and operating standards. | 265- | 266.101 | | Management prior to burning. | 266- |
| | | | 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- | | | | |
| | Appendix II -- [Reserved] | 265- | 266.105 | | Standards to control particulate matter. | 266- |
| | Appendix III -- EPA Interim Primary Drinking Water Standards | 265- | 266.106 | | Standards to control metals emissions. | 266- |
| | Appendix IV -- Tests for Significance | 265- | 266.107 | | Standards to control hydrogen chloride (HCl) and chlorine gas (Cl ₂) emissions. | 266- |
| | Appendix V -- Examples of Potentially Incompatible Waste | 265- | 266.108 | | Small quantity on-site burner exemption. | 266- |
| | Appendix VI -- Compounds With Henry's Law Constant Less Than 0.1 Y/X | 265- | 266.109 | | Low risk waste exemption. | 266- |
| | | | 266.110 | | Waiver of DRE trial burn for boilers | 266- |
| | | | 266.111 | | Standards for direct transfer. | 266- |
| | | | 266.112 | | Regulation of residues. | 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

| | | | | | | |
|--------|---|------|---------|--|--------------------------------|------|
| 266.20 | Applicability. | 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- | 266.210 | | What definitions apply to this | 266- |

Subsections I – L (Reserved)

Subsection M – Military Munitions

| | | | | | | |
|---------|---|------|--|--|--|--|
| 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- | | | | |

Subsection N – Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation, and 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 | | | | |
| <i>Subsection A – General</i> | | | | |
| | 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- |
| <i>Subsection B – General Facility Standards</i> | | | | |
| | 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? | | | | |
| 267.16 | What training must my employees have? | 267- | | | |
| 267.17 | What are the requirements for managing ignitable, reactive, or incompatible wastes? | 267- | 267.90 | Who must comply with this section? | 267- |
| 267.18 | What are the standards for selecting the location of my facility? | 267- | 267.91 | -267.100 [Reserved] | 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- |
| | | | 267.117 | How do I certify closure? | 267- |
| | <i>Subsection D – Contingency Plans and Emergency Procedures</i> | | | <i>Subsection H – Financial Requirements</i> | |
| 267.50 | Does this subsection apply to me? | 267- | 267.140 | Who must comply with this subsection, and briefly, what do they have to do? | 267- |
| 267.51 | What is the purpose of the contingency plan and how do I use it? | 267- | 267.141 | Definitions of terms as used in this subsection. | 267- |
| 267.52 | What must be in the contingency plan? | 267- | 267.142 | Cost estimate for closure. | 267- |
| 267.53 | Who must have copies of the contingency plan? | 267- | 267.143 | Financial assurance for closure. | 267- |
| 267.54 | When must I amend the contingency plan? | 267- | 267.144 | -267.146 [Reserved] | 267- |
| 267.55 | What is the role of the emergency coordinator? | 267- | 267.147 | Liability requirements. | 267- |
| 267.56 | What are the required emergency procedures for the emergency coordinator? | 267- | 267.148 | Incapacity of owners or operators, guarantors, or financial institutions. | 267- |
| 267.57 | What must the emergency coordinator do after an emergency? | 267- | 267.149 | [Reserved] | 267- |
| 267.58 | What notification and recordkeeping must I do after an emergency? | 267- | 267.150 | State assumption of responsibility. | 267- |
| | | | 267.151 | Wording of the instruments | 267- |
| | <i>Subsection E – Manifest System, Recordkeeping, and Reporting</i> | | | <i>Subsection I – Use and Management of Containers</i> | |
| 267.70 | Does this subsection apply to me? | 267- | 267.170 | Does this subsection apply to me? | 267- |
| 267.71 | Use of the manifest system. | 267- | 267.171 | What standards apply to the containers? | 267- |
| 267.72 | Manifest Discrepancies | 267- | 267.172 | What are the inspection requirements? | 267- |
| 267.73 | What information must I keep? | 267- | 267.173 | What standards apply to the container storage areas? | 267- |
| 267.74 | Who sees the records? | 267- | 267.174 | What special requirements must I meet for ignitable or reactive waste? | 267- |
| 267.75 | What reports must I prepare and to whom do I send them? | 267- | 267.175 | What special requirements must I meet for incompatible wastes? | 267- |
| 267.76 | What notifications must I make? | 267- | 267.176 | What must I do when I want to stop using the containers? | 267- |
| | | | 267.177 | What air emission standards apply? | 267- |
| | | | 267.190 | <i>Subsection J – Tank Systems</i> | |
| | | | | 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- |
| <i>Subsections K through CC (Reserved)</i> | | |
| <i>Subsection DD – Containment Buildings</i> | | |
| 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

| | | |
|---|--|------|
| <i>Subsection A – General</i> | | |
| 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- |
| <i>Subsection B – Schedule for Land Disposal Prohibition and Establishment of Treatment Standards</i> | | |
| 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- |
| <i>Subsection C – Prohibitions on Land Disposal</i> | | |
| 268.20 | Waste specific prohibitions — Dyes and/or pigments production wastes – 268.29 (Reserved) | 268- |
| 268.31 | 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- |

Subsection E – Prohibitions on Storage

| | | |
|--------|--|------|
| 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**

Subsection A; General Information

| | | |
|-------|--|------|
| 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

Subsection B – Permit Applications

| | | |
|--------|---|------|
| 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- |

Subsection C – Permit Conditions

| | | |
|--------|---|------|
| 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- |

Subsection D – Changes to Permits

| | | |
|--------|---|------|
| 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? | |
| | <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- |

Subsection D – Standards for Universal Waste Transporters

| | | |
|--------|-----------------------|------|
| 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- |

Subsection E – Standards for Destination Facilities

| | | |
|--------|-------------------------------------|------|
| 273.60 | Applicability. | 273- |
| 273.61 | Off-site shipments. | 273- |
| 273.62 | Tracking universal waste shipments. | 273- |

Subsection F – Import Requirements

| | | |
|--------|---------|------|
| 273.70 | Imports | 273- |
|--------|---------|------|

Subsection G – Petitions to Include Other Wastes under § 273

| | | |
|--------|--|------|
| 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- |

Subsection B -- Applicability

| | | |
|--------|--------------------------|------|
| 279.10 | Applicability. | 279- |
| 279.11 | Used oil specifications. | 279- |
| 279.12 | Prohibitions. | 279- |

Subsection C – Standards for Used Oil Generators

| | | |
|--------|-----------------------------------|------|
| 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- |

Subsection D – Standards for Used Oil Collection Centers and Aggregation Points

| | | |
|--------|--|------|
| 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 than 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 [Arochlors, 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-Aminobiphenyl | 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'-Methylen-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 (trichloromonfluoromethane) | 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 these 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 <small>NOTE: NA means not applicable</small> | | | | | |
|--|---|---------------------------------|-------------------------|---|--|
| 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 |
| | | Benomyli 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 | | | | | |
|---|--|---------------------------------|-------------------------|---|--|
| | | | | <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 |
| | | o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| | | Methomyl ¹⁰ | 16752-77-5 | 0.028; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 0.14; <u>or CMBST</u> |
| | | 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; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 1.5; <u>or CMBST</u> |
| 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; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 0.14; <u>or CMBST</u> |
| | | 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; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 1.5; <u>or CMBST</u> |
| 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; <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> |

| §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 |
| | | Carbosulfan ¹⁰ | 55285-14-8 | 0.028; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 1.4; <u>or CMBST</u> |
| | | 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; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 1.4; <u>or CMBST</u> |
| | | EPTC (Eptam) ¹⁰ | 759-94-4 | 0.042; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 1.4; <u>or CMBST</u> |
| | | Molinate ¹⁰ | 2212-67-1 | 0.042; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 1.4; <u>or CMBST</u> |
| | | Pebulate ¹⁰ | 1114-71-2 | 0.042; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 1.4; <u>or CMBST</u> |
| | | Vernolate ¹⁰ | 1929-77-7 | 0.042; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 1.4; <u>or CMBST</u> |
| 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; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 28; <u>or CMBST</u> |
| | | 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; <u>or CMBST, CHOXD, BIODG, or CARBN</u> | 0.14; <u>or CMBST</u> |

| §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 | | | | | <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 |
| | | | 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).”