ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

REGULATION No. 23
HAZARDOUS WASTE MANAGEMENT

INITIAL DRAFT

Presented to the Pollution Control and Ecology Commission
on
September 25, 2009
TABLE OF CONTENTS

ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

REGULATION No. 23
(HAZARDOUS WASTE MANAGEMENT)

Proposed September 25, 2009

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

Section 260. HAZARDOUS WASTE MANAGEMENT SYSTEM - GENERAL

Subsection A -- General
§ 260.1 Purpose, scope, and applicability 260-1
§ 260.2 Availability of information; confidentiality of information 260-1
§ 260.3 Use of number and gender. 260-1

Subsection B -- Definitions
§ 260.10 Definitions. 260-2
§ 260.11 References. 260-12

Subsection C -- Rulemaking Petitions
§ 260.20 General. 260-12
§ 260.21 Petitions for equivalent testing or analytical methods 260-13
§ 260.22 Petitions to amend Section 261 to exclude a waste produced at a particular facility. 260-13
§ 260.23 Petitions to amend Section 273 to include additional hazardous wastes. 260-15
§ 260.30 Variances from classification as a solid waste. 260-15
§ 260.31 Standards and criteria for variances from classification as a solid waste. 260-15
§ 260.32 Variance to be classified as a boiler. 260-16
§ 260.33 Procedures for variances from classification as a solid waste or to be classified as a boiler. 260-16
§ 260.40 Additional regulation of certain hazardous waste recycling activities on a case-by-case basis. 260-16
§ 260.41 Procedures for case-by-case regulation of hazardous waste recycling activities. 260-17

Appendix I to Section 260: Overview of Subtitle C Regulations 260-17

Section 261 -- IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

§ 261.6 Requirements for recyclable materials 261-20
§ 261.7 Residues of hazardous waste in empty containers. 261-21
§ 261.8 PCB Wastes Regulated under Toxic Substances Control Act 261-22
§ 261.9 Requirements for Universal Waste. 261-22

Subsection B -- Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Waste
§ 261.10 Criteria for identifying the characteristics of hazardous waste. 261-22
§ 261.11 Criteria for listing hazardous waste. 261-22

Subsection C -- Characteristics of Hazardous Waste
§ 261.20 General. 261-23
§ 261.21 Characteristic of ignitability. 261-23
§ 261.22 Characteristic of corrosivity. 261-23
§ 261.23 Characteristic of reactivity. 261-23
§ 261.24 Toxicity characteristic. 261-24

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

Subsection E -- Exclusions/Exemptions
§ 261.38 Comparable/Syngas Fuel Exclusion. 261-40
§ 261.39 Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling. 261-48
§ 261.40 Conditional Exclusion for Used, Intact Cathode Ray Tubes (CRTs) Exported for Recycling. 261-50
§ 261.41 Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse. 261-50

Appendix I to Section 261 - Representative Sampling Methods 261-51
Appendix II to Section 261 -- Method 1311 Toxicity Characteristic Leaching Procedure (TCLP). 261-51
Appendix III to Section 261 Chemical Analysis Test Methods 261-51
Appendix VII to Section 261 -- Basis for Listing Hazardous Waste 261-51
§ 261 Appendix VIII — Hazardous Constituents 261-53
Appendix IX — Wastes Excluded Under §§ 260.20 and 260.22 261-63

Section 262 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

Subsection A -- General 262-1
§ 262.10 Purpose, scope, and applicability. 262-1
§ 262.11 Hazardous waste determination. 262-1
§ 262.12 EPA identification numbers. 262-1
§ 262.13 State Requirements for Transportation of Waste from Generators of over 100 kgs per Month. 262-2

Subsection B -- The Manifest 262-2
§ 262.20 General Requirements. 262-2
§ 262.21 Manifest tracking numbers, manifest printing, and obtaining manifests 262-3
§ 262.22 Number of copies. 262-6
Subsection C -- Pre-Transport Requirements

262.30 Packaging
262.31 Labeling.
262.32 Marking
262.33 Placarding
262.34 Accumulation time.
262.35 Handling and Disposal Requirements for Conditionally-Exempt Small Quantity Generators.

Subsection D -- Recordkeeping and Reporting

262.40 Recordkeeping.
262.41 Annual Report.
262.42 Exception reporting.
262.43 Additional reporting.
262.44 [Reserved]

Subsection E -- Exports of Hazardous Waste

262.50 Applicability.
262.51 Definitions.
262.52 General requirements.
262.53 Notification of intent to export.
262.54 Special manifest requirements.
262.55 Exception reports.
262.56 Annual reports.
262.57 Recordkeeping.
262.58 International agreements.

Subsection F -- Imports of Hazardous Waste

262.60 Imports of hazardous waste.

Subsection G -- Farmers

262.70 Farmers.

Subsection H -- Transfrontier Shipments of Hazardous Waste for Recovery within the OECD

262.80 Applicability.
262.81 Definitions.
262.82 General conditions.
262.83 Notification and consent.
262.84 Tracking document.
262.85 Contracts.
262.86 Provisions relating to recognized traders.
262.87 Reporting and recordkeeping.
262.88 Pre-approval for U.S. Recovery Facilities
262.89 OECD Waste Lists.

Subsection I-J [Reserved]

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

262.200 Definitions for this subsection.
262.201 Applicability of this subsection.
262.202 This Subsection is optional.
262.203 How an eligible academic entity indicates it will be subject to the requirements of this subsection.
262.204 How an eligible academic entity indicates it will withdraw from the requirements of this subsection.
262.205 Summary of the requirements of this subsection.
262.206 Labeling and management standards for containers of unwanted material in the laboratory.
§ 264.146 Use of a mechanism for financial assurance of both closure and post-closure care. 264-54
§ 264.147 Liability requirements. 264-54
§ 264.148 Incapacity of owners or operators, guarantors, or financial institutions. 264-59
§ 264.149 Use of State-required mechanisms. 264-59
§ 264.150 State assumption of responsibility. 264-59
§ 264.151 Wording of the instruments. 264-60

Subsection I -- Use and Management of Containers

§ 264.170 Applicability. 264-78
§ 264.171 Condition of containers. 264-78
§ 264.172 Compatibility of waste with containers. 264-78
§ 264.173 Management of containers. 264-78
§ 264.174 Inspections. 264-78
§ 264.175 Containment. 264-78
§ 264.176 Special requirements for ignitable or reactive waste. 264-79
§ 264.177 Special requirements for incompatible wastes. 264-79
§ 264.178 Closure. 264-79
§ 264.179 Air emission standards. 264-79

Subsection J -- Tank Systems

§ 264.190 Applicability. 264-79
§ 264.191 Assessment of existing tank system’s integrity. 264-79
§ 264.192 Design and installation of new tank systems or components. 264-80
§ 264.193 Containment and detection of releases. 264-81
§ 264.194 General operating requirements. 264-85
§ 264.195 Inspections. 264-85
§ 264.196 Response to leaks or spills and disposition of leaking or unfit-for-use tank systems. 264-85
§ 264.197 Closure and post-closure care. 264-86
§ 264.198 Special requirements for ignitable or reactive wastes. 264-87
§ 264.199 Special requirements for incompatible wastes. 264-87
§ 264.200 Air emission standards. 264-87

Subsection K -- Surface Impoundments

§ 264.220 Applicability. 264-87
§ 264.221 Design and operating requirements. 264-87
§ 264.222 Action leakage rate. 264-89
§ 264.223 Response actions. 264-89
§ 264.224 - 264.225 [Reserved] 264-90
§ 264.226 Monitoring and inspection. 264-90
§ 264.227 Emergency repairs; contingency plans. 264-90
§ 264.228 Closure and post-closure care. 264-91
§ 264.229 Special requirements for ignitable or reactive wastes. 264-92
§ 264.230 Special requirements for incompatible wastes. 264-92
§ 264.231 Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027. 264-92
§ 264.232 Air emission standards. 264-92

Subsection L -- Waste Piles

§ 264.250 Applicability. 264-92
§ 264.251 Design and operating requirements. 264-92
§ 264.252 Action leakage rate. 264-94
§ 264.253 Response actions. 264-94
§ 264.254 Monitoring and inspection. 264-95
§ 264.255 [Reserved] 264-95
§ 264.256 Special requirements for ignitable or reactive waste. 264-95
§ 264.257 Special requirements for incompatible wastes. 264-95
§ 264.258 Closure and post-closure care. 264-95
§ 264.259 Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027. 264-96

Subsection M -- Land Treatment

§ 264.270 Applicability. 264-96
§ 264.271 Treatment Program. 264-96
§ 264.272 Treatment demonstration. 264-97
§ 265.76 Unmanifested waste report.  
§ 265.75 Annual Report.  
§ 265.73 Operating record.  
§ 265.72 Manifest discrepancies.  
§ 265.71 Use of manifest system.  
§ 265.70 Application.  
§ 265.69 Annual Report.  
§ 265.68 Unmanifested waste report.  
§ 265.67 Additional reports.

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

Subsection A -- General  
§ 265.1 Purpose, scope, and applicability.  
§ 265.2 - 265.3 [Reserved]  
§ 265.4 Imminent hazard action.

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

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

Subsection D -- Contingency Plan and Emergency Procedures  
§ 265.50 Applicability.  
§ 265.51 Purpose and implementation of contingency plan.  
§ 265.52 Content of contingency plan.  
§ 265.53 Copies of contingency plan.  
§ 265.54 Amendment of contingency plan.  
§ 265.55 Emergency coordinator.  
§ 265.56 Emergency procedures.

Subsection E -- Manifest System, Recordkeeping, & Reporting  
§ 265.70 Application.  
§ 265.69 Annual Report.  
§ 265.68 Unmanifested waste report.  
§ 265.67 Additional reports.

Subsection F -- Groundwater Monitoring  
§ 265.90 Applicability.  
§ 265.89 Ground-water monitoring system.  
§ 265.88 Sampling and analysis.  
§ 265.87 Preparation, evaluation, and response.  
§ 265.84 Recordkeeping and reporting.

Subsection G -- Closure and Post-Closure  
§ 265.110 Applicability.  
§ 265.111 Closure performance standard.  
§ 265.112 Closure plan; amendment of plan.  
§ 265.113 Closure; time allowed for closure.  
§ 265.114 Disposal or decontamination of equipment, structures, and soils.  
§ 265.115 Certification of closure.  
§ 265.116 Survey plat.  
§ 265.117 Post-closure care and use of property.  
§ 265.118 Post-closure plan; amendment of plan.  
§ 265.119 Post-closure notices.  
§ 265.120 Certification of completion of post-closure care.  
§ 265.121 Post-closure requirements for facilities that obtain enforceable documents in lieu of post-closure permits.

Subsection H -- Financial Requirements  
§ 265.140 Applicability.  
§ 265.141 Definitions of terms as used in this Subsection.  
§ 265.142 Cost estimate for closure.  
§ 265.143 Financial assurance for closure.  
§ 265.144 Cost estimate for post-closure care.  
§ 265.145 Financial assurance for post-closure care.  
§ 265.146 Use of a mechanism for financial assurance of both closure and post-closure care.  
§ 265.147 Liability requirements.  
§ 265.148 Incapacity of owners or operators, guarantors, or financial institutions.  
§ 265.149 Use of State-required mechanisms.  
§ 265.150 State assumption of responsibility.

Subsection I -- Use and Management of Containers  
§ 265.170 Applicability.  
§ 265.171 Condition of containers.  
§ 265.172 Compatibility of waste with container.  
§ 265.173 Management of containers.  
§ 265.174 Inspections.  
§ 265.175 [Reserved]  
§ 265.176 Special requirements for ignitable or reactive waste.  
§ 265.177 Special requirements for incompatible wastes.  
§ 265.178 Air emission standards.

Subsection J -- Tank Systems  
§ 265.190 Applicability.  
§ 265.191 Assessment of existing tank system's integrity.  
§ 265.192 Design and installation of new tank systems or components.  
§ 265.193 Containment and detection of releases.  
§ 265.194 General operating requirements.  
§ 265.195 Inspections.  
§ 265.196 Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.  
§ 265.197 Closure and post-closure care.  
§ 265.198 Special requirements for ignitable or reactive wastes.  
§ 265.199 Special requirements for incompatible wastes.  
§ 265.200 Waste analysis and trial tests.  
§ 265.201 Special requirements for Generators of between 100 and 1000 kg/mo who accumulate hazardous waste in tanks.  
§ 265.202 Air emission standards.

Subsection K -- Surface Impoundments
Section 266 –
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES
Subsections A -- B [Reserved] 266-1

Subsection C – Recyclable Materials Used in a Manner Constituting Disposal
§ 266.20 Applicability. 266-2
§ 266.21 Standards applicable to generators and transporters of materials used in a manner that constitute disposal. 266-2
§ 266.22 Standards applicable to storers of materials that are to be used in a manner that constitutes disposal who are not the ultimate users. 266-2
§ 266.23 Standards applicable to users of materials that are used in a manner that constitutes disposal. 266-2

Subsection D - E [Reserved] 266-2

Subsection F – Recyclable Materials Utilized for Precious Metal Recovery
§ 266.70 Applicability and requirements. 266-3

Subsection G – Spent Lead-Acid Batteries Being Reclaimed
§ 266.80 Applicability and requirements. 266-3

Subsection H – Hazardous Waste Burned in Boilers and Industrial Furnaces
§ 266.100 Applicability. 266-4

§ 266.101 Management prior to burning. 266-4
§ 266.102 Permit standards for burners. 266-6
§ 266.103 Interim status standards for burners. 266-7
§ 266.104 Standards to control organic emissions. 266-13
§ 266.105 Standards to control particulate matter. 266-25
§ 266.106 Standards to control metals emissions. 266-27
§ 266.107 Standards to control hydrogen chloride (HCl) and chlorine gas (Cl2) emissions. 266-27
§ 266.108 Small quantity on-site burner exemption. 266-31
§ 266.109 Low risk waste exemption. 266-32
§ 266.110 Waiver of DRE trial burn for boilers. 266-32
§ 266.111 Standards for direct transfer. 266-33
§ 266.112 Regulation of residues. 266-34

Subsections I-L (Reserved) 266-37

Subsection M — Military Munitions
§ 266.200 Applicability. 266-37
§ 266.201 Definitions. 266-37
§ 266.202 Definition of solid waste. 266-37
§ 266.203 Standards applicable to the transportation of solid waste military munitions. 266-38
§ 266.204 Standards applicable to emergency responses. 266-39
§ 266.205 Standards applicable to the storage of solid waste military munitions. 266-39
§ 266.206 Standards applicable to the treatment and disposal of waste military munitions. 266-40

Subsection N — Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal
266-40

Terms
§ 266.210 What definitions apply to this subpart? 266-40

Storage and Treatment Conditional Exemption and Eligibility
§ 266.220 What does a storage and treatment conditional exemption do? 266-41
§ 266.225 What wastes are eligible for the storage and treatment conditional exemption? 266-41
§ 266.230 What conditions must you meet for your LLMW to qualify for and maintain a storage and treatment exemption? 266-41

Treatment
§ 266.235 What waste treatment does the storage and treatment conditional exemption allow? 266-41

Loss of Conditional Exemption
§266.240 How could you lose the conditional exemption for your LLMW and what action must you take? 266-42
§ 266.245 If you lose the storage and treatment conditional exemption for your LLMW, can the exemption be reclaimed? 266-42

RecordKeeping
§ 266.250 What records must you keep at your facility and for how long? 266-42

Reentry Into RCRA
§ 266.255 When is your low-level mixed waste no longer eligible for the storage conditional exemption? 266-43

Storage Unit Closure
§ 266.260 Do closure requirements apply to units that stored LLMW prior to the effective date of subpart N? 266-43

Transportation and Disposal Conditional Exemption
§ 266.305 What does the transportation and disposal
267.1 What are the purpose, scope and applicability of this section? 267-2

Subsection A—General
267.2 What is the relationship to interim status standards? 267-2
267.3 How does this section affect an imminent hazard action? 267-2

Subsection B—General Facility Standards
267.10 Does this subsection apply to me? 267-2
267.11 What must I do to comply with this subsection? 267-2
267.12 How do I obtain an identification number? 267-2
267.13 What are my waste analysis requirements? 267-2
267.14 What are my security requirements? 267-3
267.15 What are my general inspection requirements? 267-3
267.16 What training must my employees have? 267-3
267.17 What are the requirements for managing ignitable, reactive, or incompatible wastes? 267-4
267.18 What are the standards for selecting the location of my facility? 267-5

Subsection C—Preparedness and Prevention
267.30 Does this subsection apply to me? 267-5
267.31 What are the general design and operation standards? 267-5
267.32 What equipment am I required to have? 267-5
267.33 What are the testing and maintenance requirements for the equipment? 267-5
267.34 When must personnel have access to communication equipment or an alarm system? 267-5
267.35 How do I ensure access for personnel and equipment during emergencies? 267-5
267.36 What arrangements must I make with local authorities for emergencies? 267-6

Subsection D—Contingency Plan and Emergency Procedures
267.50 Does this subsection apply to me? 267-6
267.51 What is the purpose of the contingency plan and how do I use it? 267-6
267.52 What must be in the contingency plan? 267-6
267.53 Who must have copies of the contingency plan? 267-6
267.54 When must I amend the contingency plan? 267-7
267.55 What is the role of the emergency coordinator? 267-7
267.56 What are the required emergency procedures for the emergency coordinator? 267-7
267.57 What must the emergency coordinator do after an emergency? 267-7
267.58 What notification and recordkeeping must I do after an emergency? 267-8

Subsection E Manifest System, Recordkeeping, Reporting, and Notifying
267.70 Does this subsection apply to me? 267-8
267.71 Use of the manifest system. 267-8
267.72 Manifest discrepancies. 267-9
267.73 What information must I keep? 267-9
267.74 Who sees the records? 267-9
267.75 What reports must I prepare and to whom do I send them? 267-9
267.76 What notifications must I make? 267-10

Subsection F—Releases from Solid Waste Management Units
267-10
267.90 Who must comply with this section? 267-10
267.91—267.100 [Reserved] 267-10
267.101 What must I do to address corrective action for solid waste management units? 267-10

Subsection G—Closure
267-10
267.110 Does this subsection apply to me? 267-10
267.111 What general standards must I meet when I stop operating the unit? 267-10
267.112 What procedures must I follow? 267-11
267.113 Will the public have the opportunity to comment on the plan? 267-11
Subsection H—Financial Requirements
267.140 Who must comply with this subsection, and briefly, what do they have to do? 267-12
267.141 Definitions of terms as used in this subsection. 267-12
267.142 Cost estimate for closure. 267-13
267.143 Financial assurance for closure. 267-14
267.144–267.146 [Reserved] 267-14
267.147 Liability requirements. 267-17
267.148 Incapacity of owners or operators, guarantors, or financial institutions. 267-20
267.149 [Reserved] 267-20
267.150 State assumption of responsibility. 267-20
267.151 Wording of the instruments 267-21

Subsection I—Use and Management of Containers
267.170 Does this subsection apply to me? 267-22
267.171 What standards apply to the containers? 267-22
267.172 What are the inspection requirements? 267-22
267.173 What standards apply to the container storage areas? 267-22
267.174 What special requirements must I meet for ignitable or reactive waste? 267-23
267.175 What special requirements must I meet for incompatible wastes? 267-23
267.176 What must I do when I want to stop using the containers? 267-23
267.177 What air emission standards apply? 267-23

Subsection J—Tank Systems
267.190 Does this subsection apply to me? 267-23
267.191 What are the required design and construction standards for new tank systems or components? 267-23
267.192 What handling and inspection procedures must I follow during installation of new tank systems? 267-24
267.193 What testing must I do? 267-25
267.194 What installation requirements must I follow? 267-25
267.195 What are the secondary containment requirements? 267-25
267.196 What are the required devices for secondary containment and what are their design, operating and installation requirements? 267-26
267.197 What are the requirements for ancillary equipment? 267-25
267.198 What are the general operating requirements for my tank systems? 267-25
267.199 What inspection requirements must I meet? 267-26
267.200 What must I do in case of a leak or spill? 267-26
267.201 What must I do when I stop operating the tank system? 267-27
267.202 What special requirements must I meet for ignitable or reactive wastes? 267-27
267.203 What special requirements must I meet for incompatible wastes? 267-27
267.204 What air emission standards apply? 267-27

Subsections K Through CC [Reserved]

Subsection DD—Containment buildings
267.1100 Does this subsection apply to me? 267-27
267.1101 What design and operating standards must my containment building meet? 267-27
267.1102 What other requirements must I meet to prevent 267-28 releases?
267.1103 What additional design and operating standards
Section 270.
ADMINISTERED PERMIT PROGRAMS:
THE HAZARDOUS WASTE PERMIT PROGRAM

Subsection A -- General Information

§ 270.1 Purpose and scope of these regulations. 270-1
§ 270.2 Definitions. 270-2
§ 270.3 Considerations under Federal law. 270-7
§ 270.4 Effect of a permit. 270-7
§ 270.5 Noncompliance and program reporting by the Director. 270-8
§ 270.6 References. 270-9
§ 270.7 Arkansas’s General Requirements for Permit Applications 270-9

Subsection B – Permit Applications

§ 270.10 General application requirements. 270-16
§ 270.11 Signatories to permit applications and reports. 270-19
§ 270.12 Availability of Information and Protection of Trade and Business Secrets. 270-20
§ 270.13 Contents of Part A of the permit application. 270-21
§ 270.14 Contents of Part B: General requirements. 270-22
§ 270.15 Specific Part B information requirements for containers. 270-26
§ 270.16 Specific Part B information requirements for tank systems. 270-27
§ 270.17 Specific Part B information requirements for surface impoundments. 270-27
§ 270.18 Specific Part B information requirements for waste piles. 270-28
§ 270.19 Specific Part B information requirements for incinerators. 270-29
§ 270.20 Specific Part B information requirements for land treatment facilities. 270-30
§ 270.21 Specific Part B information requirements for landfills. 270-31
§ 270.22 Specific Part B information requirements for boilers and industrial furnaces burning hazardous waste. 270-32
§ 270.23 Specific Part B information requirements for miscellaneous units. 270-35
§ 270.24 Specific Part B information requirements for process vents. 270-35
§ 270.25 Specific Part B information requirements for equipment. 270-36
§ 270.26 Special Part B information requirements for drip pads. 270-37
§ 270.27 Specific Part B information requirements for air emission controls for tanks, surface impoundments, and containers. 270-37
§ 270.28 Part B information requirements for post-closure permits. 270-38
§ 270.29 Permit Denial. 270-38

Subsection C – Permit Conditions

§ 270.30 Conditions applicable to all permits. 270-38
§ 270.31 Requirements for recording and reporting of monitoring results. 270-40
§ 270.32 Establishing permit conditions. 270-40
§ 270.33 Schedules of compliance. 270-41
§ 270.34 Health Monitoring and Hazard Identification. 270-41

Subsection D -- Changes to Permits

§ 270.40 Transfer of permits. 270-42
§ 270.41 Modification or revocation and reissuance of permits. 270-42
§ 270.42 Permit modification at the request of the Permittee. 270-43
§ 270.43 Termination of permits. 270-54

Subsection E -- Expiration and Continuation of Permits

§ 270.50 Duration of Permits. 270-54
§ 270.51 Continuation of Expiring Permits 270-54

Subsection F – Special Forms of Permits

§ 270.60 Permits by rule. 270-54
§ 270.61 Emergency permits. 270-55
§ 270.62 Hazardous waste incinerator permits. 270-58
§ 270.63 Permits for land treatment demonstrations using field test or laboratory analyses. 270-58
§ 270.64 Interim permits for UIC wells. 270-58
§ 270.65 Research, development, and demonstration permits. 270-59
§ 270.66 Permits for boilers and industrial furnaces burning hazardous waste. 270-62
§ 270.67 RCRA standardized permits for storage and treatment units. 270-68
§ 270.68 Remedial Action Plans (RAPs). 270-62

Subsection G -- Interim Status

§ 270.70 Qualifying for interim status. 270-62
§ 270.71 Operation during interim status. 270-62
§ 270.72 Changes during interim status. 270-62
§ 270.73 Termination of interim status. 270-64

Subsection H -- Remedial Action Plans (RAPs)

§ 270.79 Why is this subpart written in a special format? 270-64
General Information 270-64
§ 270.80 What is a RAP? 270-64
§ 270.85 When do I need a RAP? 270-64
§ 270.90 Does my RAP grant me any rights or relieve me of any obligations? 270-64
Applying for a RAP 270-65
§ 270.95 How do I apply for a RAP? 270-65
§ 270.100 Who must obtain a RAP? 270-65
§ 270.105 Who must sign the application and any required reports for a RAP? 270-65
§ 270.110 What must I include in my application for a RAP? 270-65


<table>
<thead>
<tr>
<th>Section 270 — Standards for Universal Waste Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ 270.115 What if I want to keep this information confidential? 270-66</td>
</tr>
<tr>
<td>§ 270.120 To whom must I submit my RAP application? 270-66</td>
</tr>
<tr>
<td>§ 270.125 If I submit my RAP application as part of another document, what must I do? 270-66</td>
</tr>
<tr>
<td>Getting a RAP Approved 270-66</td>
</tr>
<tr>
<td>§ 270.130 What is the process for approving or denying my application for a RAP? 270-66</td>
</tr>
<tr>
<td>§ 270.135 What must the Director include in a draft RAP? 270-66</td>
</tr>
<tr>
<td>§ 270.140 What else must the Director prepare in addition to the draft RAP or notice of intent to deny? 270-66</td>
</tr>
<tr>
<td>§ 270.145 What are the procedures for public comment on the draft RAP or notice of intent to deny? 270-67</td>
</tr>
<tr>
<td>§ 270.150 How will the Director make a final decision on my RAP application? 270-67</td>
</tr>
<tr>
<td>§ 270.155 May the decision to approve or deny my RAP application be administratively appealed? 270-67</td>
</tr>
<tr>
<td>§ 270.160 When does my RAP become effective? 270-68</td>
</tr>
<tr>
<td>§ 270.165 When may I begin physical construction of new units permitted under the RAP? 270-68</td>
</tr>
<tr>
<td>How May my RAP be Modified, Revoked and Reissued, or Terminated? 270-68</td>
</tr>
<tr>
<td>§ 270.170 After my RAP is issued, how may it be modified, revoked and reissued, or terminated? 270-68</td>
</tr>
<tr>
<td>§ 270.175 For what reasons may the Director choose to modify my final RAP? 270-68</td>
</tr>
<tr>
<td>§ 270.180 For what reasons may the Director choose to revoke and reissue my final RAP? 270-69</td>
</tr>
<tr>
<td>§ 270.185 For what reasons may the Director choose to terminate my final RAP, or deny my renewal application? 270-69</td>
</tr>
<tr>
<td>§ 270.190 May the decision to approve or deny a modification, revocation and reissuance, or termination of my RAP be administratively appealed? 270-69</td>
</tr>
<tr>
<td>§ 270.195 When will my RAP expire? 270-70</td>
</tr>
<tr>
<td>§ 270.200 How may I renew my RAP if it is expiring? 270-70</td>
</tr>
<tr>
<td>§ 270.205 What happens if I have applied correctly for a RAP renewal but have not received approval by the time my old RAP expires? 270-70</td>
</tr>
<tr>
<td>Operating Under Your RAP 270-70</td>
</tr>
<tr>
<td>§ 270.210 What records must I maintain concerning my RAP? 270-70</td>
</tr>
<tr>
<td>§ 270.215 How are time periods in the requirements in this subpart and my RAP computed? 270-70</td>
</tr>
<tr>
<td>§ 270.220 How may I transfer my RAP to a new owner or operator? 270-70</td>
</tr>
<tr>
<td>§ 270.225 What must the State or EPA Region report about noncompliance with RAPs? 270-71</td>
</tr>
<tr>
<td>Obtaining a RAP for an Off-Site Location 270-71</td>
</tr>
<tr>
<td>§ 270.230 May I perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated? 270-71</td>
</tr>
<tr>
<td>Subsection I — Integration with Maximum Achievable Control Technology (MACT) Standards 270-71</td>
</tr>
<tr>
<td>§ 270.235 Options for incinerators and cement and lightweight aggregate kilns to minimize emissions from startup, shutdown, and malfunction events 270-71</td>
</tr>
<tr>
<td>Subsection J — RCRA Standardized Permits for Storage and Treatment Units 270-76</td>
</tr>
<tr>
<td>General Information About Standardized Permits 270-76</td>
</tr>
<tr>
<td>§ 270.250 What is a RCRA standardized permit? 270-76</td>
</tr>
<tr>
<td>§ 270.255 Who is eligible for a standardized permit? 270-76</td>
</tr>
<tr>
<td>§ 270.260 What requirements of Section 270 apply to a standardized permit? 270-76</td>
</tr>
</tbody>
</table>

### Section 273 — Standards for Universal Waste Management

#### Subsection A — General

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

#### Subsection B — Standards for Small Quantity Handlers of Universal Waste

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

#### Subsection C — Standards for Large Quantity Handlers of Universal Waste

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

#### Subsection D — Standards for Universal Waste Transporters

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

Subsection E – Standards for Destination Facilities
§ 273.60 Applicability. 273-14
§ 273.61 Off-site shipments. 273-15
§ 273.62 Tracking universal waste shipments. 273-15

Subsection F – Import Requirements
§ 273.70 Imports. 273-15

Subsection G – Petitions to Include Other Wastes under § 273
§ 273.80 General. 273-15
§ 273.81 Factors for Petitions to Include Other Wastes under § 273. 273-16

Section 279.
STANDARDS FOR THE MANAGEMENT OF USED OIL

Subsection A – Definitions
§ 279.1 Definitions. 279-1

Subsection B – Applicability
§ 279.10 Applicability. 279-2
§ 279.11 Used oil specifications. 279-4
§ 279.12 Prohibitions. 279-4

Subsection C – Standards for Used Oil Generators
§ 279.20 Applicability. 279-5
§ 279.21 Hazardous waste mixing. 279-6
§ 279.22 Used oil storage. 279-6
§ 279.23 On-site burning in space heaters. 279-6
§ 279.24 Off-site shipments. 279-6

Subsection D – Standards for Used Oil Collection Centers and Aggregation Points
§ 279.30 Do-it-yourselfer used oil collection centers. 279-7
§ 279.31 Used oil collection centers. 279-7
§ 279.32 Used oil aggregation points owned by the generator. 279-7

Subsection E – Standards for Used Oil Transporter and Transfer Facilities
§ 279.40 Applicability. 279-7
§ 279.41 Restrictions on transporters who are not also processors or re-refiners. 279-8
§ 279.42 Notification. 279-8
§ 279.43 Used oil transportation. 279-8
§ 279.44 Rebuttable presumption for used oil. 279-9
§ 279.45 Used oil storage at transfer facilities. 279-9
§ 279.46 Tracking. 279-10
§ 279.47 Management of residues. 279-10

Subsection F – Standards for Used Oil Processors & Re-refiners
§ 279.50 Applicability. 279-10
§ 279.51 Notification. 279-11
§ 279.52 General facility standards. 279-11
§ 279.53 Rebuttable presumption for used oil. 279-14
§ 279.54 Used oil management. 279-14
§ 279.55 Analysis plan. 279-15
§ 279.56 Tracking. 279-16
§ 279.57 Operating record and reporting. 279-16
§ 279.58 Off-site shipments of used oil. 279-17
§ 279.59 Management of residues. 279-17

Subsection G – Standards for Used Oil Burners Who Burn Off-specification Used Oil for Energy Recovery
§ 279.60 Applicability. 279-17
§ 279.61 Restrictions on burning. 279-17
§ 279.62 Notification. 279-18
*§ 279.63 Rebuttable presumption for used oil. 279-18
§ 279.64 Used oil storage. 279-18
§ 279.65 Tracking. 279-19
§ 279.66 Notices. 279-19
§ 279.67 Management of residues. 279-19

Subsection H – Standards for Used Oil Fuel Marketers
§ 279.70 Applicability. 279-19
§ 279.71 Prohibitions. 279-20
§ 279.72 On-specification used oil fuel. 279-20
§ 279.73 Notification. 279-20
§ 279.74 Tracking. 279-20
§ 279.75 Notices. 279-20

Subsection I – Standards for Use as a Dust Suppressant and Disposal of Used Oil
§ 279.80 Applicability. 279-21
§ 279.81 Disposal. 279-21
§ 279.82 Use as a dust suppressant. 279-21

CHAPTER 3
Section 19
Effect Of Federal Regulations 18-1

Section 20
Authority. 18-1

Section 21
Definitions. 18-1

Section 22
State/EPA Memorandum of Agreement 18-1

CHAPTER 4 [Reserved]
Section 23 [Reserved] 18-1

Section 24 (Reserved)

Section 25 (Reserved)

Fee on the Generation of Hazardous Waste 18-3

Section 26
Criteria For Listing Hazardous Substance Sites 18-2

Section 27 (Reserved) 18-3

CHAPTER 5
Section 28
Penalty Policy and Administrative Procedures. 18-3

Section 29
Severability. 18-3

Section 30
Effective Dates. 18-3
Section 3. AMENDMENT AND UPDATE OF REGULATION No. 23 (HAZARDOUS WASTE MANAGEMENT)

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

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

Title 40 Code of Federal Regulations:

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

(2) Appendix IX of Part 266; and

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

(4) All as adopted as final rules (including “interim final rules” and “technical amendments”) published in the Federal Register by the U.S. Environmental Protection Agency on or before January 1, 2008

Section 6. Fees

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

*****

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

*****

(aa) Fees on the Generation of Hazardous Waste

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

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

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

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

(iii) No fee shall be assessed pursuant to
3. Section 260.10 is amended by adding in alphabetical order the definition of “Gasification,” to read as follows:

§ 260.10 Definitions.

* * * * *

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

* * * * *

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

§ 260.11 References.

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

* * * * *

(c) * * *

(3) * * *

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

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

§ 260.20 General.

* * * * *

(d) If the Commission initiates rulemaking procedures in response to a third-party petition, or upon the written request of any interested person, the Commission shall cause notice of the proposed regulation to be given as provided by APC&EC Regulation No. 8, § 3.1 § 3.801-803, and shall hold a public hearing as required by Regulation No. 8, § 3.2 § 3.804-806.

(e) The Commission may shall direct the proponent of a third-party rule to compile or produce portions of the rulemaking record required by Regulation No. 8, § 3.6.2 § 8.814. In all cases the proponent of a third-party rule shall prepare a proposed Statement of Basis and Purpose and Responsive Summary required by Regulation No. 8, § 3.6.2 § 8.815 for the Commission’s review prior to its final rulemaking decision.

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

(2) The Department shall prepare its own proposed Statement of Basis and Purpose and Responsive Summary at the close of the public comment period pursuant to the guidelines of Regulation No. 8, § 3.6.2 § 8.815. This Statement shall include a proposed responsive summary as required by Regulation No. 8, § 3.6.2(2).

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

Section 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

§ 261.2 Definition of Solid Waste.

* * * * *

(c) * * *

(1) * * *

(i) Materials noted with an “X” in Column 1 of Table 1 are solid wastes when they are:

* * * * *

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

261.3 Definition of hazardous waste.

(a) * * *

(2) * * *

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

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

* * * *

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

* * * *

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

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

7. Section 261.4 is revised as follows:

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

§ 261.4 Exclusions.

(a) * * *

(9) * * *

(iii) * * *

(E) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: ‘‘I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation.’’ The plant must maintain a copy of that document in its on-site records for a period of no less than 3 years from the date specified in the notice until closure of the facility. The exclusion applies so long as the plant meets all of the conditions. If the plant goes out
of compliance with any condition, it may apply to the Director for reinstatement. The Director may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that the violations are not likely to recur.

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

(a) * * *
(22) Used cathode ray tubes (CRTs)
(i) Used, intact CRTs as defined in § 260.10 of this regulation are not solid wastes within the United States unless they are disposed, or unless they are speculatively accumulated as defined in § 261.1(c)(8) by CRT collectors or glass processors.
(ii) Used, intact CRTs as defined in § 260.10 of this regulation are not solid wastes when exported for recycling provided that they meet the requirements of Sec. 261.40.
(iii) Used, broken CRTs as defined in § 260.10 of this regulation are not solid wastes provided that they meet the requirements of § 261.39.
(iv) Glass removed from CRTs is not a solid waste provided that it meets the requirements of § 261.39(c).

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

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

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

(15)
(v) As of After November 21, 2003, leachate or gas condensate from K176, K177, and K178 is no longer exempt if stored or managed in surface impoundment prior to discharge. After February 26, 2007, leachate or gas

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

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

8. Section 261.5 is amended by removing the period at the end of paragraph (c)(6) and adding in its place a semicolon,
and by adding paragraph (c)(7) to read as follows:

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

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

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

§ 261.7 Residues of hazardous waste in empty containers.

(a)(1) Any hazardous waste remaining in either:
(i) an empty container; or
(ii) an inner liner removed from an empty container, as defined in paragraph (b) of this section, is not subject to regulation under sections 261 through 265, or Section 267, 268, 270 of this Regulation or 40 CFR 124, or to the notification requirements of section 3010 of RCRA.

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

§ 261.21 Characteristic of ignitability.

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

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

(3) It is an ignitable compressed gas.

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

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

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

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

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

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

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

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

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

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

     (A) The material meets the definition of a Class A explosive or a Class B explosive, as defined in § 261.23(a)(8), in which case it must be classed as an explosive.

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

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

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

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

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

* * * * *

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

§ 261.24 Toxicty characteristic.

   * * * * *

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

   * * * * *

13. Section 261.31 is amended as follows:

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

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

b. Amend the Table in § 261.31(a) by adding a footnote at the bottom to read as follows: “*(I,T) should be used to specify mixtures that are ignitable and contain toxic constituents.”.

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

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

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

§ 261.31 Hazardous wastes from non-specific sources.

(a) * * *

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

§ 261.32 Hazardous wastes from specific sources.

* * * *

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

* * * *

14. Section 261.33 is amended as follows:

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

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

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

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

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

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

* * * *

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

* * * *

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

* * * *

<table>
<thead>
<tr>
<th>Hazardous waste No.</th>
<th>Chemical Substance</th>
<th>Abstracts No</th>
</tr>
</thead>
<tbody>
<tr>
<td>P001 ............</td>
<td>81–81–2</td>
<td>2H-1-Benzopyran-2-one, 4-hydroxy-3-[3-oxo-1-phenylbutyl]-, &amp; salts, when present at concentrations greater than 0.3%</td>
</tr>
<tr>
<td>P001 ............</td>
<td>81–81–2</td>
<td>Warfarin, &amp; salts, when present at concentrations greater than 0.3%</td>
</tr>
<tr>
<td>P002 ............</td>
<td>501–08–2</td>
<td>Acetamide, (aminothioxomethyl)-</td>
</tr>
<tr>
<td>P002 ............</td>
<td>501–08–2</td>
<td>1-Acetyl-2-thiourea</td>
</tr>
<tr>
<td>P003 ............</td>
<td>107–02–8</td>
<td>Acrolein</td>
</tr>
<tr>
<td>P003 ............</td>
<td>107–02–8</td>
<td>2-Propenal</td>
</tr>
<tr>
<td>P004 ............</td>
<td>309–00–2</td>
<td>Aldrin</td>
</tr>
<tr>
<td>P004 ............</td>
<td>309–00–2</td>
<td>1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a-hexahydro-</td>
</tr>
<tr>
<td>P004 ............</td>
<td>309–00–2</td>
<td>(1-alpha,4alpha,4betal-(5alph,a,8betal)-</td>
</tr>
</tbody>
</table>

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

* * * *
<table>
<thead>
<tr>
<th>P005</th>
<th>107–18–6</th>
<th>Allyl alcohol</th>
</tr>
</thead>
<tbody>
<tr>
<td>P005</td>
<td>107–18–6</td>
<td>2-Propan-1-ol</td>
</tr>
<tr>
<td>P006</td>
<td>20859–73–8</td>
<td>Aluminum phosphide (R,T)</td>
</tr>
<tr>
<td>P007</td>
<td>2763–96–4</td>
<td>5-(Aminomethyl)-3-isoxazolyl</td>
</tr>
<tr>
<td>P008</td>
<td>504–24–5</td>
<td>4-Aminopyridine</td>
</tr>
<tr>
<td>P008</td>
<td>504–24–5</td>
<td>4-Pyrindamine</td>
</tr>
<tr>
<td>P009</td>
<td>131–74–8</td>
<td>Ammonium picrate (R)</td>
</tr>
<tr>
<td>P010</td>
<td>1303–28–2</td>
<td>Arsenic oxide H3 AsO3</td>
</tr>
<tr>
<td>P011</td>
<td>1303–28–2</td>
<td>Arsenic oxide As2 O3</td>
</tr>
<tr>
<td>P012</td>
<td>1327–53–3</td>
<td>Arsenic trioxide</td>
</tr>
<tr>
<td>P013</td>
<td>542–62–1</td>
<td>Barium cyanide</td>
</tr>
<tr>
<td>P014</td>
<td>108–98–5</td>
<td>Benzenethiol</td>
</tr>
<tr>
<td>P015</td>
<td>7440–41–7</td>
<td>Beryllium powder</td>
</tr>
<tr>
<td>P016</td>
<td>542–88–1</td>
<td>Dichloromethyl ether</td>
</tr>
<tr>
<td>P016</td>
<td>542–88–1</td>
<td>Methane, oxybis chlorine</td>
</tr>
<tr>
<td>P017</td>
<td>598–31–2</td>
<td>Bromoacetonitrile</td>
</tr>
<tr>
<td>P018</td>
<td>357–57–3</td>
<td>Ethenyl cyanide</td>
</tr>
<tr>
<td>P018</td>
<td>357–57–3</td>
<td>Strycnadin-10-one, 2,3-dimethoxy-</td>
</tr>
<tr>
<td>P020</td>
<td>88–85–7</td>
<td>Dinoseb</td>
</tr>
<tr>
<td>P020</td>
<td>88–85–7</td>
<td>Phenol, 2-(1-methyl propy)-4,6-dinitro-</td>
</tr>
<tr>
<td>P021</td>
<td>592–01–8</td>
<td>Calcium cyanide</td>
</tr>
<tr>
<td>P021</td>
<td>592–01–8</td>
<td>Calcium cyanide, Ca(CN)2</td>
</tr>
<tr>
<td>P022</td>
<td>75–15–0</td>
<td>Carbon disulfide</td>
</tr>
<tr>
<td>P023</td>
<td>107–20–0</td>
<td>Acetaldelyde, chloro-</td>
</tr>
<tr>
<td>P023</td>
<td>107–20–0</td>
<td>Chloroacetaldelyde</td>
</tr>
<tr>
<td>P024</td>
<td>106–47–8</td>
<td>Benzenamine, 4-chloro-</td>
</tr>
<tr>
<td>P024</td>
<td>106–47–8</td>
<td>p-Chloroanilinyl-1-(o-Chlorophenyl) thiourea</td>
</tr>
<tr>
<td>P026</td>
<td>5344–82–1</td>
<td>Thiourea (2-chlorophenyl) phenyl-3-Chloropropionitrile</td>
</tr>
<tr>
<td>P027</td>
<td>542–76–7</td>
<td>Propanenitrile, 3-(chloro-</td>
</tr>
<tr>
<td>P027</td>
<td>542–76–7</td>
<td>Benzene, (chloro-methyl)-</td>
</tr>
<tr>
<td>P028</td>
<td>100–44–7</td>
<td>Benzyli chloride</td>
</tr>
<tr>
<td>P029</td>
<td>544–92–3</td>
<td>Copper cyanide</td>
</tr>
<tr>
<td>P030</td>
<td></td>
<td>Cyanides (soluble cyanide salts), not otherwise specified</td>
</tr>
<tr>
<td>P031</td>
<td>460–19–5</td>
<td>Cyanogen</td>
</tr>
<tr>
<td>P031</td>
<td>460–19–5</td>
<td>Ethanedinitrile</td>
</tr>
<tr>
<td>P033</td>
<td>506–77–4</td>
<td>Cyanogen chloride</td>
</tr>
<tr>
<td>P033</td>
<td>506–77–4</td>
<td>Cyanogen chloride</td>
</tr>
<tr>
<td>P034</td>
<td>131–89–5</td>
<td>2-Cyclohexyl-4,6-dinitrophenol</td>
</tr>
<tr>
<td>P034</td>
<td>131–89–5</td>
<td>Phenol, 2-cyclohexyl-4,6-dinitro-</td>
</tr>
<tr>
<td>P036</td>
<td>696–28–6</td>
<td>Dichlorophenylarsine</td>
</tr>
<tr>
<td>P037</td>
<td>60–57–1</td>
<td>Dieldrin</td>
</tr>
<tr>
<td>P038</td>
<td>692–42–2</td>
<td>Arsine, diethyl</td>
</tr>
<tr>
<td>P038</td>
<td>692–42–2</td>
<td>Diethylarsine</td>
</tr>
<tr>
<td>P039</td>
<td>298–04–4</td>
<td>Disulfoton</td>
</tr>
<tr>
<td>P040</td>
<td>297–97–2</td>
<td>Phosphorothioic acid, O,O-dichyl O-pyrazinyl ester</td>
</tr>
<tr>
<td>P041</td>
<td>311–45–5</td>
<td>Diethyl- p-nitrophenyl phosphate</td>
</tr>
<tr>
<td>P042</td>
<td>51–43–4</td>
<td>Phosphoric acid, diethyl 4-nitrophenyl ester</td>
</tr>
<tr>
<td>P042</td>
<td>51–43–4</td>
<td>1,2-Benzenediol, 4-(1-hydroxy-2-(methyl amino) ethyl)-, (R)-</td>
</tr>
<tr>
<td>P043</td>
<td>55–91–4</td>
<td>Epinephrine</td>
</tr>
<tr>
<td>P043</td>
<td>55–91–4</td>
<td>Isoopropyl fluorophosphoric acid, bis(1-methyl ethyl) ester</td>
</tr>
<tr>
<td>P044</td>
<td>50–51–5</td>
<td>2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-(methylamino) carbonyl oxime</td>
</tr>
<tr>
<td>P045</td>
<td>39196–18–4</td>
<td>Thiophanate</td>
</tr>
<tr>
<td>P046</td>
<td>122–09–8</td>
<td>Benzeneethanamine, alpha, alpha-dimethyl</td>
</tr>
<tr>
<td>P047</td>
<td>534–52–1</td>
<td>4,6-Dinitro-o-cresol, &amp; salts</td>
</tr>
<tr>
<td>P047</td>
<td>534–52–1</td>
<td>Phenol, 2-methyl-4,6-dinitro-, &amp; salts</td>
</tr>
<tr>
<td>P048</td>
<td>51–28–5</td>
<td>Phenol, 2,4-dinitro- Dithiobiuret</td>
</tr>
<tr>
<td>P049</td>
<td>541–53–7</td>
<td>Thiomodidcarbonic diamide [(H, N)C(Si)NH]</td>
</tr>
<tr>
<td>P050</td>
<td>115–29–7</td>
<td>Endosulfan</td>
</tr>
<tr>
<td>P050</td>
<td>115–29–7</td>
<td>6,9-Methano-2,4,3-benzodioxathiepin, 1,5,5a,6,9a-hexahydro-3-oxide</td>
</tr>
</tbody>
</table>
| P051 | 72–20–8 | 2,7:3,6-Dimethanonaphthol, 2,3-bisoxirene, 3,4,5,6,9:9'-hexachloro-1a,2a,3,6a,7,7a-octahydro-, (1aa, 2beta,2alpha,3beta,6beta,6alpha,7a,7a-alpha)
<table>
<thead>
<tr>
<th>Chemical Name</th>
<th>CAS Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Endrin, &amp; metabolites</td>
<td>72-20-8</td>
</tr>
<tr>
<td>Endrin, &amp; metabolites</td>
<td>72-20-8</td>
</tr>
<tr>
<td>Aziridine</td>
<td>151-56-4</td>
</tr>
<tr>
<td>Ethylenimine</td>
<td>151-56-4</td>
</tr>
<tr>
<td>Fluorine</td>
<td>778-1-14</td>
</tr>
<tr>
<td>Acetamide, 2-fluoro-</td>
<td>640-19-7</td>
</tr>
<tr>
<td>Acetamide</td>
<td>640-19-7</td>
</tr>
<tr>
<td>Acetic acid, fluoro-</td>
<td>62-74-8</td>
</tr>
<tr>
<td>Fluorooacetic acid, sodium salt</td>
<td>62-74-8</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>76-44-8</td>
</tr>
<tr>
<td>4,7-Methano-1H-indene, 1,4,5,6,7,8,9-tetrahydro-</td>
<td>76-44-8</td>
</tr>
<tr>
<td>Naphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-</td>
<td>465-73-6</td>
</tr>
<tr>
<td>Naphthalene, 1,2,3,4,10,10-hexachloro-</td>
<td>465-73-6</td>
</tr>
<tr>
<td>Methane, isocyanato-</td>
<td>624-83-9</td>
</tr>
<tr>
<td>Methyl isocyanate</td>
<td>624-83-9</td>
</tr>
<tr>
<td>Fulminic acid, mercury (2+) salt (R,T)</td>
<td>628-86-4</td>
</tr>
<tr>
<td>Mercury fulminate</td>
<td>628-86-4</td>
</tr>
<tr>
<td>Ethanimidothioic acid, N-[(methylamination)</td>
<td>16752-77-5</td>
</tr>
<tr>
<td>Tetraphosphoric acid,hexaethyl ester</td>
<td>16752-77-5</td>
</tr>
<tr>
<td>Hydrocyanic acid</td>
<td>74-90-8</td>
</tr>
<tr>
<td>Hydrogen cyanide</td>
<td>74-90-8</td>
</tr>
<tr>
<td>Methane, isocyanato-</td>
<td>624-83-9</td>
</tr>
<tr>
<td>Methyl isocyanate</td>
<td>624-83-9</td>
</tr>
<tr>
<td>Fulminic acid, mercury (2+) salt (RT)</td>
<td>628-86-4</td>
</tr>
<tr>
<td>Mercury fulminate</td>
<td>628-86-4</td>
</tr>
<tr>
<td>Ethanimidothioic acid, N-[(methylamination)</td>
<td>16752-77-5</td>
</tr>
<tr>
<td>Methomyl</td>
<td>16752-77-5</td>
</tr>
<tr>
<td>Aziridine, 2-methyl-</td>
<td>75-55-8</td>
</tr>
<tr>
<td>1,2-Propenamine</td>
<td>75-55-8</td>
</tr>
<tr>
<td>Hydrazine, methyl-</td>
<td>60-34-4</td>
</tr>
<tr>
<td>Methyl hydrazine</td>
<td>60-34-4</td>
</tr>
<tr>
<td>2-Methylcyclooctanitride</td>
<td>75-86-5</td>
</tr>
<tr>
<td>Propanenitrile, 2-hydroxy-</td>
<td>75-86-5</td>
</tr>
<tr>
<td>Alidarb</td>
<td>75-86-5</td>
</tr>
<tr>
<td>Propanol, 2-methyl-2-(methylthio)-, O-(methylamination)</td>
<td>116-06-3</td>
</tr>
<tr>
<td>Propanol</td>
<td>116-06-3</td>
</tr>
<tr>
<td>Methyl parathionithioic acid, O-[(methylamination)</td>
<td>298-00-0</td>
</tr>
<tr>
<td>Phosphorothioic acid, O.O-dimethyl O-(4-nitrophenyl) ester</td>
<td>298-00-0</td>
</tr>
<tr>
<td>Phosphorothioic acid, O.O-dimethyl O-(4-nitrophenyl) ester</td>
<td>298-00-0</td>
</tr>
<tr>
<td>Alpha-Naphthylthiourea</td>
<td>86-88-4</td>
</tr>
<tr>
<td>Thiourea, 1-naphthalenyl</td>
<td>86-88-4</td>
</tr>
<tr>
<td>Nickel carbonyl</td>
<td>13463-39-3</td>
</tr>
<tr>
<td>Nickel carbonyl</td>
<td>13463-39-3</td>
</tr>
<tr>
<td>Nickel cyanide</td>
<td>557-19-7</td>
</tr>
<tr>
<td>Nickel cyanide</td>
<td>557-19-7</td>
</tr>
<tr>
<td>Nicotine, &amp; salts</td>
<td>54-11-5</td>
</tr>
<tr>
<td>Nicotine, &amp; salts</td>
<td>54-11-5</td>
</tr>
<tr>
<td>Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S), &amp; salts</td>
<td>10102-43-9</td>
</tr>
<tr>
<td>Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S), &amp; salts</td>
<td>10102-43-9</td>
</tr>
<tr>
<td>Nitric oxide</td>
<td>100-01-6</td>
</tr>
<tr>
<td>Nitrogen oxide NO</td>
<td>100-01-6</td>
</tr>
<tr>
<td>Nitrogen dioxide</td>
<td>10102-44-0</td>
</tr>
<tr>
<td>Nitrogen oxide NO</td>
<td>10102-44-0</td>
</tr>
<tr>
<td>Nitroglucercine (R)</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Nitroglucercine (R)</td>
<td>55-63-0</td>
</tr>
<tr>
<td>1,2-Propenitri</td>
<td>55-63-0</td>
</tr>
<tr>
<td>1,2-Propenitri</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Methanamine, - methyl-N- nitrosou</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Methanamine, - methyl-N- nitrosou</td>
<td>55-63-0</td>
</tr>
<tr>
<td>N-Nitrosomethy</td>
<td>55-63-0</td>
</tr>
<tr>
<td>N-Nitrosomethy</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Vinilamine, -methyl-</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Vinilamine, -methyl-</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Diphosphoramide, octamethyl-phosphoram</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Diphosphoramide, octamethyl-phosphoram</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Osmium oxide OsO</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Osmium oxide OsO</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Endotall</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Endotall</td>
<td>55-63-0</td>
</tr>
<tr>
<td>7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid</td>
<td>55-63-0</td>
</tr>
<tr>
<td>7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid</td>
<td>55-63-0</td>
</tr>
<tr>
<td>Parathon</td>
<td>56-38-2</td>
</tr>
<tr>
<td>Parathon</td>
<td>56-38-2</td>
</tr>
<tr>
<td>Phosphorothioic acid, O,O-dithiol O-(4-</td>
<td>75-44-5</td>
</tr>
<tr>
<td>Phosphorothioic acid, O,O-dithiol O-(4-</td>
<td>75-44-5</td>
</tr>
<tr>
<td>Hydrogen phosphide</td>
<td>7803-51-2</td>
</tr>
<tr>
<td>Hydrogen phosphide</td>
<td>7803-51-2</td>
</tr>
<tr>
<td>Phosphine</td>
<td>52-85-7</td>
</tr>
<tr>
<td>Phosphine</td>
<td>52-85-7</td>
</tr>
<tr>
<td>Phosphorothioic acid, O-[4-[[dimethylamin]</td>
<td>52-85-7</td>
</tr>
<tr>
<td>Phosphorothioic acid, O-[4-[[dimethylamin]</td>
<td>52-85-7</td>
</tr>
<tr>
<td>Sulfonamidophenyl] O-Dimethyl ester</td>
<td>52-85-7</td>
</tr>
<tr>
<td>Sulfonamide</td>
<td>52-85-7</td>
</tr>
<tr>
<td>Sulfonamide</td>
<td>52-85-7</td>
</tr>
<tr>
<td>Sodium cyanide</td>
<td>510-17-9</td>
</tr>
<tr>
<td>Sodium cyanide</td>
<td>510-17-9</td>
</tr>
<tr>
<td>Propargyl alcohol</td>
<td>510-17-9</td>
</tr>
<tr>
<td>Propargyl alcohol</td>
<td>510-17-9</td>
</tr>
<tr>
<td>Selenourea</td>
<td>630-10-4</td>
</tr>
<tr>
<td>Selenourea</td>
<td>630-10-4</td>
</tr>
<tr>
<td>Silver cyanide</td>
<td>506-64-9</td>
</tr>
<tr>
<td>Silver cyanide</td>
<td>506-64-9</td>
</tr>
<tr>
<td>Silver cyanide AgCN</td>
<td>26628-22-8</td>
</tr>
<tr>
<td>Silver cyanide AgCN</td>
<td>26628-22-8</td>
</tr>
<tr>
<td>Sodium azide</td>
<td>143-33-9</td>
</tr>
<tr>
<td>Sodium azide</td>
<td>143-33-9</td>
</tr>
<tr>
<td>Sodium cyanide NaCN</td>
<td>143-33-9</td>
</tr>
<tr>
<td>Sodium cyanide NaCN</td>
<td>143-33-9</td>
</tr>
<tr>
<td>Streptachin-10-one, &amp; salts</td>
<td>115-24-9</td>
</tr>
<tr>
<td>Streptachin-10-one, &amp; salts</td>
<td>115-24-9</td>
</tr>
<tr>
<td>Tetraethylthiophosph</td>
<td>3689-24-5</td>
</tr>
<tr>
<td>Tetraethylthiophosph</td>
<td>3689-24-5</td>
</tr>
<tr>
<td>Thiodiposphoric acid, tetraethyl ester</td>
<td>78-00-2</td>
</tr>
<tr>
<td>Thiodiposphoric acid, tetraethyl ester</td>
<td>78-00-2</td>
</tr>
<tr>
<td>Plumbane, tetraethyl-</td>
<td>78-00-2</td>
</tr>
<tr>
<td>Plumbane, tetraethyl-</td>
<td>78-00-2</td>
</tr>
<tr>
<td>Substance</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------</td>
</tr>
<tr>
<td>Zinc cyanide</td>
<td>Zn(CN)&lt;sub&gt;2&lt;/sub&gt;</td>
</tr>
<tr>
<td>7-Benzofuranol, 2,3-dihydro-2H-thiophen-3-yl ester</td>
<td></td>
</tr>
<tr>
<td>Ziram</td>
<td></td>
</tr>
<tr>
<td>Physostigmine salicylate</td>
<td></td>
</tr>
<tr>
<td>Carbamic acid, dimethyl-, O-(methylsulfonyl)-, O-carboxaldehyde, 2,4-dimethyl-3,5-dimethyl-1,3,2,4-oxaphosphorin-2-one, 1H-pyrrol-5-vl ester</td>
<td></td>
</tr>
<tr>
<td>methylcarbamate</td>
<td></td>
</tr>
<tr>
<td>Dimetilan</td>
<td></td>
</tr>
<tr>
<td>Manganese, bis(dimethylamino)carbamidodithioato-S,S'-</td>
<td></td>
</tr>
<tr>
<td>Phenol, 3-methyl-5-(1-methyl-4-(5-thiophenyl-1H-pyrazol-5-y1 ester)</td>
<td></td>
</tr>
<tr>
<td>Oxamyl</td>
<td></td>
</tr>
<tr>
<td>Manganese, bis(dimethylamino)carbamidodithioato-S,S'-</td>
<td></td>
</tr>
<tr>
<td>Metolcarb</td>
<td></td>
</tr>
<tr>
<td>Hazardous waste No.</td>
<td>Chemical Substance</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>U226</td>
<td>71–55–6</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>U001</td>
<td>75–07–0</td>
</tr>
<tr>
<td>U002</td>
<td>75–07–0</td>
</tr>
<tr>
<td>U007</td>
<td>67–64–1</td>
</tr>
<tr>
<td>U008</td>
<td>67–64–1</td>
</tr>
<tr>
<td>U009</td>
<td>98–86–2</td>
</tr>
<tr>
<td>U010</td>
<td>53–96–3</td>
</tr>
<tr>
<td>U005</td>
<td>93–96–3</td>
</tr>
<tr>
<td>U006</td>
<td>93–96–3</td>
</tr>
<tr>
<td>U007</td>
<td>79–06–1</td>
</tr>
</tbody>
</table>
| U008                | 79–06–1            | 2-Propanenitrile | Benzenebutanoic acid, 4-Bis(2-chloroethyl) amino-
| U009                | 79–06–1            | 2-Propanenitrile | Chlorambucil |
| U010                | 107–13–1           | 2-Propanenitrile | Chlordane, alpha & gamma isomers |
| U011                | 50–07–7            | 2-Propanenitrile | 4,7-Methoxy-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,4,7a-hexahydro-
| U012                | 50–07–7            | Azirinobis(2,3,4,5-tetrahydro-3H-1H-1,2,4-triazol-3-amine | Benzeno, chloro-Chlorobenzene |
| U013                | 50–07–7            | Dimethyl- | Benzeneacetate acid, 4-Chloro-alpha-
| U014                | 50–07–7            | Azaserine | Chloro-alpha-
| U015                | 50–07–7            | 1-Serine, dioxaacetate | chloro-4-hydroxy-ethyl ester |
| U016                | 50–07–7            | (ester) | Chlorobenzilate |
| U017                | 50–07–7            | Benz[e]carboline | p-Chloro-m-cresol |
| U018                | 50–07–7            | Benzal chloride | Phenol, 4-chloro-3-methyl- |
| U019                | 50–07–7            | Benzene, (dichloro-methyl) | Epichlorohydrin |
| U020                | 50–07–7            | Benzenesulphonic acid | Oxiran, (chloromethyl)-2-Chloroethyl vinyl ether |
| U021                | 92–87–5            | Benzene, (trichloromethyl) | Ethene, 2-chloro-ethoxy-
| U022                | 92–87–5            | Benzene, (trichloromethyl) | Ethene, chloro-Vinyl chloride |
| U023                | 92–87–5            | Benzene, (trichloromethyl) | Chloroform |
| U024                | 92–87–5            | Benzene, (trichloromethyl) | Methane, trichloro-Methane, chloro-(L,T) |
| U025                | 92–87–5            | Benzene, (trichloromethyl) | Methyl chloride (L,T) |
| U026                | 92–87–5            | Benzene, (trichloromethyl) | Chloromethyl methyl ether |
| U027                | 92–87–5            | Benzene, (trichloromethyl) | Methene, chloromethoxy-
| U028                | 92–87–5            | Benzene, (trichloromethyl) | beta-Chloronaphthalene |
| U029                | 92–87–5            | Benzene, (trichloromethyl) | Naphthalene, 2,choro-
| U030                | 92–87–5            | Benzene, (trichloromethyl) | o-Chlorophenol |
| U031                | 92–87–5            | Benzene, (trichloromethyl) | Phenol, 2-chloro-
| U032                | 92–87–5            | Benzene, (trichloromethyl) | Benzenamme, 4-chloro-
| U033                | 92–87–5            | Benzene, (trichloromethyl) | methyl-
| U034                | 92–87–5            | Benzene, (trichloromethyl) | hydrochloride-4-Chloro-o-toluclidine |
| U035                | 92–87–5            | Benzene, (trichloromethyl) | Chrysene |
| U036                | 92–87–5            | Benzene, (trichloromethyl) | Cresote |
| U037                | 92–87–5            | Benzene, (trichloromethyl) | Cresol (Cresylic acid) |
| U038                | 92–87–5            | Benzene, (trichloromethyl) | Phenol, methyl-2-Butenal |
| U039                | 92–87–5            | Benzene, (trichloromethyl) | Crotonaldehyde |
| U040                | 92–87–5            | Benzene, (trichloromethyl) | Benzene, (1-methyl-
| U041                | 92–87–5            | Benzene, (trichloromethyl) | ethyl)- (I) |
Cumene (I)
Benzene, hexahydro-(I)
Cyclohexane (I)
Cyclohexanone (I)
Cyclophosphamide
2H-1,2-Dioxaphosphin-2-amine, N,N-

tetrahydro-, 2-oxide

Daunomycin

5,12-Naphthacenedione, 8-
acetlyl-10-(3-aminol-2,3,6-
trideoxy-1-methoxy-)(8S-
)-

Benzenamine, N,N-

3,3’-Dichlorobenzidine

1,3-Dichlorobenzene

Phenol, 2,4-dichloro-

2,6-Dichlorophenol

Phenol, 2,6-dichloro-

Propane, 1,2-dichloro-

Propylene dichloride

1,3-Dichloropropene

1-Propane, 1,3-dichloro-

2,2’-Bisoxirane

1,2,3,4-Diepoxybutane

Phosphorodithioic acid, dibutyl ester

Diethyl phthalate

Dimethyl phthalate

Di-n-octyl phthalate

Dihydrosafrole

Methane, dichloro-

Sulfuric acid, dimethyl
ester

Diallate

Benzene, 1-methyl-2,4-

Carbamothioic acid, bis(1-

Ethylidene dichloride

Ethane, 1,1-dichloro-

Benzene, 1,1’-(2,2-

2,2’-Bioxirane

Dimethyl phthalate

Cyclohexane (I)

3,3’-Dimethoxybenzidine

Benzene, 2-methyl-1,3-

1,2-Dichloroethylene

Ethane, 1,2-dichloro-

Phenol, 4,4’-(1,2-diethyl-

1,2-Benzenedicarboxylic

Di-n-octyl phthalate

Dihydrosafrole

Methane, dichloro-

3,3’-Dimethoxybenzidine

Dimethylamine (I)

Methanamine, -methyl-(-)

Benzenamine, N,N-

dimethyl-4-(phenylazo)-

Dimethylamine

Phenol, 2,4-dichloro-

2,6-Dichlorophenol

Phenol, 2,6-dichloro-

Propane, 1,2-dichloro-

Propylene dichloride

1,3-Dichloropropene

1-Propane, 1,3-dichloro-

2,2’-Bisoxirane

1,2,3,4-Diepoxybutane

N,N’-Diethylhydrazine

Hydrazine, 1,2-diethyl-

O,O-Diethyl S-methyl

dithiophosphate

Phosphorodithioic acid, O,O-diethyl S-methyl
ester

1,2-Benzenedicarboxylic

acid, diethyl ester

Diethyl phthalate

Diethylstilbestrol

Phenol, 4,4’-(1,2-diethyl-

1,2-ethenediylibic, (E)-

1,3-Benzodioxole, 5-

propyl-

Dihydrosafrole

[1,1’-Biphenyl]-4,4-
diamine, 3,3’-dimethoxy-

3,3’-Dimethoxybenzidine

Dimethylamine (I)

Methanamine, -methyl-(-)

Benzenamine, N,N-

dimethyl-4-(phenylazo)-

Dimethylamine

Phenol, 2,4-dichloro-

2,6-Dichlorophenol

Phenol, 2,6-dichloro-

Propane, 1,2-dichloro-

Propylene dichloride

1,3-Dichloropropene

1-Propane, 1,3-dichloro-

2,2’-Bisoxirane

1,2,3,4-Diepoxybutane

N,N’-Diethylhydrazine

Hydrazine, 1,2-diethyl-

O,O-Diethyl S-methyl

dithiophosphate

Phosphorodithioic acid, O,O-diethyl S-methyl
ester

1,2-Benzenedicarboxylic

acid, diethyl ester

Diethyl phthalate

Diethylstilbestrol

Phenol, 4,4’-(1,2-diethyl-

1,2-ethenediylibic, (E)-

1,3-Benzodioxole, 5-

propyl-

Dihydrosafrole

[1,1’-Biphenyl]-4,4-
diamine, 3,3’-dimethoxy-

3,3’-Dimethoxybenzidine

Dimethylamine (I)

Methanamine, -methyl-(-)

Benzenamine, N,N-

dimethyl-4-(phenylazo)-

Dimethylamine

Phenol, 2,4-dichloro-

2,6-Dichlorophenol

Phenol, 2,6-dichloro-

Propane, 1,2-dichloro-

Propylene dichloride

1,3-Dichloropropene

1-Propane, 1,3-dichloro-

2,2’-Bisoxirane

1,2,3,4-Diepoxybutane

N,N’-Diethylhydrazine

Hydrazine, 1,2-diethyl-

O,O-Diethyl S-methyl

dithiophosphate

Phosphorodithioic acid, O,O-diethyl S-methyl
ester

1,2-Benzenedicarboxylic

acid, diethyl ester

Diethyl phthalate
| U108 | 123–91–1 | 1,4-Diethyleneoxide |
| U108 | 123–91–1 | 1,4-Dioxane |
| U109 | 122–66–7 | 1,2-Diphenylhydrazine |
| U109 | 122–66–7 | Hydrazine, 1,2-diphenyl- |
| U110 | 142–84–7 | Diisopropylamine (I) |
| U110 | 142–84–7 | 1-Propanamine, N-propyl- (I) |
| U111 | 621–64–7 | Di-n-propyl nitrosoamine |
| U111 | 621–64–7 | 1-Propanamine, N-nitroso-N-propyl- |
| U112 | 141–78–6 | Acetic acid ethyl ester (I) |
| U112 | 141–78–6 | Ethyl acetate (I) |
| U113 | 140–88–5 | Ethyl acrylate (I) |
| U113 | 140–88–5 | Ethyl methacrylate (I) |
| U114 | 111–54–6 | 2-Propanoic acid, ethyl ester (I) |
| U114 | 111–54–6 | Carboxamidothioic acid, 1,2-
ethanediybis-, salts & esters |
| U115 | 75–21–8 | Ethylenebisdiisocarbamoyl acid, salts & esters |
| U115 | 75–21–8 | Ethylene oxide (LT) |
| U116 | 96–45–7 | Oxyrane (I, T) |
| U116 | 96–45–7 | Ethylenelactone |
| U117 | 60–29–7 | 2-Mimazolidine-4-thione |
| U117 | 60–29–7 | Ethyl ether (I) |
| U118 | 97–63–2 | Ethyl methyl ether (I, T) |
| U118 | 97–63–2 | Ethyl methacrylate |
| U119 | 62–50–0 | Ethyl methacrylate, ethyl ester |
| U119 | 62–50–0 | Ethyl methanesulfonate |
| U120 | 206–44–0 | Ethyl methanesulfonate Acid |
| U121 | 75–69–4 | Ethyl methanesulfonate Acid, 1,2-
ethanediybis-, salts & esters |
| U121 | 75–69–4 | Ethyl oxide (LT) |
| U122 | 50–00–0 | Fluoranthe |
| U122 | 64–18–6 | Fluoranthe |
| U124 | 110–00–9 | Fluoranthe |
| U124 | 110–00–9 | Fluoranthe |
| U125 | 98–01–1 | Fluoranthe |
| U125 | 98–01–1 | Fluoranthe |
| U126 | 765–34–4 | Fluoranthe |
| U126 | 765–34–4 | Fluoranthe |
| U127 | 118–74–1 | Fluoranthe |
| U127 | 118–74–1 | Fluoranthe |
| U128 | 67–83–3 | Fluoranthe |
| U128 | 67–83–3 | Fluoranthe |
| U129 | 58–39–9 | Fluoranthe |
| U129 | 58–39–9 | Fluoranthe |
| U130 | 77–47–4 | Fluoranthe |
| U130 | 77–47–4 | Fluoranthe |
| U131 | 67–72–1 | Fluoranthe |
| U131 | 67–72–1 | Fluoranthe |
| U132 | 70–30–4 | Fluoranthe |
| U132 | 70–30–4 | Fluoranthe |
| U133 | 302–01–2 | Fluoranthe |
| U134 | 7666–39–3 | Fluoranthe |
| U134 | 7666–39–3 | Fluoranthe |
| U135 | 7783–06–4 | Fluoranthe |
| U135 | 7783–06–4 | Fluoranthe |
| U136 | 75–60–5 | Fluoranthe |
| U136 | 75–60–5 | Fluoranthe |
| U137 | 193–39–5 | Fluoranthe |

| U138 | 74–88–4 | Methane, iso- 
| U138 | 74–88–4 | Methanol (I, T) |
| U140 | 78–83–1 | Methyl isobutyl ketone (MEK) (I, T) |
| U140 | 78–83–1 | Methyl isobutyl ketone (MEK) (I, T) |
| U141 | 120–58–1 | Methyl isobutyl ketone (MEK) (I, T) |
| U141 | 120–58–1 | Methyl isobutyl ketone (MEK) (I, T) |
| U142 | 143–50–0 | Methyl isobutyl ketone (MEK) (I, T) |
| U142 | 143–50–0 | Methyl isobutyl ketone (MEK) (I, T) |

| Methane, iso- |
| Methanol (I, T) |
| Methyl isobutyl ketone (MEK) (I, T) |
| Methyl isobutyl ketone (MEK) (I, T) |
| Methyl isobutyl ketone (MEK) (I, T) |
| Methyl isobutyl ketone (MEK) (I, T) |
Methyl methacrylate (I,T)
2-Propanoic acid, 2-methyl-
methyl ester (I,T)
Guaindine, -methyl-N'-
nitro-N-nitroso-
MNNG
Methylthiouacil
4(1H)-Pyrimidinone, 2,3-
dihydro-6-methyl-2-thioxo-
Naphthalene
1,4-Naphthalenedione
1,4-Naphthoquinone
1-Naphthalenamine
alpha-Naphthylamine
2-Naphthalenamine
beta-Naphthylamine
Benzene, nitro-
Nitrobenzene (I,T)
Thallium(I) nitrate
Carbamic acid, methyl
Urea, N-ethyl-N-nitroso-
Reserpine
2,5-Cyclohexadiene-1,4-
dione
Resorcinol
Yohimbine-16-carboxylic-
acid, 11,17-dimethoxy-18-
[3(4,5-trimethoxy-
benzo[1]oxyl), methyl-
esters] (3beta,16beta,17alpha,18beta,20alpha)
1,3-Benzenediul
Safrole
Butylamine, 2-methyl-
Selenium dioxide
Phenol
N-Nitroso-N-methylurea
alpha-Naphthylamine
Phosphorus sulfide (R)
Benzenamine, 2-methyl-
Phenacetin
Pentachloroethane
1,1,2,2-T
1,3-Benzenediol
Selenium sulfide SeS
Ethanethioamide
Resorcinol
2-Naphthalenamine
Nitric acid, thallium(1+) salt
Furan, tetrahydro-(I)
Selenium sulfide
Pyridine, 2-methyl-
N-Nitrosodiethanolamine
2-Nitropropane (I,T)
Ethane, 1,1,2,2-tetra-
Thioacetamide
Benzenediamine, ar-
Thallium(I) acetate
Methane, tetrachloro-
Sulfur phosphide (R)
Benzenamine, 2-methyl-
Phenacetin
Pentachloroethane
1,1,2,2-T
1,3-Isobenzofurandione
Acetic acid, thallium(1+)
Carbonic acid,
2-Picoline
Peridine, 2-methyl-
Benzamide, 3,5-dichloro-N-
1,2-Oxathiolane, 2,2-dioxide
Methylthiouracil
MNNG
Safrole
beta-Naphthylamine
N,Nitrosodiethanolamine
1,1,2,2-T
1,3-Isobenzofurandione
Acetic acid, thallium(1+)
Carbonic acid,
2-Picoline
Peridine, 2-methyl-
Benzamide, 3,5-dichloro-N-
1,2-Oxathiolane, 2,2-dioxide
Methylthiouracil
MNNG
Safrole
beta-Naphthylamine
N,Nitrosodiethanolamine
1,1,2,2-T
1,3-Isobenzofurandione
Acetic acid, thallium(1+)
Carbonic acid,
2-Picoline
Peridine, 2-methyl-
Benzamide, 3,5-dichloro-N-
1,2-Oxathiolane, 2,2-dioxide
Methylthiouracil
MNNG
Safrole
beta-Naphthylamine
N,Nitrosodiethanolamine
1,1,2,2-T
1,3-Isobenzofurandione
Acetic acid, thallium(1+)
Carbonic acid,
2-Picoline
Peridine, 2-methyl-
Benzamide, 3,5-dichloro-N-
1,2-Oxathiolane, 2,2-dioxide
Methylthiouracil
MNNG
Safrole
beta-Naphthylamine
N,Nitrosodiethanolamine
1,1,2,2-T
1,3-Isobenzofurandione
Acetic acid, thallium(1+)
Carbonic acid,
2-Picoline
Peridine, 2-methyl-
Benzamide, 3,5-dichloro-N-
1,2-Oxathiolane, 2,2-dioxide
Methylthiouracil
MNNG
Safrole
beta-Naphthylamine
N,Nitrosodiethanolamine
1,1,2,2-T
1,3-Isobenzofurandione
Acetic acid, thallium(1+)
Carbonic acid,
Acetic acid, (2,4,5-)<br>2,4-D, salts & esters<br>2,4,5-T<br>Zinc phosphide Zn₃P₂,<br>Prosulfocarb<br>Carbamic acid, [1-<br>benzene, 1,3,5-trinitro-<br>1-propanol, 2,3-dibromo-,<br>Diethylene glycol,<br>2,3,4,6-T<br>Ethanimidothioic acid, 2-<br>Propham<br>Methoxychlor<br>1,3,5-T<br>Benomyl<br>1,1,1-T<br>Bromoform<br>Propoxur<br>Ethyl carbamate<br>2,7-naphthalenedisulfonic<br>Benzenamine, 2-methyl-<br>Bendiocarb<br>Methyl chloroform<br>Thiophanate-methyl<br>Acetic acid, (2,4-dichloro-<br>Ethane, 1,1,2-trichloro-<br>Silvex (2,4,5-TP)<br>2,4-(1H,3H)-<br>Carbofuran phenol<br>Phenol, 2-(1-methyl<br>propyl)-<br>Barban<br>Thiophene, 2-propyl<br>ethyl carbamate<br>Trichloroethylene<br>Benzenamine, 4-methyl-<br>Toluidine<br>Ethan, 2-ethoxy-<br>Ethylene glycol monoethyl ether<br>Bendiocarb phenol<br>1,3-benzodioxol-4-ol.<br>2,2-dimethyl-,<br>7-Benzofuranol, 2,3-di-<br>dihydro-2,2-dimethyl-<br>Carbofuran phenol<br>Carbamoyl chloride, 1H,<br>benzimidazol-2-yl, methyl<br>ester<br>Carbendazim<br>Carbamoyl chloride, phenyl-,<br>1-methylthyl ester<br>Propan<br>Carbamoxoic acid, dipropyl-<br>S-(phenylmethyl) ester<br>Prosulfocarb<br>Carbamoxoic acid, bis[1-<br>methylhexyl]-, S(2,3,3-<br>trichloro-2-propenyl) ester<br>Triallate<br>A2213<br>Ethanimidotrichloroacetic<br>acid, 2-(dimethyleneimino)<N-<br>hydroxy-2-oxo, methyl ester<br>Diethylene glycol, dicarbamate<br>Ethanol, 2,2-oxvibis-,<br>dicarbamate<br>Ethanamine, N,N-diethyl-<br>Priadflane<br>Carbamoxoic acid, [1,2-<br>phenylethyl(phenylmethyl)<br>carbamate<br>Propoxur<br>Acetic acid, (2,4,5-<br>trichlorophenoxy)-<br>Pentachlorophenol<br>Phenol, pentachloro-<br>Phenol, 2,3,4,6-tetrachloro-<br>Phenol, 2,4,5-trichloro-<br>Phenol, 2,4,6-trichlorophenoxy-<br>Phenol, 2,4,5-trichlorophenoxy-<br>Silves (2,4,5-TP)<br>2,4,5-T<br>2,3,4,6-Tetrachloro-
15. **Section 261.38** is amended to revamp the certification statement in paragraph (c)(1)(i)(C)(4) to read as follows:

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

1. **(c)***
   1. **(i)***
   2. **(C)***

   (4) The following statement is to be signed and submitted by the person claiming the exclusion or his authorized representative: Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 40 CFR Regulation 23 § 261.38 have been met for all waste identified in this notification. Copies of the records and information required at 40 CFR 261.28(e)(10) APC&EC Regulation 23 § 261.38 (c)(10) are available at the comparable/syngas fuel generator’s facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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

**Subsection E—Exclusions/Exemptions**

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

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

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

   1. **(i)*** Storage. The broken CRTs must be either:
      1. **(ii)*** Placed in a container (i.e., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

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

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

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

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

   1. **(i)*** Notify the U.S. EPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a twelve (12) month or lesser period. The notification must be in writing, signed by the exporter, and include the following information:
      1. **(A)*** Name, mailing address, telephone number and EPA ID number (if applicable).
(B) The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported.

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

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

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

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

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

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

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

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

(iv) EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of paragraph (a)(5)(i) of this section. Where a claim of confidentiality is asserted with respect to any notification information required by paragraph (a)(5)(i) of this section, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

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

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

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

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

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

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

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

(2) Processing:

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

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

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

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

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

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

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

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

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

Appendix VII to Section 261—[Amended]

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

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

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

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

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

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

Appendix VII to Section 261 — Basis for Listing Hazardous Waste

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

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

* * * * *
F039 All constituents for which treatment standards are specified for multi-source leachate (wastewaters and nonwastewaters) under 40 CFR Section 264.24 Table CCW.

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

* * * * *
K073 Chloroform, carbon tetrachloride, hexachloroethane, hexachloroethane, trichloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.

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

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

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

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

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

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

Appendix VIII — Hazardous Constituents

* * * * *
Allyl chloride, 1-Propane, 3-chloro

* * * * *
107-18-6 107-05-1
Benzidine [1,1'-Biphenyl]-4,4'-diamine
92-87-5 U021
* * * *
1,2-Dichloroethylene Ethene, 1,2-dichloro-
156-60-5 U079 * * * *
1,2-Dichloroethane (E)-
* * * *
Lasiocapnine 2-Butenoic acid, 2-methyl-
202-34-1 303–34–1 U143
2,3,5,6-tetrachloro-
1-H-pyrolizin-1-yl ester,
[1S-[1α(Z),7(2S*,3R*),7αα]]-
* * * *
Nitrosamines, N.O.S.1 35576–91–1D35576–91–1
* * * *

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

 Tokusen USA, Inc.
Conway, AR

Dewatered wastewater treatment plant (WWTP) sludge (EPA Hazardous Waste No. T906) generated at a maximum annual rate of 670 cubic yards per calendar year after December 31, 2002 and disposed of in a Subtitle D landfill. For the exclusion to be valid, Tokusen must implement a testing program that meets the following Paragraphs:

(1) Delisting Levels: All leachable concentrations for those constituents listed below in (i) and (ii) must exceed the following levels (mg/l):

Tokusen must use an acceptable leaching test method for example SW-846 Method 1211 to measure constituents in the waste leachate, dewatered WWTP sludge:

(i) Inorganic Constituents: Antimony - 0.360 mg/l, Arsenic - 0.0651 mg/l, Barium - 51.1 mg/l, Chromium - 5.0 mg/l, Cobalt - 15.7 mg/l, Copper - 7.550 mg/l, Lead - 5.0 mg/l, Nickel - 19.7 mg/l, Selenium - 1.0 mg/l, Silver - 2.68 mg/l, Vanadium - 1.8 mg/l, Zinc - 106 mg/l
(ii) Organic Constituents: 1,4-Dichlorobenzene - 3.03 mg/l, Hexachlorobutadiene - 0.21 mg/l

(2) Waste Holding and Handling: Tokusen must store the dewatered WWTP sludges as described in its RCRA permit, or continue to dispose of the hazardous waste generated under Subtitle C of RCRA, dewatered WWTP sludge:

(A) Not used:
(B) Levels of constituents measured in the samples of the dewatered WWTP sludge that do not exceed the levels set forth in Paragraph (1) are non-hazardous. Tokusen can manage and dispose the non-hazardous dewatered WWTP sludge according to all applicable solid waste regulations;
(C) If constituent levels in a sample exceed any of the delisting levels set forth in Paragraph (1), Tokusen must re-treat the batches of waste used to generate the representative sample until it meets the levels. Tokusen must repeat the analyses of the treated waste;
(D) If the facility has not treated the waste, Tokusen must manage and dispose the waste generated under Subtitle C of RCRA.

(3) Verification Testing Requirements: Tokusen must perform sample collection and analysis, including quality control procedures, using appropriate methods. As applicable to the method defined parameters concern analyses requiring the use of SW-846 methods incorporated by reference in 40 CFR 260.11 must be used without substitution: applicable, the SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1110B, 1312, 1320A, 0010C, 0012B, 0010C, 0945B, 0960A, 0970A (uses EPA Method 1664, Rev. A), 0971B, and 9059B. If the Department and EPA judge the process to be effective under the operating conditions used during the initial verification testing, Tokusen may replace the testing required in Paragraph (3)(A) with the testing required in Paragraph (3)(B). Tokusen must continue to test as specified in Paragraph (3)(A) until and unless notified by EPA and the Department in writing that testing in Paragraph (3)(A) may be replaced by Paragraph (3)(B).

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

(i) Collect and analyze composies of the dewatered WWTP sludge;
(ii) Make two composites of representative grab samples collected;
(iii) Analyze the waste, before disposal, for all of the constituents listed in Paragraph (1);
(iv) Every (60) days after this exclusion becomes final, report to EPA and ADEQ the operational and analytical test data, including quality control information;
(B) Subsequent Verification Testing: Following written notification by EPA and the Department, Tokusen may substitute the testing conditions in (1)(B) for (3)(A). Tokusen must continue to monitor operating conditions, and analyze representative samples each quarter of operation during the first year of waste generation using appropriate methods. As applicable, the SW-846 methods incorporated by reference in § 260.11 must be used without substitution. As applicable, the SW-846 methods might include Methods 0010, 0011, 0020A, 0020B, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1110B, 1312, 1320A, 0010C, 0012B, 0945B, 0960A, 0970A (uses EPA Method 1664, Rev. A), 0971B, and 9059B. The samples must represent the waste generated during the quarter;
(C) Termination of Organic Testing:

(i) Tokusen must continue testing as required under Paragraph (3)(B) for organic constituents in Paragraph (1)(A)(i); until the analytical results submitted under Paragraph (3)(B) show a minimum of two consecutive samples below the delisting levels in Paragraph (1)(A)(i), Tokusen may then request that EPA and the Department stop quarterly organic testing. After EPA and ADEQ notify Tokusen in writing, the company may end quarterly organic testing;
(ii) Following cancellation of the quarterly testing, Tokusen must continue to test a representative composite sample for all constituents listed in Paragraph (1)(A) annually (by twelve months after final exclusion) using appropriate methods. As applicable, the SW-846 methods incorporated by reference in § 260.11 must be used without substitution: As applicable, the SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030A, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1110B, 1312, 1320A, 0010C, 0012B, 0945B, 0960A, 0970A (uses EPA Method 1664, Rev. A), 0971B, and 9059B.

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

(D) Data Submittals: Tokusen must submit the information described in Paragraph (3)(A) to the Department, ADEQ, and EPA within 30 days of the date the information is generated. Tokusen may replace the testing required in Paragraph (3)(A) with the testing required in Paragraph (3)(B).

(A) Submit the data obtained through Paragraph 3 to the Region 6 Delisting Program, EPA, 1145 Ross Avenue, Dallas, Texas 75202.
Texas 72202-2733, Mail Code, (6PD-O) and to the Active Sites Branch, Hazardous Waste Division, ADEQ, 5001 National Drive, Little Rock, AR 72219, within the time specified.

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

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

(d) A company official having supervisory responsibility for the company shall send along with all data a signed copy of the following certification statement, to attest to the truth and accuracy of the data submitted: “Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6922h), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify that the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete. If any of this information is determined by EPA or ADEQ to be false, inaccurate or incomplete, and upon issuance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or, to the extent directed by EPA or ADEQ and that the company will be liable for any actions taken in contravention of the company’s RCRA and CERCLA obligations imposed upon the company’s reliance on the void exclusion.

(e) Reponses:

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

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

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

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

(E) Following the receipt of information from the facility described in paragraphs (5)(D) or (6)(D) or if no information is presented under paragraph (6)(D)) the initial receipt of information de-
Subsection K—Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities

§ 262.200 Definitions for this subpart.

The following definitions apply to this subpart:

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

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

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

“Formal written affiliation agreement for a non-profit research institute” means a written document that establishes a relationship between institutions for the purposes of research and/or education and is signed by authorized representatives, as defined by § 260.10 of this regulation, from each institution. A relationship on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. A “formal written affiliation agreement for a teaching hospital” means a master affiliation agreement and program letter of agreement, as defined by the Accreditation Council for Graduate Medical Education, with an accredited medical program or medical school.

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

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

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

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

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

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

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

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

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

§ 262.201 Applicability of this subsection.

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

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

§ 262.202 This Subsection is optional.

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

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

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

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

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

1. Reason for Submittal.
2. Site EPA Identification Number.
3. Site Name.
4. Site Location Information.
5. Site Land Type.
7. Site Mailing Address.
8. Site Contact Person.
10. Type of Regulated Waste Activity.
11. Certification.

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

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

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

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

(a) An eligible academic entity must notify the Director in writing, using the RCRA Subtitle C Site Identification Form (EPA Form 8700-12), that it is electing to no longer
be subject to the requirements of this Subsection for all
the laboratories owned by the eligible academic entity
under the same EPA Identification Number and that it
will comply with the requirements of §§ 262.11 and
262.34(c) for small quantity generators and large quantity
generators. An eligible academic entity that is a
conditionally exempt small quantity generator and does
not have an EPA Identification Number must notify that
it is withdrawing from the requirements of this Subsection
for all the laboratories owned by the eligible academic
entity that are on-site and that it will comply with the
conditional exemption in § 261.5(b). An eligible academic
entity must submit a separate notification (Site
Identification Form) for each EPA Identification Number
(or site, for conditionally exempt small quantity
generators) that is withdrawing from the requirements of
this Subsection and must submit the Site Identification
Form before it begins operating under the requirements
of §§ 262.11 and 262.34(c) for small quantity generators
and large quantity generators, or § 261.5(b) for
conditionally exempt small quantity generators.

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

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

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

§ 262.205 Summary of the requirements of this
subsection.

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

§ 262.206 Labeling and management standards

for containers of unwanted material in the labora-

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

(a) Labeling: Label unwanted material as follows:

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

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

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

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

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

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

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

(A) The name and/or description of
the chemical contents or composition of
the unwanted material, or, if known,
the product of the chemical reaction,
(B) Whether the unwanted material
has been used or is unused,
(C) A description of the manner in
which the chemical was produced or
processed, if applicable.

(b) Management of Containers in the Laboratory:
An eligible academic entity must properly manage
containers of unwanted material in the laboratory to
assure safe storage of the unwanted material, to prevent
leaks, spills, emissions to the air, adverse chemical
reactions, and dangerous situations that may result in
harm to human health or the environment. Proper
container management must include the following:
Containers are maintained and kept in good condition and damaged containers are replaced, overpacked, or repaired, and containers are compatible with their contents to avoid reactions between the contents and the container; and are made of, or lined with, material that is compatible with the unwanted material so that the container’s integrity is not impaired, and containers must be kept closed at all times, except:

(i) When adding, removing or consolidating unwanted material, or
(ii) A working container may be open until the end of the procedure or work shift, or until it is full, whichever comes first, at which time the working container must either be closed or the contents emptied into a separate container that is then closed, or
(iii) When venting of a container is necessary.

For the proper operation of laboratory equipment, such as with inline collection of unwanted materials from high performance liquid chromatographs, or to prevent dangerous situations, such as build-up of extreme pressure.

§ 262.207 Training

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

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

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

(1) Instruction by the professor or laboratory manager before or during an experiment; or
(2) Formal classroom training; or
(3) Electronic/written training; or
(4) On-the-job training; or
(5) Written or oral exams.

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

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

(2) Syllabus for training session; or
(3) Certificate of training completion; or
(4) Test results.

(d) A trained professional must:

(1) Accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory, and
(2) Make the hazardous waste determination, pursuant to § 262.11, for unwanted material.

§ 262.208 Removing containers of unwanted material from the laboratory

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

(1) Remove all containers of unwanted material from each laboratory on a regular interval, not to exceed 6 months; or
(2) Remove containers of unwanted material from each laboratory within 6 months of each container’s accumulation start date.

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

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

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

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

(i) Are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that 55 gallons is exceeded; and
(ii) Are removed from the laboratory within 10 calendar days of the date that 55 gallons was exceeded, or at the next regularly scheduled removal, whichever comes first.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) A trained professional must determine, pursuant to § 262.11, if the unwanted material is a hazardous waste within 4 calendar days of the unwanted materials’ arrival.
at the on-site central accumulation area.

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

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

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

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

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

§ 262.213 Laboratory clean-out.

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

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

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

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

An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this subpart. An eligible academic entity may write one Laboratory Management Plan for all the laboratories owned by the eligible academic entity that have opted into this subpart, even if the laboratories are located at sites with different EPA Identification Numbers. The Laboratory Management Plan must contain two parts with a total of nine elements identified in paragraphs (a) and (b) of this section. In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in paragraph (b) of this section. The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity’s Laboratory Management Plan, without constituting a violation of this subpart. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it chooses.

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

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

   (i) For regularly scheduled removals—

      Develop a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at §262.207(d)(1)).

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

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

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

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

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

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

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

   (i) For regularly scheduled removals—

   Develop a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at §262.207(d)(1)).
§262.208(a)(1) and (a)(2).

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

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

(6) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in §262.213, including:
   
   (i) Procedures for conducting laboratory clean-outs (see the required standards at §262.213(a)(1) through (3)); and
   
   (ii) Procedures for documenting laboratory clean-outs (see the required standards at §262.213(a)(4)).

(7) Describe its intended best practices for emergency prevention, including:
   
   (i) Procedures for emergency prevention, notification, and response, appropriate to the hazards in the laboratory; and
   
   (ii) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date and/or as they degrade; and
   
   (iii) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date and/or as they degrade; and
   
   (iv) Procedures for the timely characterization of unknown chemicals.

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

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

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

(a) If an unwanted material does not meet the definition of solid waste in §261.2, it is no longer subject to this Subsection or to the RCRA hazardous waste regulations.

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

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

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

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

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

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

Subsection B -- Compliance with the Manifest System and Recordkeeping

§263.20 The manifest system.

   * * * *

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

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

   * * * *

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

§264.340 Applicability.

   * * * *

   (b) Integration of the MACT standards.

   (1) Except as provided by paragraphs (b)(2), through (b)(3), and (b)(4) of this section, the
standards of this section no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR Part 63, subpart EEE, by conducting a comprehensive performance test and submitting to the Director a Notification of Compliance under 40 CFR § 63.1207(j) and 40 CFR § 63.1210(b) documenting compliance with the requirements of 40 CFR Part 63, subpart EEE do not apply to a new hazardous waste incineration unit that becomes subject to RCRA permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR Part 63, subpart EEE, by conducting a comprehensive performance test and submitting to the Director a Notification of Compliance under 40 CFR §§ 63.1207(j) and 63.1210(d) documenting compliance with the requirements of 40 CFR Part 63, subpart EEE. * * *

(3) The particulate matter standard of § 264.343(c) remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard under 40 CFR Part 63, subpart EEE, and § 63.1219(e).

* * * * *

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

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

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

§ 270.7 Arkansas’s General Requirements for Permit Applications

*****

(e) Public notice requirements at the application stage.

*****

(2) Notification at application submittal.

*****

(ii) The notice shall be published in accordance with the provisions of Regulation No. 8, § 2.1.4(a) § 8.205. In addition to the information required at Regulation No. 8 § 2.1.4(b) § 8.205(B), the notice must include:

27. Chapter 4 is removed and reserved.

CHAPTER 4
REGULATIONS
PROMULGATED UNDER ACT 479 OF 1985

Section 23
AUTHORITY

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

Section 24. Reserved

Section 25.
FEES ON THE GENERATION OF HAZARDOUS WASTE

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

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

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Pounds Generated</th>
<th>Annual Fee</th>
</tr>
</thead>
</table>

PC&E Regulation No. 23
September 25, 2009 Initial (Mark-Up) Draft
Section 26
CRITERIA FOR LISTING HAZARDOUS SUBSTANCE SITES

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

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

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

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

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

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

(1) The hazardous substance site has been investigated and ranked by use of the revised Hazard Ranking System (rHRS), and
(2) The hazardous substance site scored a minimum of 28.50 based on the rHRS, or has been designated as the State’s priority site in accordance with 40 CFR 300.425(c)(2) and placed on the federal National Priorities List as published in the Federal Register;

(3) A final Remedial Investigation/Feasibility Study (and Health Risk Assessment, where applicable) has been conducted, and
(4) The Department has concurred with the remedy selection, and
(5) A Record of Decision (ROD) regarding the remedial action has been issued, and
(6) Federal monies for the remedial action at the hazardous substance site have been committed, and
(7) The Remedial Design has progressed to the 90% complete stage, and
(8) The Department has provided a 30 day public comment period and opportunity for hearing.

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

(1) EPA has published the hazardous substance site on an Early Action List in the Federal Register;
(2) EPA has identified the hazardous substance site as a Fast Track Remediation site, and
(3) The Remedial Design has progressed to the 90% complete stage, and
(4) The Department has concurred that delay in listing would cause unwarranted delay in clean-up of the site and restoration of the environment, and
(5) The Department has provided a 30 day public comment period and opportunity for hearing.

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

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

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

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

(g) Hazardous substance sites may be listed at APC&EC Regulation No. 30, § 30.202 (State Priority List (SPL) sites) which pose a potential substantial endangerment to human health and/or the environment but do not meet the criteria listed at Section 26(c) or (d). Hazardous substance sites listed at APC&EC Regulation No. 30, § 30.302 will be eligible for investigation and necessary remedial action on a case-by-case basis as determined by the Director.

(h) Hazardous substance sites listed at APC&EC Regulation No. 30, § 30.302 (State Priority List (SPL) sites)
Regulation No. 30, § 30.302(A) are those where investigatory activities are required to determine the extent and degree (if any) of the release or threat of release of a hazardous substance at the site and any scientific or engineering studies deemed necessary by the Director to determine available and necessary alternatives for remediation.

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

(j) Hazardous substance sites may be listed at APC&EC Regulation No. 30, § 30.302 based on:
   (1) Proximity to population centers;
   (2) Potential impacts to surface waters;
   (3) Potential impact to groundwater;
   (4) Hydrologic and geologic characteristics;
   (5) The toxicity and characterization of hazardous substances present;
   (6) The mobility of the hazardous substances present;
   (7) The attenuation of the hazardous substances present; and
   (8) Releases or threat of releases of the hazardous substances.

(k) In the event two or more hazardous substance sites identified at APC&EC Regulation No. 30, § 30.302 are eligible for funding in any given year under the above criteria, priority for available funding shall be as follows:
   (1) Those sites at which remedial actions (including operations and maintenance) have been initiated previously.
   (2) Additional hazardous substance sites based on the order of greatest impact to public health and/or the environment, as determined by the Director after reviewing available information developed or discovered in the investigatory process.

(l) The above shall not be construed to preclude or limit the authority of the Director in:
   (1) Mandating actions, pursuant to Ark. Code, Ann. §§ 8-7-401 et seq. (the Emergency Response Trust Fund Act), deemed necessary to abate an imminent and substantial endangerment to the public health, safety, and welfare, or to the environment, or
   (2) Ordering responsible parties to address and abate any release of a hazardous substance, pursuant to Ark. Code, Ann. §§ 8-7-401 et seq. or 8-7-501 et seq.

Section 27 (Reserved)