

Comparison of New and Old Requirements in Hazardous Waste Generator Improvements Rule – Other Changes

40 CFR 260	
New - 260.3	Old - 260.3
<p>§260.3 Use of number and gender.</p> <p>As used in parts 260 through <u>273</u> of this chapter:</p> <p>(a) Words in the masculine gender also include the feminine and neuter genders; and</p> <p>(b) Words in the singular include the plural; and</p> <p>(c) Words in the plural include the singular.</p>	<p>§260.3 Use of number and gender.</p> <p>As used in parts 260 through <u>265 and 268</u> of this chapter:</p> <p>(a) Words in the masculine gender also include the feminine and neuter genders; and</p> <p>(b) Words in the singular include the plural; and</p> <p>(c) Words in the plural include the singular.</p>
New - 260.10	Old – 260.10
<p>§260.10 Definitions. <i>(Note: Only the definitions relevant to the Hazardous Waste Generator Improvements Rule are included on this form.)</i></p> <p><u>Acute hazardous waste means hazardous wastes that meet the listing criteria in §261.11(a)(2) and therefore are either listed in §261.31 of this chapter with the assigned hazard code of (H) or are listed in §261.33(e) of this chapter.</u></p> <p><u>Central accumulation area means any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to either §262.16 (for small quantity generators) or §262.17 of this chapter (for large quantity generators). A central accumulation area at an eligible academic entity that chooses to operate under 40 CFR part 262 subpart K is also subject to §262.211 when accumulating unwanted material and/or hazardous waste.</u></p> <p><u>Large quantity generator is a generator who generates any of the following amounts in a calendar month:</u></p> <p>(1) <u>Greater than or equal to 1,000 kilograms (2200 lbs) of non-acute hazardous waste; or</u></p> <p>(2) <u>Greater than 1 kilogram (2.2 lbs) of acute hazardous waste listed in §261.31 or §261.33(e) of this chapter; or</u></p> <p>(3) <u>Greater than 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in §261.31 or §261.33(e) of this chapter.</u></p>	<p>§260.10 Definitions. <i>(Note: Only the definitions relevant to the Hazardous Waste Generator Improvements Rule are included on this form.)</i></p> <p><i>This definition did not previously exist in 260.10.</i></p> <p><i>This definition did not previously exist in 260.10.</i></p> <p><i>This definition did not previously exist in 260.10.</i></p>

Non-acute hazardous waste means all hazardous wastes that are not acute hazardous waste, as defined in this section.

This definition was deleted.

Small quantity generator is a generator who generates the following amounts in a calendar month:

- (1) Greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2200 lbs) of non-acute hazardous waste; and
- (2) Less than or equal to 1 kilogram (2.2 lbs) of acute hazardous waste listed in §261.31 or §261.33(e) of this chapter; and
- (3) Less than or equal to 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in §261.31 or §261.33(e) of this chapter.

Very small quantity generator is a generator who generates less than or equal to the following amounts in a calendar month:

- (1) 100 kilograms (220 lbs) of non-acute hazardous waste; and
- (2) 1 kilogram (2.2 lbs) of acute hazardous waste listed in §261.31 or §261.33(e) of this chapter; and
- (3) 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in §261.31 or §261.33(e) of this chapter.

Performance Track member facility means a facility that has been accepted by EPA for membership in the National Environmental Performance Track Program and is still a member of the Program. The National Environmental Performance Track Program is a voluntary, facility based, program for top environmental performers. Facility members must demonstrate a good record of compliance, past success in achieving environmental goals, and commit to future specific quantified environmental goals, environmental management systems, local community outreach, and annual reporting of measurable results.

Small Quantity Generator means a generator who generates less than 1000 kg of hazardous waste in a calendar month.

This definition did not previously exist in 260.10.

New - 260.11 Heading

Old - 260.11 Heading

§260.11 Incorporation by reference

§260.11 References

New - 260.11(d)(1)	Old - 260.11(d)(1)
"Flammable and Combustible Liquids Code" (NFPA 30), 1977 or 1981, IBR approved for §§262.16(b), 264.198(b), 265.198(b), 267.202(b).	"Flammable and Combustible Liquids Code" (1977 or 1981), IBR approved for §§264.198, 265.198, 267.202(b).
40 CFR 261	
New - 261.1(a)(1)	Old - 261.1(a)(1)
Subpart A defines the terms "solid waste" and "hazardous waste", identifies those wastes which are excluded from regulation under parts 262 through 266, 268 and 270 <u>of this chapter</u> and establishes special management requirements for hazardous waste produced by <u>very</u> small quantity generators and hazardous waste which is recycled.	Subpart A defines the terms "solid waste" and "hazardous waste", identifies those wastes which are excluded from regulation under parts 262 through 266, 268 and 270 and establishes special management requirements for hazardous waste produced by <u>conditionally exempt</u> small quantity generators and hazardous waste which is recycled.
New - 261.1(c)(6)	Old - 261.1(c)(6)
"Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.	"Scrap metal" is bits and pieces of metal parts (e.g.,) bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.
New - 261.4(a)(7)	Old - 261.4(a)(7)
Spent sulfuric acid used to produce virgin sulfuric acid <u>provided it is not</u> accumulated speculatively as defined in §261.1(c) of this chapter.	Spent sulfuric acid used to produce virgin sulfuric acid, <u>unless it is</u> accumulated speculatively as defined in §261.1(c) of this chapter.
New - 261.5	Old - 261.5
<p>§261.5 [Reserved]</p> <p><i>The requirements previously located in 40 CFR 261.5 have been revised and relocated in 40 CFR 262.13 (for Category Determination) and 262.14 (VSQG Requirements).</i></p> <p><i>See the "Comparison of New and Old Requirements in Hazardous Waste Generator Improvements Rule – Waste Determination & Category Determination"</i></p>	<p><u>§261.5 Special requirements for hazardous waste generated by conditionally exempt small quantity generators.</u></p> <p><u>(a) A generator is a conditionally exempt small quantity generator in a calendar month if he generates no more than 100 kilograms of hazardous waste in that month.</u></p> <p><u>(b) Except for those wastes identified in paragraphs (e), (f), (g), and (j) of this section, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under parts 262 through 268, and parts 270 and 124 of this chapter, and the notification requirements of section 3010</u></p>

§261.5 [Reserved]

The requirements previously located in 40 CFR 261.5 have been revised and relocated in 40 CFR 262.13 (for Category Determination) and 262.14 (VSQG Requirements).

40 CFR 261.5 (continued)

of RCRA, provided the generator complies with the requirements of paragraphs (f), (g), and (j) of this section.

(c) When making the quantity determinations of this part and 40 CFR part 262, the generator must include all hazardous waste that it generates, except hazardous waste that:

- (1) Is exempt from regulation under 40 CFR 261.4(c) through (f), 261.6(a)(3), 261.7(a)(1), or 261.8; or
- (2) Is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in 40 CFR 260.10; or
- (3) Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 40 CFR 261.6(c)(2); or
- (4) Is used oil managed under the requirements of 40 CFR 261.6(a)(4) and 40 CFR part 279; or
- (5) Is spent lead-acid batteries managed under the requirements of 40 CFR part 266, subpart G; or
- (6) Is universal waste managed under 40 CFR 261.9 and 40 CFR part 273;
- (7) Is a hazardous waste that is an unused commercial chemical product (listed in 40 CFR part 261, subpart D or exhibiting one or more characteristics in 40 CFR part 261, subpart C) 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 Part 262.

(d) In determining the quantity of hazardous waste generated, a generator need not include:

- (1) Hazardous waste when it is removed from on-site storage; or
- (2) Hazardous waste produced by on-site treatment (including reclamation) of his hazardous waste, so long as the hazardous waste that is treated was counted once; or
- (3) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

(e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under parts 262 through 268,

§261.5 [Reserved]

The requirements previously located in 40 CFR 261.5 have been revised and relocated in 40 CFR 262.13 (for Category Determination) and 262.14 (VSQG Requirements).

40 CFR 261.5 (continued)

and parts 270 and 124 of this chapter, and the notification requirements of section 3010 of RCRA:

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

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

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

- (1) Section 262.11 of this chapter;
- (2) The generator may accumulate acute hazardous waste on-site. If he accumulates at any time acute hazardous wastes in quantities greater than those set forth in paragraph (e)(1) or (e)(2) of this section, all of those accumulated wastes are subject to regulation under parts 262 through 268, and parts 270 and 124 of this chapter, and the applicable notification requirements of section 3010 of RCRA. The time period of §262.34(a) of this chapter, for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit;
- (3) A conditionally exempt small quantity generator may either treat or dispose of his acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:
 - (i) Permitted under part 270 of this chapter;
 - (ii) In interim status under parts 270 and 265 of this chapter;
 - (iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under part 271 of this chapter;
 - (iv) Permitted, licensed, or registered by a State to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to Part 258 of this chapter;

§261.5 [Reserved]

The requirements previously located in 40 CFR 261.5 have been revised and relocated in 40 CFR 262.13 (for Category Determination) and 262.14 (VSQG Requirements).

40 CFR 261.5 (continued)

(v) Permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in §§257.5 through 257.30 of this chapter; or

(vi) A facility which:

(A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

(B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or

(vii) For universal waste managed under part 273 of this chapter, a universal waste handler or destination facility subject to the requirements of part 273 of this chapter.

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

(1) Section 262.11 of this chapter;

(2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If he accumulates at any time 1,000 kilograms or greater of his hazardous wastes, all of those accumulated wastes are subject to regulation under the special provisions of part 262 applicable to generators of greater than 100 kg and less than 1000 kg of hazardous waste in a calendar month as well as the requirements of parts 263 through 268, and parts 270 and 124 of this chapter, and the applicable notification requirements of section 3010 of RCRA. The time period of §262.34(d) for accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes equal or exceed 1000 kilograms;

(3) A conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage or disposal facility, either of which, if located in the U.S., is:

(i) Permitted under part 270 of this chapter;

(ii) In interim status under parts 270 and 265 of this chapter;

§261.5 [Reserved]

The requirements previously located in 40 CFR 261.5 have been revised and relocated in 40 CFR 262.13 (for Category Determination) and 262.14 (VSQG Requirements).

40 CFR 261.5 (continued)

- (iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under part 271 of this chapter;
- (iv) Permitted, licensed, or registered by a State to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to Part 258 of this chapter;
- (v) Permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in §§257.5 through 257.30 of this chapter; or
- (vi) A facility which:
 - (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
 - (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
- (vii) For universal waste managed under part 273 of this chapter, a universal waste handler or destination facility subject to the requirements of part 273 of this chapter.

- (h) Hazardous waste subject to the reduced requirements of this section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this section, unless the mixture meets any of the characteristics of hazardous waste identified in subpart C.

- (i) If any person mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this section, the mixture is subject to full regulation.

- (j) If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to part 279 of this chapter. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated.

40 CFR 261 (continued)

New - 261.6(c)(2)(iv)	Old - 261.6(c)(2)
<p>(2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in paragraph (a) of this section:</p> <ul style="list-style-type: none"> (i) Notification requirements under section 3010 of RCRA; (ii) Sections 265.71 and 265.72 (dealing with the use of the manifest and manifest discrepancies) of this chapter. (iii) Section 261.6(d) of this chapter. (iv) Section 265.75 of this chapter (biennial reporting requirements). 	<p>(2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in paragraph (a) of this section:</p> <ul style="list-style-type: none"> (i) Notification requirements under section 3010 of RCRA; (ii) Sections 265.71 and 265.72 (dealing with the use of the manifest and manifest discrepancies) of this chapter. (iii) Section 261.6(d) of this chapter.
New - 261.33(e)	Old - 261.33(e)
<p>The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H).</p>	<p>The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H) <u>and are subject to the small quantity exclusion defined in §261.5(e).</u></p>
New - 261.33(f)	Old - 261.33(f)
<p>The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in paragraphs (a) through (d) of this section, are identified as toxic wastes (T) unless otherwise designated.</p>	<p>The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in paragraphs (a) through (d) of this section, are identified as toxic wastes (T), unless otherwise designated <u>and are subject to the small quantity generator exclusion defined in §261.5 (a) and (g).</u></p>
New - 261.420(g)	Old - 261.420(g)
<p><u>Personnel training. All employees must be thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.</u></p>	<p>(This requirement did not exist previously.)</p>

40 CFR 262

New - 262.1

Old - 262.1

§262.1 Terms used in this part.

As used in this part:

Condition for exemption means any requirement in §§262.14, 262.15, 262.16, 262.17, 262.70, or subpart K or subpart L of this part that states an event, action, or standard that must occur or be met in order to obtain an exemption from any applicable requirement in parts 124, 264 through 268, and 270 of this chapter, or from any requirement for notification under section 3010 of RCRA.

Independent requirement means a requirement of part 262 that states an event, action, or standard that must occur or be met; and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption from storage facility permit, interim status, and operating requirements under §§262.14, 262.15, 262.16, 262.17, or subpart K or subpart L of this part.

(This requirement did not exist previously.)

40 CFR 262 (continued)

New - 262.10	Old - 262.10
<p>§262.10 Purpose, scope, and applicability.</p> <p>(a) <u>The regulations in this part</u> establish standards for generators of hazardous waste as defined by 40 CFR 260.10.</p> <p><u>(1) A person who generates a hazardous waste as defined by 40 CFR part 261 is subject to all the applicable independent requirements in the subparts and sections listed below:</u></p> <p><u>(i) Independent requirements of a very small quantity generator.</u></p> <p><u>(A) Section 262.11(a) through (d) Hazardous waste determination and recordkeeping; and</u></p> <p><u>(B) Section 262.13 Generator category determination.</u></p> <p><u>(ii) Independent requirements of a small quantity generator.</u></p> <p><u>(A) Section 262.11 Hazardous waste determination and recordkeeping;</u></p> <p><u>(B) Section 262.13 Generator category determination;</u></p> <p><u>(C) Section 262.18 EPA identification numbers and re-notification for small quantity generators and large quantity generators;</u></p> <p><u>(D) Part 262 subpart B—Manifest requirements applicable to small and large quantity generators;</u></p> <p><u>(E) Part 262 subpart C—Pre-transport requirements applicable to small and large quantity generators;</u></p> <p><u>(F) Section 262.40 Recordkeeping;</u></p> <p><u>(G) Section 262.44 Recordkeeping for small quantity generators; and</u></p> <p><u>(H) Part 262 subpart H—Transboundary movements of hazardous waste for recovery or disposal.</u></p> <p><u>(iii) Independent requirements of a large quantity generator.</u></p> <p><u>(A) Section 262.11 Hazardous waste determination and recordkeeping;</u></p> <p><u>(B) Section 262.13 Generator category determination;</u></p> <p><u>(C) Section 262.18 EPA identification numbers and re-notification for small quantity generators and large quantity generators;</u></p> <p><u>(D) Part 262 subpart B—Manifest requirements applicable to small and large quantity generators;</u></p> <p><u>(E) Part 262 subpart C—Pre-transport requirements applicable to small and large quantity generators;</u></p> <p><u>(F) Part 262 subpart D—Recordkeeping and reporting applicable to small and large quantity generators, except §262.44; and</u></p> <p><u>(G) Part 262 subpart H—Transboundary movements of hazardous waste for recovery or disposal.</u></p>	<p>§262.10 Purpose, scope, and applicability.</p> <p>(a) <u>These</u> regulations establish standards for generators of hazardous waste.</p>

New - 262.10 (continued)	Old - 262.10 (continued)
<p><u>(2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; such generator is subject to the applicable requirements of parts 124, 264 through 267, and 270 of this chapter and section 3010 of RCRA, unless it is one of the following:</u></p> <p><u>(i) A very small quantity generator that meets the conditions for exemption in §262.14;</u></p> <p><u>(ii) A small quantity generator that meets the conditions for exemption in §§262.15 and 262.16; or</u></p> <p><u>(iii) A large quantity generator that meets the conditions for exemption in §§262.15 and 262.17.</u></p> <p><u>(3) A generator shall not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in §260.10 of this chapter, or not otherwise authorized to receive the generator's hazardous waste.</u></p> <p>(b) <u>Determining generator category.</u> A generator must use §262.13 to determine which provisions of this part are applicable to the generator based on the quantity of hazardous waste generated per calendar month.</p> <p>(c) <u>Reserved</u></p> <p>(d) Any person who exports or imports hazardous wastes must comply with <u>§262.18</u> and subpart H of this part.</p> <p>(e) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this part.</p> <p>(f) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of §262.70 is not required to comply with other standards in this part or 40 CFR parts 270, 264, 265, 267, or 268 with respect to such pesticides.</p>	<p>(b) <u>40 CFR 261.5(c) and (d) must be used to determine the applicability of provisions of this part that are dependent on calculations of the quantity of hazardous waste generated per month.</u></p> <p>(c) <u>A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following sections of this part with respect to that waste: Section 262.11 for determining whether or not he has a hazardous waste, §262.12 for obtaining an EPA identification number, §262.34 for accumulation of hazardous waste, §262.40 (c) and (d) for recordkeeping, §262.43 for additional reporting, and if applicable, §262.70 for farmers.</u></p> <p>(d) Any person who exports or imports hazardous wastes must comply with <u>§262.12</u> and subpart H of this part.</p> <p>(e) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this part.</p> <p>(f) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of §262.70 is not required to comply with other standards in this part or 40 CFR parts 270, 264, 265, 267, or 268 with respect to such pesticides.</p>

New - 262.10 (continued)

(g)(1) A generator's violation of an independent requirement is subject to penalty and injunctive relief under section 3008 of RCRA.

(2) A generator's noncompliance with a condition for exemption in this part is not subject to penalty or injunctive relief under section 3008 of RCRA as a violation of a 40 CFR part 262 condition for exemption. Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in 40 CFR parts 124, 264 through 267, and 270 of this chapter, and the notification requirements of section 3010 of RCRA. Without an exemption, any violations of such storage requirements are subject to penalty and injunctive relief under section 3008 of RCRA.

(h) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this part.

(i) Persons responding to an explosives or munitions emergency in accordance with 40 CFR 264.1(g)(8)(i)(D) or (iv) or 265.1(c)(11)(i)(D) or (iv), and 270.1(c)(3)(i)(D) or (iii) are not required to comply with the standards of this part.

(j) [Reserved]

Old - 262.10 (continued)

(g) A person who generates a hazardous waste as defined by 40 CFR part 261 is subject to the compliance requirements and penalties prescribed in section 3008 of the Act if he does not comply with the requirements of this part.

(h) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this part.

(i) Persons responding to an explosives or munitions emergency in accordance with 40 CFR 264.1(g)(8)(i)(D) or (iv) or 265.1(c)(11)(i)(D) or (iv), and 270.1(c)(3)(i)(D) or (iii) are not required to comply with the standards of this part.

(j) (1) Universities that are participating in the Laboratory XL project are the University of Massachusetts Boston in Boston, Massachusetts, Boston College in Chestnut Hill, Massachusetts, and the University of Vermont in Burlington, Vermont ("Universities"). The Universities generate laboratory wastes (as defined in §262.102), some of which will be hazardous wastes. As long as the Universities comply with all the requirements of subpart J of this part the Universities' laboratories that are participating in the University Laboratories XL Project as identified in Table 1 of this section, are not subject to the provisions of §§262.11, 262.34(c), 40 CFR parts 264 and 265, 267, and the permit requirements of 40 CFR part 270 with respect to said laboratory wastes.

New - 262.10 (continued)

Old - 262.10 (continued)

Table 1—Laboratory XL Project Participant Information

<u>Institution</u>	<u>Approx. number of labs</u>	<u>Departments participating</u>	<u>Location of current hazardous waste accumulation areas</u>
<u>Boston College, Chestnut Hill, MA</u>	<u>120</u>	<u>Chemistry, Biology, Geology, Physics, Psychology</u>	<u>Merkert Chemistry Building, 2609 Beacon St., Boston, MA, Higgins Building, 140 Commonwealth Ave., Chestnut Hill, MA.</u>
<u>University of Massachusetts Boston, Boston, MA</u>	<u>150</u>	<u>Chemistry, Biology, Psychology, Anthropology, Geology and Earth Sciences, and Environmental, Coastal and Ocean Sciences</u>	<u>Science Building (Bldg. #080); McCormack Building (Bldg. #020); and Wheatley Building (Bldg. #010), 100 Morrissey Blvd., Boston, MA.</u>
<u>University of Vermont, Burlington, VT</u>	<u>400</u>	<u>Colleges of: Agriculture and Life Sciences, Arts and Sciences, Medicine, and Engineering and Mathematics; and Schools of: Nursing, Allied Heath Sciences, and Natural Resources</u>	<u>Given Bunker, 89 Beaumont Ave., Burlington, VT.</u>

(2) Each University shall have the right to change its respective departments or the on-site location of its hazardous waste accumulation areas listed in Table 1 of this section upon written notice to the Regional Administrator for EPA-Region I and the appropriate state agency. Such written notice will be provided at least ten days prior to the effective date of any such changes.

New - 262.10 (continued)	Old - 262.10 (continued)
<p>(k) Generators in the Commonwealth of Massachusetts may comply with the State regulations regarding Class A recyclable materials in 310 C.M.R. 30.200, when authorized by the EPA under 40 CFR part 271, with respect to those recyclable materials and matters covered by the authorization, instead of complying with the hazardous waste accumulation requirements of §262.34, the reporting requirements of §262.41, the storage facility operator requirements of 40 CFR parts 264, 265 and 267, and the permitting requirements of 40 CFR part 270. Such generators must also comply with any other applicable requirements, including any applicable authorized State regulations governing hazardous wastes not being recycled and any applicable Federal requirements which are being directly implemented by the EPA within Massachusetts pursuant to the Hazardous and Solid Waste Amendments of 1984.</p> <p>(l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of subpart K of this part are not subject to (for purposes of this paragraph, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in §262.200):</p> <ol style="list-style-type: none"> (1) The <u>independent</u> requirements of §262.11 or the <u>regulations in §262.15</u> for large quantity generators and small quantity generators, except as provided in subpart K, and (2) The conditions of <u>§262.14</u>, for <u>very</u> small quantity generators, except as provided in subpart K. 	<p>(k) Generators in the Commonwealth of Massachusetts may comply with the State regulations regarding Class A recyclable materials in 310 C.M.R. 30.200, when authorized by the EPA under 40 CFR part 271, with respect to those recyclable materials and matters covered by the authorization, instead of complying with the hazardous waste accumulation requirements of §262.34, the reporting requirements of §262.41, the storage facility operator requirements of 40 CFR parts 264, 265 and 267, and the permitting requirements of 40 CFR part 270. Such generators must also comply with any other applicable requirements, including any applicable authorized State regulations governing hazardous wastes not being recycled and any applicable Federal requirements which are being directly implemented by the EPA within Massachusetts pursuant to the Hazardous and Solid Waste Amendments of 1984.</p> <p>(l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subpart K of this part are not subject to (for purposes of this paragraph, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in §262.200 <u>of Subpart K of this part</u>):</p> <ol style="list-style-type: none"> (1) The requirements of §262.11 or <u>§262.34(c)</u>, for large quantity generators and small quantity generators, except as provided in Subpart K, and (2) The conditions of <u>§261.5(b)</u>, for <u>conditionally exempt</u> small quantity generators, except as provided in Subpart K.
New - 262.11	Old - 262.11
<p><i>See the "Comparison of New and Old Requirements in Hazardous Waste Generator Improvements Rule – Waste Determination & Category Determination"</i></p>	<p><i>See the "Comparison of New and Old Requirements in Hazardous Waste Generator Improvements Rule – Waste Determination & Category Determination"</i></p>

New - 262.12 (relocated to 262.18)	Old - 262.12
<p>§262.12 [Reserved]</p> <p><i>The requirements previously located in 40 CFR 262.12 have been revised and relocated in 40 CFR 262.18.</i></p> <p>§262.18 EPA identification numbers and re-notification for small quantity generators and large quantity generators.</p> <p>(a) A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.</p> <p>(b) A generator who has not received an EPA identification number <u>must</u> obtain one by applying to the Administrator using EPA Form 8700-12. Upon receiving the request the Administrator will assign an EPA identification number to the generator.</p> <p>(c) A generator must not offer its hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.</p> <p><u>(d) Re-notification.</u></p> <p><u>(1) A small quantity generator must re-notify EPA starting in 2021 and every four years thereafter using EPA Form 8700-12. This re-notification must be submitted by September 1st of each year in which re-notifications are required.</u></p> <p><u>(2) A large quantity generator must re-notify EPA by March 1 of each even-numbered year thereafter using EPA Form 8700-12. A large quantity generator may submit this re-notification as part of its Biennial Report required under §262.41.</u></p> <p>(e) A recognized trader must not arrange for import or export of hazardous waste without having received an EPA identification number from the Administrator.</p>	<p>§262.12 EPA identification numbers.</p> <p>(a) A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.</p> <p>(b) A generator who has not received an EPA identification number <u>may</u> obtain one by applying to the Administrator using EPA form 8700-12. Upon receiving the request the Administrator will assign an EPA identification number to the generator.</p> <p>(c) A generator must not offer his hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.</p> <p>(d) A recognized trader must not arrange for import or export of hazardous waste without having received an EPA identification number from the Administrator.</p>

New – 262 subpart B (Heading)	Old - 262.2 subpart B (Heading)
Subpart B—Manifest <u>Requirements Applicable to Small and Large Quantity Generators</u>	Subpart B— <u>The</u> Manifest
New – 262 subpart C (Heading)	Old - 262.2 subpart C (Heading)
Subpart C—Pre-Transport Requirements <u>Applicable to Small and Large Quantity Generators</u>	Subpart C—Pre-Transport Requirements
New – 262.32	Old - 262.32
<p>§262.32 Marking.</p> <p>(a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR part 172;</p> <p>(b) Before transporting hazardous waste or offering hazardous waste for transportation off site, a generator must mark each container of 119 gallons or less used in such transportation with the following words and information in accordance with the requirements of 49 CFR 172.304:</p> <ol style="list-style-type: none"> (1) HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency. (2) Generator's Name and Address _____. (3) Generator's EPA Identification Number _____. (4) Manifest Tracking Number _____. (5) <u>EPA Hazardous Waste Number(s) _____.</u> <p><u>(c) A generator may use a nationally recognized electronic system, such as bar coding, to identify the EPA Hazardous Waste Number(s), as required by paragraph (b)(5) or paragraph (d).</u></p> <p><u>(d) Lab packs that will be incinerated in compliance with §268.42(c) are not required to be marked with EPA Hazardous Waste Number(s), except D004, D005, D006, D007, D008, D010, and D011, where applicable.</u></p>	<p>§262.32 Marking.</p> <p>(a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR part 172;</p> <p>(b) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 119 gallons or less used in such transportation with the following words and information in accordance with the requirements of 49 CFR 172.304:</p> <p>HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.</p> <p>Generator's Name and Address _____.</p> <p>Generator's EPA Identification Number _____.</p> <p>Manifest Tracking Number _____.</p>

New – 262.34	Old - 262.34
<p>§262.34 [Reserved]</p> <p><i>The requirements previously located in 40 CFR 262.34 have been revised and relocated in 40 CFR 262.15 (for Satellite Accumulation Areas), 262.16 (SQG Requirements) and 262.17 (Large Quantity Generator Requirements).</i></p>	<p>§262.34 Accumulation time.</p> <p><i>The requirements previously located in 40 CFR 262.34 have been revised and relocated in 40 CFR 262.15 (for Satellite Accumulation Areas), 262.16 (SQG Requirements) and 262.17 (Large Quantity Generator Requirements).</i></p>
New – 262.35	Old - 262.35
<p>§262.35 Liquids in landfills prohibition.</p> <p>The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. Prior to disposal in a hazardous waste landfill, liquids must meet additional requirements as specified in §§264.314 and 265.314.</p>	<p>(This requirement did not exist previously.)</p>
New – 262 subpart D (Heading)	Old - 262.2 subpart D (Heading)
<p>Subpart D—Recordkeeping and Reporting <u>Applicable to Small and Large Quantity Generators</u></p>	<p>Subpart D—Recordkeeping and Reporting</p>
New – 262.40	Old - 262.40
<p>§262.40 Recordkeeping.</p> <p>(c) <u>See §262.11(f) for recordkeeping requirements for documenting hazardous waste determinations.</u></p>	<p>§262.40 Recordkeeping.</p> <p>(c) <u>A generator must keep records of any test results, waste analyses, or other determinations made in accordance with §262.11 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.</u></p>

New – 262.41	Old - 262.41
<p>§262.41 Biennial report for large quantity generators.</p> <p>(a) A generator <u>who is a large quantity generator for at least one month of an odd-numbered year (reporting year)</u> who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must <u>complete</u> and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of <u>the following</u> even-numbered year and must cover generator activities during the previous year.</p> <p>(b) Any generator <u>who is a large quantity generator for at least one month of an odd-numbered year (reporting year)</u> who treats, stores, or disposes of hazardous waste on site must <u>complete and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of the following even-numbered year</u> covering those wastes in accordance with the provisions of 40 CFR parts 264, 265, 266, 267 and 270. <u>This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators pursuant to §262.17(f).</u></p> <p>(c) Exports of hazardous waste to foreign countries are not required to be reported on the Biennial Report form. A separate annual report requirement is set forth at §262.83(g) for hazardous waste exporters.</p>	<p>§262.41 Biennial report.</p> <p>(a) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must <u>prepare</u> and submit <u>a single copy of a Biennial Report</u> to the Regional Administrator by March 1 of <u>each</u> even numbered year. The Biennial Report must be submitted on EPA Form 8700-13A, must cover generator activities during the previous year, <u>and must include the following information:</u></p> <ol style="list-style-type: none"> <u>(1) The EPA identification number, name, and address of the generator;</u> <u>(2) The calendar year covered by the report;</u> <u>(3) The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;</u> <u>(4) The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States;</u> <u>(5) A description, EPA hazardous waste number (from 40 CFR part 261, subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by EPA identification number of each such off-site facility to which waste was shipped.</u> <u>(6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.</u> <u>(7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.</u> <u>(8) The certification signed by the generator or authorized representative.</u> <p>(b) Any generator who treats, stores, or disposes of hazardous waste on-site must submit a <u>biennial report</u> covering those wastes in accordance with the provisions of 40 CFR parts 270, 264, 265, 266, and 267. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth at §262.83(g) for hazardous waste exporters.</p>

New – 262.43	Old - 262.43
<p>§262.43 Additional reporting.</p> <p>The Administrator, as deemed necessary under sections 2002(a) and 3002(a)(6) of the Act, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 40 CFR part 261.</p>	<p>§262.43 Additional reporting.</p> <p>The Administrator, as he deems necessary under sections 2002(a) and 3002(6) of the Act, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 40 CFR part 261.</p>
New – 262.44	Old - 262.44
<p>§262.44 Recordkeeping for small quantity generators.</p> <p>A <u>small quantity</u> generator is subject only to the following independent requirements in this subpart:</p> <p>(a) Section 262.40(a), (c), and (d), recordkeeping; (b) Section 262.42(b), exception reporting; and (c) Section 262.43, additional reporting.</p>	<p>§262.44 <u>Special requirements for generators of between 100 and 1000 kg/mo.</u></p> <p>A generator <u>of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month</u> is subject only to the following requirements in this subpart:</p> <p>(a) Section 262.40(a), (c), and (d), recordkeeping; (b) Section 262.42(b), exception reporting; and (c) Section 262.43, additional reporting.</p>

40 CFR 263

New – 263.12

Old - 263.12

§263.12 Transfer facility requirements.

§263.12 Transfer facility requirements.

(a) A transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements of §262.30 of this chapter at a transfer facility for a period of ten (10) days or less is not subject to regulation under parts 264, 265, 267, 268, and 270 of this chapter with respect to the storage of those wastes.

A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of §262.30 at a transfer facility for a period of ten days or less is not subject to regulation under parts 270, 264, 265, 267, and 268 of this chapter with respect to the storage of those wastes.

(b) When consolidating the contents of two or more containers with the same hazardous waste into a new container, or when combining and consolidating two different hazardous wastes that are compatible with each other, the transporter must mark its containers of 119 gallons or less with the following information:

(1) The words “Hazardous Waste” and

(2) The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in subparts C and D of part 261 of this chapter, or in compliance with §262.32(c).

40 CFR 264

New – 264.1(g)	Old – 264.1(g)
<p>§264.1 Purpose, scope and applicability.</p> <p>(g) The requirements of this part do not apply to:</p> <ul style="list-style-type: none"> (1) The owner or operator of a facility permitted, licensed, or registered by a state to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this part by <u>§262.14</u> of this chapter; (2) The owner or operator of a facility managing recyclable materials described in §261.6 (a)(2), (3), and (4) of this chapter (except to the extent they are referred to in part 279 or subparts C, F, G, or H of part 266 of this chapter). (3) A generator accumulating waste on site in compliance with <u>§§262.14, 262.15, 262.16, or 262.17</u> of this chapter. 	<p>§264.1 Purpose, scope and applicability.</p> <p>(g) The requirements of this part do not apply to:</p> <ul style="list-style-type: none"> (1) The owner or operator of a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this part by <u>§261.5</u> of this chapter; (2) The owner or operator of a facility managing recyclable materials described in §261.6 (a)(2), (3), and (4) of this chapter (except to the extent they are referred to in part 279 or subparts C, F, G, or H of part 266 of this chapter). (3) A generator accumulating waste on-site in compliance with <u>§262.34</u> of this chapter;
New – 264.15(b)(4)	Old – 264.15(b)(4)
<p>(4) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in §§264.174, 264.193, 264.195, 264.226, 264.254, 264.278, 264.303, 264.347, 264.602, 264.1033, 264.1052, 264.1053, 264.1058, and 264.1083 through 264.1089, where applicable. Part 270 of this chapter requires the inspection schedule to be submitted with part B of the permit application. EPA will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, EPA may modify or amend the schedule as may be necessary.</p>	<p>(4) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use, <u>except for Performance Track member facilities, that must inspect at least once each month, upon approval by the Director, as described in paragraph (b)(5) of this section.</u> At a minimum, the inspection schedule must include the items and frequencies called for in §§264.174, 264.193, 264.195, 264.226, 264.254, 264.278, 264.303, 264.347, 264.602, 264.1033, 264.1052, 264.1053, 264.1058, and 264.1083 through 264.1089 of this part, where applicable.</p> <p>[Comment: Part 270 of this chapter requires the inspection schedule to be submitted with part B of the permit application. EPA will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, EPA may modify or amend the schedule as may be necessary.]</p>
New – 264.71(c)	Old – 264.71(c)

(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of part 262 of this chapter. The provisions of §§262.15, 262.16, and 262.17 of this chapter are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of §§262.15, 262.16, and 262.17 of this chapter only apply to owners or operators who are shipping hazardous waste which they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under §262.17(f).

(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of part 262 of this chapter.

[Comment: The provisions of §262.34 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of §262.34 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.]

New – 264.75

Old – 264.75

§264.75 Biennial report.

The owner or operator must complete and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of the following even numbered year and must cover activities during the previous year.

§264.75 Biennial report.

The owner or operator must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even numbered year. The biennial report must be submitted on EPA form 8700-13B. The report must cover facility activities during the previous calendar year and must include:

- (a) The EPA identification number, name, and address of the facility;
- (b) The calendar year covered by the report;
- (c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;
- (d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;
- (e) The method of treatment, storage, or disposal for each hazardous waste;
- (f) [Reserved]
- (g) The most recent closure cost estimate under §264.142, and, for disposal facilities, the most recent post-closure cost estimate under §264.144; and
- (h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
- (i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.

	(j) <u>The certification signed by the owner or operator of the facility or his authorized representative.</u>
New – 264.170	Old – 264.170
<p>§264.170 Applicability.</p> <p>The regulations in this subpart apply to owners and operators of all hazardous waste facilities that <u>store hazardous waste in containers</u>, except as §264.1 provides otherwise.</p> <p>[Comment: Under §261.7 and §261.33(c) <u>of this chapter</u>, if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container is “empty” as defined in §261.7. In that event, management of the container is exempt from the requirements of this subpart.]</p>	<p>§264.170 Applicability.</p> <p>The regulations in this subpart apply to owners and operators of all hazardous waste facilities that <u>store containers of hazardous waste</u>, except as §264.1 provides otherwise.</p> <p>[Comment: Under §261.7 and §261.33(c), if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container is “empty” as defined in §261.7. In that event, management of the container is exempt from the requirements of this subpart.]</p>
New – 264.174	Old – 264.174
<p>§264.174 Inspections.</p> <p>At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers and the containment system cause by corrosion or other factors. <u>See §§264.15(c) and 264.171 for remedial action required if deterioration or leaks are detected.</u></p>	<p>§264.174 Inspections.</p> <p>At least weekly, the owner or operator must inspect areas where containers are stored, <u>except for Performance Track member facilities, that may conduct inspections at least once each month, upon approval by the Director. To apply for reduced inspection frequencies, the Performance Track member facility must follow the procedures identified in §264.15(b)(5) of this part.</u> The owner or operator must look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.</p>

New – 264.191(a)	Old – 264.191(a)
<p>§264.191 Assessment of existing tank system's integrity.</p> <p>(a) For each existing tank system that does not have secondary containment meeting the requirements of §264.193, the owner or operator must determine that the tank system is not leaking or is <u>fit</u> for use. Except as provided in paragraph (c) of this section, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer, in accordance with §270.11(d) of this chapter, that attests to the tank system's integrity by January 12, 1988.</p>	<p>§264.191 Assessment of existing tank system's integrity.</p> <p>(a) For each existing tank system that does not have secondary containment meeting the requirements of §264.193, the owner or operator must determine that the tank system is not leaking or is <u>unfit</u> for use. Except as provided in paragraph (c) of this section, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer, in accordance with §270.11(d) of this chapter, that attests to the tank system's integrity by January 12, 1988.</p>
New – 264.195(e)	Old – 264.195(e)
<p>§264.195 Inspections.</p> <p>(e) [Reserved]</p>	<p>§264.195 Inspections.</p> <p><u>(e) Performance Track member facilities may inspect on a less frequent basis, upon approval by the Director, but must inspect at least once each month. To apply for a less than weekly inspection frequency, the Performance Track member facility must follow the procedures described in §264.15(b)(5).</u></p>
New – 264.1030(b)	Old – 264.1030(b)
<p>§264.1030 Applicability.</p> <p>(b) Except for §264.1034, paragraphs (d) and (e), this subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:</p> <ol style="list-style-type: none"> (1) A unit that is subject to the permitting requirements of 40 CFR part 270, or (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of <u>40 CFR 262.17</u> (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270; or 	<p>§264.1030 Applicability.</p> <p>(b) Except for §264.1034, paragraphs (d) and (e), this subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:</p> <ol style="list-style-type: none"> (1) A unit that is subject to the permitting requirements of 40 CFR part 270, or (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of <u>40 CFR 262.34(a)</u> (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270, or

<p>(3) A unit that is exempt from permitting under the provisions of 40 CFR <u>262.17</u> (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6.</p>	<p>(3) A unit that is exempt from permitting under the provisions of 40 CFR <u>262.34(a)</u> (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6.</p>
<p>New – 264.1050(b)</p>	<p>Old – 264.1050(b)</p>
<p>§264.1050 Applicability.</p> <p>(b) Except as provided in §264.1064(k), this subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:</p> <p>(1) A unit that is subject to the permitting requirements of 40 CFR part 270, or</p> <p>(2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 40 CFR <u>262.17</u> (i.e., a hazardous waste recycling unit that is not a “90-day” tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270, or</p> <p>(3) A unit that is exempt from permitting under the provisions of 40 CFR <u>262.17</u> (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6.</p>	<p>§264.1050 Applicability.</p> <p>(b) Except as provided in §264.1064(k), this subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:</p> <p>(1) A unit that is subject to the permitting requirements of 40 CFR part 270, or</p> <p>(2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 40 CFR <u>262.34(a)</u> (i.e., a hazardous waste recycling unit that is not a “90-day” tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270, or</p> <p>(3) A unit that is exempt from permitting under the provisions of 40 CFR <u>262.34(a)</u> (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6.</p>
<p>New – 264.1101(c)(4)</p>	<p>Old – 264.1101(c)(4)</p>
<p>§264.1101 Design and operating standards.</p> <p>(c) Owners or operators of all containment buildings must:</p> <p>(4) Inspect and record in the facility operating record, at least once every seven days, data gathered from monitoring and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.</p>	<p>§264.1101 Design and operating standards.</p> <p>(c) Owners or operators of all containment buildings must:</p> <p>(4) Inspect and record in the facility's operating record, at least once every seven days, <u>except for Performance Track member facilities that must inspect at least once each month, upon approval by the Director,</u> data gathered from monitoring and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste. <u>To apply for reduced inspection frequency, the Performance Track member facility must follow the procedures described in §264.15(b)(5).</u></p>

40 CFR 265

New – 265.1(c)	Old – 265.1(c)
<p>§265.1 Purpose, scope, and applicability.</p> <p>(c) The requirements of this part do not apply to:</p> <p>(5) The owner or operator of a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this part by <u>§262.14</u> of this chapter;</p> <p>(7) A generator accumulating waste on site in compliance with applicable conditions for exemption in <u>§§262.14 through 262.17</u> and subparts K and L of part 262 of this chapter, except to the extent the requirements of this part are included in those sections and subparts;</p>	<p>§265.1 Purpose, scope, and applicability.</p> <p>(c) The requirements of this part do not apply to:</p> <p>(5) The owner or operator of a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this part by <u>§261.5</u> of this chapter;</p> <p>(7) A generator accumulating waste on-site in compliance with <u>§262.34</u> of this chapter, except to the extent the requirements are included in <u>§262.34</u> of this chapter;</p>
New – 265.15(b)(4) & (b)(5)	Old – 265.15(b)(4) &(b)(5)
<p>(4) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in §§265.174, 265.193, 265.195, 265.226, 265.260, 265.278, 265.304, 265.347, 265.377, 265.403, 265.1033, 265.1052, 265.1053, 265.1058, and 265.1084 through 265.1090, where applicable.</p>	<p>(4) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use, <u>except for Performance Track member facilities, that must inspect at least once each month, upon approval by the Director, as described in paragraph (b)(5) of this section.</u> At a minimum, the inspection schedule must include the items and frequencies called for in §§265.174, 265.193, 265.195, 265.226, 265.260, 265.278, 265.304, 265.347, 265.377, 265.403, 265.1033, 265.1052, 265.1053, 265.1058, and 265.1084 through 265.1090, where applicable.</p>

New – 265.71(c)	Old – 265.71(c)
<p>§265.71 Use of manifest system.</p> <p>(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of part 262 of this chapter. The provisions of <u>§§262.15, 262.16, and 262.17</u> of this chapter are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of <u>§§262.15, 262.16, and 262.17</u> only apply to owners or operators who are shipping hazardous waste which they generated at that facility <u>or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under §262.17(f)</u>.</p>	<p>§265.71 Use of manifest system.</p> <p>(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of part 262 of this chapter.</p> <p>[Comment: The provisions of <u>§262.34</u> are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of <u>§262.34</u> only apply to owners or operators who are shipping hazardous waste which they generated at that facility.]</p>
New – 265.75	Old – 265.75
<p>§265.75 Biennial report.</p> <p>The owner or operator must <u>complete</u> and <u>submit EPA Form 8700-13 A/B</u> to the Regional Administrator by March 1 of the following even numbered year and must cover activities during the previous year.</p>	<p>§265.75 Biennial report.</p> <p>The owner or operator must <u>prepare</u> and submit <u>a single copy of a biennial report</u> to the Regional Administrator by March 1 of each even numbered year. <u>The biennial report must be submitted on EPA Form 8700-13B. The report must cover facility activities during the previous calendar year and must include the following information:</u></p> <p><u>(a) The EPA identification number, name, and address of the facility;</u> <u>(b) The calendar year covered by the report;</u> <u>(c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;</u> <u>(d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;</u> <u>(e) The method of treatment, storage, or disposal for each hazardous waste;</u> <u>(f) Monitoring data under §265.94(a)(2)(ii) and (iii), and (b)(2), where required;</u> <u>(g) The most recent closure cost estimate under §265.142, and, for disposal facilities, the most recent post-closure cost estimate under §265.144; and</u> <u>(h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.</u></p>

	<p><u>(i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.</u></p> <p><u>(j) The certification signed by the owner or operator of the facility or his authorized representative.</u></p>
New – 265.174	Old – 265.174
<p>§265.174 Inspections.</p> <p>At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See §265.171 for remedial action required if deterioration or leaks are detected.</p>	<p>§265.174 Inspections.</p> <p>At least weekly, the owner or operator must inspect areas where containers are stored, <u>except for Performance Track member facilities, that must conduct inspections at least once each month, upon approval by the Director. To apply for reduced inspection frequency, the Performance Track member facility must follow the procedures described in §265.15(b)(5) of this part.</u> The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.</p> <p>[Comment: See §265.171 for remedial action required if deterioration or leaks are detected.]</p>
New – 265.195(d)	Old – 265.195(d)
<p>§265.195 Inspections.</p> <p>(d) [Reserved]</p>	<p>§265.195 Inspections.</p> <p><u>(d) Performance Track member facilities may inspect on a less frequent basis, upon approval by the Director, but must inspect at least once each month. To apply for a less than weekly inspection frequency, the Performance Track member facility must follow the procedures described in §265.15(b)(5).</u></p>

New – 265.201	Old – 265.201
<p data-bbox="100 142 365 170">§265.201 [Reserved]</p> <p data-bbox="100 212 1010 272"><i>The requirements previously located in 40 CFR 265.201 have been revised and relocated in 40 CFR 262.16 (SQG Requirements).</i></p>	<p data-bbox="1066 142 1986 203">§265.201 <u>Special requirements for generators of between 100 and 1,000 kg/mo that accumulate hazardous waste in tanks.</u></p> <p data-bbox="1066 245 1986 418">(a) <u>The requirements of this section apply to small quantity generators of more than 100 kg but less than 1,000 kg of hazardous waste in a calendar month, that accumulate hazardous waste in tanks for less than 180 days (or 270 days if the generator must ship the waste greater than 200 miles), and do not accumulate over 6,000 kg on-site at any time.</u></p> <p data-bbox="1066 461 1986 521">(b) <u>Generators of between 100 and 1,000 kg/mo hazardous waste must comply with the following general operating requirements:</u></p> <p data-bbox="1115 532 1986 592">(1) <u>Treatment or storage of hazardous waste in tanks must comply with §265.17(b).</u></p> <p data-bbox="1115 604 1986 703">(2) <u>Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.</u></p> <p data-bbox="1115 714 1986 878">(3) <u>Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.</u></p> <p data-bbox="1115 889 1986 989">(4) <u>Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).</u></p> <p data-bbox="1125 1031 1986 1130"><u>Note: These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).</u></p> <p data-bbox="1066 1172 1986 1271">(c) <u>Except as noted in paragraph (d) of this section, generators who accumulate between 100 and 1,000 kg/mo of hazardous waste in tanks must inspect, where present:</u></p> <p data-bbox="1115 1282 1986 1382">(1) <u>Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;</u></p> <p data-bbox="1115 1393 1986 1492">(2) <u>Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;</u></p>

§265.201 [Reserved] (continued)

The requirements previously located in 40 CFR 265.201 have been revised and relocated in 40 CFR 262.16 (SQG Requirements).

§265.201 Special requirements for generators of between 100 and 1,000 kg/mo that accumulate hazardous waste in tanks. (continued)

(3) The level of waste in the tank at least once each operating day to ensure compliance with §265.201(b)(3);

(4) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

(5) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

Note: As required by §265.15(c), the owner or operator must remedy any deterioration or malfunction he finds.

(d) Generators who accumulate between 100 and 1,000 kg/mo of hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert facility personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in paragraphs (c)(1) through (5) of this section. Use of the alternate inspection schedule must be documented in the facility's operating record. This documentation must include a description of the established workplace practices at the facility.

(e) Performance Track member facilities may inspect on a less frequent basis, upon approval by the Director, but must inspect at least once each month. To apply for a less than weekly inspection frequency, the Performance Track member facility must follow the procedures described in §265.15(b)(5).

(f) Generators of between 100 and 1,000 kg/mo accumulating hazardous waste in tanks must, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures.

Note: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with §261.3(c) or (d) of this chapter, that any solid waste removed from his tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and

§265.201 [Reserved]

The requirements previously located in 40 CFR 265.201 have been revised and relocated in 40 CFR 262.16 (SQG Requirements).

§265.201 Special requirements for generators of between 100 and 1,000 kg/mo that accumulate hazardous waste in tanks. (continued)

must manage it in accordance with all applicable requirements of parts 262, 263, and 265 of this chapter.

(g) Generators of between 100 and 1,000 kg/mo must comply with the following special requirements for ignitable or reactive waste:

(1) Ignitable or reactive waste must not be placed in a tank, unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in a tank so that (A) the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under §261.21 or §261.23 of this chapter, and (B) §265.17(b) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

(iii) The tank is used solely for emergencies.

(2) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," (1977 or 1981) (incorporated by reference, see §260.11).

(h) Generators of between 100 and 1,000 kg/mo must comply with the following special requirements for incompatible wastes:

(1) Incompatible wastes, or incompatible wastes and materials, (see appendix V for examples) must not be placed in the same tank, unless §265.17(b) is complied with.

(2) Hazardous waste must not be placed in an unwashed tank which previously held an incompatible waste or material, unless §265.17(b) is complied with.

New – 265.1030(b)(2)	Old – 265.1030(b)(2)
<p>§265.1030 Applicability.</p> <p>(b) Except for §§265.1034, paragraphs (d) and (e), this subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:</p> <ol style="list-style-type: none"> (1) A unit that is subject to the permitting requirements of 40 CFR part 270, or (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 40 CFR <u>262.17</u> (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270, or (3) A unit that is exempt from permitting under the provisions of 40 CFR <u>262.17</u> (i.e., a “90-day” tank or container) and is not a recycling unit under the requirements of 40 CFR 261.6. 	<p>§265.1030 Applicability.</p> <p>(b) Except for §§265.1034, paragraphs (d) and (e), this subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:</p> <ol style="list-style-type: none"> (1) A unit that is subject to the permitting requirements of 40 CFR part 270, or (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 40 <u>CFR 262.34(a)</u> (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270, or (3) A unit that is exempt from permitting under the provisions of 40 CFR <u>262.34(a)</u> (i.e., a “90-day” tank or container) and is not a recycling unit under the requirements of 40 CFR 261.6.
New – 265.1050(b)(c) & (b)(3)	Old – 265.1050(b)(2) & (b)(3)
<p>§265.1050 Applicability.</p> <p>(b) Except as provided in §265.1064(k), this subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:</p> <ol style="list-style-type: none"> (1) A unit that is subject to the permitting requirements of 40 CFR part 270, or (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 40 CFR <u>262.17</u> (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270, or (3) A unit that is exempt from permitting under the provisions of 40 CFR <u>262.17</u> (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6. 	<p>§265.1050 Applicability.</p> <p>(b) Except as provided in §265.1064(k), this subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:</p> <ol style="list-style-type: none"> (1) A unit that is subject to the permitting requirements of 40 CFR part 270, or (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 40 CFR <u>262.34(a)</u> (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270, or (3) A unit that is exempt from permitting under the provisions of 40 CFR <u>262.34(a)</u> (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6.

New – 265.1101(c)(4)	Old – 265.1101(c)(4)
<p>§265.1101 Design and operating standards.</p> <p>(c) Owners or operators of all containment buildings must:</p> <p>(4) Inspect and record in the facility's operating record at least once every seven days data gathered from monitoring and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.</p>	<p>§265.1101 Design and operating standards.</p> <p>(c) Owners or operators of all containment buildings must:</p> <p>(4) Inspect and record in the facility's operating record at least once every seven days, <u>except for Performance Track member facilities, that must inspect up to once each month, upon approval of the director,</u> data gathered from monitoring and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste. <u>To apply for reduced inspection frequency, the Performance Track member facility must follow the procedures described in §265.15(b)(5).</u></p>

40 CFR 266	
New – 266.80(a)	Old – 266.80(a)
<p>§266.80 Applicability and requirements.</p> <p><i>40 CFR 266.80(a) was amended by removing the text "40 CFR 262.34" and adding the text "262.18" in its place, seven times in the table.</i></p>	<p>§266.80 Applicability and requirements.</p> <p><i>40 CFR 266.80(a) was amended by removing the text "40 CFR 262.34" and adding the text "262.18" in its place, seven times in the table.</i></p>
New – 266.255(a)	Old – 266.255(a)
<p>§266.255 When is your LLMW no longer eligible for the storage and treatment conditional exemption?</p> <p>(a) When your LLMW has met the requirements of your NRC or NRC Agreement State license for decay-in-storage and can be disposed of as non-radioactive waste, then the conditional exemption for storage no longer applies. On that date your waste is subject to hazardous waste regulation under the relevant sections of 40 CFR parts 260 through 271, and the time period for accumulation of a hazardous waste as specified in <u>40 CFR 262.16 or 262.17</u> begins.</p>	<p>§266.255 When is your LLMW no longer eligible for the storage and treatment conditional exemption?</p> <p>(a) When your LLMW has met the requirements of your NRC or NRC Agreement State license for decay-in-storage and can be disposed of as non-radioactive waste, then the conditional exemption for storage no longer applies. On that date your waste is subject to hazardous waste regulation under the relevant sections of 40 CFR parts 260 through 271, and the time period for accumulation of a hazardous waste as specified in 40 CFR <u>262.34</u> begins.</p>
40 CFR 268	
New – 268.1(e)(1)	Old – 268.1(e)(1)
<p>§268.1 Purpose, scope, and applicability.</p> <p>(e) The following hazardous wastes are not subject to any provision of part 268:</p> <p>(1) Waste generated by <u>very</u> small quantity generators, as defined in <u>§260.10</u> of this chapter;</p>	<p>§268.1 Purpose, scope, and applicability.</p> <p>(e) The following hazardous wastes are not subject to any provision of part 268:</p> <p>(1) Waste generated by small quantity generators <u>of less than 100 kilograms of non-acute hazardous waste or less than 1 kilogram of acute hazardous waste per month,</u> as defined in <u>§261.5</u> of this chapter;</p>

New – 268.7(a)(5)	Old – 268.7(a)(5)
<p>§268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities.</p> <p>(a) Requirements for generators:</p> <p>(5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under <u>40 CFR 262.15, 262.16, and 262.17</u> to meet applicable LDR treatment standards found at §268.40, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1 to §268.45, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:</p> <p>(i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this part, including the selected testing frequency.</p> <p>(ii) Such plan must be kept in the facility's on-site files and made available to inspectors.</p> <p>(iii) Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of §268.7(a)(3).</p>	<p>§268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities.</p> <p>(a) Requirements for generators:</p> <p>(5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 CFR <u>262.34</u> to meet applicable LDR treatment standards found at §268.40, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1, §268.45, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:</p> <p>(i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this part, including the selected testing frequency.</p> <p>(ii) Such plan must be kept in the facility's on-site files and made available to inspectors.</p> <p>(iii) Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of §268.7(a)(3).</p>
New – 268.50(a)(1) & (a)(2)(i)	Old – 268.50(a)(1) & (a)(2)(i)
<p>§268.50 Prohibitions on storage of restricted wastes.</p> <p>(a) Except as provided in this section, the storage of hazardous wastes restricted from land disposal under subpart C of this part of RCRA section 3004 is prohibited, unless the following conditions are met:</p> <p>(1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in <u>§§262.16 and 262.17</u> and parts 264 and 265 of this chapter.</p>	<p>§268.50 Prohibitions on storage of restricted wastes.</p> <p>(a) Except as provided in this section, the storage of hazardous wastes restricted from land disposal under subpart C of this part of RCRA section 3004 is prohibited, unless the following conditions are met:</p> <p>(1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in §262.34 and parts 264 and 265 of this chapter.</p>

(2) An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

(i) Each container is clearly marked to identify its contents and with:

(A) The words "Hazardous Waste";

(B) The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in subparts C and D of part 261 of this chapter; or use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste number(s);

(C) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); and

(D) The date each period of accumulation begins.

(2) An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

(i) Each container is clearly marked to identify its contents and the date each period of accumulation begins;

40 CFR 270

New – 270.1	Old – 270.1
<p>§270.1 Purpose and scope of these regulations.</p> <p>(a) Coverage.</p> <p>(3) Technical regulations. The RCRA permit program has separate additional regulations that contain technical requirements. These separate regulations are used by permit issuing authorities to determine what requirements must be placed in permits if they are issued. These separate regulations are located in 40 CFR parts 264, 266, 267, and <u>268</u>.</p> <p>(c) Scope of the RCRA permit requirement.</p> <p>(2) Specific exclusions and exemptions. The following persons are among those who are not required to obtain a RCRA permit:</p> <ul style="list-style-type: none"> (i) Generators who accumulate hazardous waste on site in compliance with all of the conditions for exemption provided in 40 CFR <u>262.14</u>, <u>262.15</u>, <u>262.16</u>, and <u>262.17</u>. (ii) Farmers who dispose of hazardous waste pesticides from their own use as provided in §262.70 of this chapter; (iii) Persons who own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under this part by 40 CFR 261.4 or <u>262.14</u> (<u>very</u> small quantity generator exemption). 	<p>§270.1 Purpose and scope of these regulations.</p> <p>(a) Coverage.</p> <p>(3) Technical regulations. The RCRA permit program has separate additional <u>Regulations</u> that contain technical requirements. These separate regulations are used by permit issuing authorities to determine what requirements must be placed in permits if they are issued. These separate regulations are located in 40 CFR parts 264, 266, and 267.</p> <p>(c) Scope of the RCRA permit requirement.</p> <p>(2) Specific exclusions. The following persons are among those who are not required to obtain a RCRA permit:</p> <ul style="list-style-type: none"> (i) Generators who accumulate hazardous waste on-site for less than the time periods provided in 40 CFR <u>262.34</u>. (ii) Farmers who dispose of hazardous waste pesticides from their own use as provided in §262.70 of this chapter; (iii) Persons who own or operate facilities solely for the treatment, storage or disposal of hazardous waste excluded from regulations under this part by 40 CFR 261.4 or <u>261.5</u> (small generator exemption).
New – 270.42	Old – 270.42
<p>§270.42 Permit modification at the request of the permittee.</p> <p>(I) [Reserved]</p>	<p>§270.42 Permit modification at the request of the permittee.</p> <p><u>(I) Performance Track member facilities. The following procedures apply to Performance Track member facilities that request a permit modification under appendix I of this section, section O(1).</u></p> <p><u>(1) Performance Track member facilities must have complied with the requirements of §264.15(b)(5) in order to request a permit modification under this section.</u></p> <p><u>(2) The Performance Track member facility should consider the application approved if the Director does not: deny the application, in writing; or notify the Performance Track member facility, in writing, of an</u></p>

<p>40 CFR 270.42 was amended to remove and reserve entries under O.1. table of appendix I to 40 CFR 270.42.</p>	<p><u>extension to the 60-day deadline within 60 days of receiving the request. In these situations, the Performance Track member facility must adhere to the revised inspection schedule outlined in its application and maintain a copy of the application in the facility's operating record.</u></p> <p>40 CFR 270.42 was amended to remove and reserve entries under O.1. table of appendix I to 40 CFR 270.42.</p>
<p>40 CFR 273</p>	
<p>New – 273.8</p>	<p>Old – 273.8</p>
<p>§273.8 Applicability—household and very small quantity generator waste.</p> <p>(a) Persons managing the wastes listed below may, at their option, manage them under the requirements of this part:</p> <p>(1) Household wastes that are exempt under §261.4(b)(1) of this chapter and are also of the same type as the universal wastes defined at §273.9; and/or</p> <p>(2) <u>Very</u> small quantity generator wastes that are exempt under <u>§262.14</u> of this chapter and are also of the same type as the universal wastes defined at §273.9.</p>	<p>§273.8 Applicability—household and conditionally exempt small quantity generator waste.</p> <p>(a) Persons managing the wastes listed below may, at their option, manage them under the requirements of this part:</p> <p>(1) Household wastes that are exempt under §261.4(b)(1) of this chapter and are also of the same type as the universal wastes defined at §273.9; and/or</p> <p>(2) <u>Conditionally exempt</u> small quantity generator wastes that are exempt under <u>§261.5</u> of this chapter and are also of the same type as the universal wastes defined at §273.9.</p>
<p>New – 273.81</p>	<p>Old – 273.81</p>
<p>§273.81 Factors for petitions to include other wastes under 40 CFR part 273.</p> <p>(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, <u>very</u> small quantity generators, small businesses, government organizations, as well as large industrial facilities);</p>	<p>§273.81 Factors for petitions to include other wastes under 40 CFR part 273.</p> <p>(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, <u>conditionally</u> exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);</p>

40 CFR 279

New – 279.10

Old – 279.10

§279.10 Applicability.

(b) Mixtures of used oil and hazardous waste

- (3) Very small quantity generator hazardous waste. Mixtures of used oil and very small quantity generator hazardous waste regulated under §262.14 of this chapter are subject to regulation as used oil under this part.

§279.10 Applicability.

(b) Mixtures of used oil and hazardous waste

- (3) Conditionally exempt small quantity generator hazardous waste. Mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under §261.5 of this chapter are subject to regulation as used oil under this part.