

Environmental Protection Agency

**Monday
May 19, 1980**

Part IV

**Environmental
Protection Agency**

Hazardous Waste Management System

**Proposal To Modify 40 CFR Part 261—
Hazardous Waste Lists**

CCR 000041089

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

FRL 1471-41

Identification and Listing of Hazardous Wastes

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to add eleven wastes to the interim final list of hazardous wastes which it is promulgating today under Section 3001 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA). The effect of adding these wastes to the hazardous waste list will be to make them subject to the management standards issued by EPA under Sections 3002 through 3006 and 3010 of RCRA (Parts 262 through 265, 122 through 124 of this Chapter and 45 FR 12746).

DATES: EPA will accept public comments on the proposed listings until July 18, 1980. Any person may request a hearing on this proposal by filing a request with John P. Lehman, whose address appears below, by June 9, 1980. The request must contain the information prescribed in § 260.20(d) of this chapter.

ADDRESSES: Comments and requests for hearing should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste [WH-565], U.S. Environmental Protection Agency, Washington, D.C. 20460. Communications should identify the regulatory docket number "Section 3001."

The public docket for this proposed rulemaking is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Alan S. Corson, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-9187.

SUPPLEMENTARY INFORMATION: Section 3001 of RCRA requires EPA to publish criteria for listing hazardous waste and to list particular hazardous wastes. In today's Federal Register EPA is promulgating interim final criteria for listing hazardous wastes (§ 261.11) along with an interim final list of hazardous wastes (Part 261, Subpart D). The

Agency is now proposing to expand this list of hazardous wastes to add eleven wastes which EPA has determined meet its interim final listing criteria.

Included in this proposed supplemental listing are five wastes generated in the organic chemicals industry, four wastes from the manufacture of pesticides, one waste stream from the wood preserving industry and one waste stream from the non-ferrous metals industry. All eleven of these wastes were identified by the Agency in the course of developing the necessary technical data to support the interim final hazardous waste list promulgated today. These wastes and the hazards they pose to health or the environment are:

(1) *Distillation bottoms and heavy ends from the production of 1,1,1-trichloroethane.* These two wastes contain known carcinogens, many of which are soluble in water or are volatile. If the waste is improperly managed, the carcinogens may contaminate surface water, groundwater, or air.

(2) *Vacuum stripper discharge from chlordane chlorinator in the production of chlordane.* This waste contains dissolved or suspended highly toxic constituents which are soluble and may migrate through leaching from the waste if the waste is improperly managed.

(3) *Untreated wastewater from the production of 2,4-D.* This waste contains carcinogens and mutagens which are soluble in water. If the waste is improperly managed, these constituents can contaminate surface water or groundwater.

(4) *Wastewater from the production of methomyl.* This waste contains toxic compounds, a carcinogen and mutagenic substances. If this waste is improperly managed, these compounds could migrate from the waste and contaminate groundwater and surface water.

(5) *Distillation residues both light ends and bottoms from the production of phthalic anhydride from ortho-xylene.* These two wastes contain toxic compounds, a known carcinogen, and a suspected carcinogen. Some of these compounds are soluble in water, and, if the waste is improperly managed, these compounds can contaminate surface water and groundwater. If the residues are improperly incinerated, these compounds (or equally or more toxic degradation products) may be emitted into the air.

(6) *Wastewater from wood preserving processes that use creosote and/or pentachlorophenol.* This waste contains carcinogens, mutagens and toxic compounds, many of which are soluble in water or are volatile. If the waste is

improperly managed, these compounds can contaminate surface water, groundwater, or air.

(7) *Untreated process wastewater from the production of toxaphene.* This waste contains toxaphene, a carcinogenic and extremely toxic compound. If the waste is improperly managed, this compound could migrate from the waste and contaminate groundwater and surface water.

(8) *Process wastewater from creosote production.* This waste contains a number of known carcinogens. If this waste is improperly managed, these compounds are capable of migrating and persisting in the environment and could contaminate surface water and groundwater.

(9) *Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.* This waste contains toxic heavy metals which, when solubilized, can contaminate surface water and groundwater if the waste is improperly managed.

When surface water, groundwater, or air is contaminated, human health or the environment can be adversely affected.

BACKGROUND DOCUMENT: Background documents have been prepared in support of this proposed rule. Copies are available for review in all EPA Regional office libraries, in the EPA headquarters (Public Information Reference Unit) Room 2404, Waterside Mall, 401 M Street, S.W., Washington, D.C. and in the docket located in Room 2711, Waterside Mall, 401 M Street, S.W., Washington, D.C.

ECONOMIC, ENVIRONMENTAL AND REGULATORY IMPACTS: In accordance with Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107, EPA policy as stipulated in 39 FR 37419, October 21, 1974, and Executive Order 12044, analyses of the economic, environmental, and regulatory impacts were performed for the entirety of Subtitle C. EPA does not believe that amending Part 261 to add these additional wastes is a major action for the purposes of Executive Order 12044, in part because the wastes are generated by processes which produce other listed wastes and because the cost of managing those other listed wastes has already been accounted for in the final Regulatory Analysis which was prepared for the entirety of Subtitle C. However, EPA requests that any date commenters have on the generation rates of the wastes listed in the proposal, current management costs and practices for these wastes or on the cost or economic impacts of the proposed

regulations be sent to John P. Lehman at the address listed above.

Dated: May 2, 1980.

Douglas M. Costle,
Administrator.

It is proposed to amend Title 40 CFR, Part 261, by revising 40 CFR, Part 261, as follows:

§ 261.32 [Amended]

1. In § 261.32, add the following waste streams:

Industry	EPA hazardous waste No *	Hazardous waste	Hazardous code
Wood preservation		Wastewater from wood preserving processes that use creosote or pentachlorophenol.	(T).
Organic chemicals		Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
		Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T).
		Vacuum stripper discharge from chlordane chlordane in the production of chlordane.	
		Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T).
		Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T).
Pesticides		Untreated process wastewater from the production of toxaphene.	(T).
		Untreated wastewater from the production of 2,4-D	(T).
		Wastewater from the production of methomyl.	(T).
		Process wastewater from creosote production.	(T).
Secondary lead		Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T).

*The EPA Hazardous Waste Number will not be assigned until the listed waste is promulgated.

[FR Doc. 80-14308 Filed 5-18-80; 8:45 am]

BILLING CODE 6560-01-M

CCR 000041091

Environmental Protection Agency

Monday
May 19, 1980

Part V

**Environmental
Protection Agency**

Hazardous Waste Management System

**Standards Applicable to Generators of
Hazardous Waste**

CCR 000041092

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 262

(1470-7)

Standards for Generators of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Resource Conservation and Recovery Act, as amended, seeks to promote the protection of human health and the environment and to conserve valuable material and energy resources. In order to accomplish this, the Act establishes a national program to improve solid waste management, including the control of hazardous waste, the promotion of resource conservation and recovery, and the establishment of environmentally sound solid waste disposal practices.

The EPA promulgated regulations establishing standards for generators of hazardous waste. These regulations were published in the *Federal Register* on February 26, 1980 (45 FR 12722). The amendments published today are both administrative and technical changes to the regulations which are intended to clarify the operation of these regulations. Areas of change include clarification of the effective date and compliance date of the regulation; clarification of the applicability of the regulations to generators which treat, store, or dispose of hazardous waste on-site; a corrected citation to the Part 261 provisions establishing equivalent test methods for determining whether a waste is a hazardous waste; inclusion of a generator's requirement to designate a facility or accept the waste if it cannot be delivered to the designated or alternate facility; a technical correction concerning placarding for rail shipments; expanded requirements for accumulation time in tanks and for contingency plans; addition of the EPA mailing address for generators who are required to notify the Administrator of international shipments; a corrected citation to triple rinsing in the Farmers section; and additions to the Annual Report (EPA Forms 8700-13, 8700-13A and 8700-13B).

DATES: Effective date: November 19, 1980. EPA will accept public comment on these regulations and amendments for administrative errors only (e.g., typographical errors, inaccurate cross references) until July 18, 1980. No extension in the effective date will be made, however, as a result of such comments.

ADDRESSES: The official docket for this regulation is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C., and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

For information on implementation of these regulations, contact your EPA Regional Office.

FOR FURTHER INFORMATION CONTACT: For technical assistance on these regulations contact Harry W. Trask or Rolf P. Hill, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20460 (202-755-9150). For single copies of the amended Part 262 preamble and regulations published today and for copies of the February 26, 1980 version which contained a more descriptive preamble of this whole Part, contact Edward Cox, Solid Waste Publications, 26 W. St. Claire, Cincinnati, Ohio 45268 (513) 684-5362. Multiple copies will be available from the Superintendent of Documents, Washington, D.C. 20402.

SUPPLEMENTARY INFORMATION:

I. Authority

These amendments are issued under authority of sections 2002(a), 3001, 3002, 3003, 3004 and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and as amended by the Quiet Communities Act of 1978 ("RCRA" or "the Act"), 42 U.S.C. 6912(a), 6921, 6922, 6923, 6924, 6925.

II. Background

This regulation was published in the *Federal Register* in proposed form for public review and comment on December 18, 1978 as 40 CFR Part 250, Subpart B (43 FR 58969 *et seq.*). The Agency held five public hearings and received a substantial number of written comments on the proposal. The public comment period closed on March 16, 1979.

After consideration of the views of the public, the Agency promulgated the Part 262 regulations in the *Federal Register* February 26, 1980 and promulgates these amendments today.

These amendments are in two categories, administrative amendments and technical amendments. Administrative amendments are corrections or clarifications which are being made to meet the intent of Part 262 preamble and regulations. The technical amendments address the additions or changes which were specified in the February 26, 1980 preamble to the Part 262 regulations.

III. Amendments

1. Effective Date

RCRA establishes the effective date of Subtitle C regulations as "the date six months after the date of promulgation thereof . . ." (Section 3010(b)). Regulations implementing Section 3001 (40 CFR Part 261) identify characteristics of hazardous waste and list particular wastes as hazardous. These regulations are essential in determining who must comply with the Subtitle C regulations. Therefore, EPA intends to make the effective date of regulations implementing Sections 3002 and 3003 six months from the date of promulgation of Part 261. Since Part 261 is promulgated today, the effective date is November 19, 1980.

Some confusion developed when in the *Federal Register* EPA stipulated that the "effective date" was August 26, 1980 and that the "compliance date" was six months after the promulgation of 40 CFR Part 261. For determining the date at which generators will be subject to these regulations, the August 26, 1980 date is incorrect. All generators must comply with these regulations as of November 19, 1980.

2. Purpose, Scope and Applicability

The generator's responsibility to comply with these regulations when treating, storing or disposing of hazardous waste on-site has been clarified. Section 262.10(b) of the February 26, 1980 *Federal Register* stated that a generator who "treats, stores, or disposes of hazardous waste . . ." must only comply with certain sections of Part 262.

It was the Agency's intent, as indicated in the note which followed § 262.10, that the provision only applied to generators who treat, store or dispose of hazardous waste on-site. This administrative amendment clarifies § 262.10(b) by specifying that a generator who "treats, stores, or disposes of hazardous waste on-site . . ." must only comply with certain sections of Part 262. If he treats, stores, or disposes of all of his waste on-site, he need only comply with those specific sections of Part 262 which are identified in § 262.10(b). As a treater, storer, or disposer, however, he must comply with 40 CFR Parts 264, 265 and 122. For those portions of hazardous waste that a generator ships off-site, he must comply with all of the Part 262 regulations.

3. Hazardous Waste Determination

Section 262.11(c)(1) identified two ways for a generator to determine by testing whether the waste he generated was a hazardous waste as identified in

CCR 000041093

Subpart C of 40 CFR Part 261. The first was by using the EPA Part 261 tests. The second was using equivalent testing methods approved by the Administrator. The citation to the equivalent testing methods which appeared in the February 26 rule was incorrect. Equivalent methods are now described in 40 CFR 260.21.

4. Designated Facility

In the preamble to the final rules promulgated February 26, 1980, the Agency discussed the generator's responsibility to either "designate another facility or instruct the transporter to return the waste" if the transporter was unable to deliver the hazardous waste to the designated facility or the alternate facility. The text of the regulation inadvertently omitted this requirement. A new subparagraph, § 262.20(d), is added today which includes this requirement and makes these regulations consistent with the preamble to the final rules for this Part and the requirements of § 263.21(b).

5. Placarding

Placarding requirements are described in § 262.33. The rule promulgated February 26 required generators to offer the appropriate placard to the initial transporter. DOT, however, has a special requirement for placarding of rail shipments (49 CFR 172.508). The shipper (generator) according to DOT is the person responsible for properly placarding a rail shipment rather than simply offering the appropriate placard. EPA recognizes this difference and is applying the same responsibility for shipments of hazardous waste by rail. This administrative amendment clarifies the operation of § 262.33 by requiring generators to placard rail shipments rather than just offering the appropriate placard. It removes an inconsistency which inadvertently occurred between EPA's and DOT's regulations.

6. Accumulation Time

The preamble to the regulations promulgated on February 26 stated that "accumulation of hazardous waste in storage tanks meeting the technical standards of the Part 264 and 265 regulations" would be added when those standards were promulgated. This amendment requires that the accumulation of hazardous waste in tanks meet the interim status standards in Part 265, Subpart J (except for the waste analysis and trial tests required for treatment tanks). Part 262 may be amended again to include the Part 264 final standards for tanks when they are promulgated later this year.

The container management section of the 40 CFR Part 265, Subpart I regulations, published elsewhere in today's **Federal Register**, is not cited in its entirety as applicable to the accumulation of wastes in DOT containers. Rather, only the sections requiring inspection of the accumulation area (§ 265.174) and buffer zones between the container storage area and adjacent property lines (as required for ignitable and reactive wastes under § 265.176) are stipulated. Since generators who ship hazardous waste off-site are already required to comply with DOT container standards (e.g., must not leak and must be compatible with the waste), these sections from Subpart I were not cited. The Agency believes that it is unnecessary and potentially confusing to require generators to comply with two very similar standards for containers. Such duplication also would not provide additional protection of human health and the environment.

The proposed rule which appeared in the **Federal Register** December 18, 1978 indicated that the Agency was seeking comments regarding the desirability of requiring contingency plans for generators who accumulated hazardous waste. The preamble to the February 26 Part 262 regulations also indicated that the Agency was considering the inclusion of such provisions for generators who accumulated hazardous waste on-site. This amendment requires that such generators comply not only with the Contingency Plan and Emergency Procedures of 40 CFR Part 265, Subpart D but also with the Preparedness and Prevention requirements of 40 CFR Part 265 Subpart C and the personnel training requirements of § 265.18.

These plans and procedures are required of owners or operators of treatment, storage, or disposal facilities, and the Agency believes that there is little difference between accumulation of hazardous waste for shipment off-site and storage so far as potential damage to human health and the environment is concerned. Therefore, the same standards for protection of human health and the environment should apply. (The February 26 preamble and the Background Document discuss the rationale for the accumulation provisions in more detail.)

Similarly, the rationale for requiring all the Part 265, Subpart J requirements for generators who accumulate hazardous waste on-site for 90 days or less (without obtaining a permit) and for requiring certain standards for managing containers and personnel training is

based on the belief that less stringent standards could jeopardize human health and the environment.

7. Recordkeeping

Section 262.40(b) which appeared in the February 26, 1980 **Federal Register** did not specify the date from which copies of the Annual and Exception Report were to be kept for three years. This amendment initiates the three year retention period from the due date of the report (March 1).

8. International Shipments

The rule which was promulgated February 26, 1980 required that generators who ship hazardous waste outside the jurisdiction of the United States notify the Administrator prior to the first shipment of each different hazardous waste in each calendar year. This amendment includes a specific address as a means to expedite EPA's handling of this information. In addition, the generator is specifically required to include the name and address of the foreign consignee.

The regulations published elsewhere in today's **Federal Register** under 40 CFR Part 123 do not permit States to be authorized to receive the generator's notice of international shipment. This amendment includes a note reminding generators that they are required to notify the Administrator, rather than the local State authority.

9. Triple Rinsing

The citation for triple rinsing of containers which appeared in the February 26, 1980 **Federal Register** referenced Part 260 of the regulation. The Agency decided to include the triple rinsing provisions in Part 261 rather than in the Part 260 definitions. This amendment corrects the citation for the triple rinsing provisions.

10. Annual Reporting

The Annual Report for generators was promulgated in § 262.41 of the February 26, 1980 **Federal Register**. It consisted of a cover form (8700-13) and a type A form (8700-13A). Each part of this Report had associated instructions. This report was intended for use by generators who shipped hazardous waste to an off-site treatment, storage, or disposal facility. Annual Reports are also required for owners or operators of treatment, storage, or disposal facilities. In an effort to simplify the reporting requirements for the regulated community, the Agency has combined both reports into a single report with similar instructions for each part. Accordingly, the form and instructions which were promulgated in the February

26, 1980 Federal Register are amended in today's Part 262. A Facility Annual Report form (8700-13B) and the associated instructions are also promulgated today in Parts 264 and 265.

The changes which appear on the first page of the Hazardous Waste Report (EPA form 8700-13) are not extensive. Section I, (Type of Report), has been modified to include Part A for Generator Annual Reports, Part B for Facility Annual Reports, and Part C for Unmanifested Waste Reports.

The major change which occurred on this form was the addition of a new Section VIII entitled Cost Estimates for Facilities. Both closure and post-closure costs for treatment, storage, or disposal facilities must now be included as required by Parts 264 and 265 promulgated today.

On the Part A report, only minor heading changes have occurred (e.g., to the Waste Identification section) and a general renumbering of all sections due to the addition of the Cost Estimates for Facilities section. Also, the applicability of Part A reports to generators who ship hazardous waste off-site to facilities which they do not own or operate is clarified. Since facility owners or operators are required to file Annual Reports by Part 264, the Agency found it unnecessary to burden generators who treat, store, or dispose of hazardous waste on-site by requiring them to file nearly identical reports on the same waste. Therefore, generators who ship hazardous waste off-site to a facility which they own or operate or who treat, store or dispose of hazardous waste on-site are not required to file the Part A report. Rather, they are required to file the Part B report for those wastes.

The amended instructions for Generator Annual Report (Part A) are included in Part 262 in today's Federal Register. The instructions for Facility Annual Reports (Part B) and Unmanifested Waste Reports (Part C) are published in Parts 264 and 265 elsewhere in today's Federal Register.

10. State Programs

The preamble to the February 28, 1980 regulation did not discuss the effect of EPA authorization of State programs on the applicability of these regulations. This Part applies in States which have not received interim or final authorization to operate the hazardous waste management system in lieu of the Federal program. With two exceptions, the provisions of these regulations do not apply in States which have been authorized under the provisions of 40 CFR Part 123. Section 40 CFR 123.128(d), enables States to obtain interim authorization while allowing EPA to

administer and enforce the Federal manifest system as established in 40 CFR Parts 262 and 263. Further, EPA will not authorize States to receive the notice of international shipment required in § 262.50. Even in States whose programs are authorized, generators shipping their hazardous waste to a foreign country will be required to notify EPA four weeks prior to the initial shipment.

IV. OMB Review

The preamble to the February 28, 1980 regulations indicated that OMB had not completed its review of the recordkeeping and reporting provisions of the section 3002, 3003 and 3010 standards. OMB has now completed its review and has approved all of those provisions. EPA has developed an evaluation plan for the entire hazardous waste regulatory program. The plan commits EPA to an evaluation of each of those provisions and to modifying them, if necessary, based on the practical experience gained during implementation.

The provisions of § 262.34(a)(5) of this amendment pertaining to recordkeeping and reporting have been submitted to the Office of Management and Budget for review in light of the requirements of the Federal Reports Act, 44 U.S.C. 3501, *et seq.* Time has not permitted completion of this review.

Dated: May 8, 1980.

Douglas M. Costle,
Administrator.

Title 40 CFR Part 262 is revised to read as follows:

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

Subpart A—General

- Sec.
- 262.10 Purpose, scope, and applicability.
- 262.11 Hazardous waste determination.
- 262.12 EPA identification numbers.

Subpart B—The Manifest

- 262.20 General requirements.
- 262.21 Required information.
- 262.22 Number of copies.
- 262.23 Use of the manifest.

Subpart C—Pre-Transport Requirements

- 262.30 Packaging.
- 262.31 Labeling.
- 262.32 Marking.
- 262.33 Placarding.
- 262.34 Accumulation time.

Subpart D—Recordkeeping and Reporting

- 262.40 Recordkeeping.
- 262.41 Annual reporting.
- 262.42 Exception reporting.
- 262.43 Additional reporting.

Subpart E—Special Conditions

- 262.50 International shipments.
- 262.51 Farmers.

Appendix—Form

Annual Report (EPA Form 8700-13).

Authority: Secs. 2002(a), 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act of 1976 and as amended by the Quiet Communities Act of 1978, (42 U.S.C. 6912(a), 6921, 6922, 6923, 6924, 6925)

Subpart A—General

§ 262.10 Purpose, scope, and applicability.

(a) These regulations establish standards for generators of hazardous waste.

(b) 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, § 262.40(c) and (d) for Recordkeeping, § 262.43 for additional reporting and if applicable, § 262.51 for Farmers.

(c) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this Part.

(d) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of § 262.51 is not required to comply with other standards in this Part or 40 CFR Parts 122, 264, or 265 with respect to such pesticides.

(e) 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.

Note.— A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 40 CFR Parts 264, 265, and 266 and Part 122.

§ 262.11 Hazardous waste determination.

A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method:

(a) He should first determine if the waste is excluded from regulation under 40 CFR 261.4 and 261.5.

(b) He must then determine if the waste is listed as a hazardous waste in Subpart D of 40 CFR Part 261.

Note.— Even if the waste is listed, the generator still has an opportunity under 40 CFR 260.22 to demonstrate to the Administrator that the waste from his

CCR 000041095

particular facility or operation is not a hazardous waste.

(c) If the waste is not listed as a hazardous waste in Subpart D of 40 CFR Part 261, he must determine whether the waste is identified in Subpart C of 40 CFR Part 261 by either:

(1) Testing the waste according to the methods set forth in Subpart C of 40 CFR Part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or

(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

§ 262.12 EPA identification numbers.

(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.

(b) A generator who has not received an EPA identification number may 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.

(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.

Subpart B—The Manifest

§ 262.20 General requirements.

(a) A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a manifest before transporting the waste off-site.

(b) A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.

(c) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.

§ 262.21 Required information.

(a) The manifest must contain all of the following information:

- (1) A manifest document number;
- (2) The generator's name, mailing address, telephone number, and EPA identification number;
- (3) The name and EPA identification number of each transporter;

(4) The name, address and EPA identification number of the designated facility and an alternate facility, if any;

(5) The description of the waste(s) (e.g., proper shipping name, etc.) required by regulations of the U.S. Department of Transportation in 49 CFR 172.101, 172.202, and 172.203;

(6) The total quantity of each hazardous waste by units of weight or volume, and the type and number of containers as loaded into or onto the transport vehicle.

(b) The following certification must appear on the manifest: "This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the EPA."

§ 262.22 Number of copies.

The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

§ 262.23 Use of the manifest.

(a) The generator must:

- (1) Sign the manifest certification by hand; and

(2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

(3) Retain one copy, in accordance with § 262.40(a).

(b) The generator must give the transporter the remaining copies of the manifest.

(c) For shipment of hazardous waste within the United States solely by railroad or solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility. Copies of the manifest are not required for each transporter.

Note.—See § 263.20(e) for special provisions for rail or water (bulk shipment) transporters who deliver hazardous waste by rail or water to the designated facility.

Subpart C—Pre-Transport Requirements

§ 262.30 Packaging.

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable Department of Transportation regulations on packaging under 49 CFR Parts 173, 178, and 179.

§ 262.31 Labeling.

Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR Part 172.

§ 262.32 Marking.

(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;

(b) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304:

HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.
Generator's Name and Address _____
Manifest Document Number _____

§ 262.33 Placarding.

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 CFR Part 172, Subpart F.

§ 262.34 Accumulation time.

(a) A generator may accumulate hazardous waste on-site without a permit for 90 days or less, provided that:

(1) All such waste is shipped off-site in 90 days or less;

(2) The waste is placed in containers which meet the standards of § 262.30 and are managed in accordance with 40 CFR 265.174 and 265.176 or in tanks, provided the generator complies with the requirements of Subpart J of 40 CFR Part 265 except § 265.193;

(3) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(4) Each container is properly labeled and marked according to § 262.31 and § 262.32; and

(5) The generator complies with the requirements for owners or operators in Subparts C and D in 40 CFR Part 265 and with § 265.16.

(b) A generator who accumulates hazardous waste for more than 90 days

is an operator of a storage facility and is subject to the requirements of 40 CFR Parts 264 and 265 and the permit requirements of 40 CFR Part 122.

Subpart D—Recordkeeping and Reporting

§ 262.40 Recordkeeping.

(a) A generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

(b) A generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1).

(c) 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.

(d) The periods or retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

§ 262.41 Annual reporting.

(a) A generator who ships his hazardous waste off-site must submit Annual Reports:

(1) On EPA forms 8700-13 and 8700-13A according to the instructions on the form (See the Appendix to this Part);

(2) To the Regional Administrator for the Region in which the generator is located;

(3) No later than March 1 for the preceding calendar year.

(b) Any generator who treats, stores, or disposes of hazardous waste on-site must submit an Annual Report covering those wastes in accordance with the provisions of 40 CFR Parts 264, 265, and 266 and 40 CFR Part 122.

§ 262.42 Exception reporting.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(b) A generator must submit an Exception Report to the EPA Regional

Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(1) A legible copy of the manifest for which the generator does not have confirmation of delivery;

(2) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

§ 262.43 Additional reporting.

The Administrator, as he deems necessary under section 2002(a) and section 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.

Subpart E—Special Conditions

§ 262.50 International shipments.

(a) Any person who exports hazardous waste to a foreign country or imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and with the special requirements of this section.

(b) When shipping hazardous waste outside the United States, the generator must:

(1) Notify the Administrator in writing four weeks before the initial shipment of hazardous waste to each country in each calendar year;

(i) The waste must be identified by its EPA hazardous waste identification number and its DOT shipping description;

(ii) The name and address of the foreign consignee must be included in this notice;

(iii) These notices must be sent to: Hazardous Waste Export, Division for Oceans and Regulatory Affairs (A-107), United States Environmental Protection Agency, Washington, D.C. 20460.

Note.—This requirement to notify will not be delegated to States authorized under 40 CFR Part 123. Therefore, all generators must notify the Administrator as required above.

(2) Require that the foreign consignee confirm the delivery of the waste in the foreign country. A copy of the manifest signed by the foreign consignee may be used for this purpose;

(3) Meet the requirements under § 262.21 for the manifest, except that.

(i) In place of the name, address, and EPA identification number of the designated facility, the name and

address of the foreign consignee must be used;

(ii) The generator must identify the point of departure from the United States through which the waste must travel before entering a foreign country.

(c) A generator must file an Exception Report, if:

(1) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter; or

(2) Within 90 days from the date the waste was accepted by the initial transporter, the generator has not received written confirmation from the foreign consignee that the hazardous waste was received

(d) When importing hazardous waste, a person must meet all requirements of § 262.21 for the manifest except that:

(1) In place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used.

(2) In place of the generator's signature on the certification statement, the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter.

§ 262.51 Farmers.

A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this Part or other standards in 40 CFR Parts 122, 264 or 265 for those wastes provided he triple rinses each emptied pesticide container in accordance with § 261.33(c) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

Appendix—Form—Annual Report (EPA Form 8700-13)

BILLING CODE 6560-01-M

Please print or type with ELITE type (12 characters per inch).

GSA No 12345-XX
Form Approved OMB No 158-R00XX

EPA U.S. ENVIRONMENTAL PROTECTION AGENCY HAZARDOUS WASTE REPORT		I. TYPE OF HAZARDOUS WASTE REPORT	
PLEASE PLACE LABEL IN THIS SPACE		PART A: GENERATOR ANNUAL REPORT	
		THIS REPORT IS FOR THE YEAR ENDING DEC. 31, 1980	
		PART B: FACILITY ANNUAL REPORT	
		THIS REPORT FOR YEAR ENDING DEC. 31, 1980	
		PART C: UNMANIFESTED WASTE REPORT	
		THIS REPORT IS FOR A WASTE RECEIVED (day, mo., & yr.) 1980	
INSTRUCTIONS: You may have received a preprinted label attached to the front of this pamphlet; affix it in the designated space above-left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Sections II, III, and IV below blank. If you did not receive a preprinted label, complete all sections. "Installation" means a single site where hazardous waste is generated, treated, stored, or disposed of. Please refer to the specific instructions for generators or facilities before completing this form. The information requested herein is required by law (Section 3002/3004 of the Resource Conservation and Recovery Act).			
II. INSTALLATION'S EPA I.D. NUMBER			
F 1			
III. NAME OF INSTALLATION			
IV. INSTALLATION MAILING ADDRESS			
STREET OR P.O. BOX			
CITY OR TOWN ST. ZIP CODE			
V. LOCATION OF INSTALLATION			
STREET OR ROUTE NUMBER			
CITY OR TOWN ST. ZIP CODE			
VI. INSTALLATION CONTACT			
NAME (last and first) PHONE NO. (area code & no.)			
VII. TRANSPORTATION SERVICES USED (for Part A reports only)			
List the EPA Identification Numbers for those transporters whose services were used during the reporting year represented by this report.			
VIII. COST ESTIMATES FOR FACILITIES (for Part B reports only)			
A. COST ESTIMATE FOR FACILITY CLOSURE		B. COST ESTIMATE FOR POST CLOSURE MONITORING AND MAINTENANCE (disposal facilities only)	
G \$		\$	
IX. CERTIFICATION			
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.			
A. PRINT OR TYPE NAME		B. SIGNATURE	
C. DATE SIGNED			

EPA Form 8700-13 (5-80)

PA E 1 OF

CCR 000041098

Please print or type with ELITE type (12 characters/line).

GSA No. 12345 XX
Form Approved OMB No. 158-R00XX

EPA U.S. ENVIRONMENTAL PROTECTION AGENCY
GENERATOR ANNUAL REPORT - PART A
(Collected under the authority of Section 3002 of RCRA.)

FOR OFFICIAL USE ONLY (Items 1 and 2)

1. DATE RECEIVED: 1980-1-19

2. TYPE OF REPORT: G

X. GENERATOR'S EPA I.D. NO. 1

XI. FACILITY'S EPA I.D. NO. 1

XII. FACILITY NAME (specify):

XIII. FACILITY ADDRESS (street or P.O. box, city, state, & zip code):

XIV. WASTE IDENTIFICATION

LINE NUMBER	A. DESCRIPTION OF WASTE	B. DOT HAZARD CLASS	C. EPA HAZARDOUS WASTE NUMBER (see instructions)	D. AMOUNT OF WASTE	E. UNIT OF MEASURE (enter code)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					

XV. COMMENTS (enter information by line number - see instructions)

EPA Form 8700-13A (5-80)

BILLING CODE 6560-01-C

PAGE ____ OF ____

CCR 000041099

General Instructions, Hazardous Waste Report (EPA Form 8700-13)

Important: READ ALL INSTRUCTIONS BEFORE COMPLETING THIS FORM.

Section I. Type of Hazardous Waste Report

Part A: Generator Annual Report—For generators who ship their waste off-site to facilities which they do not own or operate, fill in the reporting year for this report (e.g., 1982).

Note.—Generators who ship hazardous waste off-site to a facility which they own or operate must complete the facility (Part B) report instead of the Part A report.

Part B: Facility Annual Report—For owners or operators of on-site or off-site facilities that treat, store, or dispose of hazardous waste, fill in the reporting year for this report (e.g., 1982).

Part C: Unmanifested Waste Report—For facility owners or operators who accept for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, fill in the date the waste was received at the facility (e.g., 04-12-1982).

Section II thru Section IV. Installation I.D. Number, Name of Installation, and Installation Mailing Address

If you received a preprinted label from EPA, attach it in the space provided and leave Sections II through IV blank. If there is an error or omission on the label, cross out the incorrect information and fill in the appropriate item(s). If you did not receive a preprinted label, complete Section II through Section IV.

Section V. Location of Installation

If your installation location address is different than the mailing address, enter the location address of your installation.

Section VI. Installation Contact

Enter the name (last and first) and telephone number of the person who may be contacted regarding information contained in this report.

Section VII. Transportation Services Used (For Part A Reports ONLY)

List the EPA Identification Number for each transporter whose services you used during the reporting year.

Section VIII. Cost Estimates for Facilities (For Part B Reports ONLY)

A. Enter the most recent cost estimate for facility closure in dollars. See Subpart H of 40 CFR Parts 264 or 265 for more detail.

B. For disposal facilities only, enter the most recent cost estimate for post closure monitoring and maintenance. See Subpart H of 40 CFR Parts 264 or 265 for more detail.

Section IX. Certification

The generator or his authorized representative (Part A reports) or the owner or operator of the facility or his authorized representative (Parts B and C reports) must sign and date the certification where indicated. The printed or typed name of the person signing the report must also be included where indicated.

Note.—Since more than one page is required for each report, enter the page number of each sheet in the lower right corner as well as the total number of pages.

Generator Annual Report, Part A Instructions (EPA Form 8700-13A)

Generator Annual Report for generators who ship their hazardous waste off-site to facilities which they do not own or operate.

Important: READ ALL INSTRUCTIONS BEFORE COMPLETING THIS REPORT.

Section X. Generator's Identification Number

Enter your EPA identification number.

Example:

X. GENERATOR'S EPA I.D. NO.											
G	N	J	D	7	8	4	6	2	1	3	8

Section XI. Facility's Identification Number

Enter the EPA identification number of the facility to which you sent the waste described below in Section XIV (a separate sheet must be used for each facility to which you sent hazardous waste.)

Section XII. Facility Name

Enter the name of the facility corresponding to the facility's EPA identification number in Section XI.

Section XIII. Facility Address

Enter the address of the facility corresponding to the facility's EPA identification number in Section XI.

Section XIV. Waste Identification

All information in this section must be entered by line number. Each line entry will describe the total annual amount of each waste shipped to the facility identified in Section XI, above.

Section XIV-A. Description of Waste

For hazardous wastes that are listed under 40 CFR Part 261, Subpart D, enter the EPA listed name, abbreviated if necessary. Where

mixtures of listed wastes were shipped, enter the description which you believe best describes the waste.

For unlisted hazardous waste identified under 40 CFR Part 261, Subpart C, enter the description which you believe best describes the waste. Include the specific manufacturing or other process generating the waste (e.g., green sludge from widget manufacturing) and, if known, the chemical or generic chemical name of the waste.

Section XIV-B. DOT Hazard Class

Enter the two digit code from Table 1 which corresponds to the DOT hazard class of the waste described. (If the waste described has been shipped under more than one DOT hazard class, use a separate line for each DOT hazard class.)

Table 1

DOT hazard class	Code
Combustible	01
Corrosive	02
Ecologic agent	03
Explosive A	04
Explosive B	05
Flammable gas	06
Flammable liquid	07
Flammable solid	08
Instabg agent	09
Nonflammable gas	10
Organic peroxide	11
ORM-E	12
Oxidizer	13
Poison A	14
Poison B	15
Radioactive	16

Section XIV-C. EPA Hazardous Waste Number

For listed wastes, enter the EPA Hazardous Waste Number from 40 CFR Part 261, Subpart D, which identifies the waste.

For a mixture of more than one listed waste, enter each of the applicable EPA Hazardous Waste Numbers. Four spaces are provided. If more space is needed, continue on the next line(s) and leave all other information on that line blank.

XIV WASTE IDENTIFICATION											
LINE NUMBER	A. DESCRIPTION OF WASTE	B. DOT HAZARD CLASS	C. EPA HAZARDOUS WASTE NUMBER (see instructions)	D. AMOUNT OF WASTE	E. UNIT OF MEASURE						
1	Steel finishing sludge	02	K 0 6 0 K 0 6 1	4 1 2 4 6	T						
2			K 0 6 2 K 0 6 3								
			K 0 6 4								

For unlisted hazardous wastes, enter the EPA Hazardous Waste Numbers from 40 CFR Part 261, Subparts C, applicable to the waste. If more than four spaces are required, follow the procedure described above.

Section XIV-D. Amount of Waste

Enter the amount of this waste you shipped to the facility identified in Section XI and include the weight of containers if left at the treatment, storage, or disposal facility.

Section XIV-E. Unit of Measure

Enter the unit of measure code for the quantity of waste described on this line. Units of measure which must be used in this report and the appropriate codes are:

Units of measure	Code
Pounds.....	P
Short tons (2,000 lbs).....	T
Kilograms.....	K
Tonnes (1,000 kg).....	M

Units of volume may not be used for reporting but must be converted into one of the above units of weight taking into account the appropriate density or specific gravity of the waste.

Section XV. Comments

This space may be used to explain or clarify any entry. If used, enter a cross reference to the appropriate Section number.

Note.—Since more than one page is required for each report, enter the page number of each sheet in the lower right corner as well as the total number of pages.

[FR Doc. 80-14865 Filed 5-16-80; 8:45 am]

BILLING CODE 6560-01-M

CCR 000041101