

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

2  
3  
4 **Solid and Hazardous Waste Commission/Hazardous Materials and**  
5 **Waste Management Division**  
6

7  
8 **6 CCR 1007-3**  
9

10  
11 **HAZARDOUS WASTE**  
12

13  
14 **Hazardous Waste Generator Improvements Rule.**  
15

16  
17 **1) Section 260.10 is amended by adding the following definitions in alphabetical order to**  
18 **read as follows:**  
19

20  
21 **§ 260.10 Definitions**  
22

23 \*\*\*\*\*

24  
25 **“Acute hazardous waste”** means hazardous wastes that meet the listing criteria in § 261.11(a)(2) and  
26 therefore are either listed in § 261.31 of these regulations with the assigned hazard code of (H) or are  
27 listed in § 261.33(e) of these regulations.  
28

29 \*\*\*\*\*

30  
31 **“Central accumulation area(s)”** means any on-site hazardous waste accumulation area(s) with  
32 hazardous waste accumulating in units subject to either § 262.16 (for small quantity generators) or §  
33 262.17 of these regulations (for large quantity generators).  
34

35 \*\*\*\*\*

36  
37 **“Non-acute hazardous waste”** means all hazardous wastes that are not acute hazardous waste, as  
38 defined in this section.  
39

40 \*\*\*\*\*

41  
42 **“Very Small Quantity Generator (VSQG)”** is a generator who generates less than or equal to the  
43 following amounts in a calendar month:

- 44 (1) 100 kilograms (220 lbs) of non-acute hazardous waste; and  
45 (2) 1 kilogram (2.2 lbs) of acute hazardous waste listed in § 261.31 or § 261.33(e) of these regulations;  
46 and  
47 (3) 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from  
48 the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in § 261.31 or  
49 § 261.33(e) of these regulations.

50 **2) Section 260.10 is amended by revising the following definitions to read as follows:**

51 \*\*\*\*\*

52  
53  
54 ~~"Large Quantity Generator (LQG)" means a generator who generates greater than 1,000 kg of~~  
55 ~~hazardous waste per calendar month, 1 kg of acutely hazardous waste per calendar month, or 100 kg of~~  
56 ~~any residue, contaminated soil, waste, or debris resulting from the clean-up of a spill, into or on any land~~  
57 ~~or water, of any acute hazardous waste per calendar month.~~

58 ~~is a generator who generates any of the following amounts in a calendar month:~~

- 59 ~~(1) Greater than or equal to 1,000 kilograms (2200 lbs) of non-acute hazardous waste; or~~  
60 ~~(2) Greater than 1 kilogram (2.2 lbs) of acute hazardous waste listed in § 261.31 or § 261.33(e) of~~  
61 ~~these regulations; or~~  
62 ~~(3) Greater than 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris~~  
63 ~~resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed~~  
64 ~~in § 261.31 or § 261.33(e) of these regulations.~~

65 \*\*\*\*\*

66  
67  
68 ~~"Small Quantity Generator (SQG)" means a generator who generates between 100kg and 1,000 kg of~~  
69 ~~hazardous waste per calendar month and accumulates no more than 6,000 kg of hazardous waste at any~~  
70 ~~time. is a generator who generates the following amounts in a calendar month:~~

- 71 ~~(1) Greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2200 lbs) of non-acute~~  
72 ~~hazardous waste; and~~  
73 ~~(2) Less than or equal to 1 kilogram (2.2 lbs) of acute hazardous waste listed in § 261.31 or §~~  
74 ~~261.33(e) of these regulations; and~~  
75 ~~(3) Less than or equal to 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other~~  
76 ~~debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste~~  
77 ~~listed in § 261.31 or § 261.33(e) of these regulations.~~

78  
79  
80 **3) Section 260.10 is amended by deleting the definition of Conditionally Exempt Small**  
81 **Quantity Generator (CESQG) as follows:**

82 \*\*\*\*\*

83  
84 ~~"Conditionally Exempt Small Quantity Generator (CESQG)" means a generator who meets the~~  
85 ~~conditions specified in § 261.5 of these regulations.~~

86 \*\*\*\*\*

87  
88  
89  
90 **4) Section 260.11 is amended by revising the section heading and paragraph (d)(1) to**  
91 **read as follows:**

92  
93 **§ 260.11 Incorporation by Rferences.**

94 \*\*\*\*\*

95  
96  
97 (d) The following materials are available for purchase from the National Fire Protection Association, 1  
98 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

- 99  
100 (1) "Flammable and Combustible Liquids Code" (NFPA 30, 1977 or 1981), IBR approved for §§  
101 262.16(b), 264.198(b), and 265.198(b).

102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153

(2) [Reserved]

\*\*\*\*\*

**5) Section 260.42 is amended by revising paragraphs (a), (a)(9) and (b) to read as follows:**

**§ 260.42 Notification requirement for hazardous secondary materials.**

(a) Facilities managing hazardous secondary materials under § 260.30 must send a notification prior to operating under the regulatory provision and by March 1 of each even-numbered year thereafter to the Department using ~~the Colorado Hazardous Waste Notification Form~~ EPA Form 8700-12 that includes the following information:

\*\*\*\*\*

(9) The certification (included in the ~~Colorado Hazardous Waste Notification Form~~ EPA Form 8700-12) signed and dated by an authorized representative of the facility.

(b) If a facility managing hazardous secondary materials has submitted a notification, but then subsequently stops managing hazardous secondary materials in accordance with the regulation(s) listed above, the facility must notify the Department within thirty (30) days using ~~the Colorado Hazardous Waste Notification Form~~ EPA Form 8700-12. For purposes of this section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages and/or reclaims hazardous secondary materials under the regulation(s) above and does not expect to manage any amount of hazardous secondary materials for at least 1 year.

**6) Section 260.43 is amended by revising paragraph (a)(4)(iii) to read as follows:**

**§ 260.43 Legitimate recycling of hazardous secondary materials.**

(a) Recycling of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations must be legitimate. Hazardous secondary material that is not legitimately recycled is discarded material and is a solid waste. In determining if their recycling is legitimate, persons must address all the requirements of this paragraph.

\*\*\*\*\*

(4) The product of the recycling process must be comparable to a legitimate product or intermediate:

\*\*\*\*\*

(iii) If the product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate per paragraph (a)(4)(i) or (ii) of this section, the recycling still may be shown to be legitimate, if it meets the following specified requirements. The person performing the recycling must conduct the necessary assessment and prepare documentation showing why the recycling is, in fact, still legitimate. The recycling can be shown to be legitimate based on lack of exposure from toxics in the product, lack of the bioavailability of the toxics in the product, or other relevant considerations which show that the recycled product does not contain levels of hazardous constituents that pose a significant human health or environmental risk. The documentation must include a certification statement that the recycling is legitimate and must be maintained on-site for three years after the recycling

154 operation has ceased. The person performing the recycling must notify the Department of this  
155 activity using ~~the Colorado Hazardous Waste Notification Form~~ [EPA Form 8700-12](#).

156 \*\*\*\*\*

157  
158  
159  
160 **7) The Table of Contents for Part 261 is amended by revising the listing for section 261.5**  
161 **to read as follows:**

162  
163 **PART 261 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

164  
165  
166 **Subpart A General**

167 **Sec.**

168 **261.1 Purpose and scope.**

169 **261.2 Definition of solid waste.**

170 **261.3 Definition of hazardous waste.**

171 **261.4 Exclusions.**

172 **261.5** ~~Reserved~~ ~~Special requirements for hazardous waste generated by conditionally~~  
173 ~~exempt small quantity generators.~~

174 **261.6 Requirements for recyclable materials.**

175 **261.7 Residues of hazardous waste in empty containers.**

176 **261.8 PCB wastes regulated under Toxic Substance Control Act.**

177 **261.9 Requirements for Universal Waste.**

178  
179 \*\*\*\*\*

180  
181  
182 **8) Section 261.1 is amended by revising paragraph (a)(1) to read as follows:**

183  
184 **§ 261.1 Purpose and scope.**

185  
186 (a) This part identifies those solid wastes which are subject to regulation as hazardous wastes under  
187 Parts 262 through 268 and Part 100 and which are subject to the notification requirements of Part 99. In  
188 this part:

189  
190 (1) Subpart A defines the terms "solid waste" and "hazardous waste," identifies those wastes which  
191 are excluded from regulation under Parts 262 through 268, 99 and Part 100 of these regulations and  
192 establishes special management requirements for hazardous waste produced by ~~conditionally exempt~~  
193 very small quantity generators and hazardous waste which is recycled.

194  
195 \*\*\*\*\*

196 \*\*\*\*\*

197  
198  
199 **9) Section 261.4 is amended by revising paragraphs (a)(9) and (e)(1) to read as follows:**

200  
201 **§ 261.4 Exclusions.**

203 (a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of  
204 this Part:

205 \*\*\*\*\*  
206

207  
208 (9) Spent sulfuric acid used to produce virgin sulfuric acid, unless provided it is not accumulated  
209 speculatively as defined in § 261.1(c) of these regulations.

210 \*\*\*\*\*  
211

212  
213 **(e) Treatability Study Samples.**

214  
215 (1) Except as provided in paragraph (e)(2) of this section, persons who generate or collect samples for  
216 the purpose of conducting treatability studies as defined in § 260.10, are not subject to any  
217 requirement of Parts 261 through 263 of these regulations or to the notification requirements of  
218 Section 99 of the Colorado Hazardous Waste Regulations, nor are such samples included in the  
219 quantity determinations of ~~§ 261.5~~262.13 and ~~§ 262.34(d)~~ when:

220 \*\*\*\*\*  
221

222  
223  
224 **10) Section 261.5 is removed and reserved to read as follows:**

225  
226 **§ 261.5 Reserved Special requirements for hazardous waste generated by conditionally exempt**  
227 **small quantity generators.**

228  
229 ~~(a) A generator is a conditionally exempt small quantity generator in a calendar month if he/she generates~~  
230 ~~less than 100 kilograms of hazardous waste in that month. (100 kilograms is approximately 220 pounds).~~

231  
232 ~~(b)(1) Except as provided in paragraph (b)(2), (b)(4), and (b)(5) of this section, a conditionally exempt~~  
233 ~~small quantity generator's hazardous wastes are not subject to regulation under Part 262 and Parts~~  
234 ~~264 through 268 and Part 100, and the notification requirements of Part 99 of these regulations,~~  
235 ~~provided the generator complies with the requirements of paragraphs (e), (f), (g), and (j) of this~~  
236 ~~section. Transfer facilities handling CESQG waste are subject to the requirements of Subparts A, C,~~  
237 ~~D & E of Part 263 of these Regulations.~~

238  
239 ~~(2) A conditionally exempt small quantity generator of 3 gallons or more in a calendar year of~~  
240 ~~hazardous waste codes F001, F002, F004, and/or F005 is subject to the notification requirements of~~  
241 ~~Part 99 and the annual fee requirements of section 262.13.~~

242  
243 ~~(3) Hazardous waste that is subject to the special requirements of § 261.6(b) is included in the~~  
244 ~~quantity determinations of this section and is subject to the requirements of this section.~~

245  
246 ~~(4) Conditionally exempt small quantity generators shall comply with § 262.43(b) relating to the self-~~  
247 ~~certification checklist.~~

248  
249 ~~(5) Conditionally exempt small quantity generators shall comply with § 265.31(a) relating to~~  
250 ~~maintaining and operating their facility to minimize the possibility of a fire, explosion, or any unplanned~~  
251 ~~sudden or non-sudden release of hazardous waste or hazardous waste constituents.~~

252  
253 ~~(c) When making the quantity determinations of this part and Part 262, the generator must include all~~  
254 ~~hazardous waste that it generates, except hazardous waste that:~~

- 256 (1) ~~Is exempt from regulation under § 261.4(c) through (f), § 261.6(a)(3), § 261.7(a)(1), or § 261.8; or~~  
257  
258 (2) ~~Is managed immediately upon generation only in on-site elementary neutralization units,~~  
259 ~~wastewater treatment units, or totally enclosed treatment facilities as defined in § 260.10; or~~  
260  
261 (3) ~~Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation~~  
262 ~~under § 261.6(c)(2); or~~  
263  
264 (4) ~~Is used oil managed under the requirements of § 261.6(a)(4) and Part 279; or~~  
265  
266 (5) ~~Is spent lead-acid batteries managed under the requirements of Part 267, Subpart G; or~~  
267  
268 (6) ~~Is universal waste managed under § 261.9 and Part 273.~~

269  
270 (d) ~~In determining the quantity of hazardous waste he/she generates, a generator need not include:~~

- 271  
272 (1) ~~Hazardous waste when it is removed from on site storage; or~~  
273  
274 (2) ~~Hazardous waste produced by on-site treatment (including reclamation) of his/her hazardous~~  
275 ~~waste, so long as the hazardous waste that is treated was counted once; or~~  
276  
277 (3) ~~Spent materials that are generated, reclaimed, and subsequently reused on site, so long as such~~  
278 ~~spent materials have been counted once.~~

279  
280 (e) ~~If a generator generates acutely hazardous waste in a calendar month in quantities greater than set~~  
281 ~~forth below, all quantities of that acutely hazardous waste are subject to full regulation under Parts 262~~  
282 ~~through 268 and Part 100, and the notification requirements of Part 99 of these regulations:~~

- 283  
284 (1) ~~A total of one kilogram of acute hazardous wastes listed in §§ 261.31, 261.32, or 261.33(e).~~  
285  
286 (2) ~~A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from~~  
287 ~~the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in §§ 261.31,~~  
288 ~~261.32 or 261.33(e).~~

289  
290 [Comment: "Full regulation" means those regulations applicable to generators of greater than  
291 1,000 kg of non acutely hazardous waste in a calendar month.]

292  
293 (f) ~~In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities~~  
294 ~~equal to or less than those set forth in paragraph (e)(1) or (e)(2) of this section to be excluded from full~~  
295 ~~regulation under this section, the generator must comply with the following requirements:~~

- 296  
297 (1) ~~Section 262.11 of these regulations;~~  
298  
299 (2) ~~The generator may accumulate acute hazardous waste on site. If the generator accumulates at~~  
300 ~~any time acute hazardous wastes in quantities greater than those set forth in paragraph (e)(1) or~~  
301 ~~(e)(2) of this section, all of those accumulated wastes are subject to regulation under Parts 262 to~~  
302 ~~268, 99 and 100. The time period of § 262.34(a) for accumulation of wastes on site begins when the~~  
303 ~~accumulated wastes exceed the applicable exclusion limit;~~  
304  
305 (3) ~~A conditionally exempt small quantity generator may either treat his/her acute hazardous waste in~~  
306 ~~an on-site facility or ensure delivery to an off-site treatment, storage or disposal facility, either of which,~~  
307 ~~if located in the U.S., is:~~  
308

309 ~~(i) Permitted under Parts 100 and 264 of these regulations;~~

310 ~~(ii) In interim status under Parts 100 and 265 of these regulations;~~

311 ~~(iii) Authorized to manage hazardous waste by EPA or a State with a hazardous waste~~  
312 ~~management program approved under 40 CFR Part 271;~~

313 ~~(iv) A solid waste landfill specifically authorized by the Department and county pursuant to~~  
314 ~~Section 30-20-101 et seq., C.R.S. to accept acute hazardous waste from a conditionally exempt~~  
315 ~~small quantity generator (\*\* Before disposing of acute hazardous waste in such a manner, check~~  
316 ~~with the Department to see if there are any solid waste landfills specifically authorized to accept~~  
317 ~~the waste.);~~

318 ~~(v) A facility which:~~

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

320 ~~(B) Treats its wastes prior to beneficial use or reuse, or legitimate recycling or reclamation;~~  
321 ~~or~~

322 ~~(vi) For universal waste managed under Part 273 of these regulations, a universal waste handler~~  
323 ~~or destination facility subject to the requirements of Part 273 of these regulations.~~

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

327 ~~(1) Comply with § 262.11 of these regulations;~~

328 ~~(2) The conditionally exempt small quantity generator may accumulate hazardous waste on site. If the~~  
329 ~~generator accumulates at any time more than a total of 1000 kilograms of his/her hazardous wastes,~~  
330 ~~all of those accumulated wastes are subject to regulation under the special provisions of Part 262~~  
331 ~~applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as~~  
332 ~~well as the requirements of Parts 263 through 268, 99 and 100 of these regulations. The time period~~  
333 ~~of § 262.34(d) for accumulation of wastes on site begins for a conditionally exempt small quantity~~  
334 ~~generator when the accumulated wastes exceed 1000 kilograms.~~

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

338 ~~(i) Permitted under Parts 100 and 264 of these regulations;~~

339 ~~(ii) In interim status under Parts 100 and 265 of these regulations;~~

340 ~~(iii) Authorized to manage hazardous waste by EPA or a State with a hazardous waste~~  
341 ~~management program approved under 40 CFR Part 271;~~

342 ~~(iv) A solid waste landfill specifically authorized by the Department and the county pursuant to~~  
343 ~~Section 30-20-101 et seq., C.R.S. to accept hazardous waste from a conditionally exempt small~~  
344 ~~quantity generator (\*\* Before disposing of hazardous waste in such a manner, check with the~~  
345 ~~Department to see if there are any solid waste landfills specifically authorized to accept the~~  
346 ~~waste.);~~

362  
363 ~~(v) A facility which:~~

364 ~~(A) Beneficially uses or re-uses, or legitimately recycles or reclaims its waste; or~~

365  
366 ~~(B) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation; or~~

367  
368  
369 ~~(vi) For universal waste managed under Part 273 of these regulations, a universal waste handler~~  
370 ~~or destination facility subject to the requirements of Part 273 of these regulations.~~

371  
372 ~~(h) Hazardous waste subject to the reduced requirements of this section may be mixed with non~~  
373 ~~hazardous waste and remain subject to these reduced requirements even though the resultant mixture~~  
374 ~~exceeds the quantity limitations identified in this section, unless the mixture meets any of the~~  
375 ~~characteristics of hazardous wastes identified in Subpart C.~~

376  
377 ~~(i) If a small quantity generator or any person mixes a solid waste with a hazardous waste that exceeds a~~  
378 ~~quantity exclusion level of this section, the mixture is subject to full regulation.~~

379  
380 ~~(j) If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is~~  
381 ~~subject to Part 279 of these regulations if it is destined to be burned for energy recovery. Any material~~  
382 ~~produced from such a mixture by processing, blending, or other treatment is also so regulated if it is~~  
383 ~~destined to be burned for energy recovery.~~

384  
385  
386 **11) Section 261.6 is amended by adding paragraph (c)(2)(iv) to read as follows:**

387  
388 **§ 261.6 Requirements for recyclable materials.**

389 \*\*\*\*\*

390  
391  
392 (c)(1) Owners or operators of facilities that store recyclable materials before they are recycled are  
393 regulated under all applicable provisions of Subparts A through L, AA, BB, and CC of Parts 264 and 265,  
394 Parts 266 through 268 and Part 100 of these regulations and the notification requirements of Part 99 of  
395 these regulations, except as provided in paragraph (a) of this section. (The recycling process itself is  
396 exempt from regulation except as provided in § 261.6(d).)

397  
398 (2) Owners or operators of facilities that recycle recyclable materials without storing them before they  
399 are recycled are subject to the following requirements, except as provided in paragraph (a) of this  
400 section:

401  
402 (i) Notification requirements of Part 99 of these regulations;

403  
404 (ii) Sections 265.71 and 265.72 (dealing with the use of the manifest and manifest discrepancies)  
405 of these regulations.

406  
407 (iii) Section 261.6(d) of these regulations.

408  
409 (iv) Section 265.75 of these regulations (biennial reporting requirements).

410 **12) Section 261.11 is amended by revising paragraph (c) to read as follows:**

411  
412  
413  
414  
415  
416  
417  
418  
419  
420

**§ 261.11 Criteria for listing hazardous waste.**

\*\*\*\*\*

(c) The Department will use the criteria for listing specified in this section to establish the exclusion limits referred to in § ~~261.5(e)~~262.13.

421 **13) Section 261.30 is amended by revising paragraph (d) to read as follows:**

422  
423  
424

**§ 261.30 General.**

\*\*\*\*\*

(d) The following hazardous wastes listed in § 261.31 or § 261.32 are subject to the exclusion limits for acutely hazardous wastes established in § ~~261.5~~262.13: EPA Hazardous Wastes Nos. F020, F021, F022, F023, F026, F027.

430  
431  
432 **14) Section 261.33 is amended by revising paragraphs (e) introductory text and (f) introductory text to read as follows:**

433  
434  
435  
436

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

\*\*\*\*\*

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

444  
445

\*\*\*\*\*

(f) 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, ~~and are subject to the small quantity generator exclusion defined in § 261.5(a) and (g).~~

449  
450  
451

\*\*\*\*\*

452  
453  
454  
455 **15) The Table of Contents for Part 262 is amended by revising Subparts A through D; adding and reserving Subparts I through K; and adding Subparts L and M to read as follows:**

**PART 262 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE**

461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513

**Subpart A General**

**Sec.**

- 262.1 Terms used in this part.
- 262.9 Generator Annual Fees
- 262.10 Purpose, scope, and applicability.
- 262.11 Hazardous waste determination.
- ~~262.12 EPA identification numbers. Reserved.~~
- ~~262.13 Generator Annual Fees. Generator category determination.~~
- 262.14 Conditions for exemption for a very small quantity generator.
- 262.15 Satellite accumulation area regulations for small and large quantity generators.
- 262.16 Conditions for exemptions for a small quantity generator that accumulates hazardous waste.
- 262.17 Conditions for exemptions for a large quantity generator that accumulates hazardous waste.
- 262.18 EPA identification numbers and re-notification for very small quantity generators, small quantity generators, and large quantity generators.

**Subpart B The Manifest Requirements Applicable to Small and Large Quantity Generators**

- 262.20 General requirements.
- 262.21 Manifest tracking numbers, manifest printing, and obtaining manifests.
- 262.22 Number of copies.
- 262.23 Use of the manifest.
- 262.24-262.26 Reserved.
- 262.27 Waste minimization certification.

**Subpart C Pre-Transport Requirements Applicable to Small and Large Quantity Generators**

- 262.30 Packaging.
- 262.31 Labeling.
- 262.32 Marking.
- 262.33 Placarding.
- ~~262.34 Accumulation time. Reserved.~~
- 262.35 Liquids in Landfills prohibition.

**Subpart D Recordkeeping and Reporting Applicable to Small and Large Quantity Generators**

- 262.40 Recordkeeping.
- 262.41 Biennial reporting for large quantity generators.
- 262.42 Exception reporting.
- 262.43 Additional reporting.
- ~~262.44 Special requirements for generators of between 100 and 1000 kg/mo. Recordkeeping for small quantity generators.~~

\*\*\*\*\*

**Subparts I – K [Reserved]**

**Subpart L – Episodic Generation**

- 262.230 Applicability.

**Subpart M – Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators**

514  
515 262.250 Applicability.  
516 262.251 Maintenance and operation of facility.  
517 262.252 Required equipment.  
518 262.253 Testing and maintenance of equipment.  
519 262.254 Access to communications or alarm system.  
520 262.255 Required aisle space.  
521 262.256 Arrangements with local authorities.  
522 262.257-262.259 Reserved.  
523 262.260 Purpose and implementation of contingency plan.  
524 262.261 Content of contingency plan.  
525 262.262 Copies of contingency plan.  
526 262.263 Amendment of contingency plan.  
527 262.264 Emergency coordinator.  
528 262.265 Emergency procedures.

529  
530 \*\*\*\*\*

531  
532  
533 **16) Subpart A of Part 262 is amended by adding Section 262.1 to read as follows:**

534  
535 **§ 262.1 Terms used in this part.**

536  
537 As used in this part:

538  
539 “**Condition for exemption**” means any requirement in §§ 262.14, 262.15, 262.16, 262.17, 262.70, or  
540 subpart L of this part that states an event, action, or standard that must occur or be met in order to obtain  
541 an exemption from any applicable requirement in parts 264 through 268, and 100 of these regulations, ~~or~~  
542 ~~from any requirement for notification under section 3010 of RCRA or part 99 of these regulations.~~

543  
544 “**Independent requirement**” means a requirement of ~~Part 262, 268, or 99~~ that states an event, action,  
545 or standard that must occur or be met; and that applies without relation to, or irrespective of, the purpose  
546 of obtaining a conditional exemption from storage facility permit, interim status, and operating  
547 requirements under §§ 262.14, 262.15, 262.16, 262.17, or subpart L of this part.

548  
549  
550 **17) Section 262.10 is amended by: revising paragraphs (a) and (b); removing and**  
551 **reserving paragraph (c); and revising paragraphs (d), (g) and (i) to read as follows:**

552  
553 **§ 262.10 Purpose, scope, and applicability.**

554  
555 (a) ~~These~~ regulations in this part establish standards for generators of hazardous waste as defined in §  
556 260.10 of these regulations.

557  
558 (1) A person who generates a hazardous waste as defined in § 260.10 of these regulations must  
559 comply with all the applicable independent requirements in the subparts and sections listed below:

- 560  
561 (i) **Independent requirements of a very small quantity generator.**  
562 (A) Section 262.9 Generator Annual Fees.  
563 (B) Section 262.11(a) through (d) Hazardous waste determination and recordkeeping; and  
564 (C) Section 262.13 Generator category determination.

565 (D) Section 262.18 EPA Identification numbers and re-notification for very small quantity  
566 generators, small quantity generators, and large quantity generators;

567 (DE) Section 262.43 Additional reporting.

568 (EF) Part 99 notification requirements for VSQGs that generate 3 gallons or more in a  
569 calendar year of hazardous waste codes F001, F002, F004 and/or F005.

570  
571 **(ii) Independent requirements of a small quantity generator.**

572 (A) Section 262.9 Generator Annual Fees.

573 (B) Section 262.11 Hazardous waste determination and recordkeeping;

574 (C) Section 262.13 Generator category determination;

575 (D) Section 262.18 EPA Identification numbers and re-notification for very small quantity  
576 generators, small quantity generators, and large quantity generators;

577 (E) Part 262 subpart B – Manifest requirements applicable to small and large quantity  
578 generators;

579 (F) Part 262 subpart C – Pre-transport requirements applicable to small and large quantity  
580 generators;

581 (G) Section 262.40 Recordkeeping;

582 (H) Section 262.43 Additional Reporting.

583 (I) Section 262.44 Recordkeeping for small quantity generators; and

584 (J) Part 262 subpart H – Transboundary movements of hazardous waste for recovery or  
585 disposal.

586 (K) Part 268 Land Disposal Restrictions.

587 (L) Part 99 Notification Requirements.

588  
589 **(iii) Independent requirements of a large quantity generator.**

590 (A) Section 262.9 Generator Annual Fees.

591 (B) Section 262.11 Hazardous waste determination and recordkeeping;

592 (C) Section 262.13 Generator category determination;

593 (D) Section 262.18 EPA Identification numbers and re-notification for very small quantity  
594 generators, small quantity generators, and large quantity generators;

595 (E) Part 262 subpart B – Manifest requirements applicable to small and large quantity  
596 generators;

597 (F) Part 262 subpart C – Pre-transport requirements applicable to small and large quantity  
598 generators;

599 (G) Part 262 subpart D – Recordkeeping and reporting applicable to small and large quantity  
600 generators, except § 262.44; and

601 (H) Section 262.43 Additional Reporting.

602 (I) Part 262 subpart H – Transboundary movements of hazardous waste for recovery or  
603 disposal.

604 (J) Part 268 Land Disposal Restrictions.

605 (K) Part 99 Notification Requirements.

606  
607 (2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste;  
608 such generator is subject to the applicable requirements of parts 264 through 267, 99 and 100 of  
609 these regulations, unless it is one of the following:

610  
611 (i) A very small quantity generator that meets the conditions for exemption in § 262.14;

612  
613 (ii) A small quantity generator that meets the conditions for exemption in § 262.15 and § 262.16;

614 or

615  
616 (iii) A large quantity generator that meets the conditions for exemption in § 262.15 and § 262.17;

617 or

618  
619 (3) A generator shall not transport, offer its hazardous waste for transport; or otherwise cause its  
620 hazardous waste to be sent to a facility that is not a designated facility, as defined in § 260.10 of these  
621 regulations, or not otherwise authorized to receive the generator's hazardous waste.  
622

623 (b) **Determining generator category.** A generator must use § 262.13 to determine which provisions of  
624 this part are applicable to the generator based on the quantity of hazardous waste generated per  
625 calendar month. Sections 261.5(c) and (d) must be used to determine the applicability of provisions of  
626 this part that are dependent on calculations of the quantity of hazardous waste generated per month.  
627

628 (c) **Reserved.** A generator who treats, stores, or disposes of hazardous waste on site must only comply  
629 with the following sections of this Part with respect to that waste: § 262.11 for determining whether or not  
630 he/she has a hazardous waste, § 262.12 for obtaining an EPA identification number, § 262.34 for  
631 accumulation of hazardous waste, § 262.40(c) and (d) for Recordkeeping, § 262.43 for additional  
632 reporting and if applicable, § 262.70 for Farmers.  
633

634 (d) Any person who exports or imports wastes that are considered hazardous under U.S. national  
635 procedures to or from the countries listed in § 262.58(a)(1) for recovery must comply with § 262.18 and  
636 Subpart H of this part. A waste is considered hazardous under U.S. national procedures if the waste  
637 meets the Federal definition of hazardous waste in 40 CFR § 261.3 and is subject to either the Federal  
638 RCRA manifesting requirements at 40 CFR Part 262, Subpart B, the universal waste management  
639 standards of 40 CFR Part 273, the universal waste management standards of Part 273 of these  
640 regulations, the export requirements in the spent lead-acid battery management standards of 40 CFR  
641 Part 266, Subpart G, or the export requirements in the spent lead-acid battery management standards of  
642 Part 267, Subpart G of these regulations.  
643

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

646  
647 (f) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the  
648 requirements of § 262.70 is not required to comply with other standards in this Part or Parts 99, 100, 264,  
649 265, or 266, or 268 with respect to such pesticides.

650  
651 (g)(1) A generator's violation of an independent requirement is subject to penalty and injunctive relief  
652 under section 3008 of RCRA and sections 25-15-308, C.R.S. through 25-15-310, C.R.S. A person who  
653 generates a hazardous waste as defined by Part 261 is subject to the compliance requirements and  
654 penalties prescribed in CRS 1973, 25-15-308, 309, 310 if he/she does not comply with the requirements  
655 of this Part.  
656

657 (2) A generator's noncompliance with a condition for exemption in this part is not subject to penalty or  
658 injunctive relief under section 3008 of RCRA and sections 25-15-308, C.R.S. through 25-15-310,  
659 C.R.S. as a violation of a Part 262 condition for exemption. Noncompliance by any generator with an  
660 applicable condition for exemption from storage permit and operations requirements means that the  
661 facility is a storage facility operating without an exemption from the permit, interim status, and  
662 operations requirements in Parts 264 through 267, and 100 of these regulations. Without an  
663 exemption, any violations of such storage requirements are subject to penalty and injunctive relief  
664 under section 3008 of RCRA and sections 25-15-308, C.R.S. through 25-15-310, C.R.S. .  
665

666 (h) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or  
667 disposal facility must comply with the generator standards established in this Part.  
668

669 (i) An attached statement of basis and purpose for these regulations has been adopted by the Board of  
670 Health, and is hereby incorporated by reference in these regulations pursuant to C.R.S. 1973, 24-4-103.

671  
672 NOTE 1: ~~The provisions of § 262.34 are applicable to the on-site accumulation of hazardous waste by~~  
673 ~~generators. Therefore, the provisions of § 262.34 only apply to owners or operators who are shipping~~  
674 ~~hazardous waste which they generated at that facility.~~

675  
676 NOTE 2: ~~A generator who treats, stores, or disposes of hazardous waste on site must comply with the~~  
677 ~~applicable standards and permit requirements set forth in Parts 264, 265, 266 and Part 100 of these~~  
678 ~~regulations.~~

679  
680  
681 **18) Section 262.11 is amended to read as follows:**

682  
683 **§ 262.11 Hazardous waste determination and recordkeeping.**

684  
685 A person who generates a solid waste, as defined in § 261.2, ~~must determine if that waste is a hazardous~~  
686 ~~waste using the following method: must make an accurate determination as to whether that waste is a~~  
687 ~~hazardous waste in order to ensure wastes are properly managed according to applicable hazardous~~  
688 ~~waste regulations. A hazardous waste determination is made using the following steps:~~

689  
690 (a) ~~A generator should first determine if the waste is excluded from regulation under § 261.4. The~~  
691 ~~hazardous waste determination for each solid waste must be made at the point of waste generation,~~  
692 ~~before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its~~  
693 ~~management that it has, or may have, changed its properties as a result of exposure to the environment~~  
694 ~~or other factors that may change the properties of the waste such that the hazardous waste classification~~  
695 ~~of the waste may change.~~

696  
697 (b) ~~A generator must then determine if the waste is listed as a hazardous waste in Subpart D of Part 261.~~  
698 ~~Under § 260.22, the generator has an opportunity to demonstrate to the Department that the listed waste~~  
699 ~~from his/her particular facility or operation is not a hazardous waste. A person must determine whether the~~  
700 ~~solid waste is excluded from regulation under § 261.4 of these regulations.~~

701  
702 (c) ~~If the waste is not excluded under § 261.4 of these regulations, the person must then use knowledge~~  
703 ~~of the waste to determine whether the waste meets any of the listing descriptions under subpart D of Part~~  
704 ~~261 of these regulations. Acceptable knowledge that may be used in making an accurate determination~~  
705 ~~as to whether the waste is listed may include waste origin, composition, the process producing the waste,~~  
706 ~~feedstock, and other reliable and relevant information. If the waste is listed, the person may file a delisting~~  
707 ~~petition under § 260.20 and § 260.22 to demonstrate to the Department that the waste from this particular~~  
708 ~~site or operation is not a hazardous waste. For purposes of compliance with Part 268, or if the waste is not~~  
709 ~~listed in Subpart D of Part 261, the generator must then determine whether the waste is identified in~~  
710 ~~Subpart C of Part 261 by either:~~

711  
712 (1) ~~Testing the waste according to the methods set forth in Subpart C of Part 261, or according to an~~  
713 ~~equivalent method approved by the Department under § 260.21; or~~

714  
715 (2) ~~Applying knowledge of the hazard characteristic of the waste in light of the materials or the~~  
716 ~~processes used.~~

717  
718 (d) ~~If the waste is determined to be hazardous, the generator must refer to Parts 261, 264, 265, 267, 268,~~  
719 ~~and 273 of these regulations for possible exclusions or restrictions pertaining to management of the~~  
720 ~~specific waste. The person then must also determine whether the waste exhibits one or more hazardous~~  
721 ~~characteristics as identified in Subpart C of Part 261 by following the procedures in paragraph (d)(1) or (2)~~  
722 ~~of this section, or a combination of both.~~

724 (1) The person must apply knowledge of the hazard characteristic of the waste in light of the materials  
725 or the processes used to generate the waste. Acceptable knowledge may include process knowledge  
726 (e.g., information about chemical feedstocks and other inputs to the production process); knowledge  
727 of products, by-products, and intermediates produced by the manufacturing process; chemical or  
728 physical characterization of wastes; information on the chemical and physical properties of the  
729 chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates  
730 the properties of the waste; or other reliable and relevant information about the properties of the waste  
731 or its constituents. A test other than a test method set forth in Subpart C of Part 261 of these  
732 regulations, or an equivalent test method approved by the Department under § 260.21 of these  
733 regulations, may be used as part of a person's knowledge to determine whether a solid waste exhibits  
734 a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive  
735 results. Persons testing their waste must obtain a representative sample of the waste for the testing,  
736 as defined at § 260.10 of these regulations.

737  
738 (2) When available knowledge is inadequate to make an accurate determination, the person must test  
739 the waste according to the applicable methods set forth in subpart C of Part 261 of these regulations or  
740 according to an equivalent method approved by the Department under § 260.21 of these regulations  
741 and in accordance with the following:

742  
743 (i) Persons testing their waste must obtain a representative sample of the waste for the testing, as  
744 defined at § 260.10 of these regulations.

745  
746 (ii) Where a test method is specified in Subpart C of Part 261 of these regulations, the results of  
747 the regulatory test, when properly performed, are definitive for determining the regulatory status  
748 of the waste.

749  
750 (e) If the waste is determined to be hazardous, the generator must refer to Parts 261, 264, 265, 267, 268,  
751 and 273 of these regulations for other possible exclusions or restrictions pertaining to management of the  
752 specific waste.

753  
754 (f) **Recordkeeping for small and large quantity generators.** A small or large quantity generator must  
755 maintain records supporting its hazardous waste determinations, including records that identify whether a  
756 solid waste is a hazardous waste, as defined by § 261.3 of these regulations. Records must be  
757 maintained for at least three years from the date that the waste was last sent to on-site or off-site  
758 treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste  
759 and support the generator's determination, as described at paragraphs (c) and (d) of this section. The  
760 records must include, but are not limited to, the following types of information: The results of any tests,  
761 sampling, waste analyses, or other determinations made in accordance with this section; records  
762 documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance  
763 of such tests; records consulted in order to determine the process by which the waste was generated, the  
764 composition of the waste, and the properties of the waste; and records which explain the knowledge basis  
765 for the generator's determination, as described at paragraph (d)(1) of this section. The periods of record  
766 retention referred to in this section are extended automatically during the course of any unresolved  
767 enforcement action regarding the regulated activity or as requested by the Department.

768  
769 (g) **Identifying hazardous waste numbers for small and large quantity generators.** If the waste is  
770 determined to be hazardous, small quantity generators and large quantity generators must identify all  
771 applicable EPA hazardous waste numbers (EPA hazardous waste codes) in Subparts C and D of Part  
772 261 of these regulations. Prior to shipping the waste off site, the generator also must mark its containers  
773 with all applicable EPA hazardous waste numbers (EPA hazardous waste codes) according to § 262.32 of  
774 these regulations.

777 **19) Section 262.12 is removed and reserved to read as follows:**

778

779 **§ 262.12 ~~Reserved.~~ EPA identification numbers.**

780

781 ~~(a) A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste~~  
782 ~~without having received an EPA identification number.~~

783

784 ~~(b) A generator who has not received an EPA identification number may obtain one by applying to the~~  
785 ~~Department using the Colorado Hazardous Waste Notification Form. Upon receiving the request the~~  
786 ~~Department will forward an EPA assigned EPA identification number to the generator.~~

787

788 ~~(c) A generator must not offer his/her hazardous waste to transporters or to treatment, storage, or~~  
789 ~~disposal facilities that have not received an EPA identification number.~~

790

791

792 **20) Section 262.13 Generator Annual Fees is renumbered as Section 262.9, and revised to**  
793 **read as follows:**

794

795 **§ ~~262.13~~262.9 Generator Annual Fees.**

796

797 (a) Pursuant to the fee requirements of section 25-15-302, C.R.S., generators of hazardous waste shall  
798 be assessed the following annual fees for each calendar year:

799

800 1) ~~Conditionally Exempt Very~~ Small Quantity Generators (~~CEV~~VSQGs) that generate 3 gallons or more  
801 in a calendar year of hazardous waste codes F001, F002, F004, and/or F005: \$200

802

803 2) Small quantity generators (SQGs): \$625\*

804

805 3) Large quantity generators (LQGs): \$3,200\*\*

806

807 \*Note: ~~CEV~~VSQGs that operate at the SQG status for four or more calendar months of the year will be  
808 assessed the SQG fee level.

809

810 \*\*Note: VSQGs and SQGs that operate at the LQG status for less than four (4) months in the same  
811 calendar year will be assessed either the VSQG or SQG fee level upon notification to the Department.

812

813

814 **21) Subpart A of Part 262 is amended by adding a new Section 262.13 to read as follows:**

815

816 **§ 262.13 Generator category determination.**

817

818 A generator must determine its generator category. A generator's category is based on the amount of  
819 hazardous waste generated each month and may change from month to month. This section sets forth  
820 procedures to determine whether a generator is a very small quantity generator, a small quantity  
821 generator, or a large quantity generator for a particular month, as defined in § 260.10 of these regulations.

822

823 (a) **Generators of either acute hazardous waste or non-acute hazardous waste.** A generator who  
824 either generates acute hazardous waste or non-acute hazardous waste in a calendar month shall  
825 determine its generator category for that month by doing the following:

826

827 (1) Counting the total amount of hazardous waste generated in the calendar month;

828

829 (2) Subtracting from the total any amounts of waste exempt from counting as described in paragraphs  
 830 (c) and (d) of this section; and  
 831

832 (3) Determining the resulting generator category for the hazardous waste generated using Table 1 of  
 833 this section.  
 834

835 (b) **Generators of both acute and non-acute hazardous wastes.** A generator who generates both  
 836 acute hazardous waste and non-acute hazardous waste in the same calendar month shall determine its  
 837 generator category for that month by doing the following:  
 838

839 (1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute  
 840 hazardous waste generated in the calendar month;  
 841

842 (2) Subtracting from each total any amounts of waste exempt from counting as described in  
 843 paragraphs (c) and (d) of this section;  
 844

845 (3) Determining separately the resulting generator categories for the quantities of acute and non-acute  
 846 hazardous waste generated using Table 1 of this section; and  
 847

848 (4) Comparing the resulting generator categories from paragraph (b)(3) of this section and applying  
 849 the more stringent generator category to the accumulation and management of both non-acute  
 850 hazardous waste and acute hazardous waste generated for that month.  
 851

<b>Table 1 to § 262.13—Generator Categories Based on Quantity of Waste Generated in a Calendar Month</b>			
<b>Quantity of acute hazardous waste generated in a calendar month</b>	<b>Quantity of non-acute hazardous waste generated in a calendar month</b>	<b>Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month</b>	<b>Generator category</b>
> 1 kg	Any amount	Any amount	Large quantity generator.
Any amount	≥ 1,000 kg	Any amount	Large quantity generator.
Any amount	Any amount	> 100 kg	Large quantity generator.
≤ 1 kg	> 100 kg and < 1,000 kg	≤ 100 kg	Small quantity generator.
≤ 1 kg	≤ 100 kg	≤ 100 kg	Very small quantity generator.

852 (c) When making the monthly quantity-based determinations required by this part, the generator must  
 853 include all hazardous waste that it generates, except hazardous waste that:  
 854

855 (1) Is exempt from regulation under § 261.4(c) through (f), § 261.6(a)(3), § 261.7(a)(1), or § 261.8 of  
 856 these regulations;  
 857

858 (2) Is managed immediately upon generation only in on-site elementary neutralization units,  
 859 wastewater treatment units, or totally enclosed treatment facilities as defined in § 260.10 of these  
 860 regulations;  
 861

862 (3) Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation  
 863 under § 261.6(c)(2) of these regulations;  
 864

865 (4) Is used oil managed under the requirements of § 261.6(a)(4) and Part 279 of these regulations;  
 866

867 (5) Is spent lead-acid batteries managed under the requirements of Part 267 Subpart G of these  
 868 regulations;  
 869

- 870  
871 (6) Is universal waste managed under § 261.9 and Part 273 of these regulations;  
872  
873 (7) Reserved.  
874  
875 (8) Reserved.  
876  
877 (d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not  
878 include:  
879  
880 (1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste  
881 was previously counted once;  
882  
883 (2) Hazardous waste generated by on-site treatment (including reclamation) of the generator's  
884 hazardous waste, so long as the hazardous waste that is treated was previously counted once; and  
885  
886 (3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site,  
887 so long as such spent materials have been previously counted once.  
888  
889 (e) Based on the generator category as determined under this section, the generator must meet the  
890 applicable independent requirements listed in § 262.10 of these regulations. A generator's category also  
891 determines which of the provisions of §§ 262.14, 262.15, 262.16 or 262.17 of these regulations must be  
892 met to obtain an exemption from the storage facility permit, interim status, and operating requirements  
893 when accumulating hazardous waste.  
894  
895 (f) **Mixing hazardous wastes with solid wastes—(1) Very small quantity generator wastes.**  
896  
897 (i) Hazardous wastes that exhibit one or more hazardous characteristics as identified in Subpart C  
898 of Part 261 that are generated by a very small quantity generator may be mixed with solid wastes.  
899 Very small quantity generators may mix a portion or all of its characteristic hazardous waste with  
900 solid waste and remain subject to § 262.14 even though the resultant mixture exceeds the  
901 quantity limits identified in the definition of very small quantity generator at § 260.10 of these  
902 regulations, unless the resulting mixture exhibits one or more of the characteristics of hazardous  
903 waste identified in Part 261 subpart C of these regulations.  
904  
905 (ii) If the resulting mixture exhibits a characteristic of hazardous waste, this resultant mixture is a  
906 newly-generated hazardous waste. The very small quantity generator must count both the  
907 resultant mixture amount plus all other hazardous waste generated in the calendar month to  
908 determine whether the total quantity exceeds the very small quantity generator calendar month  
909 quantity limits identified in the definition of generator categories found in § 260.10 of these  
910 regulations. If so, to remain exempt from the permitting, interim status, and operating standards,  
911 the very small quantity generator must meet the conditions for exemption applicable to either a  
912 small quantity generator or a large quantity generator. The very small quantity generator must  
913 also comply with the applicable independent requirements for either a small quantity generator or  
914 a large quantity generator.  
915  
916 (iii) If a very small quantity generator's characteristic wastes are mixed with used oil, and the  
917 resulting mixture does not exhibit any hazardous waste characteristic, the mixture is subject to  
918 Part 279 of these regulations. Any material produced from such a mixture by processing,  
919 blending, or other treatment is also regulated under Part 279 of these regulations.  
920  
921 (iv) If a very small quantity generator mixes any hazardous waste listed in subpart D of Part 261  
922 of these regulations with used oil, the resultant mixture is a newly generated listed hazardous

waste and must be managed as hazardous waste. The very small quantity generator must count both the resultant mixture amount plus all other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the very small quantity generator calendar month quantity limits identified in the definition of generator categories found in § 260.10 of these regulations. If so, to remain exempt from the permitting, interim status, and operating standards, the very small quantity generator must meet the conditions for exemption applicable to either a small quantity generator or a large quantity generator. The very small quantity generator must also comply with the applicable independent requirements for either a small quantity generator or a large quantity generator.

(2) **Small quantity generator and large quantity generator wastes.** (i) Hazardous wastes generated by a small quantity generator or large quantity generator may be mixed with solid waste. These mixtures are subject to the following: the mixture rule in §§ 261.3(a)(2)(iv), (b)(2) and (3), and (g)(2)(i); the prohibition of dilution rule at § 268.3(a); the land disposal restriction requirements of § 268.40 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at § 262.11.

(ii) If the resulting mixture is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. A small quantity generator must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the small quantity generator calendar monthly quantity limits identified in the definition of generator categories found in § 260.10 of these regulations. If so, to remain exempt from the permitting, interim status, and operating standards, the small quantity generator must meet the conditions for exemption applicable to a large quantity generator. The small quantity generator must also comply with the applicable independent requirements for a large quantity generator.

## 22) Subpart A of Part 262 is amended by adding Section 262.14 to read as follows:

### § 262.14 Conditions for exemption for a very small quantity generator.

(a) Provided that the very small quantity generator meets all the conditions for exemption listed in this section, hazardous waste generated by the very small quantity generator is not subject to the requirements of Part 262 (except §§ 262.9-262.14 and 262.18) and Parts 264 through 268, and 100 of these regulations, and the very small quantity generator may accumulate hazardous waste on site without complying with such requirements. The conditions for exemption are as follows:

(1) In a calendar month the very small quantity generator generates less than or equal to the amounts specified in the definition of "very small quantity generator" in § 260.10 of these regulations;

(2) The very small quantity generator complies with § 262.11(a) through (d);

(3) If the very small quantity generator accumulates at any time greater than 1 kilogram (2.2 lbs) of acute hazardous waste or 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 these regulations, all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:

(i) Such waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided above; and

(ii) The conditions for exemption in § 262.17(a) through (g).

976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000  
1001  
1002  
1003  
1004  
1005  
1006  
1007  
1008  
1009  
1010  
1011  
1012  
1013  
1014  
1015  
1016  
1017  
1018  
1019  
1020  
1021  
1022  
1023  
1024  
1025  
1026  
1027  
1028

(4) If the very small quantity generator accumulates at any time 1,000 kilograms (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:

- (i) Such waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided above;
- (ii) The quantity of waste accumulated on site never exceeds 6,000 kilograms (13,200 lbs); and
- (iii) The conditions for exemption in § 262.16(b)(2) through (f).

(5) A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in paragraphs (a)(3) and (4) of this section must either treat its 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 264 and Part 100 of these regulations;
- (ii) In interim status under Parts 265 and 100 of these regulations;
- (iii) Authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR Part 271;
- (iv) A solid waste landfill specifically authorized by the Department and county pursuant to Section 30-20-101 et. seq., C.R.S. to accept hazardous waste from a VSQG. Before disposing of hazardous waste in such a manner, check with the Department to see if there are any solid waste landfills specifically authorized to accept the waste.
- (v) Reserved;
- (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;
- (vii) For universal waste managed under Part 273 of these regulations, a universal waste handler or destination facility subject to the requirements of Part 273 of these regulations;
- (viii) A large quantity generator under the control of the same person as the very small quantity generator, provided the following conditions are met:
  - (A) The very small quantity generator and the large quantity generator are under the control of the same person as defined in § 260.10 of these regulations. "Control," for the purposes of this section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person as defined in § 260.10 of these regulations shall not be deemed to "control" such generators.
  - (B) The very small quantity generator marks its container(s) of hazardous waste with:
    - (1) The words "Hazardous Waste" and

1029  
1030 (2) An indication of the hazards of the contents (examples include, but are not limited to,  
1031 the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic);  
1032 hazard communication consistent with the Department of Transportation requirements at  
1033 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or  
1034 pictogram consistent with the Occupational Safety and Health Administration Hazard  
1035 Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent  
1036 with the National Fire Protection Association code 704).

1037  
1038 (b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing  
1039 free liquids (whether or not sorbents have been added) in any landfill is prohibited.

1040  
1041 (c) A very small quantity generator experiencing an episodic event must generate and accumulate  
1042 hazardous waste in accordance with subpart L of this part.

1043  
1044 (d) Very small quantity generators shall comply with § 262.16(b)(8)(i) relating to maintaining and  
1045 operating their facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-  
1046 sudden release of hazardous waste or hazardous waste constituents.

1047  
1048  
1049 **23) Subpart A of Part 262 is amended by adding Section 262.15 to read as follows:**

1050  
1051 **§ 262.15 Satellite accumulation area regulations for small and large quantity generators.**

1052  
1053 (a) A generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one  
1054 quart of liquid acute hazardous waste listed in § 261.31 or § 261.33(e) of these regulations or 1 kg (2.2  
1055 lbs) of solid acute hazardous waste listed in § 261.31 or § 261.33(e) of these regulations in containers at  
1056 or near any point of generation where wastes initially accumulate which is under the control of the  
1057 operator of the process generating the waste, without a permit or interim status and without complying  
1058 with the requirements of Parts 264 through 267, and 100 of these regulations, provided that all of the  
1059 conditions for exemption in this section are met. A generator may comply with the conditions for  
1060 exemption in this section instead of complying with the conditions for exemption in § 262.16(b) or  
1061 § 262.17(a), except as required in § 262.15(a)(7), ~~and (8), and (9)~~. The conditions for exemption for  
1062 satellite accumulation are:

1063  
1064 (1) If a container holding hazardous waste is not in good condition, or if it begins to leak, the generator  
1065 must immediately transfer the hazardous waste from this container to a container that is in good  
1066 condition and does not leak, or immediately transfer and manage the waste in a central accumulation  
1067 area operated in compliance with § 262.16(b) or § 262.17(a).

1068  
1069 (2) The generator must use a container made of or lined with materials that will not react with, and are  
1070 otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container  
1071 to contain the waste is not impaired.

1072  
1073 (3) Special standards for incompatible wastes:

1074  
1075 (i) Incompatible wastes, or incompatible wastes and materials, (see Appendix V of Part 265 for  
1076 examples) must not be placed in the same container, unless § 265.17(b) of these regulations is  
1077 complied with.

1078  
1079 (ii) Hazardous waste must not be placed in an unwashed container that previously held an  
1080 incompatible waste or material (see Appendix V of Part 265 for examples), unless § 265.17(b) of  
1081 these regulations is complied with.

1082  
1083  
1084  
1085  
1086  
1087  
1088  
1089  
1090  
1091  
1092  
1093  
1094  
1095  
1096  
1097  
1098  
1099  
1100  
1101  
1102  
1103  
1104  
1105  
1106  
1107  
1108  
1109  
1110  
1111  
1112  
1113  
1114  
1115  
1116  
1117  
1118  
1119  
1120  
1121  
1122  
1123  
1124  
1125  
1126  
1127  
1128  
1129  
1130  
1131  
1132  
1133  
1134

(iii) A container holding a hazardous waste that is incompatible with any waste or other materials accumulated nearby in other containers must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

(4) A container holding hazardous waste must be closed at all times during accumulation, except when adding, removing, or consolidating waste. The temporary venting of a container may be allowed on a case-by-case basis with prior written approval from the Department.

(5) A generator must mark or label its container with the following:

(i) The words "Hazardous Waste" and

(ii) 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).

(6) A generator who accumulates either acute hazardous waste listed in § 261.31 or § 261.33(e) of these regulations or non-acute hazardous waste in excess of the amounts listed in paragraph (a) of this section at or near any point of generation must do the following:

(i) Comply within 24 hours with the applicable central accumulation area regulations in § 262.16(b) or § 262.17(a), or

(ii) Remove the excess from the satellite accumulation area within 24 hours to either:

(A) A central accumulation area operated in accordance with the applicable regulations in § 262.16(b) or § 262.17(a);

(B) An on-site interim status or permitted treatment, storage, or disposal facility, or

(C) An off-site designated facility; and

(iii) During the 24 hour period the generator must continue to comply with paragraphs (a)(1) through (5) of this section. The generator must mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

(7) All satellite accumulation areas operated by a small quantity generator must meet the preparedness and prevention regulations of § 262.16(b)(8) and emergency procedures at § 262.16(b)(9).

(8) All satellite accumulation areas operated by a large quantity generator must meet the Preparedness, Prevention and Emergency Procedures in Subpart M of this part.

(9) All satellite accumulation areas operated by a small quantity generator or a large quantity generator must be inspected at least weekly, in compliance with § 262.16(b)(2)(iv) and § 262.17(a)(1)(v).

(b) [Reserved]

1135 **24) Subpart A of Part 262 is amended by adding Section 262.16 to read as follows:**

1136  
1137 **§ 262.16 Conditions for exemption for a small quantity generator that accumulates hazardous**  
1138 **waste.**

1139  
1140 A small quantity generator may accumulate hazardous waste on site without a permit or interim status,  
1141 and without complying with the requirements of Parts 264 through 267, and 100 of these regulations,  
1142 provided that all the conditions for exemption listed in this section are met:

1143  
1144 (a) **Generation.** The generator generates in a calendar month no more than the amounts specified in the  
1145 definition of “small quantity generator” in § 260.10 of these regulations.

1146  
1147 (b) **Accumulation.** The small quantity generator accumulates hazardous waste on site for no more than  
1148 180 days, unless in compliance with the conditions for exemption for longer accumulation in paragraphs  
1149 (d) and (e) of this section. The following accumulation conditions also apply:

1150  
1151 (1) **Accumulation limit.** The quantity of hazardous waste accumulated on site never exceeds 6,000  
1152 kilograms (13,200 pounds);

1153  
1154 (2) **Accumulation of hazardous waste in containers—(i) Condition of containers.** If a container  
1155 holding hazardous waste is not in good condition, or if it begins to leak, the small quantity generator  
1156 must immediately transfer the hazardous waste from this container to a container that is in good  
1157 condition, or immediately manage the waste in some other way that complies with the conditions for  
1158 exemption of this section.

1159  
1160 (ii) **Compatibility of waste with container.** The small quantity generator must use a container  
1161 made of or lined with materials that will not react with, and are otherwise compatible with, the  
1162 hazardous waste to be accumulated, so that the ability of the container to contain the waste is not  
1163 impaired.

1164  
1165 (iii) **Management of containers.** (A) A container holding hazardous waste must always be closed  
1166 during accumulation, except when it is necessary to add or remove waste.

1167  
1168 (B) A container holding hazardous waste must not be opened, handled, or accumulated in a  
1169 manner that may rupture the container or cause it to leak.

1170  
1171 (iv) **Inspections.** At least weekly, the small quantity generator must inspect all areas where  
1172 hazardous waste is stored or accumulated. The small quantity generator must remedy any  
1173 deterioration or malfunction of equipment or structures which the inspection reveals on a  
1174 schedule which ensures that the problem does not lead to an environmental or human health  
1175 hazard. Where a hazard is imminent or has already occurred, remedial action must be taken  
1176 immediately. The small quantity generator must inspect for all of the following:

1177  
1178 (A) Leaking containers and deterioration of containers caused by corrosion or other factors,  
1179 see paragraph (b)(2)(i) of this section for remedial action required if deterioration or  
1180 leaks are detected.

1181 (B) Compliance with § 262.16(b)(2)(i) – Condition of containers.

1182 (C) Compliance with § 262.16(b)(2)(ii) – Compatibility of waste with container.

1183 (D) Compliance with § 262.16(b)(2)(iii) – Management of containers.

1184 (E) Compliance with § 262.16(b)(2)(v) – Special conditions for accumulation of incompatible  
1185 wastes.

1186 (F) Compliance with § 262.16(b)(6) – Labeling and marking of containers and tanks.”  
1187

1188  
1189  
1190  
1191  
1192  
1193  
1194  
1195  
1196  
1197  
1198  
1199  
1200  
1201  
1202  
1203  
1204  
1205  
1206  
1207  
1208  
1209  
1210  
1211  
1212  
1213  
1214  
1215  
1216  
1217  
1218  
1219  
1220  
1221  
1222  
1223  
1224  
1225  
1226  
1227  
1228  
1229  
1230  
1231  
1232  
1233  
1234  
1235  
1236  
1237  
1238  
1239  
1240

(v) **Special conditions for accumulation of incompatible wastes.**

(A) Incompatible wastes, or incompatible wastes and materials, (see Appendix V of Part 265 for examples) must not be placed in the same container, unless § 265.17(b) of these regulations is complied with.

(B) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see Appendix V of Part 265 for examples), unless § 265.17(b) of these regulations is complied with.

(C) A container accumulating hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.\*

\* Re-use of containers in transportation is governed by U.S. Department of Transportation regulations and the Colorado Public Utilities Commission, including those set forth in 49 CFR § 173.28.

(3) **Accumulation of hazardous waste in tanks.**

(i) [Reserved]

(ii) A small quantity generator of hazardous waste must comply with the following general operating conditions:

(A) Treatment or accumulation of hazardous waste in tanks must comply with § 265.17(b) of these regulations.

(B) 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.

(C) 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.

(D) 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).

(iii) Except as noted in paragraph (b)(3)(iv) of this section, a small quantity generator that accumulates hazardous waste in tanks must inspect, where present:

(A) 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;

(B) 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;

1241 (C) The level of waste in the tank at least once each operating day to ensure compliance  
1242 with paragraph (b)(3)(ii)(C) of this section;  
1243  
1244 (D) The construction materials of the tank at least weekly to detect corrosion or leaking of  
1245 fixtures or seams; and  
1246  
1247 (E) The construction materials of, and the area immediately surrounding, discharge  
1248 confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of  
1249 leakage (e.g., wet spots or dead vegetation). The generator must remedy any deterioration  
1250 or malfunction of equipment or structures which the inspection reveals on a schedule which  
1251 ensures that the problem does not lead to an environmental or human health hazard. Where  
1252 a hazard is imminent or has already occurred, remedial action must be taken immediately.  
1253  
1254 (iv) A small quantity generator accumulating hazardous waste in tanks or tank systems that have  
1255 full secondary containment and that either use leak detection equipment to alert personnel to  
1256 leaks, or implement established workplace practices to ensure leaks are promptly identified, must  
1257 inspect at least weekly, where applicable, the areas identified in paragraphs (b)(3)(iii)(A) through  
1258 (E) of this section. Use of the alternate inspection schedule must be documented in the  
1259 generator's operating record. This documentation must include a description of the established  
1260 workplace practices at the generator.  
1261  
1262 (v) [Reserved]  
1263  
1264 (vi) A small quantity generator accumulating hazardous waste in tanks must, upon closure of the  
1265 facility, remove all hazardous waste from tanks, discharge control equipment, and discharge  
1266 confinement structures. At closure, as throughout the operating period, unless the small quantity  
1267 generator can demonstrate, in accordance with § 261.3(c) or (d) of these regulations, that any  
1268 solid waste removed from its tank is not a hazardous waste, then it must manage such waste in  
1269 accordance with all applicable provisions of Parts 262, 263, 265 and 268 of these regulations.  
1270  
1271 (vii) A small quantity generator must comply with the following special conditions for accumulation  
1272 of ignitable or reactive waste:  
1273  
1274 (A) Ignitable or reactive waste must not be placed in a tank, unless:  
1275  
1276 (1) The waste is treated, rendered, or mixed before or immediately after placement in a  
1277 tank so that the resulting waste, mixture, or dissolution of material no longer meets the  
1278 definition of ignitable or reactive waste under § 261.21 or § 261.23 of these regulations  
1279 and § 265.17(b) of these regulations is complied with; or  
1280  
1281 (2) The waste is accumulated or treated in such a way that it is protected from any  
1282 material or conditions that may cause the waste to ignite or react; or  
1283  
1284 (3) The tank is used solely for emergencies.  
1285  
1286 (B) A small quantity generator which treats or accumulates ignitable or reactive waste in  
1287 covered tanks must comply with the buffer zone requirements for tanks contained in Tables  
1288 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible  
1289 Liquids Code" (1977 or 1981) (incorporated by reference, see § 260.11).  
1290  
1291 (C) A small quantity generator must comply with the following special conditions for  
1292 incompatible wastes:  
1293

1294 (1) Incompatible wastes, or incompatible wastes and materials, (see Part 265 Appendix V  
1295 for examples) must not be placed in the same tank, unless § 265.17(b) of these  
1296 regulations is complied with.

1297  
1298 (2) Hazardous waste must not be placed in an unwashed tank that previously held an  
1299 incompatible waste or material, unless § 265.17(b) of these regulations is complied with.  
1300

1301 (4) **Accumulation of hazardous waste on drip pads.** If the waste is placed on drip pads, the small  
1302 quantity generator must comply with the following:

1303 (i) Subpart W of Part 265 of these regulations (except § 265.445 (c));

1304 (ii) The small quantity generator must remove all wastes from the drip pad at least once every 90  
1305 days. Any hazardous wastes that are removed from the drip pad at least once every 90 days are  
1306 then subject to the 180-day accumulation limit in paragraph (b) of this section and § 262.15 if  
1307 hazardous wastes are being managed in satellite accumulation areas prior to being moved to the  
1308 central accumulation area; and  
1309

1310 (iii) The small quantity generator must maintain on site at the facility the following records readily  
1311 available for inspection:

1312 (A) A written description of procedures that are followed to ensure that all wastes are  
1313 removed from the drip pad and associated collection system at least once every 90 days;  
1314 and

1315 (B) Documentation of each waste removal, including the quantity of waste removed from the  
1316 drip pad and the sump or collection system and the date and time of removal.  
1317  
1318

1319 (5) **Accumulation of hazardous waste in containment buildings.** If the waste is placed in  
1320 containment buildings, the small quantity generator must comply with of Part 265 subpart DD of these  
1321 regulations. The generator must label its containment buildings with the words "Hazardous Waste" in  
1322 a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or  
1323 other persons on site and also in a conspicuous place provide an indication of the hazards of the  
1324 contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s)  
1325 (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of  
1326 Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a  
1327 hazard statement or pictogram consistent with the Occupational Safety and Health Administration  
1328 Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with  
1329 the National Fire Protection Association code 704).The generator must also maintain:  
1330

1331 (i) The professional engineer certification that the building complies with the design standards  
1332 specified in section 265.1101 of these regulations. This certification must be in the generator's  
1333 files prior to operation of the unit; and

1334 (ii) The following records by use of inventory logs, monitoring equipment, or any other effective  
1335 means:

1336 (A) A written description of procedures to ensure that each waste volume remains in the unit  
1337 for no more than 90 days, a written description of the waste generation and management  
1338 practices for the facility showing that the generator is consistent with maintaining the 90 day  
1339 limit, and documentation that the procedures are complied with; or

1340 (B) Documentation that the unit is emptied at least once every 90 days.  
1341  
1342  
1343  
1344  
1345  
1346

1347  
1348  
1349  
1350  
1351  
1352  
1353  
1354  
1355  
1356  
1357  
1358  
1359  
1360  
1361  
1362  
1363  
1364  
1365  
1366  
1367  
1368  
1369  
1370  
1371  
1372  
1373  
1374  
1375  
1376  
1377  
1378  
1379  
1380  
1381  
1382  
1383  
1384  
1385  
1386  
1387  
1388  
1389  
1390  
1391  
1392  
1393  
1394  
1395  
1396  
1397  
1398  
1399

(C) Inventory logs or records with the above information must be maintained on site and readily available for inspection.

(6) **Labeling and marking of containers and tanks—(i) Containers.** A small quantity generator must mark or label its containers with the following:

- (A) The words “Hazardous Waste”;
- (B) 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
- (C) The date upon which each period of accumulation begins (i.e., the “accumulation start date”) must be clearly visible for inspection on each container.

(ii) **Tanks.** A small quantity generator accumulating hazardous waste in tanks must do the following:

- (A) Mark or label its tanks with the words “Hazardous Waste”;
- (B) Mark or label its tanks with 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);
- (C) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and
- (D) Keep inventory logs or records with the above information on site and readily available for inspection.

(7) **Reserved.**

(8) **Preparedness and prevention—(i) Maintenance and operation of facility.** A small quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

(ii) **Required equipment.** All areas where hazardous waste is either generated or accumulated must be equipped with the items in paragraphs (b)(8)(ii)(A) through (D) of this section (*unless* none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend

1400 itself for safety reasons to have a particular kind of equipment specified below). A small quantity  
1401 generator may determine the most appropriate locations to locate equipment necessary to  
1402 prepare for and respond to emergencies.

1403  
1404 (A) An internal communications or alarm system capable of providing immediate emergency  
1405 instruction (voice or signal) to facility personnel;

1406  
1407 (B) A device, such as a telephone (immediately available at the scene of operations) or a  
1408 hand-held two-way radio, capable of summoning emergency assistance from local police  
1409 departments, fire departments, or State or local emergency response teams;

1410  
1411 (C) Portable fire extinguishers, fire control equipment (including special extinguishing  
1412 equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment,  
1413 and decontamination equipment; and

1414  
1415 (D) Water at adequate volume and pressure to supply water hose streams, or foam  
1416 producing equipment, or automatic sprinklers, or water spray systems.

1417  
1418 (iii) **Testing and maintenance of equipment.** All communications or alarm systems, fire  
1419 protection equipment, spill control equipment, and decontamination equipment, where required,  
1420 must be tested and maintained as necessary to assure its proper operation in time of emergency.

1421  
1422 (iv) **Access to communications or alarm system.** (A) Whenever hazardous waste is being  
1423 poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have  
1424 immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency  
1425 communication device, either directly or through visual or voice contact with another employee,  
1426 unless such a device is not required under paragraph (a)(8)(ii) of this section.

1427  
1428 (B) In the event there is just one employee on the premises while the facility is operating, the  
1429 employee must have immediate access (e.g., direct or unimpeded access) to a device, such  
1430 as a telephone (immediately available at the scene of operation) or a hand-held two-way  
1431 radio, capable of summoning external emergency assistance, unless such a device is not  
1432 required under paragraph (a)(8)(ii) of this section.

1433  
1434 (v) **Required aisle space.** The small quantity generator must maintain aisle space to allow the  
1435 unobstructed movement of personnel, fire protection equipment, spill control equipment, and  
1436 decontamination equipment to any area of facility operation in an emergency, and to allow for  
1437 inspection of containers pursuant to § 262.16(b)(2)(iv).

1438  
1439 (vi) **Arrangements with local authorities.** (A) The small quantity generator must attempt to  
1440 make arrangements with the local police department, fire department, other emergency response  
1441 teams, emergency response contractors, equipment suppliers and local hospitals, taking into  
1442 account the types and quantities of hazardous wastes handled at the facility. Arrangements may  
1443 be made with the Local Emergency Planning Committee, if it is determined to be the appropriate  
1444 organization with which to make arrangements.

1445  
1446 (1) A small quantity generator attempting to make arrangements with its local fire  
1447 department must determine the potential need for the services of the local police  
1448 department, other emergency response teams, emergency response contractors,  
1449 equipment suppliers and local hospitals.

1450  
1451 (2) As part of this coordination, the small quantity generator shall attempt to make  
1452 arrangements, as necessary, to familiarize the above organizations with the layout of the

1453 facility, the properties of hazardous waste handled at the facility and associated hazards,  
1454 places where facility personnel would normally be working, entrances to roads inside the  
1455 facility, and possible evacuation routes as well as the types of injuries or illnesses that  
1456 could result from fires, explosions, or releases at the facility.

1457  
1458 (3) Where more than one police or fire department might respond to an emergency, the  
1459 small quantity generator shall attempt to make arrangements designating primary  
1460 emergency authority to a specific fire or police department, and arrangements with any  
1461 others to provide support to the primary emergency authority.

1462  
1463 (B) A small quantity generator shall maintain records documenting the arrangements with  
1464 the local fire department as well as any other organization necessary to respond to an  
1465 emergency. This documentation must include documentation in the operating record that  
1466 either confirms such arrangements actively exist or, in cases where no arrangements exist,  
1467 confirms that attempts to make such arrangements were made.

1468  
1469 (C) A facility possessing 24-hour response capabilities may seek a waiver from the authority  
1470 having jurisdiction (AHJ) over the fire code within the facility's state or locality as far as  
1471 needing to make arrangements with the local fire department as well as any other  
1472 organization necessary to respond to an emergency, provided that the waiver is  
1473 documented in the operating record.

1474  
1475 (D) Facilities which are not provided with fire protection services by a fire protection district  
1476 or municipal fire department must be maintained and operated in accordance with a plan for  
1477 providing their own fire protection and prevention which has been approved by the  
1478 Department and which meets the following requirements:

1479  
1480 (1) The plan shall provide for adequate fire protection and prevention for the facility based  
1481 upon the location and construction of the facility, and based upon the kinds and amounts  
1482 of hazardous wastes generated, treated, stored, or disposed of at the facility.

1483  
1484 (2) The plan shall specify the required equipment and the required availability and  
1485 training of facility personnel.

1486  
1487 (3) The plan shall be based upon the provisions of the Uniform Fire Code, the National  
1488 Fire Code, the Uniform Building Code, and 29 CFR, Chapter XVII, part 1910, subpart L,  
1489 Fire Protection.

1490  
1491 (4) Before submitting the plan to the Department for review, the facility shall have the  
1492 plan reviewed and approved by a registered professional engineer experienced in fire  
1493 protection.

1494  
1495 (5) The approved plan shall become a part of the facility's contingency plan when a  
1496 contingency plan is required.

1497  
1498 (9) **Personnel Training.** The generator must ensure that all employees are provided with hazardous  
1499 waste training, including proper waste handling and emergency procedures, relevant to their  
1500 responsibilities during normal facility operations and emergencies. Training shall be provided in a way  
1501 that ensures compliance with the requirements of this Part 262. Documentation that this training has  
1502 been provided shall be retained on-site for all current employees.

1503  
1504

1505 (10) **Emergency procedures.** The small quantity generator must comply with the following conditions  
1506 for those areas of the generator facility where hazardous waste is generated, accumulated, and  
1507 stored:

1508  
1509 (i) At all times there must be at least one employee either on the premises or on call (i.e.,  
1510 available to respond to an emergency by reaching the facility within a short period of time) with  
1511 the responsibility for coordinating all emergency response measures specified in paragraph  
1512 (b)(9)(iv) of this section. This employee is the emergency coordinator.

1513  
1514 (ii) The small quantity generator must post the following information next to telephones or in areas  
1515 directly involved in the generation and accumulation of hazardous waste:

1516 (A) The name and emergency telephone number of the emergency coordinator;

1517  
1518 (B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

1519  
1520 (C) The telephone number of the fire department, unless the facility has a direct alarm.

1521  
1522 (iii) Reserved.

1523  
1524 (iv) The emergency coordinator or his designee must respond to any emergencies that arise. The  
1525 applicable responses are as follows:

1526 (A) In the event of a fire, call the fire department or attempt to extinguish it using a fire  
1527 extinguisher;

1528  
1529 (B) In the event of a spill, the small quantity generator is responsible for containing the flow  
1530 of hazardous waste to the extent possible, and as soon as is practicable, cleaning up the  
1531 hazardous waste and any contaminated materials or soil. Such containment and cleanup  
1532 can be conducted either by the small quantity generator or by a contractor on behalf of the  
1533 small quantity generator;

1534 (C) In the event of a fire, explosion, or other release that could threaten human health  
1535 outside the facility or when the small quantity generator has knowledge that a spill has  
1536 reached surface water, the small quantity generator must immediately notify the National  
1537 Response Center (using their 24-hour toll free number 800/424-8802). The report must  
1538 include the following information:

1539 (1) The name, address, and U.S. EPA identification number of the small quantity  
1540 generator;

1541 (2) Date, time, and type of incident (e.g., spill or fire);

1542 (3) Quantity and type of hazardous waste involved in the incident;

1543 (4) Extent of injuries, if any; and

1544 (5) Estimated quantity and disposition of recovered materials, if any.

1545 (c) **Transporting over 200 miles.** A small quantity generator who must transport its waste, or offer its  
1546 waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal  
1547 may accumulate hazardous waste on site for 270 days or less without a permit or without having interim  
1548 status provided that the generator complies with the conditions of paragraph (b) of this section.

1558  
1559 (d) **Accumulation time limit extension.** A small quantity generator who accumulates hazardous waste  
1560 for more than 180 days (or for more than 270 days if it must transport its waste, or offer its waste for  
1561 transportation, over a distance of 200 miles or more) is subject to the requirements of Parts 264, 265,  
1562 267, 268, and 100 of these regulations unless it has been granted an extension to the 180-day (or 270-  
1563 day if applicable) period. Such extension may be granted by EPA if hazardous wastes must remain on  
1564 site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable  
1565 circumstances. An extension of up to 30 days may be granted at the discretion of the Department on a  
1566 case-by-case basis.

1567  
1568 (e) **Rejected load.** A small quantity generator who sends a shipment of hazardous waste to a designated  
1569 facility with the understanding that the designated facility can accept and manage the waste and later  
1570 receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy  
1571 provisions of § 264.72 or § 265.72 of these regulations may accumulate the returned waste on site in  
1572 accordance with paragraphs (a)-(d) of this section. Upon receipt of the returned shipment, the generator  
1573 must:

1574  
1575 (1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest;  
1576 or

1577  
1578 (2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

1579  
1580 (f) A small quantity generator experiencing an episodic event must accumulate hazardous waste in  
1581 accordance with subpart L of this part.

1582  
1583  
1584 **25) Subpart A of Part 262 is amended by adding Section 262.17 to read as follows:**

1585  
1586 **§ 262.17 Conditions for exemption for a large quantity generator that accumulates hazardous**  
1587 **waste.**

1588  
1589 A large quantity generator may accumulate hazardous waste on site without a permit or interim status,  
1590 and without complying with the requirements of Parts 264 through 267, and 100 of these regulations,  
1591 provided that all of the following conditions for exemption are met:

1592  
1593 (a) **Accumulation.** The large quantity generator accumulates hazardous waste on site for no more than  
1594 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions  
1595 for exemption in paragraphs (b) through (e) of this section. The following accumulation conditions also  
1596 apply:

1597  
1598 (1) Accumulation of hazardous waste in containers. If the hazardous waste is placed in containers, the  
1599 large quantity generator must comply with the following:

1600  
1601 (i) **Air emission standards.** The applicable requirements of subparts AA, BB, and CC of Part 265  
1602 of these regulations;

1603  
1604 (ii) **Condition of containers.** If a container holding hazardous waste is not in good condition, or if  
1605 it begins to leak, the large quantity generator must immediately transfer the hazardous waste from  
1606 this container to a container that is in good condition, or immediately manage the waste in some  
1607 other way that complies with the conditions for exemption of this section;

1608  
1609 (iii) **Compatibility of waste with container.** The large quantity generator must use a container  
1610 made of or lined with materials that will not react with, and are otherwise compatible with, the

1611 hazardous waste to be stored, so that the ability of the container to contain the waste is not  
1612 impaired;

1613  
1614 (iv) **Management of containers.** (A) A container holding hazardous waste must always be closed  
1615 during accumulation, except when it is necessary to add or remove waste.

1616  
1617 (B) A container holding hazardous waste must not be opened, handled, or stored in a  
1618 manner that may rupture the container or cause it to leak.

1619  
1620 (v) **Inspections.** At least weekly, the large quantity generator must inspect all areas where  
1621 hazardous waste is generated, accumulated, or stored. The large quantity generator must  
1622 remedy any deterioration or malfunction of equipment or structures which the inspection reveals  
1623 on a schedule which ensures that the problem does not lead to an environmental or human health  
1624 hazard. Where a hazard is imminent or has already occurred, remedial action must be taken  
1625 immediately. The large quantity generator must inspect for all of the following:

1626 (A) Leaking containers and deterioration of containers caused by corrosion or other factors,  
1627 see paragraph (a)(1)(ii) of this section for remedial action required if deterioration or  
1628 leaks are detected.

1629 (B) Compliance with § 262.17(a)(1)(ii) – Condition of containers.

1630 (C) Compliance with § 262.17(a)(1)(iii) – Compatibility of waste with container.

1631 (D) Compliance with § 262.17(a)(1)(iv) – Management of containers.

1632 (E) Compliance with § 262.17(a)(1)(vi) – Special conditions for accumulation of ignitable  
1633 and reactive wastes.

1634 (F) Compliance with § 262.17(a)(1)(vii) – Special conditions for accumulation of  
1635 incompatible wastes.

1636 (G) Compliance with § 262.17(a)(5) – Labeling and marking of containers and tanks.”

1637  
1638 (vi) **Special conditions for accumulation of ignitable and reactive wastes.** (A) Containers  
1639 holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's  
1640 property line unless a written approval is obtained from the authority having jurisdiction over the  
1641 local fire code allowing hazardous waste accumulation to occur within this restricted area. A  
1642 record of the written approval must be maintained as long as ignitable or reactive hazardous  
1643 waste is accumulated in this area.

1644  
1645 (B) The large quantity generator must take precautions to prevent accidental ignition or  
1646 reaction of ignitable or reactive waste. This waste must be separated and protected from  
1647 sources of ignition or reaction including but not limited to the following: Open flames,  
1648 smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or  
1649 mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and  
1650 radiant heat. While ignitable or reactive waste is being handled, the large quantity generator  
1651 must confine smoking and open flame to specially designated locations. “No Smoking” signs  
1652 must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

1653  
1654 (vii) **Special conditions for accumulation of incompatible wastes.** (A) Incompatible wastes, or  
1655 incompatible wastes and materials, (see Appendix V of Part 265 for examples) must not be  
1656 placed in the same container, unless § 265.17(b) of these regulations is complied with.

1657  
1658 (B) Hazardous waste must not be placed in an unwashed container that previously held an  
1659 incompatible waste or material (see Appendix V of Part 265 for examples), unless  
1660 § 265.17(b) of these regulations is complied with.

1661  
1662 (C) A container holding a hazardous waste that is incompatible with any waste or other  
1663 materials accumulated or stored nearby in other containers, piles, open tanks, or surface

1664 impoundments must be separated from the other materials or protected from them by  
1665 means of a dike, berm, wall, or other device.

1666  
1667 (2) **Accumulation of hazardous waste in tanks.** If the waste is placed in tanks, the large quantity  
1668 generator must comply with the applicable requirements of subpart J of Part 265, except § 265.197(c)  
1669 of Closure and post-closure care and § 265.200—Waste analysis and trial tests, as well as the  
1670 applicable requirements of subparts AA, BB, and CC of Part 265 of these regulations.

1671  
1672 (3) **Accumulation of hazardous waste on drip pads.** If the hazardous waste is placed on drip pads,  
1673 the large quantity generator must comply with the following:

1674  
1675 (i) Subpart W of Part 265 of these regulations;

1676  
1677 (ii) The large quantity generator must remove all wastes from the drip pad at least once every 90  
1678 days. Any hazardous wastes that are removed from the drip pad are then subject to the 90-day  
1679 accumulation limit in paragraph (a) of this section and § 262.15, if the hazardous wastes are being  
1680 managed in satellite accumulation areas prior to being moved to a central accumulation area; and

1681  
1682 (iii) The large quantity generator must maintain on site at the facility the following records readily  
1683 available for inspection:

1684  
1685 (A) A written description of procedures that are followed to ensure that all wastes are  
1686 removed from the drip pad and associated collection system at least once every 90 days;  
1687 and

1688  
1689 (B) Documentation of each waste removal, including the quantity of waste removed from the  
1690 drip pad and the sump or collection system and the date and time of removal.

1691  
1692 (4) **Accumulation of hazardous waste in containment buildings.** If the waste is placed in  
1693 containment buildings, the large quantity generator must comply with Part 265 subpart DD of these  
1694 regulations. The generator must label its containment building with the words “Hazardous Waste” in a  
1695 conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or  
1696 other persons on site, and also in a conspicuous place provide an indication of the hazards of the  
1697 contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s)  
1698 (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of  
1699 Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a  
1700 hazard statement or pictogram consistent with the Occupational Safety and Health Administration  
1701 Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with  
1702 the National Fire Protection Association code 704). The generator must also maintain:

1703  
1704 (i) The professional engineer certification that the building complies with the design standards  
1705 specified in section 265.1101 of these regulations. This certification must be in the generator's  
1706 files prior to operation of the unit; and

1707  
1708 (ii) The following records by use of inventory logs, monitoring equipment, or any other effective  
1709 means:

1710  
1711 (A) A written description of procedures to ensure that each waste volume remains in the unit  
1712 for no more than 90 days, a written description of the waste generation and management  
1713 practices for the facility showing that the generator is consistent with respecting the 90 day  
1714 limit, and documentation that the procedures are complied with; or

1715  
1716 (B) Documentation that the unit is emptied at least once every 90 days.

1717  
1718 (C) Inventory logs or records with the above information must be maintained on site and  
1719 readily available for inspection.

1720  
1721 (5) **Labeling and marking of containers and tanks—(i) Containers.** A large quantity generator  
1722 must mark or label its containers with the following:

1723  
1724 (A) The words “Hazardous Waste”;

1725  
1726 (B) An indication of the hazards of the contents (examples include, but are not limited to, the  
1727 applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic);  
1728 hazard communication consistent with the Department of Transportation requirements at 49  
1729 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or  
1730 pictogram consistent with the Occupational Safety and Health Administration Hazard  
1731 Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with  
1732 the National Fire Protection Association code 704); and

1733  
1734 (C) The date upon which each period of accumulation begins (i.e., the “accumulation start  
1735 date”) must be clearly visible for inspection on each container.

1736  
1737 (ii) **Tanks.** A large quantity generator accumulating hazardous waste in tanks must do the  
1738 following:

1739  
1740 (A) Mark or label its tanks with the words “Hazardous Waste”;

1741  
1742 (B) Mark or label its tanks with an indication of the hazards of the contents (examples  
1743 include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e.,  
1744 ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department  
1745 of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F  
1746 (placarding); a hazard statement or pictogram consistent with the Occupational Safety and  
1747 Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical  
1748 hazard label consistent with the National Fire Protection Association code 704);

1749  
1750 (C) Use inventory logs, monitoring equipment or other records to demonstrate that  
1751 hazardous waste has been emptied within 90 days of first entering the tank if using a batch  
1752 process, or in the case of a tank with a continuous flow process, demonstrate that estimated  
1753 volumes of hazardous waste entering the tank daily exit the tank within 90 days of first  
1754 entering; and

1755  
1756 (D) Keep inventory logs or records with the above information on site and readily available  
1757 for inspection.

1758  
1759 (6) **Emergency procedures.** The large quantity generator complies with the standards in Subpart M  
1760 of this part, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators.

1761  
1762 (7) **Personnel training.** (i)(A) Facility personnel must successfully complete a program of classroom  
1763 instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches  
1764 them to perform their duties in a way that ensures compliance with this part. The large quantity  
1765 generator must ensure that this program includes all the elements described in the document required  
1766 under paragraph (a)(7)(iv) of this section.

1767  
1768 (B) This program must be directed by a person trained in hazardous waste management  
1769 procedures, and must include instruction which teaches facility personnel hazardous waste

1770 management procedures (including contingency plan implementation) relevant to the  
1771 positions in which they are employed.  
1772  
1773 (C) At a minimum, the training program must be designed to ensure that facility personnel  
1774 are able to respond effectively to emergencies by familiarizing them with emergency  
1775 procedures, emergency equipment, and emergency systems, including where applicable:  
1776  
1777 (1) Procedures for using, inspecting, repairing, and replacing facility emergency and  
1778 monitoring equipment;  
1779  
1780 (2) Key parameters for automatic waste feed cut-off systems;  
1781  
1782 (3) Communications or alarm systems;  
1783  
1784 (4) Response to fires or explosions;  
1785  
1786 (5) Response to ground-water contamination incidents; and  
1787  
1788 (6) Shutdown of operations.  
1789  
1790 (D) For facility employees that receive emergency response training pursuant to  
1791 Occupational Safety and Health Administration regulations 29 CFR 1910.120(p)(8) and  
1792 1910.120(q), the large quantity generator is not required to provide separate emergency  
1793 response training pursuant to this section, provided that the overall facility training meets all  
1794 the conditions of exemption in this section.  
1795  
1796 (ii) Facility personnel must successfully complete the program required in paragraph (a)(7)(i) of  
1797 this section within six months after the date of their employment or assignment to the facility, or to  
1798 a new position at the facility, whichever is later. Employees must not work in unsupervised  
1799 positions until they have completed the training standards of paragraph (a)(7)(i) of this section.  
1800  
1801 (iii) Facility personnel must take part in an annual review of the initial training required in  
1802 paragraph (a)(7)(i) of this section.  
1803  
1804 (iv) The large quantity generator must maintain the following documents and records at the  
1805 facility:  
1806  
1807 (A) The job title for each position at the facility related to hazardous waste management, and  
1808 the name of the employee filling each job;  
1809  
1810 (B) A written job description for each position listed under paragraph (a)(7)(iv)(A) of this  
1811 section. This description may be consistent in its degree of specificity with descriptions for  
1812 other similar positions in the same company location or bargaining unit, but must include the  
1813 requisite skill, education, or other qualifications, and duties of facility personnel assigned to  
1814 each position;  
1815  
1816 (C) A written description of the type and amount of both introductory and continuing training  
1817 that will be given to each person filling a position listed under paragraph (a)(7)(iv)(A) of this  
1818 section;  
1819  
1820 (D) Records that document that the training or job experience, required under paragraphs  
1821 (a)(7)(i), (ii), and (iii) of this section, has been given to, and completed by, facility personnel.  
1822

1823 (v) Training records on current personnel must be kept until closure of the facility. Training  
1824 records on former employees must be kept for at least three years from the date the employee  
1825 last worked at the facility. Personnel training records may accompany personnel transferred  
1826 within the same company.  
1827

1828 (8) **Closure.** A large quantity generator accumulating hazardous wastes in containers, tanks, drip  
1829 pads, and containment buildings, prior to closing a unit at the facility, or prior to closing the facility,  
1830 must meet the following conditions:  
1831

1832 (i) **Notification for closure of a waste accumulation unit.** A large quantity generator must  
1833 perform one of the following when closing a waste accumulation unit:  
1834

1835 (A) Place a notice in the operating record within 30 days after closure identifying the location  
1836 of the unit within the facility; or  
1837

1838 (B) Meet the closure performance standards of paragraph (a)(8)(iii) of this section for  
1839 container, tank, and containment building waste accumulation units or paragraph (a)(8)(iv) of  
1840 this section for drip pads and notify the Department following the procedures in paragraph  
1841 (a)(8)(ii)(B) of this section for the waste accumulation unit. If the waste accumulation unit is  
1842 subsequently reopened, the generator may remove the notice from the operating record.  
1843

1844 (ii) **Notification for closure of the facility.** (A) Notify the Department using EPA Form 8700-12  
1845 no later than 30 days prior to closing the facility.  
1846

1847 (B) Notify the Department using EPA Form 8700-12 within 90 days after closing the facility  
1848 that it has complied with the closure performance standards of paragraph (a)(8)(iii) or (iv) of  
1849 this section. If the facility cannot meet the closure performance standards of paragraph  
1850 (a)(8)(iii) or (iv) of this section, notify the Department using EPA Form 8700-12 that it will  
1851 close as a landfill under § 265.310 of these regulations in the case of a container, tank or  
1852 containment building unit(s), or for a facility with drip pads, notify using EPA Form 8700-12  
1853 that it will close under the standards of § 265.445(b).  
1854

1855 (C) A large quantity generator may request additional time to clean close, but it must notify  
1856 the Department using EPA Form 8700-12 within 75 days after the date provided in  
1857 paragraph (a)(8)(ii)(A) of this section to request an extension and provide an explanation as  
1858 to why the additional time is required.  
1859

1860 (iii) **Closure performance standards for container, tank systems, and containment building**  
1861 **waste accumulation units.** (A) At closure, the generator must close the waste accumulation unit  
1862 or facility in a manner that:  
1863

1864 (1) Minimizes the need for further maintenance by controlling, minimizing, or eliminating,  
1865 to the extent necessary to protect human health and the environment, the post-closure  
1866 escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or  
1867 hazardous waste decomposition products to the ground or surface waters or to the  
1868 atmosphere,  
1869

1870 (2) Removes or decontaminates all contaminated equipment, structures and soil and any  
1871 remaining hazardous waste residues from waste accumulation units including  
1872 containment system components (pads, liners, etc.), contaminated soils and subsoils,  
1873 bases, and structures and equipment contaminated with waste, unless § 261.3(d) of  
1874 these regulations applies.  
1875

1876 (3) Any hazardous waste generated in the process of closing either the generator's  
1877 facility or unit(s) accumulating hazardous waste must be managed in accordance with all  
1878 applicable standards of Parts 262, 263, 265 and 268 of these regulations, including  
1879 removing any hazardous waste contained in these units within 90 days of generating it  
1880 and managing these wastes in a RCRA Subtitle C hazardous waste permitted treatment,  
1881 storage and disposal facility or interim status facility.  
1882

1883 (4) If the generator demonstrates that any contaminated soils and wastes cannot be  
1884 practicably removed or decontaminated as required in paragraph (a)(8)(iii)(A)(2) of this  
1885 section, then the waste accumulation unit is considered to be a landfill and the generator  
1886 must close the waste accumulation unit and perform post-closure care in accordance with  
1887 the closure and post-closure care requirements that apply to landfills (§ 265.310 of these  
1888 regulations). In addition, for the purposes of closure, post-closure, and financial  
1889 responsibility, such a waste accumulation unit is then considered to be a landfill, and the  
1890 generator must meet all of the requirements for landfills specified in Part 265, Subpart G  
1891 and Part 266 of these regulations.  
1892

1893 (iv) **Closure performance standards for drip pad waste accumulation units.** At closure, the  
1894 generator must comply with the closure requirements of paragraphs (a)(8)(ii) and (a)(8)(iii)(A)(1)  
1895 and (3) of this section, and § 265.445(a) and (b) of these regulations.  
1896

1897 (v) The closure requirements of paragraph (a)(8) of this section do not apply to satellite  
1898 accumulation areas.  
1899

1900 (9) **Reserved.**  
1901

1902 (b) **Accumulation time limit extension.** A large quantity generator who accumulates hazardous waste  
1903 for more than 90 days is subject to the requirements of Parts 264 through 268, and Part 100 of these  
1904 regulations, unless the generator has been granted an extension to the 90-day period. Such extension  
1905 may be granted by the Department if hazardous wastes must remain on site for longer than 90 days due  
1906 to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be  
1907 granted at the discretion of the Department on a case-by-case basis.  
1908

1909 (c) **Accumulation of F006.** A large quantity generator who also generates wastewater treatment sludges  
1910 from electroplating operations that meet the listing description for the EPA hazardous waste number  
1911 F006, may accumulate F006 waste on site for more than 90 days, but not more than 180 days without  
1912 being subject to Parts 264 through 267 and 100 of these regulations, and the notification requirements of  
1913 Part 99 of these regulations, provided that the generator complies with all of the following additional  
1914 conditions for exemption:  
1915

1916 (1) The large quantity generator has implemented pollution prevention practices that reduce the  
1917 amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise  
1918 released to the environment prior to its recycling;  
1919

1920 (2) The F006 waste is legitimately recycled through metals recovery;  
1921

1922 (3) No more than 20,000 kilograms of F006 waste is accumulated on site at any one time; and  
1923

1924 (4) The F006 waste is managed in accordance with the following:  
1925

1926 (i)(A) If the F006 waste is placed in containers, the large quantity generator must comply with the  
1927 applicable conditions for exemption in paragraph (a)(1) of this section; and/or  
1928

1929 (B) If the F006 is placed in tanks, the large quantity generator must comply with the  
1930 applicable conditions for exemption of paragraph (a)(2) of this section; and/or  
1931  
1932 (C) If the F006 is placed in containment buildings, the large quantity generator must comply  
1933 with Subpart DD of Part 265 of these regulations, and has placed its professional engineer  
1934 certification that the building complies with the design standards specified in section  
1935 265.1101 of these regulations in the facility's files prior to operation of the unit. The large  
1936 quantity generator must maintain the following records:  
1937  
1938 (1) A written description of procedures to ensure that the F006 waste remains in the unit  
1939 for no more than 180 days, a written description of the waste generation and  
1940 management practices for the facility showing that they are consistent with the 180-day  
1941 limit, and documentation that the large quantity generator is complying with the  
1942 procedures; or  
1943  
1944 (2) Documentation that the unit is emptied at least once every 180 days.  
1945  
1946 (ii) The large quantity generator is exempt from all the requirements in Part 265, Subpart G and  
1947 Part 266 of these regulations, except for those referenced in paragraph (a)(8) of this section.  
1948  
1949 (iii) The date upon which each period of accumulation begins is clearly marked and must be  
1950 clearly visible for inspection on each container;  
1951  
1952 (iv) While being accumulated on site, each container and tank is labeled or marked clearly with:  
1953  
1954 (A) The words "Hazardous Waste"; and  
1955  
1956 (B) An indication of the hazards of the contents (examples include, but are not limited to, the  
1957 applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic);  
1958 hazard communication consistent with the Department of Transportation requirements at 49  
1959 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or  
1960 pictogram consistent with the Occupational Safety and Health Administration Hazard  
1961 Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with  
1962 the National Fire Protection Association code 704).  
1963  
1964 (v) The large quantity generator complies with the requirements in paragraphs (a)(6) and (7) of  
1965 this section.  
1966  
1967 (d) **F006 transported over 200 miles.** A large quantity generator who also generates wastewater  
1968 treatment sludges from electroplating operations that meet the listing description for the EPA hazardous  
1969 waste number F006, and who must transport this waste, or offer this waste for transportation, over a  
1970 distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on site for more  
1971 than 90 days, but not more than 270 days without being subject to Parts 264 through 267, and 100 of  
1972 these regulations, if the large quantity generator complies with all of the conditions for exemption of  
1973 paragraphs (c)(1) through (4) of this section.  
1974  
1975 (e) **F006 accumulation time extension.** A large quantity generator accumulating F006 in accordance  
1976 with paragraphs (c) and (d) of this section who accumulates F006 waste on site for more than 180 days  
1977 (or for more than 270 days if the generator must transport this waste, or offer this waste for transportation,  
1978 over a distance of 200 miles or more), or who accumulates more than 20,000 kilograms of F006 waste on  
1979 site is an operator of a storage facility and is subject to the requirements of Parts 264, 265, 266, 267, and  
1980 100 of these regulations, unless the generator has been granted an extension to the 180-day (or 270-day  
1981 if applicable) period or an exception to the 20,000 kilogram accumulation limit. Such extensions and

1982 exceptions may be granted by the Department if F006 waste must remain on site for longer than 180  
1983 days (or 270 days if applicable) or if more than 20,000 kilograms of F006 waste must remain on site due  
1984 to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an  
1985 exception to the accumulation limit may be granted at the discretion of the Department on a case-by-case  
1986 basis.

1987  
1988 (f) **Consolidation of hazardous waste received from very small quantity generators.** Large quantity  
1989 generators may accumulate on site hazardous waste received from very small quantity generators under  
1990 control of the same person (as defined in § 260.10 of these regulations), without a storage permit or  
1991 interim status and without complying with the requirements of Parts 264 through 268, and 100 of these  
1992 regulations, provided that they comply with the following conditions. "Control," for the purposes of this  
1993 section, means the power to direct the policies of the generator, whether by the ownership of stock, voting  
1994 rights, or otherwise, except that contractors who operate generator facilities on behalf of a different  
1995 person shall not be deemed to "control" such generators.

1996  
1997 (1) The large quantity generator notifies the Department at least thirty (30) days prior to receiving the  
1998 first shipment from a very small quantity generator(s) using EPA Form 8700-12; and

1999  
2000 (i) Identifies on the form the name(s) and site address(es) for the very small quantity generator(s)  
2001 as well as the name and business telephone number for a contact person for the very small  
2002 quantity generator(s); and

2003  
2004 (ii) Submits an updated Site ID form (EPA Form 8700-12) within 30 days after a change in the  
2005 name or site address for the very small quantity generator.

2006  
2007 (2) The large quantity generator maintains records of shipments for three years from the date the  
2008 hazardous waste was received from the very small quantity generator. These records must identify  
2009 the name, site address, and contact information for the very small quantity generator and include a  
2010 description of the hazardous waste received, including the quantity and the date the waste was  
2011 received.

2012  
2013 (3) The large quantity generator complies with the independent requirements identified in  
2014 § 262.10(a)(1)(iii) and the conditions for exemption in this section for all hazardous waste received  
2015 from a very small quantity generator. For purposes of the labeling and marking regulations in  
2016 paragraph (a)(5) of this section, the large quantity generator must label the container or unit with the  
2017 date accumulation started (i.e., the date the hazardous waste was received from the very small  
2018 quantity generator). If the large quantity generator is consolidating incoming hazardous waste from a  
2019 very small quantity generator with either its own hazardous waste or with hazardous waste from other  
2020 very small quantity generators, the large quantity generator must label each container or unit with the  
2021 earliest date any hazardous waste in the container was accumulated on site.

2022  
2023 (g) **Rejected load.** A large quantity generator who sends a shipment of hazardous waste to a designated  
2024 facility with the understanding that the designated facility can accept and manage the waste and later  
2025 receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy  
2026 provisions of § 264.72 or § 265.72 of these regulations may accumulate the returned waste on site in  
2027 accordance with paragraphs (a) and (b) of this section. Upon receipt of the returned shipment, the  
2028 generator must:

2029  
2030 (1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest;  
2031 or

2032  
2033 (2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

2034 **26) Subpart A of Part 262 is amended by adding Section 262.18 to read as follows:**

2035  
2036 **§ 262.18 EPA identification numbers and re-notification for very small quantity generators, small**  
2037 **quantity generators, and large quantity generators.**

2038  
2039 (a) A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste  
2040 without having received an EPA identification number from the Department.

2041  
2042 (b) A generator who has not received an EPA identification number must obtain one by applying to the  
2043 Department using EPA Form 8700-12. Upon receiving the request the Department will assign an EPA  
2044 identification number to the generator.

2045  
2046 (c) A generator must not offer its hazardous waste to transporters or to treatment, storage, or disposal  
2047 facilities that have not received an EPA identification number.

2048  
2049 (d) **Re-notification.** (1) A very small quantity generator that generates 3 gallons or more in a calendar  
2050 year of hazardous waste codes F001, F002, F004, and/or F005 must re-notify the Department starting in  
2051 2021 and every four years thereafter using EPA Form 8700-12. This re-notification must be submitted by  
2052 September 1st of each year in which re-notifications are required unless the very small quantity generator  
2053 has submitted an updated notification within the last four years.

2054  
2055 (2) A small quantity generator must re-notify the Department starting in 2021 and every four years  
2056 thereafter using EPA Form 8700-12. This re-notification must be submitted by September 1st of each  
2057 year in which re-notifications are required unless the small quantity generator has submitted an  
2058 updated notification within the last four years.

2059  
2060 (3) A large quantity generator must re-notify EPA by March 1 of each even-numbered year thereafter  
2061 using EPA Form 8700-12. A large quantity generator may submit this re-notification as part of its  
2062 Biennial Report required under § 262.41.

2063  
2064 (e) A recognized trader must not arrange for import or export of hazardous waste without having received  
2065 an EPA identification number from the Administrator.

2066  
2067

2068 **27) The heading for Subpart B of Part 262 is amended to read as follows:**

2069  
2070 **Subpart B –~~The Manifest~~ Requirements Applicable to Small and Large Quantity Generators**

2071  
2072

2073 **28) The heading for Subpart C of Part 262 is amended to read as follows:**

2074

2075 **Subpart C – Pre-Transport Requirements Applicable to Small and Large Quantity Generators**

2076  
2077

2078 **29) Section 262.32 is amended by revising paragraph (b) and adding paragraphs (c) and**  
2079 **(d) to read as follows:**

2080

2081 **§ 262.32 Marking.**

2082

2083 (a) Before transporting or offering hazardous waste for transportation off site, a generator must mark each  
2084 package of hazardous waste in accordance with applicable Public Utilities Commission or Department of  
2085 Transportation regulations on hazardous materials under 49 CFR Part 172.

2086  
2087 (b) Before transporting hazardous waste or offering hazardous waste for transportation off site, a  
2088 generator must mark each container of 119 gallons or less used in such transportation with the following  
2089 words and information displayed in accordance with the requirements of 49 CFR § 172.304:

2090  
2091 (1) HAZARDOUS WASTE - Federal Law Prohibits Improper Disposal. If found, contact the nearest  
2092 police or public safety authority or the U.S. Environmental Protection Agency.

2093  
2094 (2) Generator's Name and Address \_\_\_\_\_.

2095  
2096 (3) Generator's EPA Identification Number \_\_\_\_\_.

2097  
2098 (4) Manifest Tracking Number \_\_\_\_\_.

2099  
2100 (5) EPA Hazardous Waste Number(s) \_\_\_\_\_.

2101  
2102 (c) A generator may use a nationally recognized electronic system, such as bar coding, to identify the  
2103 EPA Hazardous Waste Number(s), as required by paragraph (b)(5) or paragraph (d).

2104  
2105 (d) Lab packs that will be incinerated in compliance with § 268.42(c) are not required to be marked with  
2106 EPA Hazardous Waste Number(s), except D004, D005, D006, D007, D008, D010, and D011, where  
2107 applicable.

2108  
2109  
2110 **30) Section 262.34 is removed and reserved to read as follows:**

2111  
2112 **§ 262.34 ReservedAccumulation time.**

2113  
2114 ~~(a) Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate~~  
2115 ~~hazardous waste on site for 90 days or less without a permit or without having interim status provided~~  
2116 ~~that:~~

2117  
2118 ~~(1) The waste is placed:~~

2119  
2120 ~~(i) In containers and the generator complies with the applicable requirements of Subparts I, AA,~~  
2121 ~~BB, and CC of Part 265; and/or~~

2122  
2123 ~~(ii) In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB,~~  
2124 ~~and CC of Part 265 except §§ 265.197(c) and 265.200; and/or~~

2125  
2126 ~~(iii) On drip pads and the generator complies with subpart W of part 265 of these regulations and~~  
2127 ~~maintains the following records at the facility:~~

2128  
2129 ~~(A) A description of procedures that will be followed to ensure that all wastes are removed~~  
2130 ~~from the drip pad and associated collection system at least once every 90 days; and~~

2131  
2132 ~~(B) Documentation of each waste removal, including the quantity of waste removed from the~~  
2133 ~~drip pad and the sump or collection system and the date and time of removal; and/or~~

2134  
2135 ~~(iv) The waste is placed in containment buildings and the generator complies with Subpart DD of~~  
2136 ~~Part 265, has placed its professional engineer certification that the building complies with the~~  
2137 ~~design standards specified in § 265.1101 in the facility's operating record no later than 60 days~~  
2138 ~~after the date of initial operation of the unit. After February 18, 1993, PE certification will be~~

2139 required prior to operation of the unit. The owner or operator shall maintain the following records  
2140 at the facility:

2141 (A) A written description of procedures to ensure that each waste volume remains in the unit  
2142 for no more than 90 days, a written description of the waste generation and management  
2143 practices for the facility showing that they are consistent with respecting the 90-day limit, and  
2144 documentation that the procedures are complied with; or  
2145

2146 (B) Documentation that the unit is emptied at least once every 90 days.  
2147

2148 In addition, such a generator is exempt from all the requirements in Subpart G of Part 265, except for  
2149 §§ 265.111 and 265.114, and from Part 266 of these regulations.  
2150

2151 (2) The date upon which each period of accumulation begins is clearly marked and visible for  
2152 inspection on each container and either on or attached to each tank, or on a tank log sheet that is  
2153 maintained at the facility and available for inspection upon request.  
2154

2155 (3) While being accumulated on-site, each container and tank is labeled or marked clearly with the  
2156 words, "Hazardous Waste"; and  
2157

2158 (4) The generator complies with the requirements for owners or operators in Subparts C and D in Part  
2159 265, with § 265.16, and with § 268.7(a)(5).  
2160

2161 (b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage  
2162 facility and is subject to the requirements of Parts 264, 265, and 266 and the permit requirements of Part  
2163 100 unless he/she has been granted an extension to the 90-day period. Such extension may be granted  
2164 by the Department if hazardous waste must remain on-site for longer than 90 days due to unforeseen,  
2165 temporary and uncontrollable circumstances. An extension of up to 30 days may be granted at the  
2166 discretion of the Director on a case-by-case basis.  
2167

2168 (c)(1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely  
2169 hazardous waste listed in § 261.33(e) in containers at or near any point of generation where wastes  
2170 initially accumulate, which is under the control of the operator of the process generating the waste,  
2171 without a permit or interim status and without complying with paragraph (a) of this section provided:  
2172

2173 (i) The waste is placed in containers and the generator complies with Subpart I of Part 265 of  
2174 these regulations, except for § 265.178;  
2175

2176 (ii) While being accumulated, the containers are marked with the words "Hazardous Waste" or  
2177 with other words that identify the contents of the containers; and  
2178

2179 (iii) The generator complies with the requirement for owners or operators in Subpart C and D in  
2180 Part 265 and with § 265.16; and  
2181

2182 (iv) The generator designates the location of each paragraph (a) and (c)(1) accumulation area in  
2183 the contingency plan required under § 262.34(c)(1)(iii).  
2184

2185 (2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in  
2186 paragraph (c)(1) of this section at or near any point of generation must comply immediately when the  
2187 level of 55 gallons of hazardous waste or one quart of acutely hazardous waste is exceeded with  
2188 paragraph (a) of this section or other applicable provisions of these regulations.\*  
2189

2192 \* ~~NOTE: In order to comply with the requirements of § 262.34(a) of these regulations, the~~  
2193 ~~generator must mark the container with the date on which the container begins storage under §~~  
2194 ~~262.34(a), which for purposes of this paragraph is the date on which the 55 gallons or one quart limit~~  
2195 ~~is exceeded.~~

2196  
2197 ~~(d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous~~  
2198 ~~waste in a calendar month may accumulate hazardous waste on site for 180 days or less without a permit~~  
2199 ~~or without having interim status provided that:~~

2200  
2201 ~~(1) The quantity of waste accumulated on site never exceeds 6000 kilograms;~~

2202  
2203 ~~(2) The generator complies with the requirements of Subpart I of Part 265 of these regulations, except~~  
2204 ~~for §§ 265.176 and 265.178;~~

2205  
2206 ~~(3) The generator complies with the requirements of § 265.201 in Subpart J of Part 265.~~

2207  
2208 ~~(4) The generator complies with the requirements of paragraphs (a)(2) and (a)(3) of this section, the~~  
2209 ~~requirements of Subpart C of Part 265, the requirements of § 268.7(a)(5); and~~

2210  
2211 ~~(5) The generator complies with the following requirements:~~

2212  
2213 ~~(i) At all times there must be at least one employee either on the premises or on call (i.e.,~~  
2214 ~~available to respond to an emergency by reaching the facility within a short period of time) with~~  
2215 ~~the responsibility for coordinating all emergency response measures specified in paragraph~~  
2216 ~~(d)(5)(iv) of this section. This employee is the emergency coordinator.~~

2217  
2218 ~~(ii) The generator must post the following information next to the telephone:~~

2219  
2220 ~~(A) The name and telephone number of the emergency coordinator;~~

2221  
2222 ~~(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and~~

2223  
2224 ~~(C) The telephone number of the fire department, unless the facility has a direct alarm.~~

2225  
2226 ~~(iii) The generator must ensure that all employees are provided with hazardous waste training,~~  
2227 ~~including proper waste handling and emergency procedures, relevant to their responsibilities~~  
2228 ~~during normal facility operations and emergencies. Training shall be provided in a way that~~  
2229 ~~ensures compliance with the requirements of this Part 262. Documentation that this training has~~  
2230 ~~been provided shall be retained on site for all current employees.~~

2231  
2232 ~~(iv) The emergency coordinator or designee must respond to any emergencies that arise. The~~  
2233 ~~applicable responses are as follows:~~

2234  
2235 ~~(A) In the event of a fire, call the fire department or attempt to extinguish it using a fire~~  
2236 ~~extinguisher;~~

2237  
2238 ~~(B) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as~~  
2239 ~~soon as is practicable, clean up the hazardous waste and any contaminated materials or~~  
2240 ~~soil;~~

2241  
2242 ~~(C) In the event of a fire, explosion, or other release which could threaten human health~~  
2243 ~~outside the facility or when the generator has knowledge that a spill has reached surface~~

2244 water, the generator must immediately notify the National Response Center (using their 24  
2245 hour toll free number 800/424 8802). The report must include the following information:

2246 (1) The name, address, and U.S. EPA Identification Number of the generator;

2247 (2) Date, time and type of incident (e.g., spill or fire);

2248 (3) Quantity and type of hazardous waste involved in the incident;

2249 (4) Extent of injuries, if any; and

2250 (5) Estimated quantity and disposition of recovered materials, if any.

2251 (e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous  
2252 waste in a calendar month and who must transport his/her waste, or offer his/her waste for transportation,  
2253 over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate  
2254 hazardous waste on-site for 270 days or less without a permit or without having interim status provided  
2255 that he/she complies with the requirements of paragraph (d) of this section.

2256 (f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous  
2257 waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or  
2258 accumulates hazardous waste for more than 180 days (or for more than 270 days if he/she must  
2259 transport his/her waste, or offer his/her waste for transportation, over a distance of 200 miles or more) is  
2260 an operator of a storage facility and is subject to the permit requirements of Parts 100 and 264 and 265  
2261 unless he/she has been granted an extension to the 180 day (or 270 day if applicable) period. Such  
2262 extension may be granted by the Department if hazardous wastes must remain on site for longer than  
2263 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An  
2264 extension of up to 30 days may be granted at the discretion of the Department on a case by case basis.

2265 (g)(1) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous  
2266 waste in a calendar month may accumulate as much as 55 gallons of hazardous waste or one quart of  
2267 acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where  
2268 wastes initially accumulate, which is under the control of the operator of the process generating the  
2269 waste, without a permit or interim status and without complying with paragraph (a) or (d) of this section  
2270 provided:

2271 (i) The waste is placed in containers and the generator complies with Subpart I of Part 265 of  
2272 these regulations;

2273 (ii) While being accumulated, the containers are marked with the words "Hazardous Waste" or  
2274 with other words that identify the contents of the containers; and

2275 (iii) The generator complies with the requirement for owners or operators in Subpart C in Part 265  
2276 and with paragraph (d)(5) of this section.

2277 (2) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous  
2278 waste in a calendar month who accumulate either hazardous waste or acutely hazardous waste listed  
2279 in paragraph (g)(1) of this section at or near any point of generation must comply immediately when  
2280 the level of 55 gallons of hazardous waste or one quart of acutely hazardous waste is exceeded with  
2281 paragraph (d) of this section or other applicable provisions of these regulations. In order to comply  
2282 with the requirements of § 262.34(d) of these regulations, the generator must mark the container with  
2283 the date on which the container begins storage under § 262.34(d), which for purposes of this  
2284 paragraph is the date on which the 55 gallons or one quart limit is exceeded.

2297  
2298 (h) A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who  
2299 also generates wastewater treatment sludges from electroplating operations that meet the listing  
2300 description for the RCRA hazardous waste code F006, may accumulate F006 waste on site for more than  
2301 90 days, but not more than 180 days without a permit or without having interim status provided that:

2302  
2303 (1) The generator has implemented pollution prevention practices that reduce the amount of any  
2304 hazardous substances, pollutants or contaminants entering F006 or otherwise released to the  
2305 environment prior to its recycling;

2306  
2307 (2) The F006 waste is legitimately recycled through metals recovery;

2308  
2309 (3) No more than 20,000 kilograms of F006 waste is accumulated on site at any one time; and

2310  
2311 (4) The F006 waste is managed in accordance with the following:

2312  
2313 (i) The F006 waste is placed:

2314  
2315 (A) In containers and the generator complies with the applicable requirements of Subparts I,  
2316 AA, BB, and CC of Part 265 of these regulations; and/or

2317  
2318 (B) In tanks and the generator complies with the applicable requirements of Subparts J, AA,  
2319 BB, and CC of Part 265 of these regulations, except §§ 265.197(c) and 265.200; and/or

2320  
2321 (C) In containment buildings and the generator complies with Subpart DD of Part 265 of  
2322 these regulations, and has placed its professional engineer certification that the building  
2323 complies with the design standards specified in § 265.1101 in the facility's operating record  
2324 prior to operation of the unit.

2325 The owner or operator must maintain the following records at the facility:

2326  
2327 (1) A written description of procedures to ensure that the F006 waste remains in  
2328 the unit for no more than 180 days, a written description of the waste generation  
2329 and management practices for the facility showing that they are consistent with  
2330 the 180 day limit, and documentation that the generator is complying with the  
2331 procedures; or

2332  
2333 (2) Documentation that the unit is emptied at least once every 180 days.

2334  
2335 (ii) In addition, such a generator is exempt from all the requirements in Subparts G and H of Part  
2336 265 of these regulations, except for §§ 265.111 and 265.114.

2337  
2338 (iii) The date upon which each period of accumulation begins is clearly marked and visible for  
2339 inspection on each container;

2340  
2341 (iv) While being accumulated on site, each container and tank is labeled or marked clearly with  
2342 the words, "Hazardous Waste"; and

2343  
2344 (v) The generator complies with the requirements for owners or operators in Subparts C and D in  
2345 Part 265, with § 265.16, and with § 268.7(a)(5) of these regulations.

2346  
2347 (i) A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who  
2348 also generates wastewater treatment sludges from electroplating operations that meet the listing  
2349 description for the RCRA hazardous waste code F006, and who must transport this waste, or offer this

2350 waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may  
2351 accumulate F006 waste on-site for more than 90 days, but not more than 270 days without a permit or  
2352 without having interim status if the generator complies with the requirements of paragraphs (h)(1) through  
2353 (h)(4) of this section.

2354  
2355 (j) A generator accumulating F006 in accordance with paragraphs (h) and (i) of this section who  
2356 accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must  
2357 transport this waste, or offer this waste for transportation, over a distance of 200 miles or more), or who  
2358 accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is  
2359 subject to the requirements of Parts 264 and 265 and the permit requirements of Part 100 of these  
2360 regulations unless the generator has been granted an extension to the 180-day (or 270-day if applicable)  
2361 period or an exception to the 20,000-kilogram accumulation limit. Such extensions and exceptions may  
2362 be granted by the Department if F006 waste must remain on-site for longer than 180 days (or 270 days if  
2363 applicable) or if more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen,  
2364 temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the  
2365 accumulation limit may be granted at the discretion of the Director on a case-by-case basis.

2366  
2367 (k) {Reserved}

2368  
2369 (l) {Reserved}

2370  
2371 (m) {Reserved}

2372  
2373 (n) A generator who sends a shipment of hazardous waste to a designated facility with the understanding  
2374 that the designated facility can accept and manage the waste and later receives that shipment back as a  
2375 rejected load or residue in accordance with the manifest discrepancy provisions of § 264.72 or § 265.72  
2376 of these regulations may accumulate the returned waste on-site in accordance with paragraphs (a) and  
2377 (b) or (d), (e) and (f) of this section, depending on the amount of hazardous waste on-site in that calendar  
2378 month. Upon receipt of the returned shipment, the generator must:

2379  
2380 (1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest;  
2381 or

2382  
2383 (2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

2384  
2385  
2386 **31) Section 262.35 is added to Subpart C of Part 262 to read as follows:**

2387  
2388 **§ 262.35 Liquids in landfills prohibition.**

2389  
2390 The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free  
2391 liquids (whether or not sorbents have been added) in any landfill is prohibited. Prior to disposal in a  
2392 hazardous waste landfill, liquids must meet additional requirements as specified in § 264.314 and §  
2393 265.314.

2394  
2395  
2396 **32) The heading for Subpart D of Part 262 is amended to read as follows:**

2397  
2398 **Subpart D – Recordkeeping and Reporting Applicable to Small and Large Quantity Generators**

2399 **33) Section 262.40 is amended by revising paragraph (c) to read as follows:**

2400  
2401 **§ 262.40 Recordkeeping.**

2402  
2403 (a) A generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years  
2404 or until he/she receives a signed copy from the designated facility which received the waste. This signed  
2405 copy must be retained as a record for at least three years from the date the waste was accepted by the  
2406 initial transporter.

2407  
2408 (b) A generator must keep a copy of each Biennial Report and Exception Report for a period of at least  
2409 three years from the due date of the report (March 1).

2410  
2411 (c) ~~See § 262.11(f) for recordkeeping requirements for documenting hazardous waste determinations. A~~  
2412 ~~generator must keep records of any test results, waste analyses, or other determinations made in~~  
2413 ~~accordance with § 262.11 for at least three years from the date that the waste was last sent to on-site or~~  
2414 ~~off-site treatment, storage, or disposal.~~

2415  
2416 (d) The periods or retention referred to in this section are extended automatically during the course of any  
2417 unresolved enforcement action regarding the regulated activity or as requested by the Department.

2418  
2419

2420 **34) Section 262.41 is amended to read as follows:**

2421  
2422 **§ 262.41 Biennial reporting for large quantity generators.**

2423  
2424 (a) ~~A generator who is a large quantity generator for at least one month of an odd-numbered year~~  
2425 ~~(reporting year) who ships any hazardous waste off-site to a treatment, storage or disposal facility within~~  
2426 ~~the United States must complete and submit a Biennial Report in EPA Form 8700-13A/B to the~~  
2427 ~~Department by March 1 of the following even-numbered year and must cover generator activities during~~  
2428 ~~the previous year. A generator who ships any hazardous waste off site to a treatment, storage, or~~  
2429 ~~disposal facility within the United States must prepare and submit a single copy of a biennial report to the~~  
2430 ~~Department by March 1 of each even numbered year or upon the Director's request. The biennial report~~  
2431 ~~must be submitted in EPA Form 8700-13A, and must cover generator activities during the previous year,~~  
2432 ~~and must include the following information:~~

2433  
2434 (1) ~~The EPA identification number, name, and address of the generator;~~

2435  
2436 (2) ~~The calendar year covered by the report;~~

2437  
2438 (3) ~~The EPA identification number, name, and address for each off-site treatment, storage, or disposal~~  
2439 ~~facility to which waste was shipped during the year;~~

2440  
2441 (4) ~~The name and EPA identification number of each transporter used during the reporting year for~~  
2442 ~~shipments to a treatment, storage or disposal facility within the United States;~~

2443  
2444 (5) ~~A description, EPA hazardous waste number (from Part 261, Subpart C or D), DOT hazard class, and~~  
2445 ~~quantity of each hazardous waste shipped off site for shipments to a treatment, storage or disposal facility~~  
2446 ~~within the United States. This information must be listed by EPA identification number of each off-site~~  
2447 ~~facility to which waste was shipped.~~

2448  
2449 (6) ~~A description of the efforts undertaken during the year to reduce the volume and toxicity of waste~~  
2450 ~~generated.~~

2451

2452 ~~(7) A description of the changes in volume and toxicity of waste actually achieved during the years to the~~  
2453 ~~extent such information is available for years prior to 1984.~~

2454  
2455 ~~(8) The certification signed by the generator or authorized representative.~~

2456  
2457 ~~(b) Any generator who is a large quantity generator for at least one month of an odd-numbered year~~  
2458 ~~(reporting year) who treats, stores, or disposes of hazardous waste on-site must complete and submit a~~  
2459 ~~Biennial Report in EPA Form 8700-13A/B to the Department by March 1 of the following even-numbered~~  
2460 ~~year covering those wastes in accordance with the provisions of Parts 264, 265, 266, 267, and 100. This~~  
2461 ~~requirement also applies to large quantity generators that receive hazardous waste from very small~~  
2462 ~~quantity generators pursuant to § 262.17(f). Any generator who treats, stores, or disposes of hazardous~~  
2463 ~~waste on site must submit a biennial report covering those wastes in accordance with the provisions of~~  
2464 ~~Parts 100, 264, 265, 266, and 267. Reporting for exports of hazardous waste is not required on the~~  
2465 ~~biennial report form. A separate annual report requirement is set forth in § 262.56.~~

2466  
2467 ~~(c) Exports of hazardous waste to foreign countries are not required to be reported on the Biennial Report~~  
2468 ~~form. A separate annual report requirement is set forth at § 262.83(g) for hazardous waste exporters.~~

2469  
2470  
2471 **35) Section 262.43 is amended by revising paragraph (a) to read as follows:**

2472  
2473 **§ 262.43 Additional reporting.**

2474  
2475 (a) The ~~Department Administrator~~, as deemed necessary, may require generators to furnish additional  
2476 reports concerning the quantities and disposition of wastes identified or listed in Part 261 of these  
2477 regulations, and compliance with the regulatory requirements of 6 CCR 1007-3.:

2478  
2479 ~~(1) compliance with the regulatory requirements of 6 CCR 1007-3; and~~

2480  
2481 ~~(2) the quantities and disposition of wastes identified or listed in Part 261.~~

2482  
2483 (b)(1) Any generator of hazardous waste who receives a Self-Certification Checklist from the Department  
2484 shall complete and return the checklist within the time specified in the instructions provided by the  
2485 Department.

2486  
2487 (2) The Department shall provide generators a reasonable amount of time to complete and return a  
2488 checklist. At a minimum, the generator shall have 14 days from the date of receipt to return the  
2489 checklist. A checklist is deemed returned on the date it is received by the Department. The  
2490 Department may provide an extension of time to complete and return a checklist upon request.

2491  
2492 (3) The self-certification checklist shall contain a certification in substantially the following form, which  
2493 must be signed by an authorized representative of the generator:

2494  
2495 "I, the undersigned facility representative, certify that:

- 2496  
2497 i. I have personally examined and am familiar with the information contained in this  
2498 submittal;
- 2499  
2500 ii. the information contained in this submittal is to the best of my knowledge, true, accurate,  
2501 and complete in all respects; and
- 2502  
2503 iii. I am fully authorized to make this certification on behalf of this facility.
- 2504

2505 I am aware that there are significant penalties including, but not limited to, possible fines and  
2506 imprisonment for willfully submitting false, inaccurate, or incomplete information.”  
2507  
2508

2509 **36) Section 262.44 is amended by revising the section heading and the introductory text**  
2510 **to read as follows:**

2511  
2512 **§ 262.44 Special Requirements for Generators of between 100 and 1000 kg/mo. Recordkeeping for**  
2513 **small quantity generators.**

2514  
2515 A small quantity generator who generates greater than 100 kilograms but less than 1000 kilograms of  
2516 hazardous waste in a calendar month is subject only to the following independent requirements of in this  
2517 subpart:

- 2518 (a) the recordkeeping requirements in paragraphs (a), (c), and (d) in § 262.40;
- 2519 (b) paragraph (c) in § 262.42; and
- 2520 (c) the requirements of § 262.43.

2521  
2522  
2523  
2524  
2525 **37) Part 262 is amended by adding Subpart L (Episodic Generation) to read as follows:**

2526  
2527  
2528 **Subpart L — Episodic Generation**

2529  
2530 **§ 262.230 Applicability.**

2531 This subpart is applicable to very small quantity generators (VSQGs) and small quantity generators  
2532 (SQGs) as defined in § 260.10 of these regulations.

2533 (a) If a VSQG generates hazardous waste episodically at the level of a SQG, the VSQG must operate in  
2534 compliance with the appropriate generator requirements of §§ 262.10(a)(1)(ii), 262.15, and 262.16 for any  
2535 month during which the VSQG operates at that level.

2536 (b) If a VSQG or a SQG generates hazardous waste episodically at the level of a large quantity generator  
2537 (LQG), the VSQG or SQG must operate in compliance with the appropriate generator requirements of  
2538 §§ 262.10(a)(1)(iii), 262.15, and 262.17 for any month during which the VSQG or SQG operates at the  
2539 LQG level.

2540 (c) A VSQG or an SQG that generates hazardous waste episodically at the level of an LQG may exceed  
2541 its generator category once per calendar year without affecting its generator category, and must comply  
2542 with all LQG requirements of §§ 262.10(a)(1)(iii) and 262.17, except for § 262.41(Biennial reporting). A  
2543 VSQG or an SQG that generates hazardous waste episodically at the level of an LQG more than once  
2544 per calendar year must comply with all LQG requirements of §§ 262.10(a)(1)(iii) and 262.17, including  
2545 § 262.41(Biennial reporting).

2546  
2547  
2548  
2549  
2550  
2551 **38) Part 262 is amended by adding Subpart M (Preparedness, Prevention, and**  
2552 **Emergency Procedures for Large Quantity Generators) to read as follows:**

2553  
2554 **Subpart M—Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators**

2555  
2556 **§ 262.250 Applicability.**

2557 HW Generator Improvements Rule  
May 15, 2018 S&HW Commission Hearing  
Page 49 of 89

2558  
2559 The regulations of this subpart apply to those areas of a large quantity generator where hazardous waste  
2560 is generated or accumulated on site.

2561  
2562  
2563 **§ 262.251 Maintenance and operation of facility.**  
2564

2565 (a) A large quantity generator must maintain and operate its facility to minimize the possibility of a fire,  
2566 explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste  
2567 constituents to air, soil, or surface water which could threaten human health or the environment.

2568  
2569 (b) Facilities which are not provided with fire protection services by a fire protection district or municipal  
2570 fire department must be maintained and operated in accordance with a plan for providing their own fire  
2571 protection and prevention which has been approved by the Department and which meets the following  
2572 requirements:

2573  
2574 (1) The plan shall provide for adequate fire protection and prevention for the facility based upon the  
2575 location and construction of the facility, and based upon the kinds and amounts of hazardous wastes  
2576 generated, treated, stored, or disposed of at the facility.

2577  
2578 (2) The plan shall specify the required equipment and the required availability and training of facility  
2579 personnel.

2580  
2581 (3) The plan shall be based upon the provisions of the Uniform Fire Code, the National Fire Code, the  
2582 Uniform Building Code, and 29 CFR, Chapter XVII, part 1910, subpart L, Fire Protection.

2583  
2584 (4) Before submitting the plan to the Department for review, the facility shall have the plan reviewed  
2585 and approved by a registered professional engineer experienced in fire protection.

2586  
2587 (5) The approved plan shall become a part of the facility's contingency plan when a contingency plan  
2588 is required.

2589  
2590  
2591 **§ 262.252 Required equipment.**  
2592

2593 All areas deemed applicable by § 262.250 must be equipped with the items in paragraphs (a) through (d)  
2594 of this section (unless none of the hazards posed by waste handled at the facility could require a  
2595 particular kind of equipment specified below or the actual hazardous waste generation or accumulation  
2596 area does not lend itself for safety reasons to have a particular kind of equipment specified below). A  
2597 large quantity generator may determine the most appropriate locations within its facility to locate  
2598 equipment necessary to prepare for and respond to emergencies:

2599  
2600 (a) An internal communications or alarm system capable of providing immediate emergency instruction  
2601 (voice or signal) to facility personnel;

2602  
2603 (b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-  
2604 way radio, capable of summoning emergency assistance from local police departments, fire departments,  
2605 or state or local emergency response teams;

2606  
2607 (c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as  
2608 that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment;  
2609 and

2610

2611 (d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment,  
2612 or automatic sprinklers, or water spray systems.

2613  
2614

2615 **§ 262.253 Testing and maintenance of equipment.**

2616

2617 All communications or alarm systems, fire protection equipment, spill control equipment, and  
2618 decontamination equipment, where required, must be tested and maintained as necessary to assure its  
2619 proper operation in time of emergency.

2620

2621

2622 **§ 262.254 Access to communications or alarm system.**

2623

2624 (a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel  
2625 involved in the operation must have immediate access (e.g., direct or unimpeded access) to an internal  
2626 alarm or emergency communication device, either directly or through visual or voice contact with another  
2627 employee, unless such a device is not required under § 262.252.

2628

2629 (b) In the event there is just one employee on the premises while the facility is operating, the employee  
2630 must have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone  
2631 (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning  
2632 external emergency assistance, unless such a device is not required under § 262.252.

2633

2634

2635 **§ 262.255 Required aisle space.**

2636

2637 The large quantity generator must maintain aisle space to allow the unobstructed movement of personnel,  
2638 fire protection equipment, spill control equipment, and decontamination equipment to any area of facility  
2639 operation in an emergency, and to allow for inspection of containers pursuant to § 262.17(a)(1)(v).

2640

2641

2642 **§ 262.256 Arrangements with local authorities.**

2643

2644 (a) The large quantity generator must attempt to make arrangements with the local police department, fire  
2645 department, other emergency response teams, emergency response contractors, equipment suppliers,  
2646 and local hospitals, taking into account the types and quantities of hazardous wastes handled at the  
2647 facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to  
2648 be the appropriate organization with which to make arrangements.

2649

2650 (1) A large quantity generator attempting to make arrangements with its local fire department must  
2651 determine the potential need for the services of the local police department, other emergency  
2652 response teams, emergency response contractors, equipment suppliers and local hospitals.

2653

2654 (2) As part of this coordination, the large quantity generator shall attempt to make arrangements, as  
2655 necessary, to familiarize the above organizations with the layout of the facility, the properties of the  
2656 hazardous waste handled at the facility and associated hazards, places where personnel would  
2657 normally be working, entrances to roads inside the facility, and possible evacuation routes as well as  
2658 the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

2659

2660 (3) Where more than one police or fire department might respond to an emergency, the large quantity  
2661 generator shall attempt to make arrangements designating primary emergency authority to a specific  
2662 fire or police department, and arrangements with any others to provide support to the primary  
2663 emergency authority.

2664  
2665 (b) The large quantity generator shall maintain records documenting the arrangements with the local fire  
2666 department as well as any other organization necessary to respond to an emergency. This documentation  
2667 must include documentation in the operating record that either confirms such arrangements actively exist  
2668 or, in cases where no arrangements exist, confirms that attempts to make such arrangements were  
2669 made.

2670  
2671 (c) A facility possessing 24-hour response capabilities may seek a waiver from the authority having  
2672 jurisdiction (AHJ) over the fire code within the facility's state or locality as far as needing to make  
2673 arrangements with the local fire department as well as any other organization necessary to respond to an  
2674 emergency, provided that the waiver is documented in the operating record.

2675  
2676  
2677 **§ 262.260 Purpose and implementation of contingency plan.**

2678  
2679 (a) A large quantity generator must have a contingency plan for the facility. The contingency plan must be  
2680 designed to minimize hazards to human health or the environment from fires, explosions, or any  
2681 unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air,  
2682 soil, or surface water.

2683  
2684 (b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or  
2685 release of hazardous waste or hazardous waste constituents which could threaten human health or the  
2686 environment.

2687  
2688  
2689 **§ 262.261 Content of contingency plan.**

2690  
2691 (a) The contingency plan must describe the actions facility personnel must take to comply with §§ 262.260  
2692 and 262.265 in response to fires, explosions, or any unplanned sudden or non-sudden release of  
2693 hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

2694  
2695 (b) If the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan  
2696 in accordance with 40 CFR Part 112, or some other emergency or contingency plan, it need only amend  
2697 that plan to incorporate hazardous waste management provisions that are sufficient to comply with the  
2698 standards of this part. The generator may develop one contingency plan that meets all regulatory  
2699 standards.

2700  
2701 (c) The plan must describe arrangements agreed to with the local police department, fire department,  
2702 other emergency response teams, emergency response contractors, equipment suppliers, local hospitals  
2703 or, if applicable, the Local Emergency Planning Committee, pursuant to § 262.256.

2704  
2705 (d) The plan must list names and emergency telephone numbers of all persons qualified to act as  
2706 emergency coordinator (see § 262.264), and this list must be kept up to date. Where more than one  
2707 person is listed, one must be named as primary emergency coordinator and others must be listed in the  
2708 order in which they will assume responsibility as alternates. In situations where the generator facility has  
2709 an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the  
2710 year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations  
2711 supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all  
2712 times.

2713  
2714 (e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing  
2715 systems, spill control equipment, communications and alarm systems (internal and external), and  
2716 decontamination equipment), where this equipment is required. This list must be kept up to date. In

2717 addition, the plan must include the location and a physical description of each item on the list, and a brief  
2718 outline of its capabilities.

2719  
2720 (f) The plan must include an evacuation plan for generator personnel where there is a possibility that  
2721 evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation,  
2722 evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked  
2723 by releases of hazardous waste or fires).

2724  
2725 (g) The plan must: (1) identify the fire protection district responsible for providing fire protection services to  
2726 the facility, or state that the facility is not within a fire protection district but is operating under its own fire  
2727 protection plan that has been approved by the Department, and (2) identify the local emergency planning  
2728 committee for the area in which the facility is located.

2729  
2730 (h) A large quantity generator that first becomes subject to these provisions or a large quantity generator  
2731 that is otherwise amending its contingency plan must at that time submit a quick reference guide of the  
2732 contingency plan to the local emergency responders identified at paragraph (a) of this section or, as  
2733 appropriate, the Local Emergency Planning Committee. The quick reference guide must include the  
2734 following elements:

2735  
2736 (1) The types/names of hazardous wastes in layman's terms and the associated hazard associated  
2737 with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent,  
2738 corrosive acid);

2739  
2740 (2) The estimated maximum amount of each hazardous waste that may be present at any one time;

2741  
2742 (3) The identification of any hazardous wastes where exposure would require unique or special  
2743 treatment by medical or hospital staff;

2744  
2745 (4) A map of the facility showing where hazardous wastes are generated, accumulated and treated  
2746 and routes for accessing these wastes;

2747  
2748 (5) A street map of the facility in relation to surrounding businesses, schools and residential areas to  
2749 understand how best to get to the facility and also evacuate citizens and workers;

2750  
2751 (6) The locations of water supply (e.g., fire hydrant and its flow rate);

2752  
2753 (7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke  
2754 alarms); and

2755  
2756 (8) The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in  
2757 the case of a facility where an emergency coordinator is continuously on duty, the emergency  
2758 telephone number for the emergency coordinator.

2759 **§ 262.262 Copies of contingency plan.**

2760  
2761 A copy of the contingency plan and all revisions to the plan must be maintained at the large quantity  
2762 generator, and the large quantity generator must submit a copy of the contingency plan and all revisions  
2763 to all local emergency responders (i.e., police departments, fire departments, hospitals and State and  
2764 local emergency response teams that may be called upon to provide emergency services). This  
2765 document may also be submitted to the Local Emergency Planning Committee, as appropriate.

2766  
2767  
2768 **§ 262.263 Amendment of contingency plan.**

2769 (a) The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

2771 (1) Applicable regulations are revised;

2772  
2773 (2) The plan fails in an emergency;

2774  
2775 (3) The generator facility changes—in its design, construction, operation, maintenance, or other  
2776 circumstances—in a way that materially increases the potential for fires, explosions, or releases of  
2777 hazardous waste or hazardous waste constituents, or changes the response necessary in an  
2778 emergency;

2779 (4) The list of emergency coordinators changes; or

2780  
2781 (5) The list of emergency equipment changes.

2782  
2783 (b) Generators must update, if necessary, their quick reference guides, whenever the contingency plan is  
2784 amended and submit these documents to the local emergency responders identified at paragraph (a) of  
2785 section 262.261 or, as appropriate, the Local Emergency Planning Committee.

2786  
2787  
2788  
2789  
2790 **§ 262.264 Emergency coordinator.**

2791 At all times, there must be at least one employee either on the generator's premises or on call (i.e.,  
2792 available to respond to an emergency by reaching the facility within a short period of time) with the  
2793 responsibility for coordinating all emergency response measures and implementing the necessary  
2794 emergency procedures outlined in § 262.265. Although responsibilities may vary depending on factors  
2795 such as type and variety of hazardous waste(s) handled by the facility, as well as type and complexity of  
2796 the facility, this emergency coordinator must be thoroughly familiar with all aspects of the generator's  
2797 contingency plan, all operations and activities at the facility, the location and characteristics of hazardous  
2798 waste handled, the location of all records within the facility, and the facility's layout. In addition, this  
2799 person must have the authority to commit the resources needed to carry out the contingency plan.

2800  
2801  
2802  
2803 **§ 262.265 Emergency procedures.**

2804 (a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his  
2805 designee when the emergency coordinator is on call) must immediately:

2806 (1) Activate internal facility alarms or communication systems, where applicable, to notify all facility  
2807 personnel; and

2808 (2) Notify appropriate state or local agencies with designated response roles if their help is needed.

2812  
2813 (b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify  
2814 the character, exact source, amount, and areal extent of any released materials. The emergency  
2815 coordinator may do this by observation or review of the facility records or manifests and, if necessary, by  
2816 chemical analysis.  
2817  
2818 (c) Concurrently, the emergency coordinator must assess possible hazards to human health or the  
2819 environment that may result from the release, fire, or explosion. This assessment must consider both  
2820 direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or  
2821 asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water  
2822 or chemical agents used to control fire and heat-induced explosions).  
2823  
2824 (d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which  
2825 could threaten human health, or the environment, outside the facility, the emergency coordinator must  
2826 report the findings as follows:  
2827  
2828 (1) If the assessment indicates that evacuation of local areas may be advisable, the emergency  
2829 coordinator must immediately notify appropriate local authorities. The emergency coordinator must be  
2830 available to help appropriate officials decide whether local areas should be evacuated; and  
2831  
2832 (2) The emergency coordinator must immediately notify either the government official designated as  
2833 the on-scene coordinator for that geographical area, or the National Response Center (using their 24-  
2834 hour toll free number 800/424-8802). The report must include:  
2835  
2836 (i) Name and telephone number of reporter;  
2837  
2838 (ii) Name and address of the generator;  
2839  
2840 (iii) Time and type of incident (e.g., release, fire);  
2841  
2842 (iv) Name and quantity of material(s) involved, to the extent known;  
2843  
2844 (v) The extent of injuries, if any; and  
2845  
2846 (vi) The possible hazards to human health, or the environment, outside the facility.  
2847  
2848 (e) During an emergency, the emergency coordinator must take all reasonable measures necessary to  
2849 ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the  
2850 generator's facility. These measures must include, where applicable, stopping processes and operations,  
2851 collecting and containing released hazardous waste, and removing or isolating containers.  
2852  
2853 (f) If the generator stops operations in response to a fire, explosion or release, the emergency coordinator  
2854 must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment,  
2855 wherever this is appropriate.  
2856  
2857 (g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or  
2858 disposing of recovered waste, contaminated soil or surface water, or any other material that results from a  
2859 release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with  
2860 § 261.3(c) or (d) of these regulations, that the recovered material is not a hazardous waste, then it is a  
2861 newly generated hazardous waste that must be managed in accordance with all the applicable  
2862 requirements and conditions for exemption in Parts 262, 263, and 265 of these regulations.

- 2863 (h) The emergency coordinator must ensure that, in the affected area(s) of the facility:  
2864  
2865 (1) No hazardous waste that may be incompatible with the released material is treated, stored, or  
2866 disposed of until cleanup procedures are completed; and  
2867  
2868 (2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use  
2869 before operations are resumed.  
2870  
2871 (i) The generator must note in the operating record the time, date, and details of any incident that requires  
2872 implementing the contingency plan. Within 15 days after the incident, the generator must submit a written  
2873 report on the incident to the Department. The report must include:  
2874  
2875 (1) Name, address, and telephone number of the generator;  
2876  
2877 (2) Date, time, and type of incident (e.g., fire, explosion);  
2878  
2879 (3) Name and quantity of material(s) involved;  
2880  
2881 (4) The extent of injuries, if any;  
2882  
2883 (5) An assessment of actual or potential hazards to human health or the environment, where this is  
2884 applicable; and  
2885  
2886 (6) Estimated quantity and disposition of recovered material that resulted from the incident.  
2887  
2888 (j) The generator must notify the Department, and appropriate local authorities, that the facility is in  
2889 compliance with paragraph (h) of this section before operations are resumed in the affected area(s) of the  
2890 facility.  
2891  
2892

2893 **39) Part 263 is amended by deleting and reserving paragraph (b) of Section 263.10 to**  
2894 **read as follows:**

2895 **§ 263.10 Scope.**

2896 \*\*\*\*\*

2897  
2898  
2899  
2900 (b) ~~Reserved. Transfer facilities handling only CESQG waste are subject to the requirements of Subparts~~  
2901 ~~A (except for the ten-day storage requirement of § 263.12(b)), C, D & E of this Part.~~

2902 \*\*\*\*\*

2903  
2904  
2905  
2906 **40) Part 263 is amended by revising paragraph (b) of Section 263.11 to read as follows:**

2907 **§ 263.11 EPA identification number.**

2908 (a) A transporter must not transport hazardous wastes or operate a transfer facility located in Colorado  
2909 without having received an EPA identification number.  
2910  
2911  
2912

2913 (b) A transporter who has not received an EPA identification number may obtain one by applying to the  
2914 Department using ~~the Colorado Hazardous Waste Notification Form-EPA Form 8700-12~~. Upon receiving  
2915 the request, the Department will assign and forward an EPA identification number to the transporter.  
2916

2917  
2918 **41) Part 263 is amended by revising Section 263.12 to read as follows:**  
2919

2920 **§ 263.12 Transfer facility requirements.**  
2921

2922 (a) **Applicability.** A transporter who stores shipments of hazardous waste in containers meeting the  
2923 requirements of § 262.30 at a transfer facility for a period of ten days or less is not subject to regulation  
2924 under Parts 100, 264, 265, 266, and 268 with respect to the storage of those wastes, except as  
2925 specifically referenced in Part 263 of these regulations.  
2926

2927 ~~(a)~~ **Notification:** Owners/operators of transfer facilities located in Colorado shall notify the Department,  
2928 as part of the notification filed under Part 99 of these regulations, of the location and general description  
2929 of the activities at each transfer facility.  
2930

2931 ~~(b) **Applicability.** A transporter who stores shipments of hazardous waste in containers meeting the~~  
2932 ~~requirements of § 262.30 at a transfer facility for a period of ten days or less is not subject to regulation~~  
2933 ~~under Parts 100, 264, 265, 266, and 268 with respect to the storage of those wastes, except as~~  
2934 ~~specifically referenced in Part 263 of these regulations.~~  
2935

2936 **(c) General standards applicable to all transfer facilities.**  
2937

2938 (1) **Documentation of storage.** The owner or operator of a transfer facility must maintain  
2939 documentation to verify that the ten-day storage requirement of § 263.12(b) has been met.  
2940 Information used to make this demonstration may include hazardous waste manifests, log sheets, or  
2941 other documentation showing the date of waste arrival and shipment from the transfer facility. This  
2942 record shall include the generator's name, the generator's EPA identification number, and the  
2943 manifest number. For ~~conditionally exempt small quantity generators (CESQGs)~~ very small quantity  
2944 generators (VSQGs) without an EPA identification number, the record shall include the name and  
2945 address of the generator. This recordkeeping requirement applies to all hazardous wastes, including  
2946 hazardous waste generated by VSQGs~~CESQGs~~.  
2947

2948 (2) **Weekly inspections/Record of inspection.** The owner or operator shall conduct weekly  
2949 inspections of all areas where containers are stored, and shall maintain written records of the results  
2950 of the inspection, including, at a minimum, any evidence of container failure, the condition of  
2951 secondary containment (if applicable) and remediation correcting any problems noted. The owner or  
2952 operator shall maintain the written records of these weekly inspections for a period of at least three  
2953 years from the date of inspection. This requirement shall not apply to the interior of trucks or trailers  
2954 where containers are stored, so long as those trucks or trailers were loaded in accordance with DOT  
2955 regulations.  
2956

2957 (3) **Base/Floor Requirements.** Loading docks, temporary container storage areas, and all areas  
2958 where transfer of hazardous wastes occurs must have a base or floor that is smooth, free of cracks or  
2959 gaps, and sufficiently impervious to contain leaks or spills until the spilled material is detected and  
2960 removed. This requirement shall not apply to trucks or trailers that were loaded in accordance with  
2961 DOT regulations. Any leaks or spills that do occur must be promptly cleaned up by the transfer facility  
2962 operator.  
2963

2964 (4) **Truck/trailer storage requirements.** For hazardous waste stored in trucks or trailers, the  
2965 truck/trailer must be stored on a manmade surface that is capable of containing spills or releases to

2966 the ground. Any leaks or spills that do occur must be promptly cleaned up by the transfer facility  
2967 operator.  
2968

2969 **(5) Arrangements with local authorities.**  
2970

2971 (i) The transporter must contact local authorities to make arrangements to familiarize police, fire  
2972 departments, local departments of health, and local emergency planning committees (LEPCs)  
2973 with the layout of the transfer facility, NFPA hazardous class of hazardous waste handled at the  
2974 transfer facility and associated hazards, places where transfer facility personnel would normally  
2975 be working, entrances to roads inside the transfer facility, and possible evacuation routes.  
2976

2977 (ii) Transporters shall document attempts to make such arrangements, and shall document any  
2978 case where State or local authorities decline to enter into such arrangements.  
2979

2980 **(6) Security.** All transfer facilities must be adequately fenced or secured to control public access and  
2981 prevent unauthorized access to areas of hazardous waste storage. For a truck/trailer parked at a  
2982 transfer facility that has no 24-hour surveillance system or artificial or natural barrier, the truck/trailer  
2983 must meet the placarding requirements of 49 CFR Part 172 and the hazardous waste must be  
2984 secured (i.e., locked) or the hazardous waste must be transferred to a secured area of the facility to  
2985 prevent unknowing entry and minimize unauthorized access.  
2986

2987 **(7) Signage.**  
2988

2989 (i) A sign with the legend, "Danger – Unauthorized Personnel Keep Out," must be posted at each  
2990 entrance to the active portion of the transfer facility, and at other locations, in sufficient numbers  
2991 to be seen from any approach to this active portion of the facility. The legend must be written in  
2992 English and in any other language predominant in the area surrounding the facility and must be  
2993 legible from a distance of at least 25 feet. For storage of hazardous waste on trucks or trailers,  
2994 the truck/trailer must meet the applicable placarding requirements of 49 CFR Part 172.  
2995

2996 (ii) Existing signs with a legend other than "Danger – Unauthorized Personnel Keep Out" may be  
2997 used if the legend on the sign indicates that only authorized personnel are allowed to enter the  
2998 active portion, and that entry onto the active portion can be dangerous.  
2999

3000 **(8) Emergency preparedness, prevention, and response.** Transfer facility owners and operators  
3001 shall comply with the following emergency planning and response requirements:  
3002

3003 (i) At all times during which hazardous wastes are temporarily stored at the transfer facility there  
3004 must be an emergency coordinator or a trained designee who is either on the premises or on call  
3005 and available to respond to an emergency by reaching the facility within a short period of time.  
3006 The emergency coordinator shall coordinate all emergency response measures specified in §  
3007 263.40 of these regulations.  
3008

3009 (ii) The portion of the transfer facility where hazardous waste is stored or transferred must be  
3010 equipped with the following, unless none of the hazards posed by the storage/transfer of  
3011 hazardous waste could require a particular kind of equipment specified below:  
3012

3013 (A) A device, such as a telephone (accessible near the waste storage area) or a hand-held  
3014 two-way radio, capable of summoning emergency assistance from local police departments,  
3015 fire departments, or local emergency response teams;  
3016

3017 (B) Firefighting systems appropriate to the hazards, such as portable fire extinguishers,  
3018 water at adequate volume and pressure to supply water hose streams, foam producing

3019 equipment, automatic sprinklers, water spray systems, or other fire control equipment using  
3020 inert gas or dry chemicals; and

3021  
3022 (C) Spill control, first aid and safety equipment appropriate to the hazards.  
3023

3024 (iii) All communications systems, fire protection equipment, and spill control equipment, where  
3025 required, must be tested and maintained as necessary to assure their proper operation in time of  
3026 emergency.

3027  
3028 (iv) The transfer facility owner or operator shall post the following information at the facility:  
3029

3030 (A) The name and telephone number of the emergency coordinator;

3031 (B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

3032 (C) The telephone number of the fire department, unless the facility has a direct alarm.  
3033

3034  
3035  
3036 (d) When consolidating the contents of two or more containers with the same hazardous waste into a  
3037 new container, or when combining and consolidating two different hazardous wastes that are compatible  
3038 with each other, the transporter must mark its containers of 119 gallons or less with the following  
3039 information:

3040  
3041 (1) The words "Hazardous Waste" and

3042  
3043 (2) The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in subparts C and  
3044 D of Part 261 of these regulations, or in compliance with § 262.32(c).

3045  
3046 ~~(de)~~ A transporter of hazardous waste who mixes hazardous wastes of different applicable DOT shipping  
3047 descriptions by placing them within a single container at a transfer facility located in Colorado must:

3048 (1) Make a hazardous waste determination of the resulting waste mixture pursuant to § 262.11;

3049 (2) Comply with the manifest requirements of §§ 262.20, 262.21, 262.22, and 262.23 (in addition to  
3050 the requirements of §§ 263.20 and 263.21) with regard to the resulting waste mixture;

3051 (3) Comply with the pre-transport packaging, labeling, marking, and placarding requirements of §§  
3052 262.30, 262.31, 262.32, and 262.33 with regard to the resulting waste mixture; and

3053 (4) Comply with the recordkeeping and reporting requirements of §§ 262.40 and 262.42 (in addition to  
3054 the requirements of § 263.22) with regard to the resulting waste mixture.

3055  
3056  
3057 ~~(ef)~~ A transporter of hazardous waste who mixes hazardous wastes of different applicable DOT shipping  
3058 descriptions by placing them into a single container at a transfer facility located in Colorado must, with  
3059 regard to the containers into which the resulting waste mixture is placed, comply with the following:

3060 (1) The transporter must use a container made of or lined with materials which will not react with, and  
3061 are otherwise compatible with, the hazardous wastes to be mixed, so that the ability of the container  
3062 to contain the resulting waste mixture is not impaired.

3063 (2) If a container holding the resulting waste mixture is not in good condition, or if it begins to leak, the  
3064 transporter must transfer the resulting waste mixture from this container to a container that is in good  
3065 condition.

3066  
3067  
3068  
3069  
3070  
3071

3072 (3) The container holding the resulting waste mixture must always be closed during storage, except  
3073 when it is necessary to add or remove waste. The container holding the resulting waste mixture must  
3074 not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.  
3075

3076 (4) Incompatible wastes, or incompatible wastes and materials (see Appendix V of Part 265 for  
3077 examples) must not be placed in the same container, unless § 265.17(b) is complied with. Hazardous  
3078 waste must not be placed in an unwashed container that previously held an incompatible waste or  
3079 material (see Appendix V of Part 265 for examples), unless § 265.17(b) is complied with. A storage  
3080 container holding a hazardous waste that is incompatible with any waste or other materials stored  
3081 nearby in other containers, piles, open tanks, or surface impoundments must be separated from the  
3082 other materials or protected from them by means of a dike, berm, wall or other device.  
3083

3084 *Note to paragraph (d)(4):* Re-use of containers in transportation is governed by U.S. Department of  
3085 Transportation regulations and the Colorado Public Utilities Commission, including those set forth in  
3086 49 CFR § 173.28.  
3087

3088 (5) The transporter shall manage all hazardous waste placed in a container in accordance with the  
3089 requirements of Subpart CC of Part 265.  
3090

3091 (fg) A transporter of hazardous waste who mixes hazardous wastes of different applicable DOT shipping  
3092 descriptions by placing them into a single container at a transfer facility located in Colorado must, with  
3093 regard to that portion of the transfer facility where the mixing occurs, comply with the following:  
3094

3095 (1) The portion of the transfer facility where the mixing occurs must be maintained and operated to  
3096 minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of  
3097 hazardous waste or hazardous waste constituents to air, soil, or water which could threaten human  
3098 health or the environment. If the transfer facility is not provided with fire protection services by a fire  
3099 protection district or municipal fire department, the portion of the transfer facility where mixing occurs  
3100 must be maintained and operated in accordance with a plan for providing its own fire protection and  
3101 prevention which has been approved by the Department and which meets the following requirements:  
3102

3103 (i) The plan shall provide for adequate fire protection and prevention for the portion of the transfer  
3104 facility where mixing occurs based upon the location and construction of the transfer facility, and  
3105 based upon the kinds and amounts of hazardous wastes mixed and stored at the transfer facility.  
3106

3107 (ii) The plan shall specify the required equipment and the required availability and training of  
3108 transfer facility personnel.  
3109

3110 (iii) The plan shall be based upon the provisions of the Uniform Fire Code, the National Fire Code,  
3111 the Uniform Building Code, and 29 CFR, Chapter XVII, part 1910, subpart L, Fire Protection.  
3112

3113 (iv) Before submitting the plan to the Department for review, the transfer facility shall have the  
3114 plan reviewed and approved by a registered professional engineer experienced in fire protection.  
3115

3116 (2) The portion of the transfer facility where mixing occurs must be equipped with the following, unless  
3117 none of the hazards posed by the mixing could require a particular kind of equipment specified below:  
3118

3119 (i) A device, such as a telephone (accessible near the area where the mixing occurs) or a hand-  
3120 held two-way radio, capable of summoning emergency assistance from local police departments,  
3121 fire departments, or State or local emergency response teams;  
3122

3123 (ii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment,  
3124 such as that using foam, inert gas, or dry chemicals), spill control equipment, and  
3125 decontamination equipment; and

3126  
3127 (iii) Water at adequate volume and pressure to supply water hose streams, or foam producing  
3128 equipment, or automatic sprinklers, or water spray systems.

3129  
3130 (3) All communications systems, fire protection equipment, spill control equipment, and  
3131 decontamination equipment, where required, must be tested and maintained as necessary to assure  
3132 its proper operation in time of emergency.

3133  
3134 (4) If there is ever just one employee on the premises while the mixing occurs, he/she must have  
3135 access to a device, such as a telephone (accessible near the area where the mixing occurs) or a  
3136 hand-held two-way radio, capable of summoning external emergency assistance.

3137  
3138 (5) While mixing occurs, the transporter must maintain aisle space within the transfer facility to allow  
3139 the unobstructed movement of personnel, fire protection equipment, spill control equipment, and  
3140 decontamination equipment to the area of mixing in an emergency.

3141  
3142

3143 **42) Section 264.1 is amended by revising paragraphs (g)(1), (g)(3), and (j)(1) to read as**  
3144 **follows:**

3145 **§ 264.1 Purpose, scope and applicability.**  
3146

3147 \*\*\*\*\*  
3148 (g) The requirements of this part do not apply to:  
3149  
3150 (1) The owner or operator of a facility permitted, licensed, or registered by the State to manage  
3151 municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of  
3152 is excluded from regulation under this part by [§ 264.5](#) [262.14](#) of these regulations.

3153 \*\*\*\*\*  
3154  
3155 (3) A generator accumulating waste on site in compliance with ~~§§ 262.34~~ [262.14](#), [262.15](#), [262.16](#), or  
3156 [262.17](#) of these regulations.

3157  
3158 \*\*\*\*\*  
3159  
3160 (j) The requirements of subparts B, C, and D of this part and § 264.101 of these regulations do not apply  
3161 to remediation waste management sites. (However, some remediation waste management sites may be  
3162 a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing  
3163 or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D  
3164 of this part, and § 264.101 of these regulations do apply to the facility subject to the traditional RCRA  
3165 permit.) Instead of the requirements of subparts B, C, and D of this part, owners or operators of  
3166 remediation waste management sites must:

3167  
3168 (1) Obtain an EPA identification number by applying to the Director using ~~the Colorado Hazardous~~  
3169 ~~Waste Notification Form~~ [EPA Form 8700-12](#);

3170 \*\*\*\*\*  
3171  
3172  
3173  
3174

3175 **43) Part 264 is amended by revising section 264.11 to read as follows:**

3176  
3177 **§ 264.11 Identification number.**

3178  
3179 Every facility owner or operator must apply to the Department for an EPA identification number using ~~the~~  
3180 ~~Colorado Hazardous Waste Notification Form EPA Form 8700-12~~. Upon receiving the request, the  
3181 Department will forward an EPA assigned EPA Identification number to the Facility.  
3182

3183  
3184 **44) Section 264.15 is amended by revising paragraph (b)(4) and removing the comment**  
3185 **to paragraph (b)(4) to read as follows:**

3186  
3187 **§ 264.15 General inspection requirements.**

3188 \*\*\*\*\*

3189  
3190 (b)(1) The owner or operator must develop and follow a written schedule for inspecting monitoring  
3191 equipment, safety and emergency equipment, security devices, and operating and structural equipment  
3192 (such as dikes and sump pumps) that are important to preventing, detecting, or responding to  
3193 environmental or human health hazards.  
3194

3195 \*\*\*\*\*

3196  
3197 (4) The frequency of inspection may vary for the items on the schedule. However, the frequency  
3198 should be based on the rate of deterioration of the equipment and the probability of an environmental  
3199 or human health incident if the deterioration, malfunction, or ~~any~~ operator error goes undetected  
3200 between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected  
3201 daily when in use. At a minimum, the inspection schedule must include the items and frequencies  
3202 called for in §§ 264.174, 264.193, 264.195, 264.226, 264.254, 264.278, 264.303, 264.347, 264.602,  
3203 264.1033, 264.1052, 264.1053, 264.1058, and 264.1083 through 264.1089 of this part, where  
3204 applicable. Part 100 of these regulations requires the inspection schedule to be submitted with part B  
3205 of the permit application. The Department will evaluate the schedule along with the rest of the  
3206 application to ensure that it adequately protects human health and the environment. As part of this  
3207 review, the Department may modify or amend the schedule as may be necessary.]  
3208

3209 ~~[Comment: Part 100 of these regulations requires the inspection schedule to be submitted with part B~~  
3210 ~~of the permit application. The Department will evaluate the schedule along with the rest of the~~  
3211 ~~application to ensure that it adequately protects human health and the environment. As part of this~~  
3212 ~~review, the Department may modify or amend the schedule as may be necessary.]~~  
3213

3214 \*\*\*\*\*

3215  
3216  
3217 **45) Section 264.71 is amended by revising paragraph (c) to read as follows:**

3218  
3219 **§ 264.71 Use of manifest system.**

3220 \*\*\*\*\*

3221  
3222  
3223 (c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that  
3224 facility must comply with the requirements of Part 262 of these regulations. The provisions of §§ 262.15,  
3225 262.16, and 262.17 of these regulations are applicable to the on-site accumulation of hazardous wastes  
3226 by generators. Therefore, the provisions of §§ 262.15, 262.16, and 262.17 of these regulations only

3227 apply to owners or operators who are shipping hazardous waste which they generated at that facility or  
3228 operating as a large quantity generator consolidating hazardous waste from very small quantity  
3229 generators under § 262.17(f).

3230  
3231 \*\*\*\*\*

3232  
3233  
3234 **46) Section 264.75 is revised to read as follows:**

3235  
3236 **§ 264.75 Biennial report.**

3237  
3238 The owner or operator must complete and submit EPA Form 8700-13 A/B to the Department by March 1  
3239 of the following even numbered year and must cover activities during the previous year.~~The owner or~~  
3240 ~~operator must prepare and submit a single copy of a biennial report to the Department, by March 1 of~~  
3241 ~~each even numbered year or upon the Director's request. The biennial report must be used submitted on~~  
3242 ~~Department form 8700-13B. The report must cover facility activities during the previous calendar year~~  
3243 ~~and must include the following information:~~

3244  
3245 ~~(a) The EPA identification number, name, and address of the facility;~~

3246  
3247 ~~(b) The calendar year covered by the report;~~

3248  
3249 ~~(c) For off site facilities, the EPA identification number of each hazardous waste generator from which the~~  
3250 ~~facility received a hazardous waste during the year; for imported shipments, the report must give the~~  
3251 ~~name and address of the foreign generator;~~

3252  
3253 ~~(d) A description and the quantity of each hazardous waste the facility received during the year. For off~~  
3254 ~~site facilities, this information must be listed by EPA identification number of each generator;~~

3255  
3256 ~~(e) The method of treatment, storage, or disposal for each hazardous waste;~~

3257  
3258 ~~(f) [Reserved]~~

3259  
3260 ~~(g) The most recent closure cost estimate under § 266.12, and, for disposal facilities, the most recent post~~  
3261 ~~closure cost estimate under § 266.13; and~~

3262  
3263 ~~(h) For generators who treat, store, or dispose of hazardous waste on site, a description of the efforts~~  
3264 ~~undertaken during the year to reduce the volume and toxicity of waste generated.~~

3265  
3266 ~~(i) For generators who treat, store, or dispose of hazardous waste on site, a description of the changes in~~  
3267 ~~volume and toxicity of waste actually achieved during the year in comparison to previous years to the~~  
3268 ~~extent such information is available for the years prior to 1984.~~

3269  
3270 ~~(j) The certification signed by the owner or operator of the facility or his/her authorized representative.~~

3271  
3272  
3273 **47) Section 264.170 is revised to read as follows:**

3274  
3275 **§ 264.170 Applicability.\***

3276  
3277 The regulations in this subpart apply to owners and operators of all hazardous waste facilities that store  
3278 ~~containers of~~ hazardous waste in containers, except as § 264.1 provides otherwise.

3280 \* [Comment: Under § 261.7 and § 261.33(c) of these regulations, if a hazardous waste is emptied from a  
3281 container the residue remaining in the container is not considered a hazardous waste if the container is  
3282 "empty" as defined in § 261.7. In that event, management of the container is exempt from the  
3283 requirements of this subpart.]  
3284  
3285

3286 **48) Section 264.174 is revised to read as follows:**

3287  
3288 **§ 264.174 Inspections.**

3289  
3290 (a) At least weekly, the owner or operator must inspect areas where containers are stored. The owner or  
3291 operator must look for leaking containers and for deterioration of containers and the containment system  
3292 caused by corrosion or other factors. See §§ 264.15(c) and 264.171 for remedial action required if  
3293 deterioration or leaks are detected.]

3294  
3295 [Comment: See §§ 264.15(c) and 264.171 for remedial action required if deterioration or leaks are  
3296 detected.]

3297  
3298 (b) Problems identified during the inspection shall be remedied in accordance with § 264.15(c) of these  
3299 regulations.

3300  
3301  
3302 **49) Section 264.191 is amended by revising paragraph (a) to read as follows:**

3303  
3304 **§ 264.191 Assessment of existing tank system's integrity.**

3305  
3306 (a) For each existing tank system that does not have secondary containment meeting the requirements of  
3307 § 264.193, the owner or operator must determine that the tank system is not leaking ~~or~~ and is ~~un~~fit for  
3308 use. Except as provided in paragraph (c) of this section, the owner or operator must obtain and keep on  
3309 file at the facility a written assessment reviewed and certified by an independent, qualified registered  
3310 professional engineer, in accordance with § 100.12(d), that attests to the tank system's integrity by  
3311 January 12, 1988~~within one year of the effective date of these regulations. The effective date of these~~  
3312 ~~regulations for new underground tanks, for underground tanks that cannot be entered for inspections, and~~  
3313 ~~for tanks operated by small quantity generators is July 14, 1986.~~

3314  
3315  
3316 **50) Section 264.340 is amended by revising paragraph (d)(3) to read as follows:**

3317  
3318 **Subpart O – Incinerators, Boilers and Industrial Furnaces**

3319  
3320 **§ 264.340 Applicability.**

3321  
3322 \*\*\*\*\*

3323  
3324 (d) The following hazardous wastes and facilities are not subject to regulation under this subpart:

3325  
3326 \*\*\*\*\*

3327  
3328 (3) Hazardous wastes that are exempt from regulation under §§ 261.4 and 261.6(a)(3)(iii) and (iv) of  
3329 these regulations, and hazardous wastes that are subject to the special requirements for ~~conditionally~~  
3330 ~~exempt-very~~ small quantity generators under § ~~261.5~~ 262.13 of these regulations; and

3331  
3332 \*\*\*\*\*

3333 **51) Section 264.1030 is amended by revising paragraphs (b)(2) and (b)(3) to read as**  
3334 **follows:**

3335  
3336 **§ 264.1030 Applicability.**

3337  
3338 \*\*\*\*\*

3339 (b) Except for §§ 264.1034, paragraphs (d) and (e), this subpart applies to process vents associated with  
3340 distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that  
3341 manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are  
3342 conducted in one of the following:

3343  
3344 (1) \*\*\*\*\*

3345  
3346 (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the  
3347 provisions of § ~~262.34(a)~~ 262.17 (i.e., a hazardous waste recycling unit that is not a 90-day tank or  
3348 container) and that is located at a hazardous waste management facility otherwise subject to the  
3349 permitting requirements of Part 100, or

3350  
3351 (3) A unit that is exempt from permitting under the provisions of § ~~262.34(a)~~ 262.17 (i.e., a "90-day"  
3352 tank or container) and is not a recycling unit under the provisions of § 261.6 of these regulations.. \*\*\*\*\*

3353  
3354 \*\*\*\*\*

3355  
3356  
3357 **52) Section 264.1050 is amended by revising paragraphs (b)(2) and (b)(3) to read as**  
3358 **follows:**

3359  
3360 **§ 264.1050 Applicability.**

3361  
3362 \*\*\*\*\*

3363 (b) Except as provided in § 264.1064(k), this subpart applies to equipment that contains or contacts  
3364 hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one  
3365 of the following:

3366  
3367 \*\*\*\*\*

3368  
3369 (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the  
3370 provisions of § ~~262.34(a)~~ 262.17 (i.e., a hazardous waste recycling unit that is not a "90-day" tank or  
3371 container) and that is located at a hazardous waste management facility otherwise subject to the  
3372 permitting requirements of Part 100.

3373  
3374 (3) A unit that is exempt from permitting under the provisions of § ~~262.34(a)~~ 262.17 (i.e., a "90-day" tank  
3375 or container) and is not a recycling unit under the provisions of § 261.6 of these regulations.

3376  
3377  
3378 **53) Section 264.1101 is amended by revising paragraph (c)(4) to read as follows:**

3379  
3380 **§ 264.1101 Design and operating standards.**

3381  
3382 \*\*\*\*\*

3383  
3384 (c) Owners or operators of all containment buildings must:

3385  
3386 \*\*\*\*\*  
3387  
3388 (4) Inspect and record in the facility's operating record, at least once every seven days, data gathered  
3389 from monitoring ~~equipment~~ and leak detection equipment as well as the containment building and the  
3390 area immediately surrounding the containment building to detect signs of releases of hazardous  
3391 waste.

3392 \*\*\*\*\*

3393  
3394  
3395  
3396 **54) The Table of Contents for Part 265 is amended by deleting and reserving the listing**  
3397 **for section 265.201 to read as follows:**

3398  
3399 **PART 265 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF**  
3400 **HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

3401 \*\*\*\*\*

3402  
3403  
3404 **Subpart J Tanks**

- 3405  
3406 265.190 Applicability.  
3407 265.191 Assessment of existing tank system's integrity.  
3408 265.192 Design and installation of new tank systems or components.  
3409 265.193 Containment and detection of releases.  
3410 265.194 General operating requirements.  
3411 265.195 Inspections.  
3412 265.196 Response to leaks or spills and disposition of leaking or unfit for use tank systems.  
3413 265.197 Closure and post closure care.  
3414 265.198 Special requirements for ignitable or reactive wastes.  
3415 265.199 Special requirements for incompatible wastes.  
3416 265.200 Waste analysis and trial tests.  
3417 265.201 ~~Reserved~~Special requirements for generators of between 100 and 1,000 kg/mo that  
3418 ~~accumulate hazardous waste in tanks.~~  
3419 265.202 Air emission standards.

3420 \*\*\*\*\*

3421  
3422  
3423  
3424 **55) Section 265.1 is amended by revising paragraphs (c)(5) and (c)(7) to read as follows:**

3425  
3426 **§ 265.1 Purpose, scope, and applicability.**

3427 \*\*\*\*\*

3428  
3429  
3430 (c) The requirements of this part do not apply to:

3431 \*\*\*\*\*

3432  
3433  
3434 (5) The owner or operator of a facility permitted, licensed, or registered by the State of Colorado to  
3435 manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or  
3436 disposes of is excluded from regulation under this part by § ~~261.5~~ 262.14 of these regulations;

3437  
3438  
3439  
3440  
3441  
3442  
3443  
3444  
3445  
3446  
3447  
3448  
3449  
3450  
3451  
3452  
3453  
3454  
3455  
3456  
3457  
3458  
3459  
3460  
3461  
3462  
3463  
3464  
3465  
3466  
3467  
3468  
3469  
3470  
3471  
3472  
3473  
3474  
3475  
3476  
3477  
3478  
3479  
3480  
3481  
3482  
3483  
3484  
3485  
3486  
3487  
3488  
3489

\*\*\*\*\*

(7) A generator accumulating waste on site in compliance with applicable conditions for exemption in §§ 262.34 262.14 through 262.17 and Part 262, subpart L of these regulations, except to the extent the requirements of this part are included in § 262.34 those sections and subpart of these regulations.

\*\*\*\*\*

**56) Part 265 is amended by revising Section 265.11 to read as follows:**

**§ 265.11 Identification number.**

Every facility owner or operator must apply to the Department for an EPA identification number using ~~the Colorado Hazardous Waste Notification Form~~ EPA Form 8700-12. Upon receiving the request, the Department will forward an EPA assigned EPA Identification number to the Facility.

**57) Section 265.52 is amended by revising paragraph (h) to read as follows:**

**§ 265.52 Content of contingency plan.**

\*\*\*\*\*

(h) The plan must include the location of all hazardous waste accumulation areas at the facility, as defined in ~~paragraphs (a) and (c)(1) of § 262.34~~ § 262.15 of these regulations.

**58) Section 265.71 is amended by revising paragraph (c) to read as follows:**

**§ 265.71 Use of manifest system.**

\*\*\*\*\*

(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 these regulations. The provisions of §§ 262.15, 262.16, and 262.17 of these regulations are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of §§ 262.15, 262.16, and 262.17 of these regulations 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).

\*\*\*\*\*

**59) Section 265.75 is revised to read as follows:**

**§ 265.75 Biennial report.**

The owner or operator must complete and submit EPA Form 8700-13 A/B to the Department by March 1 of the following even numbered year and must cover activities during the previous year. The owner or operator must prepare and submit a single copy of an biennial report to the Department, by March 1 of

3490 each even numbered year or at the request of the Director. The biennial report must be submitted on  
3491 Department form 8700-13B. The report must cover facility activities during the previous calendar year  
3492 and must include the following information:

- 3493  
3494 (a) The EPA identification number, name, and address of the facility;  
3495  
3496 (b) The calendar year covered by the report;  
3497  
3498 (c) For off site facilities, the EPA identification number of each hazardous waste generator from which the  
3499 facility received a hazardous waste during the year; for imported shipments, the report must give the  
3500 name and address of the foreign generator;  
3501  
3502 (d) A description and the quantity of each hazardous waste the facility received during the year. For off  
3503 site facilities, this information must be listed by EPA identification number of each generator;  
3504  
3505 (e) The method of treatment, storage, or disposal for each hazardous waste;  
3506  
3507 (f) Monitoring data under § 265.94(a)(2)(ii) and (iii), and (b)(2), where required;  
3508  
3509 ~~(g) The most recent closure cost estimate under § 266.12, and, for disposal facilities, the most recent~~  
3510 ~~post closure cost estimate under § 266.13; and~~  
3511  
3512 ~~(h) For generators who treat, store, or dispose of hazardous waste on site, a description of the efforts~~  
3513 ~~undertaken during the year to reduce the volume and toxicity of waste generated.~~  
3514  
3515 ~~(i) For generators who treat, store, or dispose of hazardous waste on site, a description of the changes in~~  
3516 ~~volume and toxicity of waste actually achieved during the year in comparison to previous years to the~~  
3517 ~~extent such information is available for the years prior to 1984.~~  
3518  
3519 ~~(j) The certification signed by the owner or operator of the facility or his/her authorized representative.~~  
3520

3521  
3522 **60) Section 265.174 is revised to read as follows:**

3523  
3524 **§ 265.174 Inspections.**

3525  
3526 (a) At least weekly, the owner or operator must inspect areas where containers are stored. The owner or  
3527 operator must look for: leaking containers; and for deterioration of containers caused by corrosion or  
3528 other factors, compliance with §§ 265.170 through 265.173 of this Part, and the applicable labeling  
3529 requirements of § 262.34 of these regulations. See § 265.171 for remedial action required if deterioration  
3530 or leaks are detected.

3531  
3532 (b) Problems identified during the inspection shall be remedied in accordance with § 265.15(c) of these  
3533 regulations.

3534  
3535 ~~[Comment: See § 265.171 for remedial action required if deterioration or leaks are detected.]~~  
3536

3537  
3538 **61) Section 265.195 is amended by removing and reserving paragraph (e) to read as**  
3539 **follows:**

3540  
3541 **§ 265.195 Inspections.**  
3542

3543 \*\*\*\*\*

3544

3545 (e) ~~Reserved. Colorado Environmental Leadership and EPA Performance Track member facilities may~~  
3546 ~~inspect on a less frequent basis, upon approval by the Department, but must inspect at least once each~~  
3547 ~~month. To apply for a less than weekly inspection frequency, the Colorado Environmental Leadership~~  
3548 ~~and EPA Performance Track member facility must follow the procedures described in § 264.15(b)(5).~~

3549 \*\*\*\*\*

3550

3551

3552

3553

**62) Section 265.201 is removed and reserved to read as follows:**

3554

3555

**§ 265.201 ~~Reserved. Special requirements for generators of between 100 and 1,000 kg/mo that~~**  
3556 **~~accumulate hazardous waste in tanks.~~**

3557

3558

3559

3560

3561

(a) ~~The requirements of this section apply to small quantity generators of more than 100 kg but less than~~  
3559 ~~1,000 kg of hazardous waste in a calendar month, that accumulate hazardous waste in tanks for less than~~  
3560 ~~180 days (Or 270 days if the generator must ship the waste greater than 200 miles), and do not~~  
3561 ~~accumulate over 6,000 kg on site at any time.~~

3562

3563

3564

3565

(b) ~~Generators of between 100 and 1,000 kg/mo hazardous waste must comply with the following general~~  
3564 ~~operating requirements:~~

3566

3567

3568

3569

3570

3571

3572

3573

3574

3575

3576

3577

3578

3579

3580

3581

(1) ~~Treatment or storage of hazardous waste in tanks must comply with § 265.17(b).~~

(2) ~~Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank~~  
3569 ~~or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.~~

(3) ~~Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless~~  
3572 ~~the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or~~  
3573 ~~a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top~~  
3574 ~~60 centimeters (2 feet) of the tank.~~

(4) ~~Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means~~  
3576 ~~to stop this inflow (e.g., waste feed cutoff system or by pass system to a stand by tank).~~

*NOTE:* ~~These systems are intended to be used in the event of a leak or overflow from the tank due to~~  
3579 ~~a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).~~

3582

3583

3584

3585

3586

3587

3588

3589

3590

3591

3592

3593

3594

3595

(c) ~~Except as noted in paragraph (d) of this section, generators who accumulate between 100 and 1,000~~  
3582 ~~kg/mo of hazardous waste in tanks must inspect, where present:~~

(1) ~~Discharge control equipment (e.g., waste feed cutoff systems, by pass systems, and drainage~~  
3585 ~~systems) at least once each operating day, to ensure that it is good working order;~~

(2) ~~Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once~~  
3588 ~~each operating day to ensure that the tank is being operated according to its design;~~

(3) ~~The level of waste in the tank at least once each operating day to ensure compliance with §~~  
3591 ~~265.201(b)(3);~~

(4) ~~The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or~~  
3594 ~~seams; and~~

3596  
3597 ~~(5) The construction materials of, and the area immediately surrounding, discharge confinement~~  
3598 ~~structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or~~  
3599 ~~dead vegetation).~~

3600  
3601 ~~NOTE: As required by § 265.15(c), the owner or operator must remedy any deterioration or~~  
3602 ~~malfunction he/she finds.~~

3603  
3604 ~~(d) Generators who accumulate between 100 and 1,000 kg/mo of hazardous waste in tanks or tank~~  
3605 ~~systems that have full secondary containment and that either use leak detection equipment to alert facility~~  
3606 ~~personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified,~~  
3607 ~~must inspect at least weekly, where applicable, the areas identified in paragraphs (c)(1) through (5) of this~~  
3608 ~~section. Use of the alternate inspection schedule must be documented in the facility's operating record.~~  
3609 ~~This documentation must include a description of the established workplace practices at the facility.~~

3610  
3611 ~~(e) {Reserved}~~

3612  
3613 ~~(f) Generators of between 100 and 1,000 kg/mo accumulating hazardous waste in tanks must, upon~~  
3614 ~~closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and~~  
3615 ~~discharge confinement structures.~~

3616  
3617 ~~NOTE: At closure, as throughout the operation period, unless the owner or operator can demonstrate, in~~  
3618 ~~accordance with § 261.3(c) or (d) of these regulations, that any solid waste removed from his/her tank is~~  
3619 ~~not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must~~  
3620 ~~manage it in accordance with all applicable requirements of Parts 262, 263, and 265 of these regulations.~~

3621  
3622 ~~(g) Generators of between 100 and 1,000 kg/mo must comply with the following special requirements for~~  
3623 ~~ignitable or reactive waste:~~

3624  
3625 ~~(1) Ignitable or reactive waste must not be placed in a tank, unless:~~

3626  
3627 ~~(i) The waste is treated, rendered, or mixed before or immediately after placement in a tank so~~  
3628 ~~that (A) the resulting waste, mixture, or dissolution of material no longer meets the definition of~~  
3629 ~~ignitable or reactive waste under § 261.21 or § 261.23 of these regulations, and (B) § 265.17(b) is~~  
3630 ~~complied with; or~~

3631  
3632 ~~(ii) The waste is stored or treated in such a way that it is protected from any material or conditions~~  
3633 ~~that may cause the waste to ignite or react; or~~

3634  
3635 ~~(iii) The tank is used solely for emergencies.~~

3636  
3637 ~~(2) The owner or operator of a facility which treats or stores ignitable or reactive wastes in covered~~  
3638 ~~tanks must comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of~~  
3639 ~~the National Fire Protection Association's "Flammable and Combustible Liquids Code," (1977 or 1981)~~  
3640 ~~(incorporated by reference, see § 260.11).~~

3641  
3642 ~~(h) Generators of between 100 and 1,000 kg/mo must comply with the following special requirements for~~  
3643 ~~incompatible wastes:~~

3644  
3645 ~~(1) Incompatible wastes, or incompatible wastes and materials, (see Appendix V for examples) must~~  
3646 ~~not be placed in the same tank, unless § 265.17(b) is complied with.~~

3647

3648 ~~(2) Hazardous waste must not be placed in an unwashed tank which previously held an incompatible~~  
3649 ~~waste or material, unless § 265.17(b) is complied with.~~

3650  
3651  
3652 **63) Section 265.1030 is amended by revising paragraphs (b)(2) and (b)(3) to read as**  
3653 **follows:**

3654  
3655 **§ 265.1030 Applicability.**

3656 \*\*\*\*\*

3657  
3658  
3659 (b) Except for §§ 265.1034, paragraphs (d) and (e), this subpart applies to process vents associated with  
3660 distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that  
3661 manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are  
3662 conducted in:

3663 (1) \*\*\*\*\*

3664  
3665 (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the  
3666 provisions of § ~~262.34(a)~~ 262.17 (i.e., a hazardous waste recycling unit that is not a 90-day tank or  
3667 container) and that is located at a hazardous waste management facility otherwise subject to the  
3668 permitting requirements of Part 100, or  
3669

3670  
3671 (3) A unit that is exempt from permitting under the provisions of § ~~262.34(a)~~ 262.17 (i.e., a “90-day”  
3672 tank or container) and is not a recycling unit under the requirements of § 261.6 of these regulations.

3673 \*\*\*\*\*

3674 \*\*\*\*\*

3675  
3676  
3677  
3678 **64) Section 265.1050 is amended by revising paragraphs (b)(2) and (b)(3) to read as**  
3679 **follows:**

3680  
3681 **§ 265.1050 Applicability.**

3682 \*\*\*\*\*

3683  
3684 (b) Except as provided in § 265.1064(k), this subpart applies to equipment that contains or contacts  
3685 hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one  
3686 of the following:

3687 (1) \*\*\*\*\*

3688  
3689 (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the  
3690 provisions of § ~~262.34(a)~~ 262.17 (i.e., a hazardous waste recycling unit that is not a 90-day tank or  
3691 container) and that is located at a hazardous waste management facility otherwise subject to the  
3692 permitting requirements of Part 100, or  
3693

3694  
3695 (3) A unit that is exempt from permitting under the provisions of § ~~262.34(a)~~ 262.17 (i.e., a “90-day” tank  
3696 or container) and is not a recycling unit under the provisions of § 261.6 of these regulations.

3697 \*\*\*\*\*

3700 **65) Section 265.1101 is amended by revising paragraphs (b)(2) and (b)(3) to read as**  
3701 **follows:**

3702  
3703 **§ 265.1101 Design and operating standards.**

3704  
3705 \*\*\*\*\*

3706  
3707 (c) Owners or operators of all containment buildings must:

3708  
3709 \*\*\*\*\*

3710 (4) Inspect and record in the facility's operating record, at least once every seven days, data gathered  
3711 from monitoring ~~equipment~~ and leak detection equipment as well as the containment building and the  
3712 area immediately surrounding the containment building to detect signs of releases of hazardous  
3713 waste.

3714  
3715 \*\*\*\*\*

3716

3717

3718 **66) Section 267.30 is amended by revising paragraph (b)(2) to read as follows:**

3719

3720 **§ 267.30 Applicability**

3721

3722 \*\*\*\*\*

3723

3724 (b) The following hazardous wastes are not regulated under this subpart:

3725

3726 \*\*\*\*\*

3727

3728 (2) Hazardous wastes that are exempt from regulation under §§ 261.4 and 261.6(a)(3)(iv) through (vi)  
3729 of these regulations, and hazardous wastes that are ~~subject to the special requirements for generated~~  
3730 ~~by very~~ small quantity generators ~~under the provisions of as defined in § 261.5260.10~~ of these  
3731 regulations.

3732

3733

3734 **67) Section 267.34 is amended by revising paragraph (c) to read as follows:**

3735

3736

3737 **§ 267.34 Standards applicable to marketers of hazardous waste fuel.**

3738

3739 \*\*\*\*\*

3740

3741 (c) **Storage.** The applicable provisions of ~~§ 262.34~~ Part 262, Subpart A, and Subparts A through L of Part  
3742 264, Subparts A through L of Part 265, Part 266 and Part 100 of these regulations;

3743

3744 \*\*\*\*\*

3745

3746

3747 **68) Amendment of Section 267.80(a): The Table at Section 267.80 is amended by**  
3748 **removing the seven cite references to § 262.12 and replacing them with cite references to**  
3749 **§ 262.18 as follows:**

3750

3751 **§ 267.80 Applicability and requirements.**

3752 (a) \*\*\*\*\*  
 3753

If your batteries * * *	And if you * * *	Then you * * *	And you * * *
*****	*****	*****	*****
(6) Will be reclaimed through regeneration or any other means.	export these batteries for reclamation in a foreign country.	are exempt from Parts 262 (except for § 262.11, § <del>262.12</del> <u>262.18</u> , and Subpart H), 263, 264, 265, 267, 268 and Part 100 of these regulations, and the notification requirements of Part 99 of these regulations.	are subject to Part 261, § 262.11, § <del>262.12</del> <u>262.18</u> , and Part 262, Subpart H.
(7) Will be reclaimed through regeneration or any other means.	transport these batteries in the U.S. to export them for reclamation in a foreign country.	are exempt from Parts 263, 264, 265, 267, 268 and Part 100 of these regulations, and the notification requirements of Part 99 of these regulations.	must comply with applicable requirements in Part 262, Subpart H. {
(8) Will be reclaimed other than through regeneration.	Import these batteries from foreign country and store these batteries but you aren't the re-claimer.	are exempt from Parts 262 (except for § 262.11, § <del>262.12</del> <u>262.18</u> , and Subpart H), 263, 264, 265, 267, 268 and Part 100 of these regulations, and the notification requirements of Part 99 of these regulations.	are subject to Part 261, § 262.11, § <del>262.12</del> <u>262.18</u> , Part 262 Subpart H, and applicable provisions under Part 268.
(9) Will be reclaimed other than through regeneration.	Import these batteries from foreign country and store these batteries before you reclaim them.	must comply with Part 267.80(b) and as appropriate other regulatory provisions described in § 267.80(b).	are subject to Part 261, § 262.11, § <del>262.12</del> <u>262.18</u> , Part 262 Subpart H, and applicable provisions under Part 268.
(10) Will be reclaimed other than through regeneration.	Import these batteries from foreign country and don't store these batteries before you reclaim them.	Are exempt from Parts 262 (except for § 262.11, § <del>262.12</del> <u>262.18</u> , and Subpart H), 263, 264, 265, 267, and Part 100 of these regulations, and the notification requirements of Part 99 of these	are subject to Part 261, § 262.11, § <del>262.12</del> <u>262.18</u> , Part 262 Subpart H, and applicable provisions under Part 268.

If your batteries * * *	And if you * * *	Then you * * *	And you * * *
		regulations.	

3754  
3755  
3756  
3757  
3758  
3759  
3760  
3761  
3762  
3763  
3764  
3765  
3766  
3767  
3768  
3769  
3770  
3771  
3772  
3773  
3774  
3775  
3776  
3777  
3778  
3779  
3780  
3781  
3782  
3783  
3784  
3785  
3786  
3787  
3788  
3789  
3790  
3791  
3792  
3793  
3794  
3795  
3796  
3797  
3798  
3799

**69) Section 268.1 is amended by revising paragraph (e)(1) to read as follows:**

**§ 268.1 Purpose, scope and applicability.**

\*\*\*\*\*

(e) The following hazardous wastes are not subject to any provision of Part 268:

(1) ~~Waste generated by small quantity generators of less than 100 kilograms of non-acute hazardous waste or less than 1 kilogram of acute hazardous waste per month, as defined in § 261.5 of these regulations;~~  
Waste generated by very small quantity generators, as defined in § 260.10 of these regulations;

\*\*\*\*\*

**70) Section 268.7 is amended by revising paragraph (a)(5) introductory paragraph to read as follows:**

**§ 268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities.**

(a) Requirements for generators:

\*\*\*\*\*

(5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under ~~§§ 262.34, 262.15, 262.16, or 262.17~~ of these regulations 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; ~~of~~ § 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:

\*\*\*\*\*

\*\*\*\*\*

**71) Section 268.50 is amended by revising paragraphs (a)(1) and (a)(2)(i) to read as follows:**

**§ 268.50 Prohibitions on storage of restricted wastes.**

3800 (a) Except as provided for in this section, the storage of hazardous wastes restricted from land disposal  
3801 under Subpart C of this part or RCRA section 3004 [42 U.S.C. § 6924] is prohibited unless the following  
3802 conditions are met:

3803  
3804 (1) A generator stores such wastes in tanks, containers, or containment buildings on site solely for the  
3805 purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper  
3806 recovery, treatment, or disposal and the generator complies with the requirements in §§ ~~262.34~~  
3807 262.16 and 262.17 and Parts 264 and 265 of these regulations.

3808  
3809 (2) An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes  
3810 in tanks, containers, or containment buildings solely for the purpose of the accumulation of such  
3811 quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

3812  
3813 (i) Each container is clearly marked to identify its contents and ~~with the date each period of~~  
3814 ~~accumulation begins;~~

3815  
3816 (A) The words "Hazardous Waste":

3817  
3818 (B) The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in  
3819 subparts C and D of Part 261 of these regulations; or use a nationally recognized electronic  
3820 system, such as bar coding, to identify the EPA hazardous waste number(s);

3821  
3822 (C) An indication of the hazards of the contents (examples include, but are not limited to, the  
3823 applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic);  
3824 hazard communication consistent with the Department of Transportation requirements at 49  
3825 CFR Part 172 Subpart E (labeling) or Subpart F (placarding); a hazard statement or  
3826 pictogram consistent with the Occupational Safety and Health Administration Hazard  
3827 Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with  
3828 the National Fire Protection Association code 704); and

3829  
3830 (D) The date each period of accumulation begins.

3831 \*\*\*\*\*

3832  
3833 \*\*\*\*\*

3834  
3835  
3836  
3837 **72) The Table of Contents for Part 273 is amended by revising the listing for Section**  
3838 **273.8 to read as follows:**

3839  
3840  
3841 **PART 273 - STANDARDS FOR UNIVERSAL WASTE MANAGEMENT**

3842  
3843  
3844 **Subpart A -- General**

3845  
3846 **Sec.**

3847 \*\*\*\*\*

3848 **273.8 Applicability -- household and ~~conditionally exempt~~ very small quantity generator waste.**

3849  
3850 \*\*\*\*\*

3852 **73) Section 273.8 is amended by revising the section heading and paragraph (a)(2) to**  
3853 **read as follows:**

3854  
3855 **§ 273.8 Applicability -- household and ~~conditionally exempt~~ very small quantity**  
3856 **generator waste.**

3857  
3858 (a) Persons managing the wastes listed below may, at their option, manage them under the requirements  
3859 of this part:

3860  
3861 (1) \*\*\*\*\*

3862  
3863 (2) ~~Conditionally exempt~~ Very small quantity generator wastes that are exempt under § ~~261.5~~ 262.14  
3864 of these regulations and are also of the same type as the universal wastes defined at § 273.9.

3865  
3866 \*\*\*\*\*

3867  
3868  
3869 **74) Section 273.13 is amended by revising paragraphs (b)(3), (c)(2)(iii) and (iv), (c)(5)(iv),**  
3870 **(d)(3)(iv) and (e)(3)(iv) to read as follows:**

3871  
3872  
3873 **§ 273.13 Waste management.**

3874  
3875 \*\*\*\*\*

3876 (b) **Universal waste pesticides.** A small quantity handler of universal waste must manage universal  
3877 waste pesticides in a way that prevents releases of any universal waste or component of a universal  
3878 waste to the environment. The universal waste pesticides must be contained in one or more of the  
3879 following:

3880  
3881 \*\*\*\*\*

3882  
3883 (3) A tank that meets the requirements of Part 265 Subpart J, except for § 265.197(c), and § 265.200,  
3884 ~~and § 265.201~~; or

3885  
3886 \*\*\*\*\*

3887  
3888 (c) **Universal waste mercury-containing devices:** A small quantity handler of universal waste must  
3889 manage universal waste mercury-containing devices in a way that prevents releases of any universal  
3890 waste or component of a universal waste to the environment, as follows:

3891  
3892 \*\*\*\*\*

3893  
3894 (2) A small quantity handler of universal waste may remove mercury-containing ampules from  
3895 universal waste mercury-containing devices provided the handler:

3896  
3897 \*\*\*\*\*

3898  
3899 (iii) Ensures that a mercury clean-up system is readily available to immediately transfer any  
3900 mercury resulting from spills or leaks from broken ampules, from the containment device to a  
3901 container that meets the requirements of ~~§ 262.34~~ Part 262, Subpart A;

3902  
3903 (iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the  
3904 containment device to a container that meets the requirements of ~~§ 262.34~~ Part 262, Subpart A;

3905  
3906  
3907  
3908  
3909  
3910  
3911  
3912  
3913  
3914  
3915  
3916  
3917  
3918  
3919  
3920  
3921  
3922  
3923  
3924  
3925  
3926  
3927  
3928  
3929  
3930  
3931  
3932  
3933  
3934  
3935  
3936  
3937  
3938  
3939  
3940  
3941  
3942  
3943  
3944  
3945  
3946  
3947  
3948  
3949  
3950  
3951  
3952  
3953  
3954  
3955  
3956  
3957

\*\*\*\*\*

(5) A small quantity handler of universal waste may drain elemental mercury from open-ended mercury-containing devices provided the handler:

\*\*\*\*\*

(iv) Immediately transfers the drained elemental mercury to a container that meets the requirements of ~~§ 262.34~~[Part 262, Subpart A](#);

\*\*\*\*\*

(d) **Universal Waste Aerosol Cans.** A small quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents release of any universal waste or component of a universal waste to the environment as follows:

\*\*\*\*\*

(3) A small quantity handler of universal waste may puncture universal waste aerosol cans to remove and collect the contents of the aerosol can provided the handler:

\*\*\*\*\*

(iv) Immediately transfers the contents of the universal waste aerosol can, or puncturing device if applicable, to a container that meets the requirements of ~~§ 262.34~~[Part 262, Subpart A](#);

\*\*\*\*\*

(e) **Lamps.** A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

\*\*\*\*\*

(3) A small quantity handler of universal waste may crush universal waste lamps provided the handler:

\*\*\*\*\*

(iv) Immediately transfers the crushed universal waste lamp to a container that meets the requirements of ~~§ 262.34~~[Part 262, Subpart A](#);

\*\*\*\*\*

**75) Section 273.32 is amended by revising paragraph (a)(1) to read as follows:**

**§ 273.32 Notification.**

(a)(1) Except as provided in paragraph (a)(2) of this section, a large quantity handler of universal waste must send written notification of universal waste management to the Department, and obtain an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit. An EPA identification number may be obtained by applying to the Department using the ~~Colorado Hazardous Waste Notification Form~~[EPA Form 8700-12](#).

3958 \*\*\*\*\*

3959  
3960  
3961  
3962  
3963  
3964  
3965  
3966  
3967  
3968  
3969  
3970  
3971  
3972  
3973  
3974  
3975  
3976  
3977  
3978  
3979  
3980  
3981  
3982  
3983  
3984  
3985  
3986  
3987  
3988  
3989  
3990  
3991  
3992  
3993  
3994  
3995  
3996  
3997  
3998  
3999  
4000  
4001  
4002  
4003  
4004  
4005  
4006  
4007  
4008  
4009

**76) Section 273.33 is amended by revising paragraphs (b)(3), (c)(2)(iii) and (iv), (c)(5)(iv), (d)(3)(iv) and (e)(3)(iv) to read as follows:**

**§ 273.33 Waste management.**

\*\*\*\*\*

(b) **Universal waste pesticides:** A large quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

\*\*\*\*\*

(3) A tank that meets the requirements of Part 265 Subpart J, except for § 265.197(c), and § 265.200, ~~and § 265.201~~; or

\*\*\*\*\*

(c) **Universal waste mercury-containing devices:** A large quantity handler of universal waste must manage universal waste mercury-containing devices in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

\*\*\*\*\*

(2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing devices provided the handler:

\*\*\*\*\*

(iii) ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of ~~§ 262.34~~Part 262, Subpart A;

(iv) immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of ~~§ 262.34~~Part 262, Subpart A;

\*\*\*\*\*

(5) A large quantity handler of universal waste may drain elemental mercury from open-ended mercury-containing devices provided the handler:

\*\*\*\*\*

(iv) Immediately transfers the drained elemental mercury to a container that meets the requirements of ~~§ 262.34~~Part 262, Subpart A;

\*\*\*\*\*

4010 (d) **Universal Waste Aerosol Cans.** A large quantity handler of universal waste must manage universal  
4011 waste aerosol cans in a way that prevents release of any universal waste or component of a universal  
4012 waste to the environment as follows:

4013 \*\*\*\*\*  
4014

4015  
4016 (3) A large quantity handler of universal waste may puncture universal waste aerosol cans to remove  
4017 and collect the contents of the aerosol can provided the handler:

4018 \*\*\*\*\*  
4019

4020  
4021 (iv) Immediately transfers the contents of the universal waste aerosol can, or puncturing device if  
4022 applicable, to a container that meets the requirements of ~~§ 262.34~~Part 262, Subpart A;

4023 \*\*\*\*\*  
4024

4025  
4026 (e) **Lamps.** A large quantity handler of universal waste must manage lamps in a way that prevents  
4027 releases of any universal waste or component of a universal waste to the environment, as follows:

4028 \*\*\*\*\*  
4029

4030 (3) A large quantity handler of universal waste may crush universal waste lamps provided the handler:

4031 \*\*\*\*\*  
4032

4033  
4034 (iv) Immediately transfers the crushed universal waste lamp to a container that meets the  
4035 requirements of ~~§ 262.34~~Part 262, Subpart A;

4036 \*\*\*\*\*  
4037

4038  
4039

4040 **77) Section 273.81 is amended by revising paragraph (b) to read as follows:**

4041 **§ 273.81 Factors for Petitions to Include Other Wastes under Part 273.**

4042 \*\*\*\*\*  
4043

4044  
4045  
4046 (b) The waste or category of waste is not exclusive to a specific industry or group of industries, is  
4047 commonly generated by a wide variety of types of establishments (including, for example, households,  
4048 retail and commercial businesses, office complexes, ~~conditionally exempt~~ very small quantity generators,  
4049 small businesses, government organizations, as well as large industrial facilities);

4050 \*\*\*\*\*  
4051

4052  
4053  
4054 **78) Section 279.1 is amended by revising the definition of “Used oil collection center” to**  
4055 **read as follows:**

4056  
4057  
4058 **§ 279.1 Definitions.**

4059  
4060 Used oil collection center means any site or facility that has notified the Department as a used oil  
4061 collection center and has received an EPA identification number to manage used oil and  
4062 accepts/aggregates and stores used oil collected from used oil generators regulated under Subpart C of

4063 this part who bring used oil to the collection center in shipments of no more than 55 gallons under the  
4064 provisions of § 279.24. Used oil collection centers may also accept used oil from household do-it-  
4065 yourselfers. A used oil collection center that has not received an EPA identification number may obtain  
4066 one by applying to the Department using ~~the Colorado Hazardous Waste Notification Form~~EPA Form  
4067 8700-12. Upon receiving the request, the Department will forward an EPA identification number to the  
4068 facility. A used oil collection center that has already received an EPA Identification Number for another  
4069 purpose must submit a revised notification per the requirements of Part 99 of these regulations.

4070  
4071

4072 **79) Section 279.10 is amended by revising paragraph (b)(3) to read as follows:**

4073  
4074

4075 **§ 279.10 Applicability.**

4076  
4077

4078 **(b) Mixtures of used oil and hazardous waste**

4079  
4080

4081  
4082 **(3) ~~Conditionally exempt~~ Very small quantity generator hazardous waste.** Mixtures of used oil  
4083 and ~~conditionally exempt~~ very small quantity generator hazardous waste regulated under § ~~261.5~~  
4084 262.14 of these regulations are subject to regulation as used oil under this part.

4085  
4086

4087  
4088  
4089 **80) Section 279.42 is amended by revising paragraph (b)(1) to read as follows:**

4090  
4091

4092 **§ 279.42 Notification.**

4093  
4094

4095 **(b) Mechanics of notification.** A used oil transporter who has not received an EPA identification number  
4096 may obtain one by notifying the Department of their used oil activity by submitting either:

4097  
4098

4099 (1) A completed ~~Colorado Hazardous Waste Notification Form~~EPA Form 8700-12; or

4100  
4101

4102  
4103 **81) Section 279.51 is amended by revising paragraph (b)(1) to read as follows:**

4104  
4105

4106 **§ 279.51 Notification.**

4107  
4108

4109 **(b) Mechanics of notification.** A used oil processor or re refiner who has not received an EPA  
4110 identification number may obtain one by notifying the Department of their used oil activity by submitting  
4111 either:

4112  
4113

4114 (1) A completed ~~Colorado Hazardous Waste Notification Form~~EPA Form 8700-12; or

4115

4116 **82) Section 279.62 is amended by revising paragraph (b)(1) to read as follows:**

4117  
4118 **§ 279.62 Notification**

4119 \*\*\*\*\*

4120  
4121  
4122 (b) **Mechanics of notification.** A used oil burner who has not received an EPA identification number  
4123 may obtain one by notifying the Department of their used oil activity by submitting either:

4124  
4125 (1) A completed ~~Colorado Hazardous Waste Notification Form~~ EPA Form 8700-12; or

4126  
4127 \*\*\*\*\*

4128  
4129  
4130 **83) Section 279.73 is amended by revising paragraph (b)(1) to read as follows:**

4131  
4132 **§ 279.73 Notification.**

4133  
4134 \*\*\*\*\*

4135  
4136 (b) A marketer who has not received an EPA identification number may obtain one by notifying the  
4137 Department of their used oil activity by submitting either:

4138  
4139 (1) A completed ~~Colorado Hazardous Waste Notification Form~~ EPA Form 8700-12; or

4140  
4141 \*\*\*\*\*

4142  
4143  
4144 **84) Part 99 is amended by revising paragraph (a) to read as follows:**

4145  
4146 **PART 99 - NOTIFICATION**

4147  
4148  
4149 (a) **NOTIFICATION OF REGULATED WASTE ACTIVITY.** Any person who generates or transports, or  
4150 owns or operates a facility for treatment, storage, or disposal of, any hazardous wastes subject to these  
4151 regulations shall file ~~a Colorado Hazardous Waste Notification Form~~ EPA Form 8700-12 with the  
4152 Department stating the location and general description of such activity and the identified or listed  
4153 hazardous wastes handled by such person, prior to such activity.

4154  
4155 \*\*\*\*\*

4156  
4157  
4158 **85) Section 100.10 is amended by revising paragraphs (a), (a)(1) and (a)(3) to read as**  
4159 **follows:**

4160  
4161 **§ 100.10 SCOPE OF THE RCRA PERMIT REQUIREMENT. Who must apply?**

4162  
4163 \*\*\*\*\*

4164  
4165 (a) ~~Specific exclusions from the RCRA permit requirement:~~ Specific exclusions and exemptions. The  
4166 following persons are among those who are not required to obtain a RCRA permit:

4167

4168 (1) Generators who accumulate hazardous waste on site ~~for less than the time periods provided in §~~  
4169 ~~262.34~~in compliance with all of the conditions for exemption provided in §§ 262.14, 262.15, 262.16,  
4170 and 262.17 of these regulations.

4171 \*\*\*\*\*  
4172

4173  
4174 (3) Persons who own or operate facilities solely for the treatment, storage, or disposal of hazardous  
4175 waste excluded from regulations under this part by § 261.4 or § 264.5 262.14 (very small quantity  
4176 generator exemption) of these regulations.

4177 \*\*\*\*\*  
4178

4179  
4180  
4181 **86) Section 100.11 is amended by revising the asterisk note paragraph following**  
4182 **paragraph (a)(2)(ii) to read as follows:**

4183  
4184 **§ 100.11 APPLICATION FOR A PERMIT. When to Apply.**

4185  
4186 (a) **Existing HWM facilities. Part A Application.**

4187 \*\*\*\*\*  
4188

4189  
4190 (2) **Existing HWM facilities and interim status qualifications.**

4191 Owners and operators of existing hazardous waste management facilities or of hazardous waste  
4192 management facilities in existence on the effective date of statutory or regulatory amendments that  
4193 render the facility subject to the requirement to have a RCRA permit must submit Part A of their permit  
4194 application no later than:

4195  
4196 (i) six months after the date of publication of regulations which first require them to comply with  
4197 the standards set forth in Part 265 or 267, or

4198  
4199 (ii) thirty days after the date they first become subject to the standards set forth in Part 265 or  
4200 267, whichever first occurs.\*

4201  
4202  
4203 \* Under (i), the Commission may promulgate regulations under Part 261 listing and identifying  
4204 new wastes which are hazardous; such facilities managing those newly listed wastes and who  
4205 have not previously filed a Part A application must submit their Part A permit application within six  
4206 months of the date of promulgation in order to qualify for interim status for those newly listed  
4207 wastes. Such facilities managing those newly listed wastes and who have previously filed a Part  
4208 A application must amend their Part A permit application within six months of the date of  
4209 promulgation in order to qualify for interim status for those newly listed wastes. Under (ii) a  
4210 generator who has been accumulating hazardous waste in accordance with ~~§ 262.34~~262.17, and  
4211 who begins to store the waste for more than 90 days may qualify for interim status as a storage  
4212 facility if:

4213 \*\*\*\*\*  
4214

4215  
4216  
4217 **87) Section 100.22 is amended by revising paragraph (b) to read as follows:**

4218  
4219 **§ 100.22 SHORT TERM PERMITS.**

4220

4221 \*\*\*\*\*

4222  
4223 (b) **Trial Permits.** Trial permits are applicable only to hazardous wastes generated by very small quantity  
4224 generators as ~~provided under defined in~~ § ~~264.5~~260.10 of these regulations.

4225  
4226 \*\*\*\*\*

4227  
4228  
4229 **88) Section 100.31 is amended by revising paragraphs (a)(3) and (c)(4) to read as**  
4230 **follows:**

4231  
4232 **§ 100.31 ANNUAL FEES.**

4233  
4234 (a) **Applicability.**

4235  
4236 \*\*\*\*

4237  
4238 (3) **Generator fees.** All generators of hazardous waste that are subject to the fee requirements of  
4239 section 25-15-302, C.R.S. and § ~~262.13~~ 262.9 of these regulations, shall provide payment to  
4240 reimburse the Department for those costs incurred in tracking, compliance monitoring, compliance  
4241 assistance, plan review, enforcement, and other recurring activities that are reasonable and  
4242 necessary to ensure compliance with these regulations.

4243  
4244 \*\*\*\*\*

4245  
4246  
4247 (c) **Payment.** All owners and operators of facilities subject to the fees of this section shall provide timely  
4248 payment of the annual fees to the Treasurer of the State of Colorado, as provided in this section. All  
4249 annual fees shall be credited to the Hazardous Waste Service Fund. A late payment fee of 2% per month  
4250 or portion thereof shall be assessed on any unpaid balance subject to the limitations of § 24-79.5-101, et  
4251 seq. C.R.S.

4252  
4253 \*\*\*\*\*

4254  
4255 (4) **Generators.** Owners and operators of facilities that generate hazardous waste shall submit  
4256 payment of the annual generator fee each year within 30 days after receiving the bill. The fee shall be  
4257 consistent with § ~~262.13~~ 262.9 of these regulations.

4258  
4259 \*\*\*\*\*

4260  
4261 \*\*\*\*\*

4262  
4263  
4264 **89) Section 100.33 is amended by revising paragraphs (a), (a)(1) and (a)(2) to read as**  
4265 **follows:**

4266  
4267 **§ 100.33 HAZARDOUS WASTE NOTIFICATION FEES**

4268  
4269 (a) **Applicability.** Facilities subject to regulation under Parts 99 and ~~261.5~~ or 262 of these regulations  
4270 are subject to the following fees:

4271  
4272 (1) A facility modifying their notification to any status requiring a lesser hazardous waste generation  
4273 rate (e.g., a Large Quantity Generator re-notifying as a Small Quantity Generator, Conditionally

4274 Exempt Very Small Quantity Generator, or non-generator) shall pay \$120 along with submittal of their  
4275 revised notification information. The Department will not process the notification change without  
4276 payment of the \$120 fee. No fees will be assessed for electronic submittals through myRCRAid.  
4277

4278 (2) A facility submitting a new notification under Part 99 shall pay \$120, except that newly notifying  
4279 Conditionally Exempt Very Small Quantity Generators shall not be subject to this fee. The  
4280 Department will not process the notification without payment of the \$120 fee. No fees will be assessed  
4281 for electronic submittals through myRCRAid.  
4282

4283 ~~All notification updates that are providing or changing information required in the notification will not be~~  
4284 ~~assessed any fee unless these updates also meet criteria (1) or (2) above.~~  
4285  
4286

4287 **90) Section 8.91 (Statement of Basis for the Rulemaking Hearing of May 15, 2018) is**  
4288 **added to Part 8 of the Regulations to read as follows:**  
4289

4290  
4291 **Statement of Basis and Purpose**  
4292 **Rulemaking Hearing of May 15, 2018**  
4293

4294 **8.91 Basis and Purpose.**  
4295

4296 These amendments to 6 CCR 1007-3, Parts 260, 261, 262, 263, 264, 265, 267, 268, 273, 279, 99  
4297 and 100 are made pursuant to the authority granted to the Solid and Hazardous Waste  
4298 Commission in § 25-15-302(2), C.R.S.  
4299

4300 **Hazardous Waste Generator Improvements Rule**  
4301

4302 These amendments to the Colorado Hazardous Waste Regulations (6 CCR 1007-3) finalize  
4303 revisions to the state's hazardous waste generator regulatory program. These amendments  
4304 correspond to the Environmental Protection Agency (EPA) rule published in the Federal Register  
4305 on November 28, 2016 {81 FR 85732-85829}, and which became effective on May 30, 2017.  
4306

4307 The primary intent of these amendments is to foster improved compliance by hazardous waste  
4308 generators in the identification and management of the hazardous waste they generate and, as a  
4309 result, improve protection of human health and the environment. The objectives of these  
4310 revisions include:

- 4311 • reorganizing the hazardous waste generator regulations to make them more user-friendly  
4312 and thus improve their usability by the regulated community;
- 4313 • providing a better understanding of how the RCRA hazardous waste generator regulatory  
4314 program works;
- 4315 • addressing the gaps in the existing regulations to strengthen environmental protection;
- 4316 • providing greater flexibility for hazardous waste generators to manage their hazardous  
4317 waste in a cost-effective and protective manner; and
- 4318 • making technical corrections and conforming changes to address inadvertent errors and  
4319 remove obsolete references to programs that no longer exist.

4320  
4321 General organizational changes being adopted as part of this rulemaking include the following:  
4322

- 4323 1) Changing the name of Conditionally Exempt Small Quantity Generator (CESQG) to Very  
4324 Small Quantity Generator (VSQG)  
4325

4326 2) Integrating the generator requirements formerly found at § 261.5 (Special requirements for  
4327 hazardous waste generated by conditionally exempt small quantity generators) into new §  
4328 262.13 (Generator Category Determination) and § 262.14 (Conditions for exemption for a  
4329 VSQG) in the Part 262 generator regulations. With the addition of the new § 262.13  
4330 (Generator Category Determination), the existing § 262.13 (Generator Annual Fees) is being  
4331 renumbered as § 262.9.  
4332

4333 3) Separating the existing regulations at § 262.34 (Accumulation time) for Small Quantity  
4334 Generators (SQGs), Large Quantity Generators (LQGs), and Satellite Accumulation Areas  
4335 (SAAs) into three new sections:

4336 a) § 262.15 – Satellite accumulation area regulations for small and large quantity  
4337 generators;

4338 **Note:** Colorado is specifying in § 262.15(a)(4) that the temporary venting of a  
4339 container may be allowed on a case-by-case basis with prior written  
4340 approval from the Division.

4341 b) § 262.16 – Conditions for exemption for an SQG that accumulates hazardous waste;  
4342 and

4343 c) § 262.17 – Conditions for exemption for an LQG that accumulates hazardous waste.  
4344

4345 4) Incorporating the text of relevant Part 265 regulations, where reasonable, into these new  
4346 sections, rather than merely cross-referencing them.  
4347

4348 Several of the revisions included in this rulemaking are more stringent than the current  
4349 regulations, and Colorado is required to adopt equivalent provisions to the federal standards.  
4350 These include the following:  
4351

4352 1) **Marking & Labeling** – Requires SQGs, LQGs and transfer facilities to better define the  
4353 risks of hazardous wastes accumulated in tanks, containers, drip pads, and containment  
4354 buildings, as well as when hazardous waste is accumulated in satellite accumulation areas.  
4355 These new marking and labeling requirements for waste accumulation units are being  
4356 implemented to enhance 3 critical areas: risk communication; emergency preparedness and  
4357 prevention; and the accuracy of hazardous waste determinations. These new, more stringent  
4358 labeling requirements include the following provisions:

4359 a) § 262.14(a)(5)(viii)(B)(2) – VSQG container labeling requirements;

4360 b) § 262.15(a)(5)(ii) – SQG and LQG labeling requirements for containers in satellite  
4361 accumulation areas;

4362 c) § 262.16(b)(5) – SQG Accumulation of hazardous waste in containment buildings;

4363 d) § 262.16(b)(6)(i)(B) – SQG container labeling requirements;

4364 e) § 262.16(b)(6)(ii)(B) – SQG tank labeling requirements;

4365 f) § 262.17(a)(4) – LQG Accumulation of hazardous waste in containment buildings;

4366 g) § 262.17(a)(5)(i)(B) – LQG container labeling requirements;

4367 h) § 262.17(a)(5)(ii)(B) – LQG tank labeling requirements; and

4368 i) § 262.17(c)(4)(iv)(B) – LQG tank and container labeling requirements for F006 waste.  
4369

4370 2) **Closure Notification Requirements for LQGs {§ 262.17(a)(8)}** – Requires LQGs to  
4371 notify EPA or their authorized state when they plan to close their facilities.  
4372

4373 a) Closure of a waste accumulation unit – Requires LQGs to place a notice in their  
4374 operating record within 30 days after closure identifying the location of the unit with the  
4375 facility, or meet closure performance standards and notify the Department.  
4376

4377 b) Closure of the facility – Requires the LQG to notify the Department no later than 30  
4378 days prior to closing the facility. The LQG must also notify the Department within 90 days

4379 after closing the facility that it has complied with closure performance standards or notify  
4380 if it can't complete a clean closure of the facility. LQGs that fail to complete clean closure  
4381 of the facility are required to complete closure as a landfill under § 265.310 in the case of  
4382 a container, tank or containment building, or under § 265.445(b) for a facility with drip  
4383 pads.

4384  
4385 **3) Re-notification Requirements for SQGs {§ 262.18(d)}** – Requires SQGs to re-notify  
4386 every four years. Colorado is also requiring VSQGs that generate 3 gallons or more in a  
4387 calendar year of hazardous waste codes F001, F002, F004, and/or F005 to re-notify the  
4388 Department starting in 2021 and every four years thereafter using EPA Form 8700-12. This  
4389 re-notification for VSQGs and SQGs must be submitted to the Department by September 1st  
4390 of each year in which re-notifications are required, unless the VSQG or SQG has submitted  
4391 an updated notification within the last four years.

4392  
4393 **4) Biennial Reporting Requirements {§ 262.41}** – Requires LQGs to submit a biennial  
4394 report that identifies all of the hazardous wastes generated in the calendar year, not just for  
4395 the months the facility was an LQG.

4396  
4397 **5) Preparation of Contingency Plan Quick Reference Guide {§ 262.261(h)}** – Requires  
4398 new LQGs and LQGs updating their contingency plans to prepare a quick reference guide for  
4399 their contingency plans to assist responders in an emergency. The Quick Reference Guide  
4400 must contain the following elements:

- 4401  
4402 a) Types/names of hazardous waste and associated hazards;  
4403 b) Estimated maximum amounts of hazardous wastes on-site at the facility;  
4404 c) Identification of hazardous wastes requiring unique/special treatment;  
4405 d) Map showing where hazardous wastes are generated, accumulated and/or stored at  
4406 the facility;  
4407 e) Map of facility and surroundings to identify routes or access and evacuation;  
4408 f) Locations of water supply (e.g., fire hydrant and its flow rate);  
4409 g) Identification of on-site notification systems (e.g., fire alarms, smoke alarms); and  
4410 h) Name of emergency coordinator(s) and 24-hour emergency telephone number(s).

4411  
4412 **6) Biennial Reporting Requirements for Owners or Operators of Facilities that Recycle**  
4413 **Hazardous Waste Without Storing It {§ 261.6(c)(2)}** – Requires facilities that recycle  
4414 hazardous waste without storing the waste to prepare and submit a Biennial Report.

4415  
4416 A few of the proposed revisions included in this rulemaking are less stringent than the current  
4417 hazardous waste regulation, and Colorado is not required to adopt these changes. These  
4418 revisions include the following:

- 4419  
4420 **1) LQG Consolidation of VSQG Wastes {§ 262.14(a)(5)(viii) and § 262.17(f)}** – Allows  
4421 VSQGs to voluntarily send hazardous waste to LQGs under the control of the same person.  
4422  
4423 **2) Waiver of the 50-foot Setback Requirement {§ 262.17(a)(1)(vi)}**– Allows LQGs to apply  
4424 for a waiver from their local fire department to accumulate ignitable and reactive wastes  
4425 within the 50 foot facility boundary.

4426  
4427  
4428 Colorado is not adopting amendments regarding the following portions of the federal rule:

- 4429  
4430 **1) Episodic Generation Requirements {40 CFR Part 262, Subpart L}**. The Federal rule  
4431 implements Alternative Standards for Episodic Generation at 40 CFR Part 262, Subpart L

4432 that allows VSQGs and SQGs to conditionally maintain their generator category if they  
4433 experience an episodic hazardous waste generation event that causes them to exceed the  
4434 generation quantity limit for their category in a particular month which would subject them to  
4435 more stringent generator requirements. The new Federal rule is a complex system of  
4436 notification and management requirements for planned events and unplanned events, and  
4437 only allows one event per year with an option to petition for a second event. All waste  
4438 generated during an episodic event has different labeling and tracking requirements from the  
4439 regularly generated waste at the facility.

4440  
4441 The new federal requirements seem like an unnecessarily complicated way to deal with  
4442 episodic generation events that have not been a problematic issue in Colorado. The Division  
4443 requires generators to comply with the requirements for whatever generator category they  
4444 are in any particular month. The Division has always advised that as a best management  
4445 practice, generators who generate near the limit for a particular category comply with the  
4446 more stringent requirements in order to ensure that if they generate in excess of the  
4447 allowable limit, they will already be in compliance.

4448  
4449 If a facility experiences an unusual episodic event, the Division has worked with these  
4450 facilities to ensure that they quickly and easily comply with the required regulatory standards  
4451 for that one-time event. This is accomplished through guidance documents which include  
4452 contingency plan templates, training templates and additional material designed to help  
4453 generators comply with more stringent requirements.

4454  
4455 Adoption of the new federal episodic generation event regulations will not afford any great  
4456 relief to generators, are unnecessarily complex, and would be difficult to enforce. Colorado  
4457 prefers to remain more stringent in order to ensure protection of human health and the  
4458 environment in the management of these hazardous wastes.

4459  
4460 However, Colorado is adopting a new Part 262, subpart L in order to clarify that generators  
4461 experiencing an episodic event must comply with the requirements of the generator category  
4462 that applies during any given month. Colorado is also allowing VSQGs or SQGs who  
4463 experience one episodic event during a calendar year that subjects them to LQG status to  
4464 maintain their generator category and be exempt from the requirement to file a biennial  
4465 report, as long as they comply with all of the other LQG requirements.

4466  
4467 2) **Amendment of § 261.420** – Colorado is not adopting the addition of paragraph (g) to  
4468 section 261.420, as Colorado has not adopted the optional Subpart M Standards  
4469 (Emergency Preparedness and Response for Management of Excluded Hazardous  
4470 Secondary Materials) that were established as part of the Revisions to the Definition of Solid  
4471 Waste rulemaking of January 13, 2015 (80 FR 1694-1814).

4472  
4473 3) **Amendment of §§ 262.200-262.216** – Colorado is not adopting these revisions, as  
4474 Colorado has not adopted the optional Subpart K provisions (Subpart K – Alternative  
4475 Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material  
4476 for Laboratories Owned by Eligible Academic Entities) established as part of the Academic  
4477 Laboratories Generator Standards rulemaking of December 1, 2008 (73 FR 72912-72960).

4478  
4479  
4480 Additional items included in this rulemaking:

4481  
4482 1) **VSQG Waste Collection Facilities** – Colorado is eliminating Section 263.10(b) to clarify  
4483 that VSQG waste collection facilities are not considered transfer facilities under the Colorado  
4484 Hazardous Waste Regulations (6 CCR 1007-3). VSQG Waste Collection Facilities receiving

4485 hazardous waste from non-affiliated generators in Colorado will be individually reviewed and  
4486 approved by the Department pursuant to 262.14(a)(5)(iii). ~~Authorization of such facilities by~~  
4487 ~~the Division will require the facility to comply with the LQG requirements, including a 90-day~~  
4488 ~~storage limit for the waste.~~  
4489

4490 Allowing VSQGs to send their hazardous waste to a waste collection facility will help ease the  
4491 financial and administrative burden for VQGs and encourage responsible waste  
4492 management, treatment, and disposal.  
4493

4494 **2) Independent Requirements {§ 262.10}** – One of the objectives of this rule was to clarify  
4495 which requirements for hazardous waste generators are conditions for exemption from the  
4496 requirement to obtain a permit for the storage of hazardous waste on site at the generator’s  
4497 facility and which requirements are independent requirements that all generators of  
4498 hazardous waste must comply with regardless of whether they store hazardous waste on  
4499 site. Colorado has expanded the list of independent requirements for generators from that of  
4500 the Federal rule for requirements that are unique to Colorado and to clarify that notification  
4501 requirements of Part 99 and the land disposal restriction requirements of Part 268 are  
4502 considered independent requirements in Colorado. The independent requirements that are  
4503 unique to Colorado are: Section 262.9 (Generator Annual Fees) and Section 262.43  
4504 (Additional Reporting).  
4505

4506 **3) Retention of more stringent provisions.** As part of this rulemaking, Colorado is also  
4507 retaining the following more stringent provisions that currently exist in § 261.5, § 262.34, §  
4508 262.52, and § 262.174 of the regulations:  
4509

4510 a) Prohibition of CESQG to dispose of waste on-site {§ 261.5(f)(3)(iv) and (g)(3)(iv)} –  
4511 Colorado regulations currently specify that a conditionally exempt small quantity  
4512 generator of hazardous waste may not dispose of his/her hazardous waste on-site. This  
4513 requirement for VSQGs is now located at § 262.14(a)(5) of the regulations.  
4514

4515 b) Requirement for CESQG generating F001, F002, F004, and F005 waste to notify {§  
4516 261.5(b)(2)} – Colorado regulations currently require CESQGs that generate 3 gallons or  
4517 more per calendar year of hazardous waste codes F001, F002, F004 and/or F005 to  
4518 notify the Department of their hazardous waste activities and obtain an EPA Identification  
4519 Number. This requirement for VSQGs is now located at § 262.10(a)(1)(i)(E) of the  
4520 regulations.  
4521

4522 c) Requirement to complete Self-Certification Checklist {§ 261.5(b)(4) and § 262.43(b)} –  
4523 Colorado regulations currently require any generator, including CESQGs, that receive a  
4524 Self-Certification Checklist from the Department to complete and return the checklist  
4525 within the timeframe specified in the instructions. This requirement is now located at §  
4526 262.10(a)(1)(i)(D) for VSQGs, § 262.10(a)(1)(ii)(H) for SQGs, and § 262.10(a)(1)(iii)(H)  
4527 for LQGs.  
4528

4529 d) Requirement to document training for SQGs {§ 262.34(d)(5)(iii)} – Colorado  
4530 regulations currently require documentation of training for SQGs of hazardous waste, and  
4531 make training performance-based. This requirement for SQGs is now located at §  
4532 262.16(b)(9).  
4533

4534 e) Satellite accumulation area time limit. {§ 262.34(c)(2) and § 262.34(g)(2)} – Unlike the  
4535 federal requirement which allows 3 days, Colorado regulations require a generator that  
4536 manages hazardous waste in satellite accumulation containers to move that container to  
4537 the 180/270 or 90-day accumulation area immediately (i.e., within 24-hours) from when

4538 the 55-gallon limit is reached. This requirement is now located at § 262.15(a)(6).

4539  
4540 f) Requirement for CESQGs to minimize releases {§ 261.5(b)(5) and 265.31(a)} –  
4541 Colorado regulations require all generators, including CESQGs, to maintain and operate  
4542 their facility to minimize the possibility of a fire, explosion, or any unplanned sudden or  
4543 non-sudden release of hazardous waste or hazardous waste constituents. This  
4544 requirement is now located at § 262.14(d) for VSQGs, § 262.16(b)(8) for SQGs, and §  
4545 262.17(a)(6) for LQGs.

4546  
4547 (g) Expanded list of weekly inspection requirements {§ 265.174} – Colorado regulations  
4548 require a thorough inspection of hazardous waste containers to ensure that all of the Part  
4549 265 Subpart I requirements regarding use and management of containers and the  
4550 applicable labeling requirements of § 262.34 are being met. These regulations also  
4551 require that problems identified during the inspection be remedied. These requirements  
4552 are now also located at § 262.16(b)(2)(iv) for SQGs, and § 262.17(a)(1)(v) for LQGs.

4553  
4554 (h) Additional Contingency Plan Requirement {§ 262.261(g)} – Colorado regulations also  
4555 require LQGs of hazardous waste to identify the fire protection district responsible for  
4556 providing fire protection services to be identified in the contingency plan. If a facility is not  
4557 within a fire protection district, the LQG must state that in their contingency plan, and  
4558 operate under their own fire protection plan that has been approved by the Department.  
4559 Colorado regulations also require identification of the local emergency planning  
4560 committee (LEPC) for the area where the facility is located. In addition to § 265.52(g),  
4561 this requirement is now also located at § 262.261(g).

4562  
4563 4) **Replacement of References to Colorado Hazardous Waste Notification Form** –  
4564 Colorado is revising the Colorado Hazardous Waste Regulations (6 CCR 1007-3) to remove  
4565 all references to the Colorado Hazardous Waste Notification Form, and replace with a  
4566 reference to EPA Form 8700-12.

4567  
4568 5) **Amendment of § 100.33 Hazardous Waste Notification Fees**. Section 100.33 is being  
4569 amended to clarify that generators filing electronically with the Division to change their  
4570 generator status are not subject to the \$120 notification processing fee.

4571  
4572 The Commission has evaluated the information presented at the rulemaking hearing, as well as  
4573 the information in the Statement of Basis and Purpose. The Commission considers this  
4574 information sufficient to justify adopting the proposed rule. The Commission finds that this rule is  
4575 necessary to protect the public health and environment of the state.

4576  
4577 This Basis and Purpose incorporates by reference the applicable portions of the preamble  
4578 language for the EPA regulations as published in the Federal Register at 81 FR 85732-85829,  
4579 November 28, 2016.