

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Solid and Hazardous Waste Commission/Hazardous Materials and Waste Management Division

HAZARDOUS WASTE - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

6 CCR 1007-3 Part 262

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

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APPENDIX TO PART 262 -

UNIFORM HAZARDOUS WASTE MANIFEST AND INSTRUCTIONS (EPA FORMS 8700-22 AND 8700-22A AND THEIR INSTRUCTIONS)

Subpart A - General

§ 262.10 Purpose, Scope and Applicability.

- (a) These regulations establish standards for generators of hazardous waste.
- (b) Sections 261.5(c) and (d) must be used to determine the applicability of provisions of this part that are dependent on calculations of the quantity of hazardous waste generated per month.
- (c) A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following sections of this Part with respect to that waste: § 262.11 for determining whether or not he/she has a hazardous waste, § 262.12 for obtaining an EPA identification number, § 262.34 for accumulation of hazardous waste, § 262.40(c) and (d) for Recordkeeping, § 262.43 for additional reporting and if applicable, § 262.70 for Farmers.
- (d) Any person who exports or imports hazardous wastes must comply with § 262.12 and Subpart H of this part.
- (e) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this Part.
- (f) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of § 262.70 is not required to comply with other standards in this Part or 100, 264, 265, or 266, or 268 with respect to such pesticides.
- (g) A person who generates a hazardous waste as defined by Part 261 is subject to the compliance requirements and penalties prescribed in CRS 1973, 308, 309, 310 if he/she does not comply with the requirements of this Part.
- (h) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Part.
- (i) An attached statement of basis and purpose for these regulations has been adopted by the Board of Health, and is hereby incorporated by reference in these regulations pursuant to CRS. 1973, 24-4-103.

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

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

§ 262.11 Hazardous Waste Determination.

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

- (a) A generator should first determine if the waste is excluded from regulation under § 261.4.
- (b) A generator must then determine if the waste is listed as a hazardous waste in Subpart D of Part 261. Under § 260.22, the generator has an opportunity to demonstrate to the Department that the listed waste from his/her particular facility or operation is not a hazardous waste.

- (c) For purposes of compliance with Part 268, or if the waste is not listed in Subpart D of Part 261, the generator must then determine whether the waste is identified in Subpart C of Part 261 by either:
 - (1) Testing the waste according to the methods set forth in Subpart C of Part 261, or according to an equivalent method approved by the Department under § 260.21; or
 - (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
- (d) If the waste is determined to be hazardous, the generator must refer to Parts 261, 264, 265, 267, 268, and 273 of these regulations for possible exclusions or restrictions pertaining to management of the specific waste.

§ 262.12 EPA Identification Numbers.

- (a) A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number.
- (b) A generator who has not received an EPA identification number may obtain one by applying to the Department using the Colorado Hazardous Waste Notification Form. Upon receiving the request the Department will forward an EPA assigned EPA identification number to the generator.
- (c) A generator must not offer his/her hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.
- (d) A recognized trader must not arrange for import or export of hazardous waste without having received an EPA identification number from the Administrator.

§ 262.13 Generator Annual Fees.

- (a) Pursuant to the fee requirements of section 25-15-302, C.R.S., generators of hazardous waste shall be assessed the following annual fees for each calendar year:
 - 1) Conditionally Exempt Small Quantity Generators (CESQGs) that generate 3 gallons or more in a calendar year of hazardous waste codes F001, F002, F004, and/or F005: \$200
 - 2) Small quantity generators (SQGs): \$625*
 - 3) Large quantity generators (LQGs): \$3,200**

*Note: CESQGs that operate at the SQG status for four or more calendar months of the year will be assessed the SQG fee level.

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

Subpart B - The Manifest

§ 262.20 General Requirements.

- (a)(1) A generator who transports, or offers for transport a hazardous waste for off site treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050 0039) on EPA form 8700 22 and, if necessary, EPA form 8700 22A, according to the instructions included in the Appendix to Part 262 of these regulations before transporting the waste off site.
- (2) The revised manifest form and procedures in §§ 260.10, 261.7, 262.20, 262.21, 262.27, 262.32, 262.34, 262.54, 262.60, and the Appendix to Part 262 of these regulations, shall not apply until September 5, 2006. The manifest form and procedures contained in §§ 260.10, 261.7, 262.20, 262.21, 262.32, 262.34, 262.54, 262.60, and the Appendix to Part 262 of these regulations at the time of the May 2006 rulemaking hearing shall be applicable until September 5, 2006.
- (3) Electronic manifest. In lieu of using the manifest form specified in paragraph (a)(1) of this section, a person required to prepare a manifest under paragraph (a)(1) of this section may prepare and use an electronic manifest, provided that the person:
 - (i) Complies with the requirements in § 262.24 for use of electronic manifests, and
 - (ii) Complies with the requirements of 40 CFR § 3.10 for the reporting of electronic documents to EPA.
- (b) A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.
- (c) A generator may also designate on the manifest one alternate facility which is permitted to handle his/her waste in the event an emergency prevents delivery of the waste to the primary designated facility.
- (d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.
- (e) The requirements of this Subpart B do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1000 kg in a calendar month where:
 - (1) The waste is reclaimed under a contractual agreement pursuant to which:
 - (i) The type of waste and frequency of shipments are specified in the agreement;
 - (ii) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
 - (2) The generator maintains a copy of the reclamation agreement in his/her files for a period for at least three years after termination or expiration of the agreement.

- (f) The requirements of this subpart and § 262.32(b) do not apply to the transport of hazardous wastes on a public or private right of way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right of way. Notwithstanding § 263.10(a), the generator or transporter must comply with the requirements for transporters set forth in § 263.30 and 263.31 of these regulations in the event of a discharge of hazardous waste on a public or private right of way.

§ 262.21 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests.

- (a)
- (1) A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the EPA Director of the Office of Solid Waste to do so under paragraphs (c) and (e) of this section.
 - (2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of this section. The registrant is responsible for assigning manifest tracking numbers to its manifests.
- (b) A registrant must submit an initial application to the EPA Director of the Office of Solid Waste that contains the following information:
- (1) Name and mailing address of registrant;
 - (2) Name, telephone number and email address of contact person;
 - (3) Brief description of registrant's government or business activity;
 - (4) EPA identification number of the registrant, if applicable;
 - (5) Description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including:
 - (i) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company.

- (ii) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of this section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be pre-printed on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time.
 - (iii) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase).
- (6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest.
- (7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest.
- (8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of this section and that it will notify the EPA Director of the Office of Solid Waste of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.
- (c) EPA will review the application submitted under paragraph (b) of this section and either approve it or request additional information or modification before approving it.
- (d)
 - (1) Upon EPA approval of the application under paragraph (c) of this section, EPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in paragraph (d)(3) of this section. The registrant's samples must meet all of the specifications in paragraph (f) of this section and be printed by the company that will print the manifest as identified in the application approved under paragraph (c) of this section.
 - (2) The registrant must submit a description of the manifest samples as follows:
 - (i) Paper type (i.e., manufacturer and grade of the manifest paper);
 - (ii) Paper weight of each copy;

- (iii) Ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and
 - (iv) Method of binding the copies.
- (3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.
- (e) EPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until EPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved under paragraph (c) of this section and the manifest specifications in paragraph (f) of this section. It also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.
- (f) Paper manifests and continuation sheets must be printed according to the following specifications:
 - (1) The manifest and continuation sheet must be printed with the exact format and appearance as EPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be pre-printed on the manifest form.
 - (2) A unique manifest tracking number assigned in accordance with a numbering system approved by EPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.
 - (3) The manifest and continuation sheet must be printed on 8½ x 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.
 - (4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be in red ink.
 - (5) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32nd of an inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.
 - (6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:
 - (i) Page 1 (top copy): "Designated facility to destination State (if required)".
 - (ii) Page 2: "Designated facility to generator State (if required)".
 - (iii) Page 3: "Designated facility to generator".
 - (iv) Page 4: "Designated facility's copy".
 - (v) Page 5: "Transporter's copy".

- (vi) Page 6 (bottom copy): "Generator's initial copy".
- (7) The instructions in the appendix to 40 CFR part 262 must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.
 - (i) Manifest Form 8700-22.
 - (A) The "Instructions for Generators" on Copy 6;
 - (B) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and
 - (C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.
 - (ii) Manifest Form 8700-22A.
 - (A) The "Instructions for Generators" on Copy 6;
 - (B) The "Instructions for Transporters" on Copy 5; and
 - (C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.
- (g)
 - (1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under paragraphs (c) and (e) of this section. A registered source may be a:
 - (i) State agency;
 - (ii) Commercial printer;
 - (iii) Hazardous waste generator, transporter or TSDF; or
 - (iv) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.
 - (2) A generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under these states' authorized programs. Generators also must determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

(h)

- (1) If an approved registrant would like to update any of the information provided in its application approved under paragraph (c) of this section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the EPA Director of the Office of Solid Waste, along with an indication or explanation of the update, as soon as practicable after the change occurs. The Agency either will approve or deny the revision. If the Agency denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.
- (2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the EPA Director of the Office of Solid Waste, along with the reason for requesting it. The Agency will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.
- (3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval under paragraph (e) of this section, then the registrant must submit three samples of the revised form for EPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. EPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until EPA approves them.

(i) If, subsequent to its approval under paragraph (e) of this section, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by EPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. EPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until EPA approves them.

(j) EPA may exempt a registrant from the requirement to submit form samples under paragraph (d) or (h)(3) of this section if the Agency is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions and binding method of the form samples approved for some other registrant). A registrant may request an exemption from EPA by indicating why an exemption is warranted.

(k) An approved registrant must notify EPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.

(l) If, subsequent to approval of a registrant under paragraph (e) of this section, EPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, EPA will contact the registrant and require modifications to the form.

(m)

- (1) EPA may suspend and, if necessary, revoke printing privileges if we find that the registrant:

- (i) Has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or
 - (ii) Exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.
- (2) EPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, EPA will send a second letter notifying the registrant that EPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to EPA if requested.

§ 262.22 Number of Copies.

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

§ 262.23 Use of the Manifest.

- (a) The generator must:
 - (1) Sign the manifest certification by hand; and
 - (2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
 - (3) Retain one copy, in accordance with § 262.40(a).
- (b) The generator must give the transporter the remaining copies of the manifest.
- (c) [RESERVED]
- (d) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:
 - (1) The next non rail transporter, if any; or
 - (2) The designated facility if transported solely by rail; or
 - (3) The last rail transporter to handle the waste in the United States if exported by rail.
- (e) For shipments of hazardous waste to a designated facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out of state transporter signs and forwards the manifest to the designated facility.
- (f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility (following the procedures of § 264.72(f) or § 265.72(f)), the generator must:
 - (1) Sign either:

- (i) Item 20 of the new manifest if a new manifest is used for the returned shipment; or
 - (ii) Item 18c of the original manifest if the original manifest is used for the returned shipment;
- (2) Provide the transporter a copy of the manifest;
- (3) Within 30 days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and
- (4) Retain at the generator's site a copy of each manifest for at least three years from the date of delivery.

§ 262.24 Use of the electronic manifest.

- (a) **Legal equivalence to paper manifests.** Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3), and used in accordance with this section in lieu of EPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.
 - (1) Any requirement in these regulations to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR § 262.25.
 - (2) Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the national electronic manifest system.
 - (3) Any requirement in these regulations for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-Manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.
 - (4) No generator may be held liable for the inability to produce an electronic manifest for inspection under this section if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the national electronic manifest system for which the generator bears no responsibility.
- (b) A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the national electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.
- (c) **Restriction on use of electronic manifests.** A generator may prepare an electronic manifest for the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the national electronic manifest system.

- (d) **Requirement for one printed copy.** To the extent the Hazardous Materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR § 177.817, a generator originating an electronic manifest must also provide the initial transporter with one printed copy of the electronic manifest.
- (e) **Special procedures when electronic manifest is unavailable.** If a generator has prepared an electronic manifest for a hazardous waste shipment, but the national electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator must obtain and complete a paper manifest and if necessary, a continuation sheet (EPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions in the appendix to this part, and use these paper forms from this point forward in accordance with the requirements of § 262.23.
- (f) **Special procedures for electronic signature methods undergoing tests.** If a generator has prepared an electronic manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the generator shall also sign with an ink signature the generator/offeror certification on the printed copy of the manifest provided under paragraph (d) of this section.
- (g) **Imposition of user fee.** A generator who is a user of the electronic manifest may be assessed a user fee by EPA for the origination of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the national electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR Part 262.

§ 262.25 Electronic manifest signatures.

Electronic signature methods for the e-Manifest system shall:

- (a) Be a legally valid and enforceable signature under applicable EPA and other Federal requirements pertaining to electronic signatures; and
- (b) Be a method that is designed and implemented in a manner that EPA considers to be as cost-effective and practical as possible for the users of the manifest.

§ 262.26 [Reserved]

§ 262.27 Waste Minimization Certification.

A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

- (a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;" or
- (b) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

Subpart C – Pre-Transport Requirements

§ 262.30 Packaging.

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

§ 262.31 Labeling.

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

§ 262.32 Marking.

- (a) Before transporting or offering hazardous waste for transportation off site, a generator must mark each package of hazardous waste in accordance with applicable Public Utilities Commission or Department of Transportation regulations on hazardous materials under 49 CFR Part 172.
- (b) Before transporting hazardous waste or offering hazardous waste for transportation off site, a generator must mark each container of 119 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR § 172.304:

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

Generator's Name and Address -----.

Generator's EPA Identification Number -----.

Manifest Tracking Number -----.

§ 262.33 Placarding.

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

§ 262.34 Accumulation Time.

- (a) Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:
 - (1) The waste is placed:
 - (i) In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of Part 265; and/or
 - (ii) In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB, and CC of Part 265 except § 265.197(c) and 265.200; and/or

- (iii) On drip pads and the generator complies with subpart W of part 265 of these regulations and maintains the following records at the facility:
 - (A) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
 - (B) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or
- (iv) The waste is placed in containment buildings and the generator complies with Subpart DD of Part 265, has placed its professional engineer certification that the building complies with the design standards specified in § 265.1101 in the facility's operating record no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:
 - (A) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or
 - (B) Documentation that the unit is emptied at least once every 90 days.

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

- (2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container and either on or attached to each tank, or on a tank log sheet that is maintained at the facility and available for inspection upon request.
 - (3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and
 - (4) The generator complies with the requirements for owners or operators in Subparts C and D in Part 265, with § 265.16, and with § 268.7(a)(5).
- (b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of Part 264, 265, and 266 and the permit requirements of Part 100 unless he/she has been granted an extension to the 90-day period. Such extension may be granted by the Department if hazardous waste must remain on-site for longer than 90 days due to unforeseen, temporary and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Director on a case-by-case basis.
- (c)
- (1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of this section provided:

- (i) The waste is placed in containers and the generator complies with Subpart I of Part 265 of these regulations, except for § 265.178;
 - (ii) While being accumulated, the containers are marked with the words "Hazardous Waste" or with other words that identify the contents of the containers; and
 - (iii) The generator complies with the requirement for owners or operators in Subpart C and D in Part 265 and with § 265.16; and
 - (iv) The generator designates the location of each paragraph (a) and (c)(1) accumulation area in the contingency plan required under § 262.34(c)(1)(iii).
- (2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in paragraph (c)(1) of this section at or near any point of generation must comply immediately when the level of 55 gallons of hazardous waste or one quart of acutely hazardous waste is exceeded with paragraph (a) of this section or other applicable provisions of these regulations. *

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

- (d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:
- (1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
 - (2) The generator complies with the requirements of Subpart I of Part 265 of these regulations, except for §§ 265.176 and 265.178;
 - (3) The generator complies with the requirements of § 265.201 in Subpart J of Part 265.
 - (4) The generator complies with the requirements of paragraphs (a)(2) and (a)(3) of this section, the requirements of Subpart C of Part 265, the requirements of § 268.7(a)(5); and
 - (5) The generator complies with the following requirements:
 - (i) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in paragraph (d)(5)(iv) of this section. This employee is the emergency coordinator.
 - (ii) The generator must post the following information next to the telephone:
 - (A) The name and telephone number of the emergency coordinator,
 - (B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and
 - (C) The telephone number of the fire department, unless the facility has a direct alarm

- (iii) The generator must ensure that all employees are provided with hazardous waste training, including proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies. Training shall be provided in a way that ensures compliance with the requirements of this Part 262. Documentation that this training has been provided shall be retained on-site for all current employees.
 - (iv) The emergency coordinator or designee must respond to any emergencies that arise. The applicable responses are as follows:
 - (A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
 - (B) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
 - (C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include the following information:
 - (1) The name, address, and U.S. EPA Identification Number of the generator;
 - (2) Date, time and type of incident (e.g, spill or fire);
 - (3) Quantity and type of hazardous waste involved in the incident;
 - (4) Extent of injuries, if any; and
 - (5) Estimated quantity and disposition of recovered materials, if any.
- (e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport his/her waste, or offer his/her waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that he/she complies with the requirements of paragraph (d) of this section.
- (f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if he/she must transport his/her waste, or offer his/her waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the permit requirements of Part 100 and 264 and 265 unless he/she has been granted an extension to the 180-day (or 270-day if applicable) period. Such extension may be granted by the Department if hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Department on a case-by-case basis.

(g)

- (1) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) or (d) of this section provided:
 - (i) The waste is placed in containers and the generator complies with Subpart I of Part 265 of these regulations;
 - (ii) While being accumulated, the containers are marked with the words "Hazardous Waste" or with other words that identify the contents of the containers; and
 - (iii) The generator complies with the requirement for owners or operators in Subpart C in Part 265 and with paragraph (d)(5) of this section.
- (2) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who accumulate either hazardous waste or acutely hazardous waste listed in paragraph (g)(1) of this section at or near any point of generation must comply immediately when the level of 55 gallons of hazardous waste or one quart of acutely hazardous waste is exceeded with paragraph (d) of this section or other applicable provisions of these regulations. In order to comply with the requirements of § 262.34(d) of these regulations, the generator must mark the container with the date on which the container begins storage under § 262.34(d), which for purposes of this paragraph is the date on which the 55 gallons or one quart limit is exceeded.

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

- (1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;
- (2) The F006 waste is legitimately recycled through metals recovery;
- (3) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and
- (4) The F006 waste is managed in accordance with the following:
 - (i) The F006 waste is placed:
 - (A) In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of Part 265 of these regulations; and/or
 - (B) In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB, and CC of Part 265 of these regulations, except § 265.197(c) and 265.200; and/or

- (C) In containment buildings and the generator complies with Subpart DD of Part 265 of these regulations, and has placed its professional engineer certification that the building complies with the design standards specified in § 265.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the following records at the facility:
 - (1) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or
 - (2) Documentation that the unit is emptied at least once every 180 days.
 - (ii) In addition, such a generator is exempt from all the requirements in Subparts G and H of Part 265 of these regulations, except for § § 265.111 and 265.114.
 - (iii) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - (iv) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste;" and
 - (v) The generator complies with the requirements for owners or operators in Subparts C and D in Part 265, with § 265.16, and with § 268.7(a)(5) of these regulations.
- (i) A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, and who must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than 90 days, but not more than 270 days without a permit or without having interim status if the generator complies with the requirements of paragraphs (h)(1) through (h)(4) of this section.
- (j) A generator accumulating F006 in accordance with paragraphs (h) and (i) of this section who accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more), or who accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements of Part 264 and Part 265 and the permit requirements of Part 100 of these regulations unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit. Such extensions and exceptions may be granted by the Department if F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) or if more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation limit may be granted at the discretion of the Director on a case-by-case basis.
- (k) (Reserved)
- (l) (Reserved)

- (m) (Reserved)
- (n) A generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of § 264.72 or § 265.72 of these regulations may accumulate the returned waste on-site in accordance with paragraphs (a) and (b) or (d), (e) and (f) of this section, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must:
 - (1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - (2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

Subpart D - Recordkeeping and Reporting

§ 262.40 Recordkeeping.

- (a) A generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years or until he/she receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
- (b) A generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report (March 1).
- (c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with § 262.11 for at least three years from the date that the waste was last sent to on site or off site treatment, storage, or disposal.
- (d) The periods or retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

§ 262.41 Biennial Reporting.

- (a) A generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of a biennial report to the Department by March 1 of each even numbered year or upon the Director's request. The biennial report must be submitted in EPA Form 8700-13A, and must cover generator activities during the previous year, and must include the following information:
 - (1) The EPA identification number, name, and address of the generator;
 - (2) The calendar year covered by the report;
 - (3) The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility to which waste was shipped during the year;
 - (4) The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States;

- (5) A description, EPA hazardous waste number (from Part 261, Subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by EPA identification number of each off-site facility to which waste was shipped.
 - (6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
 - (7) A description of the changes in volume and toxicity of waste actually achieved during the years to the extent such information is available for years prior to 1984.
 - (8) The certification signed by the generator or authorized representative.
- (b) Any generator who treats, stores, or disposes of hazardous waste on site must submit a biennial report covering those wastes in accordance with the provisions of Parts 100, 264, 265, 266, and 267. Reporting for exports of hazardous waste is not required on the biennial report form. A separate annual report requirement is set forth at § 262.83(g) for hazardous waste exporters.

§ 262.42 Exception Reporting.

- (a) A generator of greater than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.
- (b) A generator of greater than 1000 kilograms of hazardous waste in a calendar month must submit an Exception Report to the Colorado Department of Public Health and Environment if he/she has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:
- (1) A legible copy of the manifest for which the generator does not have confirmation of delivery,
 - (2) A cover letter signed by the generator or his/her authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.
- (c) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Colorado Department of Public Health and Environment.

NOTE: The submission to the Department need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.

- (d) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of § 264.72(e)(1) through (6) or § 265.72(e)(1) through (6) of these regulations), the generator must comply with the requirements of paragraph (a) or (b) of this section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of paragraph (a) or (b) of this section for a shipment forwarding such waste to an alternate facility by a designated facility:
 - (1) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility, and
 - (2) The 35/45/60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

§ 262.43 Additional reporting.

- (a) The Department, as deemed necessary, may require generators to furnish additional reports concerning:
 - (1) compliance with the regulatory requirements of 6 CCR 1007-3; and
 - (2) the quantities and disposition of wastes identified or listed in Part 261.
- (b)
 - (1) Any generator of hazardous waste who receives a Self-Certification Checklist from the Department shall complete and return the checklist within the time specified in the instructions provided by the Department.
 - (2) The Department shall provide generators a reasonable amount of time to complete and return a checklist. At a minimum, the generator shall have 14 days from the date of receipt to return the checklist. A checklist is deemed returned on the date it is received by the Department. The Department may provide an extension of time to complete and return a checklist upon request.
 - (3) The Self-Certification Checklist shall contain a certification in substantially the following form, which must be signed by an authorized representative of the generator:

“I, the undersigned facility representative, certify that:

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

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

§ 262.44 Special Requirements for Generators of Between 100 and 1000 kg/mo.

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

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

Subpart E – [Reserved]

Subpart F – [Reserved]

Subpart G - Farmers

§ 262.70 Farmers.

A farmer disposing of waste pesticides from his/her own use which are hazardous wastes is not required to comply with the standards in this part or other standards in Part 100, 264, 265, 266 or 268 for those wastes provided he/she triple rinses each emptied pesticide container in accordance with § 261.7(b)(3) and disposes of the pesticide residues on his/her own farm in a manner consistent with the disposal instruction on the pesticide label.

Subpart H – Transboundary Movements of Hazardous Waste for Recovery or Disposal

§ 262.80 Applicability.

- (a) The requirements of this subpart apply to transboundary movements of hazardous wastes.
- (b) Any person (including exporter, importer, disposal facility operator, or recovery facility operator) who mixes two or more wastes (including hazardous and non-hazardous wastes) or otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any exporter duties, if applicable, under this subpart.

§ 262.81 Definitions.

In addition to the definitions set forth at Section 260.10 of these regulations, the following definitions apply to this subpart:

“Competent authority” means the regulatory authority or authorities of concerned countries having jurisdiction over transboundary movements of wastes.

“Countries concerned” means the countries of export or import and any countries of transit.

“Country of export” means any country from which a transboundary movement of hazardous wastes is planned to be initiated or is initiated.

“Country of import” means any country to which a transboundary movement of hazardous wastes is planned or takes place for the purpose of submitting the wastes to recovery or disposal operations therein.

“Country of transit” means any country other than the country of export or country of import across which a transboundary movement of hazardous wastes is planned or takes place.

“Disposal operations” means activities which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternate uses, which include:

- (1) D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.
- (2) D2 Land treatment, such as biodegradation of liquids or sludges in soils.
- (3) D3 Deep injection, such as injection into wells, salt domes or naturally occurring repositories.
- (4) D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds or lagoons.
- (5) D5 Specially engineered landfill, such as placement into lined discrete cells which are capped and isolated from one another and the environment.
- (6) D6 Release into a water body other than a sea or ocean, and other than by operation D4.
- (7) D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.
- (8) D8 Biological treatment not specified elsewhere in operations D1 through D12, which results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.
- (9) D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, which results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.
- (10) D10 Incineration on land.
- (11) D11 Incineration at sea.
- (12) D12 Permanent storage.
- (13) D13 Blending or mixing, prior to any of operations D1 through D12.
- (14) D14 Repackaging, prior to any of operations D1 through D13.
- (15) D15 (or DC17 for transboundary movements with Canada only) Interim Storage, prior to any of operations D1 through D12.
- (16) DC15 Release, including the venting of compressed or liquified gases, or treatment, other than by any of operations D1 to D12 (for transboundary movements with Canada only).
- (17) DC16 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).

“EPA Acknowledgment of Consent (AOC)” means the letter EPA sends to the exporter documenting the specific terms of the country of import's consent and the country(ies) of transit's consent(s). The AOC meets the definition of an export license in U.S. Census Bureau regulations 15 CFR 30.1.

“Export” means the transportation of hazardous waste from a location under the jurisdiction of the United States to a location under the jurisdiction of another country, or a location not under the jurisdiction of any country, for the purposes of recovery or disposal operations therein.

“Exporter”, also known as primary exporter on the RCRA hazardous waste manifest, means the person domiciled in the United States who is required to originate the movement document in accordance with § 262.83(d) or the manifest for a shipment of hazardous waste in accordance with subpart B of this part, or equivalent State provision, which specifies a foreign receiving facility as the facility to which the hazardous wastes will be sent, or any recognized trader who proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

“Foreign exporter” means the person under the jurisdiction of the country of export who has, or will have at the time the planned transboundary movement commences, possession or other forms of legal control of the hazardous wastes and who proposes shipment of the hazardous wastes to the United States for recovery or disposal operations.

“Foreign importer” means the person to whom possession or other form of legal control of the hazardous waste is assigned at the time the exported hazardous waste is received in the country of import.

“Foreign receiving facility” means a facility which, under the importing country's applicable domestic law, is operating or is authorized to operate in the country of import to receive the hazardous wastes and to perform recovery or disposal operations on them.

“Import” means the transportation of hazardous waste from a location under the jurisdiction of another country to a location under the jurisdiction of the United States for the purposes of recovery or disposal operations therein.

“Importer” means the person to whom possession or other form of legal control of the hazardous waste is assigned at the time the imported hazardous waste is received in the United States.

“OECD” means the Organization for Economic Cooperation and Development.

“OECD area” means all land or marine areas under the national jurisdiction of any OECD Member country. When the regulations refer to shipments to or from an OECD Member country, this means OECD area.

“OECD Member country” means the countries that are members of the OECD and participate in the Amended 2001 OECD Decision. (EPA provides a list of OECD Member countries at <https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-waste>).

“Receiving facility” means a U.S. facility which, under RCRA and other applicable domestic laws, is operating or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them.

“Recovery operations” means activities leading to resource recovery, recycling, reclamation, direct re-use or alternative uses, which include:

- (1) R1 Use as a fuel (other than in direct incineration) or other means to generate energy.
- (2) R2 Solvent reclamation/regeneration.
- (3) R3 Recycling/reclamation of organic substances which are not used as solvents.
- (4) R4 Recycling/reclamation of metals and metal compounds.

- (5) R5 Recycling/reclamation of other inorganic materials.
- (6) R6 Regeneration of acids or bases.
- (7) R7 Recovery of components used for pollution abatement.
- (8) R8 Recovery of components used from catalysts.
- (9) R9 Used oil re-refining or other reuses of previously used oil.
- (10) R10 Land treatment resulting in benefit to agriculture or ecological improvement.
- (11) R11 Uses of residual materials obtained from any of the operations numbered R1 through R10 or RC14 (for transboundary shipments with Canada only).
- (12) R12 Exchange of wastes for submission to any of the operations numbered R1 through R11 or RC14 (for transboundary shipments with Canada only).
- (13) R13 Accumulation of material intended for any operation numbered R1 through R12 or RC14 (for transboundary shipments with Canada only).
- (14) RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 to R10 (for transboundary shipments with Canada only).
- (15) RC15 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).
- (16) RC16 Interim storage prior to any of operations R1 to R11 or RC14 (for transboundary shipments with Canada only).

“Transboundary movement” means any movement of hazardous wastes from an area under the national jurisdiction of one country to an area under the national jurisdiction of another country.

§ 262.82 General conditions.

- (a) Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to either a list of wastes subject to the Green control procedures or a list of wastes subject to the Amber control procedures and whether the waste is or is not hazardous waste. The OECD Green and Amber lists are incorporated by reference in § 260.11 of these regulations.
 - (1) **Green list wastes.**
 - (i) Green wastes that are not hazardous wastes are subject to existing controls normally applied to commercial transactions, and are not subject to the requirements of this subpart.
 - (ii) Green wastes that are hazardous wastes are subject to the requirements of this subpart.

(2) **Amber list wastes.**

- (i) Amber wastes that are hazardous wastes are subject to the requirements of this subpart, even if they are imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.
 - (A) For exports, the exporter must comply with § 262.83.
 - (B) For imports, the recovery or disposal facility and the importer must comply with § 262.84.
- (ii) Amber wastes that are not hazardous wastes, but are considered hazardous by the other country are subject to the Amber control procedures in the country that considers the waste hazardous, and are not subject to the requirements of this subpart. All responsibilities of the importer or exporter shift to the foreign importer or foreign exporter in the other country that considers the waste hazardous unless the parties make other arrangements through contracts.

Note to Paragraph (a)(2): Some Amber list wastes are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements of this subpart. Regardless of the status of the waste under RCRA, however, other Federal environmental statutes (e.g., the Toxic Substances Control Act) restrict certain waste imports or exports. Such restrictions continue to apply with regard to this subpart.

(3) **Mixtures of wastes.**

- (i) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not hazardous waste is not subject to the requirements of this subpart.

Note to paragraph (a)(3)(i): The regulated community should note that some countries may require, by domestic law, that mixtures of different Green wastes be subject to the Amber control procedures.

- (ii) A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more Amber wastes, such that the resulting waste mixture is hazardous waste is subject to the requirements of this subpart.

Note to Paragraph (a)(3)(ii): The regulated community should note that some OECD Member countries may require, by domestic law, that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

(4) Wastes not yet assigned to an OECD waste list are eligible for transboundary movements, as follows:

- (i) If such wastes are hazardous wastes, such wastes are subject to the requirements of this subpart.
- (ii) If such wastes are not hazardous waste, such wastes are not subject to the requirements of this subpart.

(b) **General conditions applicable to transboundary movements of hazardous waste.**

- (1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import;
- (2) The transboundary movement must be in compliance with applicable international transport agreements; and

Note to paragraph (b)(2): These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

- (3) Any transit of hazardous waste through one or more countries must be conducted in compliance with all applicable international and national laws and regulations.

(c) **Duty to return wastes subject to the Amber control procedures during transit through the United States.** When a transboundary movement of hazardous wastes transiting the United States and subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in paragraph (e) of this section of the need to return the shipment. EPA will then inform the competent authority of the country of export, citing the reason(s) for returning the waste. The U.S. transporter must complete the return within ninety (90) days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another timeframe agreed to by the concerned countries.

(d) **Laboratory analysis exemption.** Export or import of a hazardous waste sample is exempt from the requirements of this subpart if the sample is destined for laboratory analysis to assess its physical or chemical characteristics, or to determine its suitability for recovery or disposal operations does not exceed twenty-five kilograms (25 kg) in quantity, is appropriately packaged and labeled, and complies with the conditions of Section 261.4(d) or (e) of these regulations.

(e) **EPA Address for submittals by postal mail or hand delivery.** Submittals required in this subpart to be made by postal mail or hand delivery should be sent to the following addresses:

- (1) For postal mail delivery, the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460.
- (2) For hand-delivery, the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, William Jefferson Clinton South Bldg., Room 6144, 12th St. and Pennsylvania Ave NW., Washington, DC 20004.

§ 262.83 Exports of hazardous waste.

(a) **General export requirements.** Except as provided in paragraphs (a)(5) and (6) of this section, exporters that have received an AOC from EPA before December 31, 2016 are subject to that approval and the requirements listed in the AOC that existed at the time of that approval until such time the approval period expires. All other exports of hazardous waste are prohibited unless:

- (1) The exporter complies with the contract requirements in paragraph (f) of this section;

- (2) The exporter complies with the notification requirements in paragraph (b) of this section;
- (3) The exporter receives an AOC from EPA documenting consent from the countries of import and transit (and original country of export if exporting previously imported hazardous waste);
- (4) The exporter ensures compliance with the movement documents requirements in paragraph (d) of this section;
- (5) The exporter ensures compliance with the manifest instructions for export shipments in paragraph (c) of this section; and
- (6) The exporter or a U.S. authorized agent:
 - (i) For shipments initiated prior to December 31, 2017, does one of the following:
 - (A) Submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR § 30.4(b), and includes the following items in the EEI, along with the other information required under 15 CFR § 30.6:
 - (1) EPA license code;
 - (2) Commodity classification code for each hazardous waste per 15 CFR § 30.6(a)(12);
 - (3) EPA consent number for each hazardous waste;
 - (4) Country of ultimate destination code per 15 CFR § 30.6(a)(5);
 - (5) Date of export per 15 CFR § 30.6(a)(2);
 - (6) RCRA hazardous waste manifest tracking number, if required;
 - (7) Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR § 30.6(a)(15); or
 - (8) EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

- (B) Complies with a paper-based process by:
 - (1) Attaching paper documentation of consent (i.e., a copy of the EPA Acknowledgment of Consent, international movement document) to the manifest, or shipping papers if a manifest is not required, which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with the paper documentation of consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter must attach the paper documentation of consent to the shipping paper.
 - (2) Providing the transporter with an additional copy of the manifest, and instructing the transporter via mail, email or fax to deliver that copy to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with § 263.20(g)(4)(ii).
- (ii) For shipments initiated on or after December 31, 2017, submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR § 30.4(b), and includes the following items in the EEI, along with the other information required under 15 CFR § 30.6:
 - (A) EPA license code;
 - (B) Commodity classification code for each hazardous waste per 15 CFR § 30.6(a)(12);
 - (C) EPA consent number for each hazardous waste;
 - (D) Country of ultimate destination code per 15 CFR § 30.6(a)(5);
 - (E) Date of export per 15 CFR § 30.6(a)(2);
 - (F) RCRA hazardous waste manifest tracking number, if required;
 - (G) Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR § 30.6(a)(15); or
 - (H) EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

(b) **Notifications—**

- (1) **General notifications.** At least sixty (60) days before the first shipment of hazardous waste is expected to leave the United States, the exporter must provide notification in English to EPA of the proposed transboundary movement. Notifications must be submitted electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and must include all of the following information:
- (i) Exporter name and EPA identification number, address, telephone, fax numbers, and email address;
 - (ii) Foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in § 262.81 of these regulations;
 - (iii) Foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;
 - (iv) Intended transporter(s) and/or their agent(s); address, telephone, fax numbers, and email address;
 - (v) "U.S." as the country of export name, "USA01" as the relevant competent authority code, and the intended U.S. port(s) of exit;
 - (vi) The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and the ports of entry and exit for each country of transit;
 - (vii) The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and port of entry for the country of import;
 - (viii) Statement of whether the notification covers a single shipment or multiple shipments;
 - (ix) Start and End Dates requested for transboundary movements;
 - (x) Means of transport planned to be used;
 - (xi) Description(s) of each hazardous waste, including whether each hazardous waste is regulated universal waste under 40 CFR Part 273, or Part 273 of these regulations, spent lead-acid batteries being exported for recovery of lead under 40 CFR Part 266, Subpart G, or Part 267, Subpart G of these regulations, or industrial ethyl alcohol being exported for reclamation under 40 CFR § 261.6(a)(3)(i), or § 261.6(a)(3)(i) of these regulations, estimated total quantity of each waste in either metric tons or cubic meters, the applicable RCRA waste code(s) for each hazardous waste, the applicable OECD waste code from the lists incorporated by reference in § 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each waste;
 - (xii) Specification of the recovery or disposal operation(s) as defined in § 262.81.

- (xiii) Certification/Declaration signed by the exporter that states:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:

Signature:

Date:

- (2) **Exports to pre-consented recovery facilities in OECD Member countries.** If the recovery facility is located in an OECD member country and has been pre-consented by the competent authority of the OECD member country to recover the waste sent by exporters located in other OECD member countries, the notification may cover up to three years of shipments. Notifications proposing export to a pre-consented facility in an OECD member country must include all information listed in paragraphs (b)(1)(i) through (b)(1)(xiii) of this section and additionally state that the facility is pre-consented. Exporters must submit the notification to EPA using the allowable methods listed in paragraph (b)(1) of this section at least ten days before the first shipment is expected to leave the United States.
- (3) **Notifications listing interim recycling operations or interim disposal operations.** If the foreign receiving facility listed in paragraph (b)(1)(ii) of this section will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, or in the case of transboundary movements with Canada, any of the interim recovery operations R12, R13, or RC16, or interim disposal operations D13 to D14, or DC17, the notification submitted according to paragraph (b)(1) of this section must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, or in the case of transboundary movements with Canada, which of the applicable recovery or disposal operations R1 through R11, RC14 to RC15, D1 through D12, and DC15 to DC16 will be employed at the final foreign recovery or disposal facility. The recovery and disposal operations in this paragraph are defined in § 262.81.
- (4) **Renotifications.** When the exporter wishes to change any of the information specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the exporter must submit a renotification of the changes to EPA using the allowable methods in paragraph (b)(1) of this section. Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives an EPA AOC letter documenting the countries' consents to the changes.
- (5) For cases where the proposed country of import and recovery or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, EPA will coordinate with the Department of State to provide the complete notification to country of import and any countries of transit. In all other cases, EPA will provide the notification directly to the country of import and any countries of transit. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of paragraph (b)(1)(i) through (b)(1)(xiii) of this section. Where a claim of confidentiality is asserted with respect to any notification information required by paragraphs (b)(1)(i) through (b)(1)(xiii) of this section, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR § 260.2.

- (6) Where the countries of import and transit consent to the proposed transboundary movement(s) of the hazardous waste(s), EPA will forward an EPA AOC letter to the exporter documenting the countries' consents. Where any of the countries of import and transit objects to the proposed transboundary movement(s) of the hazardous waste or withdraws a prior consent, EPA will notify the exporter.
 - (7) Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements in § 262.83, including providing notification to EPA in accordance with paragraph (b)(1) of this section. In addition to listing all required information in paragraphs (b)(1)(i) through (b)(1)(xiii) of this section, the exporter must provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from EPA documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to re-export.
 - (8) Upon request by EPA, the exporter must furnish to EPA any additional information which the country of import requests in order to respond to a notification.
- (c) **RCRA manifest instructions for export shipments.** The exporter must comply with the manifest requirements of §§ 262.20 through 262.23 except that:
- (1) In lieu of the name, site address and EPA ID number of the designated permitted facility, the exporter must enter the name and site address of the foreign receiving facility;
 - (2) In the International Shipments block, the exporter must check the export box and enter the U.S. port of exit (city and State) from the United States.
 - (3) The exporter must list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use a Continuation Sheet(s) (EPA Form 8700-22A).
 - (4) The exporter may obtain the manifest from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).
- (d) **Movement document requirements for export shipments.** (1) All exporters must ensure that a movement document meeting the conditions of paragraph (d)(2) of this section accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until it reaches the foreign receiving facility, including cases in which the hazardous waste is stored and/or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as provided in paragraphs (d)(1)(i) and (ii) of this section.
- (i) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the exporter must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if exported by water.
 - (ii) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the exporter must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if exported by rail.

- (2) The movement document must include the following paragraphs (d)(2)(i) through (xv) of this section:
 - (i) The corresponding consent number(s) and hazardous waste number(s) for the listed hazardous waste from the relevant EPA AOC(s);
 - (ii) The shipment number and the total number of shipments from the EPA AOC;
 - (iii) Exporter name and EPA identification number, address, telephone, fax numbers, and email address;
 - (iv) Foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in § 262.81;
 - (v) Foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;
 - (vi) Description(s) of each hazardous waste, quantity of each hazardous waste in the shipment, applicable RCRA hazardous waste code(s) for each hazardous waste, applicable OECD waste code for each hazardous waste from the lists incorporated by reference in § 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each hazardous waste;
 - (vii) Date movement commenced;
 - (viii) Name (if not exporter), address, telephone, fax numbers, and email of company originating the shipment;
 - (ix) Company name, EPA ID number, address, telephone, fax numbers, and email address of all transporters;
 - (x) Identification (license, registered name or registration number) of means of transport, including types of packaging;
 - (xi) Any special precautions to be taken by transporter(s);
 - (xii) Certification/declaration signed and dated by the exporter that the information in the movement document is complete and correct;
 - (xiii) Appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the foreign receiving facility);
 - (xiv) Each U.S. person that has physical custody of the hazardous waste from the time the movement commences until it arrives at the foreign receiving facility must sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and

- (xv) As part of the contract requirements per paragraph (f) of this section, the exporter must require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter, to the competent authorities of the countries of import and transit, and for shipments occurring on or after December 31, 2017, the exporter must additionally require that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in paragraph (b)(1) of this section.
- (e) **Duty to return or re-export hazardous wastes.** When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consent(s) and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter must ensure that the hazardous waste is returned to the United States or re-exported to a third country. If the waste must be returned, the exporter must provide for the return of the hazardous waste shipment within ninety days from the time the country of import informs EPA of the need to return the waste or such other period of time as the concerned countries agree. In all cases, the exporter must submit an exception report to EPA in accordance with paragraph (h) of this section.
- (f) **Export contract requirements.** (1) Exports of hazardous waste are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the exporter, foreign importer (if different from the foreign receiving facility), and the owner or operator of the foreign receiving facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.
 - (2) Contracts or equivalent arrangements must specify the name and EPA ID number, where available, of paragraph (f)(2)(i) through (iv) of this section:
 - (i) The company from where each export shipment of hazardous waste is initiated;
 - (ii) Each person who will have physical custody of the hazardous wastes;
 - (iii) Each person who will have legal control of the hazardous wastes; and
 - (iv) The foreign receiving facility.
 - (3) Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous wastes if their disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify that:
 - (i) The transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the exporter, EPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; and

- (ii) The person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of hazardous wastes and, as the case may be, shall provide the notification for re-export to the competent authority in the country of import and include the equivalent of the information required in paragraph (b)(1) of this section, the original consent number issued for the initial export of the hazardous wastes in the notification, and obtain consent from EPA and the competent authorities in the new country of import and any transit countries prior to re-export.
- (4) Contracts must specify that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit. For contracts that will be in effect on or after December 31, 2017, the contracts must additionally specify that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in paragraph (b)(1) of this section on or after that date.
- (5) Contracts must specify that the foreign receiving facility shall send a copy of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import. For contracts that will be in effect on or after December 31, 2017, the contracts must additionally specify that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in paragraph (b)(1) of this section on or after that date.
- (6) Contracts must specify that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC16, or interim disposal operations D13 through D15 or DC17, (recovery and disposal operations defined in § 262.81) as appropriate, will:
 - (i) Provide the notification required in paragraph (f)(3)(ii) of this section prior to any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country; and
 - (ii) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC16, or one of disposal operations D1 through D12, DC15 or DC16 to the competent authority of the country of import. For contracts that will be in effect on or after December 31, 2017, the contracts must additionally specify that the foreign facility send copies to EPA at the same time using the allowable method listed in paragraph (b)(1) of this section on or after that date.
- (7) Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, in accordance with applicable national or international law requirements.

Note 1 to paragraph (f)(7): Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD Member countries and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with such requirements; in some cases, persons or facilities located in those OECD Member countries or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

- (8) Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this subpart.
- (9) Upon request by EPA, U.S. exporters, importers, or recovery facilities must submit to EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 40 CFR § 2.203(b) will be treated as confidential and will be disclosed by EPA only as provided in 40 CFR § 260.2.
- (g) **Annual reports.** The exporter shall file an annual report with EPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. Prior to December 31, 2018, the exporter must mail or hand-deliver annual reports to EPA using one of the addresses specified in § 262.82(e), or submit to EPA using the allowable methods specified in paragraph (b)(1) of this section if the exporter has electronically filed EPA information in AES, or its successor system, per paragraph (a)(6)(i)(A) of this section for all shipments made the previous calendar year. Subsequently, the exporter must submit annual reports to EPA using the allowable methods specified in paragraph (b)(1) of this section. The annual report must include all of the following paragraphs (g)(1) through (6) of this section specified as follows:
 - (1) The EPA identification number, name, and mailing and site address of the exporter filing the report;
 - (2) The calendar year covered by the report;
 - (3) The name and site address of each foreign receiving facility;
 - (4) By foreign receiving facility, for each hazardous waste exported:
 - (i) A description of the hazardous waste;
 - (ii) The applicable EPA hazardous waste code(s) (from Part 261, Subpart C or D) for each waste;
 - (iii) The applicable waste code from the appropriate OECD waste list incorporated by reference in § 260.11;
 - (iv) The applicable DOT ID number;
 - (v) The name and U.S. EPA ID number (where applicable) for each transporter used over the calendar year covered by the report; and

- (vi) The consent number(s) under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report;
- (5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100kg but less than 1,000kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to § 262.41:
 - (i) A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and
 - (ii) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and
- (6) A certification signed by the exporter that states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

(h) **Exception reports.**

- (1) The exporter must file an exception report in lieu of the requirements of § 262.42 (if applicable) with EPA if any of the following occurs:
 - (i) The exporter has not received a copy of the RCRA hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the hazardous waste from the United States, within forty-five (45) days from the date it was accepted by the initial transporter, in which case the exporter must file the exception report within the next thirty (30) days;
 - (ii) The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with paragraph (d) of this section within ninety (90) days from the date the waste was accepted by the initial transporter in which case the exporter must file the exception report within the next thirty (30) days; or
 - (iii) The foreign receiving facility notifies the exporter, or the country of import notifies EPA, of the need to return the shipment to the U.S. or arrange alternate management, in which case the exporter must file the exception report within thirty (30) days of notification, or one (1) day prior to the date the return shipment commences, whichever is sooner.
- (2) Prior to December 31, 2107, exception reports must be mailed or hand delivered to EPA using the addresses listed in § 262.82(e). Subsequently, exception reports must be submitted to EPA using the allowable methods listed in paragraph (b)(1) of this section.

- (i) **Recordkeeping.** (1) The exporter shall keep the following records in paragraphs (i)(1)(i) through (v) of this section and provide them to EPA or authorized state personnel upon request:

- (i) A copy of each notification of intent to export and each EPA AOC for a period of at least three (3) years from the date the hazardous waste was accepted by the initial transporter;
 - (ii) A copy of each annual report for a period of at least three (3) years from the due date of the report;
 - (iii) A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement document) sent by the foreign receiving facility to the exporter for at least three (3) years from the date the hazardous waste was accepted by the initial transporter;
 - (iv) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three (3) years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment; and
 - (v) A copy of each contract or equivalent arrangement established per § 262.85 for at least three (3) years from the expiration date of the contract or equivalent arrangement.
- (2) Exporters may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter's account on EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No exporter may be held liable for the inability to produce such documents for inspection under this section if the exporter can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's Waste Import Export Tracking System (WIETS), or its successor system for which the exporter bears no responsibility.
- (3) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

§ 262.84 Imports of hazardous waste.

- (a) General import requirements. (1) With the exception of paragraph (a)(5) of this section, importers of shipments covered under a consent from EPA to the country of export issued before December 31, 2016 are subject to that approval and the requirements that existed at the time of that approval until such time the approval period expires. Otherwise, any other person who imports hazardous waste from a foreign country into the United States must comply with the requirements of this part and the special requirements of this subpart.
- (2) In cases where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer must submit a notification to EPA in accordance with paragraph (b) of this section.
 - (3) The importer must comply with the contract requirements in paragraph (f) of this section.
 - (4) The importer must ensure compliance with the movement documents requirements in paragraph (d) of this section; and
 - (5) The importer must ensure compliance with the manifest instructions for import shipments in paragraph (c) of this section.

- (b) **Notifications.** In cases where the competent authority of the country of export does not regulate the waste as hazardous waste and, thus, does not require the foreign exporter to submit to it a notification proposing export and obtain consent from EPA and the competent authorities for the countries of transit, but EPA does regulate the waste as hazardous waste:
- (1) The importer is required to provide notification in English to EPA of the proposed transboundary movement of hazardous waste at least sixty (60) days before the first shipment is expected to depart the country of export. Notifications submitted prior to December 31, 2017 must be mailed or hand delivered to EPA at the addresses specified in § 262.82(e). Notifications submitted on or after December 31, 2107 must be submitted electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and must include all of the following information:
- (i) Foreign exporter name, address, telephone, fax numbers, and email address;
 - (ii) Receiving facility name, EPA ID number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in § 262.81;
 - (iii) Importer name (if not the owner or operator of the receiving facility), EPA ID number, address, telephone, fax numbers, and email address;
 - (iv) Intended transporter(s) and/or their agent(s); address, telephone, fax numbers, and email address;
 - (v) "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. port(s) of entry;
 - (vi) The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and the ports of entry and exit for each country of transit;
 - (vii) The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and port of exit for the country of export;
 - (viii) Statement of whether the notification covers a single shipment or multiple shipments;
 - (ix) Start and End Dates requested for transboundary movements;
 - (x) Means of transport planned to be used;
 - (xi) Description(s) of each hazardous waste, including whether each hazardous waste is regulated universal waste under 40 CFR Part 273, or Part 273 of these regulations, spent lead-acid batteries being exported for recovery of lead under 40 CFR Part 266, Subpart G, or Part 267, Subpart G of these regulations, or industrial ethyl alcohol being exported for reclamation under 40 CFR § 261.6(a)(3)(i), or § 261.6(a)(3)(i) of these regulations, estimated total quantity of each hazardous waste, the applicable RCRA hazardous waste code(s) for each hazardous waste, the applicable OECD waste code from the lists incorporated by reference in 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each hazardous waste;
 - (xii) Specification of the recovery or disposal operation(s) as defined in § 262.81; and

- (xiii) Certification/Declaration signed by the importer that states:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:

Signature:

Date:

Note to paragraph (b)(1)(xiii): The United States does not currently require financial assurance for these waste shipments.

- (2) **Notifications listing interim recycling operations or interim disposal operations.** If the receiving facility listed in paragraph (b)(1)(ii) of this section will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to paragraph (b)(1) of this section must also include the final recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this paragraph are defined in § 262.81.
- (3) **Renotifications.** When the foreign exporter wishes to change any of the conditions specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the importer must submit a renotification of the changes to EPA using the allowable methods in paragraph (b)(1) of this section. Any shipment using the requested changes cannot take place until EPA and the countries of transit consent to the changes and the importer receives an EPA AOC letter documenting the consents to the changes.
- (4) A notification is complete when EPA determines the notification satisfies the requirements of paragraph (b)(1)(i) through (xiii) of this section. Where a claim of confidentiality is asserted with respect to any notification information required by paragraphs (b)(1)(i) through (xiii) of this section, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR
- (5) Where EPA and the countries of transit consent to the proposed transboundary movement(s) of the hazardous waste(s), EPA will forward an EPA AOC letter to the importer documenting the countries' consents and EPA's consent. Where any of the countries of transit or EPA objects to the proposed transboundary movement(s) of the hazardous waste or withdraws a prior consent, EPA will notify the importer.
- (6) Export of hazardous wastes originally imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in § 262.83(b)(7).
- (c) **RCRA Manifest instructions for import shipments.** (1) When importing hazardous waste, the importer must meet all the requirements of § 262.20 for the manifest except that:
- (i) In place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used.

- (ii) In place of the generator's signature on the certification statement, the importer or his agent must sign and date the certification and obtain the signature of the initial transporter.
- (2) The importer may obtain the manifest form from any source that is registered with the EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).
- (3) In the International Shipments block, the importer must check the import box and enter the point of entry (city and State) into the United States.
- (4) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with § 264.71(a)(3) and § 265.71(a)(3).
- (5) In lieu of the requirements of § 262.20(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer must instruct the transporter in writing via fax, email or mail to:
 - (i) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and
 - (ii) Revise the manifest in accordance with the importer's instructions.
- (d) **Movement document requirements for import shipments.** (1) The importer must ensure that a movement document meeting the conditions of paragraph (d)(2) of this section accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the country of export until it reaches the receiving facility, including cases in which the hazardous waste is stored and/or sorted by the importer prior to shipment to the receiving facility, except as provided in paragraphs (d)(1)(i) and (ii) of this section.
 - (i) For shipments of hazardous waste within the United States by water (bulk shipments only), the importer must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water.
 - (ii) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the importer must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.
- (2) The movement document must include the following paragraphs (d)(2)(i) through (xv) of this section:
 - (i) The corresponding AOC number(s) and waste number(s) for the listed waste;
 - (ii) The shipment number and the total number of shipments under the AOC number;
 - (iii) Foreign exporter name, address, telephone, fax numbers, and email address;
 - (iv) Receiving facility name, EPA ID number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in § 262.81;

- (v) Importer name (if not the owner or operator of the receiving facility), EPA ID number, address, telephone, fax numbers, and email address;
 - (vi) Description(s) of each hazardous waste, quantity of each hazardous waste in the shipment, applicable RCRA hazardous waste code(s) for each hazardous waste, the applicable OECD waste code for each hazardous waste from the lists incorporated by reference in § 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each hazardous waste;
 - (vii) Date movement commenced;
 - (viii) Name (if not the foreign exporter), address, telephone, fax numbers, and email of the foreign company originating the shipment;
 - (ix) Company name, EPA ID number, address, telephone, fax numbers, and email address of all transporters;
 - (x) Identification (license, registered name or registration number) of means of transport, including types of packaging;
 - (xi) Any special precautions to be taken by transporter(s);
 - (xii) Certification/declaration signed and dated by the foreign exporter that the information in the movement document is complete and correct;
 - (xiii) Appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the receiving facility);
 - (xiv) Each person that has physical custody of the waste from the time the movement commences until it arrives at the receiving facility must sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and
 - (xv) The receiving facility must send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the foreign exporter, to the competent authorities of the countries of export and transit, and for shipments received on or after December 31, 2017, to EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system.
- (e) **Duty to return or export hazardous wastes.** When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consent(s), the provisions of paragraph (f)(4) of this section apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste must be returned to the country of export or exported to a third country. The provisions of paragraph (b)(6) of this section apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after EPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the importer.

(f) Import contract requirements.

- (1) Imports of hazardous waste must occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the foreign exporter, importer, and the owner or operator of the receiving facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.
- (2) Contracts or equivalent arrangements must specify the name and EPA ID number, where available, of paragraph (f)(2)(i) through (iv) of this section:
 - (i) The foreign company from where each import shipment of hazardous waste is initiated;
 - (ii) Each person who will have physical custody of the hazardous wastes;
 - (iii) Each person who will have legal control of the hazardous wastes; and
 - (iv) The receiving facility.
- (3) Contracts or equivalent arrangements must specify the use of a movement document in accordance with § 262.84(d).
- (4) Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous wastes if their disposition cannot be carried out as described in the notification of intent to export submitted by either the foreign exporter or the importer. In such cases, contracts must specify that:
 - (i) The transporter or receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the foreign exporter and importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and
 - (ii) The person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of the hazardous wastes and, as the case may be, shall provide the notification for re-export required in § 262.83(b)(7).
- (5) Contracts must specify that the importer or the receiving facility that performed interim recycling operations R12, R13, or RC16, or interim disposal operations D13 through D15 or DC15 through DC17, as appropriate, will provide the notification required in § 262.83(b)(7) prior to the re-export of hazardous wastes. The recovery and disposal operations in this paragraph are defined in § 262.81.
- (6) Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements.

Note to paragraph (f)(6): Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD Member countries or other foreign countries do. It is the responsibility of the importer to ascertain and comply with such requirements; in some cases, persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

- (7) Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this subpart.
- (8) Upon request by EPA, importers or disposal or recovery facilities must submit to EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 40 CFR § 2.203(b) will be treated as confidential and will be disclosed by EPA only as provided in 40 CFR § 260.2.
- (g) **Confirmation of recovery or disposal.** The receiving facility must do the following:
 - (1) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export, and for shipments recycled or disposed of on or after December 31, 2017, to EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system.
 - (2) If the receiving facility performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17, the receiving facility shall promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC14 to RC15, or one of disposal operations D1 through D12, or DC15 to DC16, to the competent authority of the country of export, and for confirmations received on or after December 31, 2017, to EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The recovery and disposal operations in this paragraph are defined in § 262.81.
- (h) **Recordkeeping.**
 - (1) The importer shall keep the following records and provide them to EPA or authorized state personnel upon request:
 - (i) A copy of each notification that the importer sends to EPA under paragraph (b)(1) of this section and each EPA AOC it receives in response for a period of at least three (3) years from the date the hazardous waste was accepted by the initial foreign transporter; and
 - (ii) A copy of each contract or equivalent arrangement established per paragraph (f) of this section for at least three (3) years from the expiration date of the contract or equivalent arrangement.
 - (2) The receiving facility shall keep the following records:

- (i) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three (3) years from the date it received the hazardous waste;
 - (ii) A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three (3) years from the date that it completed processing the waste shipment;
 - (iii) For the receiving facility that performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17 (recovery and disposal operations defined in § 262.81), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to it for at least three (3) years from the date that the final recovery or disposal facility completed processing the waste shipment; and
 - (iv) A copy of each contract or equivalent arrangement established per paragraph (f) of this section for at least three (3) years from the expiration date of the contract or equivalent arrangement.
- (3) Importers and receiving facilities may satisfy these recordkeeping requirements by retaining electronically submitted documents in the importer's or receiving facility's account on EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No importer or receiving facility may be held liable for the inability to produce such documents for inspection under this section if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's Waste Import Export Tracking System (WIETS), or its successor system for which the importer or receiving facility bears no responsibility.
- (4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

§§ 262.85-262.89 [Reserved]

Appendix to Part 262 - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)

U.S. EPA Form 8700-22

Read all instructions before completing this form.

1. This form has been designed for use on a 12-pitch (elite) typewriter which is also compatible with standard computer printers; a firm point pen may also be used--press down hard.
2. Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to complete this form (EPA Form 8700-22) and, if necessary, the continuation sheet (EPA Form 8700-22A) for both inter- and intrastate transportation of hazardous waste.

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number		2. Page 1 of		3. Emergency Response Phone		4. Manifest Tracking Number			
		5. Generator's Name and Mailing Address									
								Generator's Site Address (if different than mailing address)			
Generator's Phone:											
6. Transporter 1 Company Name								U.S. EPA ID Number			
7. Transporter 2 Company Name								U.S. EPA ID Number			
8. Designated Facility Name and Site Address								U.S. EPA ID Number			
Facility's Phone:											
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))				10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes	
						No.	Type				
	1.										
	2.										
	3.										
	4.										
14. Special Handling Instructions and Additional Information											
15. GENERATOR/SUFFERER'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.											
Generator/Officer's Printed/Typed Name								Signature		Month Day Year	
TRANSPORTER	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____										
	Transporter signature (for exports only): _____										
	17. Transporter Acknowledgment of Receipt of Materials										
	Transporter 1 Printed/Typed Name								Signature		Month Day Year
	Transporter 2 Printed/Typed Name								Signature		Month Day Year
DESIGNATED FACILITY	18. Discrepancy										
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection										
	18b. Alternate Facility (or Generator)								Manifest Reference Number:		U.S. EPA ID Number
	Facility's Phone:										
	18c. Signature of Alternate Facility (or Generator)								Month Day Year		
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)											
	1.	2.	3.	4.							
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a											
Printed/Typed Name								Signature		Month Day Year	

EPA Form 8700-22 (Rev. 3-05) Previous editions are obsolete.

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

Manifest 8700-22

The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions to the form, or accompanying the form:

Public reporting burden for this collection of information is estimated to average: 30 minutes for generators, 10 minutes for transporters, and 25 minutes for owners or operators of treatment, storage, and disposal facilities. This includes time for reviewing instructions, gathering data, completing, reviewing and transmitting the form. Any correspondence regarding the PRA burden statement for the manifest must be sent to the Director of the Collection Strategies Division in EPA's Office of Information Collection at the following address: U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW., Washington, DC 20460. Do not send the completed form to this address.

I. Instructions for Generators

Item 1. Generator's U.S. EPA Identification Number

Enter the generator's U.S. EPA twelve-digit identification number, or the State generator identification number if the generator site does not have an EPA identification number.

Item 2. Page 1 of ----

Enter the total number of pages used to complete this Manifest (i.e., the first page (EPA Form 8700-22) plus the number of Continuation Sheets (EPA Form 8700-22A), if any).

Item 3. Emergency Response Phone Number

Enter a phone number for which emergency response information can be obtained in the event of an incident during transportation. The emergency response phone number must:

1. Be the number of the generator or the number of an agency or organization who is capable of and accepts responsibility for providing detailed information about the shipment;
2. Reach a phone that is monitored 24 hours a day at all times the waste is in transportation (including transportation related storage); and
3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has comprehensive emergency response and spill cleanup/incident mitigation information for the material being shipped or has immediate access to a person who has that knowledge and information about the shipment.

Note: Emergency Response phone number information should only be entered in Item 3 when there is one phone number that applies to all the waste materials described in Item 9b. If a situation (e.g., consolidated shipments) arises where more than one Emergency Response phone number applies to the various wastes listed on the manifest, the phone numbers associated with each specific material should be entered after its description in Item 9b.

Item 4. Manifest Tracking Number

This unique tracking number must be pre-printed on the manifest by the forms printer.

Item 5. Generator's Mailing Address, Phone Number and Site Address

Enter the name of the generator, the mailing address to which the completed manifest signed by the designated facility should be mailed, and the generator's telephone number. Note, the telephone number (including area code) should be the normal business number for the generator, or the number where the generator or his authorized agent may be reached to provide instructions in the event the designated and/or alternate (if any) facility rejects some or all of the shipment. Also enter the physical site address from which the shipment originates only if this address is different than the mailing address.

Item 6. Transporter 1 Company Name, and U.S. EPA ID Number

Enter the company name and U.S. EPA ID number of the first transporter who will transport the waste. Vehicle or driver information may not be entered here.

Item 7. Transporter 2 Company Name and U.S. EPA ID Number

If applicable, enter the company name and U.S. EPA ID number of the second transporter who will transport the waste. Vehicle or driver information may not be entered here.

If more than two transporters are needed, use a Continuation Sheet(s) (EPA Form 8700-22A).

Item 8. Designated Facility Name, Site Address, and U.S. EPA ID Number

Enter the company name and site address of the facility designated to receive the waste listed on this manifest. Also enter the facility's phone number and the U.S. EPA twelve-digit identification number of the facility.

Item 9. U.S. DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)

Item 9a. If the wastes identified in Item 9b consist of both hazardous and nonhazardous materials, then identify the hazardous materials by entering an "X" in this Item next to the corresponding hazardous material identified in Item 9b.

Item 9b. Enter the U.S. DOT Proper Shipping Name, Hazard Class or Division, Identification Number (UN/NA) and Packing Group for each waste as identified in 49 CFR 172. Include technical name(s) and reportable quantity references, if applicable.

Note: If additional space is needed for waste descriptions, enter these additional descriptions in Item 27 on the Continuation Sheet (EPA Form 8700-22A). Also, if more than one Emergency Response phone number applies to the various wastes described in either Item 9b or Item 27, enter applicable Emergency Response phone numbers immediately following the shipping descriptions for those Items.

Item 10. Containers (Number and Type)

Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

Table I. - Types of Containers
BA = Burlap, cloth, paper, or plastic bags.
CF = Fiber or plastic boxes, cartons, cases.
CM = Metal boxes, cartons, cases (including roll-offs).
CW = Wooden boxes, cartons, cases.
CY = Cylinders.
DF = Fiberboard or plastic drums, barrels, kegs.
DM = Metal drums, barrels, kegs.
DT = Dump truck.
DW = Wooden drums, barrels, kegs.
HG = Hopper or gondola cars.
TC = Tank cars.
TP = Portable tanks.
TT = Cargo tanks (tank trucks).

Item 11. Total Quantity

Enter, in designated boxes, the total quantity of waste. Round partial units to the nearest whole unit, and do not enter decimals or fractions. To the extent practical, report quantities using appropriate units of measure that will allow you to report quantities with precision. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped. Container capacities are not acceptable as estimates.

Item 12. Units of Measure (Weight/Volume)

Enter, in designated boxes, the appropriate abbreviation from Table II (below) for the unit of measure.

Table II. - Units of Measure
G = Gallons (liquids only).
K = Kilograms.
L = Liters (liquids only).
M = Metric Tons (1000 kilograms).
N = Cubic Meters.
P = Pounds.
T = Tons (2000 pounds).
Y = Cubic Yards.

Note: Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.

Item 13. Waste Codes

Enter up to six federal and state waste codes to describe each waste stream identified in Item 9b. State waste codes that are not redundant with federal codes must be entered here, in addition to the federal waste codes which are most representative of the properties of the waste.

Item 14. Special Handling Instructions and Additional Information.

1. Generators may enter any special handling or shipment-specific information necessary for the proper management or tracking of the materials under the generator's or other handler's business processes, such as waste profile numbers, container codes, bar codes, or response guide numbers. Generators also may use this space to enter additional descriptive information about their shipped materials, such as chemical names, constituent percentages, physical state, or specific gravity of wastes identified with volume units in Item 12.
2. This space may be used to record limited types of federally required information for which there is no specific space provided on the manifest, including any alternate facility designations; the manifest tracking number of the original manifest for rejected wastes and residues that are re-shipped under a second manifest; and the specification of PCB waste descriptions and PCB out-of-service dates required under 40 CFR 761.207. Generators, however, cannot be required to enter information in this space to meet state regulatory requirements.

Item 15. Generator's/Offendor's Certifications

1. The generator must read, sign, and date the waste minimization certification statement. In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements. The Generator's Certification also contains the required attestation that the shipment has been properly prepared and is in proper condition for transportation (the shipper's certification). The content of the shipper's certification statement is as follows:

I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name, and are classified, packaged, marked, and labeled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent." When a party other than the generator prepares the shipment for transportation, this party may also sign the shipper's certification statement as the offeror of the shipment.

2. Generator or Offeror personnel may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator/offeror certification, to indicate that the individual signs as the employee or agent of the named principal.

Note: All of the above information except the handwritten signature required in Item 15 may be pre-printed.

II. Instructions for International Shipment Block

Item 16. International Shipments

For export shipments, the primary exporter must check the export box, and enter the point of exit (city and state) from the United States. For import shipments, the importer must check the import box and enter the point of entry (city and state) into the United States. For exports, the transporter must sign and date the manifest to indicate the day the shipment left the United States.

III. Instructions for Transporters

Item 17. Transporters' Acknowledgments of Receipt

Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt. Only one signature per transportation company is required. Signatures are not required to track the movement of wastes in and out of transfer facilities, unless there is a change of custody between transporters.

If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

Note: Transporters carrying imports, who are acting as importers, may have responsibilities to enter information in the International Shipments Block. Transporters carrying exports may also have responsibilities to enter information in the International Shipments Block. See above instructions for Item 16.

IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities

Item 18. Discrepancy

Item 18a. Discrepancy Indication Space

1. The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any discrepancies between the waste described on the Manifest and the waste actually received at the facility. Manifest discrepancies are: significant differences (as defined by § § 264.72(b) and 265.72(b)) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives, rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept, or container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 40 CFR 261.7(b).
2. For rejected loads and residues (40 CFR 264.72(d), (e), and (f), or 40 CFR 265.72(d), (e), or (f)), check the appropriate box if the shipment is a rejected load (i.e., rejected by the designated and/or alternate facility and is sent to an alternate facility or returned to the generator) or a regulated residue that cannot be removed from a container. Enter the reason for the rejection or the inability to remove the residue and a description of the waste. Also, reference the manifest tracking number for any additional manifests being used to track the rejected waste or residue shipment on the original manifest. Indicate the original manifest tracking number in Item 14, the Special Handling Block and Additional Information Block of the additional manifests.
3. Owners or operators of facilities located in unauthorized States (i.e., states in which the U.S. EPA administers the hazardous waste management program) who cannot resolve significant differences in quantity or type within 15 days of receiving the waste must submit to their Regional Administrator a letter with a copy of the Manifest at issue describing the discrepancy and attempts to reconcile it (40 CFR 264.72(c) and 265.72(c)).
4. Owners or operators of facilities located in authorized States (i.e., those States that have received authorization from the U.S. EPA to administer the hazardous waste management program) should contact their State agency for information on where to report discrepancies involving "significant differences" to state officials.

Item 18b. Alternate Facility (or Generator) for Receipt of Full Load Rejections

Enter the name, address, phone number, and EPA Identification Number of the Alternate Facility which the rejecting TSDF has designated, after consulting with the generator, to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being returned to the generator, the rejecting TSDF may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue waste shipments.

Item 18c. Alternate Facility (or Generator) Signature

The authorized representative of the alternate facility (or the generator in the event of a returned shipment) must sign and date this field of the form to acknowledge receipt of the fully rejected wastes or residues identified by the initial TSDF.

Item 19. Hazardous Waste Report Management Method Codes

Enter the most appropriate Hazardous Waste Report Management Method code for each waste listed in Item 9. The Hazardous Waste Report Management Method code is to be entered by the first treatment, storage, or disposal facility (TSDF) that receives the waste and is the code that best describes the way in which the waste is to be managed when received by the TSDF.

Item 20. Designated Facility Owner or Operator Certification of Receipt (Except As Noted in Item 18a)

Enter the name of the person receiving the waste on behalf of the owner or operator of the facility. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date of receipt or rejection where indicated. Since the Facility Certification acknowledges receipt of the waste except as noted in the Discrepancy Space in Item 18a, the certification should be signed for both waste receipt and waste rejection, with the rejection being noted and described in the space provided in Item 18a. Fully rejected wastes may be forwarded or returned using Item 18b after consultation with the generator. Enter the name of the person accepting the waste on behalf of the owner or operator of the alternate facility or the original generator. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date they received or rejected the waste in Item 18c. Partially rejected wastes and residues must be re-shipped under a new manifest, to be initiated and signed by the rejecting TSDF as offeror of the shipment.

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved, OMB No. 2050-0039

EPA Form 8700-22A (Rev. 3-05) Previous editions are obsolete.

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

Manifest Continuation Sheet

Instructions--Continuation Sheet, U.S. EPA Form 8700-22A

Read all instructions before completing this form. This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used--press down hard.

This form must be used as a continuation sheet to U.S. EPA Form 8700-22 if:

- More than two transporters are to be used to transport the waste; or
- More space is required for the U.S. DOT descriptions and related information in Item 9 of U.S. EPA Form 8700-22.

Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the uniform hazardous waste manifest (EPA Form 8700-22) and, if necessary, this continuation sheet (EPA Form 8700-22A) for both interstate and intrastate transportation.

Item 21. Generator's ID Number

Enter the generator's U.S. EPA twelve-digit identification number or, the State generator identification number if the generator site does not have an EPA identification number.

Item 22. Page ----

Enter the page number of this Continuation Sheet.

Item 23. Manifest Tracking Number

Enter the Manifest Tracking number from Item 4 of the Manifest form to which this continuation sheet is attached.

Item 24. Generator's Name--

Enter the generator's name as it appears in Item 5 on the first page of the Manifest.

Item 25. Transporter--Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 3 Company Name. Also enter the U.S. EPA twelve-digit identification number of the transporter described in Item 25.

Item 26. Transporter--Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet can record the names of two additional transporters. Also enter the U.S. EPA twelve-digit identification number of the transporter named in Item 26.

Item 27. U.S. D.O.T. Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA)

For each row enter a sequential number under Item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect the total number of wastes being shipped. Refer to instructions for Item 9 of the manifest for the information to be entered.

Item 28. Containers (No. And Type)

Refer to the instructions for Item 10 of the manifest for information to be entered.

Item 29. Total Quantity

Refer to the instructions for Item 11 of the manifest form.

Item 30. Units of Measure (Weight/Volume)

Refer to the instructions for Item 12 of the manifest form.

Item 31. Waste Codes

Refer to the instructions for Item 13 of the manifest form.

Item 32. Special Handling Instructions and Additional Information

Refer to the instructions for Item 14 of the manifest form.

Transporters

Item 33. Transporter--Acknowledgment of Receipt of Materials

Enter the same number of the Transporter as identified in Item 25. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 25. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 34. Transporter--Acknowledgment of Receipt of Materials

Enter the same number of the Transporter as identified in Item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Owner and Operators of Treatment, Storage, or Disposal Facilities

Item 35. Discrepancy Indication Space

Refer to Item 18. This space may be used to more fully describe information on discrepancies identified in Item 18a of the manifest form.

Item 36. Hazardous Waste Report Management Method Codes

For each field here, enter the sequential number that corresponds to the waste materials described under Item 27, and enter the appropriate process code that describes how the materials will be processed when received. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the waste materials identified on that sheet.

Statement of Basis and Purpose Part 262 - Generator Regulations

Purpose

The fundamental purpose of these regulations which are promulgated pursuant to C.R.S. 1973, 25-15-302(2), is to establish the responsibilities of generators of hazardous waste in the handling and transportation of that waste in order to ensure protection of public health and safety and the environment.

Additionally, regulations concerning hazardous waste generators are a necessary and required component in conducting a hazardous waste management program; the State intends to obtain EPA authorization for a hazardous waste management program pursuant to C.R.S. 1973, 25-15-302. Such full state authorization to conduct the hazardous waste regulatory program can be granted only upon the determination that the State program is equivalent to that of the EPA.

Basis

These regulations are based upon a "cradle-to-grave" system of regulation of hazardous waste. Under this system, hazardous waste is tracked and regulated from the point of generation through storage and transportation to the point of treatment and/or disposal. In this manner, a major portion of the hazardous waste generated in the State is regulated and accounted for, thereby minimizing the potential for public health and environmental problems resulting from improper management, handling, transportation and disposal of these wastes. The great potential for public health and environmental problems, including hazards associated with fire, explosion, direct contact, and air, surface water and groundwater contamination resulting from inadequate management of hazardous wastes has been documented at hundreds of sites throughout the nation and has spurred the development of hazardous waste regulations pursuant to the Resource Conservation and Recovery Act (RCRA) of 1976, Public Law 94-580.

These regulations are based, for the most part, on those developed by the EPA under Subtitle C of RCRA. This was done for the reasons discussed below. Because the Federal hazardous waste regulations are comprehensive and technically complex, it was felt that adopting the Federal format and amending specific sections to the needs of the State, as opposed to developing State regulations "from scratch", would save substantial amounts of time and financial resources. Also, it was felt that the process of determination of initial program equivalency would be greatly simplified through adoption of the Federal format. Further, because the Federal regulations are presently subject to frequent amendment, adoption of the Federal format greatly enhances maintaining equivalency of the State regulations to the Federal program.

As stated above, much of the scientific basis for these regulations was developed in the course of EPA research and investigations over a period of several years. Therefore, all information utilized by EPA in developing and proposing these regulations, including that referenced in the Federal Register Volume 45, Number 98, May 19, 1980 p. 33066 et seq. is hereby incorporated in this statement by reference.

The basis for these regulations was further developed through a series of twelve public meetings at which comments were received from interested parties. Accordingly, certain changes from the Federal regulations have been incorporated in these regulations where it was deemed advisable as a result of public comment and study of the issues, in order to tailor the regulations more to Colorado's needs. Such departures from the approach taken in the Federal regulations are discussed in this document under the pertinent topics.

The Regulations

Hazardous Waste Determination

Hazardous waste is defined in the regulations as a subset of the more encompassing definition of solid waste. Therefore, initially, a person who generates solid waste, as defined in § 261.2 of the regulations is required to determine if that waste is hazardous by following the steps outlined in § 262.11 of the regulations. This determination is essential in order to ensure that all hazardous wastes are included within the regulatory system and therefore managed and disposed in a manner which protects public health and the environment. Once the generator makes the determination that this waste is hazardous, he/she is required to notify the Department of this activity.

Notification

In order for hazardous waste to be tracked from point of origin through transportation to point of disposal, all parties must be identifiable within the tracking system. Therefore, the regulations require that generators who have not received an EPA identification number notify the Department and receive an EPA identification number prior to the treatment, storage, disposal, or transportation of hazardous waste. Accordingly, the generator is prevented from offering his/her hazardous waste to transporters or treatment, storage or disposal facilities without an EPA identification number.

Manifest System

The essential element in this hazardous waste tracking system is the manifest. The manifest contains pertinent information concerning the wastes which are being transported off-site. All the parties involved with a particular waste shipment are responsible for signing and dating the manifest.

The generator is specifically responsible for preparing the manifest. The generator must designate on the manifest the permitted facility to which his/her wastes will be delivered. Certain pertinent information must be included by the generator on the manifest including the following: (1) the names, addresses and EPA identification numbers of all parties involved with the waste; (2) the description of the waste(s) including proper shipping name, and (3) the total quantity of each waste and the type and number of containers. The information found on the manifest must enable emergency response personnel to determine the nature of the hazard and institute control measures to protect public health and safety.

After signing the manifest, the generator must obtain the signature of the initial transporter and date of acceptance. One copy of the manifest is retained by the generator while the remaining copies are given to the transporter. The transporter then obtains the signature of the owner or operator of the designated treatment, storage, or disposal facility, retains one copy and the designated facility receives the remaining copies. The designated facility retains one copy of the manifest and returns one copy to the generator. This enables the generator to show, through the initial retained copy and the copy returned by the facility, that the waste which he/she shipped was received by the designated facility. In this manner, each party has a record of the transaction and the generated wastes can be accounted for in transport and disposal. This manifest accounting system greatly decreases the opportunity and likelihood for illegal dumping and release to the environment at any of the stages of handling these wastes and so protects the public from potential exposure to these wastes.

Those federal standards applicable to water (bulk shipment) transporters have been deleted, due to the impossibility of such transportation in Colorado. In addition to generally applicable manifest requirements, rail transporters are also referred to following transporter regulation § 263.20(f) for special provisions.

Pre-Transport Requirements

The generator regulations include certain hazardous material regulations which have been adopted from the Department of Transportation (DOT). These regulations concern packaging, labeling, marking, and placarding. These regulations have been adopted in order to protect the health and safety of those individuals responsible for managing, handling, transporting and disposing of hazardous wastes, to protect those individuals responding to the scene of an incident involving hazardous wastes and to protect, in general, public health and safety in the management of hazardous waste.

The Board's adoption of these pre-transport regulations ensures consistency with the requirements of DOT. The Colorado Public Utilities Commission (PUC) has assumed jurisdiction over state transportation of hazardous materials from the DOT, and is currently in the process of promulgating regulations concerning the transportation of hazardous wastes. Efforts are being made to negotiate a Memorandum of Understanding concerning enforcement of applicable hazardous waste transportation regulations between the Department and the PUC.

Most generators accumulate waste on-site until the time of transportation for practical and economic reasons. Paperwork associated with manifests is commensurate with the number of waste shipments. Also, in most cases it is more economical to ship an entire truckload of waste rather than just a few drums. There are safety and health concerns, however, which lead to placing limits on the accumulation time allowed to a generator who does not have interim status or a hazardous waste storage permit. Hazards associated with fire are increased with large accumulations of material, and the likelihood that a container will leak also increases with time. Therefore, provisions are made in the regulations for generators to accumulate hazardous waste that has been generated on-site for as long as 90 days without a permit provided certain requirements are met. These special requirements concern containers, tanks, preparedness and prevention, personnel training, contingency planning and emergency procedures. A generator who accumulates hazardous waste for more than 90 days must have a permit unless an extension of up to 30 days is granted by the Department.

Recordkeeping And Reporting

Records are an essential part of the hazardous waste tracking system. There must be tangible evidence of transactions involving hazardous waste in order to assure the generators compliance with these regulations. This is necessary to ensure that all hazardous waste is managed in a manner which protects public health and the environment. Accordingly, copies of each manifest, annual report, and test results (in accordance with § 262.11) must be kept for at least 3 years by the generator.

Due to the lack of an adequate data base concerning hazardous waste generation and disposal in Colorado, the submittal of an annual report by generators may be required, at the discretion of the Director. This enables the Department to gather a data base and update it periodically, while generators are not burdened with submitting the information unless the Department determines that it is needed.

In order to ensure that all hazardous waste shipped by generators is accounted for, a generator must contact the transporter and/or the owner or operator of the designated treatment, storage, or disposal facility if he/she does not receive a signed copy of the manifest from the designated facility within 35 days of the date the waste was initially accepted. If, after 45 days, the generator has still not received a copy of the manifest, he/she must submit an exception report to the Department.

In order to determine compliance with these regulations, the Department may require generators to furnish additional reports concerning quantities and disposition of hazardous wastes.

Special Conditions

The notification requirement for international shipments will not be delegated to the State by EPA. Therefore, all generators shipping waste outside the United States must notify the Administrator of EPA as required in § 262.50 of the regulations.

A Farmer disposing of his/her own waste pesticides is not required to comply with the generator or treatment, storage or disposal facility standards provided precautions outlined in § 262.51 are met. These requirements provide protection of public health and the environment while serving to lessen the regulatory burden upon farmers.

Editor's Notes

6 CCR 1007-3 has been divided into smaller sections for ease of use. Versions prior to 4/30/2004 and rule history are located in the first section, 6 CCR 1007-3. Prior versions can be accessed from the History link that appears above the text in 6 CCR 1007-3. To view versions effective after 4/30/2004, select the desired part of the rule, for example 6 CCR 1007-3 Part 260, or 6 CCR 1007-3 Part 8.

History

[For history of this section, see Editor's Notes in the first section, 6 CCR 1007-3]