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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: Tennessee Department of Environment and Conservation (TDEC)
Division: Solid Waste Management
Contact Person: Robert S. Nakamoto
Address: 5th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243-1535
Phone: (615) 532-0868
Email: Robert.Nakamoto@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact: ADA Coordinator
12th Floor L&C Tower, 401 Church Street, L&C Tower; Nashville, Tennessee
Address: 37243
1-866-253-5827 (toll free) or (615) 532-0200
Phone: Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email: Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	5 th Floor Annex, Large Conference Room, L&C Tower
Address 2:	401 Church Street
City:	Nashville
Zip:	37243-1535
Hearing Date :	08/25/10
Hearing Time:	10:00 a.m. <u> X </u> CDST <u> </u> EDT

Additional Hearing Information:

The Division has prepared a redline version of this notice of the Notice of Rulemaking Hearing to aid public review and comment on this notice. Copies of these initial draft rules (and its redline version) are available for review at the Tennessee Department of Environment and Conservation's (TDEC's) Environmental Field Offices located as follows:

Memphis Environmental Field Office
8383 Wolf Lake Drive
Memphis, TN 38133
(901) 371-3000/ 1-888-891-8332

Cookeville Environmental Field Office
1221 South Willow Avenue
Cookeville, TN 38506
(931) 432-4015/ 1-888-891-8332

Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305
(731) 512-1300/ 1-888-891-8332

Chattanooga Environmental Field Office
Suite 550 - State Office Building
540 McCallie Avenue
Chattanooga, TN 37402-2013
(423) 634-5745/ 1-888-891-8332

Columbia Environmental Field Office

Knoxville Environmental Field Office

2484 Park Plus Drive
Columbia, TN 38401
(931) 380-3371/ 1-888-891-8332

3711 Middlebrook Pike
Knoxville, TN 37921-5602
(865)594-6035/ 1-888-891-8332

Nashville Environmental Field Office
711 R. S. Gass Blvd.
Nashville, TN 37243-1550
(615) 687-7000/1-888-891-8332

Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400/1-888-891-8332

The redline version of this Notice of Rulemaking Hearing can be accessed for review using <http://state.tn.us/environment/swm/ppo>.

Copies are available for review at the Nashville Central Office (see address below).

Tennessee Department of Environment and Conservation
Division of Solid Waste Management
5th Floor, L&C Tower
401 Church Street
Nashville, Tennessee 37243-1535
(615) 532-0780

Office hours for the Division's offices are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. Additionally, written comments may be submitted prior to or after the public hearing to: Division of Solid Waste Management; Tennessee Department of Environment and Conservation; Attention: Mr. Robert S. Nakamoto; 5th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-0868 or FAX 615-532-0886. However, such written comments must be received by the Division by 4:30 PM CST, August 31, 2010, in order to assure consideration. For further information, please contact Mr. Robert S. Nakamoto at the above address or telephone number or by e-mail at Robert.Nakamoto@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-01-11	Hazardous Waste Management Regulations
Rule Number	Rule Title
1200-01-11-.01	Hazardous Waste Management System: General
1200-01-11-.02	Identification and Listing of Hazardous Waste
1200-01-11-.03	Notification Requirements and Standards Applicable to Generators of Hazardous Waste
1200-01-11-.04	Permit requirements and Standards Applicable to Transporters of Hazardous Waste
1200-01-11-.05	Interim Status Standards for Owners and Operators of Existing Hazardous Waste Treatment, Storage, and Disposal Facilities
1200-01-11-.06	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
1200-01-11-.07	Permitting of Hazardous Waste Treatment, Storage, and Disposal Facilities
1200-01-11-.08	Fee System for Transporters, Stors, Treaters, Disposers, and Certain Generators of Hazardous Waste and Certain Used Oil Facilities or Transporters
1200-01-11-.10	Land Disposal Restrictions
1200-01-11-.11	Standards for the Management of Used Oil
1200-01-11-.12	Standards for Universal Waste Management

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-01-11
Hazardous Waste Management

Amendments

Subparagraph (c) of paragraph (1) of Rule 1200-01-11-.01 Hazardous Waste Management System: General is amended by indenting "(A) subsection" so that, as amended, subparagraph (c) shall read as follows:

(c) Rule Structure

These Rules are organized, numbered, and referenced according to the following outline form:

(1) paragraph

(a) subparagraph

1. part

(i) subpart

(l) item

I. subitem

A. section

(A) subsection

Subparagraph (a) of paragraph (2) of Rule 1200-01-11-.01 Hazardous Waste Management System: General is amended by deleting the definition for "Thermostat".

Rule 1200-01-11-.01 Hazardous Waste Management System: General is amended by adding a new paragraph (9) that shall read as follows:

(9) Retention of Records

(a) In order to protect public health, safety and welfare, to prevent degradation of the environment, conserve natural resources and provide a coordinated statewide hazardous waste management program it is necessary to manage and retain records. These records shall be managed in accordance with Chapter 1210-01 Rules of Public Records Commission.

(b) As defined by paragraph (2) of Rule 1210-01-02, permanent records have permanent administrative, fiscal, historical or legal value. The following types of records generated by or received by the Department while fulfilling its duties under T.C.A. §§ 68-212-101 et seq., and Chapter 1200-01-11 Hazardous Waste Management shall be managed as permanent records:

1. All records containing information, by site, of hazardous wastes or hazardous secondary materials that have been generated, treated, stored, disposed of and/or recycled, or hazardous waste or hazardous secondary material activities that have been conducted at the site, shall be managed as a permanent record. These records have historic value since there is a risk that these hazardous waste activities may have caused contamination that remains undetected for many years. When an exposure occurs these records would be required in order to facilitate an effective response. These records include, but are not limited to:

(i) Generator notifications, waste stream pages and annual reports;

- (ii) Hazardous waste permits and permit applications;
 - (iii) Hazardous Waste Inspection reports and enforcement actions; and
 - (iv) Recycling determinations and investigations.
2. All records regarding hazardous waste or hazardous substance remedial action sites managed by the Division shall be managed as permanent records. Records regarding site characterization, monitoring, remedial actions, risk determination and enforcement actions have historic value since the long term effects of hazardous waste, hazardous waste constituents or hazardous substances are uncertain and could lead to future exposures. When an exposure occurs these records would be required in order to facilitate an effective response.
 3. All records regarding unregulated hazardous waste sites where unlawful hazardous waste treatment, storage, disposal or recycling was documented shall be managed as permanent records. These records have historic value since the long term effects of hazardous waste, hazardous waste constituents or hazardous substances are uncertain and could lead to future exposures. When an exposure occurs these records would be required in order to facilitate an effective response.

Authority: T.C.A §§ 68-212-106 and 68-212-107.

Item (IV) of subpart (xiii) of part 1 of subparagraph (d) of paragraph (1) of Rule 1200-01-11-.02 Identification and Listing of Hazardous Waste is amended by deleting the note immediately following item (IV).

Item (III) of subpart (xiv) of part 1 of subparagraph (1) of Rule 1200-01-11-.02 Identification and Listing of Hazardous Waste is amended by deleting the note immediately following item (III).

Part 10 of subparagraph (e) of part (1) of Rule 1200-01-11-.02 Identification and Listing of Hazardous Waste is amended by adding in a new subpart (iv) to read as follows:

- (iv) Management of Containers with Liquids
 - (I) A container holding hazardous waste volatile liquids must always be closed during storage, except when it is necessary to add or remove waste.
 - (II) A container holding hazardous waste liquids must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.
 - (III) The facility may take reasonable measures that deviate from this standard if required for safety due to the intrinsic nature of the container's contents.

Part 10 of subparagraph (e) of paragraph (1) of Rule 1200-01-11-.02 Identification and Listing of Hazardous Waste is amended by inserting a clarifying note immediately following Part 10 to read as follows:

NOTE: Any used oil that is not recycled is a solid waste subject to a hazardous waste determination per Rule 1200-01-11-.03(1)(b).

Part (1) of subparagraph (e) of Paragraph (3) of Rule 1200-01-11-.02 Identification and Listing of Hazardous Waste is amended to correct a typographical error by capitalizing the "T" in "Table 1" in the first sentence, fifth line.

Paragraph (5) of Rule 1200-01-11-.02 Identification and Listing of Hazardous Waste is amended by deleting Appendix I in its entirety and replacing it the following Appendix I to read as follows:

Appendix I -- Representative Sampling Methods

The methods and equipment used for sampling waste materials will vary with the form and consistency of the waste materials to be sampled. Samples collected using the sampling protocols listed below, for sampling waste with properties similar to the indicated materials, will be considered by the Department to be representative of the waste.

Extremely viscous liquid -- ASTM Standard D140-70 Crushed or powdered material -- ASTM Standard D346-75 Soil or rock-like material -- ASTM Standard D420-69 Soil-like material -- ASTM Standard D1452-65

Fly Ash-like material -- ASTM Standard D2234-76 [ASTM Standards are available from ASTM, 1916 Race St., Philadelphia, PA 19103]

Containerized liquid waste -- "COLIWASA."

Liquid waste in pits, ponds, lagoons, and similar reservoirs -- "Pond Sampler."

This manual also contains additional information on application of these protocols.

Authority: T.C.A §§ 68-212-106 and 68-212-107.

Rule 1200-01-11-.03 Notification Requirements and Standards Applicable to Generators of Hazardous Waste is deleted in its entirety and replaced with the following so that, as amended, the Rule shall read as follows:

1200-01-11-.03 Notification Requirements And Standards Applicable To Generators Of Hazardous Wastes.

(1) General [40 CFR 262 Subpart A]

(a) Purpose, Scope, and Applicability [40 CFR 262.10 and 262.70]

1. These regulations establish standards for generators of hazardous waste in Tennessee.
2. Rule 1200-01-11-.02(1)(e)3 and 4 must be used to determine the applicability of provisions of this Rule that are dependent on calculations of the quantity of hazardous waste generated per month.
3. A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following portions of this Rule with respect to that waste: subparagraph (b) of this paragraph for determining whether or not he has a hazardous waste, paragraph (2) for notifying and subparagraph (c) of this paragraph for obtaining an installation identification number, subparagraph (4)(e) for accumulation of hazardous waste, parts (5)(a)3 and 4 for recordkeeping, subparagraph (5)(b) for annual reporting, and subparagraph (5)(e) for additional reporting; and if applicable, Rule 1200-01-11-.02(1)(d)2(ii)(II) for farmers.

(Note: A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in Rules 1200-01-11-.05, .06, .07, .09 and .10.)
4. (Reserved) [40 CFR 262.10(d)]
5. Any person who imports hazardous waste into the state from a foreign country must comply with the standards applicable to generators established in this Rule.
6. A farmer who generates waste pesticides which are hazardous wastes and who complies with all of the requirements of Rule 1200-01-11-.02(1)(d)2(ii)(II) is not required to comply

with other standards in this Rule or Rules 1200-01-11-.05, .06, .07 or .10 with respect to such pesticides.

7. A person who generates a hazardous waste as defined by Rule 1200-01-11-.02 is subject to the compliance requirements and penalties prescribed in T.C.A. §§ 68-212-111 through 68-212-115 of the Act if he does not comply with the requirements of this Rule.
8. 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 Rule.

(Note: The provisions of subparagraph (4)(e) are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of subparagraph (4)(e) only apply to owners or operators who are shipping hazardous waste which they generated at that facility.)
9. A generator who is a conditionally exempt small quantity generator as defined in Rule 1200-01-11-.02(1)(e) is subject to the requirements of paragraphs (2) through (6) of this Rule only to the extent set forth in Rule 1200-01-11-.02(1)(e).
10. Persons responding to an explosives or munitions emergency in accordance with Rule 1200-01-11-.05(1)(b)2(vii)(I)IV or (IV) or Rule 1200-01-11-.06(1)(b)2(vii)(I)IV or (IV) and Rule 1200-01-11-.07(1)(b)5(i)(IV) or (iii) are not required to comply with the standards of this Rule.

(b) Hazardous Waste Determination [40 CFR 262.11]

A person who generates a solid waste, as defined in Rule 1200-01-11-.02(1)(b), must determine if that waste is a hazardous waste using the following method:

1. He should first determine if the waste is excluded from regulation under Rule 1200-01-11-.02(1)(d).
2. He must then determine if the waste is listed as a hazardous waste in Rule 1200-01-11-.02(4).

(Note: Even if the waste is listed, the generator still has an opportunity under Rule 1200-01-11-.01(3)(c) to demonstrate to the EPA Regional Administrator that the waste from his particular facility or operation is not a hazardous waste.)

3. For purposes of compliance with Rule 1200-01-11-.10, or if the waste is not listed in Rule 1200-01-11-.02(4), the generator must then determine whether the waste is identified in Rule 1200-01-11-.02(3) by either:
 - (i) Testing the waste according to the methods set forth in Rule 1200-01-11-.02, or according to an equivalent method approved by the Commissioner under Rule 1200-01-11-.01(3)(b); or
 - (ii) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
4. If the waste is determined to be hazardous, the generator must refer to Rules 1200-01-11-.02, .05, .06, .09, .10 and .12 for possible exclusions or restrictions pertaining to management of the specific waste.
5. This subparagraph does not apply to individual wastewaters streams as described in 1200-01-11-.03(2)(a)2 in cases where the generator makes a hazardous waste determination on the conglomerate flow. A proper determination of the conglomerate flow must include both an evaluation of the hazardous waste characteristics of the conglomerate flow as defined in Rule 1200-01-11-.02(3) as well as an evaluation of the

facility's wastewater generating processes to confirm the presence or absence of listed hazardous wastewaters as defined in Rule 1200-01-11-.02(4) in the wastewater.

(Comment: This provision does not supercede any applicable exclusion from recordkeeping, notification, or reporting requirements for hazardous waste otherwise specified in this rule.)

(c) Installation Identification Numbers [40 CFR 262.12]

1. A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an installation identification number from the Commissioner.
2. A generator who has not received an installation identification number may obtain one by notifying the Department pursuant to paragraph (2) of this Rule. Upon receipt of the notification, the Department will assign an installation identification number to the generator.
3. A generator must not offer his hazardous waste to transporters who do not have a valid hazardous waste permit from the Department to transport hazardous waste in Tennessee (see Rule 1200-01-11-.04(2)), or to treatment, storage, or disposal facilities that have not received an installation identification number.

(2) Notification

(a) Applicability

1. Each person who generates a hazardous waste as defined in Rule 1200-01-11-.02(1)(c) must notify the Department, describing his wastes and his activities regarding them, according to subparagraphs (b) through (e) of this paragraph, except as parts 2, 3, and 4 of this subparagraph and Rules 1200-01-11-.02(1)(d)1, 2, 4, 5, and 7, (e) and (g) provide otherwise.
2. A person shall not be required to notify with regard to each individual hazardous waste stream generated which is piped along with other wastes to an on-site wastewater treatment facility or piped to a publicly owned treatment works (POTW) for treatment. However, if the conglomerate waste stream delivered by the collection system to the on-site wastewater treatment facility or to the POTW is a hazardous waste as defined in Rule 1200-01-11-.02, then the generator must notify with regard to that waste stream and file an annual report in accordance with Rule 1200-01-11-.03(5)(b).
3. A generator shall not be required to notify with regard to a hazardous waste if he has already notified the Department with regard to that waste under emergency rules promulgated earlier under the Act.
4. A generator shall not be required to notify with regard to those hazardous wastes generated by analytical laboratory operations which are properly (i.e., in accordance with safe disposal procedures and local sewer use ordinances) discharged to the collection sewer system of a publicly-owned treatment works.

(Comment: This exclusion from notification requirements is not intended to encourage the discharge of hazardous waste to a sewer nor does it exclude the laboratory from having to comply with federal, state, or local pretreatment or sewer use requirements.)

5. Small quantity generators who generate more than 100 kilograms (220 pounds) of hazardous wastes in a calendar month must notify according to this paragraph.

(b) Existing Generators

Except as subparagraph (a) of this paragraph provides otherwise, a person, who is a generator of a waste on the effective date of the regulations established under Rule 1200-01-11-.02, which

identify that waste as a hazardous waste subject to the requirements of this paragraph, must notify the Department within 90 days of that date. Such notification must be submitted on generator notification forms provided by the Department. The form must be completed according to the instructions accompanying it.

(c) New Generators

Except as subparagraphs (a) and (e) of this paragraph provide otherwise, a person who becomes a generator of a waste after the effective date of regulations established under Rule 1200-01-11-.02 which identify that waste as a hazardous waste subject to the requirements of this paragraph, must notify the Department within 90 days after the date of initial generation. Such notification must be submitted on generator notification forms provided by the Department. The form must be completed according to the instructions accompanying it.

(d) Changes in Generator Data

The generator shall be responsible for maintaining an up-to-date notification file by notifying the Department in writing of significant changes in the information submitted within 30 days after such changes. (The Department shall, upon request, grant up to 60 days additional time in cases where retesting of the waste is deemed necessary.) Such changes shall include, but not be limited to, changes in ownership or operation of the generating facility or operation, or other reported administrative data.

(e) Special Cases

Except as subparagraph (a) of this paragraph provides otherwise:

1. Persons who generate hazardous wastes at more than one location in Tennessee shall file notification for each such generating location.
2. A group of generating installations located at a single site under the ownership or operation of one person may file a single notification.
3. Generators who operate on a job-shop basis shall file notification on their current operations, indicating on the form that they are a job-shop type of operation and generally describing their capabilities and operations and the types of wastes they characteristically produce.

(3) The Manifest [40 CFR 262 Subpart B]

(a) General Requirements [40 CFR 262.20]

1. (i) A generator who transports, or offers for transport, a hazardous waste for offsite 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 Appendix I in Rule 1200-01-11-.03(9)(a).
- (ii) The revised Manifest form and procedures in subparagraph (2)(a) of Rule 1200-01-11-.01, subparagraph (1)(g) of Rule 1200-01-11-.02, subparagraphs (3)(a), (3)(b), (3)(h), (4)(c), (4)(e), (6)(e), and (7)(a) and Appendix I of subparagraph (9)(a) of Rule 1200-01-11-.03, shall become effective September 5, 2006.
2. A generator must designate on the Manifest one facility which is permitted to handle the waste described on the Manifest.
3. A generator may also designate on the Manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

4. 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.
5. The requirements of this paragraph do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1000 kg in a calendar month where:
 - (i) 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
 - (ii) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.
6. The requirements of this paragraph and part (4)(c)2 of this Rule 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 Rule 1200-01-11-.04(1)(a)1, the generator or transporter must comply with the requirements for transporters set forth in Rule 1200-01-11-.04(4)(a) and (b) in the event of a discharge of hazardous waste on a public or private right-of-way.

(b) Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests [40 CFR 262.21]

1. The Manifest to be used must be issued by EPA or approved by the EPA Director of the Office of Solid Waste as set forth in 40 CFR 262.21 effective as of the effective date of these rules.

[Note: 40 CFR 262.21 provides that:

- (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 8 1/2 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.]
- (c) Number of Copies [40 CFR 262.22]

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.

(d) Use of the Manifest [40 CFR 262.23]

1. The generator shall:
 - (i) Ensure, before signing the manifest that, in accordance with Rule 1200-01-11-.03(9)(a), under the title Appendix I "Generators", the Transporter Company name (item 6) and the U.S. EPA Identification Number are the same as the transporter company name and the U.S. EPA Identification Number on the Tennessee Hazardous Waste Transporter Permit (copies are permitted) accompanying the motor vehicle transporter; and
 - (ii) Sign the manifest certification by hand; and
 - (iii) Obtain the handwritten signature of the initial transporter (Transporter 1) and date of acceptance on the manifest; and
 - (iv) Retain one copy, in accordance with part (5)(a)1 of this Rule.
2. The generator must give the transporter the remaining copies of the manifest.
3. For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this subparagraph to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.
4. 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 subparagraph to:
 - (i) The next non-rail transporter, if any; or
 - (ii) The designated facility if transported solely by rail; or
 - (iii) The last rail transporter to handle the waste in the United States if exported by rail.
5. 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.

(Note: See Rule 1200-01-11-.04(3)(a)5 and 6 for special provisions for rail or water (bulk shipment) transporters.)

(e) (RESERVED) [40 CFR 262.24]

(f) (RESERVED) [40 CFR 262.25]

(g) (RESERVED) [40 CFR 262.26]

(h) Waste Minimization Certification [40 CFR 262.27]

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:

1. "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

2. "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."

(4) Pre-transport Requirements [40 CFR 262 Subpart C]

(a) Packaging [40 CFR 262.30]

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

(b) Labeling [40 CFR 262.31]

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

(c) Marking [40 CFR 262.32]

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

2. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 119 gallons or less used in such transportation with the following words and information in accordance with the requirements of 49 CFR 172.304:

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 _____

3. The generator shall add as indicated his name and address and the number assigned to the manifest accompanying this container. The marking required in this subparagraph must be (1) durable, in English, and printed on or affixed to the surface of a package or on a label, tag, or sign; (2) displayed on a background of sharply contrasting color; (3) unobscured by labels or attachments; and (4) located away from any other marking (such as advertising) that could substantially reduce its effectiveness.

(d) Placarding [40 CFR 262.33]

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

(e) Accumulation Time [40 CFR 262.34]

1. For purposes of this subparagraph, except as used in part 5, the term "accumulate" shall refer to both the storage and treatment of hazardous wastes generated on-site. For purposes of part 5 of this subparagraph, the term "accumulate" shall refer only to collecting or gathering together.

2. Except as provided in parts 6, 7 and 8 of this subparagraph, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

- (i) The waste is placed:
 - (I) In containers and the generator complies with the applicable requirements of Rules 1200-01-11-.05(9), (27), (28), and (29), and/or
 - (II) In tanks and the generator complies with the applicable requirements of Rules 1200-01-11-.05(10), (27), (28), and (29), except Rules 1200-.05(10)(h)3 and .05(10)(k); and/or
 - (III) On drip pads and the generator complies with Rule 1200-01-11-.05(23) and maintains the following records at the facility:
 - I. 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
 - II. 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) In containment buildings and the generator complies with Rule 1200-01-11-.05(30), has placed its professional engineer certification that the building complies with the design standards specified in Rule 1200-01-11-.05(30)(b) 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:
 - I. 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
 - II. Documentation that the unit is emptied at least once every 90 days.

In addition, such a generator is exempt from all the requirements in paragraphs (7) and (8) of Rule 1200-01-11-.05, except for subparagraphs (b) and (e) of paragraph (7).

- (ii) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- (iii) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste";
- (iv) The generator complies with the requirements for owners or operators in parts (2)(f)1, 3, and 4, subparagraph (2)(g) and paragraphs (3) and (4) of Rule 1200-01-11-.05 and with subpart (1)(g)1(v) of Rule 1200-01-11-.10; and
- (v) Where tanks are used, the generator maintains adequate records to verify that accumulation time is less than 90 days.

3. 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 Rule 1200-01-11-.05 and 1200-01-11-.06 and the permit requirements of Rule 1200-01-11-.07 unless he has been granted an extension to the 90-day period. Such extension may be granted by the Department if hazardous wastes must remain on-site for more 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 Commissioner on a case-by-case basis.
4. A generator who removes hazardous waste from a product or new material storage tank, a product or raw material transport vehicle or vessel, a manufacturing process unit or an associated non-waste-treatment manufacturing unit directly into or onto a transport vehicle for immediate transportation to a treatment, storage, or disposal facility shall (for such process) not be considered to be "accumulating" such waste for purposes of this subparagraph.
5.
 - (i) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acute hazardous waste listed in Rule 1200-01-11-.02(4)(b), (c) or (d)5, 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 part 2 of this subparagraph provided he:
 - (I) Complies with Rule 1200-01-11-.05(9)(b), (c), and (d)1; and
 - (II) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
 - (ii) A generator who accumulates either hazardous waste or acute hazardous waste listed in Rule 1200-01-11-.02(4)(b), (c), or (d)5 in excess of the amount established in subpart (i) of this part at or near any point of generation must, with respect to that amount of excess waste, comply within three days with part 2 of this subparagraph or other applicable provisions of this Rule Chapter. During the three day period the generator must continue to comply with items (i)(I) and (II) of this part. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
6. A small quantity 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:
 - (i) The quantity of hazardous waste accumulated on-site never exceeds 6000 kilograms;
 - (ii) The generator complies with the requirements of Rule 1200-01-11-.05(9), except for Rules 1200-01-11-.05(9)(g) and .05(9)(i);
 - (iii) The generator complies with the requirements of Rule 1200-01-11-.05(10)(I);
 - (iv)
 - (I) Where containers are used, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; or
 - (II) Where tanks are used, the generator maintains adequate records to verify that accumulation time is less than the allowed period;
 - (v) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste";

- (vi) The generator complies with the requirements for owners or operators in parts (2)(f)1, 3, and 4, and paragraph (3) of Rule 1200-01-11-.05, and with subpart (1)(g)1(v) of Rule 1200-01-11-.10; and
- (vii) 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 item (IV) of this subpart. This employee is the emergency coordinator.
 - (II) The generator must post the following information next to the telephone:
 - I. The name and telephone number of the emergency coordinator;
 - II. The location of fire extinguishers and spill control material, and, if present, the fire alarm; and
 - III. The telephone number of the fire department, unless the facility has a direct alarm.
 - (III) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.
 - (IV) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:
 - I. In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
 - II. 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; and
 - III. 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 Tennessee Emergency Management Agency (using their 24-hour toll-free number 800/262-3300) and/or the National Response Center (using their 24-hour toll-free number 800/424-8802). The report must include the following information:
 - A. Name, address, and installation identification number of the generator;
 - B. Date, time, and type of incident (e.g., spill or fire);
 - C. Quantity and type of hazardous waste involved in the incident;
 - D. Extent of injuries, if any; and
 - E. Estimated quantity and disposition of recovered materials, if any.

- 7. 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 waste, or offer his 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 complies with the requirements of part 6 of this subparagraph.

8. A small quantity 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 must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of Rule 1200-01-11-.05, 1200-01-11-.06, and 1200-01-11-.07 unless he 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 waste 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 Commissioner on a case-by-case basis.
9. 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 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:
 - (i) The generator has implemented pollution practices that reduce the amount of any hazardous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;
 - (ii) The F006 waste is legitimately recycled through metals recovery;
 - (iii) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and
 - (iv) The F006 waste is managed in accordance with the following:
 - (I) The F006 waste is placed:
 - I. In containers and the generator complies with the applicable Requirements of paragraphs (9), (27), (28), and (29) of Rule 1200-01-11-.05; and/or
 - II. In tanks and the generator complies with the applicable requirements of paragraphs (10), (27), (28), and (29) of Rule 1200-01-11-.05, except part (10)(h)3 and subparagraph (10)(k) of Rule 1200-01-11-.05; and/or
 - III. In containment buildings and the generator complies with paragraph (30) of Rule 1200-01-11-.05, and has placed its professional engineer certification that the building complies with the design standards specified in subparagraph (30)(b) of Rule 1200-01-11-.05 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the following records at the facility:
 - A. 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
 - B. 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 paragraphs (7) and (8) of Rule 1200-01-11-.05, except for subparagraphs (7)(b) and (7)(e) of Rule 1200-01-11-.05.
 - (III) The date upon which each period of accumulation begins is clearly marked and visible for inspection of each container.
 - (IV) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste."
 - (V) The generator complies with the requirements for owners or operators in paragraphs (3) and (4) of Rule 1200-01-11-.05, with subparagraph (2)(g) of Rule 1200-01-11-.05, and with subpart (1)(g)1(v) of Rule 1200-01-11-.10.
10. 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 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 subparts (i) through (iv) of part 9 of this subparagraph.
 11. A generator accumulating F006 in accordance with parts 9 and 10 of this subparagraph who accumulates F006 waste on-site for more than 180 days (or 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 Rules 1200-01-11-.05 and 1200-01-11-.06 and the permit requirements of Rule 1200-01-11-.07 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 extension and exceptions may be granted by the Division 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 of the Division of Solid Waste Management on a case-by-case basis.
 12. Notwithstanding the provisions of parts 1, 4, 5, and 6 of this subparagraph, if a generator accumulates wastes in a unit that is otherwise fully subject to applicable requirements of Rules 1200-01-11-.05 and/or 1200-01-11-.06, then he must manage such accumulated wastes fully in accordance with those applicable requirements of Rules 1200-01-11-.05 and/or 1200-01-11-.06.
 13. Reserved.
 14. Reserved
 15. Reserved
 16. 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 Rule 1200-01-11-.06(5)(c) or Rule 1200-01-11-.05(5)(c) may accumulate the returned waste on-site in accordance with parts 2 and 3 or 6, 7, and 8 of this subparagraph, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must:

- (i) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - (ii) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.
- (5) Recordkeeping and Reporting
 - (a) Recordkeeping [40 CFR 262.40]
 - 1. A generator must keep a copy of each manifest signed in accordance with part (3)(d)1 of this Rule for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
 - 2. A generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1).
 - 3. A generator must keep records as necessary to demonstrate compliance with subparagraph (1)(b) of this Rule - to include any test results, waste analyses, or other determinations made in accordance with that subparagraph - for at least three years from the date that the waste was last sent to on-site or off-site hazardous or nonhazardous waste treatment, storage, or disposal facilities. Such records must document the basis for the hazardous waste determination, including those determinations based on the generator's knowledge of materials and processes utilized rather than on laboratory analyses. Pursuant to Rule 1200-01-11-.03(2)(a)2, this requirement does not apply to individual wastewater streams in cases where the hazardous waste determination is made on the conglomerate waste stream.
 - 4. The periods of retention referred to in this subparagraph are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Commissioner or Board.
 - (b) Annual Reporting
 - 1. A generator must submit an Annual Report to the Department by March 1 for the preceding calendar year. Such report must be submitted on forms provided by the Department, and the form must be completed according to the instructions accompanying it. The report must include, but shall not necessarily be limited to, the following information:
 - (i) The year covered by the report.
 - (ii) The name, address, telephone number, and Department-assigned installation identification number of the generator.
 - (iii) For each hazardous waste stream (i.e., each separate waste but not necessarily each batch or shipment of such waste) generated by the generator during the reporting year, except for those wastes identified in part 4 of this subparagraph, the following information:
 - (I) A descriptive name of the waste and the appropriate waste code(s) from Rule 1200-01-11-.02;
 - (II) The methods by which the waste was managed on-site by the generator during the reporting year and the total quantities managed by each method; and
 - (III) For those wastes managed off-site during the reporting year:

- I. The Installation Identification Number of each treatment, storage, or disposal facility, or the name and address of other places, to which the waste was sent;
 - II. The total quantity of the waste sent to each place and the method(s) by which it was to be managed; and
 - III. The Installation Identification Number(s) of those transporters whose services were used during the reporting year.
- (iv) A summary of the efforts undertaken during the year to reduce volume and toxicity as required on the Tennessee annual report forms.
 - (v) A summary of the changes in volume and toxicity of waste actually achieved during the year as required on the Tennessee annual report forms.
 - (vi) The certification signed by the generator or authorized representative.
2. A generator must also submit the annual report established in part 1 of this subparagraph prior to those events, such as change of ownership or cessation of business, which would make him no longer subject to the annual reporting requirement. In such case, the report would cover the period of time that has elapsed since December 31 of the preceding calendar year.
 3. Any generator who treats, stores, or disposes of hazardous waste on-site must submit an Annual Report covering those wastes in accordance with the provisions of Rules 1200-01-11-.05, .06, .07 and .09. Reporting for exports of hazardous waste is not required on the Annual Report form. A separate annual report requirement is set forth at subparagraph (6)(g) of this Rule.
 4. A generator shall not be required to annually report on those hazardous wastes generated by analytical laboratory operations which are properly (i.e., in accordance with safe disposal practices and local sewer use ordinances) discharged to the collection sewer system of a publicly-owned treatment works.

(Comment: This exclusion from annual reporting requirements is not intended to encourage the discharge of hazardous waste to a sewer nor does it exclude the laboratory from having to comply with federal, state, or local pretreatment or sewer use requirements.)

(c) Exception Reporting [40 CFR 262.42]

1. (i) 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.
- (ii) A generator of greater than 1000 kilograms of hazardous waste in a calendar month must submit an Exception Report to the Commissioner if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:
 - (I) A legible copy of the manifest for which the generator does not have confirmation of delivery.
 - (II) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(iii) The Exception Report required by subpart (ii) of this part must be submitted to the Commissioner within 5 days after the 45-day period expires.

2. 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 Commissioner.

(Note: The submission 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) Special Requirements for Generators of Between 100 and 1000 kg/month

A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month is exempt from the requirement under part (a)2 of this paragraph to maintain copies of Exception Reports and the requirements of part (c)1 of this paragraph.

(e) Additional Reporting [40 CFR 262.43]

The Commissioner, as he deems necessary under T.C.A. §68-212-107 of the Hazardous Waste Management Act, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in Rule 1200-01-11-.02.

(6) Hazardous Waste Reduction Plan

(a) Applicability

1. All generators of hazardous waste, except those generators who are conditionally exempt small quantity generators, as determined by subparagraph (1)(e) of Rule 1200-01-11-.02, for all twelve months of the calendar year, shall complete a hazardous waste reduction plan in accordance with the requirements of subparagraph (b) of this paragraph. After completion of a plan, the generator shall maintain a current copy of the plan at the generating facility. The plan and the annual progress reports under subparagraph (c) of this paragraph shall be made available, upon request, to a representative of the department at any reasonable time. The department may make use of the information as it deems necessary to carry out its duties under this Rule.

2. For the purposes of this paragraph, a generator shall permit the commissioner to inspect the hazardous waste reduction plan. The generator shall permit any officer, employee or representative of the department at all reasonable times to have access to the plan. The generator shall furnish a copy of the plan upon request to the commissioner.

3. Large and small quantity generators shall have three years from the date they first became a large or small quantity generator, to complete their waste reduction plan. Only large and small quantity hazardous waste generators are required to have a hazardous waste reduction plan.

(b) Contents of Plan

1. A hazardous waste reduction plan shall include, at a minimum, the following:

(i) A dated and signed written policy articulating management support for the generator's hazardous waste reduction plan;

(ii) The scope and objectives of the plan, including the evaluation of technologies, procedures and personnel training programs to ensure that unnecessary waste is not generated and to encourage hazardous waste reduction. Specific goals shall

be set for hazardous waste reduction, as described in subparagraphs (b) through (d) of the paragraph;

- (iii) A description of technically and economically practical hazardous waste reduction options to be implemented and planned schedule for implementation. These options shall be based on an internal analysis of hazardous waste streams conducted to review individual processes or facilities and other activities where waste may be generated and identify opportunities to reduce or eliminate waste generation. Such analyses shall evaluate data on the types, amount and hazardous constituents of waste generated, where and why that waste was generated within the production process or other operations, and potential hazardous waste reduction and recycling techniques applicable to those wastes;
 - (iv) A description of the hazardous waste accounting systems that identify waste management costs and factor in liability, compliance and oversight costs to the extent feasible;
 - (v) A description of the employee awareness and training programs designed to involve employees to the maximum extent feasible in hazardous waste reduction planning and implementation; and
 - (vi) A description of how the plan has been or will be incorporated into management practices and procedures so as to ensure an ongoing effort.
2. As part of each plan developed under this subparagraph, a generator shall establish specific performance goals for the source reduction of each hazardous waste stream.
 3. The specific performance goals established under this subparagraph shall be quantitative goals, expressed in numeric terms. Whenever possible, the units of measurement should be in pounds (or tons) of waste generated per standard unit of production, as defined by the generator. If the establishment of numeric performance goals is not practical, the performance goals shall include a clearly stated list of actions designed to lead to the establishment of numeric goals as soon as practical.
 4. As part of each plan developed under this subparagraph, each generator shall explain the rationale for each performance goal. Acts of God or other unforeseeable events beyond the control of the generator do not have to be considered in setting goals. The rationale for a particular performance goal shall address any impediments to hazardous waste reduction, including, but not limited to, the following:
 - (i) The availability of technically practical hazardous waste reduction methods, including any anticipated changes in the future;
 - (ii) Previously implemented reductions of hazardous waste;
 - (iii) The economic practicability of available hazardous waste reduction methods, including any anticipated changes in the future. Examples of situations where hazardous waste reduction may not be economically practical include, but are not limited to:
 - (I) For valid reasons of prioritization, a particular company has chosen first to address other more serious hazardous waste reduction concerns;
 - (II) Necessary steps to reduce hazardous waste are likely to have significant adverse impacts on product quality; or
 - (III) Legal or contractual obligations interfere with the necessary steps that would lead to hazardous waste reduction.
 5. A generator required to complete a hazardous waste reduction plan under subparagraph (a) of this paragraph may include as a preface to its initial plan:

- (i) An explanation and documentation regarding hazardous waste reduction efforts completed or in progress before the first reporting date; and
 - (ii) An explanation and documentation regarding impediments to hazardous waste reduction specific to the individual facility.
- (c) Annual Progress Report
 1. All generators shall annually review their waste reduction plan and complete a hazardous waste reduction progress report which shall:
 - (i) Analyze and quantify progress made, if any, in hazardous waste reduction, relative to each performance goal established under subparagraph (b) of this paragraph.
 - (ii) Set forth amendments, if needed, to the hazardous waste reduction plan and explain the need for the amendments.
 2. Except for the information reported to the department under paragraph (5)(b) of this Rule, Annual Reporting, the annual progress report shall be retained at the facility and shall not be considered a public record. However, the generator shall permit any officer, employee or representative of the department at all reasonable times to have access to the annual progress report.

(d) Review of Plan

1. The Commissioner may review a plan or an annual progress report to determine whether the plan or progress report reasonably contains the elements specified under subparagraph (b) of this paragraph. If a generator fails to complete a plan containing these elements or an annual progress report reasonably containing the elements required, the department shall notify the generator of the specific deficiencies. The department also may specify a reasonable time frame, of not less than one hundred and twenty (120) days, within which the generator shall modify the plan or progress report correcting the specified deficiencies.
2. If the Commissioner determines that a plan or progress report has not been modified to address the deficiencies identified, the Commissioner may issue an order for correction to the responsible person, and this order shall be complied with within the time limit specified in the order. Such order shall be served by personal service or shall be sent by certified mail, return receipt requested. Investigations made in accordance with this paragraph may be made on the initiative of the commissioner or board. Prior to the issuance of any order or the execution of any other enforcement action, the commissioner or director may request the presence of the alleged violator of this paragraph at a meeting to show cause why enforcement action ought not to be taken by the department.

(e) Confidentiality

A plan or annual progress report developed pursuant to this paragraph and maintained at the generating facility shall not be considered a public record. Information supplied to the department, as provided by this Rule and defined as proprietary by regulation, shall not be revealed to any person without the consent of the person supplying such information. However, the summary information on waste reduction activities submitted to the department may be utilized by the commissioner, the board, the department, the United States Environmental Protection Agency, or any authorized representative of the commissioner or the board in connection with the responsibilities of the department or board pursuant to this paragraph or as necessary to comply with federal law. Copies of the any Form R's provided to the State and Environmental Protection Agency (EPA), can be requested from the Tennessee Emergency Management Agency (TEMA).

(7) Exports of Hazardous Waste [40 CFR 262 Subpart E]

(a) Applicability [40 CFR 262.50]

This paragraph establishes requirements applicable to exports of hazardous waste. Except to the extent subparagraph (i) of this paragraph provides otherwise, a primary exporter of hazardous waste must comply with the special requirements of this paragraph and a transporter transporting hazardous waste for export must comply with applicable requirements of Rule 1200-01-11-.04. Subparagraph (i) of this paragraph sets forth the requirements of international agreements between the United States and receiving countries which establish different notice, export, and enforcement procedures for the transportation, treatment, storage and disposal of hazardous waste for shipments between the United States and those countries.

(b) Definitions [40 CFR 262.51]

In addition to the definitions set forth at Rule 1200-01-11-.01(2)(a), the following definitions apply to this paragraph:

“Consignee” means the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent.

“EPA Acknowledgement of Consent” means the cable sent to EPA from the U.S. Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

“Primary Exporter” means any person who is required to originate the manifest for a shipment of hazardous waste in accordance with paragraph (3) of this Rule, which specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

“Receiving country” means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage or disposal (except short-term storage incidental to transportation).

“Transit country” means any foreign country, other than a receiving country, through which a hazardous waste is transported.

(c) General Requirements [40 CFR 262.52]

Exports of hazardous waste are prohibited except in compliance with the applicable requirements of this paragraph and Rule 1200-01-11-.04. Exports of hazardous waste are prohibited unless:

1. Notification in accordance with subparagraph (d) of this paragraph has been provided;
2. The receiving country has consented to accept the hazardous waste;
3. A copy of the EPA Acknowledgment of Consent to the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).
4. The hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgment of Consent.

(d) Notification of Intent to Export [40 CFR 262.53]

1. A primary exporter of hazardous waste must notify EPA of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a twelve (12) month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:

- (i) Name, mailing address, telephone number and EPA ID number of the primary exporter;
- (ii) By consignee, for each hazardous waste type:
 - (I) A description of the hazardous waste and the hazardous waste code (from paragraphs (3) and (4) of Rule 1200-01-11-.02), U.S. DOT proper shipping name, hazard class and ID number (UN/NA) for each hazardous waste as identified in 49 CFR parts 171 through 177;
 - (II) The estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported.
 - (III) The estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22);
 - (IV) All points of entry to and departure from each foreign country through which the hazardous waste will pass;
 - (V) A description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.));
 - (VI) A description of the manner in which the hazardous waste will be treated, stored or disposed of in the receiving country (e.g., land or ocean incineration, other land disposal, ocean dumping, recycling);
 - (VII) The name and site address of the consignee and any alternate consignee; and
 - (VIII) The name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling while there.

2. Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW., Washington, DC 20004. In both cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export."

3. Except for changes to the telephone number in subpart 1(i) of this subparagraph, changes to item 1(ii)(V) of this subparagraph and decreases in the quantity indicated pursuant to item 1(ii)(III) of this subparagraph when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous waste specified in the original notification), the primary exporter must provide EPA with a written renotification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to item 1(ii)(VIII) of this subparagraph and in the ports of entry to and departure from transit countries pursuant to item 1(ii)(IV) of this subparagraph) has been obtained and the primary exporter receives an EPA Acknowledgment of Consent reflecting the receiving country's consent to the changes.

4. Upon request by EPA, a primary exporter shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.
5. In conjunction with the Department of State, EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of part 1 of this subparagraph. Where a claim of confidentiality is asserted with respect to any notification information required by part 1 of this subparagraph, EPA may find the notification not complete until any such claim is resolved in accordance with Rule 1200-01-11-.01(7).
6. Where the receiving country consents to the receipt of the hazardous waste, EPA will forward an EPA Acknowledgment of Consent to the primary exporter for purposes of part (e)8 of this paragraph. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, EPA will notify the primary exporter in writing. EPA will also notify the primary exporter of any responses from transit countries.

(e) Special Manifest Requirements [40 CFR 262.54]

A primary exporter must comply with the manifest requirements of paragraph (3) of this Rule except that:

1. In lieu of the name, site address and EPA ID number of the designated permitted facility, the primary exporter must enter the name and site address of the consignee.
2. In lieu of the name, site address and EPA ID number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee.
3. In the International Shipments block, the primary exporter must check the export box and enter the point of exit (city and state) from the United States.
4. The following statement must be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform Hazardous Waste Manifest Form: ``and conforms to the terms of the attached EPA Acknowledgment of Consent''.
5. The primary 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).
6. The primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies (as defined in Rule 1200-01-11-.06(5)(c)1) between the manifest and the shipment. A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste.
7. In lieu of the requirements of part (a)4 of paragraph (3) of this Rule, where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:
 - (i) Renotify EPA of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with part (d)3 of this paragraph and obtain an EPA Acknowledgment of Consent prior to delivery; or
 - (ii) Instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and
 - (iii) Instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.
8. The primary exporter must attach a copy of the EPA Acknowledgment of Consent to the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with an EPA Acknowledgment 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 copy of the EPA Acknowledgment of Consent to the shipping paper.

9. The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with Rule 1200-01-11-.04(3)(a)7(iv).

(f) Exception Reports [40 CFR 262.55]

In lieu of the requirements of subparagraph (5)(c) of this Rule, a primary exporter must file an exception report with the Administrator if:

1. He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within forty-five (45) days from the date it was accepted by the initial transporter;
2. Within ninety (90) days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received;
3. The waste is returned to the United States.

(g) Annual Reports [40 CFR 262.56]

1. Primary exporters of hazardous waste shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports shall include the following:

- (i) The EPA ID number, name, and mailing and site address of the exporter;
- (ii) The calendar year covered by the report;
- (iii) The name and site address of each consignee;
- (iv) By consignee, for each hazardous waste exported, a description of the hazardous waste, the hazardous waste code (from paragraph (3) or (4) of Rule 1200-01-11-.02), DOT hazard class, the name and US EPA ID Number (where applicable) for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification;
- (v) Except for hazardous waste produced by exporters of greater than 100 kg but less than 1000 kg in a calendar month, unless provided pursuant to subparagraph (5)(b) of this Rule, in even numbered years:
 - (I) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and
 - (II) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.
- (vi) A certification signed by the primary exporter which 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.

2. Annual reports submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered reports should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW., Washington, DC 20004.

(h) Recordkeeping [40 CFR 262.57]

1. For all exports a primary exporter must:
 - (i) Keep a copy of each notification of intent to export for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
 - (ii) Keep a copy of each EPA Acknowledgment of Consent for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
 - (iii) Keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least three years from the date the hazardous waste was accepted by the initial transporter; and
 - (iv) Keep a copy of each annual report for a period of at least three years from the due date of the report.
2. The periods of retention referred to in part 1 of this subparagraph are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

(i) (Reserved) International Agreements [40 CFR 262.58]

(8) Imports of Hazardous Waste [40 CFR 262 Subpart F]

(a) Imports of Hazardous Waste [40 CFR 262.60]

1. Any person who imports hazardous waste from a foreign country into the United States must comply with the requirements of this paragraph and the special requirements of this Rule.
2. When importing hazardous waste, a person must meet all the requirements of part (3)(a)1 of this Rule 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 U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter.
3. A person who imports hazardous waste may obtain the manifest form 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).
4. 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.

5. 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 Rules 1200-01-11-.05(5)(b)1(iii) and 1200-01-11-.06(5)(b)1(iii).
- (9) (Reserved) Transfrontier Shipments of Hazardous Waste for Recovery within the OECD [40 CFR 262 Subpart H]

(Note: Subpart H administered by EPA.)
- (10) Appendix
 - (a) Appendix I [Appendix to 40 CFR 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 (FORM 8700-22) and, if necessary, the continuation sheet (FORM 8700-22A) for both inter- and intrastate transportation of hazardous waste.

* * * * *

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.

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'S/OFFEROR'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's/Offeror's Printed/Typed Name								Signature		Month Day Year
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____										
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
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										
Manifest Reference Number: _____										
18b. Alternate Facility (or Generator)								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

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/Offeror'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 the 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. Transporters of hazardous waste shipments must deliver a copy of the manifest to the U.S. Customs when exporting the waste across U.S. borders.

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 offer or of the shipment.

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.

UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)		21. Generator ID Number	22. Page	23. Manifest Tracking Number					
24. Generator's Name									
25. Transporter _____ Company Name				U.S. EPA ID Number					
26. Transporter _____ Company Name				U.S. EPA ID Number					
GENERATOR	27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		28. Containers		29. Total Quantity	30. Unit Wt./Vol.	31. Waste Codes	
				No.	Type				
32. Special Handling Instructions and Additional Information									
TRANSPORTER	33. Transporter Acknowledgment of Receipt of Materials						Month	Day	Year
	Printed/Typed Name	Signature							
TRANSPORTER	34. Transporter Acknowledgment of Receipt of Materials						Month	Day	Year
	Printed/Typed Name	Signature							
DESIGNATED FACILITY	35. Discrepancy								
	36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)								

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.

* * * * *

Authority: T.C.A §§ 68-212-106 and 68-212-107.

Subparagraph (c) of paragraph (1) in Rule 1200-01-11-.04 Permit Requirements and Standards Applicable to Transporters of Hazardous Waste is amended by deleting it in its entirety and replacing it with the following subparagraph (c) to read as follows:

- (c) Transfer Facility Requirements [40 CFR 263.12]
1. A hazardous waste transfer facility shall not operate without having received an installation identification number from the Department.
 2. The operator of a hazardous waste transfer facility shall maintain a log of all shipments of hazardous waste entering and leaving the facility and other information specified by the Commissioner. Required information shall be tracked on forms provided by the Commissioner on the Division website or an equivalent tracking system. The log shall be retained for a period of five (5) years and made available for review by the Commissioner's representative.
 3. The operator of a hazardous waste transfer facility shall insure that the transfer facility's operations comply with the provisions of:
 - (i) Rule 1200-01-11-.05(2)(g), Personnel Training;
 - (ii) Rule 1200-01-11-.05(9), Use and Management of Containers, except subparagraphs (e) and (i); and
 - (iii) Rule 1200-001-11-.05(2)(e), Security.
 4. Except for the requirements of part 3 of this subparagraph, a transporter who stores manifested shipments of hazardous waste in containers meeting applicable DOT and Tennessee Regulatory Commission regulations for packaging at a transfer facility for a period of ten days or less is not subject to regulation under Rules 1200-01-11-.05, 1200-01-11-.06, 1200-01-11-.07, or 1200-01-11-.10 with respect to the storage of those

wastes.

Authority: T.C.A §§ 68-212-106 and 68-212-107.

Subpart (iv) of part 2 of subparagraph (f) of paragraph (2) of Rule 1200-01-11-.05 Interim Status Standards for Owners and Operators of Existing Hazardous Waste Treatment Storage and Disposal Facilities is amended by deleting the subpart in its entirety and replacing it the following subpart:

- (iv) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use except for Performance Track member facilities that must inspect at least once each month, upon approval by the Regional Administrator, as described in subpart 2(v) of this subparagraph. At a minimum, the inspection schedule must include the items and frequencies called for in subparagraphs (9)(e), (10)(d), (10)(f), (11)(h), (12)(k), (13)(i), (14)(e), (15)(h), (16)(h), (17)(d), (23)(e), (27)(d), (28)(c), (28)(d), (28)(i), and (29)(e) through (29)(k) of this Rule, where applicable.

Subpart (ii) of part 2 of subparagraph (d) of paragraph (5) of Rule 1200-01-11-.05 Interim Status Standards for Owners and Operators of Existing Hazardous Waste Treatment, Storage, and Disposal Facilities is amended by deleting the comma in the fifth line that follows "document numbers", so that, as amended, the subpart shall read:

- (ii) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to manifest document numbers, if the waste was accompanied by a manifest. This information must be maintained in the operating record until closure of the facility;

Authority: T.C.A §§ 68-212-106 and 68-212-107.

Part 1 of subparagraph (h) of paragraph (5) or Rule 1200-01-11-.06 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities is amended by deleting it and replacing it with the following part:

1. Releases, fires, and explosions as specified in part (4)(g)9 of this Rule;

Part 1 of subparagraph (p) of paragraph (8) of Rule 1200-01-11-.06 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities is amended to correct a typographical error by removing the periods behind "SECTION 13" and "SUCCESSOR TRUSTEE" in the title so that, as amended, the title shall read as follows:

SECTION 13 SUCCESSOR TRUSTEE

Subpart (ii) of part 4 of subparagraph (k) of paragraph (32) of Rule 1200-01-11-.06 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities is amended to correct a typographical error by changing "3" to "30" in this subpart so that as amended, the subpart shall read:

- (ii) No flare was operated with visible emissions for 5 minutes or longer in a two hour period as defined in part (30)(d)4 of this Rule.

Authority: T.C.A §§ 68-212-106 and 68-212-107.

Subpart (ii) of part 10 of subparagraph (a) of paragraph (8) of Rule 1200-01-11-.07 Permitting of Hazardous Waste Treatment, Storage, and Disposal Facilities is amended by deleting the subpart and replacing it with the following subpart:

- (ii) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by Rule 1200-01-11-.06(5)(d)2(ix), and records of all data used to complete the application for this permit, for a period of at least five (5) years from the date of the sample, measurement, report, certification, or application. The permittee shall maintain records from all ground-water monitoring wells and associated ground-water surface elevations, for the active life of the facility, and, for disposal facilities, for the post-closure care period as well. This period may be extended by request of the Commissioner at any time.

Subparagraph (a) of paragraph (9) of Rule 1200-01-11-.07 Permitting of Hazardous Waste Treatment, Storage, and Disposal Facilities is amended by deleting subparagraph (a) and replacing it with the following subparagraph:

- (a) Continuation or Expiring Permits [40 CFR 270.51]

When a permittee has made timely and sufficient application for a new permit, the existing permit does not expire until the Commissioner has made a final determination on issuance or denial and, in case the application is denied, or the terms of the new permit limited, until the last day for seeking review of the Commissioner's order or a later date fixed by order of the reviewing court.

Authority: T.C.A §§ 68-212-106 and 68-212-107.

Subparagraph (c) of paragraph (1) of Rule 1200-01-11-.08 Fee System for Transporter, Storers, Treaters, Disposers, and certain Generators of Hazardous Waste and for certain Used Oil Facilities or Transporters and Universal Waste Facilities is amended by deleting subparagraph (c) and replacing with the following subparagraph:

- (c) Payment of Fees

Any person required to pay a fee under this Rule shall submit the fee by check, money order or other method approved by the Commissioner in the specified amount, made payable to the Treasurer, State of Tennessee for deposit in the Tennessee Environmental Protection Fund. Submission of the fee shall be accompanied with appropriate supporting documentation as directed by the department and may include electronic forms, printable pages available through the internet, or manually prepared paper copies, or a combination of any of the above.

Part 4 of subparagraph (i) of paragraph (3) of Rule 1200-01-11-.08 Fee System for Transporter, Storers, Treaters, Disposers, and certain Generators of Hazardous Waste and for certain Used Oil Facilities or Transporters and Universal Waste Facilities is amended by deleting part 4 and replacing it with following part:

- 4. Should the Department not comply with the timely review periods specified in part 1 of this subparagraph, the application fee shall be refunded. The Board shall be provided a quarterly update on the timeliness of permit processing.

Subparagraph (b) of paragraph (5) of Rule 1200-01-11-.08 Fee System for Transporter, Storers, Treaters, Disposers, and certain Generators of Hazardous Waste and for certain Used Oil Facilities or Transporters and Universal Waste Facilities is amended to insert a note following part 2 that shall read as follows:

Note: The fee exclusions in this subparagraph also apply to department approved remediation or corrective actions under the administration of the Tennessee Petroleum Underground Storage Tank Act

and Tennessee Drycleaner's Environmental Response Act.

Subparagraph (d) of paragraph (5) of Rule 1200-01-11-.08 Fee System for Transporter, Storers, Treaters, Disposers, and certain Generators of Hazardous Waste and for certain Used Oil Facilities or Transporters and Universal Waste Facilities is amended to insert a note following part 2 that shall read as follows:

Note: The fee exclusion in part 2 of this subparagraph also applies to department approved remediation or corrective actions under the administration of the Tennessee Petroleum Underground Storage Tank Act and Tennessee Drycleaner's Environmental Response Act.

Authority: T.C.A. §§ 68-212-107(d)(7), 68-211-1015, and 68-203-101 et seq.

Part 1 of subparagraph (g) of paragraph (8) of Rule 1200-01-11-.09 Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities is amended by deleting it in its entirety and replacing it with the follow part 1 to read as follows:

1. General

The owner or operator must comply with the metals standards provided by parts 2, 3, 4, 5, or 6 of this subparagraph for each metal listed in part 2 of this subparagraph that is present in the hazardous waste at detectable levels by using appropriate analytical procedures.

Subparagraph (a) of paragraph (3) of Rule 1200-01-11-.10 Land Disposal Restrictions is amended by changing the footnote numbers font from a standard font to a superscript number so that, as amended, the footnotes immediately following the Treatment Standards for Hazardous Waste table shall read as follows:

FOOTNOTES TO TREATMENT STANDARDS TABLE

- ¹ The waste descriptions provided in this table do not replace waste descriptions in Rule 1200-01-11-.02. Descriptions of Treatment/Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- ² CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.
- ³ Concentration standards for wastewaters are expressed in mg/L and are based on analysis of composite samples.
- ⁴ All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in subparagraph (3)(c) of this Rule Table 1 - Technology Codes and Descriptions of Technology-Based Standards.
- ⁵ Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of Rule 1200-01-11-.06(15), or Rule 1200-01-11-.05(15), or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in part (3)(a)4 of this Rule. All concentration standards for nonwastewaters are based on analysis of grab samples.
- ⁶ Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment/Regulatory Subcategory or physical form (i.e., wastewater and/or nonwastewater) specified for that alternate standard.
- ⁷ Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA

Publication SW-846, listed in 40 CFR 260.11; Rule 1200-01-11-.01(2)(b)1, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered nonhazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See subparts (1)(a)3(iii) and (iv) of this Rule.)

9 These wastes, when rendered nonhazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 40 CFR 148.1(d).)

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in this table or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at subparagraph (3)(c) Table 1 of this Rule for nonwastewaters; and, biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at subparagraph (3)(c) Table 1 of this Rule for wastewaters.

11 For these wastes, the definition of CMBST is limited to: (1) combustion units operating under Rule 1200-01-11-.09, (2) combustion units permitted under Rule 1200-01-11-.06(15), or (3) combustion units operating under Rule 1200-01-11-.05(15), which have obtained a determination of equivalent treatment under part (3)(c)2 of this Rule.

12 Disposal of K175 wastes that have complied with all applicable Rule 1200-01-11-.10(3)(a) treatment standards must also be macroencapsulated in accordance with Rule 1200-01-11-.10(3)(a) Table 1 unless the waste is placed in:

- (i) A hazardous waste (Subtitle C) monofill containing only K175 wastes that meet all applicable Rule 1200-01-11-.10(3)(a) treatment standards; or
- (ii) A dedicated hazardous waste (Subtitle C) landfill cell in which all other wastes being co-disposed are at pH \leq 6.0.

Authority: T.C.A §§ 68-212-106 and 68-212-107.

Item (I) of subpart (i) of part 2 of subparagraph (a) of paragraph (2) of Rule 1200-01-11-.11 Standards for the Management of Used Oil is amended by deleting it and replacing it so that the item shall read:

- (I) Mixtures of used oil and hazardous waste that are listed in Rule 1200-01-11-.02(4) are subject to regulation as hazardous waste under Rules 1200-01-11-.01 through .07, .09 and .10, rather than as used oil under this Rule, except as subparts (ii) and (iii) of this part provide otherwise.

Authority: T.C.A §§ 68-212-106 and 68-212-107.

Rule 1200-01-11-.12 Standards for Universal Waste Management is amended by deleting it in its entirety and replaced with the following so that, as amended, the rule shall read as follows:

1200-01-11-.12 Standards For Universal Waste Management [40 CFR Part 273]

(1) General [40 CFR 273 Subpart A]

(a) Scope [40 CFR 273.1]

1. This Rule establishes requirements for managing the following:

- (i) Batteries as described in subparagraph (d) of this paragraph;
- (ii) Pesticides as described in subparagraph (e) of this paragraph;
- (iii) Mercury-containing equipment as described in subparagraph (f) of this

paragraph; and

(iv) Lamps as described in subparagraph (g) of this paragraph.

2. This Rule provides an alternative set of management standards in lieu of regulation under Rules 1200-01-11-.01 through .10.

(b) Definitions [40 CFR 273.9]

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination Facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in parts (2)(d)1 and 3 and (3)(d)1 and 3 of Rule 1200-01-11-.12. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136-136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in Rule 1200-01-11-.02 or whose act first causes a hazardous waste to become subject to regulation.

"Lamp," also referred to as "universal waste lamp," is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large Quantity Handler of Universal Waste" means a universal waste handler (as defined in this subparagraph) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, lamps, or mercury-containing equipment, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000 kilogram limit is met or exceeded.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, are also considered on-site property.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:

1. Is a new animal drug under FFDCA section 201(w), or
2. Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug, or
3. Is an animal feed under FFDCA section 201(x) that bears or contains any substances

described by parts 1 or 2 of this definition.

“Small Quantity Handler of Universal Waste” means a universal waste handler (as defined in this subparagraph) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment or lamps, calculated collectively) at any time.

“Universal Waste” means any of the hazardous wastes listed in Rule 1200-01-11-.12(1)(a) that are subject to the universal waste requirements of Rule 1200-01-11-.12.

“Universal Waste Handler”:

1. Means:

- (i) A generator (as defined in this subparagraph) of universal waste; or
- (ii) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

2. Does not mean:

- (i) A person who treats (except under the provisions of Rule 1200-01-11-.12(2)(d)1, 3, or 4, Rule 1200-01-11-.12(3)(d)1, 3, or 4, or Rule 1200-01-11-.07(1)(c)1(iv)), disposes of, or recycles universal waste; or
- (ii) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility (except under the provisions of Rule 1200-01-11-.12(4)(b)2).

“Universal Waste Satellite Accumulation Area” – means an area with a labeled (identifying the type of universal waste) container containing up to 55 gallons of the same class of universal waste that is accumulated at or near the point of generation and is under control of the operator.

“Universal Waste Transfer Facility” means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

“Universal Waste Transporter” means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Also, see Rule 1200-01-11-.01(2)(a).)

(c) Applicability -- Household and Conditionally Exempt Small Quantity Generator Waste and Non-Hazardous Waste [40 CFR 273.8]

1. Persons managing the wastes listed below may, at their option, manage them under the requirements of this Rule:

- (i) Household wastes that are exempt under Rule 1200-01-11-.02(1)(d)2(i) and are also of the same type as the universal wastes defined at subparagraph (b) of this paragraph; and/or
- (ii) Conditionally exempt small quantity generator wastes that are exempt under Rule 1200-01-11-.02(1)(e) and are also of the same type as the universal wastes defined at subparagraph (b) of this paragraph; and/or
- (iii) Non-hazardous wastes that are of the same type as the universal wastes defined at subparagraph (b) of this paragraph.

2. Persons who commingle the wastes described in subparts 1(i) and (ii) of this subparagraph above together with universal waste regulated under this Rule must manage the commingled waste under the requirements of this Rule.

(d) Applicability -- Batteries [40 CFR 273.2]

1. Batteries Covered Under Rule 1200-01-11-.12

- (i) The requirements of this Rule apply to persons managing batteries described in subparagraph (b) of this paragraph, except those listed in part 2 of this subparagraph.
- (ii) Spent lead-acid batteries which are not managed under Rule 1200-01-11-.09(7), are subject to management under this Rule.

2. Batteries Not Covered Under Rule 1200-01-11-.12

The requirements of this Rule do not apply to persons managing the following batteries:

- (i) Spent lead-acid batteries that are managed under Rule 1200-01-11-.09(7).
- (ii) Batteries, as described in subparagraph (b) of this paragraph, that are not yet wastes under Rule 1200-01-11-.02, including those that do not meet the criteria for waste generation in part 3 of this subparagraph.
- (iii) Batteries, as described in subparagraph (b) of this paragraph, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in Rule 1200-01-11-.02(3).

3. Generation of Waste Batteries

- (i) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).
- (ii) An unused battery becomes a waste on the date the handler decides to discard it.

(e) Applicability - Pesticides [40 CFR 273.3]

1. Pesticides Covered Under Rule 1200-01-11-.12

The requirements of this Rule apply to persons managing pesticides described in subparagraph (b) of this paragraph, meeting the following conditions, except those listed in part 2 of this subparagraph:

- (i) Recalled pesticides that are:
 - (I) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under FIFRA Section 19(b), including, but not limited to those owned by the registrant responsible for conducting the recall; or
 - (II) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.
- (ii) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

2. Pesticides Not Covered Under Rule 1200-01-11-.12

The requirements of this Rule do not apply to persons managing the following pesticides:

- (i) Recalled pesticides described in subpart 1(i) of this subparagraph, and unused pesticide products described in subpart 1(ii) of this subparagraph, that are managed by farmers in compliance with Rule 1200-01-11-.03(1)(a)6 that addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with Rule 1200-01-11-.02(1)(g)2(iii);
- (ii) Pesticides not meeting the conditions set forth in part 1 of this subparagraph. These pesticides must be managed in compliance with the hazardous waste regulations in Rules 1200-01-11-.01 through .10;
- (iii) Pesticides that are not wastes under Rule 1200-01-11-.02, including those that do not meet the criteria for waste generation in part 3 of this subparagraph or those that are not wastes as described in part 4 of this subparagraph; and
- (iv) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in Rule 1200-01-11-.02(4) or if it exhibits one or more of the characteristics identified in Rule 1200-01-11-.02(3).

3. Generation of Waste Pesticides

- (i) A recalled pesticide described in subpart 1(i) of this subparagraph becomes a waste on the first date on which both of the following conditions apply:
 - (I) The generator of the recalled pesticide agrees to participate in the recall; and
 - (II) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).
- (ii) An unused pesticide product described in subpart 1(ii) of this subparagraph becomes a waste on the date the generator decides to discard it.

4. Pesticides That Are Not Wastes

The following pesticides are not wastes:

- (i) Recalled pesticides described in subpart 1(i) of this subparagraph, provided that the person conducting the recall:
 - (I) Has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "solid waste" under Rule 1200-01-11-.02(1)(b); thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Rule. This pesticide remains subject to the requirements of FIFRA; or
 - (II) Has made a decision to use a management option that, under Rule 1200-01-11-.02(1)(b), does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Rule. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.
- (ii) Unused pesticide products described in subpart 1(ii) of this subparagraph, if the generator of the unused pesticide product has not decided to discard (e.g., burn

for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.

(f) Applicability - Mercury-containing Equipment [40 CFR 273.4]

1. Mercury-containing Equipment Covered Under Rule 1200-01-11-.12

The requirements of this Rule apply to persons managing mercury-containing equipment described in subparagraph (b) of this paragraph, except those listed in part 2 of this subparagraph.

2. Mercury-containing Equipment Not Covered Under Rule 1200-01-11-.12

The requirements of this Rule do not apply to persons managing the following mercury-containing equipment:

- (i) Mercury-containing equipment that are not yet wastes under Rule 1200-01-11-.02. Part 3 of this subparagraph describes when mercury-containing equipment become wastes.
- (ii) Mercury-containing equipment that are not hazardous wastes. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in Rule 1200-01-11-.02(3); and
- (iii) Equipment and devices from which the mercury-containing components have been removed.

3. Generation of Waste Mercury-containing Equipment

- (i) Used mercury-containing equipment becomes a waste on the date it is discarded.
- (ii) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

(g) Applicability - Lamps [40 CFR 273.5]

1. Lamps covered under Rule 1200-01-11-.12.

The requirements of this Rule apply to persons managing lamps described in subparagraph (b) of this paragraph, except those listed in part 2 of this subparagraph.

2. Lamps not covered under Rule 1200-01-11-.12.

The requirements of this Rule do not apply to persons managing the following lamps:

- (i) Lamps that are not yet wastes under Rule 1200-01-11-.02. Part 3 of this subparagraph describes when lamps become wastes.
- (ii) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in Rule 1200-01-11-.02(3).

3. Generation of Waste Lamps.

- (i) A used lamp becomes a waste on the date it is discarded.
- (ii) A used or an unused lamp becomes a waste on the date the handler decides to discard it.

(h) (RESERVED) [40 CFR 273.6]

- (i) (RESERVED) [40 CFR 273.7]
- (2) Standards for Small Quantity Handlers of Universal Waste [40 CFR 273 Subpart B]
 - (a) Applicability [40 CFR 273.10].

This paragraph applies to small quantity handlers of universal waste (as defined in subparagraph (1)(b) of this Rule).
 - (b) Prohibitions [40 CFR 273.11]

A small quantity handler of universal waste is:

 - 1. Prohibited from disposing of universal waste; and
 - 2. Prohibited from diluting or treating universal waste, except by responding to releases as provided in subparagraph (h) of this paragraph; or by managing specific wastes as provided in subparagraph (d) of this paragraph.
 - (c) Notification [40 CFR 273.12]

A small quantity handler of universal waste is not required to notify the Commissioner of universal waste handling activities.
 - (d) Waste Management [40 CFR 273.13]
 - 1. Universal Waste Batteries

A small quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

 - (i) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - (ii) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - (I) sorting batteries by type;
 - (II) mixing battery types in one container;
 - (III) discharging batteries so as to remove the electric charge;
 - (IV) regenerating used batteries;
 - (V) disassembling batteries or battery packs into individual batteries or cells;
 - (VI) removing batteries from consumer products; or
 - (VII) removing electrolyte from batteries.
 - (iii) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must

determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in Rule 1200-01-11-.02(3).

- (I) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it is subject to all applicable requirements of Rules 1200-01-11-.01 through .10. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to Rule 1200-01-11-.03.
- (II) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

2. Universal Waste Pesticides

A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

- (i) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or
- (ii) A container that does not meet the requirements of subpart (i) of this part, provided that the unacceptable container is overpacked in a container that does meet the requirements of subpart (i) of this part; or
- (iii) A tank that meets the requirements of Rule 1200-01-11-.05(10), except for part (h)3, and subparagraphs (k) and (l); or
- (iv) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3. Mercury-containing Equipment

A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (i) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with noncontained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.
- (ii) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:
 - (I) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;
 - (II) Removes the ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

- (III) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from that containment device to a container that meets the requirements of Rule 1200-01-11-.03(4)(e);
 - (IV) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of Rule 1200-01-11-.03(4)(e);
 - (V) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - (VI) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - (VII) Stores removed ampules in closed, non-leaking containers that are in good condition;
 - (VIII) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and
- (iii) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:
- (I) Immediately seals the original housing holding the mercury with an airtight seal to prevent the release of any mercury to the environment; and
 - (II) Follows all requirements for removing ampules and managing removed ampules under subpart (ii) of this part; and
- (iv) (I) A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in paragraph (3) of Rule 1200-01-11-.02:
- I. Mercury or clean-up residues resulting from spills or leaks and/or
 - II. Other solid waste generated as a result of the removal of mercury-containing ampules or housings (e.g., the remaining mercury-containing device).
- (II) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of Rule 1200-01-11-.01 through .10. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it subject to Rule 1200-01-11-.03.
 - (III) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

4. Universal Waste Lamps

- (i) A small quantity handler of universal waste must manage lamps in a way that

prevents releases of any universal waste or component of a universal waste to the environment as follows:

- (I) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
 - (II) A small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.
 - (ii) Small quantity handlers of universal waste mercury-containing lamps may treat mercury-containing lamps for volume reduction at the site where they were generated under the provisions of Rule 1200-01-11-.12(8).
- (e) Labeling/Marking [40 CFR 273.14]

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

1. Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)."
2. A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in subpart (1)(e)1(i) of this Rule are contained must be labeled or marked clearly with:
 - (i) The label that was on or accompanied the product as sold or distributed; and
 - (ii) The words "Universal Waste - Pesticide(s)" or "Waste Pesticide(s)."
3. A container, tank, or transport vehicle or vessel in which unused pesticide products as described in subpart (1)(e)1(ii) of this Rule are contained must be labeled or marked clearly with:
 - (i)
 - (I) The label that was on the product when purchased, if still legible;
 - (II) If using the labels described in item (I) of this subpart is not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172;
 - (III) If using the labels described in items (I) and (II) of this subpart is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and
 - (ii) The words "Universal Waste - Pesticide(s)" or "Waste Pesticide(s)."
4. (i) Universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste--Mercury Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing

Equipment.”

- (ii) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: “Universal Waste--Mercury Thermostats(s),” “Waste Mercury Thermostat(s),” or “Used Mercury Thermostat(s).”
5. Universal waste lamps (i.e., each lamp), or a container or package in which such lamps are contained, must be labeled or marked clearly with any one of the following phrases: “Universal Waste - Lamp(s)” or “Waste Lamp(s)” or “Used Lamp(s)” or “Universal Waste - Bulbs(s)” or “Waste Bulb(s)” or “Used Bulb(s)”. Containers or packages destined for out-of-state shipment shall use the term “Lamps” in lieu of “Bulbs”.
- (f) Accumulation Time Limits [40 CFR 273.15]
- 1. A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of part 2 of this subparagraph are met.
 - 2. A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. Small Quantity Handlers may accumulate universal waste in Satellite Accumulation Areas to facilitate the proper recovery, treatment, or disposal of universal waste. Universal Waste Satellite Accumulation Containers shall be dated and moved to the designated facility universal waste accumulation area within 72 hours of reaching the 55-gallon limit and on no less than an annual basis.
 - 3. A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:
 - (i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 - (ii) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
 - (iii) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;
 - (iv) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
 - (v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
 - (vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

- (g) Employee Training [40 CFR 273.16]

A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

(h) Response to Releases [40 CFR 273.17]

1. A small quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.
2. A small quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of Rules 1200-01-11-.01 through .10. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with Rule 1200-01-11-.03.

(i) Off-site Shipments [40 CFR 273.18]

1. A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
2. If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of paragraph (4) of this Rule while transporting the universal waste.
3. If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 180, a small quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180.
4. Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.
5. If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:
 - (i) Receive the waste back when notified that the shipment has been rejected, or
 - (ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.
6. A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:
 - (i) Send the shipment back to the originating handler, or
 - (ii) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.
7. If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Commissioner of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Commissioner will provide instructions for

managing the hazardous waste.

8. If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(j) Tracking Universal Waste Shipments [40 CFR 273.19]

A small quantity handler of universal waste shall follow the procedures set forth for large quantity handlers in subparagraph (3)(j) of this Rule.

(k) Exports [40 CFR 273.20]

A small quantity handler of universal waste who sends universal waste to a foreign destination must:

(Note: See 40 CFR 273.20 for additional requirements.)

1. Comply with the requirements applicable to a primary exporter in Rules 1200-01-11-.03(6)(d), (6)(g)1(i) through (iv), (vi), (g)2 and (6)(h);
2. Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in Rule 1200-01-11-.03(6); and
3. Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

(3) Standards for Large Quantity Handlers of Universal Waste [40 CFR 273 Subpart C]

(a) Applicability [40 CFR 273.30]

This paragraph applies to large quantity handlers of universal waste (as defined in subparagraph (1)(b) of this Rule).

(b) Prohibitions [40 CFR 273.31]

A large quantity handler of universal waste is:

1. Prohibited from disposing of universal waste; and
2. Prohibited from diluting or treating universal waste, except by responding to releases as provided in subparagraph (h) of this paragraph; or by managing specific wastes as provided in subparagraph (d) of this paragraph.

(c) Notification [40 CFR 273.32]

1. (i) Except as provided in subparts (ii) and (iii) of this part, a large quantity handler of universal waste must have sent written notification of universal waste management to the Commissioner, and received an Installation Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.
- (ii) A large quantity handler of universal waste who has already notified the Commissioner of his hazardous waste management activities and has received an Installation Identification Number is not required to renotify under this subparagraph.
- (iii) A large quantity handler of universal waste who manages recalled universal waste pesticides as described in subpart (1)(e)1(i) of this Rule and who has sent notification to the Commissioner as required by Rule 1200-01-11-.05 is not required to notify for those recalled universal waste pesticides under this

subparagraph.

2. This notification must include:

- (i) The universal waste handler's name and mailing address;
- (ii) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
- (iii) The address or physical location of the universal waste management activities;
- (iv) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, and lamps); and
- (v) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

(d) Waste Management [40 CFR 273.33]

1. Universal Waste - Batteries

A large quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (i) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- (ii) A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - (I) Sorting batteries by type;
 - (II) Mixing battery types in one container;
 - (III) Discharging batteries so as to remove the electric charge;
 - (IV) Regenerating used batteries;
 - (V) Disassembling batteries or battery packs into individual batteries or cells;
 - (VI) Removing batteries from consumer products; or
 - (VII) Removing electrolyte from batteries.
- (iii) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in Rule 1200-01-11-.02(3).
 - (I) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of Rules 1200-01-11-.01 through .10. The handler is

considered the generator of the hazardous electrolyte and/or other waste and is subject to Rule 1200-01-11-.03.

- (II) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

2. Universal Waste - Pesticides

A large quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

- (i) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or
- (ii) A container that does not meet the requirements of subpart (i) of this part, provided that the unacceptable container is overpacked in a container that does meet the requirements of subpart (i) of this part; or
- (iii) A tank that meets the requirements of Rule 1200-01-11-.05(10), except for part (h)3, and subparagraphs (k) and (l); or
- (iv) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3. Universal Waste - Mercury-containing Equipment

A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (i) A large quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.
- (ii) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:
 - (I) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;
 - (II) Removes the ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);
 - (III) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks of broken ampules, from that containment device to a container that meets the requirements of Rule 1200-01-11-.03(4)(e);
 - (IV) Immediately transfers any mercury resulting from spills or leaks from

broken ampules from the containment device to a container that meets the requirements of Rule 1200-01-11-.03(4)(e);

- (V) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - (VI) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - (VII) Stores removed ampules in closed, non-leaking containers that are in good condition;
 - (VIII) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and
- (iii) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:
- (I) Immediately seals the original housing holding the mercury with an airtight seal to prevent the release of any mercury to the environment; and
 - (II) Follows all requirements for removing ampules and managing removed ampules under subpart (ii) of this part; and
- (iv) (I) A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in paragraph (3) of Rule 1200-01-11-.02:
- I. Mercury or clean-up residues resulting from spills or leaks; and/or
 - II. Other solid waste generated as a result of the removal of mercury-containing ampules or housings (e.g., remaining mercury-containing devices).
- (II) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of Rules 1200-01-11-.01 through .10. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to Rule 1200-01-11-.03.
- (III) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

4. Universal Waste – Lamps

- (i) A large quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment as follows:
 - (I) A large quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such

containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(II) A large quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

(ii) Large quantity handlers of universal waste lamps may treat the lamps for volume reduction at the site where they were generated under the provisions of Rule 1200-01-11-.12(8).

(e) Labeling/Marking [40 CFR 273.34]

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

1. Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

2. A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in subpart (1)(e)1(i) of this Rule are contained must be labeled or marked clearly with:

(i) The label that was on or accompanied the product as sold or distributed; and

(ii) The words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s);"

3. A container, tank, or transport vehicle or vessel in which unused pesticide products as described in subpart (1)(e)1(ii) of this Rule are contained must be labeled or marked clearly with:

(i) (I) The label that was on the product when purchased, if still legible;

(II) If using the labels described in item (I) of this subpart, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172;

(III) If using the labels described in items (I) and (II) of this subpart is not feasible, another label prescribed or designated by the pesticide collection program; and

(ii) The words "Universal Waste - Pesticide(s)" or "Waste Pesticide(s)."

4. (i) Mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste-- Mercury Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

(ii) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: "Universal Waste - Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

5. Universal waste lamps (i.e., each lamp), or a container or package in which such lamps are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)" or "Universal Waste - Bulbs(s)" or "Waste Bulb(s)" or "Used Bulb(s)". Containers or packages destined for out-of-state shipment shall use the term "Lamps" in lieu of "Bulbs".

(f) Accumulation Time Limits [40 CFR 273.35]

1. A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of part 2 of this subparagraph are met.
2. A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. Large Quantity Handlers may accumulate universal waste in Satellite Accumulation Areas to facilitate the proper recovery, treatment, or disposal of universal waste. Universal Waste Satellite Accumulation Containers shall be dated and moved to the designated facility universal waste accumulation area within 72 hours of reaching the 55 gallon limit and on no less than an annual basis.
3. A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:
 - (i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 - (ii) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
 - (iii) Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received;
 - (iv) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
 - (v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
 - (vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(g) Employee Training [40 CFR 273.36]

A large quantity handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

(h) Response to Releases [40 CFR 273.37]

1. A large quantity handler of universal waste must immediately contain all releases of

universal wastes and other residues from universal wastes.

2. A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of Rules 1200-01-11-.01 through .10. The handler is considered the generator of the material resulting from the release, and is subject to Rule 1200-01-11-.03.

(i) Off-site Shipments [40 CFR 273.38]

1. A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
2. If a large quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of paragraph (4) of this Rule while transporting the universal waste.
3. If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 180, a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180.
4. Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.
5. If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:
 - (i) Receive the waste back when notified that the shipment has been rejected, or
 - (ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.
6. A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:
 - (i) Send the shipment back to the originating handler, or
 - (ii) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.
7. If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Commissioner of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Commissioner will provide instructions for managing the hazardous waste.
8. If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(j) Tracking Universal Waste Shipments [40 CFR 273.39]

1. Receipt of Shipments

A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

- (i) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent; (Pesticide collection programs operated under the authority of the Tennessee Department of Agriculture are exempt from the requirements of this subpart provided that the pesticides are received by a universal waste handler for proper management);
- (ii) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, lamps); and
- (iii) The date of receipt of the shipment of universal waste.

2. Shipments Off-site

A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:

- (i) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;
- (ii) The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats, lamps); and
- (iii) The date the shipment of universal waste left the facility.

3. Record Retention

- (i) A large quantity handler of universal waste must retain the records described in part 1 of this subparagraph for at least three years from the date of receipt of a shipment of universal waste.
- (ii) A large quantity handler of universal waste must retain the records described in part 2 of this subparagraph for at least three years from the date a shipment of universal waste left the facility.
- (iii) An organization with multiple locations may retain their universal waste records at an in-state consolidation point acceptable to the Division. If a site inspection of the records by the Division is not feasible due to the use of a records consolidation point, a copy of the site's universal waste records shall be sent, within seven working days of the request, to the Division.

(k) Exports [40 CFR 273.40]

A large quantity handler of universal waste who sends universal waste to a foreign destination must:

(Note: See 40 CFR 273.40 for additional EPA requirements.)

- 1. Comply with the requirements applicable to a primary exporter in Rule 1200-01-11-.03(6)(d), (6)(g)1(i) through (iv),(vi), (g)2 and (6)(h);
- 2. Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in Rule 1200-01-11-

.03(6); and

3. Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

(4) Standards for Universal Waste Transporters [40 CFR 273 Subpart D]

(a) Applicability [40 CFR 273.50]

This subpart applies to universal waste transporters (as defined in subparagraph (1)(b) of this Rule).

(b) Prohibitions [40 CFR 273.51]

A universal waste transporter is:

1. Prohibited from disposing of universal waste; and
2. Prohibited from diluting or treating universal waste, except by responding to releases as provided in subparagraph (e) of this paragraph or by managing specific wastes as provided in Rule 1200-01-11-.07(1)(c)1(iv).

(c) Waste Management [40 CFR 273.52]

1. A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest requirements of the Department specified in Rule 1200-01-11-.03. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.
2. Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under Rule 1200-01-11-.03, they may not be described by the DOT proper shipping name "hazardous waste, (l) or (s), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word "waste".

(d) Storage Time Limits [40 CFR 273.53]

1. A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.
2. If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of paragraphs (2) or (3) of this Rule while storing the universal waste.

(e) Response to Releases [40 CFR 273.54]

1. A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.
2. A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of Rules 1200-01-11-.01 through .10. If the waste is determined to be a hazardous waste, the transporter is subject to Rule 1200-01-11-.03.

(f) Off-site Shipments [40 CFR 273.55]

1. A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.
2. If the universal waste being shipped off-site meets the Department of Transportation's definition of hazardous materials under 49 CFR 171.8, the shipment must be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR part 172.

(g) Exports [40 CFR 273.56]

A universal waste transporter transporting a shipment of universal waste to a foreign destination may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter must ensure that:

(Note: See 40 CFR 273.56 for additional EPA requirements.)

1. A copy of the EPA Acknowledgment of Consent accompanies the shipment; and
2. The shipment is delivered to the facility designated by the person initiating the shipment.

(5) Standards for Destination Facilities [40 CFR 273 Subpart E]

(a) Applicability [40 CFR 273.60]

1. The owner or operator of a destination facility (as defined in subparagraph (1)(b) of this Rule) is subject to all applicable requirements of Rules 1200-01-11-.05, .06, .07, .08, .09 and .10, including the notification requirement under Rule 1200-01-11-.03(2).
2. The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with Rule 1200-01-11-.02(1)(f)3(ii).

(b) Off-site Shipments [40 CFR 273.61]

1. The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.
2. The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he must contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must:
 - (i) Send the shipment back to the original shipper, or
 - (ii) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.
3. If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the Commissioner of the illegal shipment, and provide the name, address, and phone number of the shipper. The Commissioner will provide instructions for managing the hazardous waste.
4. If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

(c) Tracking Universal Waste Shipments [40 CFR 273.62]

1. The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:
 - (i) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;
 - (ii) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, lamps); and
 - (iii) The date of receipt of the shipment of universal waste.
2. The owner or operator of a destination facility must retain the records described in part 1 of this subparagraph for at least three years from the date of receipt of a shipment of universal waste.

(6) Import Requirements [40 CFR 273 Subpart F]

(a) Imports [40 CFR 273.70]

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this Rule, immediately after the waste enters the United States, as indicated in parts 1 through 3 of this subparagraph:

1. A universal waste transporter is subject to the universal waste transporter requirements of paragraph (4) of this Rule.
2. A universal waste handler is subject to the small or large quantity handler of universal waste requirements of paragraphs (2) or (3) of this Rule, as applicable.
3. An owner or operator of a destination facility is subject to the destination facility requirements of paragraph (5) of this Rule.
4. (Reserved) [40 CFR 273.70(d)]

(7) Petitions to Include Other Wastes under Rule 1200-01-11-.12 [40 CFR 273 Subpart G]

(a) General [40 CFR 273.80]

1. Any person seeking to add a hazardous waste or a category of hazardous waste to this Rule may petition for a regulatory amendment under this paragraph and Rules 1200-01-11-.01(3)(a) and (d).
2. To be successful, the petitioner must demonstrate to the satisfaction of the Commissioner that regulation under the universal waste regulations of Rule 1200-01-11-.12 is: appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the hazardous waste program. The petition must include the information required by Rule 1200-01-11-.01(3)(a)2. The petition should also address as many of the factors listed in subparagraph (b) of this paragraph as are appropriate for the waste or waste category addressed in the petition.
3. The Commissioner will evaluate petitions using the factors listed in subparagraph (b) of this paragraph. The Commissioner will grant or deny a petition using the factors listed in subparagraph (b) of this paragraph. The decision will be based on the weight of evidence showing that regulation under Rule 1200-01-11-.12 is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.

(b) Factors for Petitions to Include Other Wastes under Rule 1200-01-11-.12 [40 CFR 273.81]

1. The waste or category of waste, as generated by a wide variety of generators, is listed in Rule 1200-01-11-.02(4), or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in Rule 1200-01-11-.02(3). (When a characteristic waste is added to the universal waste regulations of Rules 1200-01-11-.12 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in Rules 1200-01-11-.01(2)(a) and Rule 1200-01-11-.12(1)(b) will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries). Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of Rule 1200-01-11-.12;
2. The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);
3. The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;
4. Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;
5. The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to subparagraphs (2)(d), (3)(d) and (4)(c) of this Rule; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;
6. Regulation of the waste or category of waste under Rule 1200-01-11-.12 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g, the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal in compliance with the Act;
7. Regulation of the waste or category of waste under Rule 1200-01-11-.12 will improve implementation of and compliance with the hazardous waste regulatory program; and/or
8. Such other factors as may be appropriate.

(8) Standards for the Owner or Operator of a "Universal Waste Lamp Crusher System"

(a) Applicability

This paragraph applies to handlers of universal waste lamps (defined in Rule 1200-01-11-.12(1)(b)) operating a "crusher system" for the purpose of volume reduction.

(b) Prohibitions

A crusher of universal waste lamps is:

1. Prohibited from disposing of universal waste; and
2. Prohibited from diluting or treating universal waste, except by crushing for volume reduction purposes in compliance with the Permit-by-rule requirement of Rule 1200-01-11-.07(1)(c)1(iv) or as otherwise provided in Rule 1200-01-11-.12.
3. Prohibited from mixing in any hazardous or non-hazardous waste with the crushed

lamps. No filters, tools, solid waste, etc., shall be placed in the container of crushed lamps.

(c) Operation

The following standards for operation shall be adhered to:

1. The lamps must be crushed in a system designed and operated to minimize the loss of mercury to the atmosphere. Any air exhausted from the unit shall pass through a well-maintained high efficiency particulate air filter (HEPA) designed to minimize such loss. Detailed records regarding this operation must be kept and made available for review for at least three (3) years, including, but not limited to, the technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit.
2. The handler immediately transfers any material recovered from a spill or leak to a container and has available equipment necessary to comply with this container that meets the requirements of Rule 1200-01-11-.03(4)(e), requirements.
3. The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable Occupational Safety and Health Administration (OSHA) exposure levels for mercury.
4. The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers.
5. The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

(d) Labeling/Marking

A handler of universal waste lamps and crushing device must label or mark the universal waste lamps or containers as specified below:

1. Universal waste lamps (i.e., each lamp), or a container in which the lamps or crushed lamps are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Lamp(s)", or "Waste Lamp(s)", or "Used Mercury Lamp(s)", placing "Crushed", as appropriate, first on the label.

(e) Accumulation Time Limits

1. A handler of universal waste lamps and crusher operator may accumulate such universal waste for no longer than one year from the date it is generated, or received from another handler.
2. A handler of universal waste mercury-containing lamps who accumulates them must be able to demonstrate the length of time they have been accumulated from the date the lamps becomes a waste or are received. The handler may make this demonstration by:
 - (i) Placing the lamps in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 - (ii) Maintaining an inventory system available for review that identifies the date each shipment of universal waste lamps became a waste or was received, the date it was sent for recycling, and the name and address of the destination facility or handler.

(f) Employee Training

A handler of universal waste lamps must train all employees who handle or have responsibility for managing them in a lamp crusher. The training must address proper handling and emergency procedures.

(g) Response to Releases

1. A handler of universal waste lamps must immediately contain all releases and other residues.
2. A handler of universal waste lamps must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of Rules 1200-01-11-.01 through .10. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with Rule 1200-01-11-.03.

(h) Off-site Shipments

1. A handler of universal waste lamps is prohibited from sending or taking such waste to a place other than another universal waste handler or a destination facility.
2. If a handler of universal waste lamps self-transport such waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of paragraph (4) of this Rule while transporting the universal waste.
3. If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 180, a handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable U.S. Department of Transportation regulations under 49 CFR Parts 100 through 185.
4. If a handler of universal waste lamps sends a shipment of such waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:
 - (i) Receive the waste back when notified that the shipment has been rejected, or
 - (ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: June 17, 2010

Signature: *[Handwritten Signature]*

Name of Officer: Mike Apple

Title of Officer: Director, Division of Solid Waste Management



Subscribed and sworn to before me on: 17th day of June

Notary Public Signature: *Wanda Powers*

My commission expires on: 11/7/2012

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Filed with the Department of State on: 6/17/10

Tre Hargett
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Secretary of State

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