

**Amendments To  
Delaware's *Regulations Governing Hazardous Waste***

**2012 Proposed Amendments  
Post Workshop / Final Proposed  
Start Action Notice # **2012-15****

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Proposed Amendments to  
Delaware's *Regulations Governing Hazardous Waste*  
(DRGHW)

NOTE: For the purposes of this amendment package only those sections of the hazardous waste regulations shown herein are affected. The remaining sections of the DRGHW are not affected and are unchanged. Proposed additions are indicated with underlines, and deletions are indicated with ~~strikethroughs~~.

**AMENDMENT 1:**  
**LDR Revision for Carbamate Wastes**

Adopt Federal revision to Land Disposal Restrictions for carbamate wastes.

**Background:**

Delaware is proposing to adopt a previously issued Direct Final rule (Federal Register Volume 76, Number 113 (Monday, June 13, 2011), Pages 34147-34157) from the Federal Environmental Protection Agency (EPA or the Agency) to revise the Land Disposal Restrictions (LDR) treatment standards for hazardous wastes from the production of carbamates and carbamate commercial chemical products, off- specification or manufacturing chemical intermediates and container residues that become hazardous wastes when they are discarded or intended to be discarded. Currently, under the LDR program, most carbamate wastes must meet numeric concentration limits before they can be land disposed. However, the lack of readily available analytical standards makes it difficult to measure whether the numeric LDR concentration limits have been met. Therefore, DNREC is providing as an alternative standard the use of the best demonstrated available technologies (BDAT) for treating these wastes. In addition, this action removes carbamate Regulated Constituents from the table of Universal Treatment Standards.

**PART 268--LAND DISPOSAL RESTRICTIONS**

Section 268.40, the Table of Treatment Standards in paragraph (b) is amended by revising the entries for:

K156	P185	P196	P204	U367	U404
K157	P188	P197	P205	U372	U409
K158	P189	P198	U271	U373	U410
K159	P190	P199	U278	U387	U411
K161	P191	P201	U279	U389	
P127	P192	P202	U280	U394	
P128	P194	P203	U364	U395	

to read as follows: **[Insert Carbamate Revision Table \(below\)](#)**

**§ 268.40 *Applicability of treatment standards.***

\*\*\*\*\*

**Treatment Standards For Hazardous Wastes**

[Note: NA means not applicable]

Waste code	Waste description and treatment/Regulatory subcategory <sup>1</sup>	Regulated hazardous constituent		Wastewaters	Nonwastewaters
		Common name	CAS <sup>2</sup> number	Concentration <sup>3</sup> in mg/L; or Technology Code <sup>4</sup>	Concentration <sup>5</sup> in mg/kg unless noted as "mg/L TCLP"; or Technology Code <sup>4</sup>
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes	Acetonitrile	75-05-8	5.6	1.8
		Acetophenone	98-86-2	0.010	9.7
		Aniline	62-53-3	0.81	14
		Benomyl <sup>10</sup>	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Benzene	71-43-2	0.14	10
		Carbaryl <sup>10</sup>	63-25-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Carbenzadim <sup>10</sup>	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Carbofuran <sup>10</sup>	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Carbosulfan <sup>10</sup>	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Methomyl <sup>10</sup>	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyridine	110-86-1	0.014	16
		Toluene	108-88-3	0.080	10
		Triethylamine <sup>10</sup>	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Chloromethane	74-87-3	0.19	30
		Methomyl <sup>10</sup>	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Methylene chloride	75-09-2	0.089	30
		Methylethyl ketone	78-93-3	0.28	36
		Pyridine	110-86-1	0.014	16
		Triethylamine <sup>10</sup>	121-44-8	0.081 or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes	Benzene	71-43-2	0.14	10
		Carbenzadim <sup>10</sup>	10605-21-7	0.056; or CMBST, CHOXD, BIODG or	1.4; or CMBST

		Carbofuran <sup>10</sup>	1563-66-2	CARBN 0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Carbosulfan <sup>10</sup>	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Chloroform	67-66-3	0.046	6.0
		Methylene chloride	75-09-2	0.089	30
		Phenol	108-95-2	0.039	6.2
K159	Organics from the treatment of thiocarbamate wastes	Benzene	71-43-2	0.14	10
		Butylate <sup>10</sup>	2008-41-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		EPTC (Eptam) <sup>10</sup>	759-94-4	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Molinate <sup>10</sup>	2212-67-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Pebulate <sup>10</sup>	1114-71-2	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Vernolate <sup>10</sup>	1929-77-7	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
K161	Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts	Antimony	7440-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
		Carbon disulfide	75-15-0	3.8	4.8 mg/L TCLP
		Dithiocarbamates (total) <sup>10</sup>	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
		Nickel	7440-02-0	3.98	11.0 mg/L TCLP
		Selenium	7782-49-2	0.82	5.7 mg/L TCLP
P127	Carbofuran <sup>10</sup>	Carbofuran	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
P128	Mexacarbate <sup>10</sup>	Mexacarbate	315-18-4	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P185	Tirpate <sup>10</sup>	Tirpate	26419-73-8	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST
P188	Physostigmine salicylate <sup>10</sup>	Physostigmine salicylate	57-64-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P189	Carbosulfan <sup>10</sup>	Carbosulfan	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P190	Metolcarb <sup>10</sup>	Metolcarb	1129-41-5	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P191	Dimetilan <sup>10</sup>	Dimetilan	644-64-4	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P192	Isolan <sup>10</sup>	Isolan	119-38-0	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P194	Oxamyl <sup>10</sup>	Oxamyl	23135-22-0	0.056; or CMBST, CHOXD, BIODG or	0.28; or CMBST

P196	Manganese dimethyldithio-carbamate <sup>10</sup>	Dithiocarbamates (total)	NA	CARBN 0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST
P197	Formparanate <sup>10</sup>	Formparante	17702-57-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P198	Formetanate hydrochloride <sup>10</sup>	Formetanate hydrochloride	23422-53-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P199	Methiocarb <sup>10</sup>	Methiocarb	2032-65-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P201	Promecarb <sup>10</sup>	Promecarb	2631-37-0	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P202	m-Cumenyl methylcarbamate <sup>10</sup>	m-Cumenyl methylcarbamate	64-00-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P203	Aldicarb sulfone <sup>10</sup>	Aldicarb sulfone	1646-88-4	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST
P204	Physostigmine <sup>10</sup>	Physostigmine	57-47-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P205	Ziram <sup>10</sup>	Dithiocarbamates (total)	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST
U271	Benomyl <sup>10</sup>	Benomyl	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U278	Bendiocarb <sup>10</sup>	Bendiocarb	22781-23-3	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U279	Carbaryl <sup>10</sup>	Carbaryl	63-25-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
U280	Barban <sup>10</sup>	Barban	101-27-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U364	Bendiocarb phenol <sup>10</sup>	Bendiocarb phenol	22961-82-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U367	Carbofuran phenol <sup>10</sup>	Carbofuran phenol	1563-38-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U372	Carbendazim <sup>10</sup>	Carbendazim	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U373	Propham <sup>10</sup>	Propham	122-42-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U387	Prosulfocarb <sup>10</sup>	Prosulfocarb	52888-80-9	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U389	Triallate <sup>10</sup>	Triallate	2303-17-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U394	A2213 <sup>10</sup>	A2213	30558-43-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U395	Diethylene glycol, dicarbamate <sup>10</sup>	Diethylene glycol, dicarbamate	5952-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U404	Triethylamine <sup>10</sup>	Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or	1.5; or CMBST

U409	Thiophanate-methyl <sup>10</sup>	Thiophanate-methyl	23564-05-8	CARBN 0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U410	Thiodicarb <sup>10</sup>	Thiodicarb	59669-26-0	0.019; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U411	Propoxur <sup>10</sup>	Propoxur	114-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

Footnotes to Treatment Standard Table 268.40

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 §268.42 Table 1 of this Part, 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 §268.42 Table 1 of this Part, for wastewaters.
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[59 FR 48046, Sept. 19, 1994]

Editorial Note: For Federal Register citations affecting §268.40, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

§ 268.41 Treatment standards expressed as concentrations in waste extract.

Section 268.48, the Table of UTS--Universal Treatment Standards is amended by

**a. Removing the entries for**

Aldicarb sulfone	Dithiocarbamates (total)	Promecarb
Barban	EPTC (Eptam)	Propham
Bendiocarb	Formetanate hydrochloride	Propoxur
Benomyl	Methiocarb	Prosulfocarb
Butylate	Methomyl	Thiodicarb
Carbaryl	Metolcarb	Thiophanate-methyl
Carbenzadim	Mexacarbate	Triallate
Carbofuran	Molinate	Triethylamin
Carbofuran phenol	Oxamyl	Vemolate;
Carbosulfan	Pebulate	
m-Cumenyl	Physostigmine	
methylcarbamate	Physostigmine salicylate	

and

**b. Removing and reserving footnote 6.**

**AMENDMENT 2:**  
Federal Technical Corrections

Adopt Federal revisions.

**Background:** Delaware is adopting both Federal corrections as described in the Federal Register /Vol. 77, No. 72 / Friday, April 13, 2012 /22229.

The Environmental Protection Agency (EPA or the Agency) took final action on two of six technical amendments that were withdrawn in a June 4, 2010, Federal Register partial withdrawal notice. The two amendments that were the subject of the final rule were: A correction of the typographical error in the entry “K107” in a table listing hazardous wastes from specific sources; and a conforming change to alert certain recycling facilities that they have existing certification and notification requirements under the Land Disposal Restrictions regulations. The other four amendments that were withdrawn in the June 2010 partial withdrawal notice remain withdrawn until EPA determines action is warranted in the future.

**Section 261.32 Hazardous wastes from specific sources.**

(a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under §§ 260.20 and 260.22 and listed in Appendix IX.

\* \* \* \* \*

Organic chemicals

\* \* \* \* \*

Industry and EPA Hazardous Waste No.	Hazardous waste	Hazard code
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid <del>hydrazines</del> <a href="#">hydrazides</a> .	(C,T)

\* \* \* \* \*

**Section 266.20 Applicability.**

\* \* \* \* \*

(b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in Subpart D of Part 268 (or applicable prohibition levels in §268.32 or 7 **Del.C.**, Chapter 63, where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that they contain [and the recycler complies with § 268.7\(b\)\(6\) of this chapter](#).

**AMENDMENT 3a:**  
SQG Accumulation Requirements for Ignitable/Reactive Wastes

Require Small Quantity Generators (SQG) of hazardous waste to take precautions and post “No Smoking” signs at 180-(or 270) day accumulation areas.

**Background:** Currently the accumulation requirements for SQG’s found in DRGHW §262.34(d) exempt the “Special requirements for ignitable or reactive waste” listed in DRGHW §265.176. Because the hazards of accumulating ignitable/reactive wastes are similar for both Large Quantity Generators (LQG) and SQG’s, the SHWMS has determined that similar precautions are required. Therefore, the SHWMS is proposing to partially remove this exemption for SQG’s. The SHWMS has determined that because of their size and locations, SQG’s may not be able to meet the 15 meter (50 foot) property boundary set-back required in §265.176(a), and will therefore retain that portion of the exemption.

**Section 262.34 Accumulation time.**

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

**Section 265.176 Special requirements for ignitable or reactive waste.**

- (a) Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.
- (b) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. “No smoking” signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

**AMENDMENT 3b:**  
**Labeling Clarification**

Clarify when the container label must indicate the waste-like nature of the contents.

**Background:** The SHWMS has determined that EPA’s original intent in the preamble language of the January 3, 1983 Proposed Rule (Federal Register Vol. 48, No. 1), “... *and marks the containers with the words “Hazardous Waste” or with another description of their contents (e.g. “waste organics” or “waste solvent”).*” deserves reiteration, and is therefore proposing to clarify the labeling requirements for Small and Large Quantity Generators under Satellite Accumulation Rules, and for Conditionally Exempt Small Quantity Generators. This proposal does not affect labeling requirements in 90/180 day accumulation areas.

**CONDITIONALLY EXEMPT GENERATORS**

**Section 261.5 Special conditions for hazardous waste generated by conditionally exempt small quantity generators.**

\*\*\*\*\*

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

\* \* \* \* \*

(5) Marks his containers either with the words “Hazardous Waste” or with ~~other words that identify the contents of the containers~~ the word “Waste” and a description to identify the contents of the container (e.g., Waste Acetone, Waste Solvent);

\*\*\*\*\*

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

\*\*\*\*\*

(5) Marks his containers either with the words “Hazardous Waste” or with ~~other words that identify the contents of the containers~~ the word “Waste” and a description to identify the contents of the container (e.g., Waste Acetone, Waste Solvent);

\*\*\*\*\*

**SMALL OR LARGE QUANTITY GENERATORS**

**Section 262.34 Accumulation time.**

\* \* \* \* \*

(c)

(1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in §261.31 or §261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) or (d) as applicable of this section provided he:

(i) Complies with §§265.171, 265.172, and 265.173(a) of these regulations; and

(ii) Marks his containers either with the words "Hazardous Waste" or with ~~other words that identify the contents of the containers~~ the word “Waste” and a description to identify the contents of the container (e.g., Waste Acetone, Waste Solvent).

\* \* \* \* \*

**AMENDMENT 3c:**  
Accumulation Secondary Containment

Add secondary containment to container accumulation requirements in §265 Subpart I - *Use and Management of Containers*.

**Background:** Risks presented by liquid hazardous wastes at generator accumulation areas are similar to those at facilities, which are required to have spill provisions (secondary containment) for containers. The proposed provisions for generators are based upon the *Containment* requirements in DRGHW §264.175.

This will affect Large and Small Quantity Generators within the State of Delaware who manage hazardous waste containers in accumulation areas. The SHWMS envisions that secondary containment may range from portable “spill pallets” to engineered floor and drain systems, depending upon how the generator chooses to abate the specific risks posed by their liquid hazardous waste. Any release of hazardous waste to bodies of water or the soil will be considered a failure of the containment system.

**Section 265.174 Inspections.**

The owner or operator must inspect areas where containers are stored at least weekly, looking for leaking containers and for deterioration of containers and the containment system ~~leaks and for deterioration~~ caused by corrosion or other factors. A written record of the inspections must be maintained onsite for a minimum of 3 years.  
[Comment: See §265.171 for remedial action required if deterioration or leaks are detected.]

**Section 265.175 ~~Reserved~~ Containment**

**Section 265.175 Containment**

- (a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this section must be provided.
- (b) Secondary containment may be provided by one of the three following methods:
  - (1) Accumulating containers inside a building with a base that underlies the containers and with walls or other curbing all of which are free of cracks or gaps and sufficiently impervious in order to contain leaks and spills until the collected material is detected and removed;
  - (2) Accumulating containers in a secondary containment system designed and operated as follows:
    - (i) A base that underlies the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;
    - (ii) The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(iii) The containment system must have sufficient capacity to contain 10% of the total volume of all containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;

(iv) Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in paragraph (b)(2)(iii) of this section to contain any run-on which might enter the system;

(3) An equivalent method as approved by the Secretary.

(c) Spilled or leaked waste and accumulated precipitation must be removed immediately from the sump or collection area.

[Comment: If the collected material is a hazardous waste under Part 261 of these regulations, it must be managed as a hazardous waste in accordance with all applicable requirements of Parts 262-266 of these regulations. If the collected material is discharged through a point source to waters of the United States

**AMENDMENT 3d:**  
**SQG Tanks**

Strengthen tank management standards for Small Quantity Generators in §265 Subpart J - *Tanks*.

**Background:** Risks presented by hazardous waste in tanks at Small Quantity Generators are similar to those at Large Quantity Generators. For tanks with a design capacity over 1,000 gallons some existing exemptions for Small Quantity Generators are being removed.

**Section 262.34 Accumulation time.**

\* \* \* \* \*

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

\* \* \* \* \*

(3) The generator complies with the requirements of §265.201 in Subpart J of Part 265. [If the tank capacity exceeds 1,000 gallons, the generator must comply with the requirements of §265.112\(f\) and Subpart J except §§265.191, 265.197, 265.200, 265.201, 265.202;](#)

\* \* \* \* \*

**AMENDMENT 3e:**  
**Tank Closure**

Add tank closure standards for Generators in §265 Subpart J - *Tanks*.

**Background:** Currently there are no requirements to close (remove from service) hazardous waste tanks. For hazardous waste tanks at Large Quantity Generators, and Small Quantity Generator tanks with a design capacity over 1000 gallons, SHWMS is proposing to require a closure plan as described in §265.112 that is already applicable to other hazardous waste management units.

**Section 262.34 Accumulation time.**

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

(1) The waste is placed:

- (i) In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of Part 265; and/or
- (ii) In tanks and the generator complies with the applicable requirements of [§265.112\(f\) and](#) Subparts J, AA, BB, and CC of Part 265 except §§ 265.197(c) and 265.200; and/or

\* \* \* \* \*

**265.112(f) Tank Closure at less than 90 day/180 day generator sites**

(1) The owner or operator of a tank used to accumulate hazardous waste under the requirements of Part 262 of these regulations at less than 90 day generator sites, or at 180/270 day generator sites with a tank capacity greater than 1000 gallons, must submit a written closure plan to the Secretary for approval at least 45 days prior to the date on which he expects to begin closure of one or more hazardous waste tank systems, so as to close his tank(s) in a manner that:

- (a) Minimizes the need for further maintenance; and
- (b) Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and
- (c) Complies with the closure requirements of this section.

(2) At a minimum the plan shall identify the steps necessary to perform final closure of each tank system to be removed from hazardous waste service. The plan is to include:

- (a) A description of each hazardous waste tank system to be closed and how each hazardous waste tank system will be closed to achieve the requirements of §265.112(f)(1); and
- (b) A detailed description of the steps necessary to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during closure, including but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and the criteria for determining the extent of decontamination necessary to satisfy the plan's closure performance standard; and
- (c) A detailed description of other activities necessary during the closure period to ensure the closure satisfies the plan's stated closure performance standard; and

- (d) A schedule for closure for each hazardous waste tank system; and
  - (e) Provisions if the closure performance standard cannot be achieved.
- (3) At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with waste. By removing all hazardous waste or hazardous constituents during closure, the owner or operator may generate hazardous waste and must handle that hazardous waste in accordance with all applicable requirements of Part 262 of these regulations unless §261.3(d) of these regulations applies.
- (4) If the owner or operator cannot demonstrate that the closure performance standard can be achieved or that not all contaminated soils can be practicably removed or decontaminated as required in paragraph (3) of this section, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills. In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill and the owner or operator must meet all of the requirements for landfills specified in Subparts G and H of part 264.
- (5) Within 60 days of completion of closure of each hazardous waste tank system, the owner or operator must submit to the Secretary, a written certification that the hazardous waste tank system was closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator. Documentation supporting the certification must be furnished to the Secretary upon request.

**AMENDMENT 3f:**  
Correction

Correct DRGHW §261.4(e)(2)(iii)(B)(1) by removing typographical error.

**Background:** This is to correct an error of unknown origin. The nature of the correction may not (or may) be eligible as a Minor Correction by the State Registrar. If eligible as a Minor Correction, this amendment will be withdrawn, and the correction made using Minor procedures.

**Section 261.4 Exclusions.**

\* \* \* \* \*

(e) Treatability Study Samples.

\* \* \* \* \*

(2) The exemption in paragraph (e)(1) of this section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

\* \* \* \* \*

(iii) The sample must be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of paragraph A or B of this subparagraph are met.

\* \* \* \* \*

(B) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample:

(1) The name, mailing address, and telephone number of the originator of the sample;  
~~annual report.~~

\* \* \* \* \*