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**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

CHAPTER 61

Statutory Authority: 1976 Code Section 44‑56‑30

61‑79. Hazardous Waste Management Regulations.

**Synopsis:**

The Department of Health and Environmental Control (“Department”) amends R.61‑79, Hazardous Waste Management Regulations, to adopt the Environmental Protection Agency’s (“EPA”) Hazardous Waste Generator Improvements Rule published November 28, 2016, at 81 FR 85732‑85829. The amendments support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner.

The amendments reorganize the hazardous waste generator regulations to improve their usability by the regulated community, provide a better understanding of how the Resource Conservation and Recovery Act (“RCRA”) hazardous waste generator regulatory program works, address gaps in existing regulations to strengthen environmental protections, provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost‑effective and protective manner, and make technical corrections to address inadvertent errors and remove obsolete references to programs that no longer exist.

The EPA periodically promulgates regulations that are either mandatory for authorized state programs to adopt or maintain program equivalency or are optional for states because the changes are less stringent than the current federal regulations. While the majority of the EPA’s Hazardous Waste Generator Improvements Rule is equivalent to current state regulations and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. Due to the interrelated nature of the equivalent provisions and the more stringent provisions, the Department has adopted the rule in a single drafting that required General Assembly review.

The Department had a Notice of Drafting published in the April 27, 2018, *South Carolina State Register*.

Section‑by‑Section Discussion of Amendment:

260.3. Revise introductory phrase to read, “As used in R.61‑79.260 through R.61‑79.273.”

260.10. Definitions. Add, in alphabetical order, the following new definitions: “Acute hazardous waste,” “Central accumulation area,” “Large quantity generator,” “Non‑acute hazardous waste,” and “Very small quantity generator.” Revise definition for “Small quantity generator.” Remove definition for “Conditionally exempt small quantity generators.”

260.11. Revise section heading to read, “Incorporation by reference.”

260.11(a)(10). Revise item to read, “‘Flammable and Combustible Liquids Code’ (NFPA 30), 1977 or 1981, IBR approved for R.61‑79.262.16(b), 264.198(b), and 265.198(b).”

261.1(a)(1). Revise item to replace “conditionally exempt” with “very.”

261.4(a)(7). Revise item to replace “, unless it is” with “provided it is not.”

261.5. Remove and reserve section.

261.6(c)(2)(iv). Add new item (2)(iv) to adopt language that includes section 265.75 of this chapter (quarterly report).

261.33(e). Revise subsection to remove phrase, “and are subject to the small quantity exclusion defined in section 261.5(e).”

261.33(f). Revise subsection to remove phrase, “and are subject to the small quantity generator exclusion defined in section 261.5(a) and (g).”

262.1. Add new section titled, “Terms used in this part” to adopt language that lists definitions used in this subpart, including “Condition for exemption” and “Independent requirement.”

262.10(a). Revise subsection to read, “These regulations establish standards for generators of hazardous waste as defined by R.61‑79.260.10.”

262.10(a)(1). Add new item (1) to adopt language that describes how a person who generates a hazardous waste as defined by R.61‑79.261 is subject to all applicable independent requirements listed in this section.

262.10(a)(1)(i). Add new item (1)(i) and items (1)(i)(A) through (C) to adopt language that lists the independent requirements of a very small quantity generator.

262.10(a)(1)(ii). Add new item (1)(ii) and items (1)(ii)(A) through (I) to adopt language that lists the independent requirements of a small quantity generator.

262.10(a)(1)(iii). Add new item (1)(iii) and items (1)(iii)(A) through (H) to adopt language that lists the independent requirements of a large quantity generator.

262.10(a)(2). Add new item (2) and items (2)(i) through (iii) to adopt language that describes a generator that accumulates hazardous waste on site is a person that stores hazardous waste and must follow the applicable requirements unless one of the exemptions listed is met.

262.10(a)(3). Add new item (3) to adopt language that describes how a generator shall not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in section 260.10, or not otherwise authorized to receive the generator’s hazardous waste.

262.10(b). Revise subsection to read, “Determining generator category. A generator must use R.61.79.262.13 to determine which provisions of this part are applicable to the generator based on the quantity of hazardous waste generated per calendar month.”

262.10(c). Remove and reserve item.

262.10(g). Revise subsection to remove the current language and add new items (1) and (2) to adopt language that describes how compliance and noncompliance of a person who generates hazardous waste is subject to the requirements of the SC Hazardous Waste Management Act and RCRA.

262.10(i) Notes 1 and 2. Remove Note 1 and rename “Note 2” to “Note”.”

262.10(l). Revise item for clarification.

262.10(l)(1). Revise item to add “independent” before “requirements” and replace “262.34(c)” with “the regulations in section 262.15.”

262.10(l)(2). Revise item to read, “The conditions of section 262.14, for very small quantity generators, except as provided in subpart K.”

262.11. Revise section title to add “and recordkeeping” at the end of the title. Revise introductory paragraph to: remove “accurately determine if” and insert make an accurate determination as to whether,” and remove “using the following method” and insert “in order to ensure wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps.”

262.11(a). Revise subsection to read, “The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.”

262.11(b). Revise subsection to read, “A person must determine whether the solid waste is excluded from regulation under R.61‑79.261.4.”

262.11(c). Revise subsection to read, “If the waste is not excluded under R.61‑79.261.4, the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under subpart D of R.61‑79.261. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If the waste is listed, the person may file a delisting petition under R.61‑79.260.20 and 260.22 to demonstrate to the Department that the waste from this particular site or operation is not a hazardous waste.” Remove items 262.11(c)(1) and (2).

262.11(d). Revise subsection to read, “The person then must also determine whether the waste exhibits one or more hazardous characteristics as identified in subpart C of R.61‑79.261 by following the procedures in paragraph (d)(1) or (2) of this section, or a combination of both.”

262.11(d)(1). Add new item (1) to adopt language that describes how the person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste.

262.11(d)(2). Add new item (2) and items (2)(i) and (ii) to adopt language that describes how the person must test the waste according to the applicable methods set forth in subpart C of R.61‑70.261 or according to an equivalent method approved by the Department under R.61‑79.260.21 and in accordance with the requirements in 262.11(d)(2)(i) and (ii) when available knowledge is inadequate to make an accurate determination.

262.11(e). Revise subsection to read, “If the waste is determined to be hazardous, the generator must refer to R.61‑79.261, 264, 265, 266, 268, and 273 for other possible exclusions or restrictions pertaining to management of the specific waste.”

262.11(f). Add new subsection (f) to adopt language that describes the recordkeeping requirements for small and large quantity generators.

262.11(g). Add new subsection (g) to adopt language that describes if the waste is determined to be hazardous, small quantity generators and large quantity generators must identify all applicable EPA hazardous waste numbers (EPA hazardous waste codes) in subparts C and D of R.61‑79.261. Prior to shipping the waste off site, the generator also must mark its containers with all applicable EPA hazardous waste numbers (EPA hazardous waste codes) according to section 262.32.

262.12. Revise section to remove current language and adopt language that describes the notification requirements upon generators that was previously in section 262.13.

262.13. Revise section title to read, “Generator category determination.” Add new introductory text to adopt language that describes how a generator must determine its generator category based on the amount of hazardous waste generated each month and may change from month to month. This section sets forth procedures to determine whether a generator is a very small quantity generator, a small quantity generator, or a large quantity generator for a particular month, as defined in R.61‑79.260.10.

262.13(a). Revise subsection and add items (1) through (3) to adopt language that describes how the generator category for the month is determined by a generator of either acute or non‑acute hazardous waste.

262.13(b). Revise subsection and add items (1) through (4) to adopt language that describes how the generator category for the month is determined by a generator of both acute and non‑acute hazardous waste.

Table 1 to 262.13. Add new Table 1 to adopt language to list and describe how the generator categories are determined based on quantity of waste generated in a calendar month.

262.13(c). Revise subsection and add items (1) through (8) to adopt language that describes how the generator must include all hazardous waste that is generated when making the monthly quantity‑based determinations required, unless the hazardous waste adheres to one of the listed exemptions.

262.13(d). Revise subsection and add items (1) through (3) to adopt language that describes how a generator does not need to include certain items when determining the quantity of hazardous waste generated in a calendar month.

262.13(e). Revise subsection to read, “Based on the generator category as determined under this section, the generator must meet the applicable independent requirements listed in R.61‑79.262.10. A generator’s category also determines which of the provisions of R..61‑79.262.14, 262.15, 262.16, or 262.17 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.” Remove items 262.13(e)(1) through (3).

262.13(f). Revise subsection to read, “Mixing hazardous wastes with solid wastes.”

262.13(f)(1). Add new item (1) and items (1)(i) through (iii) to adopt language to describe requirements and guidelines for mixing very small quantity generator wastes with solid wastes.

262.13(f)(2). Add new item (2) and items (2)(i) and (ii) to adopt language to describe requirements and guidelines for mixing small quantity generator and large quantity generator wastes with solid wastes.

262.14. Add new section titled “Conditions for exemption for a very small quantity generator.”

262.14(a). Add new subsection (a) to adopt language that describes how hazardous waste generated by the very small quantity generator is not subject to the requirements of R.61‑79.124, 262 (except sections 262.10‑262.14) through 268, and 270, and the notification requirements of section 3010 of RCRA and the very small quantity generator may accumulate hazardous waste on site without complying with such requirements provided that the very small quantity generator meets all the conditions for exemption listed in 262.14(a)(1) through (5).

262.14(a)(1). Add new item (1) to adopt language that describes a condition for exemption for very small quantity generators that in a calendar month generates less than or equal to the amounts specified in the definition of “very small quantity generator” in section 260.10.

262.14(a)(2). Add new item (2) to adopt language that describes a condition for exemption for very small quantity generators that the generator complies with 262.11(a) through (d).

262.14(a)(3). Add new item (3) and items (3)(i) and (ii) to adopt language that describes the condition for exemption for very small quantity generators that if the generator accumulates at any time greater than 1 kilogram (2.2 pounds) of acute hazardous waste or 100 kilograms (220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in sections 261.31 or 261.33(e), all quantities of that acute hazardous waste are subject to the additional conditions for exemption listed in sections 262.14(a)(3)(i) and 262.14(a)(3)(ii).

262.14(a)(4). Add new item (4) and items (4)(i) through (iii) to adopt language that describes additional conditions for exemption on all quantities of that hazardous waste if the very small quantity generator accumulates at any time 1,000 kilograms (2,200 pounds) or greater of non‑acute hazardous waste.

262.14(a)(5). Add new item (5) and items (5)(i) through (viii) to adopt language that describes how a very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in paragraphs (a)(3) and (4) of this section must either treat or dispose of its hazardous waste in an on‑site facility or ensure delivery to an off‑site treatment, storage, or disposal facility, either of which, if located in the U.S., is authorized under specific conditions described in items (5)(i) through (viii).

262.14(b). Add new subsection (b) to adopt language that describes the placement of bulk or non‑containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfills is prohibited.

262.14(c). Add new subsection (c) to adopt language that describes how a very small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with subpart L of this part in lieu of sections 262.15, 262.16, and 262.17.

262.15. Add new section titled “Satellite accumulation area regulations for small and large quantity generators.”

262.15(a). Add new subsection (a) to adopt language that describes how a generator may accumulate as much as 55 gallons of non‑acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in section 261.31 or 261.33(e) or 1 kg (2.2 pounds) of solid acute hazardous waste listed in section 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 the requirements of R.61‑79.124, 264 through 267, and 270, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in 262.16(b) or 262.17(a), except as required in section 262.15(a)(7) and (8).

262.15(a)(1). Add new item (1) to adopt language that describes the condition for exemption for satellite accumulation if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must immediately transfer the hazardous waste from this container to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area operated in compliance with 262.16(b) or 262.17(a).

262.15(a)(2). Add new item (2) to adopt language that describes the condition for exemption for satellite accumulation is a generator must use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

262.15(a)(3). Add new item (3) and items (3)(i) through (iii) to adopt language that describes the special standards for incompatible wastes for satellite accumulation for small and large quantity generators.

262.15(a)(4). Add new item (4) and items (4)(i) and (ii) to adopt language that describes how a container holding hazardous waste must be closed at all times during accumulation, except: when adding, removing or consolidating waste; when temporary venting of a container is necessary for the proper operation of equipment; or when temporary venting of a container is necessary to prevent dangerous situations, such as build‑up of extreme pressure.

262.15(a)(5). Add new item (5) and items (5)(i) and (ii) to adopt language that describes how a generator must mark or label its container with the criteria listed in items (5)(i) and (ii).

262.15(a)(6). Add new item (6) and items (6)(i) through (iii) to adopt language that describes how a generator who accumulates either acute hazardous waste listed in section 261.31 or 261.33(e) or non‑acute hazardous waste in excess of the amounts listed in paragraph (a) of this section at or near any point of generation must follow the requirements described in (6)(i) through (iii).

262.15(a)(7). Add new item (7) to adopt language that describes how all satellite accumulation areas operated by a small quantity generator must meet the preparedness and prevention regulations of section 262.16(b)(8) and emergency procedures at 262.16(b)(9).

262.15(a)(8). Add new item (8) to adopt language that describes how all satellite accumulation areas operated by a large quantity generator must meet the Preparedness, Prevention and Emergency Procedures in R.61‑79.262 subpart M.

262.15(b). Add and reserve new subsection (b).

262.16. Add new section titled, “Conditions for exemption for a small quantity generator that accumulates hazardous waste.” Add new introductory paragraph to adopt language that describes how a small quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of R.61‑79.124, 264 through 266, and 270, or the notification requirements of the SC Hazardous Waste Management Act section 44‑56‑120 and section 3010 of RCRA, provided that all the conditions for exemption listed in 262.16(a) through (f) are met.

262.16(a). Add new subsection (a) to adopt language that describes how the generator generates in a calendar month no more than the amounts specified in the definition of “small quantity generator” in section 260.10.

262.16(b). Add new subsection (b) to adopt language that describes how the generator accumulated hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation in paragraphs (d) and (e) of this section with accumulation conditions listed in 262.16(b)(1) through (9).

262.16(b)(1). Add new item (1) to adopt language that describes how the accumulation limit of the quantity of hazardous waste on site should never exceed six thousand (6,000) kilograms (13,200 pounds).

262.16(b)(2). Add new item (2) and items (2)(i) through (v) to adopt language to describe the accumulation of hazardous waste in containers requirements for a small quantity generator.

262.16(b)(3). Add new item (3) to adopt language to introduce the conditions for accumulation of hazardous waste in tanks.

262.16(b)(3)(i). Add new item (3)(i) and reserve.

262.16(b)(3)(ii). Add new item (3)(ii) and items (3)(ii)(A) through (D) to adopt language that describes that a small quantity generator of hazardous waste must comply with the general operating conditions described in new items.

262.16(b)(3)(iii). Add new item (3)(iii) and items (3)(iii)(A) through (E) to adopt language that describes that a small quantity generator that accumulates hazardous waste in tanks must inspect, where present, the materials in (3)(iii)(A) through (E).

262.16(b)(3)(iv). Add new item (3)(iv) to adopt language that describes how a small quantity generator accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in 262.16(b)(3)(iii)(A) through (E).

262.16(b)(3)(v). Add new item (3)(v) and reserve.

262.16(b)(3)(vi). Add new item (3)(vi) to adopt language that describes how a small quantity generator accumulating hazardous waste in tanks must, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the small quantity generator can demonstrate, in accordance with 261.3(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of R.61‑79.262, 263, 265 and 268.

262.16(b)(3)(vii). Add new item (3)(vii) to adopt language that describes how a small quantity generator must comply with specified special conditions in new items (3)(vii)(A) through (C) for accumulation of ignitable or reactive waste.

262.16(b)(4). Add new item (4) to adopt language that describes how the small quantity generator must comply with the requirements in new items (4)(i) through (iii) if the accumulation of hazardous waste is placed on drip pads.

262.16(b)(5). Add new item (5) to adopt language that describes the required procedures for accumulation of hazardous waste in containment buildings. Add new items (5)(i) and (ii) to adopt language that describes the required records the generator must maintain for accumulation of hazardous waste in containment buildings.

262.16(b)(6). Add new item (6) and items (6)(i) through (ii) to adopt language that describe the requirements for labeling and marking of containers and tanks of accumulated hazardous waste.

262.17(b)(7). Add new item (7) to adopt language that describes how a small quantity generator must comply with all the applicable land disposal restriction requirements under R.61‑79.268.

262.16(b)(8). Add new item (8) to adopt language to introduce preparedness and prevention for small quantity generators.

262.16(b)(8)(i). Add new item (8)(i) to adopt language that describes the maintenance and operation of a facility. A small quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non‑sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

262.16(b)(8)(ii). Add new item (8)(ii) to adopt language that describes the required equipment for a small quantity generator. All areas where hazardous waste is either generated or accumulated must be equipped with the items described in new items (8)(ii)(A) through (D).

262.16(b)(8)(iii). Add new item (8)(iii) to adopt language that describes the testing and maintenance of required equipment for a small quantity generator. All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

262.16(b)(8)(iv). Add new item (8)(iv) to adopt language that describes access to communications or alarm systems for personnel described in new items (8)(iv)(A) and (B).

262.16(b)(8)(v). Add new item (8)(v) to adopt language that describes the required aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

262.16(b)(8)(vi). Add new item (8)(vi) and new items (8)(vi)(A) through (C) to adopt language that describes the required arrangements with local authorities, including the police department, fire department, and other emergency response teams that small quantity generators must follow.

262.16(b)(9). Add new item (9) to adopt language that describes the emergency procedures for the small quantity generator. The small quantity generator complies with the following conditions described in 262.16(b)(9)(i) through (iv) for those areas of the generator facility where hazardous waste is generated and accumulated.

262.16(b)(9)(i). Add new item (9)(i) to adopt language that describes how at all times there must be at least one employee, who will be designated the emergency coordinator, either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in paragraph (b)(9)(iv) of this section.

262.16(b)(9)(ii). Add new item (9)(ii) to adopt language that describes how the small quantity generator must post the following information in 262.16(b)(9)(ii)(A) through (C) next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: the name and emergency telephone number of the emergency coordinator; location of fire extinguishers and spill control material, and, if present, fire alarm; and the telephone number of the fire department, unless the facility has a direct alarm.

262.16(b)(9)(iii). Add new item (9)(iii) to adopt language that describes how the small quantity 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.

262.16(b)(9)(iv). Add new item (9)(iv) and new items (9)(iv)(A) through (C) to adopt language that describes how the emergency coordinator in a small quantity generator facility or his designee must respond to any emergencies that arise. The applicable responses for each possible emergency are described in 9)(iv)(A) through (C).

262.16(c). Add new subsection (c) to adopt language to describe transporting small quantity waste over two hundred (200) miles. A small quantity generator who must transport its waste, or offer its waste for transportation, over a distance of two hundred (200) miles or more for off‑site treatment, storage or disposal may accumulate hazardous waste on site for two hundred seventy (270) days or less without a permit or without having interim status provided that the generator complies with the conditions of paragraph (b) of this section.

262.16(d). Add new subsection (d) to adopt language to describe accumulation time limit extension for the small quantity generator. A small quantity generator who accumulates hazardous waste for more than one hundred eighty (180) days (or for more than two hundred seventy (270) days if it must transport its waste, or offer its waste for transportation, over a distance of two hundred (200) miles or more) is subject to the requirements of R.61‑79.264, 265, 268, and 270 of this chapter unless it has been granted an extension to the 180‑day (or 270‑day if applicable) period. Such extension may be granted by the Department if hazardous wastes must remain on site for longer than one hundred eighty (180) days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty (30) days may be granted at the discretion of the Department on a case‑by‑case basis.

262.16(e). Add new subsection (e) and items (e)(1) and (2) to adopt language to describe the rejected load requirements for the small quantity generator.

262.16(f). Add new subsection (f) to adopt language to describe how a small quantity generator experiencing an episodic event may accumulate hazardous waste in accordance with subpart L of R.61‑79.262 in lieu of section 262.17.

262.17. Add new section titled, “Conditions for exemption for a large quantity generator that accumulates hazardous waste.” Add new introductory text to adopt language to describe how a large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of R.61‑79.124, 264 through 266, and 270, or the notification requirements of section 3010 of RCRA, provided that all of the following conditions for exemption are met in 262.17(a) through (g).

262.17(a). Add new subsection (a) to adopt language that describes accumulation for a large quantity generator. A large quantity generator accumulates hazardous waste on site for no more than ninety (90) days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of this section. The following accumulation conditions in 262.17(a)(1) through (9) also apply.

262.17(a)(1). Add new item (1) to adopt language that describes accumulation of hazardous waste in containers for large quantity generators. If the hazardous waste is placed in containers, the large quantity generator must comply with the requirements in 262.17(a)(1)(i) through (vii).

262.17(a)(1)(i). Add new item (1)(i) to adopt language that describes air emission standards for large quantity generators. The applicable requirements of subparts AA, BB, and CC of R.61‑79.265.

262.17(a)(1)(ii). Add new item (1)(ii) to adopt language that describes the condition of containers for large quantity generators. If a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section.

262.17(a)(1)(iii). Add new item (1)(iii) to adopt language that describes the compatibility of waste with container for large quantity generators. The large quantity generator must use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

262.17(a)(1)(iv). Add new item (1)(iv) and new items (1)(iv)(A) and (B) to adopt language that describes the management of containers for large quantity generators.

262.17(a)(1)(v). Add new item (1)(v) to adopt language that describes inspections of large quantity generators. At least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

262.17(a)(1)(vi). Add new item (1)(vi) and new items (1)(vi)(A) and (B) to adopt language that describes the special conditions for accumulation of ignitable and reactive wastes for large quantity generators.

262.17(a)(1)(vii). Add new item (1)(vii) and items (1)(vii)(A) through (C) to adopt language that describes special conditions for accumulation of incompatible wastes for large quantity generators including: incompatible wastes, or incompatible wastes and materials, must not be placed in the same container, unless in compliance with 265.17(b); hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material, unless in compliance with 265.17(b); and, a container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

262.17(a)(2). Add new item (2) to adopt language that describes accumulation of hazardous waste in tanks. If the waste is placed in tanks, the large quantity generator must comply with the applicable requirements of subpart J, except 265.197(c) of Closure and post‑closure care and section 265.200—Waste analysis and trial tests, as well as the applicable requirements of AA, BB, and CC of R.61‑79.265.

262.17(a)(3). Add new item (3) and new items (3)(i) through (iii) to adopt language that describes accumulation of hazardous waste on drip pads for large quantity generators. If the hazardous waste is placed on drip pads, the large quantity generator must comply with the requirements described in (a)(3)(i) through (iii).

262.17(a)(4). Add new item (4) to adopt language that describes accumulation of hazardous waste in containment buildings for large quantity generators.

262.17(a)(4)(i). Add new item (4)(i) to adopt language that describes how the large quantity generator must maintain the professional engineer certification that states the building complies with the design standards specified in section 265.1101. This certification must be in the generator’s files prior to operation of the unit.

262.17(a)(4)(ii). Add new item (4)(ii) to adopt language that describes how the following records in 262.17(a)(4)(ii)(A) through (C) by use of inventory logs, monitoring equipment, or any other effective means must be maintained by the large quantity generator: a written description of procedures to ensure that each waste volume remains in the unit for no more than ninety (90) days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the ninety(90) day limit, and documentation that the procedures are complied with; or documentation that the unit is emptied at least once every ninety (90) days; and inventory logs or records with the previous information must be maintained on site and readily available for inspection.

262.17(a)(5). Add new item (5) to adopt language to introduce the labeling and marking of containers and tanks requirements for large quantity generators.

262.17(a)(5)(i). Add new item (5)(i) and new items (5)(i)(A) through (C) to adopt language that describes the required markings or labels a large quantity generator must have on its containers.

262.17(a)(5)(ii). Add new item (5)(ii) and items (5)(ii)(A) through (D) to adopt language that describes the requirements of a large quantity generator accumulating hazardous waste in tanks concerning labeling and marking.

262.17(a)(6). Add new item (6) to adopt language that describes how the large quantity generator must comply with the standards in subpart M of R.61‑79.262, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators.

262.17(a)(7). Add new item (7) to adopt language to introduce personnel training requirements for large quantity generators.

262.17(a)(7)(i)(A). Add new item (7)(i)(A) to adopt language that describes how facility personnel must successfully complete a program of classroom instruction, online training (e.g. computer‑based or electronic), or on‑the‑job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.

262.17(a)(7)(i)(B). Add new item (7)(i)(B) to adopt language that describes how the personnel training program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

262.17(a)(7)(i)(C). Add new item (7)(i)(C) and items (7)(i)(C)(1) through (6) to adopt language that describes how, at a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems.

262.17(a)(7)(i)(D). Add new item (7)(i)(D) to adopt language that describes how the large quantity generator is not required to provide separate emergency response training pursuant to this section, provided that the overall facility training meets all the conditions of exemption in this section for facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration regulations.

262.17(a)(7)(ii). Add new item (7)(ii) to adopt language that describes how the facility personnel must successfully complete the program required in paragraph (a)(7)(i) of this section within six (6) months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees must not work in unsupervised positions until they have completed the training standards of paragraph (a)(7)(i) of this section.

262.17(a)(7)(iii). Add new item (7)(iii) to adopt language that describes how the facility personnel must take part in an annual review of the initial training required in paragraph (a)(7)(i) of this section.

262.17(a)(7)(iv). Add new item (7)(iv) and items (7)(iv)(A) through (D) to adopt language that describes how the large quantity generator must maintain the required documents and records, listed in (7)(iv)(A) through (D), at the facility.

262.17(a)(7)(v). Add new item (7)(v) to adopt language that describes how training records on current personnel must be kept until closure of the facility at least three (3) years from the date the employee last worked at the facility.

262.17(a)(8). Add new item (8) to adopt language that describes how a large quantity generator accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing a unit at the facility, or prior to closing the facility must meet the conditions in (8)(i) through (v).

262.17(a)(8)(i). Add new item (8)(i) and items (8)(i)(A) and (B) to adopt language that describes how a large quantity generator must perform one of the requirements described in (8)(i)(A) or (B) for the notification for closure of a waste accumulation unit.

262.17(a)(8)(ii). Add new item (8)(ii) and items (8)(ii)(A) through (C) to adopt language that describes how a large quantity generator must perform one of the requirements described in paragraphs (8)(ii)(A) through (C) when providing notification for closure of the facility.

262.17(a)(8)(iii). Add new item (8)(iii) and items (8)(iii)(A)(1) through (4) to adopt language that describes closure performance standards for container, tank systems, and containment building waste accumulation units.

262.17(a)(8)(iv). Add new item (8)(iv) to adopt language that describes how the generator must comply with the closure performance standards for drip pad waste accumulation units.

262.17(a)(8)(v). Add new item (8)(v) to adopt language that describes how the closure requirements of paragraph (a)(8) of this section do not apply to satellite accumulation areas.

262.17(a)(9). Add new item (9) to adopt language that describes how the large quantity generator must comply with all applicable requirements under R.61‑79.268 for land disposal restrictions.

262.17(b). Add new subsection (b) to adopt language that describes how a large quantity generator who accumulates hazardous waste for more than ninety (90) days is subject to the requirements of R.61‑79.124, 264 through 268, and 270, and the notification requirements of section 3010 of RCRA, unless it has been granted an extension to the ninety (90) day period. Such extension may be granted by the Department if hazardous wastes must remain on site for longer than ninety (90) days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty (30) days may be granted at the discretion of the Department on a case‑by‑case basis.

262.17(c). Add new subsection (c) and items (c)(1) through (4) to adopt language that describes how a large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, may accumulate F006 waste on site for more than ninety (90) days, but not more than one hundred eighty (180) days without being subject to R.61‑79.124, 264 through 267, and 270, and the notification requirements of section 3010 of RCRA, provided that it complies with all of the additional conditions for exemption listed in paragraphs (c)(1) through (4).

262.17(d). Add new subsection (d) to adopt language that describes how a large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who must transport this waste, or offer this waste for transportation, over a distance of two hundred (200) miles or more for off‑site metals recovery, may accumulate F006 waste on site for more than ninety (90) days, but not more than two hundred seventy (270) days without being subject to R.61‑79.124, 264 through 267, 270, and the notification requirements of section 3010 of RCRA, if the large quantity generator complies with all of the conditions for exemption of paragraphs (c)(1) through (4) of this section.

262.17(e). Add new subsection (e) to adopt language that describes how a large quantity generator accumulating F006 in accordance with paragraphs (c) and (d) of this section who accumulates F006 waste on site for more than one hundred eighty (180) days (or for more than two hundred seventy (270) days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred (200) miles or more), or who accumulates more than twenty thousand kilograms (20,000 kg) of F006 waste on site is an operator of a storage facility and is subject to the requirements of R.61‑79.124, 264, 265, and 270, and the notification requirements of section 3010 of RCRA, 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 kg accumulation limit.

262.17(f). Add new subsection (f) and items (f)(1) through (3) to adopt language that describes how large quantity generators may accumulate on site hazardous waste received from very small quantity generators under control of the same person (as defined in section 260.10), without a storage permit or interim status and without complying with the requirements of R.61‑79.124, 264 through 268, and 270, and the notification requirements of section 3010 of RCRA, provided that they comply with the conditions described in paragraphs (f)(1) through (3).

262.17(g). Add new subsection (g) and items (g)(1) and (2) to adopt language that describes how a large quantity 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 section 264.72 or 265.72 may accumulate the returned waste on site in accordance with paragraphs (a) and (b) of this section Upon receipt of the returned shipment, the generator must follow one of the requirements in (g)(1) or (2).

262.18. Add new section titled, “EPA identification numbers and re‑notification for small quantity generators and large quantity generators.”

262.18(a). Add new subsection (a) to adopt language that describes how a generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Department.

262.18(b). Add new subsection (b) to adopt language that describes how a generator who has not received an EPA identification number must obtain one by applying to the Department using EPA Form 8700‑12. Upon receiving the request, the Department will assign an EPA identification number to the generator.

262.18(c). Add new subsection (c) to adopt language that describes how a generator must not offer its hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

262.18(d). Add new subsection (d) to adopt language that describes the re‑notification process. For small quantity generators, listed in 262.18(d)(1), the generator must re‑notify the Department starting in 2021 and every four years thereafter using EPA Form 8700‑12, which must be submitted by September 1st of each year in which re‑notifications are required. For large quantity generators, listed in 262.18(d)(2), the generator must re‑notify the Department by March 1st of each even‑numbered year thereafter using EPA Form 8700‑12. A large quantity generator may submit the re‑notification as part of its Biennial Report required under section 262.41.

262.18(e). Add new subsection (e) to adopt language that describes how a recognized trader must not arrange for import or export of hazardous waste without having received an EPA identification number from the Department.

262 Subpart B. Revise subpart title to read, “Manifest Requirements Applicable to Small and Large Quantity Generators.”

262 Subpart C. Revise subpart title to read, “Pre‑Transport Requirements Applicable to Small and Large Quantity Generators.”

262.32(b). Revise subsection to remove “or offering hazardous waste”. Revise subsection (b) to change punctuation at the end of the paragraph from “.” to “:.” Add numerals 262.32(b)(1) through (4) to existing items. Add new item (b)(5) to adopt language to state the EPA Hazardous Waste Number(s) must be included on a container of one hundred nineteen (119) gallons or less used in transportation of hazardous waste off‑site.

262.32(c). Add new subsection (c) to adopt language that describes how a generator may use a nationally recognized electronic system, such as bar coding, to identify the EPA Hazardous Waste Number(s), as required by paragraph (b)(5) or (d).

262.32(d). Add new subsection (d) to adopt language that describes how lab packs that will be incinerated in compliance with 268.42(c) are not required to be marked with EPA Hazardous Waste Number(s), except D004, D005, D006, D007, D008, D010, and D011, where applicable.

262.34. Remove and reserve section.

262.35. Revise section to add section title, “Liquids in landfills prohibition.” Revise section to add new introductory paragraph to read, “The placement of bulk or non‑containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. Prior to disposal in a hazardous waste landfill, liquids must meet additional requirements as specified in sections 264.314 and 265.314.”

262 Subpart D. Revise subpart title to read, “Recordkeeping and Reporting Applicable to Small and Large Quantity Generators.”

262.40(c). Revise subsection to read, “See R.61‑79.262.11(f) for recordkeeping requirements for documenting hazardous waste determinations.”

262.41(b). Revise subsection to remove “262.56.”

262.41(c). Revise subsection to read, “Exports of hazardous waste to foreign countries are not required to be reported on the Biennial Report form. A separate annual report requirement is set forth at section 262.83(g) for hazardous waste exporters.”

262.43. Revise section to add introductory text to read “The Department may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in R.61‑79.261.”

262.44. Revise section title to read, “Recordkeeping for small quantity generators.” Revise introductory text to read, “A small quantity generator is subject only to the following independent requirements of this subpart.”

262.200. Remove definition for “Central Accumulation Area.” Revise definition for “Trained professional” to replace: “265.16” with “R.61‑79.262.17,” “262.34(d)(5)(iii)” with “R.61‑79.262.16,” and “conditionally exempt” with “very.”

262.201. Revise 262.201(a) and (b) to clarify cross references.

262.202(a) and (b). Revise item to clarify cross references.

262.203(a). Revise subsection to clarify eligible academic entity requirements.

262.203(b)(2). Revise item to replace “conditionally exempt” with “very.”

262.204(a). Revise subsection for clarification.

262.204(b)(2) Revise item to replace “conditionally exempt” with “very.”

262.206(b)(3)(iii). Revise item to remove the period after “necessary” and add a colon.

262.207(d)(2). Revise item to add “(a) through (d)” after “262.11.”

262.208(a). Revise subsection to replace “6” with “12” before “months” in items (1) and (2).

262.208(d)(2). Revise item to read, “If a laboratory accumulates more than 1 quart of liquid reactive acutely hazardous unwanted material or more than one (1) kilogram (2.2 pounds) of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that all containers of reactive acutely hazardous unwanted material:”

262.208(d)(2)(i). Revise item to insert “or 1 kg” after “1 quart.”

262.208(d)(2)(ii). Revise item to insert “or 1 kg” after “1 quart.”

262.209(b). Revise subsection to clarify.

262.210(a). Revise subsection to insert “(a) through (d)” after “262.11”.

262.210(b)(3). Revise item to replace “status” with “category” and “261.5(c) and (d)” with “R.61‑79.262.13.”

262.210(d)(2). Revise item to replace “Conditionally exempt” with “Very” and “261.5(f)(3) for acute hazardous waste, or 261.5(g)(3) for hazardous waste” with “R.61‑79.262.14.”

262.211(c). Revise subsection to replace “262.34(a)” with “R.61‑79.262.16,” “large” with “small,” “262.34(d)” with “R.61‑79.262.17,” “small” with “large,” and “262.34(a)(3)” with “sections 262.16(b)(6) and 262.17(a)(5).”

262.211(d). Revise subsection to insert “(a) through (d)” after “262.11.”

262.211(e)(3). Revise item to replace “status” with “category” and “261.5(c) and (d)” with “R.61‑79.262.13.”

262.212(d). Revise subsection to insert “(a) through (d)” after “262.11.”

262.213(a)(1). Revise item to insert “liquid” after “or one (1) quart of,” and “or one (1) kilogram of solid reactive acutely hazardous unwanted material” after “reactive acutely hazardous unwanted material,” anywhere it appears in the item.

262.213(a)(2). Revise item to replace “status” with “category” and “261.5(c) and (d)” with “R.61‑79.262.13” anywhere it appears in the item.

262.213(a)(3). Revise item to replace “status” with “category,” “conditionally exempt” with “very,” and “261.5” with “R.61‑79.260.10.” Insert “non‑acute” after “more than one hundred (100) kilograms per month of.”

262.213(b)(2). Revise item to replace “status” with “category” and “261.5(c) and (d)” with “R.61‑79.262.13.”

262.214(b)(5). Revise item to insert “(a) through (d)” after “standards at R.61‑79.262.11” and “R.61‑79.” before “262.209.”

262.216(a). Revise subsection to replace “262.34(c)” with “262.15.”

262.216(b). Revise subsection to replace “261.5(b)” with “section 262.14” and “conditionally exempt” with “very.”

262 Subpart L. Add new subpart titled, “Alternative Standards for Episodic Generation.”

262.230. Add new section title to read, “Applicability.” Add introductory text to adopt language that describes how this subpart is applicable to very small quantity generators and small quantity generators as defined in section 260.10 of this chapter.

262.231. Add new section title to read, “Definitions for this subpart.” Add, in alphabetical order, the following new definitions: “Episodic event,” “Planned episodic event,” and “Unplanned episodic event.”

262.232. Add new section title to read, “Conditions for a generator managing hazardous waste from an episodic event.”

262.232(a). Add new subsection (a) to adopt language that describes how a very small quantity generator may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the conditions in 262.232(a)(1) through (7).

262.232(a)(1). Add new item (1) to adopt language that describes how the very small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under R.61‑79.262.233, in order to maintain its existing generator category for hazardous waste generated.

262.232(a)(2). Add new item (2) to adopt language that describes the notification requirement for very small quantity generators prior to initiating a planned episodic event and in the event of an unplanned episodic event.

262.232(a)(3). Add new item (3) to adopt language that describes how the very small quantity generator must have an EPA identification number or obtain an EPA identification number using EPA Form 8700‑12 in order to maintain its existing generator category.

262.232(a)(4). Add new item (4) and items (4)(i) through (iii) to adopt language that describes how a very small quantity generator is prohibited from accumulating hazardous waste generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste in containers and tanks, the generator must follow the conditions described in (a)(4)(i) through (iii).

262.232(a)(5). Add new item (5) to adopt language that describes how the very small quantity generator must comply with the hazardous waste manifest provisions of subpart B of this part when it sends its episodic event hazardous waste off site to a designated facility, as defined in section 260.10 of this chapter.

262.232(a)(6). Add new item (6) to adopt language that describes how the very small quantity generator has up to sixty (60) calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in section 260.10 of this chapter.

262.232(a)(7). Add new item (7) and items (7)(i) through (vi) to adopt language that describes how very small quantity generators must maintain records listed in (a)(7)(i) through (vi), for three (3) years from the end date of the episodic event.

262.232(b). Add new subsection (b) to adopt language that describes how a small quantity generator may maintain its existing generator category during an episodic event provided that the generator complies with the conditions in 262.232(b)(1) through (6).

262.232(b)(1). Add new item (1) to adopt language that describes how the small quantity generator is limited to one episodic event per calendar year unless a petition is granted under section 262.233 in order to maintain its existing generator category during an episodic event.

262.232(b)(2). Add new item (2) to adopt language that describes how the small quantity generator must notify the Department no later than thirty (30) calendar days prior to initiating a planned episodic event using EPA Form 8700‑12 in order to maintain its existing generator category during an episodic event. In the event of an unplanned episodic event, the small quantity generator must notify the Department within 72 hours of the unplanned event via phone, email, or fax, and subsequently submit EPA Form 8700‑12. The small quantity generator shall include the start date and end date of the episodic event and the reason(s) for the event, types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with 24‑hour telephone access to discuss the notification submittal or respond to emergency.

262.232(b)(3). Add new item (3) to adopt language that describes how the small quantity generator must have an EPA identification number or obtain an EPA identification number using EPA Form 8700‑12.

262.232(b)(4). Add new item (4) and items (4)(i) and (ii) to adopt language that describes how a small quantity generator is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads and in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the conditions listed in (b)(4)(i) and (ii) apply.

262.232(b)(5). Add new item (5) to adopt language that describes how the small quantity generator must treat hazardous waste generated from an episodic event on site or manifest and ship such hazardous waste off site to a designated facility (as defined by 260.10) within sixty (60) calendar days from the start of the episodic event.

262.232(b)(6). Add new item (6) to adopt language that describes how the small quantity generator must maintain the following records, listed (b)(6)(i) through (vi), for three (3) years from the end date of the episodic event.

262.233. Add new section title to read, “Petition to manage one additional episodic event per calendar year.”

262.233(a). Add new subsection (a) and items (a)(1) and (2) to adopt language that describes how a generator may petition the Department for a second episodic event in a calendar year without impacting its generator category under the conditions described in 262.233(a)(1) and (2).

262.233(b). Add new subsection (b) and items (b)(1) through (5) to adopt language that describes how the generator’s petition must include the requirements listed in (b)(1) through (5).

262.233(c). Add new subsection (c) to adopt language that describes how the petition must be made to the Department in writing, either on paper or electronically.

262.233(d). Add new subsection (d) to adopt language that describes how the generator must retain written approval in its records for three (3) years from the date the episodic event ended.

262 Subpart M. Add new subpart titled, “Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators.”

262.250. Add new section titled, “Applicability.” Add new introductory text to adopt language that describes how the regulation of subpart M applies to those areas of a large quantity generator where hazardous waste is generated or accumulated on site.

262.251. Add new section titled, “Maintenance and operation of facility.” Add new introductory text to adopt language that describes how a large quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non‑sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or environment.

262.252. Add new section titled, “Required equipment.” Add new introductory text and subsections (a) through (d) to adopt language that describes how all areas deemed applicable by section 262.250 must be equipped with the items in paragraphs (a) through (d) of this section (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below).

262.253. Add new section titled, “Testing and maintenance of equipment.” Add new introductory text to adopt language that describes how all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

262.254. Add new section titled, “Access to communications or alarm system.”

262.254(a). Add new subsection (a) to adopt language that describes how all personnel involved in the operation of pouring, mixing, spreading, or otherwise handling hazardous waste must have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under section 262.252.

262.254(b). Add new subsection (b) to adopt language that describes how the employee must have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand‑held two‑way radio, capable of summoning external emergency assistance, unless such a device is not required under section 262.252 in the event there is only one employee on the premises while the facility is operating.

262.255. Add new section titled, “Required aisle space.” Add new introductory text to adopt language that describes how the large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

262.256. Add new section titled, “Arrangements with local authorities.”

262.256(a). Add new subsection (a) to adopt language that describes how the large quantity generator must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.

262.256(a)(1). Add new item (1) to adopt language that describes how a large quantity generator attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals.

262.256(a)(2). Add new item (2) to adopt language that describes how the large quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility as part of coordination with local authorities.

262.256(a)(3). Add new item (3) to adopt language that describes how the large quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority where more than one police or fire department might respond to an emergency.

262.256(b). Add new subsection (b) to adopt language that describes how the large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

262.256(c). Add new subsection (c) to adopt language that describes how a facility possessing 24‑hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code within the facility’s state or locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

262.260. Add new section titled, “Purpose and implementation of contingency plan.”

262.260(a). Add new subsection (a) to adopt language that describes how a large quantity generator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non‑sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

262.260(b). Add new subsection (b) to adopt language that describes how the provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

262.261. Add new section titled, “Content of contingency plan.”

262.261(a). Add new subsection (a) to adopt language that describes how the contingency plan must describe the actions facility personnel must take to comply with sections 262.260 and 262.265 in response to fires, explosions, or any unplanned sudden or non‑sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

262.261(b). Add new subsection (b) to adopt language that describes how the generator need only amend the Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with part 112 of this chapter or some other emergency or contingency plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this part.

262.261(c). Add new subsection (c) to adopt language that describes how the plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to section 262.256.

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

262.261(e). Add new subsection (e) to adopt language that describes how the plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

262.261(f). Add new subsection (f) to adopt language that describes how the plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

262.262. Add new section titled, “Copies of contingency plan.” Add new introductory text to adopt language that describes how a copy of the contingency plan and all revisions to the plan must be maintained at the large quantity generator and follow 262.262(a) through (c).

262.262(a). Add new subsection (a) to adopt language that describes how the large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate.

262.262(b). Add new subsection (b) and items (b)(1) through (8) to adopt language that describes how a large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide, which must contain the requirements listed in (b)(1) through (8), of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee.

262.262(c). Add new subsection (c) to adopt language that describes how generators must update, if necessary, their quick reference guides, whenever the contingency plan is amended and submit these documents to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee.

262.263. Add new section titled, “Amendment of contingency plan.” Add new introductory text and subsections (a) through (e) to adopt language that describes how the contingency plan must be reviewed, and immediately amended, if necessary, whenever the following applies, listed in (a) through (e): applicable regulations are revised; the plan fails in an emergency; the generator facility changes in a way that materially increases the potential for fires, explosions, or releases of hazardous waste constituents, or changes the response necessary in an emergency; the list of emergency coordinators changes; or the list of emergency equipment changes.

262.264. Add new section titled, “Emergency coordinator.” Add new introductory text to adopt language that describes how there must be at least one employee either on the generator’s premises or on call with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in section 262.265 at all times. Although responsibilities may vary depending on factors such as type and variety of hazardous waste(s) handled by the facility, as well as type and complexity of the facility, this emergency coordinator must be thoroughly familiar with all aspects of the generator’s contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility’s layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

262.265. Add new section titled, “Emergency procedures.”

262.265(a). Add new subsection (a) and items (a)(1) and (2) to adopt language that describes how whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately do the requirements in (a)(1) and (2): activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and notify appropriate state or local agencies with designated response roles if their help is needed.

262.265(b). Add new subsection (b) to adopt language that describes how whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.

262.265(c). Add new subsection (c) to adopt language that describes how concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run‑offs from water or chemical agents used to control fire and heat‑induced explosions).

262.265(d). Add new subsection (d) and items (1) and (2) to adopt language that describes how if the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment, outside the facility, the emergency coordinator must report the findings described in (d)(1) and (2).

262.265(e). Add new subsection (e) to adopt language that describes how the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator’s facility during an emergency. These measures must include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

262.265(f). Add new subsection (f) to adopt language that describes how the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate if the generator stops operations in response to a fire, explosion, or release.

262.265(g). Add new subsection (g) to adopt language that describes how immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with 261.3(c) or (d) of this chapter, that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that must be managed in accordance with all the applicable requirements and conditions for exemption in R.61‑79.262, 263, and 265.

262.265(h). Add new subsection (h) and items (h)(1) and (2) to adopt language that describes how the emergency coordinator must ensure that, in the affected area(s) of the facility no hazardous waste that may be incompatible with the release material is treated, stored, or disposed of until cleanup procedures are completed, and all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

262.265(i). Add new subsection (i) and items (i)(1) through (6) to adopt language that describes how the generator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen (15) days after the incident, the generator must submit a written report on the incident to the Department that includes the requirements listed in (i)(1) through (6).

263.12. Revise introductory text to add alphanumeric (a) and for clarification.

263.12(b). Add new subsection (b) and items (b)(1) and (2) to adopt language that describes how when consolidating the contents of two or more containers with the same hazardous waste into a new container, or when combining and consolidating two different hazardous wastes that are compatible with each other, the transporter must mark its containers of 119 gallons or less with the words “Hazardous Waste”; and the applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in subparts C and D of R.61‑79.261, or in compliance with 262.32(c).

264.1(g)(1). Revise item to replace “261.5” with “R.61‑79.261.14.”

264.1(g)(3). Revise item to replace “262.34” with “262.14, 262.15, 262.16, or 262.17.”

264.15(b)(4). Revise item to insert text at the end to read, “R.61‑79.270 requires the inspection schedule to be submitted with part B of the permit application. The Department will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Department may modify or amend the schedule as may be necessary.” Remove comment for 264.15(b)(4).

264.71(c). Revise item to insert text at the end to read, “The provisions of sections 262.15, 262.16, and 262.17 are applicable to the on‑site accumulation of hazardous wastes by generators. Therefore, the provisions of sections 262.15, 262.16, and 262.17 only apply to owners or operators who are shipping hazardous waste which they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under 262.17(f).” Remove comment to 264.71(c).

264.174. Revise section to read, “At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. See sections 264.15(c) and 264.171 for remedial action required if deterioration or leaks are detected.”

264.1030(b)(2). Revise item to replace “262.34(a)” with “R.61‑79.262.17.”

264.1050(b)(3). Revise item to replace “262.34(a)” with “R.61‑79.262.17.”

265.1(c)(5). Revise item to replace “261.5 of this chapter” with “R.61‑79.262.14.”

265.1(c)(7). Revise item to read, “A generator accumulating waste onsite in compliance with applicable conditions for exemption in R.61‑79.262.14 through 262.17, and R.61‑79.262 subparts K and L, except to the extent the requirements of R.61‑79.262 are included in those sections and subparts.”

265.71(c). Revise subsection to insert text at the end to read, “The provisions of R.61‑79.262.15, 262.16, and 262.17 are applicable to the on‑site accumulation of hazardous wastes by generators. Therefore, the provisions of R.61‑79.262.15, 262.16, and 262.17 only apply to owners or operators who are shipping hazardous waste which they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under 262.17(f).” Remove comment for 265.71(c).

265.174. Revise text to remove phrase “and the containment system.” Insert new sentence at the end to read, “See R.61‑79.265.171 for remedial action required if deterioration or leaks are detected.” Remove comment for 265.174.

265.201. Remove and reserve section.

265.1030(b)(2) and (b)(3). Revise items to replace “262.34(a)” with “R.61‑79.262.17.”

265.1050(b)(2) and (b)(3). Revise items to replace “262.34(a)” with “R.61‑79.262.17.”

266.255(a). Revise subsection to replace “R.61‑79.262.34” with “R.61‑79.262.16 or 262.17.”

268.1(e)(1). Revise item to read, “Wastes generated by very small quantity generators, as defined in R.61‑79.260.10.”

268.7(a)(5). Revise item to replace “262.34” with “R.61‑79.262.15, 262.16, and 262.17.”

268.50(a)(1). Revise item to replace clarify new section references.

268.50(a)(2)(i). Revise item to remove “the date each period of accumulation begins;” and insert “with:.”

268.50(a)(2)(i)(A). Add new item (2)(i)(A) to adopt language that describes how each container of hazardous waste is clearly marked with the words “Hazardous Waste.”

268.50(a)(2)(i)(B). Add new item (2)(i)(B) to adopt language that describes how each container of hazardous waste is clearly marked with the applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in subparts C and D of R.61‑79.261; or use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste number(s).

268.50(a)(2)(i)(C). Add new item (2)(i)(C) to adopt language that describes how each container of hazardous waste is clearly marked with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristics(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

268.50(a)(2)(i)(D). Add new item (2)(i)(D) to adopt language that describes how each container of hazardous waste is clearly marked with the date each period of accumulation begins.

270.1(a)(3). Revise item to read, “Technical regulations. The RCRA permit program has separate additional regulations that contain technical requirements. These separate regulations are used by permit issuing authorities to determine what requirements must be placed in permits if they are issued. These separate regulations are located in R.61‑79.264, 266, 267, and 268.”

270.1(c)(2). Revise item to insert “and exemptions” after “Specific exclusions” and “RCRA” before “permit.”

270.1(c)(2)(i). Revise item to read, “Generators who accumulate hazardous waste onsite in compliance with all of the conditions for exemption provided in R.61‑79.262.14, 262.15, 262.16, and 262.17.”

270.1(c)(2)(iii). Revise item to read, “Persons who own or operate facilities solely for the treatment, storage or disposal of hazardous waste excluded from regulations under this Part by R.61‑79.261.4 or 261.14 (very small quantity generator exemption).”

270.42(l). Revise subsection to reserve it.

270.42 Appendix I to 270.42 Section O. Revise section to remove and reserve O.1.

273.8. Revise section title to read, “Applicability—household and very small quantity generator waste.”

273.8(a)(2). Revise item to replace “Conditionally exempt” with “Very,” and “261.5” with “261.14.”

273.81(b). Revise subsection to replace “conditionally exempt” with “very.”

**Instructions:**

Amend R.61-79 pursuant to each individual instruction provided with the text of the amendments below.

**Text:**

61‑79. Hazardous Waste Management Regulations.

Statutory Authority: 1976 Code Section 44‑56‑30

**Revise 61‑79.260.3 to read:**

As used in R.61‑79.260 through R.61‑79.273:

**Revise 61‑79.260.10 to add the following definitions in alphabetical order within this section to read:**

**“Acute hazardous waste”** means hazardous wastes that meet the listing criteria in section R.61‑79.261.11(a)(2) and therefore are either listed in R.61‑79.261.31 with the assigned hazard code of (H) or are listed in R.61‑79.261.33(e).

**“Central accumulation area”** means any on‑site hazardous waste accumulation area with hazardous waste accumulating in units subject to either R.61‑79.262.16 (for small quantity generators) or R.61‑79.262.17(for large quantity generators). A central accumulation area at an eligible academic entity that chooses to operate under R.61‑79.262 subpart K is also subject to R.61‑79.262.211 when accumulating unwanted material and/or hazardous waste.

**“Large quantity generator”** means a generator who generates any of the following amounts in a calendar month:

(1) Greater than or equal to one thousand (1,000) kilograms (2,200 pounds) of non‑acute hazardous waste; or

(2) Greater than one (1) kilogram (2.2 pounds) of acute hazardous waste listed in R.61‑79.261.31 or 261.33(e); or

(3) Greater than one hundred (100) kilograms (220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in R.61‑79.261.31 or 261.33(e).

**“Non‑acute hazardous waste**” means all hazardous wastes that are not acute hazardous waste, as defined in this section.

**"Small quantity generator”** means a generator who generates the following amounts in a calendar month:

(1) Greater than one hundred (100) kilograms (220 pounds) but less than one thousand (1,000) kilograms (2,200 pounds) of non‑acute hazardous waste; and

(2) Less than or equal to one (1) kilogram (2.2 pounds) of acute hazardous waste listed in R.61‑79.261.31 or 261.33(e); and

(3) Less than or equal to one hundred (100) kilograms (220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in R.61‑79.261.31 or 261.33(e).

**“Very small quantity generator”** means a generator who generates less than or equal to the following amounts in a calendar month:

(1) One hundred (100) kilograms (220 pounds) of non‑acute hazardous waste; and

(2) One (1) kilogram (2.2 pounds) of acute hazardous waste listed in R.61‑79.261.31 or 261.33(e); and

(3) One hundred (100) kilograms (220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in R.61‑79.261.31 or 261.33(e).

**Revise 61‑79.260.11 to read:**

**260.11. Incorporation by reference.**

**Revise 61‑79.260.11(a)(10) to read:**

(10) "Flammable and Combustible Liquids Code" (NFPA 30), 1977 or 1981, IBR approved for sections 262.16(b), 264.198(b), and 265.198(b).

**Revise 61‑79.261.1(a)(1) to read:**

(1) Subpart A defines the terms "solid waste" and "hazardous waste", identifies those wastes which are excluded from regulation under R.61‑79.262 through 266, 268, and 270, and establishes special management requirements for hazardous waste produced by very small quantity generators and hazardous waste which is recycled.

**Revise 61‑79.261.4(a)(7) to read:**

(7) Spent sulfuric acid used to produce virgin sulfuric acid provided it is not accumulated speculatively as defined in section 261.1(c).

**Revise 61‑79.261.5 to remove and reserve it.**

**261.5.** [Reserved]

**Add 61‑79.261.6(c)(2)(iv) to read:**

(iv) Section 265.75 of this chapter (quarterly report).

**Revise 61‑79.261.33(e) to read:**

(e) The commercial chemical products, manufacturing chemical intermediates or off‑specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H).

**Revise 61‑79.261.33(f) to read:**

(f) The commercial chemical products, manufacturing chemical intermediates, or off‑specification commercial chemical products referred to in paragraphs (a) through (d) of this section, are identified as toxic wastes (T), unless otherwise designated.

**Revise 61‑79.262 to add section 262.1 to read:**

**262.1. Terms used in this part.**

As used in this part:

**“Condition for exemption”** means any requirement in sections 262.14, 262.15, 262.16, 262.17, 262.70, or subpart K or subpart L of this part that states an event, action, or standard that must occur or be met in order to obtain an exemption from any applicable requirement in R.61‑79.124, 264 through 268, and 270 of this chapter, or from any requirement for notification under the SC Hazardous Waste Management Act section 44‑56‑120 and section 3010 of RCRA.

**“Independent requirement”** means a requirement of R.61‑79.262 that states an event, action, or standard that must occur or be met; and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption from storage facility permit, interim status, and operating requirements under sections 262.14, 262.15, 262.16, 262.17, or subpart K or subpart L.

**Revise 61‑79.262.10(a) to add item 262.10(a)(1) to read:**

(a) These regulations establish standards for generators of hazardous waste as defined by R.61‑79.260.10.

(1) A person who generates a hazardous waste as defined by R.61‑79.261 is subject to all the applicable independent requirements in the subparts and sections listed below:

(i) Independent requirements of a very small quantity generator.

(A) Section 262.11(a) through (d) Hazardous waste determination and recordkeeping;

(B) Section 262.12 Notification requirements upon generators; and

(C) Section 262.13 Generator category determination.

(ii) Independent requirements of a small quantity generator.

(A) Section 262.11 Hazardous waste determination and recordkeeping;

(B) Section 262.12 Notification requirements upon generators;

(C) Section 262.13 Generator category determination;

(D) Section 262.18 EPA identification numbers and renotification for small quantity generators and large quantity generators;

(E) R.61‑79.262 subpart B—Manifest requirements applicable to small and large quantity generators;

(F) R.61‑79.262 subpart C—Pre‑transport requirements applicable to small and large quantity generators;

(G) Section 262.40 Recordkeeping;

(H) Section 262.44 Recordkeeping for small quantity generators; and

(I) R.61‑79.262 subpart H—Transboundary movements of hazardous waste for recovery or disposal.

(iii) Independent requirements of a large quantity generator.

(A) Section 262.11 Hazardous waste determination and recordkeeping;

(B) Section 262.12 Notification requirements upon generators;

(C) Section 262.13 Generator category determination;

(D) Section 262.18 EPA identification numbers and renotification for small quantity generators and large quantity generators;

(E) R.61‑79.262 subpart B—Manifest requirements applicable to small and large quantity generators;

(F) R.61‑79.262 subpart C—Pre‑transport requirements applicable to small and large quantity generators;

(G) R.61‑79.262 subpart D—Recordkeeping and reporting applicable to small and large quantity generators, except section 262.44; and

(H) R.61‑79.262 subpart H—Transboundary movements of hazardous waste for recovery or disposal.

(2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; such generator is subject to the applicable requirements of R.61‑79.124, 264 through 266, 270, the SC Hazardous Waste Management Act Section 44‑56‑120, and section 3010 of RCRA, unless it is one of the following:

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

(ii) A small quantity generator that meets the conditions for exemption in sections 262.15 and 262.16; or

(iii) A large quantity generator that meets the conditions for exemption in sections 262.15 and 262.17.

(3) A generator shall not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in section 260.10 or not otherwise authorized to receive the generator’s hazardous waste.

**Revise 61‑79.262.10(b) to read:**

(b) Determining generator category. A generator must use section 262.13 to determine which provisions of this part are applicable to the generator based on the quantity of hazardous waste generated per calendar month.

**Revise 61‑79.262.10(c) to remove and reserve it:**

(c) [Reserved]

**Revise 61.79.262.10(g) to add items 262.10(g)(1) to 262.10(g)(2) to read:**

(g)(1) A generator’s violation of an independent requirement is subject to penalty and injunctive relief under the SC Hazardous Waste Management Act 44‑56‑120 and section 3008 of RCRA

(2) A generator’s noncompliance with a condition for exemption in this part is not subject to penalty or injunctive relief under the SC Hazardous Waste Management Act 44‑56‑120 and section 3008 of RCRA as a violation of a R.61‑79.262 condition for exemption. Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in R.61‑79.124, 264 through 266, and 270 of this chapter, and the notification requirements of section 3010 of RCRA. Without an exemption, any violations of such storage requirements are subject to penalty and injunctive relief under the SC Hazardous Waste Management Act Section 44‑56‑120 and section 3008 of RCRA.

**Revise 61‑79.262.10(i) Notes 1 and 2 to read:**

**Note:** A generator who treats, stores, or disposes of hazardous waste onsite must comply with the applicable standards and permit requirements set forth in parts 264, 265, 266, 268, and 270.

**Revise 61‑79.262.10(l) to read:**

(l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of R.61‑79.262 subpart K are not subject to (for purposes of this paragraph, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in section 262.200):

(1) the independent requirements of section 262.11 or the regulations in section 262.15 for large quantity generators and small quantity generators, except as provided in subpart K, and

(2) the conditions of section 262.14, for very small quantity generators, except as provided in subpart K.

**Revise 61‑79.262.11(a) to 262.11(c) to read:**

**262.11. Hazardous waste determination and recordkeeping.**

A person who generates a solid waste, as defined in R.61‑79.261.2 must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps:

(a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.

(b) A person must determine whether the solid waste is excluded from regulation under R.61‑79.261.4.

(c) If the waste is not excluded under R.61‑79.261.4, the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under subpart D of R.61‑79.261. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If the waste is listed, the person may file a delisting petition under R.61‑79.260.20 and 260.22 to demonstrate to the Department that the waste from this particular site or operation is not a hazardous waste.

**Revise 61‑79.262.11(d) and add items 262.11(d)(1) to (d)(2) to read:**

(d) The person then must also determine whether the waste exhibits one or more hazardous characteristics as identified in subpart C of R.61‑79.261 by following the procedures in paragraph (d)(1) or (2) of this section, or a combination of both.

(1) The person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by‑products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in subpart C of R.61‑79.261, or an equivalent test method approved by the Department under R.61‑79.260.21, may be used as part of a person’s knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at R.61‑79.260.10.

(2) When available knowledge is inadequate to make an accurate determination, the person must test the waste according to the applicable methods set forth in subpart C of R.61‑79.261 or according to an equivalent method approved by the Department under R.61‑79.260.21 and in accordance with the following:

(i) Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at R.61‑79.260.10.

(ii) Where a test method is specified in subpart C of R.61‑79.261, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.

**Revise 61‑79.262.11(e) to read:**

(e) If the waste is determined to be hazardous, the generator must refer to R.61‑79.261, 264, 265, 266, 268, and 273 for other possible exclusions or restrictions pertaining to management of the specific waste.

**Revise 61‑79.262.11 to add subsections 262.11(f) to 262.11(g) to read:**

(f) Recordkeeping for small and large quantity generators. A small or large quantity generator must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by R.61‑79.261.3. Records must be maintained for at least three (3) years from the date that the waste was last sent to on‑site or off‑site treatment, storage, or disposal. These records must comprise the generator’s knowledge of the waste and support the generator’s determination, as described at paragraphs (c) and (d) of this section. The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator’s determination, as described at R.61‑79 paragraph (d)(1) of this section. The periods of record retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

(g) Identifying hazardous waste numbers for small and large quantity generators. If the waste is determined to be hazardous, small quantity generators and large quantity generators must identify all applicable EPA hazardous waste numbers (EPA hazardous waste codes) in subparts C and D of R.61‑79.261. Prior to shipping the waste off site, the generator also must mark its containers with all applicable EPA hazardous waste numbers (EPA hazardous waste codes) according to section 262.32.

**Revise 61‑79.262.12 to read:**

**262.12. Notification Requirements upon Generators.**

(a) Every generator within the state who produces a hazardous waste and has not previously done so shall file with the Department a Notification Form for that waste within thirty (30) days of the effective date of this regulation.

(b) Every generator within the state who produces a new hazardous waste shall file with the Department a revised or new Notification Form for that waste within thirty (30) days after such waste is first produced.

(c) Every generator within the state who produces a hazardous waste which is classified or listed for the first time by a revision of R.61‑79.261 shall file with the Department a revised or new Notification Form for that waste within ninety (90) days after the effective date of such revision.

(d) The notification shall be on a form designated by the Department, shall be completed as required by the instructions supplied with such forms. The information to be furnished on the form shall include but not be limited to the location and general description of such activity, the identified or listed hazardous wastes handled by such person and, if applicable, a description of the production of energy recovery activity carried out at the facility and such other information as the Department deems necessary. A generator shall file a revised or new Notification form whenever the information previously provided becomes outdated or inaccurate.

(e) Persons engaged in the following activities are required to make a separate notification:

(1) Producers of fuels from;

(i) Any hazardous waste identified or listed in R.61‑79.261;

(ii) Used oil; and

(iii) Used oil and any other material.

(2) Burners (other than a single two‑family residence) for purposed of energy recovery any fuel produced as identified in paragraph one (1).

(3) Distributors or marketers of any fuel as identified in paragraph one (1).

(f) Every generator within the State who no longer produces any hazardous waste shall file with the Department one subsequent Notification form.

**Revise 61‑79.262.13 to read:**

**262.13. Generator category determination.**

A generator must determine its generator category. A generator’s category is based on the amount of hazardous waste generated each month and may change from month to month. This section sets forth procedures to determine whether a generator is a very small quantity generator, a small quantity generator, or a large quantity generator for a particular month, as defined in R.61‑79.260.10.

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

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

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

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

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

(1) Counting separately the total amount of acute hazardous waste and the total amount of non‑acute hazardous waste generated in the calendar month;

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

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

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

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

(c) When making the monthly quantity‑based determinations required by R.61‑79.262, the generator must include all hazardous waste that it generates, except hazardous waste that:

(1) Is exempt from regulation under sections 261.4(c) through (f), 261.6(a)(3), 261.7(a)(1), or 261.8;

(2) Is managed immediately upon generation only in on‑site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in R.61‑79.260.10;

(3) Is recycled, without prior storage or accumulation, only in an on‑site process subject to regulation under section 261.6(c)(2);

(4) Is used oil managed under the requirements of 261.6(a)(4);

(5) Is spent lead‑acid batteries managed under the requirements of R.61‑79.266 subpart G;

(6) Is universal waste managed under R.61‑79.261.9 and R.61‑79.273;

(7) Is a hazardous waste that is an unused commercial chemical product (listed in R.61‑79.261 subpart D or exhibiting one or more characteristics in R.61‑79.261 subpart C) that is generated solely as a result of a laboratory clean‑out conducted at an eligible academic entity pursuant to R.61‑79.262.213. For purposes of this provision, the term eligible academic entity shall have the meaning as defined in R.61‑79.262.200; or

(8) Is managed as part of an episodic event in compliance with the conditions of R.61‑79.262 subpart L.

(d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include:

(1) Hazardous waste when it is removed from on‑site accumulation, so long as the hazardous waste was previously counted once;

(2) Hazardous waste generated by on‑site treatment (including reclamation) of the generator’s hazardous waste, so long as the hazardous waste that is treated was previously counted once; and

(3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once.

(e) Based on the generator category as determined under this section, the generator must meet the applicable independent requirements listed in R.61‑79.262.10. A generator’s category also determines which of the provisions of R.61‑79.262.14, 262.15, 262.16, or 262.17 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

(f) Mixing hazardous wastes with solid wastes.

(1) Very small quantity generator wastes.

(i) Hazardous wastes generated by a very small quantity generator may be mixed with solid wastes. Very small quantity generators may mix a portion or all of its hazardous waste with solid waste and remain subject to section 262.14 even though the resultant mixture exceeds the quantity limits identified in the definition of “very small quantity generator” at section 260.10 of this chapter, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in R.61‑79.261 subpart C.

(ii) If the resulting mixture exhibits a characteristic of hazardous waste, this resultant mixture is a newly‑generated hazardous waste. The very small quantity generator must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the very small quantity generator calendar month quantity limits identified in the definition of generator categories found in R.61‑79.260.10. If so, to remain exempt from the permitting, interim status, and operating standards, the very small quantity generator must meet the conditions for exemption applicable to either a small quantity generator or a large quantity generator. The very small quantity generator must also comply with the applicable independent requirements for either a small quantity generator or a large quantity generator.

(2) Small quantity generator and large quantity generator wastes.

(i) Hazardous wastes generated by a small quantity generator or large quantity generator may be mixed with solid waste. These mixtures are subject to the following: the mixture rule in sections 261.3(a)(2)(iv), (b)(2) and (3), and (g)(2)(i); the prohibition of dilution rule at section 268.3(a); the land disposal restriction requirements of R.61‑79.268.40 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at R.61‑79.262.11.

(ii) If the resulting mixture is found to be a hazardous waste, this resultant mixture is a newly‑generated hazardous waste. A small quantity generator must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the small quantity generator calendar monthly quantity limits identified in the definition of generator categories found in R.61‑79.260.10. If so, to remain exempt from the permitting, interim status, and operating standards, the small quantity generator must meet the conditions for exemption applicable to a large quantity generator. The small quantity generator must also comply with the applicable independent requirements for a large quantity generator.

**Revise 61‑79.262 to add section 262.14 to read:**

**262.14. Conditions for exemption for a very small quantity generator.**

(a) Provided that the very small quantity generator meets all the conditions for exemption listed in this section, hazardous waste generated by the very small quantity generator is not subject to the requirements of R.61‑79.124, 262 (except sections 262.10‑262.14) through 268, and 270, and the notification requirements of the SC Hazardous Waste Management Act Section 44‑56‑120 and section 3010 of RCRA and the very small quantity generator may accumulate hazardous waste on site without complying with such requirements. The conditions for exemption are as follows:

(1) In a calendar month the very small quantity generator generates less than or equal to the amounts specified in the definition of “very small quantity generator” in R.61‑79.260.10;

(2) The very small quantity generator complies with R.61‑79.262.11(a) through (d);

(3) If the very small quantity generator accumulates at any time greater than one (1) kilogram (2.2 pounds) of acute hazardous waste or one hundred (100) kilograms (220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in R.61‑79.261.31 or 261.33(e), all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:

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

(ii) The conditions for exemption in R.61‑79.262.17(a) through (g).

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

(i) Such waste is held on site for no more than one hundred eighty (180) days, or two hundred seventy (270) days, if applicable, beginning on the date when the accumulated waste exceeds the amounts provided above;

(ii) The quantity of waste accumulated on site never exceeds six thousand (6,000) kilograms (13,200 pounds); and

(iii) The conditions for exemption in R.61‑79.262.16(b)(2) through (f).

(5) A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in paragraphs (a)(3) and (4) of this section must either treat or dispose of its hazardous waste in an on‑site facility or ensure delivery to an off‑site treatment, storage, or disposal facility, either of which, if located in the U.S., is:

(i) Permitted under R.61‑79.270;

(ii) In interim status under R.61‑79.265 and 270;

(iii) [Reserved]

(iv) Permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to R.61‑107.19 and 40 CFR Part 258;

(v) Permitted, licensed, or registered by a state to manage non‑municipal non‑hazardous waste and, if managed in a non‑municipal non‑hazardous waste disposal unit, is subject to the requirements in R.61‑107.19 and 40 CFR 257.5 through 257.30;

(vi) A facility which:

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

(B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;

(vii) For universal waste managed under R.61‑79.273, a universal waste handler or destination facility subject to the requirements of R.61‑79.273;

(viii) A large quantity generator under the control of the same person as the very small quantity generator, provided the following conditions are met:

(A) The very small quantity generator and the large quantity generator are under the control of the same person as defined in R.61‑79.260.10. “Control,” for the purposes of this section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person as defined in R.61‑79.260.10 shall not be deemed to “control” such generators.

(B) The very small quantity generator marks its container(s) of hazardous waste with:

(1) The words “Hazardous Waste” and

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

(b) The placement of bulk or non‑containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfills is prohibited.

(c) A very small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with R.61‑79.262 subpart L in lieu of R.61‑79.262.15, 262.16, and 262.17.

**Revise 61‑79.262 to add section 262.15 to read:**

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

(a) A generator may accumulate as much as fifty‑five (55) gallons of non‑acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in R.61‑79.261.31 or section 261.33(e) or one (1) kilogram (2.2 pounds) of solid acute hazardous waste listed in R.61‑79.261.31 or section 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 the requirements of R.61‑79.124, 264 through 267, and 270, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in section 262.16(b) or section 262.17(a), except as required in section 262.15(a)(7) and (8). The conditions for exemption for satellite accumulation are:

(1) If a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must immediately transfer the hazardous waste from this container to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area operated in compliance with R.61‑79.262.16(b) or 262.17(a).

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

(3) Special standards for incompatible wastes.

(i) Incompatible wastes, or incompatible wastes and materials, (see appendix V of R.61‑79.265 for examples) must not be placed in the same container, unless R.61‑79.265.17(b) is complied with.

(ii) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see appendix V of R.61‑79.265 for examples), unless R.61‑79.65.17(b) is complied with.

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

(4) A container holding hazardous waste must be closed at all times during accumulation, except:

(i) When adding, removing, or consolidating waste; or

(ii) When temporary venting of a container is necessary

(A) For the proper operation of equipment, or

(B) To prevent dangerous situations, such as build‑up of extreme pressure.

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

(i) The words “Hazardous Waste” and

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

(6) A generator who accumulates either acute hazardous waste listed in R.61‑79.261.31 or section 261.33(e) or non‑acute hazardous waste in excess of the amounts listed in paragraph (a) of this section at or near any point of generation must do the following:

(i) Comply within three (3) consecutive calendar days with the applicable central accumulation area regulations in 262.16(b) or R.61‑79.262.17(a), or

(ii) Remove the excess from the satellite accumulation area within three (3) consecutive calendar days to either:

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

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

(C) An off‑site designated facility; and

(iii) During the three (3)‑consecutive‑calendar‑day period the generator must continue to comply with paragraphs (a)(1) through (5) of this section. The generator must mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

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

(8) All satellite accumulation areas operated by a large quantity generator must meet the Preparedness, Prevention and Emergency Procedures in R.61‑79.262 subpart M.

(b) [Reserved].

**Revise 61‑79.262 to add section 262.16 to read:**

**262.16. Conditions for exemption for a small quantity generator that accumulates hazardous waste.**

A small quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of R.61‑79.124, 264 through 266, and 270, or the notification requirements of the SC Hazardous Waste Management Act 44‑56‑120 and section 3010 of the RCRA, provided that all the conditions for exemption listed in this section are met:

(a) Generation. The generator generates in a calendar month no more than the amounts specified in the definition of “small quantity generator” in R.61‑79.260.10.

(b) Accumulation. The generator accumulates hazardous waste on site for no more than one hundred eighty (180) days, unless in compliance with the conditions for exemption for longer accumulation in paragraphs (d) and (e) of this section. The following accumulation conditions also apply:

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

(2) Accumulation of hazardous waste in containers—

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

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

(iii) Management of containers.

(A) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

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

(C) A generator may not stack containers of hazardous waste more than two containers high without first obtaining written approval from the Department.

(iv) Inspections. At least weekly, the small quantity generator must inspect central accumulation areas. The small quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See paragraph (b)(2)(i) of this section for remedial action required if deterioration or leaks are detected.

(v) Special conditions for accumulation of incompatible wastes.

(A) Incompatible wastes, or incompatible wastes and materials, (see appendix V of R.61‑79.265 for examples) must not be placed in the same container, unless section 265.17(b) is complied with.

(B) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see appendix V of R.61‑79.265 for examples), unless section 265.17(b) is complied with.

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

(3) Accumulation of hazardous waste in tanks.

(i) [Reserved].

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

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

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

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

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

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

(A) Discharge control equipment (e.g., waste feed cutoff systems, by‑pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

(B) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;

(C) The level of waste in the tank at least once each operating day to ensure compliance with paragraph (b)(3)(ii)(C) of this section;

(D) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

(E) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

(iv) A small quantity generator accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in paragraphs (b)(3)(iii)(A) through (E) of this section. Use of the alternate inspection schedule must be documented in the generator’s operating record. This documentation must include a description of the established workplace practices at the generator.

(v) [Reserved].

(vi) A small quantity generator accumulating hazardous waste in tanks must, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the small quantity generator can demonstrate, in accordance with section 261.3(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of R.61‑79.262, 263, 265 and 268.

(vii) A small quantity generator must comply with the following special conditions for accumulation of ignitable or reactive waste:

(A) Ignitable or reactive waste must not be placed in a tank, unless:

(1) The waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under R.61‑79.261.21 or R.61‑79.261.23 and R.61‑79.265.17(b) is complied with; or

(2) The waste is accumulated or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

(3) The tank is used solely for emergencies.

(B) A small quantity generator which treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2‑1 through 2‑6 of the National Fire Protection Association’s “Flammable and Combustible Liquids Code” (1977 or 1981) (incorporated by reference, see R.61‑79.260.11).

(C) A small quantity generator must comply with the following special conditions for incompatible wastes:

(1) Incompatible wastes, or incompatible wastes and materials, (see appendix V of R.61‑79.265 for examples) must not be placed in the same tank, unless R.61‑79.265.17(b) of this chapter is complied with.

(2) Hazardous waste must not be placed in an unwashed tank that previously held an incompatible waste or material, unless 265.17(b) of this chapter is complied with.

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

(i) Subpart W of R.61‑79.265 (except R.61‑79. 265.445(c));

(ii) The small quantity generator must remove all wastes from the drip pad at least once every ninety (90) days. Any hazardous wastes that are removed from the drip pad at least once every ninety (90) days are then subject to the one hundred eighty (180)‑day accumulation limit in paragraph (b) of this section and R.61‑79.262.15 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and

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

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

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

(5) Accumulation of hazardous waste in containment buildings. If the waste is placed in containment buildings, the small quantity generator must comply with of R.61‑79.265 subpart DD. The generator must label its containment buildings with the words “Hazardous Waste” in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site and also in a conspicuous place provide an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).The generator must also maintain:

(i) The professional engineer certification that the building complies with the design standards specified in R.61‑79.265.1101. This certification must be in the generator’s files prior to operation of the unit; and

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

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

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

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

(6) Labeling and marking of containers and tanks—

(i) Containers. A small quantity generator must mark or label its containers with the following:

(A) The words “Hazardous Waste”;

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

(C) The date upon which each period of accumulation begins clearly visible for inspection on each container.

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

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

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

(C) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within one hundred eighty (180) days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within one hundred eighty (180) days of first entering; and

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

(7) Land disposal restrictions. A small quantity generator must comply with all the applicable requirements under R.61‑79.268.

(8) Preparedness and prevention—

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

(ii) Required equipment. All areas where hazardous waste is either generated or accumulated must be equipped with the items in paragraphs (b)(8)(ii)(A) through (D) of this section (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies.

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

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

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

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

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

(iv) Access to communications or alarm system.

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

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

(v) Required aisle space. The small quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(vi) Arrangements with local authorities.

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

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

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

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

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

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

(9) Emergency procedures. The small quantity generator complies with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

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

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

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

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

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

(iii) The small quantity 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:

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

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

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

(1) The name, address, and EPA identification number of the small quantity generator;

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

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

(4) Extent of injuries, if any; and

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

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

(d) Accumulation time limit extension. A small quantity generator who accumulates hazardous waste for more than one hundred eighty (180) days (or for more than two hundred seventy (270) days if it must transport its waste, or offer its waste for transportation, over a distance of two hundred (200) miles or more) is subject to the requirements of R.61‑79.264, 265, 268, and 270 of this chapter unless it has been granted an extension to the one hundred eighty (180)‑day (or two hundred seventy (270)‑day if applicable) period. Such extension may be granted by the Department if hazardous wastes must remain on site for longer than one hundred eighty (180) days (or two hundred seventy (270) days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty (30) days may be granted at the discretion of the Department on a case‑by‑case basis.

(e) Rejected load. A small quantity 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 R.61‑79.264.72 or 265.72 may accumulate the returned waste on site in accordance with paragraphs (a)‑(d) of this section. Upon receipt of the returned shipment, the generator must:

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

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

(f) A small quantity generator experiencing an episodic event may accumulate hazardous waste in accordance with R.61‑79.262 subpart L in lieu of R.61‑79.262.17.

**Revise 61‑79.262 to add section 262.17 to read:**

**262.17. Conditions for exemption for a large quantity generator that accumulates hazardous waste.**

A large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of R.61‑79.124, 264 through 267, and 270, or the notification requirements of the SC Hazardous Waste Management Act Section 44‑56‑120 and section 3010 of RCRA, provided that all of the following conditions for exemption are met:

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

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

(i) Air emission standards. The applicable requirements of subparts AA, BB, and CC of R.61‑79.265;

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

(iii) Compatibility of waste with container. The large quantity generator must use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;

(iv) Management of containers.

(A) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

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

(v) Inspections. At least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See paragraph (a)(1)(ii) of this section for remedial action required if deterioration or leaks are detected.

(vi) Special conditions for accumulation of ignitable and reactive wastes.

(A) Containers holding ignitable or reactive waste must be located at least fifteen (15) meters (50 feet) from the facility’s property line unless a written approval is obtained from the authority having jurisdiction over the local fire code allowing hazardous waste accumulation to occur within this restricted area. A record of the written approval must be maintained as long as ignitable or reactive hazardous waste is accumulated in this area.

(B) The large quantity generator 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 the following: 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 large quantity generator 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.

(vii) Special conditions for accumulation of incompatible wastes.

(A) Incompatible wastes, or incompatible wastes and materials, (see appendix V of R.61‑79.265 for examples) must not be placed in the same container, unless R.61‑79.265.17(b) is complied with.

(B) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see appendix V of R.61‑79.265 for examples), unless 265.17(b) is complied with.

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

(2) Accumulation of hazardous waste in tanks. If the waste is placed in tanks, the large quantity generator must comply with the applicable requirements of subpart J, except section 265.197(c) of Closure and post‑closure care and R.61‑79.265.200—Waste analysis and trial tests, as well as the applicable requirements of R.61‑79.265 subparts AA, BB, and CC.

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

(i) R.61‑79.265 subpart W;

(ii) The large quantity generator must remove all wastes from the drip pad at least once every ninety (90) days. Any hazardous wastes that are removed from the drip pad are then subject to the ninety (90)‑day accumulation limit in paragraph (a) of this section and R.61‑79.262.15, if the hazardous wastes are being managed in satellite accumulation areas prior to being moved to a central accumulation area; and

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

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

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

(4) Accumulation of hazardous waste in containment buildings. If the waste is placed in containment buildings, the large quantity generator must comply with R.61‑79.265 subpart DD. The generator must label its containment building with the words “Hazardous Waste” in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site, and also in a conspicuous place provide an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704). The generator must also maintain:

(i) The professional engineer certification that the building complies with the design standards specified in R.61‑79.265.1101. This certification must be in the generator’s files prior to operation of the unit; and

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

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

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

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

(5) Labeling and marking of containers and tanks—

(i) Containers. A large quantity generator must mark or label its containers with the following:

(A) The words “Hazardous Waste”;

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

(C) The date upon which each period of accumulation begins clearly visible for inspection on each container.

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

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

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

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

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

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

(7) Personnel training.

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

(B) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

(C) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable:

(1) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(2) Key parameters for automatic waste feed cut‑off systems;

(3) Communications or alarm systems;

(4) Response to fires or explosions;

(5) Response to groundwater contamination incidents; and

(6) Shutdown of operations.

(D) For facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration regulations 29 CFR 1910.120(p)(8) and 1910.120(q), the large quantity generator is not required to provide separate emergency response training pursuant to this section, provided that the overall facility training meets all the conditions of exemption in this section.

(ii) Facility personnel must successfully complete the program required in paragraph (a)(7)(i) of this section within six (6) months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees must not work in unsupervised positions until they have completed the training standards of paragraph (a)(7)(i) of this section.

(iii) Facility personnel must take part in an annual review of the initial training required in paragraph (a)(7)(i) of this section.

(iv) The large quantity generator must maintain the following documents and records at the facility:

(A) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(B) A written job description for each position listed under paragraph (a)(7)(iv)(A) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skills, education, or other qualifications, and duties of facility personnel assigned to each position;

(C) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (a)(7)(iv)(A) of this section;

(D) Records that document that the training or job experience, required under paragraphs (a)(7)(i), (ii), and (iii) of this section, has been given to, and completed by, facility personnel.

(v) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three (3) years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

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

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

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

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

(ii) Notification for closure of the facility.

(A) Notify the Department using Form 8700‑12 no later than thirty (30) days prior to closing the facility.

(B) Notify the Department using Form 8700‑12 within ninety (90) days after closing the facility that it has complied with the closure performance standards of paragraph (a)(8)(iii) or (iv) of this section. If the facility cannot meet the closure performance standards of paragraph (a)(8)(iii) or (iv) of this section, notify the Department using Form 8700‑12 that it will close as a landfill under R.61‑79.265.310 of this chapter in the case of a container, tank or containment building unit(s), or for a facility with drip pads, notify using Form 8700‑12 that it will close under the standards of R.61‑79.265.445(b).

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

(iii) Closure performance standards for container, tank systems, and containment building waste accumulation units.

(A) At closure, the generator must close the waste accumulation unit or facility in a manner that:

(1) Minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the 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.

(2) Removes or decontaminates all contaminated equipment, structures and soil and any remaining hazardous waste residues from waste accumulation units including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless R.61‑79.261.3(d) applies.

(3) Any hazardous waste generated in the process of closing either the generator’s facility or unit(s) accumulating hazardous waste must be managed in accordance with all applicable standards of R.61‑79.262, 263, 265, and 268 of this chapter, including removing any hazardous waste contained in these units within ninety (90) days of generating it and managing these wastes in a C hazardous waste permitted treatment, storage and disposal facility or interim status facility.

(4) If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in paragraph (a)(8)(ii)(A)(2) of this section, then the waste accumulation unit is considered to be a landfill and the generator must close the waste accumulation unit and perform post‑closure care in accordance with the closure and post‑closure care requirements that apply to landfills (R.61‑79.265.310). In addition, for the purposes of closure, post‑closure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator must meet all of the requirements for landfills specified in R.61‑79.265 subparts G and H.

(iv) Closure performance standards for drip pad waste accumulation units. At closure, the generator must comply with the closure requirements of paragraphs (a)(8)(ii) and (a)(8)(iii)(A)(1) and (3) of this section, and R.61‑79.265.445(a) and (b).

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

(9) Land disposal restrictions. The large quantity generator complies with all applicable requirements under R.61‑79.268.

(b) Accumulation time limit extension. A large quantity generator who accumulates hazardous waste for more than ninety (90) days is subject to the requirements of R.61‑79.124, 264 through 268, and 270, and the notification requirements of the SC Hazardous Waste Management Act Section 44‑56‑120 and section 3010 of RCRA, unless it has been granted an extension to the ninety (90)‑day period. Such extension may be granted by the Department if hazardous wastes must remain on site for longer than ninety (90) days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty (30) days may be granted at the discretion of the Department on a case‑by‑case basis.

(c) Accumulation of F006. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, may accumulate F006 waste on site for more than 90 days, but not more than 180 days without being subject to R.61‑79.124, 264 through 267, and 270, and the notification requirements of the SC Hazardous Waste Management Act Section 44‑56‑120 and section 3010 of RCRA, provided that it complies with all of the following additional conditions for exemption:

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

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

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

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

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

(B) If the F006 is placed in tanks, the large quantity generator must comply with the applicable conditions for exemption of paragraph (a)(2) of this section; and/or

(C) If the F006 is placed in containment buildings, the large quantity generator must comply with R.61‑79.265 subpart DD, and has placed its professional engineer certification that the building complies with the design standards specified in R.61‑79.265.1101 in the facility’s files prior to operation of the unit. The large quantity generator must maintain the following records:

(1) A written description of procedures to ensure that the F006 waste remains in the unit for no more than one hundred eighty (180) days, a written description of the waste generation and management practices for the facility showing that they are consistent with the one hundred eighty (180)‑day limit, and documentation that the large quantity generator is complying with the procedures; or

(2) Documentation that the unit is emptied at least once every one hundred eighty (180) days.

(ii) The large quantity generator is exempt from all the requirements in R.61‑79.265 subparts G and H, except for those referenced in paragraph (a)(8) of this section.

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

(iv) While being accumulated on site, each container and tank is labeled or marked clearly with:

(A) The words “Hazardous Waste”; and

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

(v) The large quantity generator complies with the requirements in paragraphs (a)(6) and (7) of this section.

(d) F006 transported over two hundred (200) miles. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who must transport this waste, or offer this waste for transportation, over a distance of two hundred (200) miles or more for off‑site metals recovery, may accumulate F006 waste on site for more than ninety (90) days, but not more than two hundred seventy (270) days without being subject to R.61‑79.124, 264 through 266, 270, and the notification requirements of the SC Hazardous Waste Management Act section 44‑56‑120 and section 3010 of RCRA, if the large quantity generator complies with all of the conditions for exemption of paragraphs (c)(1) through (4) of this section.

(e) F006 accumulation time extension. A large quantity generator accumulating F006 in accordance with paragraphs (c) and (d) of this section who accumulates F006 waste on site for more than one hundred eighty (180) days (or for more than two hundred seventy (270) days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred (200) miles or more), or who accumulates more than twenty thousand (20,000) kilograms of F006 waste on site is an operator of a storage facility and is subject to the requirements of R.61‑79.124, 264, 265, and 270 of this chapter, and the notification requirements of the SC Hazardous Waste Management Act Section 44‑56‑120 and section 3010 of RCRA, unless the generator has been granted an extension to the one hundred eighty (180)‑day (or two hundred seventy (270)‑day if applicable) period or an exception to the twenty thousand (20,000) kilogram accumulation limit. Such extensions and exceptions may be granted by the Department if F006 waste must remain on site for longer than one hundred eighty (180) days (or two hundred seventy (270) days if applicable) or if more than twenty thousand (20,000) kilograms of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty (30) days or an exception to the accumulation limit may be granted at the discretion of the Department on a case‑by‑case basis.

(f) Consolidation of hazardous waste received from very small quantity generators. Large quantity generators may accumulate on site hazardous waste received from very small quantity generators under control of the same person (as defined in R.61‑79.260.10), without a storage permit or interim status and without complying with the requirements of R.61‑79.124, 264 through 268, and 270, and the notification requirements of the SC Hazardous Waste Management Act Section 44‑56‑120 and section 3010 of RCRA, provided that they comply with the following conditions. “Control,” for the purposes of this section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to “control” such generators.

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

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

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

(2) The large quantity generator maintains records of shipments for three (3) years from the date the hazardous waste was received from the very small quantity generator. These records must identify the name, site address, and contact information for the very small quantity generator and include a description of the hazardous waste received, including the quantity and the date the waste was received.

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

(g) Rejected load. A large quantity 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 R.61‑79.264.72 or 265.72 may accumulate the returned waste on site in accordance with paragraphs (a) and (b) of this section. Upon receipt of the returned shipment, the generator must:

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

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

**Revise 61‑79.262 to add section 262.18 to read:**

**262.18. EPA identification numbers and renotification for small quantity generators and large quantity generators.**

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

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

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

(d) Renotification.

(1) A small quantity generator must renotify the Department starting in 2021 and every four (4) years thereafter using EPA Form 8700‑12. This renotification must be submitted by September 1st of each year in which renotifications are required.

(2) A large quantity generator must renotify the Department by March 1st of each even‑numbered year thereafter using EPA Form 8700‑12. A large quantity generator may submit this renotification as part of its Quarterly Reporting required under section 262.41.

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

**Revise 61‑79.262 Subpart B title to read:**

**SUBPART B: Manifest Requirements Applicable to Small and Large Quantity Generators**

**Revise 61‑79.262 Subpart C title to read:**

**SUBPART C: Pre‑Transport Requirements Applicable to Small and Large Quantity Generators**

**Revise 61‑79.262.32(b) to add 262.32(b)(1) to 262.32(b)(5) to read:**

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

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

(2) Generator’s Name and Address

(3) Generator’s EPA Identification Number

(4) Manifest Tracking Number

(5) EPA Hazardous Waste Number(s)

**Revise 62‑79.262.32 to add 262.32(c) and 262.32(d) to read:**

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

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

**Revise 61‑79.262.34 to remove and reserve it:**

262.34. [Reserved]

**Revise 61‑79.262 to add section 262.35 to read:**

**262.35. Liquids in landfills prohibition.**

The placement of bulk or non‑containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. Prior to disposal in a hazardous waste landfill, liquids must meet additional requirements as specified in R.61‑79.264.314 and 265.314.

**Revise 61‑79.262 Subpart D title to read:**

**SUBPART D: Recordkeeping and Reporting Applicable to Small and Large Quantity Generators**

**Revise 61‑79.262.40(c) to read:**

(c) See R.61‑79.262.11(f) for recordkeeping requirements for documenting hazardous waste determinations.

**Revise 61‑79.262.41 to read:**

(b) Any generator must submit the information required by paragraph (a) on a form designated by the Department and according to the instructions included with such form. Reporting for exports of hazardous waste is not required on the Report form. A separate annual report requirement is set forth at section 262.83(g) for hazardous waste exporters.

(c) Exports of hazardous waste to foreign countries are not required to be reported on the Quarterly Report form. A separate annual report requirement is set forth at R.61‑79.262.83(g) for hazardous waste exporters.

**Revise 61‑79.262.43 to read:**

The Department may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in R.61‑79.261.

**Revise 61‑79.262.44 Introductory; subitems (a) through (d) remain the same, to read:**

**262.44 Recordkeeping for small quantity generators.**

A small quantity generator is subject only to the following independent requirements of this subpart:

**Revise 61‑79.262.200 to remove the definition of “Central Accumulation Area.”**

**Revise 61‑79.262.200 definition for “Trained professional” to read:**

**"Trained professional"** means a person who has completed the applicable RCRA training requirements of R.61‑79.262.17 for large quantity generators, or is knowledgeable about normal operations and emergencies in accordance with R.61‑79.262.16 for small quantity generators and very small quantity generators. A trained professional may be an employee of the eligible academic entity or may be a contractor or vendor who meets the requisite training requirements.

**Revise 61‑79.262.201 to read:**

(a) Large quantity generators and small quantity generators This subpart provides alternative requirements to the requirements in R.61‑79.262.11 and 262.15 for the hazardous waste determination and accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to this subpart, provided that they complete the notification requirements of R.61‑79.262.203.

(b) Very small quantity generators. This subpart provides alternative requirements to the conditional exemption in R.61‑79.262.14 for the accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to this subpart, provided that they complete the notification requirements of R.61‑79.262.203.

**Revise 61‑79.262.202 to read:**

(a) Large quantity generators and small quantity generators: Eligible academic entities have the option of complying with this subpart with respect to its laboratories, as an alternative to complying with the requirements of R.61‑79.262.11 and 262.15.

(b) Very small quantity generators. Eligible academic entities have the option of complying with this subpart with respect to its laboratories, as an alternative to complying with the conditional exemption of R.61‑79.262.14.

**Revise 61‑79.262.203(a) to read:**

(a) An eligible academic entity must notify the Department in writing, using the RCRA Subtitle C Site Identification Form (EPA Form 8700‑12), that it is electing to be subject to the requirements of this subpart for all the laboratories owned by the eligible academic entity under the same EPA identification number. An eligible academic entity that is a very small quantity generator and does not have an EPA identification number must notify that it is electing to be subject to the requirements of this subpart for all the laboratories owned by the eligible academic entity that are on site, as defined by R,61‑79.260.10. An eligible academic entity must submit a separate notification (Site Identification Form) for each EPA identification number (or site, for very small quantity generators) that is electing to be subject to the requirements of this subpart, and must submit the Site Identification Form before it begins operating under this subpart.

**Revise 61‑79.262.203(b)(2) to read:**

(2) Site EPA Identification Number (except for very small quantity generators).

**Revise 61‑79.262.204(a) to read:**

(a) An eligible academic entity must notify the Department in writing, using the RCRA Subtitle C Site Identification Form (EPA Form 8700‑12), that it is electing to no longer be subject to the requirements of this subpart for all the laboratories owned by the eligible academic entity under the same EPA Identification Number and that it will comply with the requirements of R.61‑79.262.11 and 262.15 for small quantity generators and large quantity generators. An eligible academic entity that is a very small quantity generator and does not have an EPA identification number must notify that it is withdrawing from the requirements of this subpart for all the laboratories owned by the eligible academic entity that are on‑site and that it will comply with the conditional exemption in R.61‑79.262.14. An eligible academic entity must submit a separate notification (Site Identification Form) for each EPA Identification Number (or site, for very small quantity generators) that is withdrawing from the requirements of the subpart and must submit the Site Identification Form before it begins operating under the requirements of R.61‑79.262.11 and 262.15 for small quantity generators and large quantity generators, or R.61‑79.262.14 for very small quantity generators.

**Revise 61‑79.262.204(b)(2) to read:**

(2) Site EPA Identification Number (except for very small quantity generators).

**Revise 61‑79.262.206(b)(3)(iii) to read:**

(iii) When venting of a container is necessary:

**Revise 61‑79.262.207(d)(2) to read:**

(2) Make the hazardous waste determination, pursuant to section 262.11(a) through (d), for unwanted material.

**Revise 61‑79.262.208(a) to read:**

(1) Remove all containers of unwanted material from each laboratory on a regular interval, not to exceed twelve (12) months; or

(2) Remove containers of unwanted material from each laboratory within twelve (12) months of each container’s accumulation start date.

**Revise 61‑79.262.208(d)(2) to read:**

(2) If a laboratory accumulates more than 1 quart of liquid reactive acutely hazardous unwanted material or more than one (1) kilogram (2.2 pounds) of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that all containers of reactive acutely hazardous unwanted material:

(i) Are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that one (1) quart or one (1) kilogram is exceeded; and

(ii) Are removed from the laboratory within ten (10) calendar days of the date that one (1) quart or one (1) kilogram was exceeded, or at the next regularly scheduled removal, whichever comes first.

**Revise 61‑79.262.209(b) to read:**

(b) Very small quantity generators ‑ an eligible academic entity must ensure that a trained professional makes a hazardous waste determination, pursuant to section 262.11(a) through (d), for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with R.61‑79.262.210.

**Revise 61‑79.262.210(a) to read:**

(a) A trained professional must make the hazardous waste determination, pursuant to R.61‑79.262.11(a) through (d), before the unwanted material is removed from the laboratory.

**Revise 61‑79.262.210(b)(3) to read:**

(3) Count the hazardous waste toward the eligible academic entity’s generator category, pursuant to R.61‑79.262.13, in the calendar month that the hazardous waste determination was made.

**Revise 61‑79.262.210(d)(2) to read:**

(2) Very small quantity generators must ensure it is taken directly from the laboratory(ies) to any of the types of facilities listed in R.61‑79.262.14.

**Revise 61‑79.262.211(c) to read:**

(c) The unwanted material becomes subject to the generator accumulation regulations of R.61‑79.262.16 for small quantity generators or R.61‑79.262.17 for large quantity generators as soon as it arrives in the central accumulation area, except for the "hazardous waste" labeling requirements of sections 262.16(b)(6) and 262.17(a)(5).

**Revise 61‑79.262.211(d) to read:**

(d) A trained professional must determine, pursuant to R.61‑79.262.11(a) through (d), if the unwanted material is a hazardous waste within four (4) calendar days of the unwanted materials’ arrival at the on‑site central accumulation area.

**Revise 61‑79.262.211(e)(3) to read:**

(3) Count the hazardous waste toward the eligible academic entity’s generator category, pursuant to R.61‑79.262.13 in the calendar month that the hazardous waste determination was made, and

**Revise 61‑79.262.212(d) to read:**

(d) A trained professional must determine, pursuant to R.61‑79.262.11(a) through (d), if the unwanted material is a hazardous waste within four (4) calendar days of the unwanted materials’ arrival at an on‑site interim status or permitted treatment, storage or disposal facility.

**Revise 61‑79.262.213(a) to read:**

(1) If the volume of unwanted material in the laboratory exceeds fifty‑five (55) gallons (or one (1) quart of liquid reactive acutely hazardous unwanted material or one (1) kilogram of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within ten (10) calendar days of exceeding fifty‑five (55) gallons (or one (1) quart of liquid reactive acutely hazardous unwanted material or one (1) kilogram of solid reactive acutely hazardous unwanted material), as required by section 262.208. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within thirty (30) calendar days from the start of the laboratory clean‑out; and

(2) For the purposes of on‑site accumulation, an eligible academic entity is not required to count a hazardous waste that is an unused commercial chemical product (listed in R.61‑79.261, subpart D or exhibiting one or more characteristics in R.61‑79.261, subpart C) generated solely during the laboratory clean‑out toward its hazardous waste generator category, pursuant to R.61‑79.262.13. An unwanted material that is generated prior to the beginning of the laboratory clean‑out and is still in the laboratory at the time the laboratory clean‑out commences must be counted toward hazardous waste generator category, pursuant to R.61‑79.262.13, if it is determined to be hazardous waste; and

(3) For the purposes of off‑site management, an eligible academic entity must count all its hazardous waste, regardless of whether the hazardous waste was counted toward generator category under paragraph (a)(2) of this section, and if it generates more than 1 kg/month of acute hazardous waste or more than 100 kg/month of non‑acute hazardous waste (i.e., the very small quantity generator limits as defined in R.61‑79.260.10), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off‑site; and

**Revise 61‑79.262.213(b)(2) to read:**

(2) The requirement to count all hazardous waste, including unused hazardous waste, generated during the laboratory clean‑out toward its hazardous waste generator category, pursuant to R.61‑79.262.13.

**Revise 61‑79.262.214(b)(5) to read:**

(5) Describe its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at section 262.11(a) through (d) and R.61‑79.262.209 through 262.212).

**Revise 61‑79.262.216 to read:**

(a) Remains subject to the generator requirements of R.61‑79.262.11 and 262.15 for large quantity generators and small quantity generators (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of R.61‑79.262, with respect to that hazardous waste; or

(b) Remains subject to the conditional exemption of R.61‑79.262.14 for very small quantity generators, with respect to that hazardous waste.

**Revise 61‑79.262 to add Subpart L—Alternative Standards for Episodic Generation to read:**

**SUBPART L: Alternative Standards for Episodic Generation**

**262.230. Applicability.**

This subpart is applicable to very small quantity generators and small quantity generators as defined in R.61‑79.260.10.

**262.231. Definitions for this subpart.**

**“Episodic event”** means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator’s usual category.

**“Planned episodic event”** means an episodic event that the generator planned and prepared for, including regular maintenance, tank cleanouts, short‑term projects, and removal of excess chemical inventory.

**“Unplanned episodic event”** means an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or “acts of nature,” such as tornado, hurricane, or flood.

**262.232. Conditions for a generator managing hazardous waste from an episodic event.**

(a) Very small quantity generator. A very small quantity generator may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions:

(1) The very small quantity generator is limited to one (1) episodic event per calendar year, unless a petition is granted under R.61‑79.262.233;

(2) Notification. The very small quantity generator must notify the Department no later than thirty (30) calendar days prior to initiating a planned episodic event using EPA Form 8700‑12. In the event of an unplanned episodic event, the generator must notify the Department within seventy‑two (72) hours of the unplanned event via phone, email, or fax and subsequently submit EPA Form 8700‑12. The generator shall include the start date and end date of the episodic event, the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and shall identify a facility contact and emergency coordinator with 24‑hour telephone access to discuss the notification submittal or respond to an emergency in compliance with R.61‑79.262.16(b)(9)(i);

(3) EPA Identification Number. The very small quantity generator must have an EPA identification number or obtain an EPA identification number using EPA Form 8700‑12;

(4) Accumulation. A very small quantity generator is prohibited from accumulating hazardous waste generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply:

(i) Containers. A very small quantity generator accumulating in containers must mark or label its containers with the following:

(A) The words “Episodic Hazardous Waste”;

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

(C) The date upon which the episodic event began, clearly visible for inspection on each container.

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

(A) Mark or label the tank with the words “Episodic Hazardous Waste”;

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

(C) Use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins; and

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

(iii) Hazardous waste must be managed in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water;

(A) Containers must be in good condition and compatible with the hazardous waste being accumulated therein. Containers must be kept closed except to add or remove waste; and

(B) Tanks must be in good condition and compatible with the hazardous waste accumulated therein. Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure the tank is operated according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

(5) The very small quantity generator must comply with the hazardous waste manifest provisions of R.61‑79.262 subpart B when it sends its episodic event hazardous waste off site to a designated facility, as defined in R.61‑79.260.10.

(6) The very small quantity generator has up to sixty (60) calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in R.61‑79.260.10.

(7) Very small quantity generators must maintain the following records for three (3) years from the end date of the episodic event:

(i) Beginning and end dates of the episodic event;

(ii) A description of the episodic event;

(iii) A description of the types and quantities of hazardous wastes generated during the event;

(iv) A description of how the hazardous waste was managed as well as the name of the RCRA‑designated facility that received the hazardous waste;

(v) Name(s) of hazardous waste transporters; and

(vi) An approval letter from the Department if the generator petitioned to conduct one (1) additional episodic event per calendar year.

(b) Small quantity generators. A small quantity generator may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions:

(1) The small quantity generator is limited to one (1) episodic event per calendar year unless a petition is granted under R.61‑79.262.233;

(2) Notification. The small quantity generator must notify the Department no later than thirty (30) calendar days prior to initiating a planned episodic event using EPA Form 8700‑12. In the event of an unplanned episodic event, the small quantity generator must notify the Department within seventy‑two (72) hours of the unplanned event via phone, email, or fax, and subsequently submit EPA Form 8700‑12. The small quantity generator shall include the start date and end date of the episodic event and the reason(s) for the event, types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with twenty‑four (24)‑hour telephone access to discuss the notification submittal or respond to emergency;

(3) EPA Identification Number. The small quantity generator must have an EPA identification number or obtain an EPA identification number using EPA Form 8700‑12; and

(4) Accumulation by small quantity generators. A small quantity generator is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads and in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions apply:

(i) Containers. A small quantity generator accumulating episodic hazardous waste in containers must meet the standards at R.61‑79.262.16(b)(2) and must mark or label its containers with the following:

(A) The words “Episodic Hazardous Waste”;

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

(C) The date upon which the episodic event began, clearly visible for inspection on each container.

(ii) Tanks. A small quantity generator accumulating episodic hazardous waste in tanks must meet the standards at section 262.16(b)(3) and must do the following:

(A) Mark or label its tank with the words “Episodic Hazardous Waste”;

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

(C) Use inventory logs, monitoring equipment or other records to identify the date upon which each period of accumulation begins and ends; and

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

(5) The small quantity generator must treat hazardous waste generated from an episodic event on site or manifest and ship such hazardous waste off site to a designated facility (as defined by R.61‑79.260.10) within sixty (60) calendar days from the start of the episodic event.

(6) The small quantity generator must maintain the following records for three (3) years from the end date of the episodic event:

(i) Beginning and end dates of the episodic event;

(ii) A description of the episodic event;

(iii) A description of the types and quantities of hazardous wastes generated during the event;

(iv) A description of how the hazardous waste was managed as well as the name of the designated facility (as defined by R.61‑79.260.10) that received the hazardous waste;

(v) Name(s) of hazardous waste transporters; and

(vi) An approval letter from the Department if the generator petitioned to conduct one (1) additional episodic event per calendar year.

**262.233. Petition to manage one additional episodic event per calendar year.**

(a) A generator may petition the Department for a second episodic event in a calendar year without impacting its generator category under the following conditions:

(1) If a very small quantity generator or small quantity generator has already held a planned episodic event in a calendar year, the generator may petition the Department for an additional unplanned episodic event in that calendar year within seventy‑two (72) hours of the unplanned event.

(2) If a very small quantity generator or small quantity generator has already held an unplanned episodic event in a calendar year, the generator may petition the Department for an additional planned episodic event in that calendar year.

(b) The petition must include the following:

(1) The reason(s) why an additional episodic event is needed and the nature of the episodic event;

(2) The estimated amount of hazardous waste to be managed from the event;

(3) How the hazardous waste is to be managed;

(4) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event—not to exceed sixty (60) days; and

(5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

(c) The petition must be made to the Department in writing, either on paper or electronically.

(d) The generator must retain written approval in its records for three (3) years from the date the episodic event ended.

**Revise 61‑79.262 to add Subpart M—Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators to read:**

**SUBPART M: Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators**

**262.250. Applicability.**

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

**262.251. Maintenance and operation of facility.**

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

**262.252. Required equipment.**

All areas deemed applicable by R.61‑79.262.250 must be equipped with the items in paragraphs (a) through (d) of this section (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). A large quantity generator may determine the most appropriate locations within its facility to locate equipment necessary to prepare for and respond to emergencies:

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

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

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

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

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

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

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

(a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under R.61‑79.262.252.

(b) In the event there is only one employee on the premises while the facility is operating, the employee must have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand‑held two‑way radio, capable of summoning external emergency assistance, unless such a device is not required under R.61‑79.262.252.

**262.255. Required aisle space.**

The large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

**262.256. Arrangements with local authorities.**

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

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

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

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

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

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

**262.260. Purpose and implementation of contingency plan.**

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

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

**262.261. Content of contingency plan.**

(a) The contingency plan must describe the actions facility personnel must take to comply with R.61‑79.262.260 and 262.265 in response to fires, explosions, or any unplanned sudden or non‑sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

(b) If the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR part 112, or some other emergency or contingency plan, it need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this part. The generator may develop one contingency plan that meets all regulatory standards. The Department recommends that the plan be based on the National Response Team’s Integrated Contingency Plan Guidance (“One Plan”).

(c) The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to R.61‑79.262.256.

(d) The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see R.61‑79.262.264), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates twenty‑four (24) hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.

(e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

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

**262.262. Copies of contingency plan.**

A copy of the contingency plan and all revisions to the plan must be maintained at the large quantity generator and—

(a) The large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate.

(b) A large quantity generator that first becomes subject to these provisions after May 30, 2017, or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements:

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

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

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

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

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

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

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

(8) The name of the emergency coordinator(s) and twenty‑four (24) hour, seven (7)‑days‑a‑week emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

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

**262.263. Amendment of contingency plan.**

The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

(a) Applicable regulations are revised;

(b) The plan fails in an emergency;

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

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

**262.264. Emergency coordinator.**

At all times, there must be at least one employee either on the generator’s 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 and implementing the necessary emergency procedures outlined in R.61‑79.262.265. Although responsibilities may vary depending on factors such as type and variety of hazardous waste(s) handled by the facility, as well as type and complexity of the facility, this emergency coordinator must be thoroughly familiar with all aspects of the generator’s contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility’s layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

**262.265. Emergency procedures.**

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

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

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

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.

(c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run‑offs from water or chemical agents used to control fire and heat‑induced explosions).

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, the emergency coordinator must report the findings as follows:

(1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

(2) The emergency coordinator must immediately notify either the government official designated as the on‑scene coordinator for that geographical area, or the National Response Center (using their 24‑hour toll free number 800/424‑8802). The report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of the generator;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health, or the environment, outside the facility.

(e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator’s facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

(f) If the generator stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with section 261.3(c) or (d), that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that must be managed in accordance with all the applicable requirements and conditions for exemption in R.61‑79.262, 263, and 265.

(h) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(1) No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(i) The generator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen (15) days after the incident, the generator must submit a written report on the incident to the Department. The report must include:

(1) Name, address, and telephone number of the generator;

(2) Date, time, and type of incident (e.g., fire, explosion);

(3) Name and quantity of material(s) involved;

(4) The extent of injuries, if any;

(5) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(6) Estimated quantity and disposition of recovered material that resulted from the incident.

**Revise 61‑79.263.12 to add 263.12(a) to 263.12(b) to read:**

(a) A transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements of R.61‑79.262.30 at a transfer facility for a period of ten (10) days or less is not subject to regulation under R.61‑79.264, 265, 268, and 270 with respect to the storage of those wastes.

(b) When consolidating the contents of two or more containers with the same hazardous waste into a new container, or when combining and consolidating two different hazardous wastes that are compatible with each other, the transporter must mark its containers of one hundred nineteen (119) gallons or less with the following information:

(1) The words “Hazardous Waste” and

(2) The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in R.61‑79.261 in subparts C and D, or in compliance with section 262.32(c).

**Revise 61‑79.264.1(g)(1) to read:**

(1) The owner or operator of a facility permitted, licensed, or registered by the Department to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded under R.61‑79.261.14;

**Revise 61‑79.264.1(g)(3) to read:**

(3) A generator accumulating waste onsite in compliance with R.61‑79.262.14, 262.15, 262.16, or 262.17;

**Revise 61‑79.264.15(b)(4) to remove the comment and to read:**

(4) 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 any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in R.61‑79.264.174, 264.193, 264.195, 264.226, 264.254, 264.278, 264.303, 264.347, 264.602, 264.1033, 264.1052, 264.1053, 264.1058, and 264.1083 through 264.1089 where applicable. R.61‑79.270 requires the inspection schedule to be submitted with part B of the permit application. The Department will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Department may modify or amend the schedule as may be necessary.

**Revise 61‑79.264.71(c) to remove the comment and to read:**

(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of R.61‑79.262. The provisions of sections 262.15, 262.16, and 262.17 are applicable to the on‑site accumulation of hazardous wastes by generators. Therefore, the provisions of sections 262.15, 262.16, and 262.17 only apply to owners or operators who are shipping hazardous waste which they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under section 262.17(f).

**Revise 61‑79.264.174 to remove comment and to read:**

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

**Revise 61‑79.264.1030(b)(2) to read:**

(2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of R.61‑79.262.17 (i.e., a hazardous waste recycling unit that is not a ninety (90)‑day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 270, or

**Revise 61‑79.264.1050(b)(3) to read:**

(3) A unit that is exempt from permitting under the provisions of R.61‑79.262.17 (i.e., a "90‑day" tank or container) and is not a recycling unit under the provisions of 261.6.

**Revise 61‑79.265.1(c)(5) to read:**

(5) The owner or operator of a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this part by R.61‑79.262.14;

**Revise 61‑79.265.1(c)(7) to read:**

(7) A generator accumulating waste onsite in compliance with applicable conditions for exemption in R.61‑79.262.14 through 262.17, and R.61‑79.262 subparts K and L, except to the extent the requirements of this R.61‑79.262 are included in those sections and subparts;

**Revise 61‑79.265.71(c) to remove comment and to read:**

(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of part 262. The provisions of R.61‑79.262.15, 262.16, and 262.17 are applicable to the on‑site accumulation of hazardous wastes by generators. Therefore, the provisions of R.61‑79.262.15, 262.16, and 262.17 only apply to owners or operators who are shipping hazardous waste which they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under section 262.17(f).

**Revise 61‑79.265.174 to remove comment and to read:**

At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See R.61‑79.265.171 for remedial action required if deterioration or leaks are detected.

**Revise 61‑79.265.201 to remove and reserve it:**

265.201. [Reserved]

**Revise 61‑79.265.1030(b)(2) and (b)(3) to read:**

(2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of R.61‑79.262.17 (i.e., a hazardous waste recycling unit that is not a 90‑day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of part 270, or

(3) A unit that is exempt from permitting under the provisions of R.61‑79.262.17 (i.e., a "90‑day" tank or container) and is not a recycling unit under the requirements of 261.6.

**Revise 61‑79.265.1050(b)(2) and (b)(3) to read:**

(2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of R.61‑79.262.17 (i.e., a hazardous waste recycling unit that is not a ninety (90)‑day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of part 270, or

(3) A unit that is exempt from permitting under the provisions of R.61‑79.262.17 (i.e., a "ninety (90)‑day" tank or container) and is not a recycling unit under the provisions of 261.6.

**Revise 61‑79.266.255(a) to read:**

(a) When your LLMW has met the requirements of your NRC or NRC Agreement State license for decay‑in‑storage and can be disposed of as non‑radioactive waste, then the conditional exemption for storage no longer applies. On that date your waste is subject to hazardous waste regulation under the relevant sections of parts 260 through 271, and the time period for accumulation of a hazardous waste as specified in R.61‑79.262.16 or 262.17 begins.

**Revise 61‑79.268.1(e)(1) to read:**

(1) Wastes generated by very small quantity generators, as defined in R.61‑79.260.10;

**Revise 61‑79.268.7(a)(5) to read:**

(5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under R.61‑79.262.15, 262.16, and 262.17 to meet applicable LDR treatment standards found at 268.40, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1, 268.45, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator’s records, and the following requirements must be met:

**Revise 61‑79.268.50(a)(1) to read:**

(1) A generator stores such wastes in tanks, containers, or containment buildings onsite solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in R.61‑79.262.16 and 262.17 and R.61‑79.264 and 265.

**Revise 61‑79.268.50(a)(2) to add 268.50(a)(2)(i)(A) to 268.50(a)(2)(i)(D) to read:**

(i) Each container is clearly marked to identify its contents and with:

(A) The words “Hazardous Waste”;

(B) The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in R.61‑79.261 subparts C and D; or use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste number(s);

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

(D) The date each period of accumulation begins.

**Revise 61‑79.270.1(a)(3) to read:**

(3) Technical regulations. The RCRA permit program has separate additional regulations that contain technical requirements. These separate regulations are used by permit issuing authorities to determine what requirements must be placed in permits if they are issued. These separate regulations are located in R.61‑79.264, 266, 267, and 268.

**Revise 61‑79.270.1(c)(2) to read:**

(2) Specific exclusions and exemptions. The following persons are among those who are not required to obtain a RCRA permit under these regulations:

**Revise 61‑79.270.1(c)(2)(i) to read:**

(i) Generators who accumulate hazardous waste onsite in compliance with all of the conditions for exemption provided in R.61‑79.262.14, 262.15, 262.16, and 262.17.

**Revise 61‑79.270.1(c)(2)(iii) to read:**

(iii) Persons who own or operate facilities solely for the treatment, storage or disposal of hazardous waste excluded from regulations under this Part by R.61‑79.261.4 or 262.14 (very small quantity generator exemption).

**Revise 61‑79.270.42(l) to reserve:**

(l) [Reserved]

**Revise 61‑79.270.42 Appendix I to 270.42—Classification of Permit Modification to remove and reserve:**

|  |  |
| --- | --- |
| O. Burden Reduction |  |
| 1. [Reserved] |  |
| 2. Development of one contingency plan based on Integrated Contingency Plan Guidance pursuant to section 264.52(b) |  |
| 3. Changes to recordkeeping and reporting requirements pursuant to: sections 264.56(i), 264.343(a)(2), 264.1061(b)(1),(d), 264.1062(a)(2), 264.196(f), 264.100(g), and 264.113(e)(5) |  |
| 4. Changes to inspection frequency for tank systems pursuant to section 264.195(b) |  |
| 5. Changes to detection and compliance monitoring program pursuant to sections 26498(d), (g)(2), and (g)(3), 264.99(f), and (g) |  |

**Revise 61‑79.273.8 section heading to read:**

**273.8. Applicability—household and very small quantity generator waste.**

**Revise 61‑79.273.8(a)(2) to read:**

(2) Very small quantity generator wastes that are exempt under R.61‑79.262.14 and are also of the same type as the universal wastes defined at 273.9.

**Revise 61‑79.273.81(b) to read:**

(b) 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, very small quantity generators, small businesses, government organizations, as well as large industrial facilities);

**Fiscal Impact Statement:**

The amendments have no substantial fiscal or economic impact on the state or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

**Statement of Need and Reasonableness:**

The following presents an analysis of the factors listed in 1976 Code Sections 1‑23‑115(C)(1)‑(3) and (9)‑(11):

DESCRIPTION OF REGULATION: 61‑79, Hazardous Waste Management Regulations.

Purpose: The purpose of this amendment is to realize the benefits of and maintain state consistency with the EPA’s November 28, 2016, amendments to 40 CFR 260 through 279.

Legal Authority: 1976 Code Section 44‑56‑30.

Plan for Implementation: The DHEC Regulation Development Update (accessible at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/) provides a summary of and link to this amendment. Additionally, printed copies are available for a fee from the Department’s Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendment and any associated information.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Department amends R.61‑79 to adopt the EPA’s Hazardous Waste Generator Improvements Rule, published on November 28, 2016, at 81 FR 85732‑85829. The rule amends the existing hazardous waste generator regulatory program by reorganizing the hazardous waste generator regulations to improve their usability by the regulated community. This rule clarifies how the RCRA hazardous waste generator regulatory program works and addresses gaps in the existing regulations to strengthen environmental protections. This rule provides greater flexibility for generators to manage hazardous waste in a cost‑effective and protective manner, and makes technical corrections and changes to address inadvertent errors and remove outdated references to programs that no longer exist. While the majority of the rule is equivalent to current state regulations and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. Due to the interrelated nature of the equivalent provisions and the more stringent provisions, the Department adopts the rule in a single drafting that requires General Assembly review.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increased cost to the state or its political subdivisions resulting from this revision. There will likely be a slight increase in costs to the regulated community for compliance from this revision. The amendments to R.61‑79 reorganize the hazardous waste generator regulations to improve their usability by the regulated community, provide a better understanding of how the RCRA hazardous waste generator regulatory program works, address gaps in existing regulations to strengthen environmental protections, provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost‑effective and protective manner, and make technical corrections to address inadvertent errors and remove obsolete references to programs that no longer exist.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates regarding costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The revision to R.61‑79 provides continued protection of the environment and public health, as indicated above.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

If the regulation is not implemented, there will be a detrimental effect on the environment and public health because the South Carolina would not be implementing or realizing the benefits of the EPA’s Hazardous Waste Generator Improvements Rule.

**Statement of Rationale:**

R.61‑79 contains requirements for hazardous waste management, including identification of waste, standards for generators, transporters, and owners/operators of treatment, storage, and disposal (“TSD”) facilities, procedures for permits for TSD facilities, investigation and cleanup of hazardous waste; and closure and post‑closure requirements. As an authorized state program, the regulation must be equivalent to and consistent with the U.S. EPA’s RCRA regulations, 42 U.S.C. Sections 6901 et seq. The EPA periodically promulgates regulations that are either mandatory for authorized state programs to adopt or maintain program equivalency or are optional for states because the changes are less stringent than the current federal regulations. While the majority of the EPA’s Hazardous Waste Generator Improvements Rule is equivalent to current state regulations and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. Due to the interrelated nature of the equivalent provisions and the more stringent provisions, the Department has adopted the rule in a single drafting that required General Assembly review.