Chapter 850: IDENTIFICATION OF HAZARDOUS WASTES
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SUMMARY: This Chapter identifies hazardous wastes. These hazardous wastes are subject to regulation according to the provisions of the *Maine Hazardous Waste, Septage, and Solid Waste Management Act*, 38 M.R.S. §§ 1301 through 1319-Y and to this and other rules adopted thereunder.

NOTE: As used in this Chapter, "Department" has the same meaning as in the *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2, and may refer to either the "Board" or the "Commissioner". Under certain circumstances, Maine statutes require that the Board, rather than the Commissioner, perform duties that may be described or referenced in the *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 – 858 (e.g., licensing of commercial hazardous waste facilities pursuant to 38 M.R.S. §1319-R; licensing of projects of "statewide significance" pursuant to 38 M.R.S. §341-D).

l. Legal Authority. This Chapter is authorized and adopted under 38 M.R.S. § 1319-O(1) and is intended to be consistent with applicable requirements of *The Solid Waste Disposal Act*, as amended by the *Resource Conservation and Recovery Act of 1976* (RCRA), as amended, 42 U.S.C. § 6901 through 6992(k) and regulations promulgated by the United States Environmental Protection Agency (EPA) thereunder.

2. Preamble. It is the purpose of the Department of Environmental Protection (Department), consistent with legislative policy, to provide effective controls for the management of hazardous wastes. This Chapter is promulgated to identify hazardous wastes so that effective management measures can be implemented.

3. Identification of Hazardous Wastes

A. General

(1) This Chapter identifies those wastes which are subject to regulation as hazardous wastes under 38 M.R.S. §§ 1301 through 1319-Y.

(2) Portions of this Chapter refer to federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise specified, the federal regulations referenced are those final regulations as amended up to July 1, 2019, as they appeared in volume 40 of the Code of Federal Regulations (C.F.R.) and are hereby incorporated by reference. References to test methods shall include regulations published on July 1, 2005, including 40 C.F.R. § 260.11 which is hereby incorporated by reference. Where specifically indicated, the terms of a referenced federal regulation are hereby incorporated as terms of this Chapter, except that in regulations incorporated thereby, "EPA", "Administrator", "Regional Administrator" and "Director" shall mean "the Maine Board of Environmental of Protection, the Maine Department of Environmental Protection, the Commissioner of the Department of Environmental Protection or the Commissioner's designated representative, as applicable"; and the references to terms or phrases including "treat", "store", or "dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or 06-096 C.M.R. chs. 850 - 860, the more stringent of the requirements shall apply. Other changes to regulations incorporated hereby are as expressly made in this Chapter.

Waste. "Waste" means any useless, unwanted or discarded substance or material, whether or not such substance or material has any other or future use and includes any substance or material that is spilled, leaked, pumped, poured, emitted, disposed, emptied, or dumped onto the land or into the water or ambient air. This definition includes, without being limited to, materials which are used in a manner constituting disposal, burned for energy recovery, reclaimed or accumulated speculatively.

NOTE: It is intended that the terms "materials which are used in a manner constituting disposal, burned for energy recovery, reclaimed or accumulated speculatively" should include all materials covered by 40 C.F.R. § 261.2(c)(1)-(4) and any amendments thereto.

(3) **Definition of hazardous waste**

(a) A waste is a hazardous waste if:

(i) It is not excluded from regulation as a hazardous waste under Section 3(A)(4) of this Chapter; and

(ii) It meets any of the following criteria:

a. It is listed in Section 3(C) of this Chapter and has not been excluded by EPA under 40 C.F.R. §§ 260.20 and 260.22 and excluded subsequently by the Department pursuant to 38 M.R.S. § 1319-O(1)(A);

b. It is a mixture of a non-hazardous waste and one or more hazardous wastes listed in Section 3(C) of this Chapter and has not been excluded by EPA under 40 C.F.R. §§ 260.20 and 260.22 and excluded subsequently by the Department pursuant to 38 M.R.S. § 1319-O(1)(A); or

c. It exhibits any of the characteristics of hazardous waste identified in Section 3(B) of this Chapter.

(b) A waste which is not excluded from regulation under Section 3(A)(3)(a)(i) of this Chapter becomes a hazardous waste when any of the following events occur:

(i) In the case of a waste listed in Section 3(C) of this Chapter, when the waste first meets the criteria of the listing description as set forth in Section 3(C).

(ii) In the case of a mixture of a non-hazardous waste and one or more listed hazardous wastes, when a hazardous waste listed in Section 3(C) of this Chapter is first added to the non-hazardous waste.

(iii) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Section 3(B) of this Chapter.

(c) Unless and until it meets the criteria of Section 3(A)(3)(d) of this Chapter (below):

(i) A hazardous waste will remain a hazardous waste.

(ii) Any waste generated from the handling of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate (but not including precipitation run-off), is a hazardous waste.

(d) Any waste described in Section 3(A)(3)(c) of this Chapter (above) is not a hazardous waste if it meets the following criteria:

(i) In the case of any waste, it does not exhibit any of the characteristics of hazardous waste identified in Section 3(B) of this Chapter; however, such waste which exhibits a characteristic at the point of generation is still subject to the requirements of 06-096 C.M.R. ch. 852 even if the waste no longer exhibits a characteristic at the point of disposal.

(ii) In the case of a waste which is a listed waste under Section 3(C) of this Chapter, contains a waste listed under Section 3(C) or is derived from a waste listed in Section 3(C), it also has been excluded from paragraph (c) by EPA under 40 C.F.R. §§ 260.20 and 260.22 and excluded subsequently by the Department pursuant to 38 M.R.S. § 1319-O(1)(A).

(4) **Exclusions**

(a) **Substances which are not hazardous wastes**. The following materials are not hazardous wastes for the purpose of this Chapter:

(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment, provided the mixture is a discharge of a non segregable waste at the site of generation, the mixture is a discharge from a source whose hazardous constituents are subject to categorical, local limits, and prohibitions established in accordance with Section 307(b) of the *Clean Water Act*, and the source is in compliance with those limits by means other than dilution and the hazardous constituents are sampled and analyzed no less frequently than annually. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system. The unknowing receipt of hazardous waste by a POTW does not cause the POTW to become a hazardous waste facility.

NOTE: Unless the discharge is non segregable and is subject to categorical and local limits, persons discharging hazardous waste to POTWs via a sewer system containing domestic sewage or other means are subject to the applicable abbreviated license provisions of 06-096 C.M.R. ch. 856, § 11. Dischargers to POTWs and POTWs are responsible for complying with the applicable provisions of 06-096 C.M.R. ch. 856, § 11. See also 06-096 C.M.R. ch. 851, § 12(D). A waste is considered non-segregable when it is inherently mixed with wastewater and is not segregated in containers, tanks, pipes and sumps. A segregable waste cannot be introduced to wastewaters unless an abbreviated license is held for the activity.

(iii) Industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the *Clean Water Act*, as amended, in so far as any hazardous waste present in the discharge is in fact regulated.

NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being handled before discharge, or sludges that are generated by industrial wastewater treatment. The exclusion is further limited by the provisions under 06-096 C.M.R. ch. 856 for the abbreviated licensing of a POTW for treatment of a hazardous waste.

(iv) Irrigation return flows.

(v) Source material, special nuclear material or by-product material as defined by the *Atomic Energy Act of l954*, 42 U.S.C. 2011 *et seq*., as amended up to August 8, 2005.

(vi) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.

(vii) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, picnic grounds, and day-use recreation areas.)

(viii) Wastes resulting from agricultural activities which are returned to the soils as fertilizers. "Agricultural activities" means the growing of vegetables, fruit, seeds, nursery crops, poultry, livestock, field crops, cultivated or pasture hay and farm woodlot products, including Christmas trees.

(ix) Mining overburden returned to the mine site.

NOTE: Wastes from the extraction and beneficiation of metallic ores and minerals are regulated under 06-096 C.M.R. ch. 200 of the Department's rules, not 06-096 C.M.R. chs. 850 - 857.

(x) Fly ash waste, bottom ash waste, slag waste, and flue emission control waste generated solely from the combustion of coal, other fossil fuels, or wood or generated primarily from the combustion of coal, other fossil fuels, wood, or any combination thereof, providing that the waste does not exhibit any of the characteristics of hazardous waste as defined in Section 3(B)(2), (3), (4), or (5) of this Chapter.

(xi) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

(xii) A sample of waste or sample of water, soil, or air which is collected for the sole purpose of testing to determine its characteristics or composition provided it

meets the requirements of 40 C.F.R. §§ 261.4(d)(1)(i)-(vi) and 261.4(d)(4), and the sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector comply with 40 C.F.R. § 261.4(d)(2). This exemption does not apply if the laboratory determines the waste is hazardous but the laboratory is no longer meeting the requirements of this provision.

(xiii) Commercial chemical product that is unused and which is reinserted into the onsite manufacturing process without any alteration and is used as a substitute for feedstock materials without placement on the land, or that is unused and unexpired and is shipped to the original manufacturer or distributor with their approval for use.

(xiv) Waste from the leather tanning and finishing industry including chrome (blue) trimmings, chrome (blue) shavings, and buffing dust; and scrap tanned leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries, provided the generator can demonstrate the waste meets the exemption criteria of 40 C.F.R. § 261.4(b)(6)(i), the waste is managed in a non-oxidizing environment, and if disposed in Maine, is managed in a secure landfill licensed by the Department.

NOTE: Due to the potential conversion of trivalent chromium to hexavalent chromium in certain situations, the increased leachability of certain types of chrome waste, and the current management of the waste in oxidizing environments, the Department continues to have concerns with the disposition of this waste stream. These wastes will be managed in secure landfills as special wastes under the *Solid Waste Management Regulations,* 06-096 C.M.R. chs. 400-405, 409, and 418.

(xv) Pulping liquors (e.g., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, provided the storage of such liquor, if any, prior to reuse occurs in a fully enclosed tank and the liquors are not accumulated speculatively as defined in 40 C.F.R. § 261.1(c)

NOTE: For the purpose of this paragraph, pulping liquor that is spilled or otherwise released into the environment may qualify for this exemption only to the extent the liquor is recovered for subsequent reuse.

(xvi) Scrap metal which is recycled or intended to be recycled and is handled, processed or recycled at a facility licensed or authorized to do so, and provided it is not accumulated speculatively as defined in 40 C.F.R. § 261.1(c). "Scrap metal" means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled and which are not otherwise mixed with or contaminated with nonmetal hazardous wastes.

In addition, scrap metal includes processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal, as these terms are defined below:

“Processed scrap metal” is scrap metal which has been manually or physically altered to either separate it into distinct materials to enhance economic value or to

improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and fines, drosses and related materials which have been agglomerated.

"Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries such as turnings, cuttings, punchings, and borings.

"Prompt scrap metal" is scrap metal as generated by the metal working/fabrication industries and includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap is also known as industrial or new scrap metal.

NOTE: It is the generator's responsibility to demonstrate to the Department that the scrap metal is being handled, processed or recycled by a facility licensed or authorized to do so.

(xvii) Materials in unopened containers which are unused, unexpired and which meet the product specifications, provided the materials are not used in a manner constituting disposal (unless the product is normally applied to the land) or burned for energy recovery (unless the product is a fuel).

(xviii) Unused, unexpired materials in an original container which meet the product specifications, provided the Chief Executive Officers or plant managers of the shipping and receiving facilities exchange letters acknowledging the exchange of material, the Department receives copies of these letters prior to shipment, and the materials are not used in a manner constituting disposal (unless the product is originally applied to the land) or burned for energy recovery (unless the product is a fuel). The letter must contain the following information: (1) the type and quantity of material transferred; (2) the name, address and telephone number of the transferor and transferee; (3) the date of transfer; and (4) the proposed use of the materials by the transferee.

(xix) Isopropyl alcohol is excluded when shown to be recycled by being used or reused as an effective substitute for commercial products provided the isopropyl alcohol is not being reclaimed and the generator and recycling facility is in compliance with the following:

The generator and if located in Maine, the recycler, shall maintain the following documentation at the facility of the generator and, if located in Maine, at the recycling facility, and be available for the Department's inspection:

(1) A description of the isopropyl alcohol to be used or reused;

(2) Consistent with the requirements of 40 C.F.R. § 261.2(f) a demonstration that a known market or disposition exists for the isopropyl alcohol. This demonstration must include documentation such as a contract that a material is used to substitute for another product; a description of the process by which the isopropyl alcohol is beneficially used or reused; a representative analysis of the isopropyl alcohol including the hazardous constituents found

in 40 C.F.R. § 261 Appendix VIII; and documentation that the use of the material does not introduce toxic constituents into the product, for which the material is used as a substitute, in concentrations that are higher than those found in analogous products consistent with 40 C.F.R. § 261.2(d)(3)(i)(B); and

(3) Consistent with the requirements of 40 C.F.R. § 261.2(f), a demonstration by the owners or operators of the receiving facilities that they are actually recycling the materials and documenting that they have the necessary equipment to do so.

Isopropyl alcohol is not exempt under this provision and is a hazardous waste, even if the recycling involves use or reuse, consistent with 40 C.F.R. §§ 261.2(c) and (e) if the isopropyl alcohol or associated materials are reclaimed, used in a manner constituting disposal, or used to produce products that are applied to land, or burned for energy recovery, used to produce a fuel, or contained in fuels, or if materials are accumulated speculatively as defined in 40 C.F.R. § 261.1(c)(8), or fed to a halogen acid furnace. A respondent in an action to enforce hazardous waste regulations who raises a claim that isopropyl alcohol is used or reused under this provision shall demonstrate consistent with 40 C.F.R. § 261.2(f), that there is a known market or disposition for the material, and that they meet the terms of the exclusion.

(xx) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 3(B)(5) of this Chapter (Waste Codes D018 through D043) and are subject to the corrective action requirements of 06-096 C.M.R. ch. 691.

(xxi) Debris (as defined in 06-096 C.M.R. ch. 852, § 3(A)) that does not exhibit a hazardous waste characteristic and which has been treated in accordance with 06-096 C.M.R. ch. 852, § 14(C), or debris that the Department determines is no longer contaminated with hazardous waste. Persons claiming this exclusion based on treatment will have the burden of proving by clear and convincing evidence in an enforcement action that the material meets all of the exclusion requirements.

(xxii) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the Toxicity Characteristic for Hazardous Waste Code D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood product for these materials' intended end use.

(xxiii) EPA Hazardous Waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the Toxicity Characteristic (TC) specified in Section 3(B)(5) of this Chapter when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

(xxiv) Used cutting oil from metal working operations that is otherwise identified in the *Waste Oil Management Rules*, 06-096 C.M.R. ch. 860, § 4 as a "waste oil which must be managed as a hazardous waste", provided that it:

(1) Exceeds the allowable level for total halogens established in 06-096 C.M.R. ch. 860, § 4(C) (4,000 ppm) due solely to the presence of chlorinated paraffins as a constituent of the cutting oil itself, and not due to the mixing of a halogenated hazardous waste with the oil;

(2) Is not mixed or contaminated with any other hazardous waste, and does not exhibit hazardous waste characteristics except as provided in 06-096 C.M.R ch. 860, § 4(C), as demonstrated through sampling and analysis, knowledge of process, or both;

(3) Does not exceed the allowable levels established in 06-096 C.M.R. ch. 860, § 4(C) for arsenic, cadmium, chromium, lead, PCBs, and flash point;

(4) Is, or will be, processed through a tolling arrangement to reclaim the oil as described in 40 C.F.R. § 279.24(c), or if not processed through such tolling arrangement, the rebuttable presumption under 40 C.F.R. § 279.10(b)(1)(ii) is rebutted (e.g., by showing through testing that the used cutting oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of this Chapter) and it is recycled through an arrangement at a facility authorized and equipped to recycle the waste, which is documented by a written contract, agreement, bill of sale or receipt from the recycling facility;

(5) Is stored, prior to shipment to the recycling or processing facility, at the site of generation, on a firm, impervious surface constructed to prevent spillage from leaving the area, and in closed, non-leaking containers or tanks labeled with the words "Used Oil Containing Chlorinated Paraffins"; and,

(6) Is transported from the site of generation to a facility authorized to handle the waste by a Maine-licensed waste oil transporter, and each shipment is documented by a bill of lading, a copy of which is retained by the generator for at least three years from the date of shipment.

NOTE: Used cutting oils determined not to be hazardous wastes pursuant to the above described exclusion may be subject to the provisions of *Waste Oil Management Rules*, 06-096 C.M.R. ch. 860 and/or *Standards for the Management of Used Oil*, 40 C.F.R. § 279.10.

(xxv) Waste oil as defined in 06-096 C.M.R. ch. 860, § 4(A) that is <u>reclaimed, reused or burned for energy recovery</u> and meets the requirements of 06-096 C.M.R. ch. 860, §§ 4(B) or 4(C).

(b) **Samples**

(i) Persons who generate or collect samples for the purpose of conducting a treatability study, as defined in 40 C.F.R. § 260.10, are not subject to the

requirements of this Chapter, 06-096 C.M.R. ch. 851, or 06-096 C.M.R. ch. 853, nor are such samples included in the quantity determinations of Section 3(A)(5) of this Chapter, under the circumstances specific in paragraph (ii) where the conditions in paragraph (iii) are met.

(ii) The exclusion of paragraph (b)(i) shall apply when the sample is being collected and prepared for transportation by the generator or sample collector, the sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility, or the sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

(iii) The exclusion of paragraph (b)(i) shall apply when the conditions of 40 C.F.R. §§ 261.4(e)(2)(i)-(vi) and 261.4(e)(4) are met, provided however, that the generator shall provide the information required in 40 C.F.R. § 261.4(e)(2)(vi) in its annual report, and prior approval has been obtained from the Department. The provisions of 40 C.F.R. §§ 261.4(e)(2)(i)-(vi) and 261.4(e)(4) are incorporated by reference, except that the term "biennial" in 40 C.F.R. § 261.4(e)(2)(vi) shall mean "annual".

(c) **Solvent-Contaminated Wipes**

(i) For purposes of this subsection, “solvent-contaminated wipes” means woven or non-woven shop towels, rags, pads, or swabs made of wood pulp, fabric, cotton, polyester blends, or other material, that, after use or after cleaning up a spill, either:

(1) Contains one or more of the F001 through F005 solvents listed in Section 3(C)(2) of this Chapter or the corresponding P- or U-listed solvents found in Section 3(C)(4) of this Chapter;

(2) Contains one or more solvents listed in Section 3(C) which exhibit a hazardous waste characteristic found in Section 3(B) of this Chapter when that characteristic results from a listed solvent; and/or,

(3) Contains one or more solvents that are not listed in section 3(C) which exhibit only the hazardous waste characteristic of ignitability found in section 3(B)(2) of this Chapter.

(ii) The following solvent contaminated wipes are not considered hazardous waste from the point of generation, provided that the generator also complies with the provisions of Section 3(A)(4)(c)(iv) of this Chapter (below):

(1) Solvent-contaminated wipes that the generator either launders or dry cleans on-site, or sends off-site to be laundered or dry cleaned, and the on-site or off-site facility: is located in Maine or in a state that has adopted the exclusion at 40 C.F.R. § 261.4(a)(26) or adopted a state equivalent rule which is no less stringent than 40 C.F.R. § 261.4(a)(26), and its discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act.

(2) Solvent-contaminated wipes that are sent for disposal provided that:

(a) They are not hazardous waste due to the presence of trichloroethylene; and,

(b) The generator sends the solvent-contaminated wipes for disposal to: an authorized out-of-state facility in a state where the exclusion at 40 C.F.R. § 261.4(b)(18) or a state equivalent rule which is no less stringent than 40 C.F.R. § 261.4(b)(18) has been adopted; a municipal solid waste landfill regulated under the Department's Solid Waste Management Rules 09-096 C.M.R. chs. 400 to 425; a hazardous waste landfill regulated under 06-096 C.M.R. chs. 854 to 856; a municipal waste combustor or other combustion facility regulated under section 06-096 C.M.R. ch. 143; or, to a hazardous waste combustor, boiler, or industrial furnace regulated under 06-096 C.M.R. chs. 854 to 856.

(iii) Solvent-contaminated wipes that also contain listed hazardous waste other than solvents, or exhibit toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions in this section.

(iv) All solvent-contaminated wipes excluded from the point of generation under Section 3(A)(4)(c)(ii) of this Chapter must also meet the following provisions:

(1) Containers in which solvent-contaminated wipes are stored must be used only for the storage of those wipes, and not for any other wipes or wastes.

(2) No more than 180 days after the date on which a generator begins to accumulate solvent-contaminated wipes in any container, all solvent-contaminated wipes in that container must be sent for cleaning or disposal;

(3) Solvent-contaminated wipes, when accumulated, stored and transported, must be contained in non-leaking, closed containers. A container is considered closed where there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes;

(4) Any container in which solvent-contaminated wipes are accumulated, stored or transported must be able to contain free liquids, should free liquids accumulate;

(5) Containers in which solvent-contaminated wipes are accumulated, stored, or transported must be clearly labeled or marked with the words "Excluded Solvent-Contaminated Wipes";

(6) When the container is full or the solvent-contaminated wipes are no longer being accumulated and/or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

(7) At the point of being sent for cleaning on site or of being transported off site for cleaning or disposal, the solvent-contaminated wipes must contain no free liquids, as defined by 40 C.F.R. § 260.10, and as determined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication SW-846) (see Appendix XI);

(8) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed in accordance with the *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 − 858; and,

(9) Generators shall maintain the following documentation on site:

(a) Name and address of the laundry, dry cleaner, landfill or combustor that is receiving the solvent-contaminated wipes;

(b) Documentation that the 180-day accumulation time limit in Section 3(A)(4)(c)(iv)(2) of this Chapter is being met; and

(c) Description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site, or being transported off-site for laundering, dry cleaning or disposal.

(d) **Treatability study**

(i) Samples undergoing a treatability study and the laboratory or testing facility conducting such treatability study (to the extent the facility is not otherwise subject to the requirements of 06-096 C.M.R. chs. 850 − 860) are not subject to the requirements of 06-096 C.M.R. chs. 850 − 860 provided the conditions in paragraph (d)(ii) are met. A mobile treatment unit (MTU) may qualify as a testing facility, and where a group of MTUs are located at the same site, the limitations of paragraph (d)(ii) apply to the entire group of MTUs as if the group were one MTU.

(ii) The exclusion of paragraph (d)(i) shall apply when the conditions of 40 C.F.R. § 261.4(f)(1)-(11) are met (provided however, that references to 40 C.F.R. § 261.3 shall mean this Chapter, 40 C.F.R. Parts 261 through 268 and Part 270 shall mean 06-096 C.M.R. ch. 850 − 860 and 40 C.F.R. § 261.4(e) shall mean Section 3(A)(4)(b)(i)-(iii) of this Chapter) and prior approval has been obtained from the Department.

(5) **Special requirements for hazardous waste generated by small quantity generators**

(a) Except as otherwise provided in this section, if a person determines whether the wastes generated are hazardous under 06-096 C.M.R. ch. 851, § 5 and generates, in a calendar month, a total of less than 100 kilograms (220.46 lbs.) of hazardous wastes, those wastes are not subject to regulation under 38 M.R.S., §§ 1301 through 1319-Y and related rules, provided the generator complies with Section 3(A)(5)(d) of this Chapter (below).

NOTE: A small quantity generator is required to properly package for shipment, manifest, use a licensed hazardous waste transporter, and ship its hazardous waste to an authorized facility in accordance with Section 3(A)(5)(d) of this Chapter.

(b) If a person whose waste has been excluded from regulation under Section 3(A)(5)(a) of this Chapter accumulates hazardous wastes in quantities greater than 600 kilograms or acutely hazardous wastes in quantities greater than set forth in Section 3(A)(5)(c) of this Chapter, all of those accumulated wastes are subject to regulation under 38 M.R.S. §§ 1301 through 1319-Y and related rules (06-096 C.M.R. chs. 850 − 860 of the Department's rules).

(c) If a person generates in a calendar month or accumulates at any time any of the following acutely hazardous wastes in quantities greater than set forth in subsections (i) through (v) below, those wastes are subject to regulation under 38 M.R.S., §§ 1301 through 1319-Y and related rules. (06-096 C.M.R. chs. 850 - 857 of the Department's Rules).

(i) A total of one kilogram of commercial chemical products and manufacturing chemical intermediates having the generic names listed in Section 3(C)(4)(e) of this Chapter and off-specification commercial chemical products and manufacturing chemical intermediates which, if they met specifications, would have the generic names listed in Section 3(C)(4)(e) of this Chapter.

(ii) A total of one kilogram of the following hazardous wastes listed in Section 3(C)(2)(a) of this Chapter: Industry and EPA hazardous waste Nos. F020, F021, F022, F023, F026, F027, and F028.

(iii) Any containers identified in Section 3(C)(4)(c) of this Chapter that are larger than 20 liters in capacity;

(iv) Ten (10) kilograms of inner liners from containers identified in Section 3(C)(4)(c) of this Chapter;

(v) A total of 100 kilograms 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 commercial chemical products or manufacturing chemical intermediates having the generic names listed in Section 3(C)(4)(e) of this Chapter or 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 off-specification commercial chemical products or manufacturing chemical intermediates which, if they met specifications, would have the generic names listed in Section 3(C)(4)(e) of this Chapter;

NOTE: Any person who exceeds the quantity requirements outlined in Sections 3(A)(5)(b) and 3(A)(5)(c) of this Chapter is subject to full regulation (i.e., regulation applicable to generators of greater than 100 kilograms per month of hazardous waste), including the requirements of 06-096 C.M.R. ch. 851, § 8(B) that relate to accumulation times for hazardous waste. The time period in 06-096 C.M.R. ch. 851, § 8(B) begins when the accumulated wastes exceed the applicable exclusion limit.

(d) In order for hazardous waste to be excluded from regulation under this section, the generator shall:

(i) Determine whether the waste generated is hazardous in accordance with 06-096 C.M.R. ch. 851, § 5;

(ii) Store the waste in a container no greater than 55 gallons in size, label and package the hazardous waste in accordance with 06-096 C.M.R. ch. 851, §§ 8(A) and 8(B)(3), and label the container with the date the container becomes full;

(iii) Properly manifest the hazardous waste in accordance with 06-096 C.M.R. ch. 857 and comply with the requirements of 06-096 C.M.R. ch. 857;

(iv) Utilize a licensed transporter in accordance with 06-096 C.M.R. ch. 851, § 7;

(v) Transport, or offer for transport, such waste only to a waste facility for hazardous waste which is authorized to handle the waste under a state program, and if applicable, under the federal hazardous waste regulatory program; and

(vi) Ship off site such waste within 180 days of the date the drum becomes full; and

(vii) If more than 55 gallons (approximately 200 kg) of a non-acutely hazardous waste is stored onsite, the generator shall in addition:

a. Manage the waste in accordance with 06-096 C.M.R. ch. 851, §§ 8(B)(2), 9(A-D), 11, 12, 13(B)(1), 13(B)(2), 13(C)(1), 13(C)(3), 13(C)(4), 13(C)(7)(a) and (b), 13(D)(1), and 13(D)(2); and

b. In accordance with 06-096 C.M.R. ch. 851, § 6, have a generator identification number assigned to the generator by the Maine Department of Environmental Protection if the generator will be operating under the provisions of 3(A)(5)(d)(vii) of this Chapter.

NOTE: To be eligible for the reduced requirements of this section, a small quantity generator shall store its waste in containers.

(e) Hazardous waste subject to the reduced requirements of Section 3(A)(5)(d) of this Chapter that is mixed with non-hazardous waste remains subject to these reduced requirements as long as the resultant mixture does not exceed the quantity limitations identified in this section. If any person mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this section, the mixture is subject to full regulation. Mixture of a characteristic hazardous waste with a non-hazardous waste such that the mixture no longer exhibits a characteristic constitutes treatment which requires a license pursuant to 06-096 C.M.R. chs. 854 and 856.

(6) Special requirements for hazardous waste which is beneficially used or reused

(a) Activities that may be eligible for reduced licensing requirements because those activities involve hazardous waste which is beneficially used or reused are specified under 06-096 C.M.R. ch. 856, § 11, "Requirements for Facilities Licensed under the Abbreviated License Process."

(b) Activities that involve recycling and reclamation of hazardous waste are considered forms of treatment and, as such, are subject to the requirements of 06-096 C.M.R. chs. 854 and 856 with respect to treatment of hazardous waste.

(7) Residues of hazardous waste in empty containers. Any residue remaining in a container or an inner liner removed from a container that has held any hazardous waste other than hazardous waste identified as acute hazardous waste in Section 3(C)(2), 3(C)(3) or 3(C)(4)(e) is a hazardous waste unless the container is empty as defined below:

(a) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type container and

(b) No more than one inch of residue containing no free liquids remains on the bottom of the container or inner liner or

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NOTE: Removing free liquids from a container may include: draining the emptied container for at least thirty (30) seconds after the steady flow of hazardous waste has ceased and individual droplets are clearly evident and then performing that procedure two more times.

(c) The container or inner liner has been triple-rinsed using a solvent capable of removing the waste, or

(d) No more than 3% by weight of the total capacity remains in the container or inner liner if the container is less than or equal to 119 gallons; or no more than 0.3% by weight of the total capacity remains in the container or inner liner if the container is greater than 119 gallons.

(e) If the container has held a hazardous waste that is a compressed gas, the pressure in the container is at atmospheric.

Any container or an inner liner removed from a container that has held an acute hazardous waste identified in Section 3(C)(2), 3(C)(3) or 3(C)(4)(e) is empty if the container or inner liner has been triple rinsed using a solvent capable of removing the waste, or cleaned by another method shown in scientific literature or by tests performed by the generator to achieve equivalent removal, or, in the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container, has been removed.

(8) The use of material which is contaminated or mixed with dioxin or any other hazardous waste identified in this Chapter, for dust suppression or road treatment is prohibited.

(9) No other fuel which contains any hazardous waste may be burned in any cement kiln or other boiler or industrial furnace unless licensed under 06-096 C.M.R. ch. 856.

(10) Persons who generate, transport, or collect non-leaking spent lead acid batteries, or who store non-leaking spent batteries but do not reclaim or intend to reclaim them are not required to obtain a license for such a facility.

(11) Owners or operators of facilities that store spent lead acid batteries before reclaiming them are required to obtain a license for such storage under 06-096 C.M.R. ch. 856.

(12) Delistings: *[RESERVED]*

RESERVED SPACE

(13) Special Requirements for Universal Wastes

(a) All generators of universal wastes shall comply with either the full *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 - 857, including all requirements in this Section, or the alternative standards of 06-096 C.M.R. ch. 858.

(b) Universal Wastes are:

(i) Architectural paint

(ii) Cathode ray tubes;

(iii) Lamps;

(iv) Mercury Devices;

(v) Mercury thermostats;

(vi) Motor Vehicle Mercury Switches;

(vii) Totally enclosed, non leaking polychlorinated biphenyl (PCB) ballast;

NOTE: Only mercury-containing lamps or lamps otherwise hazardous are included as universal wastes.

NOTE: Batteries are managed as universal waste in accordance with Section (14).

(c) Generators, owners or operators of any central accumulation or consolidation facility, and transporters of universal wastes are prohibited from conducting the following activities:

(i) Disposing, diluting or treating universal wastes.

NOTE: The intentional breaking of universal wastes including Cathode Ray Tubes is a form of treatment, and is therefore prohibited at locations other than the recycling facility.

(ii) Sending a universal waste to any facility other than a central accumulation facility, a consolidation facility for universal waste, an approved recycling facility for universal wastes, or in the case of ballasts and the residues from mercury spill kits to an approved disposal or treatment facility.

NOTE: Generators that self-transport waste shall comply with universal waste transporter requirements, as provided in 06-096 C.M.R. ch. 853, § 11.

NOTE: 06-096 C.M.R. chs. 854 and 856 apply to a universal waste recycling facility.

(d) Household hazardous waste, which meets the description of universal waste in Section 3(A)(13)(b) but which is exempt under Section 3(A)(4)(a)(vii) of this Chapter, when combined or mixed with universal wastes is no longer exempt and must be managed in accordance with the requirements of 06-096 C.M.R. chs. 850, 851, 853, 856, 857, and 858.

(e) All generators of universal wastes shall:

(i) Determine whether the waste generated is hazardous in accordance with 06-096 C.M.R. ch. 851, § 5 and, pursuant to the *Mercury-Added Products and Service* law, 38 M.R.S. § 1663 determine that all mercury containing lamps are a universal waste and may not be placed in solid waste for disposal in a solid waste facility; and

(ii) Determine whether the waste is a universal waste under Section 3(A)(13)(b) of this Chapter;

NOTE: If a hazardous waste is not eligible for regulation under the universal waste rules, then the full hazardous waste management rules apply.

(iii) Immediately contain and transfer all releases of waste and residues resulting from spills or leaks from broken or ruptured universal waste to a container that meets the requirements of the *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 - 857, except that waste and residues from incidental breakage may still be managed as a universal waste;

(iv) Determine by testing, or handle as hazardous, clean up residues resulting from spills or leaks from events other than incidental breakage of lamps or CRTs in accordance with *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 - 857, including generator accumulation time limit, storage and disposal standards, and count this waste toward the determination of hazardous waste generator status;

(14) Special requirements for certain batteries

Batteries that are described in 40 C.F.R. § 273.2 must be managed in accordance with 40 C.F.R. Part 273, except that references to 40 C.F.R. Parts 260 through 272 shall mean 06-096 C.M.R. chs. 850 - 857 of the Maine Hazardous Waste Management Rules and except that 40 C.F.R. § 273.8(a)(2) is not incorporated, and instead, batteries handled by federal very small quantity generators are regulated as small quantity handlers pursuant to 40 C.F.R. Part 273 Subpart B. In addition, instead of 40 C.F.R. § 273.2(c), a battery becomes a waste on the date that it becomes useless, unwanted, or intended for disposal, and spent lead acid batteries described in 40 C.F.R. §§ 273.2(a)(2) and 273.2(b)(1) are regulated under 06-096 C.M.R. chs. 850 through 858 instead of 40 C.F.R. Part 266, Subpart G.

B. Identification of hazardous wastes by characteristics

(1) **General**

(a) A waste which is not excluded from regulation as a hazardous waste under Section 3(A)(4) of this Chapter is a hazardous waste if it exhibits any of the characteristics identified in this Chapter.

(b) A hazardous waste which is identified by a characteristic in this section is assigned every EPA Hazardous Waste Number that is applicable in Section 3(B) of this Chapter. This number, alone or in combination with another number assigned by the Department as provided by rule, must be used in complying with regulatory requirements of 06-096 C.M.R. chs. 850 – 857 and Section 3010 of RCRA.

(c) For purposes of this Section 3(B) of this Chapter, the Department will consider a sample obtained using any of the applicable sampling methods specified in Appendix I of this Chapter to be a representative sample within the meaning of 40 C.F.R. § 260.10 of EPA regulations. A person who desires to employ an alternative sampling method shall demonstrate the equivalency of that method under the procedures set forth in 40 C.F.R. §§ 260.20 and 260.2l.

(2) **Characteristic of ignitability**

(a) A waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60º C (l40º F) as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM standard D-3278-78, or as determined by an equivalent test method approved by the EPA under the procedures set forth in 40 C.F.R. §§ 260.20 and 260.21.[1]

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

(iii) It is an ignitable compressed gas.

(1) The term “compressed gas” means any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70° F or, regardless of the pressure at 70° F, having an absolute pressure exceeding 104 p.s.i. at 130° F; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100° F as determined by ASTM Test D-323.

(2) A compressed gas is characterized as ignitable if any one of the following occurs:

(a) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits must be determined at atmospheric temperature and pressure. The method of sampling and test procedure must be acceptable to the Bureau of Explosives and

[1]ASTM Standards are available from ASTM, 1916 Race Street, Philadelphia, PA 19103.

approved by the director, Pipeline and Hazardous Materials Technology, U.S. Department of Transportation (US DOT).

(b) Using the Bureau of Explosives' Flame Projection Apparatus, the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(c) Using the Bureau of Explosives' Open Drum Apparatus, there is any significant propagation of flame away from the ignition source.

(d) Using the Bureau of Explosives' Closed Drum Apparatus, there is any explosion of the vapor-air mixture in the drum.

NOTE: A description of the Bureau of Explosives' Flame Project Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and methods of tests may be procured from the Bureau of Explosives.

(iv) It is an oxidizer. An oxidizer for the purpose of this Chapter is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

(1) An organic compound containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide unless:

(a) The material meets the definition of a forbidden explosive or a Division 1.1, 1.2, or 1.3 explosive, as defined in Section 3(B)(4)(a)(viii) of this Chapter, in which case it must be classed as an explosive,

(b) The material is forbidden to be offered for transportation according to 49 C.F.R. § 172.101 and 49 C.F.R. § 173.21,

(c) It is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide, or

(d) According to data on file with the Pipeline and Hazardous Materials Safety Administration in the US DOT, it has been determined that the material does not present a hazard in transportation.

NOTE: An organic peroxide is a type of oxidizer.

(b) A waste that exhibits the characteristic of ignitability has the EPA Hazardous Waste Number of D001.

(3) **Characteristic of corrosivity**

(a) A waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

(i) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using either Method 9040 as specified in the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 as published July 1, 2005[2] or an equivalent test method approved by EPA under the procedures set forth in 40 C.F.R. §§ 260.20 and 260.21.

(ii) It is a liquid and corrodes steel (SAE l020[3]) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55º C (130º F) as determined by Method 1110A in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 or an equivalent test method approved by EPA under the procedures set forth in 40 C.F.R. §§ 260.20 and 260.2l.

(b) A waste that exhibits the characteristic of corrosivity has the EPA Hazardous Waste Number of D002.

(4) **Characteristic of reactivity**

(a) A waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(i) It is normally unstable and readily undergoes violent change without detonating.

(ii) It reacts violently with water.

(iii) It forms potentially explosive mixtures with water.

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and l2.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.

(viii) It is a forbidden explosive as defined in 49 C.F.R. § l73.54, or a Division 1.1, 1.2, or 1.3 explosive as defined in 49 C.F.R. §§ l73.50 and l73.53.

(b) A waste that exhibits the characteristic of reactivity has the EPA Hazardous Waste Number of D003.

[2]This document is available from the U.S. Government Printing Office as specified in Appendix III.
[3]Society of Automotive Engineers SAE 1020 is plain carbon steel with a carbon content of 0.20%.

(5) **Characteristic of toxicity**

(a) A waste exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure (TCLP) Test Method 1311 in "Test Methods for Evaluating Solid Waste, Physcial/Chemical Methods", EPA Publication SW-846 (see Appendix III for information on obtaining SW-846), the extract from a representative sample of the waste contains any of the contaminants listed in Table 1 at the concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this section.

(b) A waste that exhibits the characteristic of toxicity has the EPA Hazardous Waste Number specified in Table I which corresponds to the toxic contaminant causing it to be hazardous.

Table I. Maximum Concentration of Contaminants for the Toxicity Characteristic

EPA Hazardous Waste No. [4]	Contaminant	CAS No. [5]	Regulatory Level (mg/L)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-66-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	200.0 [7]
D024	m-Cresol	108-39-4	200.0 [7]
D025	p-Cresol	106-44-5	200.0 [7]
D026	Cresol		200.0 [7]
D016	2,4-D	94-75-7	10.0
D027	1,4-Dichlorobenzene	106-46-7	7.5
D028	1,2- Dichloroethane	107-06-2	0.5
D029	1,1-Dichloroethylene	75-35-4	0.7
D030	2,4-Dinitrotoluene	121-14-2	0.13 [6]
D012	Endrin	72-20-8	0.02
D031	Heptachlor (and its epoxide)	76-44-8	0.008
D032	Hexachlorobenzene	118-74-1	0.13 [6]
D033	Hexachlorobutadiene	87-68-3	0.5
D034	Hexachloroethane	67-72-1	3.0
D008	Lead	7439-92-1	5.0
D013	Lindane	58-89-9	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	10.0
D035	Methyl ethyl ketone	78-93-3	200.0

D036	Nitrobenzene	98-95-3	2.0
D037	Pentrachlorophenol	87-86-5	100.0
D038	Pyridine	110-86-1	5.0 [6]
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloroethylene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene	79-01-6	0.5
D041	2,4,5-Trichlorophenol	95-95-4	400.0
D042	2,4,6-Trichlorophenol	88-06-2	2.0
D017	2,4,5 – TP (Silvex)	93-72-1	1.0
D043	Vinyl Chloride	75-01-4	0.2

[4] Hazardous waste number.
[5] Chemical abstracts service number.
[6] Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.
[7] If o-,m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/l.

C. Identification of hazardous wastes by particular substance, by chemical class or as waste products of specific industrial activities

(1) **General**

(a) A waste is a hazardous waste if it is listed in Section 3(C) of this Chapter unless it has been excluded by EPA under 40 C.F.R. §§ 260.20 and 260.22 and excluded subsequently by the Maine Board of Environmental Protection pursuant to 38 M.R.S. § 1319-O(1)(A).

(b) Each hazardous waste listed in this section is assigned an EPA Hazardous Waste Number or a number assigned by the Department as provided by rule. These numbers, alone or in combination, must be used in complying with regulatory requirements as provided by rule in 06-096 C.M.R. chs. 850 – 857 and 3001 of RCRA, 42 U.S.C. § 6921.

(c) Certain of the hazardous waste listed in Section 3(C)(2) or 3(C)(3) have exclusion limits that refer to Section 3(A)(5)(c) of this Chapter.

(2) **Hazardous wastes from non-specific sources**. A waste is a hazardous waste if it is listed below:

(a) The F-listed wastes listed in the table below:

Industry and EPA Hazardous No.	Hazardous Waste	Hazardous Code[8]

[8] Hazard Codes:

Generic:		
F001	The following waste halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride and chlorinated fluorocarbons; all waste solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these waste solvents and waste solvent mixtures.	(T)
F002	The following waste halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane; all waste solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004, and F005; and still bottoms from the recovery of these waste solvents and waste solvent mixtures.	(T)
F003	The following waste non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all waste solvent mixtures/blends containing before use, only the above waste non-halogenated solvents; and all waste solvent mixtures/blends containing, before use one or more of the above non-halogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, or F005; and still bottoms from the recovery of these waste solvents and waste solvent mixtures.	(I)
F004	The following waste non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all waste solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these waste solvents and waste solvent mixtures.	(T)
F005	The following waste non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all waste solvent mixtures and blends containing before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these waste solvents and waste solvent mixtures.	(I,T)[9]

Ignitable Waste..... (I)
Corrosive Waste..... (C)
Reactive Waste..... (R)
Toxicity Characteristic Waste . (E)
Acute Hazardous Waste..... (H)
Toxic Waste ..... (T)

[9] (I,T) should be used to specify mixtures containing ignitable and toxic constituents.

For the purposes of administering and enforcing this Chapter, the Department presumes that a discharge to any land or surface or ground waters is the result of a discharge of hazardous waste if such discharge contains the presence of any waste identified in F001-F005. In order to overcome this presumption, a person shall demonstrate to the satisfaction of the Commissioner through clear and convincing evidence that the waste was discharged prior to 1980 or that the waste, at the time of discharge, was not a hazardous waste as identified in F001-F005 above.

F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.	(T)
F007	Spent cyanide plating bath solutions from electroplating operations.	(R,T)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the processes.	(R,T)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	(R,T)
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	(R,T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	(R,T)
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.	(T)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum, except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.	(T)
F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use [as a reactant, chemical intermediate or component in a formulating process] of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)	(H)
F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.	(H)
F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.	(H)
F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of material on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri-, and tetrachlorophenols. (This listing does not	(H)

	include wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)	
F024	Process wastes, including but not limited to distillation residues, heavy ends, tars and reactor clean-out wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include, wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 40 C.F.R. §§ 261.31 or 261.32).	(T)
F025	Condensed light ends, spent filters, and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radicalized processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.	(T)
F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.	(H)
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)	(H)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F02l, F022, F023, F026, and F027.	(T)
F032	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 40 C.F.R. § 261.35 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous waste (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
F034	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)

F035	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
F037	Petroleum refinery primary oil/water/solids separation sludge. Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other processes or oily cooling waters, sludges generated in aggressive biological treatment units as defined in this Chapter (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.	(T)
F038	Petroleum refinery secondary (emulsified) oil/water/solids separation sludge. Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other processes or oily cooling waters, sludges generated in aggressive biological treatment units as defined in this Chapter (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment unit) and F037, K048, and K051 wastes are not included in this listing.	(T)
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under this Chapter. (Leachate resulting from the disposal of one or more of the following EPA Hazardous Wastes and no other Hazardous Wastes retains its EPA Hazardous Waste Number(s): F020, F021, F022, F026, F027, and/or F028).	(T)

(b) The provisions of 40 C.F.R. § 261.31(b) further define the F037 and F038 listings.

(c) Polychlorinated biphenyl (PCB) and polychlorinated biphenyls (PCBs), where PCB and PCBs mean any chemical substance that is limited to the biphenyl molecule that has been

chlorinated to varying degrees or any combination of substances which contains such substance.

(i) Any waste chemical substances or combination of waste substances that contain 50 parts per million (on a dry weight basis) or greater of PCBs are hazardous waste.

Substances that are regulated by this Chapter include, but are not limited to, dielectric fluids, contaminated solvents, oils, waste oils, heat transfer fluids, hydraulic fluids, paints, sludges, slurries, dredge spoils, soils, materials contaminated as a result of spills, and other chemical substances or combination of substances, including impurities and byproducts. "PCB Item" as defined in 40 C.F.R. § 761.3 is also subject to this Chapter.

In addition, the use of waste oil that contains any detectable concentration of PCB as a sealant, coating, or dust control agent is prohibited. Prohibited uses include, but are not limited to, road oiling, general dust control, use as a pesticide or herbicide carrier, and use as a rust preventative on pipes.

NOTE: Road oiling with waste oil is a prohibited act under 06-096 C.M.R. ch. 860 of the Department's Rules.

(ii) Any chemical substance or combinations of chemical substances that contain less than 50 parts per million (ppm) PCBs as the result of dilution are subject to these regulations unless otherwise specifically provided by 40 C.F.R. Part 761, except that PCB contaminated media at an uncontrolled hazardous substance site, as defined in the *Uncontrolled Hazardous Substance Sites* law, 38 M.R.S. § 1362(3), which is managed, treated or disposed of in accordance with a Department approved removal or remedial action plan may be managed according to the concentrations detected in the media.

(iii) For the purposes of this Chapter, the following are considered hazardous waste and are subject to regulation under 38 M.R.S., §§ 1301 through 1319-Y:

(AA) PCB or PCBs that are useless, unwanted, discarded or intended to be discarded;

(BB) PCB or PCBs that are "discharged" as defined by 38 M.R.S., § 1317;

NOTE: Any person to whom AA or BB. applies is considered a generator of hazardous waste.

(CC) PCB or PCBs generated from off site, where the generator and the satellite facility are owned and operated by the same entity, other than those contained in a totally enclosed manner in equipment such as electrical transformers, capacitors, and hydraulic systems that are not intended to be discarded, that are stored at a site which is used or capable of being used to store as follows:

(1) greater than 165 gallons of PCBs for more than 10 working days is considered a storage facility for hazardous waste; or

(2) less than 165 gallons of PCBs, for more than 10 working days, or greater than 165 gallons for less than 10 working days, is not considered to be a storage facility for hazardous waste, provided that the facility obtains an abbreviated license under 06-096 C.M.R. ch. 856, § 11(A)(8); or

(3) less than 165 gallons of PCBs for less than 10 working days are exempt from the hazardous waste storage facility licensing requirements.

(DD) PCB or PCBs that are subjected to or intended to be subjected to treatment so as to reduce or otherwise alter the concentration of PCB or PCBs.

NOTE: Any person to whom Section DD applies is considered a treatment facility for hazardous waste.

(iv) Disposal of PCB and PCBs in Maine is subject to regulation and requirements under 06-096 C.M.R. chs. 850 through 858 of the Department's rules.

(v) PCB and PCBs are identified as toxic wastes (T) and are assigned the Hazardous Waste Number M002.

(vi) "Alteration" or "treatment" as used in the Department's rules does not include the routine servicing of equipment where PCB or PCBs are contained in a totally enclosed manner.

(3) **Hazardous Wastes from specific sources**. A waste is a hazardous waste if it is listed in the table below:

Industry and EPA Hazardous No.	Hazardous Waste	Hazardous Code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of waste waters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
Inorganic pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)

Organic chemicals:

K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(R,T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K095	Distillation bottoms from the production of l,l,l-tri-chloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of l,l,l-trichloroethane.	(T)

K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzene.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of l,l-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluenedisocyanate via phosgenation of dinitrotoluene.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)

K119 [10]	Wastes from the decantor in the production of linuron.	(I,C,T)
K120 [10]	Wastes from the spill control trap in production of linuron.	(I,T)
K121 [10]	Wastewater from product filtration and water washing in the production of bromacil.	(T)
K138 [11]	Spent catalyst and filter media from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K149	Distillation bottoms from the production of alpha-(or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)	(T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha-(or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha-(or-methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K159	Organics from the treatment of thiocarbamate wastes.	(T)
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)	(R, T)

[10] 50 FR 18626, May 1, 1985, Proposed Rule
[11] 55 FR 18507, May 2, 1990, Proposed Rule

K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (i) they are disposed of in a subtitle C or non-hazardous landfill licensed or permitted by the state or federal government; (ii) they are not otherwise placed on the land prior to final disposal; and (iii) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Respondents in any action brought to enforce the requirements of subtitle C shall, upon a showing by the government that the respondent managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, demonstrate that they meet the terms of the exclusion set forth above. In doing so, they shall provide appropriate documentation (e.g., contracts between the generator and the landfill owner/operator, invoices documenting delivery of waste to landfill, etc.) that the terms of the exclusion were met.	(T)
K175	Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.	(T)
K181	Nonwastewaters from the production of dyes and/or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in 40 C.F.R. § 261.32(c) that are equal to or greater than the corresponding levels in that section, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are: (i) disposed in a Subtitle D landfill unit subject to the design criteria in 40 C.F.R. § 258.40, (ii) disposed in a Subtitle C landfill unit subject to either 40 C.F.R. § 264.301 or 265.301, (iii) disposed in other Subtitle D landfill units that meet the design criteria in 40 C.F.R. § 258.40, 264.301, or 265.301, or (iv) treated in a combustion unit that is permitted under Subtitle C, or an onsite combustion unit that is permitted under the Clean Air Act. For the purposes of this listing, dyes and/or pigments production is defined in 40 C.F.R. § 261.32(b)(1). The process for demonstrating that a facility's nonwastewaters are not K181 is described in 40 C.F.R. § 261.32(d). This listing does not apply to wastes that are otherwise identified as hazardous under 40 C.F.R. §§ 261.21-261.24 and §§ 261.31-261.33 at the point of generation. Also, the listing does not apply to wastes generated before any annual mass loading limit is met. For the purposes of this listing, the provisions of 40 C.F.R. § 261.32(b) through (d) are incorporated by reference.	(T)
Inorganic chemicals:		
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	

K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide).	(E)
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).	(T)
K178	Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.	
Pesticides:		(T)
K031	By-product salts generated in the production of MSMA and cacodylic acid.	
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachloro-cyclopentadiene in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphoro-dithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K125	Purification solids (including filtration, evaporation, and centrifugation solids) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)

K131	Wastewater from the reactor and spent sulfuric acid from the acid drier from the production of methyl bromide.	(C,T)
K132	Spent adsorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives:		(R)
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum refining:		(T)
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent Hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I, T)
K172	Spent Hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I, T)
Iron and steel:		(T)
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	
K062	Spent pickle liquor from steel finishing operations.	(C,T)
Primary copper:		(T)
K064	Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.	
Primary lead:		(T)
K065	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.	
Primary zinc:		(T)
K066	Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production.	
Primary aluminum:		(T)
K088	Spent potliners from primary aluminum reduction.	
Ferroalloys:		(T)
K090	Emission control dust or sludge from ferrochromiumsilicon production.	
K091	Emission control dust or sludge from ferrochromium production.	(T)
Secondary lead:		(T)
K069	Emission control dust/sludge from secondary lead smelting.	

K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)	
Veterinary pharmaceuticals:			
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)	
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)	
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)	
Ink formulation:			
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.	(T)	
Coking:			
K060	Ammonia still lime sludge from coking operations.	(T)	
K087	Decanter tank tar sludge from coking operations.	(T)	
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke byproducts produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).		(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke byproducts produced from coal.		(T)
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters and wash oil recovery units from the recovery of coke byproducts produced from coal.		(T)
K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke byproducts produced from coal.		(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke byproducts produced from coal.		(T)
K147	Tar storage tank residues from coal tar refining		(T)
K148	Residues from coal tar distillation, including, but not limited to, still bottoms.		(T)

Hazard Codes:

Ignitable Waste	(I)	
Corrosive Waste		(C)
Reactive Waste	(R)	
Toxicity Characteristic Waste		(E)
Acute Hazardous Waste	(H)	
Toxic Waste		(T)

(4) Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof. The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded, when they are mixed with other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to the land in lieu of their original intended use or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel:

(a) Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f) of this section.

(b) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraphs (e) or (f) of this section.

(c) Any residue remaining in a container or an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section, unless the container is empty as defined in Section 3(A)(7) of this Chapter. Containers which have contained medicinal nitroglycerin are considered empty if they meet the provisions of Section 3(A)(7)(a) and (b) of this Chapter.

(d) 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 commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section, or 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 off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) or (f) of this section.

NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in . . ." refers to a chemical substance manufactured or formulated for commercial or manufacturing use which consists of: (1) the commercially pure grade of the chemical, (2) any technical grades of the chemical that are produced or marketed, (3) any formulations in which the P or U listed chemical is the sole active ingredient regardless of the percent composition, or (4) effective January 1, 1995, any formulations in which the P listed chemical is an active ingredient of 10% or more. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in paragraphs (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in paragraphs (e) or (f), such waste will be listed in either Section 3(C)(2) or Section 3(C)(3) or will be identified as a hazardous waste by the characteristics set forth in Section 3(B) of this Chapter.

(e) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H) and are subject to the small quantity exclusion defined in Section 3(A)(5)(c).

NOTE: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T* (Human Toxicity), and R (Reactivity). Absence of a letter indicates that the compound is listed on the basis of animal toxicity data.

These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous Waste Number	Substance
P023	Acetaldehyde, chloro-
P002	Acetamide, N-(aminothioxomethyl)-
P057	Acetamide, 2-fluoro-
P058	Acetic acid, fluoro-, sodium salt
P002	1-Acetyl-2-thiourea
P003	Acrolein
P124	Actinomycin D*
P070	Aldicarb
P203	Aldicarb sulfone
P004	Aldrin
P005	Allyl alcohol
P006	Aluminum phosphide (R,T)
P007	5-(Aminomethyl)-3-isoxazolol
P008	4-Aminopyridine
P009	Ammonium picrate (R)
P119	Ammonium vanadate
P125	Antimony, when in the form of particles 100 microns or less*
P099	Argentate(1-), bis(cyano-C)-, potassium
P010	Arsenic acid H_3AsO_4
P012	Arsenic oxide As_2O_3
P011	Arsenic oxide As_2O_5
P011	Arsenic pentoxide
P012	Arsenic trioxide
P038	Arsine, diethyl
P036	Arsonous dichloride, phenyl-
P054	Aziridine
P067	Aziridine, 2-methyl-
P150	Azinphos ethyl*
P151	Azinphos methyl*
P013	Barium cyanide
P024	Benzenamine, 4-chloro-
P077	Benzenamine, 4-nitro-
P028	Benzene, (chloromethyl)-
P042	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-,(R)-
P046	Benzeneethanamine, alpha, alpha-dimethyl-
P014	Benzenethiol
P127	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate

P188	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	2H-1-Benzopyran-2-one,4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P028	Benzyl chloride
P015	Beryllium powder
P126	4,4'-Bipyridinium, 1,1'-dimethyl,dichloride*
P017	Bromoacetone
P018	Brucine
P045	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[methylamino)carbonyl] oxime
P021	Calcium cyanide
P021	Calcium cyanide $Ca(CN)_2$
P189	Carbamic acid, [(dibutylamino)- thio]methyl-, 2,3-dihydro-2,2-dimethyl- 7-benzofuranyl ester
P191	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]- 5-methyl-1H- pyrazol-3-yl ester
P192	Carbamic acid, dimethyl-, 3-methyl-1- (1-methylethyl)-1H- pyrazol-5-yl ester
P190	Carbamic acid, methyl-, 3-methylphenyl ester
P127	Carbamic acid, methyl-2,3-dihydro, 2,2-dimethyl-7-benzofuranyl ester*
P128	Carbamic acid, methyl, 4-dimethylamino-3, 5-xylyl ester*
P127	Carbofuran*
P022	Carbon bisulfide (another name for carbon disulfide)
P022	Carbon disulfide
P095	Carbonic dichloride
P095	Carbonyl chloride (alternative name for phosgene)
P189	Carbosulfan
P023	Chloroacetaldehyde
P024	p-Chloroaniline
P133	Chloroethanol*
P143	Chlorofenvinphos*
P129	Chlorine*
P026	1-(o-Chlorophenyl)thiourea
P027	3-Chloropropionitrile
P029	Copper cyanide
P029	Copper cyanide Cu(CN)
P130	Coumaphos*
P131	Coumarin,3-chloro-7 hydroxy-4-methyl,0-ester with 0,0-diethyl phosphorothioate*
P131	Crotonic acid, 3-hydroxy-,methyl ester, dimethyl phosphate (E)*
P202	m-Cumenyl methylcarbamate
P030	Cyanides (soluble cyanide salts), not otherwise specified
P031	Cyanogen
P033	Cyanogen chloride
P033	Cyanogen chloride (CN)Cl
P034	2-Cyclohexyl-4,6-dinitrophenol
P134	Cycloheximide*
P155	Demeton*
P144	Dichlorvos*
P146	Dicrotophos*
P016	Dichloromethyl ether
P036	Dichlorophenylarsine

P037	Dieldrin
P132	Diethylamine, 2,2'-dichloro-N-methyl-*
P039	0,0-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate* (another name for Disulfoton)
P038	Diethylarsine
P041	Diethyl-p-nitrophenyl phosphate
P040	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	Diisopropylfluorophosphate (DFP)
P004	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4abeta,5alpha, 8alpha, 8abeta)-
P060	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta,8abeta)-
P037	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,(1aalpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta,7aalpha)-
P051	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,(1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta,7aalpha)-, & metabolites
P044	Dimethoate
P046	alpha,alpha-Dimethylphenethylamine
P191	Dimetilan
P047	4,6-Dinitro-o-cresol, & salts
P034	4,6-Dinitro-o-cyclohexylphenol (another name for 2-Cyclohexyl-4,6-dinitrophenol)
P048	2,4-Dinitrophenol
P020	Dinoseb
P153	Dioxathion*
P085	Diphosphoramide, octamethyl-
P111	Diphosphoric acid, tetraethyl ester
P039	Disulfoton
P049	Dithiobiuret
P185	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O- [(methylamino)-carbonyl]oxime
P050	Endosulfan
P088	Endothall
P051	Endrin
P051	Endrin, & metabolites
P042	Epinephrine
P141	EPN*
P046	Ethanamine, 1,1-dimethyl-2-phenyl- (alternative name for alpha, alpha-Dimethylphenethylamine)
P031	Ethanedinitrile
P194	Ethanimidothioc acid, 2-(dimethylamino)-N-[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester
P066	Ethanimidothioic acid, N-[[methylamino) carbonyl]oxy]-,methyl ester
P154	Ethion*
P101	Ethyl cyanide
P054	Ethyleneimine
P097	Famphur

P156	Fensulfothion*
P056	Fluorine
P057	Fluoroacetamide
P058	Fluoroacetic acid, sodium salt
P198	Formetanate hydrochloride
P197	Formparanate
P065	Fulminic acid, mercury (2+) salt (R,T)
P134	Glutarimide,3-(2-(3,5-dimethyl-2-oxocyclohexyl)-2 hydroxyethyl)*
P059	Heptachlor
P062	Hexaethyl tetraphosphate
P135	Hydantoin, 5,5-diphenyl-*
P136	Hydantoin, 5,5-diphenyl-monosodium salt*
P116	Hydrazinecarbothioamide
P068	Hydrazine, methyl-
P063	Hydrocyanic acid
P063	Hydrogen cyanide
P096	Hydrogen phosphide
P137	Hydroquinone*
P060	Isodrin
P192	Isolan
P138	Isonicotinic acid hydrazide*
P202	3-Isopropylphenyl N-methylcarbamate
P007	3(2H)-Isoxazolone, 5-(aminomethyl)-
P140	Leptophos*
P196	Manganese, bis(dimethylcarbamodithioato-S,S')-,
P196	Manganese dimethyldithiocarbamate
P092	Mercury, (acetato-0)phenyl-
P065	Mercury fulminate (R,T)
P082	Methanamine, N-methyl-N-nitroso-
P064	Methane, isocyanato-
P016	Methane, oxybis[chloro-
P112	Methane, tetranitro- (R)
P118	Methanethiol, trichloro-
P198	Methanimidamide, N,N-dimethyl-N'-[3-[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride
P197	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[(methylamino)carbonyl]oxy]phenyl]-
P199	Methiocarb
P050	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10- hexachloro- 1,5,5a,6,9,9a-hexahydro-, 3-oxide
P059	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro- 3a,4,7,7a-tetrahydro-
P066	Methomyl
P068	Methyl hydrazine
P064	Methyl isocyanate
P069	2-Methyllactonitrile
P071	Methyl parathion
P190	Metolcarb
P131	Mevinphos*
P128	Mexacarbate*
P147	Monocrotophos*
P158	Mustard gas

P072	alpha-Naphthylthiourea
P073	Nickel carbonyl
P073	Nichol carbonyl $Ni(CO)_4$ (T-4)-
P074	Nichol cyanide
P074	Nickel cyanide $Ni(CN)_2$
P075	Nicotine, & salts
P076	Nitric oxide
P077	p-Nitroaniline
P078	Nitrogen dioxide
P132	Nitrogen mustard*
P076	Nitrogen oxide NO
P078	Nitrogen oxide NO_2
P081	Nitroglycerine (R)(T*)
P082	N-Nitrosodimethylamine
P084	N-Nitrosomethylvinylamine
P085	Octamethylpyrophosphoramide
P087	Osmium oxide OsO_4 (T-4)-
P087	Osmium tetroxide
P088	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P194	Oxamyl
P157	Oxydemeton-Methyl*
P126	Paraquat*
P089	Parathion
P034	Phenol,2-cyclohexyl-4,6-dinitro-
P048	Phenol, 2,4-dinitro-
P047	Phenol, 2-methyl-4,6-dinitro-, & salts
P020	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P128	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P202	Phenol, 3-(1-methylethyl)-, methyl carbamate
P201	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P092	Phenylmercury acetate
P093	Phenylthiourea
P135	Phenytoin*
P136	Phenytoin sodium*
P152	Phosmet*
P094	Phorate
P142	Phosacetim*
P095	Phosgene
P145	Phosphamidon
P096	Phosphine
P139	Phosphonic acid, (2,2,2-thrichloro-1, hydroxyethyl)-, dimethyl ester*
P140	Phosphonothioic acid, phenyl-0-(4-bromo-2,5-dichlorophenyl) 0-methyl ester*
P141	Phosphorothioic acid, phenyl-,0-ethyl 0-(p-nitrophenyl) ester*
P142	Phosphoramidiothioic acid, acetimidoyl-,0,0-bis(p-chlorophenyl) ester*
P143	Phosphoric acid, 2-chloro-1-(2,4-dichlorophenyl) vinyl diethyl ester*
P144	Phosphoric acid, 2,2-dichlorovinyl dimethyl ester*
P041	Phosphoric acid, diethyl 4-nitrophenyl ester

P145	Phosphoric acid, dimethyl ester, ester with 2-chloro-N,N-diethyl-3-hydroxycrotonamide*
P146	Phosphoric acid, dimethyl ester, ester with (E)-3-hydroxy-N,N-dimethylcrotonamide*
P147	Phosphoric acid, dimethyl ester, ester with (E)-3-hydroxy-N, methyl-crotonamide*
P148	Phosphorodithioic acid, S-(((p-chlorophenyl)thio)-methyl) 0,0-diethyl ester*
P039	Phosphorodithioic acid, 0,0-diethyl S-[2-(ethylthio)ethyl] ester
P094	Phosphorodithioic acid, 0,0-diethyl S-[ethylthio)methyl]ester
P149	Phosphorodithioic acid, 0,0-diethyl-S-(((1,1-dimethylethyl)thio) methyl)ester*
P154	Phosphorodithioic acid, S,S'-methylene 0,0,0',0'-tetraethyl ester**
P150	Phosphorodithioic acid, 0,0-diethyl ester, S-ester with 3-(mercaptomethyl)-1,2,3-benzotriazin-4(3H)-one*
P151	Phosphorodithioic acid, 0,0-dimethyl ester, S-ester with 3-(mercaptomethyl)-1,2,3-benzotriazin-4(3H)-one*
P152	Phosphorodithioic acid, 0,0-dimethyl ester, S-ester with N-(mercaptomethyl) phthalimide*
P153	Phosphorodithioic acid, S,S'-p-dioxane-2,3-diyl 0,0,0',0'-tetra-ethyl ester*
P155	Phosphorothioic acid, 0,0-diethyl 0-(2-(ethylthio)ethyl) ester, mixed with 0-0-diethyl S-(2-(ethylthio)ethyl) ester 7:3)*
P156	Phosphorothioic acid, 0,0-diethyl 0-(p-methyl sulfinyl)phenyl) ester*
P044	Phosphorodithioic acid, 0,0-dimethyl S-[2-methylamino)-2-oxoethyl] ester
P043	Phosphorofluoridic acid, bis(1-methylethyl) ester
P089	Phosphorothioic acid, 0,0-diethyl 0-(4-nitrophenyl) ester (T*)
P040	Phosphorothioic acid, 0,0-diethyl 0-pyrazinyl ester
P157	Phosphorothioic acid, S-(2-(ethyl-sulfinyl)ethyl)0,0-dimethyl ester*
P097	Phosphorothioic acid, 0-[4-[(dimethylamino)sulfonyl]phenyl] 0,0-dimethyl ester
P071	Phosphorothioic acid, 0,0,-dimethyl 0-(4-nitrophenyl) ester
P204	Physostigmine
P188	Physostigmine salicylate
P110	Plumbane, tetraethyl-
P098	Potassium cyanide
P098	Potassium cyanide K(CN)
P099	Potassium silver cyanide
P201	Promecarb
P070	Propanal, 2-methyl-2-(methylthio)-,0-[(methylamino)carbonyl]oxime
P203	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino) carbonyl] oxime
P101	Propanenitrile
P027	Propanenitrile, 3-chloro-
P069	Propanenitrile, 2-hydroxy-2-methyl-
P081	1,2,3-Propanetriol, trinitrate (R) (T*)
P017	2-Propanone, 1-bromo-(T*)
P102	Propargyl alcohol
P003	2-Propenal
P005	2-Propen-1-0l
P067	1,2-Propylenimine
P102	2-Propyn-1-0l
P008	4-Pyridinamine
P075	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-,(S)-, & salts (T*)
P204	Pyrrolo[2,3 b]indol 5 ol, 1,2,3,3a,8,8a hexahydro 1,3a,8 trimethyl, methylcarbamate (ester), (3aS cis)

P114	Selenious acid, dithallium(1+) salt
P103	Selenourea
P104	Silver cyanide
P104	Silver cyanide Ag(Cn)
P105	Sodium azide
P106	Sodium cyanide
P106	Sodium cyanide Na(CN)
P108	Strychnidin-10-one, & salts (T*)
P018	Strychnidin-10-one, 2,3-dimethoxy-
P108	Strychnine, & salts (T*)
P158	Sulfide, bis (2-chloro-ethyl)-*
P115	Sulfuric acid, dithallium (1+) salt
P149	Terbufos*
P109	Tetraethyldithiopyrophosphate
P110	Tetraethyl lead
P111	Tetraethyl pyrophosphate
P112	Tetranitromethane (R)
P062	Tetraphosphoric acid, hexaethyl ester
P113	Thallic oxide
P113	Thallium oxide Tl_20_3
P114	Thallium(l) selenite
P115	Thallium(l) sulfate
P109	Thiodiphosphoric acid, tetraethyl ester
P045	Thiofanox
P049	Thioimidodicarbonic diamide $[(H_2N)C(S)]_2NH$
P014	Thiophenol
P116	Thiosemicarbazide
P026	Thiourea, (2-chlorophenyl)-
P072	Thiourea, 1-naphthalenyl-
P093	Thiourea, phenyl-
P185	Tirpate
P123	Toxaphene
P139	Trichlorfon
P118	Trichloromethanethiol
P119	Vanadic acid, ammonium salt
P120	Vanadium oxide V_20_5
P120	Vanadium pentoxide
P084	Vinylamine, N-methyl-N-nitroso-
P001	Warfarin, & salts, when present at concentrations greater than 0.3%
P205	Zinc, bis(dimethylcarbamodithioato S,S'),
P121	Zinc cyanide
P121	Zinc cyanide $Zn(CN)_2$
P122	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10% (R,T)
P205	Ziram

*49 FR 49792, December 21, 1984, Proposed Rule.

(f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in paragraphs (a) through (d)

of this section, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 3(A)(5)(a) and 3(A)(5)(b).

NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only listed for toxicity.

These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous Waste Number	Substance
U394	A2213
U001	Acetaldehyde (I)
U034	Acetaldehyde, trichloro-
U187	Acetamide, N-(4-ethoxyphenyl)-
U005	Acetamide, N-9H-fluoren-2-yl-
U240	Acetic acid, (2,4-dichlorophenoxy)-,salts & esters
U112	Acetic acid ethyl ester (I)
U144	Acetic acid, lead(2+)salt
U214	Acetic acid, thallium (1+) salt
see F027	Acetic acid, (2,4,5-trichlorophenoxyl)-
U002	Acetone (I)
U003	Acetonitrile (I,T)
U004	Acetophenone
U005	2-Acetylaminofluorene
U006	Acetyl chloride (C,R,T)
U007	Acrylamide
U008	Acrylic acid (I)
U009	Acrylonitrile
U011	Amitrole
U012	Aniline (I,T)
U136	Arsinic acid, dimethyl-
U014	Auramine
U015	Azaserine
U010	Azirino[2',3':3,4]pyrrolo[1,2-a] indole-4,7-dione, 6-amino-8-[[(aminocarbonyl) oxy]methyl]-l,la,2,8,8a,8b- hexahydro-8a-methoxy-5-methyl-,[1aS-(1aalpha, 8beta,8aalpha,8balpha)]-
U280	Barban
U278	Bendiocarb
U364	Bendiocarb phenol
U271	Benomyl
U157	Benz[j]aceanthrylene, l,2-dihydro-3-methyl-
U016	Benz[c]acridine
U017	Benzal chloride
U192	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2- propynyl)-
U018	Benz[a]anthracene
U094	Benz[a]anthracene, 7,12-dimethyl-

U012	Benzenamine (I,T)
U014	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl
U049	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	Benzenamine, 2-methyl-
U353	Benzenamine, 4-methyl-
U158	Benzenamine, 4,4'-methylenebis[2-chloro-
U222	Benzenamine, 2-methyl-,hydrochloride
U181	Benzenamine, 2-methyl-5-nitro-
U019	Benzene (I,T)
U038	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	Benzene, 1-bromo-4-phenoxy-
U035	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	Benzene, chloro-
U221	Benzenediamine, ar-methyl-
U028	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U069	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	1,2-Benzenedicarboxylic acid, diethyl ester
U102	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	Benzene, 1,2-dichloro-
U071	Benzene, 1,3-dichloro-
U072	Benzene, 1,4-dichloro-
U060	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro
U017	Benzene, (dichloromethyl)-
U223	Benzene, 1,3,-diisocyanatomethyl-(R,T)
U239	Benzene, dimethyl-(I,T)
U201	1,3-Benzenediol
U127	Benzene, hexachloro-
U056	Benzene, hexahydro-(I)
U220	Benzene, methyl-
U105	Benzene, 1-methyl-2,4-dinitro-
U106	Benzene, 2-methyl-1,3-dinitro-
U055	Benzene, (l-methylethyl)-(I)
U169	Benzene, nitro-
U183	Benzene, pentachloro-
U185	Benzene, pentachloronitro-
U020	Benzenesulfonic acid chloride (C,R)
U020	Benzenesulfonyl chloride (C,R)
U207	Benzene, l,2,4,5-tetrachloro-
U061	Benzene,1,1'-(2,2,2- trichloroethylidene)bis[4-chloro
U247	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
U023	Benzene, (trichloromethyl)-
U234	Benzene, l,3,5-trinitro-
U021	Benzidine
U278	1,3 Benzodioxol 4 ol, 2,2 dimethyl , methyl carbamate
U364	1,3 Benzodioxol 4 ol, 2,2 dimethyl ,
U203	1,3-Benzodioxole, 5-(2-propenyl)-
U141	1,3-Benzodioxole, 5-(1-propenyl)-

U090	1,3-Benzodioxole, 5-(1-propyl-
U367	7 Benzofuranol, 2,3 dihydro 2,2 dimethyl
U084	Benzo[rst]pentaphene
U248	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1- phenyl-butyl)-, & salts, when present at concentrations of 0.3% or less
U022	Benzo(a)pyrene
U197	p-Benzoquinone
U023	Benzotrichloride (C,R,T)
U085	2,2'-Bioxirane
U021	(l,l'-Biphenyl)-4,4'-diamine
U073	(l,l'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-
U091	(l,l'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-
U095	(l,l'-Biphenyl)-4,4'- diamine, 3,3'-dimethyl-
U354	Bromacil*
U354	5-Bromo-3-sec-butyl-6-methyluracil*
U225	Bromoform
U030	4-Bromophenyl phenyl ether
U128	l,3-Butadiene, 1,1,2,3,4, 4-hexachloro-
U172	l-Butanamine, N-butyl-N-nitroso-
U031	1-Butanol (I)
U150	2-Butanone (I,T)
U160	2-Butanone, peroxide (R,T)
U053	2-Butenal
U074	2-Butene, l,4-dichloro- (I,T)
U143	2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy][methyl]-2,3,5 ,7a-tetrahydro-1H-pyrrolizin-1-yl ester,[1S-[1 alpha(Z),7(2S*,3R*),7aalpha]]-
U031	n-Butyl alcohol (I)
U136	Cacodylic acid
U032	Calcium chromate
U372	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U271	Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester
U280	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U238	Carbamic acid, ethyl ester
U178	Carbamic acid, methylnitroso-, ethyl ester
U373	Carbamic acid, phenyl-, 1-methylethyl ester
U409	Carbamic acid, [1,2-phenylenebis (iminocarbonothioyl)]bis-, dimethyl ester
U097	Carbamic chloride, dimethyl-
U389	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3 trichloro-2-propenyl) ester
U387	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U114	Carbamodithioic acid, 1,2-ethanediylbis-, salts & esters
U062	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U279	Carbaryl
U372	Carbendazim
U367	Carbofuran phenol
U215	Carbonic acid, dithallium (1+) salt
U033	Carbonic difluoride
U156	Carbonochloridic acid, methyl ester (I,T)
U033	Carbon oxyfluoride (R,T)
U211	Carbon tetrachloride

U034	Chloral
U035	Chlorambucil
U036	Chlordane, alpha & gamma isomers
U026	Chlornaphazin
U037	Chlorobenzene
U038	Chlorobenzilate
U039	p-Chloro-m-cresol
U042	2-Chloroethyl vinyl ether
U044	Chloroform
U046	Chloromethyl methyl ether
U047	beta-Chloronaphthalene
U048	o-Chlorophenol
U049	4-Chloro-o-toluidine, hydrochloride
U032	Chromic acid H_2CrO_4, calcium salt
U050	Chrysene
U051	Creosote
U052	Cresol(Cresylic acid)
U053	Crotonaldehyde
U055	Cumene (I)
U246	Cyanogen bromide (CN)Br
U197	2,5-Cyclohexadiene-1,4-dione
U056	Cyclohexane (I)
U129	Cyclohexane, 1,2,3,4,5,6-hexachloro-,(1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U057	Cyclohexanone (I)
U130	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	Cyclophosphamide
U240	2,4-D, salts & esters
U059	Daunomycin
U060	DDD
U061	DDT
U062	Diallate
U063	Dibenz[a,h]anthracene
U064	Dibenzo[a,i]pyrene
U066	1,2-Dibromo-3-chloropropane
U069	Dibutyl phthalate
U070	o-Dichlorobenzene
U071	m-Dichlorobenzene
U072	p-Dichlorobenzene
U073	3,3'-Dichlorobenzidine
U074	l,4-Dichloro-2-butene (I,T)
U075	Dichlorodifluoromethane
U078	l,l-Dichloroethylene
U079	l,2-Dichloroethylene
U025	Dichloroethyl ether
U027	Dichloroisopropyl ether
U024	Dichloromethoxy ethane
U081	2,4-Dichlorophenol
U082	2,6-Dichlorophenol
U355	N'(3,4-dichlorophenyl)-N-methoxy-N-methylurea*
U084	1,3-Dichloropropene
U085	1,2:3,4-Diepoxybutane (I,T)

U108	1,4-Diethyleneoxide (alternative name for 1,4-Diethylene dioxide)
U028	Diethylhexyl phthalate
U395	Diethylene glycol, dicarbamate
U086	N,N-Diethylhydrazine
U087	O,O-Diethyl-S-methyl- dithiophosphate
U088	Diethyl phthalate
U089	Diethylstilbesterol
U090	Dihydrosafrole
U091	3,3'-Dimethoxybenzidine
U092	Dimethylamine (I)
U093	p-Dimethylaminoazobenzene
U094	7,12-Dimethylbenz[a]anthracene
U095	3,3'-Dimethylbenzidine
U096	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U097	Dimethylcarbamoyl chloride
U098	1,1-Dimethylhydrazine
U099	1,2-Dimethylhydrazine
U101	2,4-Dimethylphenol
U102	Dimethyl phthalate
U103	Dimethyl sulfate
U105	2,4-Dinitrotoluene
U106	2,6-Dinitrotoluene
U107	Di-n-octyl phthalate
U108	1,4-Dioxane
U109	1,2-Diphenylhydrazine
U110	Dipropylamine (I)
U111	Di-N-propylnitrosamine
U041	Epichlorohydrin
U001	Ethanal (I)
U404	Ethanamine, N,N-diethyl-
U174	Ethanamine, N-ethyl-N-nitroso-
U155	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienyl methyl)
U067	Ethane, 1,2-dibromo-
U076	Ethane, 1,1-dichloro-
U077	Ethane, 1,2-dichloro-
U131	Ethane, hexachloro-
U024	Ethane, 1,1'-[methylenebis(oxy)]bis [2-chloro-
U117	Ethane, 1,1'-oxybis-(I)
U025	Ethane, 1,1'-oxybis[2-chloro-]
U184	Ethane, pentachloro-
U208	Ethane, 1,1,1,2-tetrachloro-
U209	Ethane, 1,1,2,2-tetrachloro-
U218	Ethanethioamide
U226	Ethane, 1,1,1-trichloro-
U227	Ethane, 1,1,2-trichloro-
U410	Ethanimidothioic acid, N,N'- [thiobis[(methylimino)carbonyloxy]]bis-, dimethyl ester
U394	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester.
U359	Ethanol, 2-ethoxy-
U173	Ethanol, 2,2'-(nitrosoimino)bis-
U395	Ethanol, 2,2' oxybis-, dicarbamate

U004	Ethanone, 1-phenyl-
U043	Ethene, chloro-
U042	Ethene, 2-chloroethoxy-
U078	Ethene, 1,1-dichloro-
U079	Ethene, 1,2-dichloro-, (E)-
U210	Ethene, tetrachloro-
U228	Ethene, trichloro-
U112	Ethyl acetate (I)
U113	Ethyl acrylate (I)
U238	Ethyl carbamate (urethane)
U117	Ethyl ether (I)
U114	Ethylenebisdithiocarbamic acid, salts & esters
U067	Ethylene dibromide
U077	Ethylene dichloride
U359	Ethylene glycol monoethyl ether
U115	Ethylene oxide (I,T)
U116	Ethylenethiourea
U076	Ethylidene dichloride
U118	Ethyl methacrylate
U119	Ethyl methanesulfonate
U139	Ferric dextran
U120	Fluoranthene
U122	Formaldehyde
U123	Formic acid (C,T)
U124	Furan (I)
U125	2-Furancarboxaldehyde (I)
U147	2,5-Furandione
U213	Furan, tetrahydro-(I)
U125	Furfural (I)
U124	Furfuran (I)
U206	Glucopyranose, 2-deoxy-2- (3-methyl-3-nitrosoureido)-, D-
U206	D-Glucose, 2-deoxy-2-[[methylnitrosoamino)-carbonyl]amino]-
U126	Glycidylaldehyde
U163	Guanidine, N-methyl-N'-nitro-N-nitroso-
U127	Hexachlorobenzene
U128	Hexachlorobutadiene
U130	Hexachlorocyclopentadiene
U131	Hexachloroethane
U132	Hexachlorophene
U243	Hexachloropropene
U133	Hydrazine (R,T)
U086	Hydrazine, 1,2-diethyl-
U098	Hydrazine, 1,1-dimethyl-
U099	Hydrazine, 1,2-dimethyl-
U109	Hydrazine, 1,2-diphenyl-
U134	Hydrofluoric acid (C,T)
U134	Hydrogen fluoride (C,T)
U135	Hydrogen sulfide
U135	Hydrogen sulfide H_2S
U096	Hydroperoxide, 1-methyl- 1-phenylethyl- (R)
U136	Hydroxydimethylarsine oxide

U116	2-Imidazolidinethione
U137	Ideno[1,2,3-cd]pyrene
U139	Iron dextran
U190	1,3-Isobenzofurandione
U140	Isobutyl alcohol (I,T)
U141	Isosafrole
U142	Kepone
U143	Lasiocarpine
U144	Lead acetate
U146	Lead,bis(acetato-O)tetrahydroxy-tri-
U145	Lead phosphate
U146	Lead subacetate
U129	Lindane
U355	Linuron*
U163	MNNG
U147	Maleic anhydride
U148	Maleic hydrazide
U149	Malononitrile
U150	Melphalan
U151	Mercury
U152	Methacrylonitrile (I,T)
U092	Methanamine, N-methyl- (I)
U029	Methane, bromo-
U045	Methane, chloro- (I, T)
U046	Methane, chloromethoxy-
U068	Methane, dibromo-
U080	Methane, dichloro-
U075	Methane, dichlorodifluoro-
U138	Methane, iodo-
U119	Methanesulfonic acid, ethyl ester
U211	Methane, tetrachloro-
U153	Methanethiol (I,T)
U225	Methane, tribromo-
U044	Methane, trichloro-
U121	Methane, trichlorofluoro-
U036	4,7-Methano-1H-indene,1,2,4,5,6,7,8,8-octach-loro-2,3,3a,4,7,7a-hexahydro-
U154	Methanol (I)
U155	Methapyrilene
U142	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one,1a,3,3a,4,5,5,5a,5b,6-decachloro-octahydro-
U247	Methoxychlor
U154	Methyl alcohol (I)
U029	Methyl bromide
U186	1-Methylbutadiene (I)
U045	Methyl chloride (I,T)
U156	Methyl chlorocarbonate (I,T)
U226	Methyl chloroform
U157	3-Methylcholanthrene
U158	4,4'-Methylenebis(2-chloroaniline)
U068	Methylene bromide
U080	Methylene chloride

U159	Methyl ethyl ketone (MEK)(I,T)
U160	Methyl ethyl ketone peroxide (R T)
U138	Methyl iodide
U161	Methyl isobutyl ketone (I)
U162	Methyl methacrylate (I,T)
U161	4-Methyl-2-pentanone (I)
U164	Methylthiouracil
U010	Mitomycin C
U059	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-tri- hydroxy-1-methoxy-, (8S-cis)-
U167	1-Naphthylamine
U168	2-Naphthylamine
U026	Naphthylamine, N,N'-bis(2-chloroethyl)-
U165	Naphthalene
U047	Naphthalene, 2-chloro-
U166	l,4-Naphthalenedione
U236	2,7-Naphthalenedisulfonic acid, 3,3'-[3,3'-dimethyl [1,1'-biphenyl]-4,4'-diyl)] bis(azo)bis[5-amino-4- hydroxy]-,tetrasodium salt
U279	1-Naphthalenol, methylcarbamate
U166	1,4-Naphthoquinone
U167	alpha-Naphthylamine
U168	beta-Naphthylamine
U217	Nitric acid, thallium(1+) salt
U169	Nitrobenzene (I,T)
U170	p-Nitrophenol
U171	2-Nitropropane (I,T)
U172	N-Nitrosodi-n-butylamine
U173	N-Nitrosodiethanolamine
U174	N-Nitrosodiethylamine
U176	N-Nitroso-N-ethylurea
U177	N-Nitroso-N-methylurea
U178	N-Nitroso-N-methylurethane
U179	N-Nitrosopiperidine
U180	N-Nitrosopyrrolidine
U181	5-Nitro-o-toluidine
U193	1,2-Oxathiolane, 2,2-dioxide
U058	2H,-l,3,2-Oxazaphosphorin- 2-amine, N,N-bis(2-chloroethyl)tetrahydro-,2-oxide
U115	Oxirane (I,T)
U126	Oxiranecarboxyaldehyde
U041	Oxirane, (chloromethyl)-
U182	Paraldehyde
U183	Pentachlorobenzene
U184	Pentachloroethane
U185	Pentachloronitrobenzene(PCNB)
See F027	Pentachlorophenol
U161	Pentanol,4-methyl-
U186	1,3-Pentadiene (I)
U187	Phenacetin
U188	Phenol
U048	Phenol, 2-chloro-

U039	Phenol, 4-chloro-3-methyl-
U081	Phenol, 2,4-dichloro-
U082	Phenol, 2,6-dichloro-
U089	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-,(E)-
U101	Phenol, 2,4-dimethyl-
U052	Phenol, methyl-
U132	Phenol, 2,2'-methylenebis[3,4,6-trichloro
U411	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U170	Phenol, 4-nitro-
See F027	Phenol, pentachloro-
See F027	Phenol, 2,3,4,6-tetrachloro-
See F027	Phenol, 2,4,5-trichloro-
See F027	Phenol, 2,4,6-trichloro-
U150	L-Phenylalanine, 4-bis(2-chloroethyl)amino]-
U145	Phosphoric acid, lead (2+) salt(2:3)
U087	Phosphorodithioic acid, 0,0-diethyl S-methyl ester
U189	Phosphorous sulfide (R)
U190	Phthalic anhydride
U191	2-Picoline
U179	Piperidine, 1-nitroso-
U192	Pronamide
U194	1-Propanamine (I,T)
U111	1-Propanamine, N-nitroso-N-propyl-
U110	1-Propanamine, N-propyl- (I)
U066	Propane, l,2-dibromo-3-chloro-
U083	Propane, 1,2-dichloro-
U149	Propanedinitrile
U171	Propane, 2-nitro- (I,T)
U027	Propane, 2,2'oxybis[2-chloro-
U193	l,3-Propane sultone
See F027	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U235	l-Propanol, 2,3-dibromo-, phosphate (3:l)
U140	1-Propanol, 2-methyl- (I,T)
U002	2-Propanone (I)
U007	2-Propenamide
U084	1-Propene, 1,3-dichloro-
U243	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	2-Propenenitrile
U152	2-Propenenitrile, 2-methyl- (I,T)
U008	2-Propenoic acid (I)
U113	2-Propenoic acid, ethyl ester (I)
U118	2-Propenoic acid, 2-methyl-, ethyl ester
U162	2-Propenoic acid, 2-methyl-,methyl ester (I,T)
U373	Propham
U411	Propoxur
U387	Prosulfocarb
U194	n-Propylamine (I,T)
U083	Propylene dichloride
U148	3,6-Pyridazinedione, 1,2-dihydro-
U196	Pyridine
U191	Pyridine, 2-methyl-

U237	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloro-ethyl)amino]-
U164	4(lH)-Pyrimidinone, 2,3-di hydro-6-methyl-2-thioxo-
U180	Pyrrolidine, 1-nitroso-
U200	Reserpine
U201	Resorcinol
U203	Safrole
U204	Selenious acid
U204	Selenium dioxide
U205	Selenium sulfide
U205	Selenium sulfide SeS_2 (R,T)
U015	L-Serine, diazoacetate (ester)
See F027	Silvex (2,4,5-TP)
U206	Streptozotocin
U103	Sulfuric acid, dimethyl ester
U189	Sulfur phosphide (R)
See F027	2,4,5-T
U207	l,2,4,5-Tetrachlorobenzene
U208	l,l,l,2-Tetrachloroethane
U209	1,1,2,2-Tetrachloroethane
U210	Tetrachloroethylene
See F027	2,3,4,6-Tetrachlorophenol
U213	Tetrahydrofuran (I)
U214	Thallium acetate
U215	Thallium carbonate
U216	Thallium chloride
U216	Thallium chloride TlCl
U217	Thallium nitrate
U218	Thioacetamide
U410	Thiodicarb
U153	Thiomethanol (I,T)
U244	Thioperoxydicarbonic diamide $[(H_2N)C(S)]_2S_2$,tetramethyl-
U409	Thiophanate-methyl
U219	Thiourea
U244	Thiram
U220	Toluene
U221	Toluenediamine
U223	Toluene diisocyanate (R,T)
U328	o-Toluidine
U353	p-Toluidine
U222	o-Toluidine hydrochloride
U389	Triallate
U011	1H-l,2,4-Triazol-3-amine
U227	l,l,2-Trichloroethane
U228	Trichloroethylene
U121	Trichloromonofluoromethane
See F027	2,4,5- Trichlorophenol
See F027	2,4,6- Trichlorophenol
U404	Triethylamine
U234	1,3,5-Trinitrobenzene (R,T)
U182	l,3,5-Trioxane, 2,4,6-Trimethyl-

U235	Tris(2,3-dibromopropyl) phosphate
U236	Trypan blue
U237	Uracil mustard
U176	Urea, N-ethyl-N-nitroso-
U177	Urea, N-methyl-N-nitroso-
U043	Vinyl chloride
U248	Warfarin, & salts, when present at concentrations of 0.3% or less
U239	Xylene (I)
U200	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18[(3,4,5-trimethoxybenzoyl)oxy]- methyl ester(3beta,16beta,17alpha,18beta,20alpha)-
U249	Zinc phosphide Zn_3P_2, when present at concentrations of 10% or less

* 50 FR 18626, May 1, 1985 Proposed Rule

NOTE: all amendments to reference F027: 50 FR 2000, Jan. 14, 1985, Final Rule.

D. Criteria for designation of hazardous waste as universal waste.

In determining whether a waste may be designated a universal waste, the Maine Board of Environmental Protection will determine that:

(1) the waste or category of the waste meets the definition of a hazardous waste;

(2) the waste or category of the waste is a manufactured product that is not easily contaminated with other substances:

(3) the waste or a category of the 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, small businesses, government organizations, as well as large industrial facilities);

(4) the waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

(5) systems to be used for collecting the waste or category of waste including packaging, marking, labeling, storage, and tracking would ensure close stewardship of the waste;

(6) the risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards developed for the waste type would be protective of human health and the environment during accumulation and transport;

(7) regulation of the waste or category of waste under the designation of universal waste will increase the likelihood that the waste will be diverted from non-hazardous waste management systems to recycling, or where appropriate treatment or disposal, in compliance with the full hazardous waste regulations;

(8) regulation of the waste or category of waste under the designation of universal waste will improve implementation of and compliance with the hazardous waste regulatory program; and

(9) such other factors as may be appropriate.

APPENDIX I:

REPRESENTATIVE SAMPLING METHODS

(Appendix I of this Chapter corresponds to Appendix I of 40 C.F.R. § 261)

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

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

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

Containerized liquid wastes--"COLIWASA" described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"[1] U.S. Environmental Protection Agency, Office of Land and Emergency Management, Washington, DC 20460, as published on July 1, 2005. .]

Liquid waste in pits, ponds, lagoons, and similar reservoirs.--"Pond Sampler" described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods."[1]

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

[1]These methods are also described in "Samplers and Sampling Procedures for Hazardous Waste Streams," EPA 600/2-80-018, January, 1980.

APPENDIX II:

METHOD 1311
TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)

Test methods include those in federal regulations published on July 1, 2005, including 40 C.F.R. § 260.11 which is incorporated by reference in Section 3(A)(2) of this Chapter. The TCLP is published in EPA Publication SW-846 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods". Instructions for obtaining SW-846 can be found in Appendix III.

APPENDIX III: CHEMICAL ANALYSIS TEST METHODS

(Appendix III of this Chapter corresponds to Appendix III of 40 C.F.R. § 261.)

Test methods include those in federal regulations published on July 1, 2005, including 40 C.F.R. § 260.11 which is incorporated by reference in Section 3(A)(2) of this Chapter. EPA Publication SW-846 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" as published July 1, 2005, must be used in determining whether a sample contains a given toxic constituent.

Prior to final sampling and analysis method selection, the analyst should consult the specific section or method described in SW-846 for additional guidance on which of the approved methods should be employed for a specific sample analysis situation.

APPENDIX IV: RESERVED

APPENDIX V: RESERVED

APPENDIX VI: RESERVED

APPENDIX VII: BASIS FOR LISTING HAZARDOUS WASTES

Hazardous Waste Number	Hazardous constituents for which listed
F001	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
F002	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chloro- benzene, 1,1,2-trichloro-1,2, 2-trifluoroethane, ortho-dichloro-benzene, trichlorofluoromethane.
F003	N.A.
F004	Cresols and cresylic acid, nitrobenzene.
F005	Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane
F006	Cadmium, hexavalent chromium, nickel, cyanide (complexed)
F007	Cyanide (salts)
F008	Cyanide (salts)
F009	Cyanide (salts)
F010	Cyanide (salts)
F011	Cyanide (salts)
F012	Cyanide (complexed)
F019	Hexavalent chromium, cyanide (complexed)
F020	Tetra- and pentachloro dibenzo-p-dioxins; tetra and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
F021	Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives
F022	Tetra-, penta-, and hexa- chlorodibenzo-p-dioxins; tetra-, penta, and hexachlorodibenzofurans
F023	Tetra-, and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
F024	Chloromethane, dichloro- methane, trichloromethane, carbon tetrachloride, chloroethylene, l,l-di- chloroethane, l,2-dichloro- ethane, trans-l-2-dichloro- ethylene, l,l-dichloro- ethylene, l,l,l-trichloro- ethane, l,l,2-trichloro- ethane, trichloroethylene, l,l,l,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane,

	hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-l,3-butadiene, hexachloro-l,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzene, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.
F025	Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, l,l-dichloroethane, l,2-dichloroethane, trans-l,2-dichloroethylene, l,l-dichloroethylene, l,l,l-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, l,l,l,2-tetrachloroethane, l,l,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-l, 3-butadiene, hexachloro-l, 3-butadiene, hexachloro- cyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzene, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene
F026	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexa- chlorodibenzofurans
F027	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts
F028	Tetra-, penta-, and hexachlorodibenzo-p- dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra- and pentachloro- phenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts
F032	Benz(a)anthracene, benzol(a)pyrene, dibenz(a,h)-anthracene, indeno (1,2,3-cd)pyrene, pentachlorophenol, arsenic, chromium, tetra-, penta-, hexa-, heptachlorodibenzo-p-dioxins, tetra-, penta-, hexa-, heptachlorodibenzofurans.
F034	Benz(a)anthracene, benzo (k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno (1,2,3-cd)pyrene, naphthalene, arsenic, chromium.
F035	Arsenic, chromium, lead.
F037	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F038	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F039	All constituents for which treatment standards are specified for multi-source leachate (wastewaters) and nonwastewater) under 06-096 C.M.R. ch. 852, § 14A.
K001	Pentachlorophenol, phenol, 2-chlorophenol, p-chloro- m-cresol, 2,4-dimethyl- phenol, 2,4-dinitrophenol, trichlorophenols, tetra- chlorophenols, 2,4-dinitro- phenol, creosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno (1,2,3-cd)pyrene, benz(a) anthracene, dibenz(a) anthracene, acenaphthalene.
K002	Hexavalent chromium, lead
K003	Hexavalent chromium, lead
K004	Hexavalent chromium
K005	Hexavalent chromium, lead
K006	Hexavalent chromium
K007	Cyanide (complexed), hexavalent chromium
K008	Hexavalent chromium
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid
K010	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloro- acetaldehyde
K011	Acrylonitrile, acetonitrile, hydrocyanic acid
K013	Hydrocyanic acid, acrylonitrile, acetonitrile
K014	Acetonitrile, acrylamide

K015	Benzyl chloride, chlorobenzene, toluene, benzotrichloride
K016	Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloro- ethane, perchloroethylene
K017	Epichlorohydrin, chloro ethers [bis (chloromethyl) ether and bis (2-chloroethyl) ethers], trichloropropane, dichloropropanols
K018	l,2-dichloroethane, tri- chloroethylene, hexachloro- butadiene, hexachlorobenzene
K019	Ethylene dichloride, l,l,l- trichloroethane, l,l,2- trichloroethane, tetra- chloroethanes (l,l,2,2-tetra- chloroethane and l,l,l,2-tetrachloroethane), trichloroethylene, tetra- chloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride
K020	Ethylene dichloride, l,l,l-trichloroethane, l,l,2-trichloroethane, tetra- chloroethanes (l,l,2,2-tetra- chloroethane and l,l,l,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride
K021	Antimony, carbon tetrachloride, chloroform
K022	Phenol, tars (polycyclic aromatic hydrocarbons)
K023	Phthalic anhydride, maleic anhydride
K024	Phthalic anhydride, l,4-naphthoquinone
K025	Meta-dinitrobenzene, 2,4-dinitrotoluene
K026	Paraldehyde, pyridines, 2-picoline
K027	Toluene diisocyanate, toluene-2,4-diamine
K028	l,l,l-trichloroethane, vinyl chlorideK029 l,2-dichloroethane, l,l,l-trichloroethane, vinyl chloride, vinylidene chloride, chloroform
K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, l,l,l,2- tetrachloroethane, l,l,2,2-tetrachloroethane, ethylene dichloride
K031	Arsenic
K032	Hexachlorocyclopentadiene
K033	Hexachlorocyclopentadiene
K034	Hexachlorocyclopentadiene
K035	Creosote, chrysene, naphthalene, fluoranthene benzo(b)fluoranthene, benzo(a)pyrene, indeno (l,2,3-cd) pyrene, benzo (a)anthracene, dibenzo(a) anthracene, acenaphthalene
K036	Toluene, phosphorodithioic and phosphorothioic acid esters
K037	Toluene, phosphorodithioic and phosphorothioic acid esters
K038	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters
K039	Phosphorodithioic and phosphorothioic acid esters
K040	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters
K041	Toxaphene
K042	Hexachlorobenzene, ortho- dichlorobenzene
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol
K044	N.A.
K045	N.A.
K046	Lead
K047	N.A.
K048	Hexavalent chromium, lead
K049	Hexavalent chromium, lead
K050	Hexavalent chromium
K051	Hexavalent chromium, lead
K052	Lead
K060	Cyanide, napthalene, phenolic compounds, arsenic

K061	Hexavalent chromium, lead, cadmium
K062	Hexavalent chromium, lead
K064	Lead, Cadmium
K065	Lead, Cadmium
K066	Lead, Cadmium
K068	Cyanide (Complexes)
K069	Hexavalent chromium, lead, cadmium
K071	Mercury
K073	Chloroform, carbon tetra- chloride, hexachloroethane, trichloroethane, tetra-chloroethylene, dichloro- ethylene, 1,1,2,2-tetra- chloroethane
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine
K084	Arsenic
K085	Benzene, dichlorobenzenes, trichlorobenzenes, tetra- chlorobenzene, pentachloro- benzene, hexachlorobenzene, benzyl chloride
K086	Lead, hexavalent chromium
K087	Phenol, naphthalene
K088	Cyanide (complexes)
K090	Chromium
K091	Chromium
K093	Phthalic anhydride, maleic anhydride
K094	Phthalic anhydride
K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane
K096	1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane
K097	Chlordane, heptachlor
K098	Toxaphene
K099	2,4-dichlorophenol, 2,4,6-trichlorophenol
K100	Hexavalent chromium, lead, cadmium
K101	Arsenic
K102	Arsenic
Kl03	Aniline, nitrobenzene, phenylenediamine
K104	Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine
K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol
K106	Mercury
K107	1,1-Dimethylhydrazine (UDMH)
K108	1,1-Dimethylhydrazine (UDMH)
K109	1,1-Dimethylhydrazine (UDMH)
K110	1,1-Dimethylhydrazine (UDMH)
K111	2,4-Dinitrotoluene,
K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline
K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline
K114	2,4-Toluenediamine, o-toluidine, p-toluidine
K115	2,4-Toluenediamine,
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene
K117	Ethylene dibromide
K118	Ethylene dibromide
K119**	Chlorobenzene, linuron
K120**	Chlorobenzene, bromacil
K121**	Bromacil
K123	Ethylene thiourea
K124	Ethylene thiourea
K125	Ethylene thiourea

K126	Ethylene thiourea
K131	Methyl bromide, dimethylsulfate
K132	Methyl bromide
K136	Ethylene dibromide
K138	1,1-Dimethylhydrazine (UDMH)
K141	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene
K142	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene
K143	Benzene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene
K144	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene.
K145	Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, naphthalene
K147	Benzene, benz(a)anthracene, benzo(a)pyrene,benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene
K148	Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene
K149	Benzotrichloride, benzyl chloride, chloroform, chloromethane, chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,3,5-tetrachlorobenzene, toluene
K150	Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene
K151	Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene
K156	Benomyl, carbaryl, carbendazim, carbofuran, carbosulfan, formaldehyde, methylene chloride, triethylamine.
K157	Carbon tetrachloride, formaldehyde, methyl chloride, methylene chloride, pyridine, triethylamine.
K158	Benomyl, carbendazim, carbofuran, carbosulfan, chloroform, methylene chloride.
K159	Benzene, butylate, eptc, molinate, pebulate, vernolate.
K161	Antimony, arsenic, metam sodium, ziram
K169	Benzene
K170	Benzo(a)pyrene, dibenz(a,h)anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, 3-methylcholanthrene, 7,12-dimethylbenz(a)anthracene
K171	Benzene, arsenic
K172	Benzene, arsenic
K174	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD), 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF), 1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,6,7,8,9-HpCDF), HxCDDs (All Hexachlorodibenzo-p-dioxins), HxCDFs (All Hexachlorodibenzofurans), PeCDDs (All Pentachlorodibenzo-p-dioxins), OCDD (1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin), OCDF (1,2,3,4,6,7,8,9-Octachlorodibenzofuran), PeCDFs (All Pentachlorodibenzofurans), TCDDs (All Tetrachlorodibenzo-p-dioxins), TCDFs (All Tetrachlorodibenzofurans)
K175	Mercury
K176	Arsenic, Lead
K177	Antimony
K178	Thallium

K181	Aniline, o-anisidine, 4-chloroaniline, p-cresidine, 2,4-dimethylaniline, 1,2-phenylenediamine, 1,3-phenylenediamine

* 55 FR 18507, May 2, 1990, proposed rule
**50 FR 18626, May 1, 1985, Proposed Rule

APPENDIX VIII:

HAZARDOUS CONSTITUENTS

Common name	Chemical abstracts name
A2213	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
Acenaphthene,5-nitro**	
Acetamide, N-(4-(5-nitro-2-furyl)-2-thiazolyl)-**	
Acetonitrile	Same
Acetophenone	Ethanone, 1-phenyl-
2-Acetylaminofluorene	Acetamide, N-9H-fluoren-2-yl-
Acetyl chloride	Same
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-
Acrolein	2-Propenal
Acrylamide	2-Propenamide
Acrylonitrile	2-Propenenitrile
Actinomycin D**	
Aflatoxins	Same
Aldicarb	Propanal, 2-methyl-2-(methylthio)-,O-[(methylamino)carbonyl]oxime
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl) -, O-[(methylamino) carbonyl] oxime
Aldrin	1,4,5,8-Dimethanona phthalene, 1,2,3,4,10,10-10-hexachloro-1,4,4a,5, 8,8a-hexahydro-(1alpha,4alpha,4abeta, 5alpha,8alpha,8abeta)-,
Allyl alcohol	2-Propen-1-ol
Allyl-chloride	1-Propane, 3-Chloro
Aluminum phosphide	Same
3-Amino-9-ethyl carbazole**	
p-aminoazobenzene	4-(phenylazo) benzenamine-**)
o-Aminoazotoluene	o-Toluidine, 4-(o-tolylazo)-**
4-Aminobiphenyl	[1,1'-Biphenyl]-4 amine
5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone, 5-(aminomethyl)-
4-Aminopyridine	4-Pyridinamine
Amitrole	1H-1,2,4-Triazol-3-amine
Ammonium vanadate	Vanadic acid, ammonium salt
Anilazine	S-Triazine, 2,4-dichloro-6 (o-chloroanilino)-**
Aniline	Benzenamine
Aniline, 4-4'-methylenebis-(N-N-dimethyl-)-**	
Aniline, 4-4'-methylenebis-(2-methyl-)-**	
Aniline, 4,4'-thiodi-	
Aniline, 2,4,5-trimethyl-**	
o-Anisidine**	
o-Anisidine hydrochloride**	
o-Anisidine (2-methoxyaniline)	Benzenamine, 2-Methoxy-

o-Anisidine, 5-methyl-**	
o-Anisidine, 5-nitro-**	
Anthraquinone, 2-amino-**	
Anthraquinone, 1-amino-2-methyl-**	
Anthraquinone, 2-methyl-1-nitro-**	
Antimony	Same
Antimony compounds,N.O.S.[1]	
Aramite	Sulfurous acid, 2-chloroethyl-2- [4-(1,1-dimethylethyl)-phenoxy]-1-methylethyl ester
Arsenic	Same
Arsenic compounds, N.O.S.[1]	
Arsenic acid	Arsenic acid H_3AsO_4
Arsenic pentoxide	Arsenic oxide As_2O_5
Arsenic trioxide	Arsenic oxide As_2O_3
Asbestos**	
Auramine	Benzenamine, 4,4'-carbonimidoylbis [N,N-dimethyl]-, monohydrochloride
Azinphos ethyl	Phosphorodithioic acid, O,O-diethyl ester, S-ester with 3-(mercaptomethyl) -1,2,3-benzotriazin-4(3H)-one**
Azinphos methyl	Phosphorodithioic acid, O,O-dimethyl ester, S-ester with 3-(mercaptomethyl)-1,2,3-benzotriazine-4(3H)-one**
Azaserine	L-Serine, diazoacetate (ester)
Barban	Carbanilic acid, m-chloro, 4-chloro-2-butynyl ester*
Barban	Carbamic acid, (3-chlorophenyl)- , 4-chloro-2-butynyl ester
Barbituric acid, 5-ethyl-5 phenyl-**	2,4,6 (1H,3H, 5H) - pyrimidinetrione
Barium	Same
Barium compounds, N.O.S.[1]	
Barium cyanide	Same
Bendiocarb	Carbamic acid, methyl-2,3-(dimethyl-methylenediox)phenyl ester
Bendiocarb	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
Bendiocarb phenol	1,3-Benzodioxol-4-ol, 2,2-dimethyl-,
Benomyl	Carbamic acid, [1-[(butylamino) carbonyl]-1H benzimidazole-2-yl]-, methyl ester
Benz[c]acridine	Same
Benz[a]anthracene	Same
Benzal chloride	Benzene, (dichloromethyl)-
Benzene	Same
Benzenamine hydrochloride**	
Benzenearsonic acid	Arsonic acid, phenyl-
Benzidine	[1,1'-Biphenyl]-4,4'-diamine
Benzidine sulfate**	

Benzimidazolecarbamic acid, 1-(butyl-carbamoyl)-methyl ester	
Benzo[b]fluoranthene	Benz[e] [acephenanthrylene
Benzo[j]fluoranthene	Same
Benzo(k)fluoranthene	Same
Benzo[a]pyrene	Same
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione
Benzotrichloride	Benzene, (trichloromethyl)-
Benzyl chloride	Benzene, (chloromethyl)-
Beryllium powder	Same
Beryllium compounds,N.O.S.[1]	
Biphenyl, 4-nitro-**	
Bis(pentamethylene)-thiuram tetrasulfide	Piperidine, 1,1′-(tetrathiodicarbonothioyl)-bis-
Bromoacetone	2-Propanone, 1-bromo-
Bromacil	Uracil, 6-methyl-, 5-bromo-3-sec-butyl
Bromoform	Methane, tribromo-
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-
Bromoxynil	Benzonitrile, 3,5-dibromo-4-hydroxy*
Brucine	Strychnidin-10-one, 2,3-dimethoxy-
1,3'-Butadiene, 2-chloro-**	
1-Butanol, 4-(butylnitrosamino)-**	
Butyl benzyl phthalate	1,2-Benzene dicarboxylic acid, butyl phenylmethyl ester
Butylate	Carbamothioic acid, bis(2-methylpropyl)-, S-ethyl ester
Cacodylic acid	Arsinic acid, dimethyl-
Cadmium	Same
Cadmium compounds, N.O.S.[1]	
Calcium chromate	Chromic acid H_2CrO_4,calcium salt
Calcium cyanide	Calcium cyanide $Ca(CN)_2$
Captafol	4-Cyclohexene-1,2-dicarboximide, N-(1,1,2,2-tetrachloroethyl)thio-**
Captan	4-Cyclohexene-1,2-dicarboximide, N-(trichloromethyl)thio-
Carbaryl	Carbamic acid, methyl-, 1-naphthyl ester*
Carbaryl	1-Naphthalenol, methylcarbamate
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
Carbofuran	Carbamic acid, methyl, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester**
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
Carbon disulfide	Same
Carbon oxyfluoride	Carbonic difluoride
Carbon tetrachloride	Methane, tetrachloro
Carbophenothion	Phosphorodithioic acid S-(((p-chlorophenyl)thio)methyl) O,O-diethyl ester**
Carbosulfan	Carbamic acid, [(dibutylamino) thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
Chloral	Acetaldehyde, trichloro-
Chlorambucil	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-

Chlordane	4,7-Methano-1 H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a, 4,7,7a-hexahydro-.
Chlordane(alpha and gamma isomers)	
Chlorfenvinphos	Phosphoric acid, 2-chloro-1-(2,4-dichlorophenyl)vinyl diethyl ester**
Chlorinated benzenes, N.O.S.[1]	
Chlorinated ethane, N.O.S.[1]	
Chlorinated fluorocarbons, N.O.S.[1]	
Chlorinated napthalene, N.O.S.[1]	
Chlorinated phenol, N.O.S.[1]	
Chlorine**	
Chlornaphazin	2-Naphthalenamine, N,N'-bis(2-chloroethyl)-
Chloroacetaldehyde	Acetaldehyde, chloro-
Chloroalkyl ethers, N.O.S.[1]	
p-Chloroaniline	Benzenamine, (4-chloro-
Chlorobenzene	Benzene, chloro-
Chlorobenzilate	Benzeneacetic acid, 4-chloro-alpha-(4-chloro-phenyl)-alpha-hydroxy-, ethyl ester
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-
Chloroethanol	Ethanol, 2-chloro-**
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-
Chloroform	Methane, trichloro-
Chloromethyl methyl ether	Methane, chloromethoxy-
beta-Chloronaphthalene	Naphthalene, 2-chloro-
o-Chlorophenol	Phenol,2-chloro-
1-(o-Chlorophenyl)thiourea	Thiourea, (2-chlorophenyl)-
Chloroprene	1,3-Butadiene, 2-chloro-
3-Chloropropionitrile	Propanenitrile, 3-chloro-
Chlorpyrifos O-(3,5,6-trichloro-2-pyridyl) ester**	Phosphorothioic acid, O,O-diethyl
Chromium	Same
Chromium compounds, N.O.S.[1]	
Chrysene	Same
Citrus red No. 2	2-Naphthalenol, 1-(2,5-dimethoxyphenyl)azo]-
Clonitralid	Salicylanilide, 2',5-dichloro-4'-nitro-, compound with 2-aminoethanol (l:l)**
Coal tar creosote	Same
Cobalt, when in the form of particles 100 microns or less**	
Cobalt (II) chloride**	
Copper cyanide	Copper cyanide CuCN
Copper dimethyldithiocarbamate	Copper, bis(dimethylcarbamodithioato-S,S′)-,
Coumaphos	Phosphorothioic acid, 0-(3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl) 0,0-diethyl ester (Coumarin, 3-chloro-7-hydroxy-4-methyl,-0-ester with 0,0-diethyl phosphorothioate)

Coumarin,	3-chloro-7-hydroxy-4-methyl-0-ester with 0,0-diethylphosphorothioate**
Creosote	Same
p-Cresidine	2-Methoxy-5-methylbenzenamine
Cresol (Cresylic acid)	Phenol, methyl-
Crotoxyphos	2-Butenoic acid, 3-((dimethoxyphos-phinyl)oxy)-, 1-phenylethyl ester (Crotonic acid, 3-hydroxy-, alpha-methylbenzyl ester, dimethyl phosphate (E)-)
Crotonaldehyde	2-Butenal
m-Cumenyl methylcarbamate	Phenol, 3-(methylethyl)-, methyl carbamate
Cyanides (soluble salts and complexes N.O.S[1]	
Cyanogen	Ethanedinitrile
Cyanogen bromide	Cyanogen bromide (CN)Br
Cyanogen chloride	Cyanogen chloride (CN)Cl
Cycasin	beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl
Cycloate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-
Cyclophosphamide	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-,2-oxide
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-
2,4-D, salts, esters	
Daunomycin	5,12-Naphtha cenedione, 8-acetyl-10[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methyoxy-, (8S-cis)-
Dazomet	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl
DDD	Benzene, 1,1'-(2,2-dichloroethylidene) bis(4-chloro-,
DDE	Benzene, 1,1'-(dichloroethenylidene) bis(4-chloro-
DDT	Benzene, 1,1'-(2,2,2-trichloro-ethylidene)bis(4-chloro-
Demeton	Phosphorothioic acid, O,O-diethyl 0-(2-(ethylthio)ethyl) ester, mixed with O,O-diethyl S-(2-(ethylthio)ethyl) ester (7:3)**
Diallate	Carbamothioic acid, bis(1-methyl-ethyl)-, S-(2,3-dichloro-2-propenyl) ester
Diazinon	Phosphorothioic acid, O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) ester**
Dibenz[a,h]acridine	Same
Dibenz[a,j]acridine	Same
Dibenz[a,h]anthracene	Same
7H-Dibenzo[c,g]carbazole	Same
Dibenzo[a,e]pyrene	Naphtho[1,2,3,4-def] chrysene
Dibenzo[a,h]pyrene	Dibenzo[b,def] chrysene
Dibenzo[a,i]pyrene	Benzo[rst] pentaphene
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-
Dibutyl phthalate	1,2-Benzenedi carboxylic acid, dibutyl ester

Dichlone	1,4-Naphthalene dione, 2,3- dichloro-**
o-Dichlorobenzene	Benzene, 1,2-dichloro-
m-Dichlorobenzene	Benzene, 1,3,-dichloro-
p-Dichlorobenzene	Benzene, 1,4-dichloro-
Dichlorobenzene, N.O.S.[1]	Benzene, dichloro-
3,3'-Dichlorobenzidine	[1,1'-Biphenyl] -4,4'-diamine, 3,3'-dichloro-
1,4-Dichloro-2-butene	2-Butene,1,4-dichloro-
Dichlorodifluoromethane	Methane, dichlorodifluoro-
Dichloroethylene, N.O.S.[1]	Dichloroethylene
1,1-Dichloroethylene	Ethene, 1,1-dichloro-
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-
Dichloroethyl ether	Ethane, 1,1'oxybis[2-chloro-
Dichloroisopropyl ether	Propane, 2,2'-oxybis[2-chloro-
Dichloromethoxy ethane	Ethane, 1,1'-[methylenebis(oxy)] bis[2-chloro-
Dichloromethyl ether	Methane, oxybis[chloro-
2,4-Dichlorophenol	Phenol, 2,4-dichloro-
2,6-Dichlorophenol	Phenol, 2,6-dichloro-
Dichlorophenylarsine	Arsonous dichloride, phenyl-
Dichloropropane, N.O.S.[1]	Propane, dichloro-
Dichloropropanol, N.O.S.[1]	Propanol, dichloro-
Dichloropropene, N.O.S.[1]	Propene, dichloro-
1,3-Dichloropropene	Propene, 1,3-dichloro-
Dichlorvos	Phosphoric acid, 2,2-dichlorovinyl dimethyl ester**
Dieldrin	2,7:3,6-Dimethanona phth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,(1a alpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta,7aalpha)-
1,2:3,4-Diepoxybutane	2,2'-Bioxirane
Diethylarsine	Arsine, diethyl-
Diethylene glycol, dicarbamate,	Ethanol, 2,2'-oxybis-, dicarbamate
1,4-Diethyleneoxide	1,4-Dioxane
Diethylhexyl phthalate	1,2-Benzenedi-carboxylic acid, bis(2-ethylhexyl) ester
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-
O,O-Diethyl S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester
Diethyl-p-nitrophenyl phosphate	Phosphoric acid, diethyl 4-nitro-phenyl ester
Diethyl phthalate	1,2-Benzenedi-carboxylic acid, diethyl ester
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioc acid, O,O-diethyl O-pyrazinyl ester
Diethylstilbesterol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl) bis-(E)
Diethyl sulfate	Sulfuric acid, diethyl ester**
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-
Diisopropylfluorophosphate (DFP)	Phosphorofluoridic acid, bis(1-methylethyl) ester
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S[2-(methylamino)-2-oxoethyl] ester
3,3'-Dimethoxybenzidine	[1,1'-Biphenyl]-4,-4'-diamine, 3,3'- dimethoxy-
p-Dimethylaminoazobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-
2,4-Dimethylaniline (2,4-xylidine)	Benzenamine, 2,4-dimethyl-
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene,-7,12-dimethyl-

3,3'-Dimethylbenzidine	[1,1'-Biphenyl]-4,-4'-diamine,3,3'-dimethyl-
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-
alpha,alpha-Dimethylphenethylamine	Benzeneethanamine, alpha, alpha-dimethyl-
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-
Dimethyl phthalate	1,2-Benzenedi-carboxylic acid, dimethyl ester
Dimethyl sulfate	Sulfuric acid, dimethyl ester
Dimetilan	Carbamic acid, dimethyl-, 1-[(dimethylamino) carbonyl] -5-methyl-1H-pyrazol-3-yl ester
Dinitrobenzene, N.O.S.[1]	Benzene, dinitro-
4,6-Dinitro-o-cresol	Phenol, 2-methyl-4,6-dinitro-
4,6-Dinitro-o-cresol salts	
2,4-Dinitrophenol	Phenol, 2,4-dinitro-
2,4-Dinitoluene	Benzene, 1-methyl-2,4-dinitro-
2,6-Dinitrotoluene	Benzene, 2-methyl-1,3-dinitro-
Dinocap	Crotonic acid, 2-(1-methylheptyl)-4,6-dinitrophenyl ester
Dinoseb	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
Di-n-octyl phthalate	1,2-Benzenedi-carboxylic acid, dioctyl ester
Diphenylamine	Benzenamine, N-phenyl-
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl-
Di-n-propylnitrosamine	1-Propanamine, N-nitroso-N-propyl
Dioxathion	Phosphorodithioic acid, S,S'-p-dioxane-2,3-diyl O,O,O',O'-tetraethyl ester**
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
Dithiobiuret	Thioimidodicarbonic diamide $[(H_2N)C(S)]_2NH$
Endosulfan	6,9-Methano-2,4,-3-benzodioxa-thiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
Endothall	7-Oxabicyclo-[2.2.1]heptane-2,-3-dicarboxylic acid
Endrin	2,7:3,6-Dimetha-nonaphth[2,3-b]-oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a,octa-hydro-(1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta,7aalpha)-
Endrin metabolites	
Epichlorohydrin	Oxirane, (chloromethyl)-
Epinephrine	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-,(R)-
EPTC	Carbamothioic acid, dipropyl-, S-ethyl ester
EPN	Phosphonothioic acid, phenyl-,O-ethyl O-(p-nitrophenyl) ester**
Ether, 2,4-dichlorophenyl p-nitrophenyl**	
Ethion	Phosphorodithioic acid, S,S'-methylene O,O,O',O'-tetraethyl ester**
Ethyl carbamate (urethane)	Carbamic acid, ethyl ester
Ethyl cyanide	Propanenitrile
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S′)-
Ethylenebisdithiocarbamic acid	Carbamodithioic acid, 1,2-ethanediylbis-

Ethylenebisdithiocarbamic acid, salts and esters.	
Ethylene dibromide	Ethane, 1,2-dibromo-
Ethylene dichloride	Ethane, 1,2-dichloro-
Ethylene glycol monoethyl ether	Ethanol, 2-ethoxy-
Ethyleneimine	Aziridine
Ethylene oxide	Oxirane
Ethylenethiourea	2-Imidazolid- inethione
Ethylidene dichloride	Ethane, 1,1-dichloro-
Ethyl methacrylate	2-Propenoic acid, 2-methyl-,ethyl ester
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester
Famphur	Phosphorothioic acid, O-[4-[(dimethylamino) sulfonyl]phenyl]O,O-dimethyl ester
Ferbam	Iron, tris(dimethylcarbamodithioato-S,S′)-,
Fensulfothion	Phosphorothioic acid, O,O-diethyl O-(p-(methylsulfinyl)phenyl) ester**
Fenthion	Phosphorothioic acid, O,O-dimethyl-, O-(4-methylthio)-m-tolyl) ester**
Fluchloralin	p-Toluidine, N-(2-chloroethyl)-2,6-dinitro-N-propyl-alpha,alpha, alpha-trifluoro-**
Fluoranthene	Same
Fluorine	Same
Fluoroacetamide	Acetamide, 2-fluoro-
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt
Formaldehyde	Same
Formetanate hydrochloride	Methanimidamide, N,N-dimethyl-N'-[3-[[(methylamino) carbonyl]oxy]phenyl]-, monohydrochloride
Formic acid	Same
Formparanate	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[(methylamino) carbonyl]oxy]phenyl]-.
Glutarimide, 3-(2-(3,5-dimethyl-2-oxocyclohexyl)-2-hydroxyethyl)-**	
Glycidylaldehyde	Oxirane carboxyaldehyde
Halomethanes, N.O.S.[1]	
Heptachlor	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a- tetrahydro-
Heptachlor epoxide	2,5-Methano-2H-indeno[1,2-b]oxirene 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, 1aalpha,1bbeta,2alpha,5alpha,5abeta, 6beta,6aalpha)-
Heptachlor epoxide (alpha,beta,and gamma isomers).	
Heptachlorodibenzofurans	
Heptachlorodibenzo-p-dioxins	
Hexachlorobenzene	Benzene, hexachloro-
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
Hexachlorocyclopentadiene	1,3-Cyclo pentadiene, 1,2,3,4,5,5-hexachloro-
Hexachlorodibenzo-p-dioxins	
Hexachlorodibenzofurans	
Hexachloroethane	Ethane, hexachloro-
Hexachlorophene	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
Hexachloropropene	1-Propene,1,1,2,3,3,3-hexachloro-

Hexaethyl tetraphosphate	Tetraphosphoric acid, hexaethyl ester
Hexamethyl phosphoramide	Phosphoric triamide, hexamethyl-**
Hydantoin, 5,5-diphenyl-**	2,4-Imidazo lidinedione, 5,5-diphenyl-
Hydantoin, 5,5-diphenyl-, monosodium salt**	
Hydrazine	Same
Hydrogen cyanide	Hydrocyanic acid
Hydrogen fluoride	Hydrofluoric acid
Hydrogen sulfide	Hydrogen sulfide H_2S
Hydroquinone**	
Hydroxylamine, N-nitroso-N-phenyl-, ammonium salt**	
Hypochlorous acid, calcium salt**	
Hypochlorous acid, sodium salt**	
Indeno[1,2,3-cd]pyrene	Same
Iron dextran	Same
3-Iodo-2-propynyl n-butylcarbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester
Isobutyl alcohol	1-Propanol, 2-methyl-
Isodrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a,hexahydro-,(1alpha,4alpha,4abeta,5beta,8beta,8abeta)-
Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
Isonicotinic acid hydrazide**	
Isosafrole	1,3-Benzo-dioxole,5-(1-propenyl)-
Kepone	1,3,4-Metheno-2H-cyclobuta[cd] pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-
Ketene**	
Lasiocarpine	2-Butenoic acid, 2-methyl-,7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester,[1S-[1alpha(Z),7(2S*,3R*),7aalphal]]-
Lead	Same
Lead compounds, N.O.S.[1]	
Lead acetate	Acetic acid, lead(2+)salt
Lead phosphate	Phosphoric acid, lead(2+)salt(2:3)
Lead subacetate	Lead,bis-(acetato-O)tetrahydroxytri-
Leptophos	Phosphonothioic acid, phenyl-,0-(4-bromo-2,5-dichlorophenyl) O-methyl ester**
Lindane	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
Linuron	(Urea, N'-(3,4-dichlorophenyl)-N-methoxy-N-methyl-*
Lithium**	
Malachite green	Ammonium, (4-(p-(dimethylamino)-alpha-phenylbenzylidene)-2, 5-cyclohexadien-1-ylidene)-dimethyl-, chloride**
Malathion	Succinic acid, mercapto-, diethyl ester, S-ester with O,O-dimethyl phosphorodithioate**
Maleic anhydride	2,5-Furandione
Maleic hydrazide	3,6-Pyri dazinedione, 1,2-dihydro-

Malononitrile	Propanedinitrile
Melphalan	L-Phenylalanine, 4-[bis(2-chloro-ethyl)aminol]-
Manganese dimethyldithiocarbamate	Manganese, bis(dimethylcarbamodithioato-S,S')-
Mercury	Same
Mercury compounds, N.O.S.[1]	
Mercury fulminate	Fulminic acid, mercury(2+)salt
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt
Mestranol	17 alpha 19 Norpregna 1,3,5(10) trien 20 yn 17 ol, 3 methoxy **
Methacrylonitrile	2-Propenenitrile, 2-methyl-
Methapyrilene	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl-
Methiocarb	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
Methomyl	Ethanimidothioic acid, N-[[(methylamino)carbonyl]oxy]-,methyl ester
Methoxychlor	Benzene, 1,1'-(2,2,2-trichloro-ethylidene)bis[4-methoxy-
Methyl bromide	Methane, bromo-
Methyl chloride	Methane, chloro-
Methyl chlorocarbonate	Carbonochloridic acid, methyl ester
Methyl chloroform	Ethane, 1,1,1-trichloro-
3-Methylcholanthrene	Benz[j]acean-thrylene, 1,2-dihydro-3-methyl-
4,4'-Methylenebis(2-chloroaniline)	Benzenamine, 4,4'-methylenebis[2-chloro-
Methylene bromide	Methane, dibromo-
Methylene chloride	Methane, dichloro-
Methyl ethyl ketone (MEK)	2-Butanone
Methyl ethyl ketone peroxide	2-Butanone, peroxide
Methyl hydrazine	Hydrazine, methyl-
Methyl iodide	Methane, iodo-
Methyl isocyanate	Methane, isocyanato
2-Methyllactonitrile	Propanenitrile, 2-hydroxy-2-methyl-
Methyl methacrylate	2-Propenoic acid, 2-methyl-,methyl ester
Methyl methanesulfonate	Methanesulfonic acid, methyl ester
Methyl parathion	Phosphorothioic acid, O-O-dimethyl O-(4-nitrophenyl)ester
Methylthiouracil	4(1H)-Pyrimidinone,2,3-dihydro-6-methyl-2-thioxo-
Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester
Mevinphos	2-Butenoic acid, 3-((dimethoxyphos-phinyl)oxy)-, methyl ester (Crotonic acid, 3-hydroxy-, methyl ester, dimethyl phosphate, (E)-)
Mexacarbate	Carbamic acid, methyl,4-dimethylamino-3,5-xylyl ester**
Mexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
Mirex	1,3-Metheno-1H-cyclobuta-[cd]pentalene, 1,1a,2,2,3,3a,4,5,5,5a,5b,6-dodecachlorooctahydro**
Mitomycin C	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8[[amino-carbonyl)oxy]methyl]-1,1a,2,8,8a

	,8b-hexahydro-8a-methoxy-5-methyl-,[1aS-(1aalpha ,8beta,8aalpha,8balpha)]-
MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-
Molinate	1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester
Monocrotophos	Phosphoric acid, dimethyl ester, ester with (E)-3-hydroxy-N-methylcrotonamide
Mustard Gas	Ethane, 1,1'-thiobis[2-chloro-
Naled	Phosphoric acid, 1,2-dibromo-2,2-dichloroethyl-dimethyl ester**
Naphthalene	Same
1,5-Naphthalenediamine**	
1,4-Naphthoquinone	1,4-Naphthalene-dione
alpha-Naphthylamine	1-Naphthalenamine
beta-Naphthylamine	2-Naphthalenamine
alpha-Naphthylthiourea	Thiourea, 1-naphthalenyl-
Nickel	Same
Nickel compounds, N.O.S.[1]	
Nickel carbonyl	Nickel carbonyl $Ni(CO)_4$ (T-4)-
Nickel cyanide	Nickel cyanide $(Ni(CN)_2$
Nicotine	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-
Nicotine salts	
Nithiazide	Urea, 1-ethyl-3(5-nitro-2-thiazolyl)**
Nitric oxide	Nitrogen oxide NO
Nitridazole	2-Imidazolidinone, 1-(5-nitro-2-thiazolyl-**
p-Nitroaniline	Benzenamine, 4-nitro-
Nitrobenzene	Benzene, nitro-
Nitrogen dioxide	Nitrogen oxide NO_2
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-
Nitrogen mustard, hydrochloride salt	
Nitrogen mustard N-oxide	Ethanamine, 2-chloro-N-(2-chloro-ethyl)-N-methyl- ,N-oxide
Nitrogen mustard, N-oxide, hydrochloride salt	
Nitroglycerin	1,2,3-Propanetriol, trinitrate
p-Nitrophenol	Phenol, 4-nitro-
2-Nitropropane	Propane, 2-nitro-
Nitrosamines, N.O.S.[1]	
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-
N-Nitrosodiethanolamine	Ethanol,2,2'-(Nitrosoimino)bis-
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-Nitroso-
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-
p-Nitrosodiphenylamine	Diphenyl-amine, 4-nitroso-**
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-
N-Nitroso-N-methylurethane	Carbamic acid, methylnitroso-,ethyl ester
N-Nitrosomethylvinylamine	Vinylamine, N-methyl-N-nitroso-
N-Nitrosomorpholine	Morpholine, 4-nitroso-
N-Nitrosonornicotine	Pyridine, 3-(1-nitroso-2-py-rrolidinyl)-, (S)-

N-Nitrosopiperidine	Piperidine, 1-nitroso-
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-
Octachlorodibenzo-p-dioxin (OCDD)	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin
Octachlorodibenzofuran (OCDF)	1,2,3,4,6,7,8,9-Octachlorodibenzofuran
Octamethylpyrophosphoramide	Diphosphoramide, octamethyl-
Osmium tetroxide	Osmium oxide OsO_4 (T-4)-
Oxamyl	Ethanimidothioc acid, 2-(dimethylamino)-N-[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester
2-Oxetanone**	
Oxydemeton-Methyl	Phosphorothioic acid, S-(2-(ethyl-sulfinyl)ethyl)
O,O-dimethyl ester**	
4,4'-Oxydianiline	
Paraldehyde	1,3,5,-Trioxane, 2,4,6-tri-methyl-
Paraquat	4,4'-Bipyridinium, 1,1'-dimethyl-,dichloride**
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl)ester
Pebulate	Carbamothioic acid, butylethyl-, S-propyl ester
Pentachlorobenzene	Benzene, pentachloro-
Pentachlorodibenzo-p-dioxins	
Pentachlorodibenzofurans	
Pentachloroethane	Ethane, pentachloro-
Pentachloronitrobenzene (PCNB)	Benzene, pentachloronitro-
Pentachlorophenol	Phenol, pentachloro-
Peroxyacetic acid**	
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-
Phenestrine	Acetic acid,(4-(bis(2-chloroethyl)amino) phenyl),cholesteryl ester**
Phenol	Same
1,2-Phenylenediamine	1,2-Benzenediamine
1,3-Phenylenediamine	1,3-Benzenediamine
m-Phenylenediamine, 4-chloro-**	
o-Phenylenediamine, 4-chloro-**	
Phenylenediamine	Benzenediamine
Phenylmercury acetate	Mercury, (acetato-O)phenyl-
Phenylthiourea	Thiourea, phenyl-
Phorate	Phosphorodithioic acid,O,O-diethylS-[(ethylthio)methyl] ester
Phosacetim	Phosphoramidothioic acid, acetimidoyl-0,0-bis(p-chlorophenyl ester*
Phosgene	Carbonic dichloride
Phosmet	Phosphorodithioic acid, O,O-dimethyl ester, S-ester with N-(mercaptomethyl)phthalimide**
Phosphamidon	Phosphoric acid, dimethyl ester, ester with 2-chloro-N,N-diethyl-3-hydroxy-crotonamide**
Phosphine	Same
Phthalic acid esters, N.O.S.[1]	
Phthalic anhydride	1,3-Isobenzofurandione

Physostigmine	Pyrrolo[2,3-b]indol-5-01, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS cis)-
Physostigmine salicylate	Benzoic acid, 2 hydroxy-, compd. with (3aS-cis) - 1,2,3,3a,8,8a-hexahydro-1,3a,8 trimethylpyrrolo [2,3-b]indol-5-yl methylcarbamate ester (1:1).
2-Picoline	Pyridine, 2-methyl-
Piperonyl sulfoxide	Benzene, 1,2-(methylenedioxy)-4-(2-octylsulfinyl) propyl**
Polybrominated biphenyls**	
Polychlorinated biphenyls, N.O.S.[1]	
Potassium cyanide	Potassium cyanide K(CN)
Potassium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl, potassium salt
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt
Potassium n-methyldithiocarbamate	Carbamodithioic acid, methyl-monopotassium
saltPotassium pentachlorophenate	Pentachlorophenol, potassium salt
Potassium silver cyanide	Argentate(1-),bis(cyano-C)-, potassium
Promecarb	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
Pronamide	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2- propynyl)-
1,3-Propane sulfone	1,2-Oxathiolane, 2,2-dioxide
Propargyl alcohol	2-Propyn-1-ol
Propene, 3-chloro-**	
Propham	Carbamic acid, phenyl-, 1-methylethyl ester
Propionitrile, 2-hydroxy-**	
Propoxur	Phenol, 2-(1-methylethoxy)-, methylcarbamate
n-Propylamine	1-Propanamine
Propylthiouracil	Uracil, 6-propyl-2-thio**
Propylene dichloride	Propane, 1,2-dichloro-
1,2-Propylenimine	Azinidine, 2-methyl-
Propylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-
Prosulfocarb	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
Pyridine	Same
Pyridine, 3-chloromethyl-, hydrochloride**	Pyridine,2,6-diamino-3-(phenylazo)-, monohydrochloride**
Monocrotaline	(2,3,4-gh)Pyrrolizine-2,6(3H)-dione, (4,5,8,10,12,13,13a,13b-octahydro-4,5-dihy-droxy-3 ,4,5-trimethyl-2H-(1,6)dioxacycloundecino-**
Reserpine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy] -methylester, (3beta,16beta,17alpha,18beta,20alpha)-
Resorcinol	1,3-Benzenediol
Rotenone	(1)Benzopyrano (3,4-b)furo(2,3-h)(1)benzopyran-6(6aH)-one, 1,2,12,12a-tetrahydro-2-alpha-isopropenyl-8,9-dimethoxy-**

Safrole	1,3-Benzodioxole, 5-(2-propenyl)-
Selenium	Same
Selenium compounds, N.O.S.[1]	
Selenium dioxide	Selenious acid
Selenium sulfide	Selenium sulfide SeS_2
Selenium, tetrakis(dimethyl-dithiocarbamate)	Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid
Selenourea	Same
Semicarbazide**	
Silver	Same
Silver compounds, N.O.S.[1]	
Silver cyanide	Silver cyanide Ag(CN)
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5-tri-chlorolorophenoxy)-
Sodium cyanide	Sodium cyanide Na(CN)
Sodium dibutyldithiocarbamate	Carbamodithioic acid, dibutyl, sodium salt
Sodium diethyldithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt
Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt
Sodium pentachlorophenate	Pentachlorophenol, Sodium salt
Streptozotocin	D-Glucose, 2-deoxy-2-[[(methyl-nitrosoamino)carbonyl]amino]-
Strychnine	Strychnidin-10-one
Strychnine salts	
Styrene**	
Sulfallate	Carbamic acid, diethyldithio-, 2-chloroallyl ester**
Sulfallate	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester
TCDD	Dibenzo[b,e]-[1,4]dioxin, 2,3,7,8-tetrachloro-
Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl
Terbufos	Phosphorodithioic acid, O-O-diethyl-S-(((1,1-dimethylethyl)thio)methyl)-ester**
3,3',4,4'-Tetrachloroazobenzene*	bis(3,4-dichloro-phenyl)diazene
3,3',4,4'-Tetrachloroazoxybenzene*	bis (3,4,-dichlorophenyl)diazene-l-oxide
1,2,4,5-Tetrachlorobenzene	Benzene, 1,2,4,5-tetrachloro
Tetrachlorodibenzo-p-dioxins	
Tetrachlorodibenzofurans	
Tetrachloroethane, N.O.S.[1]	Ethane, tetrachloro-N.O.S.[1]
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro
Tetrachloroethylene	Ethene, tetrachloro-
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro
2,3,4,6-Tetrachlorophenol, potassium salt	2,3,4,6-Tetrachlorophenol, potassium salt
2,3,4,6-Tetrachlorophenol, sodium salt	2,3,4,6-Tetrachlorophenol, sodium salt
Tetrachlorvinphos	Phosphoric acid, 2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl ester**
Tetraethyldithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester
Tetraethyl lead	Plumbane, tetraethyl-
Tetraethyl pyrophosphate	Diphosphoric acid, tetraethyl ester
Tetramethylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide

Tetranitromethane	Methane, tetranitro-
Thallium	Same
Thallium compounds, N.O.S.[1]	
Thallium (III) oxide	Thallium (III) oxide Tl_2O_3
Thallium(I) acetate	Acetic acid, thallium(1+)salt
Thallium(I) carbonate	Carbonic acid, dithallium(1+)salt
Thallium(I) chloride	Thallium chloride TlCl
Thallium(I) nitrate	Nitric acid, thallium(1+)salt
Thallium selenite	Selenious acid, dithallium(1+)salt
Thallium(I)sulfate	Sulfuric acid, dithallium(1+)salt
Thioacetamide	Ethanethioamide
Thiodicarb	Ethanimidothioic acid, N,N'-[thiobis [(methylimino) carbonyloxy]] bis-, dimethyl ester
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methyl-thio)-,0-[(methylamino)carbonyl] oxime
Thiomethanol	Methanethiol
Thiophanate methyl	Carbamic acid, [1,2-phyenylenebis (iminocarbonothioyl)] bis-, dimethyl ester
Thiophenol	Benzenethiol
Thiosemicarbazide	Hydrazine-carbothioamide
Thiourea	Same
Thiram	Thioperoxy-dicarbonic diamide $[(H_2N)C(S)]_2S_2$, tetramethyl-
Tirpate	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino) carbonyl] oxime
Toluene	Benzene, methyl
Toluene, 2,4-diamino**	1,3-Benzenediamine, 4-methyl-
Toluenediamine	Benzenediamine, ar-methyl-
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-
o-Toluidine	Benzeneamine, 2-methyl-
o-Toluidine, 5-chloro**	
o-Toluidine hydrochloride	Benzenamine, 2-methyl-,hydrochloride
p-Toluidine	Benzenamine, 4-methyl-
Toxaphene	Same
Triallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
Trichlorfon	Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-,dimethyl ester**
Triazene, 3,3'dimethyl-1-(p-chlorophenyl)-**	
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-
Trichloroethylene	Ethene, trichloro-
Trichloromethanethiol	Methanethiol, trichloro-
Trichloromonofluoromethane	Methane, trichlorofluoro-
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-

2,4,5-T	Acetic acid, (2,4,5-trichloro- phenoxy)
Trichloropropane, N.O.S.	
Triethylamine	Ethanamine, N,N-diethyl
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro-
Tricresyl phosphate	Phosphoric acid, tri-o-tolyl ester**
O,O,O-Triethyl phosphorothioate	Phosphorothioic acid, O,O,O-triethyl ester
Trifluralin	p-Toluidine, alpha,alpha,alpha-trifluor-2,6-dinitro-N,N-dipropyl**
Trimethyl phosphate	Phosphoric acid, trimethyl ester**
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-
Tris(1-aziridinyl)phosphine sulfide	Aziridine, 1,1',1''-phosphinothioy-lidynetris-
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate(3:1)
Trypan blue	2,7-Naphthal-enedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)] -bis[5-amino-4-hydroxy-, tetrasodium salt
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-[bis-(2-chloroethyl)amino]-
Vanadium pentoxide	Vanadium oxide, V_2O_5
Vernolate	Carbamothioic acid, dipropyl-,S-propyl ester
Vinyl chloride	Ethene, chloro-
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%
Warfarin	2H-1-Benzopyran- 2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3%
Warfarin salts, when present at concentrations less than 0.3%	
Warfarin salts, when present at concentrations greater than 0.3%	
Zinc cyanide	Zinc cyanide $Zn(CN)_2$
Zinc phosphide	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10%.
Zinc phosphide	Zinc phosphide Zn_3P_2, when present at concentrations of 10% or less.
Ziram	Zinc, bis(dimethyldithiocarbamato)-**
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S') , (T-4)

[1]The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this appendix.

*50 FR 18626, May 1, 1985, Proposed Rule

**49 FR 49793, December 21, 1984, Proposed Rule

APPENDIX IX: Reserved

APPENDIX X: Reserved

APPENDIX XI: PAINT FILTER TEST

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 . See Appendix III for instructions on how to obtain copies of this publication.

STATUTORY AUTHORITY:	38 M.R.S. §§ 1301 through 1319-Y
EFFECTIVE DATE:	July 1, 1980
Amended:	March 23, 1983
Amended:	June 20, 1983
Amended:	February 10, 1985
Amended:	November 30, 1986
Amended:	March 16, 1994
EFFECTIVE DATE (ELECTRONIC CONVERSION):	May 4, 1996
Amended:	January 23, 2001
MINOR CORRECTIONS:	March 5, 2001
Amended:	November 3, 2002
Amended:	July 20, 2004 - filing 2004-272
Amended:	February 8, 2012 – filing 2012-12
Amended:	March 11, 2015 – filing 2015-030
Amended:	June 11, 2018 – filing 2018-098

Chapter 851: STANDARDS FOR GENERATORS OF HAZARDOUS WASTE

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Chapter 851: STANDARDS FOR GENERATORS OF HAZARDOUS WASTE

SUMMARY: This Chapter establishes standards and requirements for persons who generate hazardous waste.

l. Legal Authority. This Chapter is authorized by and adopted under 38 M.R.S. §§ 1301 through 1319-Y.

2. Preamble. It is the purpose of the Department of Environmental Protection (Department), consistent with legislative policy, to provide effective controls for the management of hazardous waste. This Chapter provides for one of these controls by establishing certain standards which must be met by generators of hazardous waste.

Portions of this Chapter refer to federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise specified, the federal regulations referenced are those final regulations as amended up to July 1, 2019, as they appeared in volume 40 of the Code of Federal Regulations (C.F.R.) and are hereby incorporated by reference. Where specifically stated, the terms of a referenced federal regulation are hereby incorporated as terms of this Chapter, except that in regulations incorporated thereby, "EPA" shall mean "the Maine Department of Environmental Protection"; "Administrator", "Regional Administrator" and "Director" shall mean "the Maine Board of Environmental Protection, the Commissioner of the Department of Environmental Protection or the Commissioner's designated representative, as applicable", and the references to terms or phrases including "treat", "store", or "dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or Chapters 850– 860, the more stringent of the requirements shall apply. Other changes to regulations incorporated hereby are as expressly made in this Chapter.

NOTE: Other requirements for generators appear in other rules of the Department dealing with specific aspects of hazardous waste management. See, for example, *Land Disposal Restrictions*, 06-096 C.M.R. ch. 852; *Standards for Hazardous Waste Facilities*, 06-096 C.M.R. ch. 854; *Licensing of Hazardous Waste Facilities*, 06-096 C.M.R. ch. 856; and *Hazardous Waste Manifest Requirements*, 06-096 C.M.R. ch. 857 .

3. Definitions

A. Board. "Board" means Board of Environmental Protection.

B. Department. "Department" has the same meaning as in the *Rule Concerning the Processing of Applications and Other Administrative Matters,* 06-096 C.M.R. ch. 2.

NOTE: As used in this Chapter, "Department" may refer to either the "Board" or the "Commissioner". Under certain circumstances, Maine statutes require that the Board, rather than the Commissioner, perform duties that may be described or referenced in the *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 - 858r (e.g., licensing of commercial hazardous waste facilities pursuant to 38 M.R.S. §1319-R; licensing of projects of "statewide significance" pursuant to 38 M.R.S. §341-D).

C. Generator. "Generator" means a person whose act or process produces a waste which is or may be hazardous or whose act first causes a hazardous waste to become subject to regulation.

(1) **Large Quantity Generator.** "Large Quantity Generator" means a generator that does any one of the following:

(a) Generates 100 kilograms (approximately 27 gallons) or more of hazardous waste per calendar month;

(b) Generates in a calendar month acute hazardous wastes in quantities greater than those set forth in 06-096 C.M.R. ch. 850, § 3(A)(5)(c);

(c) Accumulates more than 600 kilograms (approximately 165 gallons) of hazardous waste at any one time; or

(d) Accumulates at any one time acute hazardous wastes in quantities greater than those set forth in 06-096 C.M.R. ch. 850, § 3(A)(5)(c).

(2) **Small Quantity Generator.** "Small Quantity Generator" means a generator that does all of the following:

(a) Generates less than 100 kilograms (approximately 27 gallons) of hazardous waste per calendar month;

(b) Accumulates a total of no more than 55 gallons (approximately 200 kilograms) of hazardous waste at any one time; and

(c) Generates in a calendar month acute hazardous wastes in quantities no more than those set forth in 06-096 C.M.R. ch. 850, § 3(A)(5)(c) and accumulates at any one time acute hazardous wastes in quantities no more than those set forth in 06-096 C.M.R. ch. 850, § 3(A)(5)(c).

(3) **Small Quantity Generator Plus.** "Small Quantity Generator Plus" means a generator that does all of the following:

(a) Generates less than 100 kilograms (approximately 27 gallons) of hazardous waste per calendar month;

(b) Accumulates over 55 gallons (approximately 200 kilograms), but no more than 600 kilograms (approximately 165 gallons) of hazardous waste at any one time; and

(c) Generates in a calendar month acute hazardous wastes in quantities no more than those set forth in 06-096 C.M.R. ch. 850, § 3(A)(5)(c) and accumulates at any one time acute hazardous wastes in quantities no more than those set forth in 06-096 C.M.R. ch. 850, § 3(A)(5)(c).

D. Handle. "Handle" means to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose of.

E. Site. "Site" means the same or geographically contiguous property which may be divided by a public or private right-of-way, provided that the entrance and exit between the properties is at a

crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which the person controls and to which the public does not have access is also considered site property.

F. Waste. "Waste" means any useless, unwanted or discarded substance or material, whether or not such substance or material has any other or future use and includes any substance or material that is spilled, leaked, pumped, poured, emitted, disposed, emptied, or dumped onto the land or into the water or ambient air. "Hazardous wastes" are those wastes as defined and identified in *Identification of Hazardous Wastes*, 06-096 C.M.R. ch. 850.

G. Double Walled Tank. "Double Walled Tank" means a tank that is enclosed within a second outer wall and that includes secondary containment or a leak detection system that allows for only minimal discharges during leakage for tank piping. An automatic leak detection system monitors the cavity between the inner and outer walls of the double walled tank.

4. Applicability

A. A generator who handles hazardous waste on the site of its generation also shall comply with applicable standards and requirements set forth in 06-096 C.M.R. chs. 850, 852, 854, 855, 856 and 857.

NOTE: Refer to 06-096 C.M.R. ch. 850, § 3(A)(5)(d) for the standards for a Small Quantity Generator or Small Quantity Generator Plus as defined in this Chapter.

B. Any person who imports hazardous waste from a foreign country into the State of Maine or exports hazardous waste to a foreign country shall comply with the standards and requirements applicable to generators established in this Chapter, in 06-096 C.M.R. ch. 857 and in 40 C.F.R. Part 262 Subpart H.

C. A farmer who generates waste pesticide residues which are hazardous waste as a result of farming activity on the farmer's own farm and who complies with all of the requirements of Section 10 of this Chapter is not required to comply with other standards in this Chapter or in 06-096 C.M.R. chs. 852, 854, 855 and 856 with respect to such pesticide residues.

5. Hazardous Waste Determination. A person who generates a waste shall determine if that waste is hazardous by using the following method:

A. First determine if the waste is excluded from regulation under 06-096 C.M.R. ch. 850 of the Department's rules.

B. Then determine if the waste is listed as a hazardous waste in 06-096 C.M.R. ch. 850 of the Department's rules.

C. If the waste is not listed as a hazardous waste in 06-096 C.M.R. ch. 850, the person shall determine whether the waste is identified by characteristic as a hazardous waste in 06-096 C.M.R. ch. 850 by either:

(l) Testing the waste according to the methods set forth in 06-096 C.M.R. ch. 850, or according to an equivalent method approved under 06-096 C.M.R. ch. 850; or

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

6. Identification Numbers

A. No person shall generate hazardous waste without first having obtained a generator identification number specific for the site of waste generation except as provided for a small quantity generator below.

(1) The identification number is comprised of the identification number assigned to the generator by the United States Environmental Protection Agency or the Department, including any state-specific identifying number or letter as may be assigned by the Department.

NOTE: A generator may obtain an EPA identification number by applying to the Department of Environmental Protection, Bureau of Remediation and Waste Management, State House Station #17, Augusta, Maine 04333-0017 using EPA form 8700-12 "Notification of RCRA Subtitle C Activities".

(2) A small quantity generator as defined in Section 3(C)(2) of this Chapter does not require an EPA identification number but is assigned the state identification number MEX020000000.

B. A generator shall not offer hazardous wastes to any transporter unless that transporter has obtained an identification number and shall not offer hazardous wastes to a waste facility unless the facility has obtained an identification number or is not required to have such a number.

C. A generator shall file a subsequent application (notification) of regulated waste activity to reflect any change in ownership or operation of the site.

NOTE: Changes in operation means changes in operators including tenants who lease a facility from an owner.

7. Transportation Requirements

A. A generator shall not offer hazardous waste in any quantity to a transporter who is not licensed by the State of Maine to transport hazardous waste nor shall the generator transport the waste without a transporter license.

NOTE: Licensing requirements for transporters are set out in 06-096 C.M.R. ch. 853, Licensing of Transporters of Hazardous Waste.

B. A generator shall transport, or offer for transport, hazardous waste only to a waste facility for hazardous waste which is authorized to handle the waste under a State program, and if applicable, under the Federal hazardous waste regulatory program. A generator who sends a shipment of hazardous waste to a designated facility and later receives that shipment back as a rejected load or residue in accordance with the provisions of 06-096 C.M.R. ch. 857, § 7(B) shall accumulate the returned waste on-site in accordance with the applicable requirements of this Chapter as if the generator had generated the waste on the date of its return.

8. Pre-Transport Requirements

A. Before a generator removes or allows the removal of hazardous waste from the site of its generation, the generator shall:

(1) Package the waste in accordance with the applicable Federal Department of Transportation (DOT) regulations on packaging under 49 C.F.R. Parts 173, 178, and 179 as amended up to October 1, 2019;

NOTE: "C.F.R." refers to the Code of Federal Regulations, a publication of the United States government in which appear all regulations of the Federal administrative agencies. Copies of the Federal Department of Transportation regulations referred to above may be obtained from the United States Government Printing Office, Washington, DC 20402.

(2) Label each package in accordance with the applicable Federal Department of Transportation regulations on hazardous materials under 49 C.F.R. Part 172 as amended up to October 1, 2019;

(3) Mark each package of hazardous waste in accordance with the applicable Federal Department of Transportation regulations on hazardous materials under 49 C.F.R. Part 172 as amended up to October 1, 2019;

(4) Mark each container of 119 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 C.F.R. § 172.304 as amended up to October 1, 2019:

(a) For any federal hazardous waste or State-only hazardous waste which is also regulated as a DOT hazardous material:

HAZARDOUS WASTE--Federal and State Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the Maine Department of Environmental Protection (1-800-452-4664) or the nearest office of the United States Environmental Protection Agency.

Generator's Name & Address _____

Generator's EPA ID Number _____

Manifest Tracking Number _____

(b) For any State-only hazardous or universal waste which is not a DOT-regulated hazardous material, the requirements of 49 C.F.R. § 172.304 as amended up to October 1, 2019 do not apply. Generators shall instead mark each container as follows:

State-only Hazardous or Universal Waste – State Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the Maine Department of Environmental Protection (1-800-452-4664).

Generator's Name & Address _____

Generator's EPA ID Number _____

Manifest Tracking Number _____
(or "State Document Number" for universal waste shipped on a Maine Recyclable Material Uniform Bill of Lading)

(5) Placard or offer the initial transporter the appropriate placards according to Federal Department of Transportation regulations for hazardous materials under 49 C.F.R. Part 172, Subpart F as amended up to October 1, 2019.

B. A generator may accumulate hazardous waste on the site of its generation for ninety (90) days or less without a license, provided that:

(1) All such waste is transported off-site before or on the 90th day;

(2) The waste is placed in containers or tanks which meet the requirements of Section 8(A)(1) of this Chapter and which are managed in accordance with standards contained in this Chapter and 06-096 C.M.R. ch. 855, § 9(C) (containers), and 06-096 C.M.R. ch. 855, § 9(D) (tanks) except that the requirements of 40 C.F.R. §§ 265.197(c) and 265.200 do not apply; or for preservative kick-back or drippage from treated wood, the waste is placed on drip pads and managed in accordance with Section 13(G) of this Chapter;

(3) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container or tank and while being accumulated on-site each container or tank is labeled or marked clearly with the words, "Hazardous Waste";

(4) Each container is properly labeled and marked as required by Sections 8(A)(2), (3) and (4) of this Chapter prior to shipment offsite; and

(5) The generator complies with all requirements imposed by 40 C.F.R. §§ 264.16, 264.31-264.37, and 264.51-264.56, provided however, that the reference in 40 C.F.R. § 264.52(b) to "Part 112 of this Chapter" shall read "Part 112 of volume 40 of EPA's Code of Federal Regulations" or the provisions of 38 M.R.S. §§ 1317 through 1319-Y and the rules promulgated thereunder, whichever is more stringent.

NOTE: Generators using hazardous waste compactors exempt from licensing under 06-096 C.M.R. ch. 856, § 6(E) shall comply with all the requirements of Chapter 851 for the on-site accumulation of hazardous waste in tanks.

C. No generator shall accumulate hazardous waste for more than 90 days without a license, unless the Department grants an extension, pursuant to 06-096 C.M.R. ch. 856, § 16, of up to 30 days due to an emergency condition that is unforeseen and temporary. A generator who does accumulate hazardous waste for more than ninety (90) days without an extension granted by the Department is an operator of a storage facility for hazardous waste and, as such, is subject to the requirements of 06-096 C.M.R. chs. 854, 855 and 856 of the Department's rules except that:

A generator may accumulate on-site as much as 55 gallons of each hazardous waste or one quart of each acutely hazardous waste identified or listed in 06-096 C.M.R. ch. 850 of the Department's

rules in containers labeled with the words "hazardous waste" at a satellite accumulation area, without a license or interim status and without complying with Section 8(B)(1) of this Chapter, provided the generator complies with all other requirements of this Chapter. A satellite accumulation area must be 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. A generator who accumulates hazardous waste or acutely hazardous waste under this subsection must upon accumulating either 55 gallons (200 kg) of a hazardous waste or 1 quart (1 kg) of a acutely hazardous waste immediately label the container with the date (accumulation start date) and relocate the container to the generator storage facility within 72 hours. At such time the generator shall comply with Section 8(B)(1) of this Chapter.

NOTE: Satellite accumulation areas are required to meet all applicable generator standards except for the 90-day accumulation time limitation, including but not limited to labeling (except the accumulation start date is not required until the quantity limit is reached), container management, and weekly inspection requirements. For the purposes of this section, "all other requirements of this Chapter" means Sections 8(B)(2), 13(B)(1), 13(C)(1), 13(C)(3), 13(C)(4), 13(D)(1) and 13(D)(2).

9. Record keeping and Reporting

A. A generator shall keep a copy of all test results, waste analyses and other determinations made in accordance with Section 5 of this Chapter for a period of time not less than ten (10) years from the date that the waste was last sent to on-site or off-site handling.

B. A generator shall retain copies of all reports filed with the Department or the United States Environmental Protection Agency for a period of time not less than ten (10) years from the due date of the report.

C. A generator shall retain the log books required under Section 13(D) of this Chapter for a minimum of one (1) year.

D. The periods of retention referred to in the Sections 9(A) through (C) of this Chapter are extended automatically during the course of any unresolved enforcement action regarding regulated activity or as requested by the Commissioner, Department of Environmental Protection or by the Regional Administrator or Administrator of the United States Environmental Protection Agency.

E. A generator who removes or allows the removal of hazardous waste from the site of its generation shall submit an Annual Report:

(1) On forms specified by the Department and containing information required by the Department as specified on those forms.

NOTE: Required information must include that information required by EPA Form 8700-13A and 40 C.F.R. §§ 262.41 as a minimum.

(2) To the Department;

(3) No later than March 1st for the preceding calendar year.

F. A generator who handles hazardous waste on the site of its generation shall submit an Annual Report covering those wastes including any universal wastes:

(1) In accordance with the provisions of 06-096 C.M.R. ch. 854, § 6(C)(11);

(2) To the Department;

(3) No later than March 1st for the preceding calendar year.

Except that a generator shall not be required to file an annual report if the only hazardous wastes generated are universal wastes.

G. A generator shall comply with the applicable reporting and recordkeeping requirements of 06-096 C.M.R. chs. 852, 854, 856, and 857.

H. The Department, as it deems necessary for the effective management of hazardous waste, may require generators to furnish additional reports concerning quantities and handling of wastes identified or listed in 06-096 C.M.R. ch. 850 of the Department's rules.

10. Farmers. A farmer, disposing of waste pesticide residues which are hazardous wastes generated from farming activity on the farmer's own farm, is not required to comply with the standards in this Chapter or other standards in 06-096 C.M.R. chs. 852, 854, 855 or 856 for those waste residues provided the farmer collects wash and rinse water from the cleaning of spray equipment and triple rinses each emptied pesticide container in accordance with 06-096 C.M.R. ch. 850, § 3(C)(4)(c) of the Department's rules and disposes of the pesticide residues on the farmer's own farm in a manner consistent with the use or disposal instructions on the pesticide label. The containers must then be disposed of in accordance with rules administered by the Pesticide Control Board, Maine Department of Agriculture, Conservation and Forestry.

NOTE: The Pesticide Control Board phone number is (207) 287-2731.

11. Closure

A. A generator, who no longer generates waste at a site, shall remove all hazardous waste and hazardous waste residues to a facility licensed to handle the waste. Remaining containers, tanks, liners, bases, materials, equipment, structures and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or disposed of at a facility licensed to handle the waste, except as provided in Section 13(B) of this Chapter. A generator shall provide 45 days written notice to the Department prior to closure and shall submit to the Department, within 10 days of completion of closure, certification that closure was completed in accordance with the provisions of this Chapter. The certification must be made by the generator and by an independent State of Maine licensed professional engineer and must be submitted within ninety (90) days from the date when wastes were no longer generated at the site.

B. If a generator conducting closure of a tank system demonstrates that all contaminated soil cannot be practicably removed or decontaminated as required by Section 11(A) of this Chapter, then the generator shall close the tank system and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills under 06-096 C.M.R. ch. 855, § 9(H). In addition, for the purposes of closure, post-closure, and financial responsibility, such a

tank system is then considered to be a landfill, and the generator shall meet all the requirements for landfills in 06-096 C.M.R. ch. 855, §§ 9(A)(15) and (9)(A)(16).

C. As part of the written notice prior to closure in Section 13(A) of this Chapter, the generator shall provide the Department with a detailed summary of all past or present releases of hazardous waste or constituents from tanks or containers used to accumulate hazardous waste under this Chapter. Based upon this summary, the frequency and nature of releases, whether the releases were addressed under a Department authorized remediation plan, and other available information, the Department may require the generator to prepare a closure plan for Department review and approval prior to the initiation of closure operations. The Department will notify the generator within 30 days of a properly filed closure notice if a closure plan will be required to be filed with the Department.

D. Change of site or installation ownership, or the vacating of the site by the generator shall constitute cessation of generation and shall initiate closure of all the units which will not continue to be used.

NOTE: Partial closures are required for those units that will not be used by a new owner or tenant.

12. Prohibitions

A. No generator may treat or dispose of hazardous waste on-site unless licensed to do so pursuant to 06-096 C.M.R. ch. 856 of the Department's rules, except as provided in 06-096 C.M.R. ch. 856, § 6(E).

B. The storage of hazardous waste in an underground or in-ground tank is prohibited after December 31, 1987, except:

A hazardous waste which is hazardous because of its ignitability may be accumulated and stored in underground or in-ground tanks if such storage is in double walled tanks meeting the requirements of 40 C.F.R. § 265.193(e)(3).

NOTE: Tanks which have previously held hazardous wastes are required to be closed under the provisions of this Chapter.

C. Generators that store hazardous wastes in excess of 5,000 gallons at any one time shall not store hazardous waste as follows, unless licensed under 06-096 C.M.R. ch. 856 of the Department's rules:

(1) On land defined as a wetland under statutes or regulations administered by the Department, Department of Agriculture, Conservation and Forestry, Department of Inland Fisheries and Wildlife, or the Department of Marine Resources; or

(2) On land that overlies any portion of a surface or subsurface sand and gravel aquifer or a high yield aquifer, unless the storage area is underlain by a synthetic liner which meets the design requirements of 06-096 C.M.R. ch. 854, § 8(B)(4).

D. No generator may discharge hazardous waste via a sewer system containing domestic sewage to a publicly owned treatment works (POTW) unless the generator has received an abbreviated permit

under 06-096 C.M.R. ch. 856 and the discharge is in compliance with such license or if the generator is eligible for an exemption pursuant to 06-096 C.M.R. ch. 850, § 3(A)(4)(a)(ii).

13. Management Standards

A. Performance Standards. Generators shall manage their waste to prevent or minimize risk to the environment.

B. Design Standards

(1) A generator shall accumulate and store its containerized hazardous waste upon a base which is a firm working surface, such as asphalt or concrete, which is impervious and which must be kept entire and which is constructed of a minimum thickness of four (4) inches and must be constructed to prevent spillage from leaving the area.

NOTE: Examples of such a structure are a base constructed with a raised berm of at least six (6) inches around the entire facility or a location that is enclosed with a roof and walls.

(2) Each building or separate container storage area must have a containment and collection system the capacity of which must exceed 20% of the total capacity of all containers and tanks used to store wastes or 110% of the capacity of the largest container or tank, whichever is greater. This system must also provide for sufficient freeboard to allow for containment and collection of precipitation resulting from a 24 hour, 25 year storm, unless the storage facility is enclosed.

(3) A tank must be designed and installed so that it can be fully inspected for structural integrity, deterioration, and leaks, except that a tank whose base cannot be fully inspected must be designed and installed to meet the requirements of 40 C.F.R. § 265.193(e)(3) for double walled tanks.

(4) Uncovered tanks must be designed to assure at least 2 feet of freeboard at all times.

(5) Overtopping of tanks during continuous feed must be prevented by a system of automatic shutoff or by automatic diversion of the waste feed into a tank having at least 30 percent of the volume of the primary tank.

C. Operation

(1) A container must not be used for the storage of hazardous waste for a period of time exceeding the design life of the container.

(2) Any pipeline and pipeline valves that transfers hazardous waste to or from a tank must be inspected and pressure tested at least annually or tested at least annually by a method reviewed and approved by the Department to determine structural integrity. All tanks and piping valves must be internally inspected at least annually to determine fitness for use, except for the tank portion of double walled tanks with continuous interstitial monitoring which must be tested in accordance with the *Rules for Underground Oil Storage Facilities*, 06-096 C.M.R. ch. 691, § 7(C)(2) . The date of the most recent inspection and testing of a tank must be painted in a prominent location on the tank. A tank or pipeline that fails the test

or is determined to be unsafe must be removed or repaired to the satisfaction of the Department. Results which show failure of a tank or piping or that are shown through an inspection to be unsafe must be submitted to the Department within 10 days of the tank testing or inspection. A log of the dates and results of all inspections and testing must be maintained pursuant to Sections 9(C) and 13(D)(3).

(3) Hazardous waste must not be stored in containers or tanks which are rusted, bulging or leaking.

(4) Containers or tanks must be compatible with the type of waste stored therein.

(5) Containers or tanks used to store hazardous waste must not be used to store foodstuffs or animal feed or any substance likely to come into contact with foodstuffs or animal feed.

(6) Containers or tanks holding incompatible hazardous wastes must not be stored in the same enclosure, building or structure unless they are segregated in a manner that prevents the wastes from coming into contact with one another under any circumstance, including simultaneous leakage or failure of a container(s) or tank(s).

(7) All hazardous waste containers must be stored in a manner that allows access for inspection and for remedial action if any container is found to be rusting, bulging or leaking or waste is spilled or discharged. In any event:

(a) Containers with a capacity of ten (10) gallons or more must not be stacked in rows in excess of four (4) wide and two (2) high.

(b) Aisle space between rows of containers must be at least thirty six (36) inches wide and sufficient to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in any emergency. Rows not exceeding a single container in width and two (2) high may be stacked adjacent to walls or other components of the storage facility.

(c) The facility shall be established, constructed, altered and operated in compliance with the requirements of:

(i) 40 C.F.R. § 264.14, Security; and

(ii) 40 C.F.R. Part 264, Subpart C. Preparedness and Prevention, and in addition, the precautions required to be taken by 40 C.F.R. § 264.17 must meet applicable requirements of codes, standards and rules of the Department of Public Safety (State Fire Marshal's Office), the aid agreements required by 40 C.F.R. § 264.37 must be in writing, on file with each party to the agreement and with the Department, readily accessible to facility personnel, and reviewed and updated annually.

D. Inspection, Surveying and Record keeping

(1) Weekly inspections of all containers of hazardous waste, including containers at satellite accumulation areas, must be made and recorded in a log book which must be kept at the facility to ensure at least the following:

(a) No containers are rusting, bulging or leaking.

(b) All hazardous waste containers are stored and managed according to Sections 13(C)(7)(a) and 13(C)(7)(b) of this Chapter.

(2) The log book must contain the name of the person conducting the inspection, the date and time of the inspection, and the conclusions or results of each inspection.

(3) The annual tank, valve and pipe testing and inspection, results must be recorded in the log book.

E. Air, Ground Water and Surface Water Monitoring. The Department may require ground water, surface water and air quality monitoring in accordance with the requirements of 06-096 C.M.R. ch. 854, §§ 8(D), 8(E), and 8(F) of the Department's rules if it determines that such monitoring is necessary to ensure protection of public health and safety or of the environment.

F. Military Munitions. A military munition, as defined by 40 C.F.R. § 260.10, is subject to the state's corrective action authorities, including but not limited to 38 M.R.S. § 1319-V, and the state's compliance and emergency authorities, including but not limited to 38 M.R.S. § 1304(12) and 38 M.R.S. § 1310, if the munition is hazardous waste pursuant to 06-096 C.M.R. ch. 850, lands off-range and is not promptly rendered safe and/or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the responsible party and/or the operator of the range shall maintain a record of the event for as long as any threat remains. The record must include the type of munition and its location (to the extent the location is known).

G. Management and Closure Standards for Drip Pads. A generator who generates and accumulates wood preservative kick-back or drippage from treated wood on a "drip pad" as defined in 40 C.F.R. § 260.10 shall:

(1) Manage the waste to prevent or minimize risk to the environment;

(2) Comply with 40 C.F.R. Subpart W, §§ 265.440 - 265.445, except that the contingency plan pursuant to 40 C.F.R. § 265.440(c) shall also ensure that any drippage and contaminated media is managed in compliance with state law and regulations, new drip pads must be constructed with secondary containment as specified in 40 C.F.R. § 265.442(b), references to 40 C.F.R. §§ 265.112 or 265.118 shall mean 06-096 C.M.R. ch. 855, § 9(A)(15), and references to 40 C.F.R. § 265.144 shall mean 06-096 C.M.R. ch. 855, § 9(A)(16). In addition, facilities shall monitor groundwater consistent with the requirements in 06-096 C.M.R. ch. 855, § 9(B);

(3) Remove all wastes from the drip pad at least once every 90 days and immediately place the wastes in containers or tanks subject to the requirements of this Chapter. Any hazardous wastes that are removed from the drip pad are then subject to the 90-day accumulation limit of Sections 8(B) and 8(C) of this Chapter;

(4) 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 90 days; and

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

(5) Complete closure in accordance with Section 11 of this Chapter for any drip pad which is decommissioned, including in the event the generator continues to generate hazardous wastes at the facility or site.

H. Air Emission Standards. A generator that meets the definition of a federal "*large quantity generator*" as defined in 40 C.F.R. § 260.10 shall comply with the air emission standards of Subparts AA, BB, and CC of 40 C.F.R. Part 265.

AUTHORITY:	38 M.R.S. §§ 1301 through 1319-Y.
EFFECTIVE DATE:	November 24, 1980
AMENDED	March 23, 1983
	February 10, 1985
	November 30, 1986
	March 16, 1994
EFFECTIVE DATE (ELECTRONIC CONVERSION):	May 4, 1996
AMENDED:	January 23, 2001
MINOR CORRECTIONS:	March 5, 2001
	July 23, 2008 – informational note added to Section 8(4)
AMENDED:	September 3, 2013 – filing 2013-217
	June 11, 2018 – filing 2018-099

Chapter 852: LAND DISPOSAL RESTRICTIONS

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Chapter 852: LAND DISPOSAL RESTRICTIONS

SUMMARY: Identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which such wastes may continue to be land disposed.

NOTE: As used in this Chapter, "Department" has the same meaning as in the *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2, and may refer to either the "Board" or the "Commissioner". Under certain circumstances, Maine statutes require that the Board, rather than the Commissioner, perform duties that may be described or referenced in the *Hazardous Waste Management Rules*, chs. 850 – 858 (e.g. licensing of commercial hazardous waste facilities pursuant to 38 M.R.S. §1319-R; licensing of projects of "statewide significance" pursuant to 38 M.R.S. §341-D).

1. **Legal Authority.** This Chapter is authorized and adopted under 38 M.R.S. §1319-O and §1319-R(1), and is intended to be consistent with applicable requirements of the Resource *Conservation and Recovery Act of 1976* (RCRA), as amended, 42 U.S.C. 6901, *et seq*. and regulations promulgated by the United States Environmental Protection Agency (EPA) thereunder.

2. **Preamble.** Federal and state policy establish a hierarchy of preferred waste management practices favoring waste reduction, recycling and treatment over land disposal. This Chapter is intended to encourage waste management practices consistent with such a policy, by restricting the land disposal of hazardous waste without prior treatment to reduce the toxicity and/or mobility of hazardous constituents in the waste.

3. **Definitions.** For purposes of this Chapter, terms not defined in this section shall have the meaning given them in 38 M.R.S. §361-A and §1303-C. The following terms as used in this Chapter shall have the following meaning unless the context indicates otherwise:

   A. Debris. "Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in 40 C.F.R. Part 268, namely lead acid batteries, cadmium batteries, and radioactive lead solids, process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. For the purposes of this Chapter, mercury-containing items such as thermometers, pumps, manometers, thermostats, jars of elemental mercury, batteries, dental amalgam collection devices, and ampules are containers. A mixture of debris that has not been treated to the standards provided by 40 C.F.R. § 268.45 and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

   NOTE: Mercury- containing items are subject to the non-debris mercury treatment standards and must be removed and managed separately from any debris.

   B. Halogenated organic compounds. "Halogenated organic compounds" or "HOCs" means those compounds having a carbon halogen bond which are listed in Appendix III of this Chapter.

   C. Hazardous constituent. "Hazardous constituent" means a constituent listed in Appendix VIII to 06-096 C.M.R. ch. 850.

D. Hazardous Debris. "Hazardous debris" means debris that contains hazardous waste listed in 06-096 C.M.R. ch. 850 or that exhibits a characteristic of hazardous waste identified in 06-096 C.M.R. ch. 850. Any deliberate mixing of prohibited hazardous waste with debris that changes its treatment classification (i.e. from waste to hazardous debris) is not allowed under the dilution prohibition in Section 6 of this Chapter.

E. Inorganic metal-bearing waste. "Inorganic metal-bearing waste" means a waste for which EPA has established treatment standards for metal hazardous constituents, and which does not otherwise contain significant organic or cyanide content as described in 40 C.F.R. § 268.3(c)(1) and is specifically listed in Appendix XI of 40 C.F.R. Part 268.

F. Land disposal. "Land disposal" means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes. Land disposal does not include placement in a staging pile or corrective action management unit.

G. Non-wastewaters. "Non-wastewaters" means wastes that do not meet the definition of wastewaters in K below.

H. Polychlorinated biphenyls. "Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 C.F.R. § 761.3.

I. Soil. "Soil" means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles as classified by the U.S. Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges or solids which is inseparable by simple mechanical removal processes and is made up primarily of soil by volume based on visual inspection. Any deliberate mix in of prohibited hazardous waste with soil that changes its treatment classification (i.e. from waste to contaminated soil) is not allowed under the dilution prohibition in Section 6 of this Chapter.

J. Underlying hazardous constituent. "Underlying hazardous constituent" means any constituent listed in 40 C.F.R. § 268.48 Table UTS-Universal Treatment Standards, except fluoride, selenium, sulfides, vanadium, and zinc, which can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standards.

K. Wastewaters. "Wastewaters" means wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS).

L. All other terms shall have the meaning specified in 06-096 C.M.R. ch. 854, § 3 or 40 C.F.R. § 260.10.

4. References to Federal Regulations. Portions of this Chapter refer to federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise specified, the federal regulations referenced are those final regulations as amended up to July 1, 2019, as they appear in the volume 40 of the *Code of Federal Regulations* (C.F.R.) and are hereby incorporated by reference. Where specifically stated, the terms of a referenced federal regulation are hereby incorporated as terms of this Chapter, except that in regulations incorporated thereby, "EPA", "Administrator", "Regional Administrator" and "Director" shall mean the Maine Board of Environmental Protection, the Maine Department of Environmental Protection, the Commissioner of the Department of

Environmental Protection or the Commissioner's designated representative, as applicable; and the references to the terms or phrases including "treat", "store", or "dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or 06-096 C.M.R. chs. 850 - 860, the more stringent of the requirements shall apply. Other changes to regulations incorporated hereby are as expressly made in this Chapter.

5. Applicability

A. This Chapter identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

B. Except as specifically provided in this Chapter, 06-096 C.M.R. ch. 850, or 06-096 C.M.R. ch. 851, the requirements of this Chapter apply to persons who generate or transport hazardous waste, and to owners and operators of hazardous waste treatment, storage, and disposal facilities.

C. The requirements of this Chapter do not affect the availability of a waiver under section 121(d)(4) of the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* (CERCLA).

D. This Chapter does not apply to de minimis losses of characteristic wastes to wastewaters as provided in 40 C.F.R. § 268.1(e)(4).

NOTE: Farmers complying with 06-096 C.M.R. ch. 851, § 10, and small quantity generators meeting the exclusion limits and complying with the remaining requirements of 06-096 C.M.R. ch. 851, § 3(A)(5), are not subject to the requirements of this Chapter.

E. Universal waste as defined in 06-096 C.M.R. ch. 858 is not subject to the provisions of 40 C.F.R. § 268.7 concerning hazardous waste testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities; and is not subject to the storage prohibitions of 40 C.F.R. § 268.50.

6. Dilution Prohibition

A. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with the treatment standards of this Chapter, to circumvent the effective date of a prohibition of this Chapter, to otherwise avoid a prohibition of this Chapter or 06-096 C.M.R. ch. 854, §§ 5(C), 5(D) and 5(E), or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA, 42 U.S.C. 6924.

B. Iron filings or other metallic forms of iron may not be added to lead-containing wastes in order to achieve any land disposal restriction treatment standard for lead. Lead-containing wastes include D008 wastes (wastes exhibiting a characteristic due to the presence of lead), all characteristic wastes containing lead as an underlying hazardous constituent, listed wastes containing lead as a regulated constituent, and hazardous media containing any of the aforementioned lead-containing wastes.

C. Combustion of the hazardous waste codes listed in Appendix XI of 40 C.F.R. Part 268 is prohibited unless in accordance with 40 C.F.R. § 268.3(c).

7. Treatment in Surface Impoundment Exemption Requirements

A. Wastes which are otherwise prohibited from land disposal under this Chapter may be treated in a surface impoundment or series of impoundments provided that:

(1) Treatment of such wastes occurs in the impoundments and such treatment is a reasonable and necessary component of a treatment program designed to meet applicable treatment standards;

NOTE: The licensing and other provisions of 06-096 C.M.R. chs. 854, 855 and 856 also apply to surface impoundments used to treat restricted waste.

(2) The following conditions are met:

(a) **Sampling and testing**. For wastes with treatment standards in this Chapter and/or prohibition levels specified in this Chapter or Section 3004(d) of RCRA, 42 U.S.C. 6924(d), the residues from treatment are tested, as specified in 40 C.F.R. § 268.7, to determine if they meet the applicable treatment standards, or where no treatment standards have been established for the waste, the applicable prohibition levels of Section 13 of this Chapter or Section 3004(d) of RCRA, 42 U.S.C. 6924(d). The sampling method, specified in the waste analysis plan under 06-096 C.M.R. ch. 854, § 6(C)(3) or 06-096 C.M.R. ch. 855, § 9(A)(3), whichever is applicable, must be designed such that representative samples of the sludge and supernatant are tested separately rather than mixed to form homogenous samples.

(b) **Removal**. The following treatment residues (including any liquid waste) must be removed at least annually: residues which do not meet the treatment standards promulgated under this Chapter; residues which do not meet the prohibition levels established in this Chapter or Section 3004 of RCRA, 42 U.S.C. § 6924 (where no treatment standards have been established); residues which are from the treatment of wastes prohibited from land disposal under this Chapter (where no treatment standards have been established and no prohibition levels apply); or residues from managing listed wastes which are not delisted under 06-096 C.M.R. ch. 850. If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundment or impoundments, this flow-through constitutes removal of the supernatant for the purposes of this requirement.

(c) **Subsequent management**. Treatment residues may not be placed in any other surface impoundment for subsequent management.

(d) **Record keeping**. The procedures and schedule for the sampling of impoundment contents, the analysis of test data, and the annual removal of residues which do not meet the applicable treatment standards or prohibition levels (where no treatment standards have been established), or which are prohibited from land disposal under this Chapter (where no treatment standards have been established and no prohibition levels apply), must be specified in the facility's waste analysis plan as required under 06-096 C.M.R. ch. 854, § 6(C)(3) or 06-096 C.M.R. ch. 855, § 9(A)(3) (whichever is applicable).

(3) The impoundment meets the design requirements of 06-096 C.M.R. ch. 854, § 9(B), and is in compliance with applicable ground water monitoring requirements of 06-096 C.M.R. ch. 854 or 855;

(4) The owner or operator submits to the Department a copy of the waste analysis plan required under paragraph (2) above; and

(5) The owner or operator submits to the Department a written certification that the requirements of Section 7(A) of this Chapter are being met and the liners in the impoundment are functioning properly. The following certification is required and must be resubmitted on an annual basis no later than March 1 of each calendar year:

> I certify under penalty of law that the requirements of 06-096 C.M.R. ch. 852, § 7(A) of the rules of the Department of Environmental Protection have been met for all surface impoundments being used to treat restricted waste, that there is no evidence of possible leakage from the impoundment, and the liners in such impoundments are functioning properly. I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

B. Notwithstanding the provisions of Section 7(A) of this Chapter, wastes that are newly identified or listed after November 8, 1984 and are stored in a surface impoundment newly subject to regulation under 06-096 C.M.R. chs. 850 – 857 as a result of such identification or listing, may continue to be stored or treated in the surface impoundment for a period of time specified by the Department not to exceed 48 months after promulgation of the listing or characteristic, provided the surface impoundment is in compliance with 06-096 C.M.R. ch. 855, § 9(B) within 12 months of the promulgation. Storage or treatment of wastes in the impoundment beyond the date specified by the Department must be in accordance with Section 7(A) of this Chapter.

C. Evaporation of hazardous constituents as the principal means of treatment is not considered to be treatment for purposes of an exemption under this section.

NOTE: See also the prohibition on evaporation in 06-096 C.M.R. ch. 854, § 5(B).

D. In an action to enforce the requirements of this Chapter, the owner or operator bears the burden of proving that an impoundment qualifies for an exemption under this section.

8. Procedures for Case-by-Case Extensions of the Effective Date

A. In accordance with 40 C.F.R. § 268.5, any person who generates, treats, stores, or disposes of a hazardous waste may submit an application to the EPA Administrator for an extension of the effective date of any applicable restriction established in this Chapter.

B. Whenever the EPA Administrator establishes an extension to an effective date under this Chapter, during the period for which such an extension is in effect:

(1) The storage restrictions of Section 12 of this Chapter do not apply:

(2) Such hazardous waste may be disposed in a landfill or surface impoundment only if such unit is in compliance with the technical requirements of the following provisions regardless of whether such unit is new, existing, or a replacement or lateral expansion:

(a) The landfill is in compliance with 06-096 C.M.R. ch. 854, § 8(B), the ground water monitoring requirements of 06-096 C.M.R. ch. 854 or 855 (whichever is applicable), and if disposing of containerized liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm, is also in compliance with the requirements of 40 C.F.R. 761.75 and 06-096 C.M.R. ch. 854 or 855 (whichever is applicable);

(b) The surface impoundment is in compliance with 06-096 C.M.R. ch. 854, § 9(B) or 06-096 C.M.R. ch. 855, § 9(E)(5), whichever is applicable, and the ground water monitoring requirements of 06-096 C.M.R. ch. 854 or 855, whichever is applicable, except as provided in Section 7(B) of this Chapter.

C. Pending a decision on the application, the applicant is required to comply with all restrictions on land disposal under this Chapter once the effective date for the waste has been reached.

9. No Migration Petitions

A. Any person seeking an exemption from a prohibition under this Chapter for the disposal of a restricted hazardous waste in a particular unit or units shall submit a petition to the EPA Administrator and the Department demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit for as long as the wastes remain hazardous. Such petition must be submitted in accordance with 40 C.F.R. § 268.6.

B. After a petition has been approved by the EPA Administrator, and subsequently by the Department (utilizing rulemaking procedures), the owner or operator shall comply with 40 C.F.R. § 268.6(e) and (f), provided however, that the references to 40 C.F.R. Part 264 or Part 265 shall mean 06-096 C.M.R. ch. 854 or 855. Prior to such approvals, the applicant is required to comply with all restrictions on land disposal under this Chapter once the effective date for the waste has been reached. The approval of a petition does not relieve the petitioner from complying with other applicable requirements of 06-096 C.M.R. ch. 850 - 860 of the Department's rules.

C. The term of a petition must be no longer than the term of a license if the disposal unit is licensed under 06-096 C.M.R. ch. 856, or up to 5 years from the date of approval by the Department if the unit is operating under interim status. In either case, the term of the granted petition must expire upon the termination or denial of a license under 06-096 C.M.R. ch. 856, or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of the petition is reached.

D. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm are not eligible for an exemption under this section.

10. Waste Analysis, Notification, Certification and Record Keeping. Generators, owners or operators of treatment facilities, and owners or operators of land disposal facilities shall comply with the requirements of 40 C.F.R. § 268.7, provided however, that references to:

- "this part", or subparts or sections thereof shall mean this Chapter,
- 40 C.F.R. § 264.13 shall mean 06-096 C.M.R. ch. 854, § 6(C)(3),
- 40 C.F.R. § 265.13 shall mean 06-096 C.M.R. ch. 855, § 9(A)(3),

- 40 C.F.R. Part 262 shall mean 06-096 C.M.R. ch. 851 and any applicable requirements under 06-096 C.M.R. chs. 854 – 857,
- 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, and

the notification required by 40 C.F.R. § 268.7(d) must be sent to the receiving facility and the Department, 40 C.F.R. § 268.7(a)(7) applies only to the exclusions authorized under this Chapter and 06-096 C.M.R. ch. 850, and 40 C.F.R. §§ 268.7(a)(10) and 7(b)(6) are deleted. All records must be maintained for at least three years. The retention period is extended automatically during the course of any unresolved enforcement action or as otherwise required by the Department.

11. Special Rules Regarding Wastes that Exhibit a Characteristic

Generators, owners or operators of treatment facilities, and owners or operators of land disposal facilities shall comply with the requirements of 40 C.F.R. § 268.9, provided that references to 40 C.F.R. Part 268 or sections thereof shall mean this Chapter, references to subpart C of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, § (3)(B), and references to subpart D of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, § (3)(C).

12. Storage of Restricted Wastes

A. Except as provided in this section, the storage of hazardous wastes restricted from land disposal under this Chapter or Section 3004(d) of RCRA, 42 U.S.C. § 6924 is prohibited, unless the following conditions are met:

(1) A generator stores such wastes in tanks or containers on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and,

(a) the generator complies with the requirements of 06-096 C.M.R. ch. 851 including the 90 day accumulation time, or

(b) if the waste contains PCBs at concentrations greater than or equal to 50 ppm, the generator complies with the requirements of 06-096 C.M.R. ch. 851 and 40 C.F.R. § 761.65(b).

(2) An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks or containers solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

(a) Each container is clearly marked to identify its contents and the date each period of accumulation begins: and

(b) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator shall comply with the operating record requirements specified in 06-096 C.M.R. ch. 854, § 6(C)(10) or 06-096 C.M.R. ch. 855, § 9(A)(10) (whichever is applicable).

(c) Each container or tank is managed in accordance with the applicable provisions of 06-096 C.M.R. ch. 854 or 855 and if the waste contains PCBs at concentrations greater than or equal to 50 ppm, the waste must be also stored in compliance with 40 C.F.R. § 761.65(b).

(3) A transporter stores manifested shipments of such wastes for 10 days or less in accordance with a license issued under 06-096 C.M.R. ch. 856, § (11)(A)(3).

B. An owner/operator of a treatment, storage, or disposal facility may store such wastes for up to 180 days unless the Department can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

C. An owner/operator of a treatment, storage, or disposal facility may store such wastes beyond 180 days up to 360 days provided the owner/operator complies with 06-096 C.M.R. ch. 854, § 12(C)(11); however, in an action to enforce the requirements of this Chapter the owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

D. The prohibition in paragraph A of this section does not apply to:

(1) Wastes which are the subject of an approved petition under Section 9 of this Chapter;

(2) Wastes for which the effective date of a prohibition has not been reached or for which a case-by-case extension of the effective date under Section 8 of this Chapter has been approved; and

(3) Wastes that meet the applicable treatment standards specified in this Chapter, meet the treatment standards in an approved variance under Section 14 of this Chapter, or where treatment standards have not been specified, are in compliance with the applicable prohibition levels specified in this Chapter or Section 3004 of RCRA, 42 U.S.C. § 6924.

13. Prohibitions on Land Disposal

Generators, owners or operators of treatment facilities, and owners or operators of land disposal facilities shall comply with the prohibitions and effective dates of 40 C.F.R.§§ 268.20 and 268.30 through 268.39, provided however, that references to:

- 40 C.F.R. § 261.31 shall mean 06-096 C.M.R. ch. 850, § 3(C)(2),
- 40 C.F.R. § 261.32 shall mean 06-096 C.M.R. ch. 850, § 3(C)(3),
- 40 C.F.R. § 261.33 shall mean 06-096 C.M.R. ch. 850, § 3(C)(4),
- 40 C.F.R. Part 268 or sections thereof shall mean this Chapter,
- sections or subparts of 40 C.F.R. Part 264 shall mean applicable provisions of Chapter 854,
- sections or subparts of 40 C.F.R. Part 265 shall mean applicable provisions of Chapter 855,
- 40 C.F.R. § 268.5(h)(2) shall mean Section 8(B)(2) of this Chapter,

and the prohibitions in 06-096 C.M.R. ch. 854, § 5(E) and 06-096 C.M.R. ch. 855, § 5(B)(7) continue to apply. Refer to 40 C.F.R. Part 268 Appendix VII for tables of effective dates organized by waste code.

14. Treatment Standards

A. General. Generators, owners or operators of treatment facilities, and owners or operators of land disposal facilities shall comply with the treatment standards of 40 C.F.R. §§ 268.40 - 268.43 and 40 C.F.R. § 268.48, provided however, that references to:

- "this part" or subparts thereof shall mean this Chapter,

- 40 C.F.R. Part 264 or subparts thereof shall mean 06-096 C.M.R. ch. 854,
- 40 C.F.R. Part 265 or subparts thereof shall mean 06-096 C.M.R. ch. 855,
- 40 C.F.R. Part 266 shall mean 06-096 C.M.R. ch. 856,

and petitions for variances from treatment standards expressed as specified technologies in accordance with 40 C.F.R. § 268.42(b) must be submitted to the EPA Administrator and subsequently to the Department for review (utilizing rulemaking procedures) and approval. Underground injection is prohibited pursuant to 06-096 C.M.R. ch. 854, § 5(E) and 06-096 C.M.R. ch. 855, § 5(B)(7), and the dilution prohibition of Section 6 of this Chapter applies.

B. Variance

(1) The generator or treatment facility owner or operator may petition EPA and the Department for a variance from the treatment standard in accordance with 40 C.F.R. § 268.44. The Department will utilize rulemaking procedures in reviewing such a petition, and pending approval of the petition by EPA and subsequently by the Department, the applicant is required to comply with all restrictions on land disposal under this Chapter once the effective date for the waste has been reached.

(2) A generator, treatment facility owner or operator, or disposal facility owner or operator that is managing a waste covered by a variance from the treatment standards shall comply with Section 10 of this Chapter.

C. Hazardous Debris. Hazardous debris must be treated in accordance with 40 C.F.R. § 268.45, provided that reference to 40 C.F.R. Part 261 or sections thereof shall mean Chapter 850, references to 40 C.F.R. Part 268 or sections thereof may mean this Chapter, "Administrator" shall mean "Commissioner", and immobilization technologies must achieve substantial reductions in leachability over the long-term.

D. Contaminated Soil. Soil exhibiting a hazardous waste characteristic or which contains a listed waste, and that meets the applicability standards in 40 C.F.R. § 268.49(a), must be treated in accordance with 40 C.F.R. § 268.49. Additionally, immobilization technologies must achieve substantial reductions in leachability over the long-term, including, but not limited to, a demonstration of stability through Test Method 1320: Multiple Extraction Procedure in EPA Publication SW-846 "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods". The results of Test Method 1320 must demonstrate reductions in leachability below the TCLP threshold throughout the procedure for the hazardous waste constituent(s) of concern. Test Method 1320 may also be required to demonstrate the stability of reductions of contaminant levels by 90% in comparison to contaminant levels in the soils prior to application of an immobilization technology.

Appendix I: Toxicity Characteristic Leaching Procedure (TCLP)

The TCLP is included in SW-846 as Method 1311, as published on July 1, 2005. See Appendix II of Chapter 850.

Appendix II: {Reserved}

Appendix III: List of Halogenated Organic Compounds Regulated Under Section 13 of this Chapter

In determining the concentration of HOCs in a hazardous waste for purposes of the land disposal prohibition of Section 13 of this Chapter, the Department has defined the HOCs (see Section 3(B) of this Chapter) that must be included in the calculation as any compounds having a carbon-halogen bond which are listed in this Appendix. Appendix III to Chapter 852 consists of the following compounds:

Volatiles	Semivolatiles
Bromodichloromethane	Bis(2-chloroethoxy)ethane
Bromomethane	Bis(2-chloroethyl)ether
Carbon Tetrachloride	Bis(2-chloroisopropyl)ether
Chlorobenzene	p-Chloroaniline
2-Chloro-1,3-butadiene	Chlorobenzilate
Chlorodibromomethane	p-Chloro-m-cresol
Chloroethane	2-Chloronaphthalene
2-Chloroethyl vinyl ether	2-Chlorophenol
Chloroform	3-Chloropropionitrile
Chloromethane	m-Dichlorobenzene
3-Chloropropene	o-Dichlorobenzene
1,2-Dibromo-3-chloropropane	p-Dichlorobenzene
1,2-Dibromomethane	3,3'-Dichlorobenzidine
Dibromomethane	2,4-Dichlorophenol
Trans-1,4-Dichloro-2-butene	2,6-Dichlorophenol
Dichlorodifluoromethane	Hexachlorobenzene
1,1-Dichloroethane	Hexachlorobutadiene
1,2-Dichloroethane	Hexachlorocyclopentadiene
1,1-Dichloroethylene	Hexachloroethane
Trans-1,2-Dichloroethene	Hexachloroprophene
1,2-Dichloropropane	Hexachloropropene
Trans-1,3-Dichloropropene	4,4'-Methylenebis(2-chloroaniline)
cis-1,3-Dichloropropene	Pentachlorobenzene
Iodomethane	Pentachloroethane
Methylene chloride	Pentachloronitrobenzene
1,1,1,2-Tetrachloroethane	Pentachlorophenol
1,1,2,2-Tetrachloroethane	Pronamide
Tetrachloroethene	1,2,4,5-Tetrachlorobenzene
Tribromomethane	2,3,4,6-Tetrachlorophenol
1,1,1-Trichloroethane	1,2,4-Trichlorobenzene
1,1,2-Trichloroethane	2,4,5-Trichlorophenol
Trichloroethene	2,4,6-Trichlorophenol
Trichloromonofluoromethane	Tris(2,3-dibromopropyl)phosphate
1,2,3-Trichloropropane	
Vinyl chloride	

Organochlorine Pesticides

Aldrin
alpha-BHC
beta-BHC
delta-BHC
gamma-BHC
Chlordane
DDD
DDE
DDT
Dieldrin
Endosulfan I
Endosulfan II
Endrin
Endrin aldehyde
Heptachlor
Heptachlor epoxide
Isodrin
Kepone
Methoxyclor
Toxaphene

Phenoxyacetic Acid Herbicides

2,4-Dichlorophenoxyacetic acid
Silvex
2,4,5-T

PCBs

Aroclor 1016
Aroclor 1221
Aroclor 1232
Aroclor 1242
Aroclor 1248
Aroclor 1254
Aroclor 1260
PCBs not otherwise specified

Dioxins and Furans

Hexachlorodibenzo-p-dioxins
Hexachlorodibenzofuran
Pentachlorodibenzo-p-dioxins
Pentachlorodibenzofuran
Tetrachlorodibenzo-p-dioxins
Tetrachlorodibenzofuran
2,3,7,8-Tetrachlorodibenzo-p-dioxin

Appendix IV – Waste Excluded from Lab Packs Under the Alternative Treatment Standards of 40 C.F.R. § 268.42(c) (Incorporated by Reference in Section 14A of this Chapter)

Hazardous waste with the following waste codes must not be placed in lab packs under the alternative lab pack treatment standards of Section 14A of this Chapter: D009, F019, K003, K004, K005, K006, K062, K071, K100, K106, P010, P011, P012, P076, P078, U134, U151.

Appendix V – {Reserved}

Appendix VI – Recommended Technologies to Achieve Deactivation of Characteristics in 40 C.F.R. § 268.42 (Incorporated by Reference in Section 14A of this Chapter).

Appendix VI to 40 C.F.R. Part 268 is hereby incorporated by reference, provided that references to 40 C.F.R. Part 268 or sections thereof shall mean this Chapter and references to 40 C.F.R. Part 261 shall mean Chapter 850.

Appendix VII – LDR Effective Dates of Surface Disposal Prohibited Hazardous Wastes

Appendix VII to 40 C.F.R. Part 268 is hereby incorporated by reference.

Appendix VIII – {Reserved}

Appendix IX – Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test (Method 1310B)

Appendix X – {Reserved}

Appendix XI – Metal Bearing Wastes Prohibited from Dilution in a Combustion Unit According to 40 C.F.R. § 268.3(c).

Appendix XI to 40 C.F.R. Part 268 is hereby incorporated by reference.

AUTHORITY:	38 M.R.S., §§ 1301 through 1319-Y
EFFECTIVE DATE:	March 16, 1994 – filing 94-99
EFFECTIVE DATE (ELECTRONIC CONVERSION):	May 4, 1996
AMENDED:	June 11, 2018 – filing 2018-100

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Chapter 853: LICENSING OF TRANSPORTERS OF HAZARDOUS WASTE

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Chapter 853: LICENSING OF TRANSPORTERS OF HAZARDOUS WASTE

SUMMARY: This Chapter establishes the requirements and procedures for obtaining a license to transport hazardous waste in the State of Maine.

1. Legal Authority. This Chapter is authorized by and adopted under 38 M.R.S.§§ 1301 through 1319-Y.

2. Preamble. It is the purpose of the Department of Environmental Protection (Department), consistent with legislative policy, to provide effective controls for the management of hazardous waste. This Chapter provides one such control by requiring that transporters of hazardous waste be licensed and by requiring, through licensing, that transporters comply with standards intended to protect the health, safety and welfare of the public and the environment.

Portions of this Chapter refer to federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise specified, the federal regulations referenced are those final regulations as amended up to July 1, 2019, as they appeared in volume 40 of the Code of Federal Regulations (C.F.R.) and are hereby incorporated by reference. Where specifically stated, the terms of a referenced federal regulation are hereby incorporated as terms of this Chapter, except that in regulations incorporated thereby, "EPA" shall mean "the Maine Department of Environmental Protection"; "Administrator", "Regional Administrator" and "Director" shall mean the Maine Board of Environmental Protection, the Commissioner of the Department of Environmental Protection or the Commissioner's designated representative, as applicable, and the references to terms or phrases including "treat", "store", or "dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or 06-096 C.M.R. chs. 850 − 860, the more stringent of the requirements shall apply. Other changes to regulations incorporated hereby are as expressly made in this Chapter.

NOTE: Other requirements for transporters appear in other rules of the Board dealing with specific aspects of Hazardous Waste Management. See, for example, *Hazardous Waste Manifest Requirements*, 06-096 C.M.R. ch. 857, the provisions of which are separately effective and enforceable, independent of this Chapter.

3. Definitions

A. Conveyance. "Conveyance" means any aircraft, watercraft, vehicle, or other machine used for transportation on land, water or in the air. For the requirement that a license be obtained the term includes only the cargo-carrying portion of a conveyance. For all other requirements the term includes the entire conveyance.

B. Department. "Department" means the Department of Environmental Protection of the State of Maine.

C. License Certificate. "License Certificate" means the document issued by the Department authorizing the transportation of hazardous wastes by a specific business, operator, vehicle, or combination thereof. In the case of an operator or vehicle license certificate, the document may be certified by the appropriate seal as directed by the Commissioner of the Department.

D. Site. "Site" means the same or geographically contiguous property which may be divided by a public or private right-of-way, provided that the entrance and exit between the properties is at a

crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which that person controls and to which the public does not have access is also considered site property.

E. Transport. "Transport" means the movement of hazardous waste from the point of its generation to any intermediate points and finally to its point of ultimate disposition. Movement of hazardous waste on the site where it is generated or on the site of a licensed waste facility for hazardous waste is not "transport."

F. Transporter. "Transporter" means any person who transports hazardous waste in this state in any quantity. The term includes, without limitation, individuals who own, lease or otherwise control conveyances in which hazardous waste is transported, operators of such conveyances, and businesses regardless of size and form of business organization, which engage in transportation of hazardous waste.

"Business" includes persons who own, operate or otherwise control the business.

4. Prohibitions

A. No person shall:

(1) Function as a transporter without a transporter license issued by the Department;

NOTE: For certain PCB wastes, a transporter may be exempt from the requirement of being a licensed hazardous waste transporter. See Section 10 for PCB wastes.

NOTE: For universal wastes, a transporter may be exempt from the licensing requirements. See Section 11 of this Chapter for universal waste transporter requirements.

(2) Function as a transporter without a transporter identification number;

(a) The identification number must be comprised of the identification number assigned to the transporter by the U.S. Environmental Protection Agency (EPA) or the Department, including any state-only identifying number or letter as may be assigned by the Department;

NOTE: A transporter may obtain an EPA identification number by applying, using EPA Form 8700-12, to the:

Hazardous Waste Program
Maine DEP
17 State House Station
Augusta, ME 04333-0017

(3) Own, lease or otherwise control, or operate a conveyance in which hazardous waste is transported unless the conveyance is covered by a transporter license issued by the Department;

(4) Give custody or possession of a hazardous waste to a transporter unless the transporter holds a transporter license issued by the Department;

(5) Take or accept hazardous waste from a transporter unless the transporter holds a transporter license issued by the Department;

(6) Mix hazardous wastes of different DOT shipping descriptions by placing them into a single container except at the site of generation prior to transport or at a facility specifically licensed for that activity;

(7) Remove hazardous waste from the container in which it was placed once it has been manifested and moved from the site of generation until it is accepted at the destination facility unless specifically authorized to do so by the Commissioner.

B. No person to whom a transporter license has been issued by the Department shall transport hazardous waste except in accordance with the license and the requirements of this Chapter.

C. No person shall transport hazardous waste in any manner which could endanger public health, safety or welfare or the environment:

(1) Failure to hold a transporter license as required by this Chapter is prima facie evidence of endangerment.

(2) Possession of a transporter license issued by the Department under this Chapter shall not be a defense to a violation of this Chapter nor to any other violation of law or rule.

D. No person shall transport foodstuffs for human or animal consumption in a conveyance in which hazardous waste has been or is being transported in bulk, nor in a conveyance in which hazardous waste has been or is being transported in containers if the foodstuffs might come in contact with hazardous waste.

E. No person to whom a transporter license has been issued by the Department shall transport hazardous waste to a waste facility other than a facility for hazardous waste which is authorized to handle the waste under a State program, and if applicable, the federal hazardous waste regulatory program.

F. No transporter shall transport universal waste to other than a central accumulation facility, a consolidation facility, an authorized recycling facility, or in the case of ballasts and the residues from mercury spill kits to an approved treatment or disposal facility that meets the criteria of Section 4(E).

5. Applications

A. Application for a transporter license must be made on a form obtained from the Department.

B. An applicant shall include in the application the following information:

(1) Name, residence and, if applicable, business address and telephone number of the applicant;

If the applicant is a business, the name(s), address(es) and telephone number(s) of the owner(s), operator(s) or person(s) otherwise in control of the business must also be given;

(2) For a business: the address and telephone number of each location of the business, including out-of-state locations and affiliates;

(3) Specification of hazardous wastes routinely or usually transported, including the source and destination of each such waste. Such specification must be updated by reports as required by this Chapter;

(4) Name, address and telephone number of persons to be contacted and who are authorized to act in an emergency;

(5) For each conveyance to be covered by a license: its identification, by year, make, serial number, registration number, other identifying number, letter or mark; identification of type of hazardous waste carried; capacity in appropriate units; and location(s) at which ordinarily kept;

(6) For each operator to be covered by a license: the operator name, and license numbers and state of issuance of all licenses held by the operator for operation of any type of conveyance;

(7) Certification by the applicant that the applicant is familiar with and will comply with the standard conditions set forth in Section 8 of this Chapter and with such special conditions as may be attached to the license, and, by each operator to be covered by a license, the same certification;

(8) Signature of the applicant or, for a business, signature of the person authorized to sign;

(9) A certificate of liability insurance covering the licensed activity in an amount appropriate for the license activity and for the risk involved. However, the limit of liability must not be less than $500,000;

(10) The transporter identification number; and

(11) Such other information including safety histories and training programs as the Department may determine to be necessary.

C. A transporter who is an operator of a conveyance and who owns or leases the conveyance or conveyance(s) which the transporter operates may apply for a transporter license to cover the transporter as an operator and such conveyance(s). Where such an application is made and a single license issued, a license certificate must be obtained from the Department for the operator and for each conveyance covered by the license. The requirements of this Chapter apply to the entire license, to the operator(s) and to the conveyances covered by the license, as applicable.

D. A transporter which is a business that engages in transportation of hazardous waste may apply for a transporter license to cover all locations of the business, all conveyances owned, leased or otherwise controlled by the business and used for transportation of hazardous waste, and all operators of such conveyances employed by the business. Where such an application is made and a single license issued, a license certificate must be obtained from the Department for each business location, each conveyance and each operator covered by the license. The requirements of this Chapter apply to the entire license, and to the separate business locations, conveyances, and operators covered by the license, as applicable.

E. The application must be filed with the Department.

F. Application for renewal of a license must be made no sooner than 90 days prior to the date of its expiration and must be made on forms provided by the Department. A copy of a prior application may be submitted as the renewal application providing there has been no change(s) in the information included therein or required by this Chapter. The applicant shall accompany that copy with a letter, signed and dated by the applicant, that states there have been no changes.

G. An applicant or licensee shall immediately notify the Department of any change in circumstance or situation which changes or will change any information stated on the application. Any oral notification must be followed by written notification to the Department within ten (10) days.

H. Operators or conveyances which are no longer employed by or owned, leased, or otherwise controlled by the licensee are no longer covered by the license and shall not transport or be used to transport hazardous waste.

Any license certificate issued to those operators or conveyances must be returned to the Department within 10 days of the date of the change.

6. Fees

A. An application fee of $100.00 must accompany each application for an initial or renewal license. When an applicant is applying for a license covering more than one conveyance, operator, or business location, an additional fee of $50.00 for each additional conveyance, operator or location must accompany the application.

B. Application fees for additional conveyances, operators, or business locations may be reduced to $25.00 if the date of issuance of any license certificate is within six months of the expiration date of the license.

C. Application fees are non-refundable.

D. On a quarterly basis the licensee shall pay the transportation fee and submit reports to the Department as required by 38 M.R.S. § 1319-I. This license remains effective only if the report has been filed and the transportation fee has been paid. If no activity has occurred during the quarterly report period, the licensee shall so designate the lack of activity on the report form and forward it to the Department.

7. Licenses

A. If an application is complete and the granting of the license will not cause or contribute to a violation of law or rule, and the applicant has not misrepresented any facts in its application, the Department may issue a license, with or without special conditions.

B. A license under this Chapter is issued on the basis of information supplied in the application and is valid only so long as that information remains accurate. Where the Department has been notified of a change in the information, the license remains valid notwithstanding the change, so long as any additional or different terms and conditions of the license necessitated by the changed information are complied with.

C. A license under this Chapter is issued only to and for persons, conveyances, locations and activities as specified in the license and is non-transferable.

D. A license or renewal of a license granted under this Chapter is valid for one calendar year beginning with the date of issuance. Business location license certificates, conveyance license certificates and operator license certificates issued with the initial license or added thereafter as provided by this Chapter also expire on the date the license expires.

E. A conveyance in which hazardous waste is transported may be inspected at any time for compliance with the standards set forth in Section 8 of this Chapter, for compliance with any special conditions attached to that license, and for adequacy for safe transportation of hazardous waste. Inspection may be made by a public safety officer or any authorized representative of the Department. A conveyance found to be not in compliance with this Chapter or otherwise unsafe must not thereafter be operated except under the direction of a public safety officer or an authorized representative of the Department.

F. The transporter license certificate, or certified copy thereof obtained from the Department, covering an operator of a conveyance in which hazardous waste is transported must be in the immediate possession of the operator when the operator is engaged in such activity and must be made available for inspection upon demand by any public safety officer or authorized representative of the Department. The transporter license certificate, or certified copy thereof obtained from the Department, covering such a conveyance must be with the conveyance when the conveyance is used in such activity and must be made available for inspection upon demand by any public safety officer or authorized representative of the Department. The transporter license certificate, or certified copy thereof obtained from the Department, covering a business must be prominently displayed at each location of the business.

G. Any person may request a temporary emergency transporter license because of an emergency condition that requires that hazardous waste be transported within a time not permitting issuance of a regular license.

(1) The written application or oral advice (followed by written application) must include the nature of the emergency condition, its expected duration, identify all types and quantities of hazardous waste to be transported, the origin, destination and route of transportation, the name of the operator, and the conveyance to be used for transporting the hazardous waste. Any oral advice must be followed by a written application within three (3) days of the oral advice.

(2) If the oral advice or written application demonstrates, in the judgment of the Commissioner, that an emergency exists which poses an imminent and substantial endangerment to human health or safety or to the environment and which requires transportation of the hazardous waste and that such transportation will not itself create or threaten imminent and substantial endangerment to human health or safety or to the environment, the Commissioner may issue a temporary emergency transporter license. The license:

(a) may be oral; if so, it may be followed within 5 days by a written emergency permit;

(b) may be only for the duration of the emergency;

(c) may describe the activity for which it is issued, to whom it is issued, and the operator and conveyance covered by it;

(d) may incorporate to the extent possible and not inconsistent with the emergency situation all applicable requirements of this Chapter and 06-096 C.M.R. ch. 857; and

(e) may be terminated by the Commissioner at any time.

In addition, the transporter who transports or delivers hazardous waste under a temporary emergency transporter license shall file a written report with the Department giving such information as the Department may require within seven (7) days of transporting or delivering hazardous waste.

8. Standard Conditions. All licenses issued under this Chapter are subject to the following standard conditions:

A. A licensee shall hold all other local (as they relate to Maine business locations), state and federal permits, licenses and certifications as are necessary for the activity licensed hereunder, and shall comply with all state and federal law and rules applicable to the license activity.

B. A licensee shall have in force at all times liability insurance coverage with limitation of liability appropriate for the license activity and for the risk involved.

C. A licensee shall comply with all applicable state and federal requirements regarding the use of a manifest for transportation of hazardous wastes including the requirements of 06-096 C.M.R. ch. 857; and comply with 40 C.F.R. Part 262 Subpart H and 40 C.F.R. §§ 263.20(a)(2) and 263.20(g) regarding the transboundary movement of hazardous waste.

D. A licensee shall comply with all state and federal inspection and training requirements as may from time to time be applied by law or rule to the license activity.

E. In the event of a discharge of hazardous waste in any amount during transportation, the licensee shall take immediate appropriate action to protect public health and safety and the environment and shall immediately report the discharge to the Maine Department of Public Safety (State Police) by calling 1-800-452-4664 or (207) 624-7076 and, where required, shall report as provided in 06-096 C.M.R. ch. 857, §§ 8(J)(3)-(6) of the Department's rules.

F. A licensee who is the owner or lessee of a licensed conveyance or the owner or operator of a licensed business shall have a plan for the cleanup of discharges of hazardous wastes which the licensee or the licensee's business transports and shall have the capability to carry out such a plan. The plan must include the emergency telephone numbers in Section 8(E) of this Chapter. The operator of a conveyance shall be familiar with the cleanup plan for the conveyance and for the wastes in the conveyance which the licensee is operating and shall be capable of carrying out the applicable parts of the plan. A copy of such plan must be in the possession of the operator of a conveyance during the transportation of hazardous waste.

G. A licensee shall not accept for transport or transport hazardous wastes which are unlabeled or which are in damaged, bulging, leaking, unsuitable or otherwise unsafe containers, nor accept for transport or transport any wastes which are incompatible with each other such that a danger to public health or safety or the environment could result from their being transported together.

H. It is the duty of a licensee to ensure that the license activity be carried out in safety and without creating or threatening danger to public health or safety. A licensee shall ensure that all of the methods, equipment and personnel are adequate and capable to this end.

I. A licensee agrees to provide to the Department and to public safety agencies all information necessary for response to emergency situations involving license activity and to assist the Department in obtaining compliance with this Chapter.

J. A licensee shall be considered a generator of hazardous waste and shall comply with the requirements of 06-096 C.M.R. ch. 851 of the Hazardous Waste Management Rules if the licensee transports hazardous waste into or through the State of Maine from a foreign country.

9. Suspension or Revocation

A. The Department may seek suspension or revocation of a license or license certificate for any violation of applicable law or rule or of any term or condition of the license itself.

B. Suspension or revocation may be sought as to any or all locations, conveyances or operators covered by the license.

C. Where a license covers more than one operator, conveyance, or location and if two or more license suspensions of operator(s), conveyance(s), or location(s) covered thereunder occur in any combination (e.g., operator and conveyance, conveyance and location, operator and location, etc.) within a calendar year, the Department will seek revocation of the entire license.

D. The Department will seek revocation of any license which is suspended within l8 months of its prior suspension or revocation.

E. A licensee whose license has been revoked may not reapply for a license until the condition(s) or violation(s) which led to the revocation have been eliminated.

F. Prior revocation of a license issued pursuant to this Chapter or of any other license, permit, certification or other approval for the handling of a hazardous waste issued by this or any other state or by a federal agency shall constitute prima facie evidence that issuance of a license under this Chapter would cause or contribute to a violation of law or rule [Refer to Section 7(A) of this Chapter]. This evidence may be overcome by evidence of changed conditions or circumstances presented to the Department of Environmental Protection by the applicant, which evidence is sufficient, in the Department's judgment, to warrant a finding that, the previous revocation notwithstanding, the license should be granted.

10. Persons not required to obtain a license

A. A person may transport PCBs which are contained in a totally enclosed manner in PCB equipment without using a licensed hazardous waste transporter provided that the PCBs are not discarded or intended to be discarded. In addition, a person who discharges or suffers a discharge of PCBs or who generates PCB contaminated material as a result of routine servicing of off-site PCB containing equipment may transport that PCB waste to an instate facility with an approved PCB management plan or to a Maine hazardous waste facility licensed to handle PCBs without using a licensed hazardous waste transporter provided that the facility is under the control of the entity who has care or custody of or who owns the PCB waste.

B. A person may transport universal wastes via a common carrier without using a licensed hazardous waste transporter provided the transporter complies with the requirements of Section 11.

NOTE: Transporters of universal waste shall also comply with the handler requirements of 06-096 C.M.R. ch. 850, § 3(A)(13)(c).

C. In exceptional circumstances, where required to protect human health, safety or the environment, the Commissioner may give permission to a transporter of hazardous waste to transport or deliver hazardous waste with a temporary emergency transporter license pursuant to Section 7(G) of this Chapter or without issuance of a temporary emergency transporter license. In all such cases, the transporter who transports or delivers the waste shall file a written report with the Department giving such information as the Department may require, within seven (7) days of transporting or delivering hazardous waste.

11. Universal Waste Transporter Requirements

A. A transporter shall not mix universal wastes of different DOT shipping descriptions by placing them into a single container.

B. A transporter shall not remove universal waste from the container in which it was placed once it is moved from the site of generation until it is accepted at the central accumulation facility or destination facility, unless specifically authorized to do so by the Commissioner.

C. A transporter shall not transport universal waste in any manner which could endanger public health, safety or welfare or the environment,

D. A transporter shall not transport foodstuffs for human or animal consumption in a conveyance in which universal waste has been or is being transported if the foodstuffs might come in contact with the universal waste.

NOTE: The Department discourages the transport of foodstuffs in the same conveyance with universal wastes.

E. A transporter shall not transport universal waste to a waste facility other than a facility for universal waste which is authorized to handle the waste under a State program, and if applicable the federal hazardous waste regulatory program, and which is one of the types of facilities referenced in 06-096 C.M.R. ch. 858, § 5(B).

F. A conveyance in which universal waste is transported may be inspected at any time for compliance with the applicable standards set forth in these rules and for adequacy for safe transportation of universal waste. Inspection may be made by a public safety officer or any authorized representative of the Department. A conveyance found to be not in compliance with this Chapter or otherwise unsafe must not thereafter be operated except under the direction of a public safety officer or an authorized representative of the Department, or until corrective actions are taken to correct the problem to the Department's satisfaction.

G. A transporter shall hold all other local, state and federal permits, licenses and certifications as are necessary for the universal waste activity as they relate to business conducted in Maine, and shall comply with all state and federal law and rules applicable to its license activity.

H. A transporter shall have in force at all times liability insurance coverage with limitation of liability appropriate for the transporting of universal waste and the risk involved, but in no case less than

$1,000,000 annual aggregate on coverage. Municipalities, state and federal governments, and small universal waste generators are exempt from the liability insurance requirement.

I. A transporter shall comply with all applicable state and federal requirements regarding the use of a manifest, bill of lading, or when applicable log for transportation of universal waste.

J. A transporter shall comply with all state and federal inspection and training requirements as may from time to time be applied by law or rule to its license activity.

K. A transporter shall have a plan for the types of wastes transported and be capable of carrying out the plan, for the clean up of discharges of universal waste. The plan must include the requirements of 06-096 C.M.R. ch. 858, §§ 7(G) and 7(H) as well as the emergency telephone number for reporting spills to the Maine Department of Public Safety (State Police). The conveyance operator shall be familiar with the clean up plan and the types of wastes being carried on the vehicle, shall be capable of carrying out the plan, and shall have a copy of the clean up plan in his/her possession. The transporter shall provide to the Department and to public safety agencies all information necessary for response to emergency situations involving universal waste activity. In the event of a discharge of universal waste during transportation which releases universal wastes from the primary container, the transporter shall implement its clean-up plan taking immediate appropriate action to protect public health and safety and the environment and shall immediately report the discharge to the Maine Department of Public Safety by calling, 1-800-452-4664, or (207) 624-7076 and comply with the provisions of 06-096 C.M.R. ch. 857, § 8(J) of the Department's rules.

NOTE: The Department will make available for small universal waste generators a generic clean up plan.

L. A transporter shall not accept for transport or transport universal wastes which are unlabeled or which are in damaged, bulging, leaking, unsuitable or otherwise unsafe containers, nor accept for transport or transport any wastes which are incompatible with each other such that a danger to public health or safety or the environment could result from their being transported together.

M. It is the duty of the transporter to ensure that the transportation be carried out in safety and without creating or threatening danger to public health or safety.

N. The transporter shall assist the Department in obtaining compliance with this Chapter.

O. A transporter shall comply with the export and import requirements of 06-096 C.M.R. ch. 857, and with 40 C.F.R. Part 262 Subpart H and 40 C.F.R. §§ 263.20(a)(2) and 263.20(g).

NOTE: Transporters may only send universal wastes to a recycling facility, a consolidation facility, or a central accumulation facility for universal wastes, except for ballasts and the residues from mercury spill kits which may go to a properly approved treatment, storage or disposal facility.

P. A transporter shall be considered a generator of universal waste and shall comply with the requirements of 06-096 C.M.R. ch. 851 if the transporter transports universal waste into or through the State of Maine from a foreign country.

Q. A transporter shall comply with all applicable U.S. Department of Transportation (DOT) regulations in 49 C.F.R. Parts 171 through 180 for the transport of any universal wastes that meets the definition of hazardous materials in 49 C.F.R. § 171.8. Some universal waste materials are regulated by the DOT as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 C.F.R.

§ 173.2. When using the Recyclable Hazardous Materials Uniform Bill of Lading, the universal wastes may not be described by the DOT proper shipping name “hazardous waste, (l) or (s), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word "waste".

NOTE: The label placed on a universal waste container by a generator can use the word "waste". It is the shipping document that cannot use the word "waste". Use of the term “waste” on a generator’s label means that the material is regulated as a universal waste by the State of Maine, but does not mean that it is necessarily regulated by DOT as a hazardous material. Whether or not any particular material is regulated by DOT as a hazardous material is determined in accordance with the DOT regulations and should be set forth on the shipping document.

NOTE: In 2008, the Department approved an alternative form entitled "Maine Recyclable Material Uniform Bill of Lading." For shipments of universal wastes, this form should be used in place of the previously-approved "Recyclable Hazardous Material Uniform Bill of Lading". The Maine Recyclable Material Uniform Bill of Lading form, with removal of the word "Hazardous" from its title, is approved for documenting shipments of Maine universal wastes which are not DOT regulated hazardous materials, as well as universal wastes that are hazardous materials.

AUTHORITY:	38 M.R.S.A. §§ 1301 through 1319-Y
EFFECTIVE DATE:	October l5, l980
AMENDED:	March 23, l983 February 10, 1985 November 30, 1986 March 16, 1994
EFFECTIVE DATE (ELECTRONIC CONVERSION):	May 4, 1996
AMENDED:	January 23, 2001
MINOR CORRECTIONS:	March 5, 2001
AMENDED:	November 3, 2002 - filing 2002-416
MINOR CORRECTIONS:	July 23, 2008 – informational notes added at the end of Section 11

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Chapter 854: STANDARDS FOR HAZARDOUS WASTE FACILITIES

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Chapter 854: STANDARDS FOR HAZARDOUS WASTE FACILITIES

SUMMARY: This Chapter specifies the standards applicable to the establishment, construction, alteration and operation of waste facilities for hazardous waste in Maine.

1. Legal Authority. This Chapter is promulgated under 38 M.R.S. §§ 1301 through 1319-Y, which prohibits the establishment, construction, alteration or operation of a waste facility for hazardous waste without a license and authorizes the Board of Environmental Protection (Board) to adopt rules establishing standards for the licensing of these facilities.

NOTE: Purusant to 38 M.R.S. § 341-A, Sections (2) and (4), the term "Department" is defined to include the Board of Environmental Protection and the Commissioner of the Department of Environmental Protection (Commissioner). The term "Board" is used in this Chapter in reference to the Board or a Board action, generally related to the Board's issuance of a full hazardous waste facility license (rather than an abbreviated license which is issued by the Commissioner under 06-096 C.M.R. ch. 856, § 11(A)). The term "Department" is generally used in this Chapter in reference to the Commissioner (or the Commissioner's designee) and to the administration, oversight or monitoring of compliance with the standards of this Chapter and the terms and conditions of licenses issued by the Board.

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2. Preamble. It is the purpose of the Department of Environmental Protection (Department), consistent with legislative policy, to provide necessary controls over hazardous waste facilities so as to ensure the protection of public health, safety, welfare and the environment.

The Board will administer this Chapter in a conservative fashion because it recognizes that many unknowns remain about the short-term and long-term impacts of hazardous waste to public health and natural ecosystems. The intent of this Chapter is to protect the public health, safety, and general welfare and the environment; the burden of proof rests with each applicant seeking a license for a waste facility for hazardous waste to affirmatively demonstrate that the intent of this Chapter will be met at all times.

3. Definitions. For purposes of this Chapter, terms not defined in this section have the meaning given them in 38 M.R.S. §§ 361-A and 1303-C, and in other chapters of the *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 – 858. The following terms as used in this Chapter have the following meaning unless the context indicates otherwise.

A. Aboveground tank. "Aboveground tank" means a device meeting the definition of "tank" which is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) can be visually inspected.

B. Active Life. "Active life" means the period from the initial receipt of hazardous waste at the facility until the Department receives certification of final closure.

C. Ancillary equipment. "Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage or treatment tanks to a point of disposal on-site, or to a point of shipment for disposal offsite.

D. Claims made policy. "Claims made policy" means an insurance policy that provides coverage for an occurrence for which a claim arising out of the occurrence is made during the term of the policy or any extension thereof.

E. Component. "Component" means either the tank or ancillary equipment of a tank system.

F. Container. "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

G. Corrosion expert. "Corrosion expert" means a person who has knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience and is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or a licensed professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

H. Dike. "Dike" means a berm, embankment or ridge of either natural or man-made materials used to prevent the lateral movement of liquids, sludges, solids or other materials.

I. Existing tank system. "Existing tank system" or "existing component" means a tank system or component used for the storage or treatment of hazardous waste that is in operation, or which installation has commenced on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all Federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either (1) a continuous on-site physical construction or installation program has begun, or (2) the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

J. Final Closure. "Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable requirements so that hazardous waste management activities are no longer conducted, except as provided in *Standards for Generators of Hazardous Waste*, 06-096 C.M.R. ch. 851, § 8(B).

K. Food chain crops. "Food chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

L. Freeboard. "Freeboard" means the vertical distance between the top edge of a tank or surface impoundment dike and the surface of the waste contained therein.

M. Hazardous waste incinerator. "Hazardous waste incinerator" means an enclosed device using controlled flame combustion, a purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed, and liquid injection incinerators, cement kilns and boilers used to thermally treat hazardous waste.

N. Hazardous Waste Management Unit. "Hazardous waste management unit" as is defined in 40 C.F.R. § 260.10.

O. Hydraulic conductivity. "Hydraulic conductivity" means a recognized measure of water permeability under standard conditions of hydraulic head.

P. Inground tank. "Inground tank" means a device meeting the definition of tank whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

Q. Installation inspector. Installation inspector means a person who has knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, and is qualified to supervise the installation of tank systems.

R. Landfill. "Landfill" is defined as is defined in 40 C.F.R. § 260.10.

S. Land treatment. "Land treatment" means the treatment of hazardous waste by application onto or incorporation into the soil surface so that the waste is rendered nonhazardous by soil processes. A land treatment facility is a disposal facility if the waste will remain after use of the facility ceases.

T. Leachate. "Leachate" means any liquid or semi-liquid, including any suspended components therein, that has percolated through or drained from hazardous waste.

U. Leak detection system. "Leak detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

V. Abbreviated License. "Abbreviated License" means authorization to establish, construct, alter or operate a facility upon and for so long as the facility is in compliance with requirements established by *Licensing of Hazardous Waste Facilities*, 06-096 C.M.R. ch. 856, § 11.

W. Miscellaneous unit. "Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, waste pile, land treatment unit, landfill, incinerator (including boiler or industrial furnace), or underground injection well.

X. Mobile treatment facility. "Mobile treatment facility" means a facility or unit capable of being moved and operated at hazardous waste sites for a limited period of time at a generator's site. In order to qualify as a "mobile treatment facility" units located at generator sites must be operational at more than one site in a calendar year.

Y. New tank system. "New tank system" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986.

Z. On ground tank. "On ground tank" means a device meeting the definition of tank which is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

AA. Partial Closure. "Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of *Interim Licenses for Waste Facilities for Hazardous Waste,* 06-096 C.M.R. ch. 855 and 06-096 C.M.R. ch. 856 at a facility that contains other active hazardous waste management units.

BB. Principal hazardous constituents (PHC). "Principal hazardous constituents" (PHC) means the hazardous constituents identified in *Identification of Hazardous Waste,* 06-096 C.M.R. ch. 850, Appendix VIII.

CC. Representative sample. "Representative sample" means a sample of a universe or whole which can be expected and demonstrated to exhibit the average properties of the universe or whole.

DD. Run-off. "Run-off" means any rainwater, leachate or other liquid that drains from any part of the facility property over land, including land which is part of the facility property as defined in 06-096 C.M.R. ch. 856, § 3 and land which is not.

EE. Run-on. "Run-on" means any rainwater, leachate or other liquid that drains onto any part of the facility property over land, including land which is part of the facility property as defined in 06-096 C.M.R. ch. 856, § 3 and land which is not.

FF. Seepage lagoon. "Seepage lagoon" means any lagoon in which seepage of liquid hazardous waste or leachate through its base or sides is the intended method of disposal of liquids from the lagoon.

GG. Storage. "Storage" means the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the hazardous waste.

HH. Sump. "Sump" means any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

II. Surface impoundment. "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation or diked area formed primarily of earthen materials, although it may be lined with man-made materials, which is designed to hold or holds an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, treatment, settling and aeration pits, ponds and lagoons.

JJ. Tank. "Tank" means a stationary device designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials which provide structural support.

KK. Tank system. "Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

LL. Thermal treatment. "Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge.

MM. Treatment. "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to handle; or amenable for recovery, amenable for storage, or reduced in volume.

NN. Trust fund. "Trust fund" means a trust, established by the owner or operator of a hazardous waste facility and administered by a financial institution with fiduciary responsibility to carry out the terms of the trust, in which funds are held for the purpose of assuring proper closure and post-closure care of the facility, as applicable.

OO. Underground injection. "Underground injection" means the subsurface emplacement of fluids through a bored, dug, drilled or driven well, or a subsurface waste disposal system including, but not limited to, a septic tank, cesspool, drainage field, seepage lagoon, salt dome formation, salt bed formation, underground mine or cave.

PP. Underground tank. "Underground tank" means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

QQ. Unfit for use tank system. "Unfit for use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

RR. Waste pile. "Waste pile" means any non-containerized accumulation of solid, nonflowing hazardous waste that is used for storage of the waste prior to treatment or disposal.

SS. Zone of saturation. "Zone of saturation" means that part of the earth's crust in which all voids are filled with water.

4. References to Federal Regulations. Portions of this Chapter refer to federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise specified, the federal regulations referenced are those final regulations as amended up to July 1, 2019 as they appeared in volume 40 of the Code of Federal Regulations (C.F.R.) and are hereby incorporated by reference. Where specifically stated, the terms of a referenced federal regulation are hereby incorporated as terms of this Chapter, except that in regulations incorporated thereby, "EPA" shall mean "the Maine Department of Environmental Protection"; "Administrator", "Regional Administrator" and "Director" shall mean the Maine Board of Environmental Protection, the Commissioner of the Department of Environmental Protection or the Commissioner's designated representative, as applicable, and the references to terms or phrases including "treat", "store", or "dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or 06-096 C.M.R. chs. 850 - 860, the more stringent of the requirements shall apply. Other changes to regulations incorporated hereby are as expressly made in this Chapter.

5. Environmental Performance Standards

A. All hazardous waste facilities must be located, designed, constructed, altered, operated, maintained and closed in a manner that will assure protection of human health and welfare and the environment. Protection of human health and welfare and the environment includes, but is not limited to:

(1) Prevention of adverse effects on ground water quality considering:

(a) The volume and physical and chemical characteristics of the waste in the facility, including its potential for migration through soil or through synthetic liner materials;

(b) The hydrogeological characteristics of the facility and surrounding land;

(c) The quantity, quality and directions of ground water flow;

(d) The proximity and withdrawal rates of ground water users;

(e) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water;

(f) The potential for health risks caused by human exposure to waste constituents;

(g) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents;

(h) The persistence and permanence of the potential adverse effects; and

(2) Prevention of adverse effects on surface water quality considering:

(a) The volume and physical and chemical characteristics of the waste in the facility;

(b) The hydrogeological characteristics of the facility and surrounding land, including the topography of the area around the facility;

(c) The quantity, quality and directions of ground water flow;

(d) The patterns of rainfall in the region;

(e) The proximity of the facility to surface waters;

(f) The uses of nearby surface waters and any water quality standards established for those surface waters;

(g) The existing quality of surface water, including other sources of contamination and their cumulative impact on surface water;

(h) The potential for health risks caused by human exposure to waste constituents;

(i) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents;

(j) The persistence and permanence of the potential adverse effects; and

(3) Prevention of adverse effects on air quality, considering:

(a) The volume and physical and chemical characteristics of the waste in the facility, including its potential for volatilization and wind dispersal;

(b) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;

(c) The potential for health risks caused by human exposure to waste constituents;

(d) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents;

(e) The persistence and permanence of the potential adverse effects; and

(4) Prevention of adverse effects due to migration of waste constituents in the subsurface environment, considering:

(a) The volume and physical and chemical characteristics of the waste in the facility, including its potential for migration through soil;

(b) The geologic characteristics of the facility and surrounding land;

(c) The patterns of land use in the region;

(d) The potential for migration of waste constituents into subsurface physical structures;

(e) The potential for migration of waste constituents into the root zone of food chain crops and other vegetation;

(f) The potential for health risks caused by human exposure to waste constituents;

(g) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents; and

(h) The persistence and permanence of the potential adverse effects.

B. The treatment or disposal of hazardous waste at a facility by means of evaporation is prohibited.

C. The burning of hazardous waste in a cast iron and fire-tube boiler or in a boiler having a capacity level of less than 25 million Btu per hour is prohibited.

D. The disposal of hazardous waste within the coastal waters of this State is prohibited. In addition, the disposal of hazardous waste in any ocean waters by a resident of this state is prohibited except that this prohibition does not apply to ocean waters which are within the jurisdiction of another state.

E. The placement of any hazardous waste into any salt dome formation, salt bed formation, underground mine or cave, and the underground injection of hazardous waste, is prohibited.

6. General Standards

A. The standards set forth in this section are applicable to all waste facilities for hazardous waste, except as specifically provided otherwise in this Chapter or in 06-096 C.M.R. ch. 856. An applicant for a license must demonstrate in the application that the facility has been designed, will be

established, constructed or altered and will operate in compliance with these standards. A licensee must operate the facility so as to comply with these standards.

B. The plans, specifications, descriptions and other documentation submitted by the applicant in support of the application and approved by the Board in issuing the license constitute terms of the license which must be complied with by the licensee. These plans, specifications, descriptions and other documentation include, without limitation, those required by 06-096 C.M.R. ch. 856, § 10 and this Chapter.

C. The facility must be established, constructed, altered and operated in compliance with the following requirements:

(1) This Chapter;

(2) 40 C.F.R. § 264.12, Required Notices, except that the phrase "of this Part and Part 270 of this chapter" in 40 C.F.R. § 264.12(c) shall mean "of this Chapter and 06-096 C.M.R. ch. 856";

(3) 40 C.F.R. § 264.13, General Waste Analysis, except that all references to 40 C.F.R. Part 268 or sections or subparts thereof shall mean 06-096 C.M.R. ch. 852, all references to "this part" shall mean this Chapter, the phrase "Part 270 and Part 124 of this chapter" found in 40 C.F.R. § 264.113(d) when referenced in 40 C.F.R. § 264.13(a)(1) shall mean 06-096 C.M.R. ch. 856, all references to Part 261 shall mean 06-096 C.M.R. ch. 850, the references to 40 C.F.R. §§ 264.17, 264.314, 264.341, 264.1034(d), 264.1063(d), 264.1083 shall mean this Chapter and the reference to 40 C.F.R. § 268.7 shall mean 06-096 C.M.R. ch. 852, and the reference to 40 C.F.R. § 260.22 in 40 C.F.R. § 264.13(b)(7)(iii) shall mean 06-096 C.M.R. ch. 850;

(4) 40 C.F.R. § 264.14, Security;

(5) The daily inspection requirements of 06-096 C.M.R. ch. 856, § 10(B)(3) and General Inspection Requirements of 40 C.F.R. §§ 264.15(a), 264.15(b)(1)-(4), 264.15(c) and 264.15(d), except that any references to sections of 40 C.F.R. Part 264 shall mean this Chapter;

(6) 40 C.F.R. § 264.16, Personnel Training. In addition, the training program must be approved by the Department prior to operation of the facility;

(7) 40 C.F.R. § 264.19, Construction quality assurance program, as applicable to all surface impoundments, waste piles, and landfill units, except that references to provisions of Part 264 mean analogous provisions of this Chapter and references to Part 270 shall mean Chapter 856.

(8) 40 C.F.R. §§ 264.17, 264.31-264.37, Preparedness and Prevention, except that references to 40 C.F.R. § 264.13 shall mean Section 6(C)(3) of this Chapter. In addition, the precautions required to be taken by 40 C.F.R. § 264.17 must meet applicable requirements of codes, standards and rules of the Department of Public Safety (State Fire Marshal's Office); the aid agreements required by 40 C.F.R. § 264.37 must be in writing, on file with each party to the agreement and with the Department, readily accessible to facility personnel, and reviewed and updated annually; and the facility owner or operator shall provide copies of the agreement to all parties thereto and shall file a copy with the Department prior to the commencement of operation of the facility and upon each update of the agreement;

(9) 40 C.F.R. §§ 264.51-264.56, Contingency Plan and Emergency Procedures, except that the reference in 40 C.F.R. § 264.52(b) to "Part 112 of this chapter" shall read "Part 112 of EPA regulations";

NOTE: Applicable facilities must also comply with 06-096 C.M.R. ch. 856, § 13(A)(14).

(10) The owner or operator must keep a written record at the facility. The following information must be recorded, as it becomes available, and maintained in the operating record as required in 40 C.F.R. § 264.73 and Appendix I to 40 C.F.R. Part 264:

(a) A description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by Appendix I to 40 C.F.R. Part 264, except that references to 40 C.F.R. § 264.73 shall mean Section 6(C)(10) of this Chapter, and references to Part 261 or sections or subparts thereof shall mean 06-096 C.M.R. ch. 850;

(b) The information specified in 40 C.F.R. § 264.73(b)(2)-(19), except that all references to Part 264 or subparts or sections thereof shall mean the applicable provisions of this Chapter and all references to Part 268 or subparts or sections thereof shall mean the applicable provisions of 06-096 C.M.R. ch. 852;

(11) 40 C.F.R. § 264.74, Availability, Retention, and Disposition of Records, except that the reference to 40 C.F.R. § 264.73(b)(2) shall mean Section 6(C)(10)(b) of this Chapter;

(12) 40 C.F.R. § 264.75, Annual Report, except that references to sections within 40 C.F.R. Part 264 shall mean this Chapter, other comparable forms may be required by the Department, and the report must be prepared and submitted annually no later than March 1st for the preceding calendar year;

(13) 40 C.F.R. § 264.76, Unmanifested Waste Report, except that the reference to 40 C.F.R. § 263.20(e) shall mean *Hazardous Waste Manifest Requirements*, 06-096 C.M.R. ch. 857, § 8(B) and the phrase "if the waste is not excluded from the manifest requirement by this chapter" is deleted;

(14) In addition to submitting annual reports and unmanifested waste reports as specified in Sections 6(C)(12) and 6(C)(13) of this Chapter, the owner/operator must comply with 40 C.F.R. § 264.77 and report to the Department any releases, fires, and explosions as specified in Section 6(C)(9) of this Chapter, and report to the Department any facility closures and other information as required by this Chapter or deemed necessary by the Department for effective management of wastes, including reports concerning quantities and handling of hazardous waste;

(15) 06-096 C.M.R. ch. 857 Manifest Requirements; and all applicable requirements of transboundary movement of hazardous waste in accordance with 40 C.F.R. § 262 Subpart H;

(16) 40 C.F.R. §§ 264.111-264.115, closure for all facilities, and 40 C.F.R. §§ 264.116-264.120 post-closure requirements for all disposal facilities, and waste piles, surface impoundments, and tanks closing as landfills, except that:

(a) References to other sections or subparts of 40 C.F.R. Part 264 shall mean this Chapter;

(b) References to 40 C.F.R. Part 270 or Part 124, or sections or subparts thereof, shall mean 06-096 C.M.R. ch. 856;

(c) References to 40 C.F.R. Part 262 shall mean 06-096 C.M.R. ch. 851;

(d) 40 C.F.R. §§ 264.112(b)(8), 264.112(c)(2)(iv), 264.112(e), 264.118(b)(4) and 264.118(d)(2)(iv) shall be deleted;

(e) Certification of closure of any unit (not just land disposal units as provided in 40 C.F.R. § 264.115) used to handle hazardous wastes is required within 60 days of completion of closure; and

(f) The notification of closure required by 40 C.F.R. § 264.112(d) must be provided at least 180 days prior to the date on which closure is expected to begin.

(17) The financial requirements of 40 C.F.R. §§ 264.141-264.143 and 264.147-264.151 for all facilities, and 40 C.F.R. § 264.144-264.146 for all facilities subject to post-closure requirements, except that:

(a) References to other sections or subparts of 40 C.F.R. Part 264 shall mean this Chapter.

(b) References to sections or subparts of 40 C.F.R. Part 265 shall mean 06-096 C.M.R. ch. 855.

(c) References to section 3008 of RCRA shall mean applicable Board or Department procedures.

(d) References to sections or subparts of 40 C.F.R. Parts 124 or 270 shall mean 06-096 C.M.R. ch. 856.

(e) Liability coverage must not be demonstrated through a financial test or corporate guarantee, therefore 40 C.F.R. §§ 264.147(a)(2), 264.147(b)(2), 264.147(f), and 264.147(g); and 40 C.F.R. §§ 264.151(g) and (h)(2) are deleted and are not incorporated by reference; and combinations of coverage must not include the financial test or corporate guarantee.

(f) When a financial test is selected as the method of providing closure or post-closure assurance, the applicant must include in the application the most current copy of Form 10K as filed with the Securities and Exchange Commission or equivalent financial information. A current copy of Form 10K or equivalent financial information must be submitted to the Department with the annual fee each year for the term of the license.

(g) Any trust agreement must provide that the trustee is prohibited from investing trust funds in Commodities, Real Estate Investment Trusts (REITs), Corporate or Municipal Bonds which have not received the highest rating by Moody's Investment Service or Standard & Poor's, equity shares of firms which are not subject to regulation by the Securities and Exchange Commission, Foreign Currency speculation or in any other investment vehicle that is not consistent with the "Prudent Investor" concept as it would apply to assuring that funds are available for carrying out a future activity with vital public interest. The

agreement must also provide that primary consideration in making investments must be given to prompt liquidity and face value of assets held in trust.

(h) The owner or operator must pay into a closure or post-closure trust fund according to the following requirements:

(i) The owner or operator shall deposit 25 percent of the sum required into the trust fund on the date the facility license is issued. The license is not effective until the deposit is made.

(ii) The remaining 75 percent of the sum required, adjusted for inflation, must be deposited in the trust fund in equal installments on or prior to the anniversary of the date upon which the license was issued, in each remaining year of the term of the license. The license remains in effect only if each deposit is made. The obligation to make deposits ceases only upon an approved transfer of the license or upon full payment.

(iii) After the last annual deposit to the trust fund, subsequent annual deposits to account for inflation must be made over the life of the facility. The license remains in effect only if these deposits are made. The obligation to make deposits ceases only upon an approved transfer of the license or upon accomplishment of closure.

(iv) If the Department determines that the costs of closure or post-closure are increased, it may require the owner or operator to deposit additional funds into the trust fund by single deposit or according to a schedule. If according to a schedule, adjustment for inflation must be made for each deposit after the first. The license remains in effect only if the additional deposits are made. The obligation to make deposits ceases only upon an approved transfer of the license or full payment or upon accomplishment of closure or termination of the post-closure care period.

(v) If a license is suspended or revoked, the Department may require deposits to be made according to Section 6(C)(17)(h)(i) through (iv) of this Chapter or may impose an accelerated schedule or may require immediate full payment, with adjustment for estimated inflation.

(vi) When computing the annual inflation adjustment for closure or post-closure trust funds, the owner or operator must use the Implicit Price Deflator for Gross National Product as published by the Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce.

NOTE: Example Computation:

2020(Q1) Implicit Price Deflator 113.375
2019(Q1) Implicit Price Deflator 111.388
113.375/111.388 = 1.018 Adjustment Factor

Assuming that the initial closure cost estimate, prepared in 2019, was $250,000, then $250,000 x 1.018 = $254,500 (new adjusted closure cost requirement). The licensee would then be required to adjust the monetary value of the funding instrument to reflect the new adjusted monetary amount, or portion thereof. The

Implicit Price Deflator values used in this example are based on an index number in which year 2012 = 100. BEA periodically updates the index year.

(i) The owner or operator must submit with the application and must submit annually thereafter proof of liability insurance for the facility for sudden and accidental occurrences. Coverage must be provided during active life and closure and, where wastes will remain on the facility property after closure, during the post-closure period. The level of coverage must be at least one million dollars per occurrence and two million dollars annual aggregate, unless because of a greater risk a higher minimum is required by the Board for a particular facility.

NOTE: The liability insurance requirements (40 C.F.R. § 264.147) are in addition to the financial assurance requirements for closure (40 C.F.R. § 264.143) and post-closure (40 C.F.R. §§ 264.145).

(j) The owner or operator of a facility that utilizes a landfill, land treatment, surface impoundment or underground storage in tanks to handle hazardous waste or of a facility where hazardous waste will or is likely to remain on the facility property after closure must submit with the application and must submit annually thereafter proof of liability insurance for the facility for non-sudden and accidental occurrences. Coverage must be provided during active life and for so long as any waste remains on the facility property but for no longer than the post-closure period. The level of coverage must be at least three million dollars per occurrence and six million dollars annual aggregate, unless because of a greater risk a higher minimum is required by the Board for a particular facility.

(k) Wording of liability insurance endorsements must be identical to the wording contained in 40 C.F.R. § 264.151(i) except that subparagraph 2(b) of the endorsement must read: "The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer."

(l) All liability insurance coverage amounts must be exclusive of legal defense costs.

(m) A financial test may not be utilized in lieu of liability insurance nor may an owner or operator self-insure. If liability insurance is unavailable, a $2,000,000 letter of credit drawn on a reputable bank, the terms of which the Department must approve, may be utilized in lieu of liability insurance for sudden and accidental occurrences.

(n) If a liability insurance policy is written as a "claims made" policy, an endorsement must provide for a discovery period of at least twelve (12) months beyond the date of expiration or cancellation of the policy. The endorsement must also provide that the underwriter will notify the public according to the requirements below:

(i) At least sixty (60) days prior to the date upon which the policy will expire or be canceled, give written notification to all owners of property abutting the facility and to the chief elected official in the municipality in which the facility is located and in each of the municipalities immediately abutting the municipality in which the facility is located, that insurance for the facility will expire or be canceled, giving date of expiration or cancellation, and that claims against the insured must be filed within twelve (12) months from the date of expiration or cancellation, specifying where and how claims can be filed;

(ii) During the first, third, sixth and ninth month subsequent to the date of expiration or cancellation, place in each of the State's major newspapers (Portland Press Herald, Bangor Daily News, Lewiston Sun, Kennebec Journal, and Waterville Sentinel) and in all local newspapers published or widely distributed in the municipality where the facility is located an advertisement designed to attract notice and containing the information specified in (i) above.

(18) 06-096 C.M.R. ch. 851, §§ 8(A) and 8(B), Pre-Transport Requirements.

(19) 40 C.F.R. § 264.101, Corrective Action for Solid Waste Management Units.

(20) Applicable air emission standards of 40 C.F.R. Part 264, Subparts AA, BB, and CC and all other requirements of this Chapter.

NOTE: If any standard of 40 C.F.R. Part 264, Subparts AA, BB, and CC conflicts with any requirement of this Chapter, including the "Additional Standards Applicable to Hazardous Waste Incinerators" in Section 13 of this Chapter, then the facility must comply with the more stringent requirement.

(21) When environmental investigation or monitoring data, or reports interpreting environmental investigation or monitoring data, are submitted to the Department, the submittal must be accompanied by one or more electronic Environmental Data Deliverables (EDDs) containing all data in formats specified by the Department in accordance with Maine's *Uniform Electronic Transaction Act*, 10 M.R.S. § 9418 (2)(A). This applies to data for all environmental media and waste materials. The data includes but is not limited to laboratory analytical data, field analytical data and monitoring parameters, water level and water flow data.

D. No person shall own or operate a waste facility for hazardous waste without having obtained a hazardous waste facility identification number specific to the site. The identification number must be comprised of the identification number assigned to the facility by the U.S. Environmental Protection Agency (EPA) or the Department, including any state-specific identifying number or letter as may be assigned by the Department.

NOTE: An owner or operator must apply to EPA for an identification number in accordance with the EPA notification procedures of 40 C.F.R. § 264.11.

E. An applicant must demonstrate in the application sufficient financial capacity, including projections of utilization of the facility by hazardous waste generators, to construct, operate and maintain all aspects of the facility in accordance with requirements of statute and rules. A licensee must maintain sufficient financial capacity for the term of the license, including any renewal license, and at the time of renewal must demonstrate sufficient current financial capacity including current projections of utilization of the facility during the renewal term.

F. For a facility at which hazardous waste will be disposed, the applicant must demonstrate that the volume of waste and the risks related to its handling will have been reduced to the maximum practical extent. A licensee must operate the facility to meet this requirement during the term of the license, including renewal thereof, and at time of renewal must provide a current demonstration that the requirement is met.

G. An application for a mobile treatment facility may consist of two phases:

(1) The first consisting of general operational, structural features, and generic siting criteria.

(2) The second consisting of site specific operating and siting features.

7. Facility Location in Certain Areas

A. Prohibition. No person shall establish, construct, alter, or operate a waste facility for hazardous waste, except as noted, where the facility is or would be located:

(1) On land defined as a wetland under statutes or regulations administered by the Department, Department of Agriculture, Conservation and Forestry, Department of Inland Fisheries & Wildlife, or Department of Marine Resources; or

(2) Within any 100-year flood plain so designated by the Federal Emergency Management Agency or within the level of any documented flood of a greater magnitude. This prohibition does not apply to a facility where hazardous waste is not handled in a landfill, land treatment unit, miscellaneous unit, surface impoundment or waste pile or to any interimly-licensed (under 06-096 C.M.R. ch. 855) storage or treatment facility in use on the effective date of this Chapter; or

(3) So that it overlies any portion of a surface or subsurface sand and gravel aquifer or a high yield bedrock aquifer. This prohibition applies to a facility where hazardous waste is handled in a surface impoundment, landfill, underground tank, or waste pile or a facility where hazardous waste is treated utilizing land treatment techniques; or

NOTE: Maps prepared by the Department of Agriculture, Conservation and Forestry (Maine Geological Survey) may provide guidance as to the location of sand and gravel and bedrock aquifers within the State of Maine.

(4) Within the boundaries of a state or federal park or designated wilderness area. This prohibition does not apply to a storage facility (Section 12 of this Chapter);

B. Rebuttable Presumption. A waste facility for hazardous waste located as set forth below is presumed to pose serious threats to public health or welfare or to the environment such that a license for a facility cannot be issued. The presumption applies if:

(1) The facility property is located on land defined as a wetland under statutes or regulations administered by the Department, Department of Agriculture, Conservation and Forestry, Department of Inland Fisheries & Wildlife, or Department of Marine Resources; or

(2) The facility or facility property is located within 300 feet of any 100-year flood plain so designated by the Federal Emergency Management Agency or within 300 feet of the level of any documented flood of a greater magnitude. Evidence that the facility will be constructed or operated in compliance with the special requirements for facilities located in a flood plain is not an adequate basis for rebutting the presumption against such siting. However, the

presumption may not be rebutted unless the applicant demonstrates along with its other offer of evidence rebutting the presumption that the facility will meet all applicable standards; or

(3) The facility or facility property overlies any portion of a surface or subsurface sand and gravel aquifer or its primary recharge zone or a high yield bedrock aquifer; or

(4) The facility or facility property is located within one mile upgradient of any underground source of public drinking water, or within the watershed of a surface water source of public drinking water, or within 1,000 feet of any source of potable water for humans or livestock; or

(5) The facility or facility property is located such that it may pose a threat to fisheries or wildlife or other natural resources in an area including a sanctuary, refuge, or preserve designated as such under statutes or regulations administered by the Department of Inland Fisheries & Wildlife or Marine Resources; a state or federal park, sanctuary, or designated wilderness area, or a critical area identified as such under statutes or regulations administered by the Natural Areas Program of the Maine Department of Agriculture, Conservation, and Forestry, or to fish in a fish hatchery; or

(6) The facility property is located within the boundaries of a state or federal park or designated wilderness area.

An applicant seeking a license to establish, construct, alter, or operate a facility in such a location must overcome this presumption by persuasive evidence that the facility is unique in some way that allows for compliance with the intent of this Chapter.

8. Additional Standards Applicable to Hazardous Waste Landfills

A. Performance Standards

(1) Landfills are regarded by the Board as the least preferable method of hazardous waste handling. While it is expected that the expense of landfilling will discourage its use, the Board, prior to approval of any application for a hazardous waste landfill, will consider whether alternative preferred method(s) exist for handling a waste proposed to be landfilled.

(2) A hazardous waste landfill must be designed, constructed, and installed to prevent any migration of wastes out of the landfill to adjacent subsurface soil or ground water or surface water at any time during the life, including the post-closure period, of the landfill.

(3) A hazardous waste landfill must be established, constructed, altered and operated to meet the following performance standards:

(a) A landfilled hazardous waste or constituent or derivative thereof must not appear in ground or surface waters at a concentration above background level, or above current public health drinking water standards for Maine, including the "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016", or standards for aquatic toxicity, whichever is most stringent. Background levels must be those established by the pre-construction analysis required by 06-096 C.M.R. ch. 856, § 10(C)(10)(g) or of the upgradient monitoring well required by Section 8(D)(1) of this Chapter, whichever is lower.

NOTE: Drinking water and aquatic toxicity standards are obtained from current manuals including but not limited to: State of Maine Rules of the Department of Health and Human Services relating to Drinking Water; "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016"; "Drinking Water and Health" published by the National Research Council; "Suggested No-Adverse Response Levels (SNARLs)" as determined by the Environmental Protection Agency; "Ambient Water Quality Criteria" manuals, published by the Environmental Protection Agency.

(b) A landfilled hazardous waste or constituent or derivative thereof, must not appear in the atmosphere in concentrations significantly above the background level or exceed current ambient air quality standards for Maine at any time. Background levels must be established by monitoring or demonstrated to have been previously established by monitoring.

B. Design. The facility must comply with the provisions of 40 C.F.R. §§ 264.301(a), 264.301(c), and 264.301(g)-(k) in addition to the following:

(1) All new, replacement, or expanded portions of a landfill established in the State of Maine must be at least double-lined and have systems for leachate collection and removal, run-on and run-off control and wind dispersal control that meet or exceed the specifications in 40 C.F.R. § 264.301(c) and (g)-(k).

(2) A landfill must have at least two impervious liners of or equivalent to:

(a) A synthetic top liner (e.g., geomembrane), which is underneath the landfilled waste and is designed and constructed of materials to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and

(b) A composite bottom liner, which is underneath the top synthetic liner and overtop the subsoil and consists of at least two components, including an upper synthetic component designed and constructed of materials (e.g., geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period and a lower component of recompacted clay of a minimum of ten (10) feet thick, with a hydraulic conductivity of 1×10^{-7} cm/sec. or less.

If the clay lower component cannot meet this standard by recompaction, its permeability must be decreased by addition of bentonite or other approved sealing compounds to meet the standard.

(3) Where the landfill is located in a ground water discharge zone, the applicant must evaluate the potential for upward rupture of the liner or basal layer and design the landfill so as to prevent such a rupture.

(4) Any synthetic liner approved by the Board and installed after December 31, 1993 must be a minimum thickness of 80 mils, and be able to meet the following criteria:

(a) Meet National Sanitary Foundation (NSF) Standard #54 specifications, if one exists for the proposed material; and

(b) Meet required performance specifications for the proposed project application.

(5) Any synthetic liner proposed for use must meet all of the following criteria. A synthetic liner must:

(a) Be of adequate strength and durability to ensure mechanical integrity during emplacement, freeze-thaw cycles in the underlying soils and operation of the facility; and

(b) Be of uniform thickness and free from thin spots, cracks, tears, blisters and foreign particles; and

(c) Be resistant to attack from soil bacteria, fungus, burrowing animals and birds; and

(d) Be resistant to ozone cracking, sun weathering and stiffening in frosty conditions; and

(e) Be able to withstand extreme heat either by itself or in combination with a protective layer of earthen material; and

(f) Be compatible with and unaffected by hazardous waste(s) which may be landfilled at the facility and any constituents or derivatives thereof; and

(g) Be impermeably sealed in the field, without defects in the seams between sections or in the parent material itself; and

(h) Be properly installed on a base which is both smooth and structurally capable of supporting the entire landfill; and

(i) Be covered by a sufficient layer of well-graded fine soil material (not less than six inches in depth) so as to prevent damage to the liner due to facility operation, such as the movement of heavy equipment used at the site.

(j) Be installed to cover all surrounding earth likely to be in contact with a waste or leachate; and

(k) Be able to generate sufficient friction force between itself and the surrounding materials in order to maintain a short term factor of safety of 1.25 and a long term factor of safety of 1.50; and

(l) Be able to meet the manufacturer's minimum specifications for the material being proposed for use.

Manufacturers' specifications on the standard leak rate of the liner must be specified in the application.

(6) A leachate detection, collection, and removal system must be installed immediately above the top synthetic liner to assure that leachate is collected and removed. In addition, a leachate detection, collection and removal system must be installed between the top synthetic liner and bottom composite liner.

(7) The leachate detection, collection and removal system must be constructed such that:

(a) The system immediately above the top synthetic liner must be designed, constructed, maintained, and operated to collect and remove leachate from the landfill during the active life and post-closure care period. The design of the collection and removal system must be such that no more than 30 cm (1 foot) of leachate is permitted to accumulate on the top synthetic liner at any one time.

(b) The leachate collection system between the top synthetic liner and the bottom composite liner must be designed, constructed, maintained, and operated to detect, collect, and remove liquids that may leak through the top synthetic liner during the active life and post-closure care period and meet the specifications for the action leakage rate approved for the landfill in accordance with 40 C.F.R. § 264.302 and the requirements of 40 C.F.R. § 264.301(c)(3)(i)-(v), including at a minimum:

(i) Constructed with a bottom slope of one percent or more;

(ii) Constructed of granular drainage material with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of $3x\ 10^{-5}$ m^2/sec or more;

(iii) Constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the surface impoundment;

(iv) Designed and operated to function without clogging during the active life and post-closure care period; and

(v) Constructed with sumps and liquid removal methods of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s) and each sump and removal system must provide a method for measuring and recording the volume of liquids present and removed.

(8) The applicant must evaluate the potential for generation of gas within buried wastes. If a potential for build up or explosion of gases exists, a gas discharge system capable of collecting gases must be designed into the landfill cover system.

(9) The applicant must evaluate the compaction and consolidation of materials placed within the landfill. If compaction could result in ponding of drainage on the final cover system, an impermeable plastic cap or cover liner must be used to prevent infiltration. Otherwise, the final cover may be a layer of re-compacted clay at least 2 feet thick with a hydraulic conductivity of less than 1×10^{-7} cm/sec.

NOTE: Design of the closure cap/final cover system is integral to the design of a landfill.

(10) A sand and gravel drain layer must be placed over the final cover system.

(11) Final cover must be protected from disruption. Disruption due to frost heaving and penetration by burrowing rodents must be prevented by grading the site with soil material and at least six inches of topsoil. Disruption by plant roots must be prevented by the planting of

shallow-rooted vegetation and its maintenance in perpetuity. The final grade of the landfill surface must be between two and ten percent grade.

(12) The applicant must evaluate the earthquake risk. The applicant must show that the facility is designed so that any disruption due to earthquake will not cause any performance standard to be violated.

(13) A buffer zone of at least 200 feet must be designed and maintained between the boundaries of the facility property and the boundaries of the landfill and of any other area of the property where hazardous waste will be handled.

(14) Fugitive emissions, including volatile organic compounds, from the facility must be controlled in accordance with a plan approved by the Board.

C. Operation. The facility must comply with the provisions of 40 C.F.R. §§ 264.302, 264.303, 264.304, 264.312, 264.313, 264.316 and 264.317, except that references to 40 C.F.R. Part 268 or sections thereof mean 06-096 C.M.R. ch. 852 and:

(1) Run-on must be diverted away from the facility.

(2) Run-off from the facility must be collected, analyzed and managed according to a design and plan approved by the Board.

(3) Cover material, sufficient to control odors, dispersion by wind and excessive water infiltration into a hazardous landfill cell, must be placed daily or after the landfill has received new wastes, whichever is the longer period.

(4) Access to active portions of the facility must be restricted to facility personnel needed for operation or management and to authorized federal, state and local officials while in performance of their official duties.

(5) Liquid waste must not be placed in a landfill except in accordance with 40 C.F.R. § 264.314 and the following:

(a) Bulk or non-containerized liquid hazardous or nonhazardous waste, or hazardous or nonhazardous waste containing free liquids, must not be placed in a landfill unless, before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically, so that free liquids are no longer present and that the wastes are altered in such a way so that the materials that have absorbed or adsorbed the liquids will not biodegrade or release liquids when compressed.

(b) Containers holding hazardous or nonhazardous free liquids must not be placed in a landfill unless:

(i) all free liquid has been removed by decanting or other methods, or solidified so that no free liquid is present, or otherwise eliminated in such a way that the materials that have absorbed or adsorbed the liquids will not biodegrade or release liquids when compressed; or

(ii) the container is a lab pack as defined in 40 C.F.R. § 264.316 and is disposed of in accordance with 40 C.F.R. § 264.316.

(c) To demonstrate the absence or presence of free liquids Method 9095B (Paint Filter Liquids Test) in EPA Publication SW-846 must be used.

(6) Incompatible wastes must not be placed in the same landfill cell and must be separated horizontally by such barriers as will prevent any mixing of them in accordance with a plan approved by the Department. Vertical landfilling of incompatible wastes is prohibited.

(7) Containers placed in landfills must be:

(a) At least 90 percent full; or

(b) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial.

(8) Leachate must be removed from the leachate collection system either continuously or with sufficient regularity that no hydraulic head builds up within it.

(a) An action leakage rate, representing the maximum design flow rate that the leak detection system can remove without fluid head on the bottom liner exceeding one foot, must be identified.

(b) Liquids removed from the leachate collection system must be recorded weekly and converted to an average daily flow rate in gallons per acre per day at each sump where liquid is removed and used to determine exceedances of the action leakage rate.

(c) Owners or operators must have an approved response action plan specifying response actions to be taken in the event the action leakage rate has been exceeded. The response action plan must comply with 40 C.F.R. § 264.304.

D. Ground Water Protection. Ground water beneath and adjacent to the facility must be protected and monitored in accordance with the requirements of:

(1) This Chapter, including the following:

(a) A minimum of four wells, sampled at levels specified or approved by the Department, are required to monitor ground water quality. At least one monitoring well must be located hydraulically upgradient from the landfill and three downgradient. The downgradient wells must be located as close to the landfill as possible without disturbing the design or operational systems.

(b) Monitoring wells must, at a minimum, be packed and cased through surficial deposits and screened where appropriate flow zones exist. The top of the well casing must be sealed to prevent contamination of ground water by run-off. Materials used in construction must not affect water quality.

(c) Water level measurements must be taken and sampling and analysis must be performed by the operator according to a schedule specified or approved by the Department. Additional sampling may be required if the performance standards are not being met. Water levels and results of analyses must be sent to the Department within ten working days of being taken or performed.

(d) Analysis of samples must be performed by a laboratory certified by the State of Maine or the U.S. Environmental Protection Agency.

(e) A final set of monitoring well specifications must be sent to the Department upon completion of well installation, showing:

(i) Exact location of monitoring wells;

(ii) Elevation of the land surface and the top of the well casing to the nearest tenth of a foot;

(iii) Depth to the bottom of the well;

(iv) Screened interval (depth to top and bottom of well screen);

(v) Type and size of casing;

(vi) Type and size of screen; and

(vii) Type and grain size of packing, grouting and other sealing materials, and fluids used in drilling.

(2) 40 C.F.R. § 264.93 and §§ 264.95-264.100, except that references to 40 C.F.R. §§ 264.92 or 264.94 or portions thereof shall mean the performance standards of Section 8(A) of this Chapter and variance from these standards are not allowed, references to 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, and references to Appendix IX of Part 264 shall mean Appendix IX of this Chapter.

(3) Assurance of financial responsibility for corrective action must be provided in accordance with Section 6(C)(17) of this Chapter.

(4) For the purposes of this section, "detection" is defined as statistically significant evidence of contamination, and "exceedence" is defined as statistically significant evidence of increased contamination.

E. Surface Water Monitoring. The Board or Department may require surface waters within or adjacent to a facility or facility property to be monitored in accordance with a plan approved by the Board or Department, as applicable.

F. Air Monitoring

(1) Emissions, including fugitive emissions, from the facility must be monitored in accordance with a plan approved by the Board.

(2) If, at any time during operation, closure or post-closure of the facility, the monitoring demonstrates that the performance standards are not being met, a corrective action program must be implemented, details of which must be specified or approved by the Board or Department, as applicable.

G. Surveying and Recordkeeping

(1) The owner or operator of a hazardous waste landfill facility must prepare and keep current a map showing the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks, the contents of each cell and the total amount and location of each type of hazardous waste within each cell. In addition, the owner or operator must keep a record of all repairs, accidents and abatement measures taken.

(2) The map and record must be maintained in the facility operating record and kept current for as long as the facility is operated and must be kept at the facility. The Department may require that a current copy of the map and record be kept on file with the Department. Upon closure the map and the record must be delivered to the Department.

H. Closure and Post-Closure Requirements. The facility must comply with the requirements of 40 C.F.R. § 264.310, except that references to other sections or subparts of 40 C.F.R. Part 264 shall mean this Chapter. Furthermore, in the closure and post-closure plans, the owner or operator must address the following objectives and indicate how they will be achieved:

(1) Control of pollutant migration from the facility via ground water, surface water, and air;

(2) Control of surface water infiltration, including prevention of pooling; and

(3) Prevention of erosion.

(4) The owner or operator must consider at least the following factors in addressing the closure and post-closure care objectives of this section:

(a) Type and amount of hazardous waste and hazardous waste constituents in the landfill;

(b) The mobility and the expected rate of migration of the hazardous waste and hazardous waste constituents;

(c) Site location, topography, and surrounding land use, with respect to the potential effects of pollutant migration (e.g., proximity to ground water, surface water, and drinking water sources);

(d) Climate, including amount, frequency, and pH of precipitation;

(e) Characteristics of the cover including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope, and type of vegetation on the cover; and

(f) Geological and soil profiles and surface and subsurface hydrology of the site.

(5) During the post-closure care period, the owner or operator of a hazardous waste landfill must, at a minimum:

(a) Maintain the function and integrity of the final cover as specified in the approved closure plan; and

(b) Maintain and monitor the leachate collection, removal, and treatment system (if there is one present in the landfill) to prevent excess accumulation of leachate in the system.

NOTE: If the collected leachate is a hazardous waste under 06-096 C.M.R. ch. 850, it must be managed as a hazardous waste in accordance with all applicable requirements of these rules.

9. Additional Standards for Hazardous Waste Surface Impoundments

A. Performance Standards. A hazardous waste surface impoundment which is existing, new or laterally expanded must be established, constructed, altered and operated to meet the following performance standards:

(1) A surface impoundment must be designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or ground water or surface water at any time during the life, including the post-closure period, of the impoundment.

(2) An impounded hazardous waste or constituent or derivative thereof must not appear in ground water or surface water at a concentration above background level, or above current public health drinking water standards for Maine, including the "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016", or standards for aquatic toxicity, whichever is most stringent. Background levels must be those established by the preconstruction analysis required by 06-096 C.M.R. ch. 856, § 10(C)(10)(g) or of the upgradient monitoring well required by Section 8(D)(1) of this Chapter, whichever is lower.

NOTE: Drinking water and aquatic toxicity standards are obtained from current manuals including but not limited to: State of Maine Rules of the Department of Health and Human Services relating to Drinking Water; "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016"; "Drinking Water and Health" published by the National Research Council; "Suggested No-Adverse Response Levels (SNARLs)" as determined by the Environmental Protection Agency; "Ambient Water Quality Criteria" manuals, published by the Environmental Protection Agency.

(3) An impounded hazardous waste or constituent or derivative thereof must not appear in the atmosphere in concentrations significantly above the background level or exceed current ambient air quality standards for Maine at any time. Background levels must be established by monitoring or demonstrated to have been previously established by monitoring.

(4) An applicant seeking a license to treat hazardous waste in a surface impoundment must demonstrate to the satisfaction of the Board that:

(a) The waste is capable of being treated in a surface impoundment using the process proposed, based upon a trial test (a bench or small-scale pilot test) that determines the treatment technique, its effectiveness, and any limiting factors;

(b) The design measures and operating procedures will maximize the success of the treatment;

(c) The facility design and components are compatible with the hazardous waste and the treatment process; and

(d) The treatment process can and will be controlled at all times so as to prevent uncontrolled releases of hazardous waste or its constituents or derivatives and to protect the public health and safety and the environment.

B. Design. The facility must comply with the provisions of 40 C.F.R. §§ 264.221(c) and 264.221(g)-(i), in addition to the following:

(1) All new, replacement or expanded portions of a surface impoundment established in the State of Maine must be at least double-lined.

(2) A surface impoundment must have at least two impervious liners of or equivalent to:

(a) A synthetic top liner (e.g., geomembrane), which is underneath the impounded waste and is designed and constructed of materials to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and

(b) A composite bottom liner, which is underneath the top synthetic liner and overtop the subsoils and consists of two components, including a synthetic upper component (e.g., geomembrane) designed and constructed of materials to prevent the migration of hazardous constituents into this component during the active life and post-closure care period and a lower component of recompacted clay of a minimum of ten (10) feet thick, with a hydraulic conductivity of 1×10^{-7} cm/sec or less. If a suitably low permeability clay lower component cannot be produced by recompaction, its permeability must be decreased by addition of bentonite or other approved sealing compounds.

NOTE: Proper siting on low permeability deposits is the single most important design criterion for hazardous waste surface impoundments. Siting in a favorable hydrologic setting is also an important design criterion, ground water discharge zones being considered most favorable.

(3) Where the surface impoundment is located in a ground water discharge zone, an applicant must evaluate the possibility of upward rupture of the liners and design the impoundment so as to prevent such a rupture.

(4) The liner system in contact with the impounded waste must be:

(a) Compatible with the waste;

(b) Sufficiently impermeable to the waste under maximum operating conditions of hydraulic head so that the leachate system would not be filled in a period of less than one year;

(c) Of sufficient strength to outlast the design lifetime of the impoundment; and

(d) Constructed on a foundation capable of supporting the liner and the pressure head of the impoundment when full.

(5) A leachate detection, collection and removal system must be installed immediately above the top synthetic liner to assure that leachate is collected and removed. In addition, a leachate detection, collection and removal system must be installed between the top synthetic liner and bottom composite liner.

(6) A leachate detection, collection and removal system must be constructed such that:

(a) The system immediately above the top synthetic liner must be designed, constructed, maintained, and operated to collect and remove leachate from the surface impoundment during the active life and post closure care period. The collection and removal system must be designed so that no more than 30 cm (1 foot) of leachate will accumulate on the top synthetic liner at any one time.

(b) The leachate collection system between the liners must be designed, constructed, maintained, and operated to detect, collect, and remove liquids that may leak through the top synthetic liner during the active life and post closure care period and meet the specifications for the action leakage rate approved for the impoundment in accordance with 40 C.F.R. § 264.222.

The requirements for the leachate detection, collection, and removal system are satisfied by installation of a system that is, at a minimum:

(i) Constructed with a bottom slope of one percent or more;

(ii) Constructed of granular drainage material with a hydraulic conductivity of 1×10^{-1} cm/sec or more and a thickness of 12 inches or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-4} m^2/sec or more;

(iii) Constructed of materials that are chemically resistant to the waste managed in the surface impoundment and the leachate expected to be generated and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the surface impoundment;

(iv) Designed and operated to function without clogging during the active life and post-closure care period; and

(v) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s) and each sump and removal system must provide a method for measuring and recording the volume of liquids present and removed.

(7) Dikes must be designed with sufficient structural integrity to prevent failure when saturated, without dependence on any liner system for support.

(8) Earthen dikes must have a protective cover such as grass, shale or rock to minimize wind and water erosion and to preserve their structural integrity.

(9) Run-on must be diverted away from the surface impoundment.

(10) At least two feet of freeboard must be assured at all times.

(11) An automatic shutoff or automatic diversion system must be installed in the waste feed so that flow of waste into the impoundment will stop when there is less than 2 feet of freeboard or any failure of the base or liners.

(12) An automatic alarm system to alert the operator to abnormal operations and to malfunctions must be installed.

(13) A backup containment system must be provided to contain 20% of the volume of the impoundment or 4 hours maximum flow from the influent pipe(s), whichever is the larger amount.

(14) The applicant must evaluate the earthquake risk and must demonstrate that the facility is designed so that any disruption due to earthquake will not cause any performance standard to be violated.

(15) The applicant must evaluate the compaction and settlement beneath the liners and must demonstrate that the liners will not crack or rupture under full potential load. The applicant must comply with the construction quality assurance program requirements of Section 6(C)(7) of this Chapter and 40 C.F.R. § 264.19, including quality assurance of construction design, structural stability and integrity of all components.

(16) A ground water monitoring system which meets the requirements of Section 8(D) of this Chapter must be operational before any waste is placed in the impoundment.

(17) Fugitive emissions, including volatile organic compounds, from the surface impoundment, must be controlled in accordance with a plan approved by the Board.

(18) Requirements other or less stringent than those established by Section 9(B)(1)-(13) of this Chapter may be imposed on a surface impoundment which is interimly licensed and being used for handling hazardous waste on the effective date of this Chapter, if the applicant demonstrates to the Board's satisfaction that the surface impoundment has not in the past violated the performance standards established herein and that the risk that it will violate the performance standards is no greater than that risk for a surface impoundment which meets the above requirements.

C. Operation

(1) A surface impoundment must have at all times sufficient freeboard to prevent overtopping by overfilling, wave action or a storm. At all times, there must not be less than 2 feet of freeboard.

(2) Leachate must be removed from the leachate collection system either continuously or with sufficient regularity that no hydraulic head builds up within it.

(a) An action leakage rate, representing the maximum design flow rate that the leak detection system can remove without fluid head on the bottom liner exceeding one foot, must be identified.

(b) Liquids removed from the leachate collection system must be recorded weekly and converted to an average daily flow rate in gallons per acre per day at each sump where liquid is removed and used to determine exceedances of the action leakage rate.

(c) Owners or operators must have an approved response action plan specifying response actions to be taken in the event the action leakage rate has been exceeded. The response action plan must comply with Section 9(D) of this Chapter and 40 C.F.R. § 264.223.

(3) Earthen dikes must be kept free of perennial woody plants and burrowing animals and maintained to prevent any erosion of the dikes.

(4) The owner and operator must comply with the provisions of 40 C.F.R. §§ 264.229 - 264.231 except that the references to sections of 40 C.F.R. Part 261 shall mean the applicable sections of 06-096 C.M.R. ch. 850, references to 40 C.F.R. Part 268 shall mean the applicable sections of 06-096 C.M.R. ch. 852, and references to 40 C.F.R. § 264.17(b) shall mean Section 6(C)(8) of this Chapter.

(5) The owner and operator must comply with the air emission standards of 40 C.F.R. § 264.232.

D. Containment System Repairs: Contingency Plans

(1) Whenever there is any indication of a possible failure of the base, liner, dike, leachate collection system or backup containment system, that part or system must be inspected in accordance with the requirements of Section 9(D)(4) of this Chapter. Indications of possible failure include:

(a) An unplanned non-sudden drop in liquid level in the impoundment;

(b) Liquid detected in the leachate detection system above the quantity to be expected from the design permeability of the liner or an exceedance of the action leakage rate;

(c) Evidence of leakage or the potential for leakage in the dike;

(d) Erosion of the dike;

(e) Apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials;

(f) Any mishandling of wastes placed in the impoundment; and

(g) Foreign objects in the impoundment.

(2) Whenever there is an indication of a failure of the base, liner, dike or leachate collection system, the surface impoundment must be removed from service. Indications of failure of the containment system include but are not limited to:

(a) An unplanned sudden drop in liquid level in the impoundment;

(b) Quantities of waste detected in the leachate detection system in excess of three times the normal daily quantities or an exceedance of the action leakage rate;

(c) Leakage through the dike; or

(d) A breach (e.g., a hole, tear, crack, or separation) in the base, liner, dike, leachate collection or backup containment system.

(3) If the surface impoundment must be removed from service the owner or operator must:

(a) Immediately shut off the flow of or stop the addition of wastes into the impoundment;

(b) Immediately contain any leakage which has occurred or is occurring;

(c) Immediately stop any leakage; and

(d) If the leak cannot be stopped by any other means, empty the impoundment into secure containers or the backup containment system.

(e) Take any other steps necessary to stop or prevent catastrophic failure.

(f) Notify the Department of the problem verbally within 24 hours and in writing within seven days after detecting the problem.

NOTE: To report this situation, call the Department response phone number, 1-800-482-0777.

(4) The owner or operator must include as part of the contingency plan that is required to be filed with the application:

(a) A procedure for complying with the requirements of Section 9(D)(3) above; and

(b) A method for base, liner, dike, leachate collection and backup containment system evaluation and repair including:

(i) Testing and monitoring techniques;

(ii) Procedures to be followed to evaluate the integrity of the base, liner, dike, leachate collection system and backup containment system in the event of a possible failure;

(iii) Actions to be taken in the event of a possible failure; and

(iv) Specification of the repair techniques to be used in the event of leakage which does not require the impoundment to be removed from service.

(5) No surface impoundment that has been removed from service in accordance with Section 9(D)(3) of this Chapter may be restored to service unless:

(a) Repairs have been made; and

(b) Repairs have been certified by a qualified Maine licensed professional engineer to ensure that the failure will not recur.

(6) A surface impoundment which has been removed from service and which is not being repaired must be closed in accordance with the closure and post-closure requirements of this Chapter.

E. Inspection, Surveying and Recordkeeping. The facility must comply with the provisions of 40 C.F.R. § 264.226, except that the reference to 40 C.F.R. § 264.221(a) is deleted. Furthermore, the following requirements apply:

(1) The owner or operator of a surface impoundment must inspect:

(a) The freeboard level at least daily to ensure that two feet of freeboard is being maintained; and

(b) The surface impoundment area, including dikes and vegetation thereon, at least weekly to check for any leaks or discharges and for signs of erosion, deterioration or failure of the impoundment.

(2) Where insufficient freeboard is noted, remedial action must be taken at once.

(3) The owner or operator must maintain, and keep current for as long as the facility is operated, a record of all hazardous waste handled in the impoundment by type, volume and date, all methods and times of treatment, all inspections and all records of repair, accidents and abatement measures taken. The record must be kept at the facility during its operating life and upon closure must be delivered to the Department. The Department may require that a current copy of that record be kept on file with the Department.

F. Air, Ground Water and Surface Water Monitoring

(1) Emissions, including fugitive emissions, from the facility must be monitored in accordance with Section 8(F) of this Chapter.

(2) Ground water must be monitored in accordance with Section 8(D) of this Chapter.

(3) The Board or Department may require surface waters within or adjacent to a facility or facility property to be monitored in accordance with a plan approved by the Board or Department, as applicable.

G. Closure and Post-Closure

(1) The owner or operator of a surface impoundment that does not meet the liner requirements of Section 9(B) of this Chapter shall:

(a) Include in the closure plan for the surface impoundment both a plan for complying with Section 9(G)(2) of this Chapter and a contingency plan for complying with Section 9(G)(3) of this Chapter in case not all contaminated subsoils can be practicably removed at closure;

(b) Prepare a contingency post-closure plan for complying with Section 9(G)(3) of this Chapter in case not all contaminated subsoils can be practicably removed at closure; and

(c) Base the cost estimates for closure and post-closure care required under Section 6(C)(16) of this Chapter on the cost of complying with the more expensive of the two closure and post-closure scenarios.

(2) The owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 06-096 C.M.R. ch. 850, § 3(A)(3)(d) applies; or

(3) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures and equipment

as required in Section 9(G)(2) of this Chapter, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, the facility must be closed in accordance with the closure and post-closure requirements that apply to landfills in Section 8(H) of this Chapter and with the requirements of 40 C.F.R. § 264.228(b).

(4) After closure, hazardous waste surface impoundments must continue to meet the performance standards.

(5) The Department may grant a variance to Section 9(G)(2) of this Chapter if the owner or operator demonstrates that the hazardous constituents in the waste will not migrate into ground water, surface water and air in violation of the performance standards in this Chapter for as long as the waste and other materials will remain on-site. Facilities receiving a variance to Section 9(G)(2) of this Chapter shall close the facility in accordance with the closure and post-closure requirements that apply to landfills.

10. Additional Standards Applicable to Hazardous Waste Land Treatment Facilities

NOTE: The management of hazardous waste utilizing land treatment is a technique in which many unknowns remain regarding its efficacy. The Board, consequently, will consider approving applications for such treatment only if there is compelling evidence provided by the applicant that the waste in question can and will be rendered nonhazardous in natural soils under the proposed conditions.

A. Performance Standards

(1) The land treatment of hazardous waste must meet the following performance standards:

(a) A land treatment facility must be designed and operated to ensure that hazardous waste placed in or on the treatment zone will not migrate beyond the zone and will be degraded, transformed, or otherwise made nonhazardous within the treatment zone within six months from the date of waste placement.

(b) A land treated waste or constituent or derivative thereof must not appear in ground or surface waters at a concentration above background level, or above current public health drinking water standards for Maine, including the "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016", or standards for aquatic toxicity, whichever is most stringent. Background levels must be those established by analysis required by 06-096 C.M.R. ch. 856, § 10(C)(10)(g) prior to treatment or construction related to the treatment unit or of the upgradient monitoring well required by Section 8(D)(1) of this Chapter, whichever is lower.

NOTE: Drinking water and aquatic toxicity standards are obtained from current manuals including but not limited to: State of Maine Rules of the Department of Health and Human Services relating to Drinking Water; "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016"; "Drinking Water and Health" published by the National Research Council; "Suggested No-Adverse Response Levels (SNARLs)" as determined by the Environmental Protection Agency; "Ambient Water Quality Criteria" manuals, published by the Environmental Protection Agency.

(c) A land treated waste or derivative or constituent thereof must not appear in the atmosphere in concentrations significantly above the background level or exceed current ambient air quality standards for Maine at any time. Background levels must be established by monitoring or demonstrated to have been previously established by monitoring.

(2) An applicant seeking a license to land treat hazardous waste must demonstrate to the satisfaction of the Board that:

(a) The waste will be rendered nonhazardous using the processes or methods proposed;

(b) The design measures and operating procedures will maximize the success of the treatment;

(c) The facility design and components including the soils, are compatible with the hazardous waste and the treatment process; and

(d) The treatment process can and will be controlled at all times so as to prevent any uncontrolled releases of hazardous waste or its constituents or derivatives and to protect the public health and safety and the environment.

B. Design

(1) The performance standards can be met by a variety of methods, including but not limited to:

(a) Proper siting of the facility on suitable soils, and with suitable subsoil deposits, and under suitable hydrologic conditions;

(b) Appropriate application of the waste, together with nutrients, soil buffers, and special bacterial strains as necessary;

(c) Cultivation and aeration of the waste/soil layer as necessary;

(d) Collection and treatment of runoff.

(2) Demonstration that the performance standards will be met must be by small-scale pilot studies in which each waste has been rendered nonhazardous in less than six months. Such a demonstration must comply with 06-096 C.M.R. ch. 856, § 10(G).

(3) Surface slopes of an active portion of a land treatment facility must not be greater than 5 percent to minimize erosion but must be greater than 0 percent to prevent ponding for periods that will cause the treated area to become anaerobic.

(4) The distance from any natural soils barrier to the seasonal high water table at the site must be at least 5 feet.

(5) Fugitive emissions, including volatile organic compounds, from the land treatment facility must be controlled in accordance with a plan approved by the Board.

(6) The facility must comply with the requirements of 40 C.F.R. §§ 264.271-264.273, except that references to 40 C.F.R. § 264.278 shall mean Section 10(D) of this Chapter, references to Part 261 shall mean 06-096 C.M.R. ch. 850, and references to sections of 40 C.F.R. § 270 shall mean 06-096 C.M.R. ch. 856.

C. Operation

(1) Hazardous waste must not be land treated unless the waste will be made nonhazardous by soil-related biological degradation or chemical reaction within six months from the date of application of the waste to the treatment area.

(2) Incompatible wastes must not be treated upslope or downslope of one another, nor placed in the same treatment area.

(3) Run-off from active portions of a land treatment facility must be diverted and collected. If the runoff is hazardous, it must be handled as a hazardous waste.

(4) Waste must not be applied to the soil when it is saturated or snow covered, or when the soil surface or subsurface is frozen.

(5) Wells (other than active monitoring wells) and other direct connections to the subsurface environment within the treatment area of the land treatment facility or within l00 feet therefrom, must be sealed with cement grout or another suitable material prior to any land treatment activity.

(6) The facility must comply with the provisions of 40 C.F.R. § 264.276, except that references to 40 C.F.R. § 261 shall mean 06-096 C.M.R. ch. 850. In addition, food chain crops must not be grown on a treated area or within 300 feet of a treated area of a land treatment facility unless the owner or operator demonstrates to the Board that hazardous waste(s) treated thereon:

(a) Will not be transferred to the food portion of the crop by plant uptake or direct contact and will not otherwise be ingested by food chain animals, or

(b) Will not occur in greater concentrations in the crops grown on or within 300 feet of the treatment area than in the same crops grown on untreated soils under similar conditions elsewhere in the same region.

(7) Waste application and incorporation practices must prevent the zone of incorporation from becoming anaerobic.

(8) The pH of the soil-waste mixture in the zone of incorporation must be equal to or greater than 6.5 and maintained until the facility is closed.

(9) Supplemental nitrogen and phosphorous added to the soil of the treated area for the purpose of increasing the rate of waste biodegradation must not exceed the rates of application recommended for agricultural purposes by the United States Department of Agriculture (USDA) or the Maine Department of Agriculture, Conservation and Forestry.

(10) The facility must comply with the provisions of 40 C.F.R. §§ 264.281-264.283, except that references to 40 C.F.R. §§ 261.21 and 261.23 shall mean 06-096 C.M.R. ch. 850, references to 40 C.F.R. § 264.17(b) shall mean Section 6(C)(8) of this Chapter and references to 40 C.F.R. Part 268 shall mean 06-096 C.M.R. ch. 852.

D. Air, Ground Water, Surface Water and Soil Monitoring. The facility must comply with the provisions of 40 C.F.R. § 264.278, except that references to 40 C.F.R. § 264.271(b) shall mean Section 10(B)(6) of this Chapter.

(1) An unsaturated zone monitoring system must be operational before the placement of waste on the land. The system must:

(a) Detect the vertical migration of hazardous waste(s) and constituents thereof beneath the treatment area of the facility, and

(b) Provide information on the background concentrations of the hazardous waste(s) and constituents thereof in similar but untreated soils nearby (at least 300 feet from the active treatment zone), and

(c) Monitor soils using soil cores, and

(d) Monitor soil-pore water using devices such as lysimeters.

The system must be approved by the Department prior to licensing.

(2) A ground water monitoring system, in accordance with Section 8(D) of this Chapter, must be operational prior to the placement of waste on the land.

(3) The Board or the Department may require surface waters within or adjacent to a facility or facility property to be monitored in accordance with a plan approved by the Board or Department, as applicable.

(4) Emissions, including fugitive emissions, from the facility must be monitored in accordance with Section 8(F) of this Chapter.

E. Surveying and Recordkeeping. The owner or operator of a land treatment facility must maintain and keep current, in the facility operating record for as long as the facility is operated, a record of types and quantities of hazardous waste(s) treated, application dates, rates, and location, repairs, accidents and abatement measures taken within the treatment facility for the entire life of the facility. The Department may require that a current copy of that record be kept on file with the Department. Upon facility closure, such records must be delivered to the Department.

F. Special Closure Requirement. The facility must comply with the provisions of 40 C.F.R. § 264.280, except that references to other sections of 40 C.F.R. Part 264 shall mean this Chapter.

11. Additional Standards Applicable to Hazardous Waste Piles

A. Performance Standards. A waste pile must be established, constructed, altered and operated to meet the following performance standards:

(1) A waste pile must be designed and operated such that there is no migration of wastes out of the pile into adjacent subsurface soil or ground water or surface water at any time and that any particulate matter which may be subject to wind dispersal is controlled at all times.

(2) A hazardous waste or constituent or derivative thereof must not appear in ground or surface waters at a concentration above background level, or above current public health drinking water

standards for Maine, including the "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016", or standards for aquatic toxicity, whichever is most stringent. Background levels must be those established by the pre-construction analysis required by 06-096 C.M.R. ch. 856, § 10(C)(11)(g) or of the upgradient monitoring well required by Section 8(D)(1) of this Chapter, whichever is lower.

NOTE: Drinking water and aquatic toxicity standards are obtained from current manuals including but not limited to: State of Maine Rules of the Department of Health and Human Services relating to Drinking Water; "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016"; "Drinking Water and Health" published by the National Research Council; "Suggested No-Adverse Response Levels (SNARLs)" as determined by the Environmental Protection Agency; "Ambient Water Quality Criteria" manuals, published by the Environmental Protection Agency.

(3) A hazardous waste or constituent or derivative thereof must not appear in the atmosphere in concentrations significantly above the background level or exceed current ambient air quality standards for Maine at any time. Background levels must be established by monitoring or demonstrated to have been previously established by monitoring.

(4) No hazardous waste may be treated in a waste pile.

B. Design and Operating Requirements

(1) The facility must comply with the provisions of 40 C.F.R. §§ 264.251(c), 264.251(g)-(k), 264.252, 264.253 and 264.259. All new, replacement or expanded portions of existing waste piles established in the State of Maine must be at least double-lined. The facility must comply with the construction quality assurance program requirements of Section 6(C)(7) of this Chapter and 40 C.F.R. § 264.19, including quality assurance of construction design, structural stability and integrity of all components.

(2) A waste pile must have at least two impervious liners of or equivalent to:

(a) A synthetic top liner (e.g., a geomembrane), which is underneath the waste and designed and constructed of materials to prevent the migration of hazardous constituents into such liner; and

(b) A composite bottom liner, which is underneath the top synthetic liner and overtop the subsoils and consists of two components, including a synthetic upper component (e.g., geomembrane) designed and constructed of materials to prevent the migration of hazardous constituents into this component during the active life and post-closure care period and a lower component of recompacted clay of a minimum of ten (10) feet thick, with a hydraulic conductivity of 1×10^{-7} cm/sec or less.

(3) The liner system in contact with the waste must be:

(a) Compatible with the waste;

(b) Sufficiently impermeable to the waste under maximum operating conditions of hydraulic head so that the leachate system would not be filled in a period of less than one year;

(c) Of sufficient strength to outlast the design lifetime of the waste pile; and

(d) Constructed on a foundation capable of supporting the liner and the pressure head of the waste pile when full.

(4) A leachate detection, collection, and removal system must be installed immediately above the top liner to assure that leachate is collected and removed. In addition, a leachate detection, collection and removal system must be installed between the top and bottom liners.

(5) The leachate collection system must be constructed such that:

(a) The system immediately above the top synthetic liner must be designed, constructed, maintained, and operated to collect and remove leachate from the waste pile during the active life and post closure care period. The collection and removal system must be designed so that no more than 30 cm (1 foot) of leachate will accumulate on the top synthetic liner at any one time.

(b) The leachate collection system between the liners must be designed, constructed, maintained, and operated to detect, collect, and remove liquids that may leak through the topliner during the active life and post closure care period and meet the specifications for the action leakage rate approved for the waste pile in accordance with 40 C.F.R. § 264.252.

The requirements for the leachate detection, collection, and removal system are satisfied by installation of a system that is, at a minimum:

(i) Constructed with a bottom slope of one percent or more;

(ii) Constructed of granular drainage material with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m^2/sec or more;

(iii) Constructed of materials that are chemically resistant to the waste managed in the waste pile and the leachate expected to be generated and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the waste pile;

(iv) Designed and operated to function without clogging during the active life and post-closure care period; and

(v) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s) and each sump and removal system must provide a method for measuring and recording the volume of liquids present and removed.

(6) Leachate must be removed from the leachate collection system either continuously or with sufficient regularity that no hydraulic head builds up within it.

(a) An action leakage rate, representing the maximum design flow rate that the leak detection system can remove without fluid head on the bottom liner exceeding one foot, must be identified.

(b) Liquids removed from the leachate collection system must be recorded weekly and converted to an average daily flow rate in gallons per acre per day at each sump where liquid is removed and used to determine exceedances of the action leakage rate.

(c) Owners or operators must have an approved response action plan specifying response actions to be taken in the even the action leakage rate has been exceeded. The response action plan must comply with 40 C.F.R. § 264.253.

(7) No ignitable or reactive wastes may be stored in a waste pile.

(8) Storage of incompatible wastes in a waste pile must be in accordance with the requirements of 40 C.F.R. § 264.257, except that the references 40 C.F.R. § 264.17(b) shall mean Section 6(C)(8) of this Chapter.

(9) No waste may remain in a pile for longer than 180 days.

(10) Fugitive emissions from the waste pile must be controlled in accordance with a plan approved by the Board.

C. Monitoring

(1) Monitoring of the structure of the waste pile during construction and operation must meet the requirements of 40 C.F.R. § 264.254, except that the reference to 40 C.F.R. § 264.251(a) shall mean Section 11(B)(1) of this Chapter.

(2) Ground water must be monitored in accordance with Section 8(D) of this Chapter.

(3) Emissions, including fugitive emissions, from the facility must be monitored in accordance with Section 8(F) of this Chapter.

(4) The Board or Department may require surface waters within or adjacent to a facility or facility property to be monitored in accordance with a plan approved by the Board or Department, as applicable.

D. Closure Requirements. The facility must comply with the provisions of 40 C.F.R. § 264.258, except that references to sections of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, and references to other sections or subparts of 40 C.F.R. Part 264 shall mean this Chapter.

12. Additional Standards Applicable to Hazardous Waste Tank and Container Storage Facilities

A. Performance Standards

(1) A hazardous waste storage facility must be established, constructed, altered and operated to meet the following performance standards:

(a) A hazardous waste or derivative thereof must not escape from the facility to ground or surface waters or to adjacent subsurface soil at any time during the life of the facility.

(b) A hazardous waste or constituent or derivative thereof must not appear in the atmosphere in concentrations significantly above the background level or exceed current ambient air quality standards for Maine at any time. Background levels must be established by monitoring or demonstrated to have been previously established by monitoring.

(2) The storage of hazardous waste in an underground or inground tank is prohibited unless that tank is interimly-licensed under 06-096 C.M.R. ch. 855 and in use on the effective date of this Chapter and is not prohibited under Section 7(A)(3) of this Chapter.

B. Design

(1) The provisions of 40 C.F.R. §§ 264.175, 264.179, 264.190, 264.192, 264.193(a)-(f)(3) and 264.193(i), and 264.200, except that references to sections of 40 C.F.R. Part 270 shall mean 06-096 C.M.R. ch. 856, and references to other sections or subparts of 40 C.F.R. § 264 shall mean this Chapter.

(2) A container storage facility must have a base which is a firm working surface, such as asphalt or concrete, which is impervious and which must be kept entire. A synthetic liner which meets the design requirements of Sections 8(B)(4) and 8(B)(5) of this Chapter must underlie the working surface. The liner must be intact beneath the storage facility and must be constructed with a raised berm around the entire storage facility. In addition, the liner is subject to, and must meet the requirements of, a construction quality assurance program in accordance with 40 C.F.R. § 264.19 as applicable to liner systems, including quality assurance of construction design, structural stability and integrity of all components.

(3) An interimly licensed container storage facility for hazardous waste which is being used as such on the effective date of this Chapter may be exempted from the requirement of a liner beneath the existing base if the applicant demonstrates to the Board's satisfaction that the facility has not in the past violated the performance standards established herein and that the facility design will provide full compliance with the performance standards at all times.

(4) Each building or separate container storage area must have a containment and collection system the capacity of which must exceed 20% of the total capacity of all containers and tanks used to store wastes or 110% of the capacity of the largest container or tank, whichever is greater. This system must also provide for sufficient freeboard to allow for containment and collection of precipitation resulting from a 24-hour, 25-year storm, unless the storage facility is enclosed.

(5) A tank must be designed and installed so that it can be fully inspected for structural integrity, deterioration, and leaks except that a tank whose base cannot be fully inspected must be designed and installed to meet the standards of 40 C.F.R. § 264.193(e)(3) for double-walled tanks.

(6) Uncovered tanks must be designed to ensure at least 2 feet of freeboard at all times.

(7) Overtopping of tanks during continuous feed must be prevented by a system of automatic shutoff or by automatic diversion of the waste feed into a tank having at least 30 percent of the volume of the primary tank.

(8) A building or other structure used as a hazardous waste storage facility must meet all requirements, codes and standards of the Department of Public Safety (State Fire Marshal's Office).

(9) The date of manufacture of a tank must be painted in a prominent location on the tank.

C. Operation

(1) A container must not be used for the storage of hazardous waste for a period of time exceeding the design life of the container.

(2) The facility must comply with the requirements of 40 C.F.R. § 264.191, except that references to 40 C.F.R. § 264.193 shall mean Section 12(B) of this Chapter, references to sections in 40 C.F.R. Part 270 shall mean 06-096 C.M.R. ch. 856, and references to 40 C.F.R. § 264.196 shall mean Section 12(E) of this Chapter. In addition, any pipeline and pipeline valves that transfers hazardous waste to or from a tank used to store hazardous waste must be inspected and pressure tested at least annually or tested at least annually by a method approved by the Board or Department, to determine structural integrity. A pipeline that fails the test or a pipeline or tank that is determined as a result of the inspection to be unsafe must not thereafter be used to store or transfer hazardous waste. A tank, its piping and valves must be tested at least annually to determine the thickness and corrosion rate utilizing a method approved by the Board or Department. In addition, all piping valves must be internally inspected at least annually to determine fitness for use. The date of the most recent inspection and testing of a tank must be painted in a prominent location on the tank. Results of all tank and pipe testing must be submitted to the Department within 10 days of taking place.

(3) An underground tank that is not prohibited by Section 12(A)(2) of this Chapter must be tested at least semi-annually by the method(s) recommended in *Rule for Underground Oil Storage Facilities*, 06-096 C.M.R. ch. 691. An underground tank that fails the test or leaks must be removed and may not be replaced. Underground hazardous waste storage systems (tanks and piping) with secondary containment, and continuous interstitial space monitoring, need not be tested annually except to ensure that the leak detection equipment is operating properly in accordance with the testing and calibration requirements of 06-096 C.M.R. ch. 691, § 7(C)2.

(4) Hazardous waste must not be stored in containers or tanks which are rusted, bulging or leaking. The facility must comply with the container requirements of 40 C.F.R. § 264.171 and the tank requirements of 40 C.F.R § 264.191.

(5) Containers or tanks must be compatible with the type of waste stored therein. The facility must comply with the requirements of 40 C.F.R. § 264.172 and 40 C.F.R. § 264.194(a).

(6) Containers or tanks used to store hazardous waste must not be used to store foodstuffs or animal feed or any substance likely to come into contact with foodstuffs or animal feed.

(7) Containers or tanks holding incompatible hazardous wastes must not be stored in the same enclosure, building or structure unless they are segregated in a manner that prevents the wastes from coming into contact with one another under any circumstances, including leakage or failure of a container or tank. The facility must comply with the requirements of 40 C.F.R. §§ 264.177 and 264.199, except that the references to 40 C.F.R. § 264.17(b) shall mean Section 6(C)(8) of this Chapter.

(8) All hazardous waste containers must be stored in a manner that allows access for inspection and for remedial action if any container is found to be rusting, bulging or leaking or waste is spilled or discharged. In any event:

(a) Containers with a capacity of 10 gallons or more must not be stacked in rows in excess of 4 wide and 2 high.

(b) Aisle space between rows of containers must be at least 36 inches wide and sufficient to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in any emergency. Rows not exceeding a single container in width and two (2) high may be stacked adjacent to walls or other components of the storage facility.

(9) Storage of hazardous waste in open containers or in open tanks not meeting the requirements of Section 12(B)(5)-(7) of this Chapter is prohibited. The facility must comply with the requirements of 40 C.F.R. §§ 264.173, 264.179, 264.194(b), 264.194(c), and 264.200, except that references to 40 C.F.R. § 264.196 shall mean Section 12(E) of this Chapter.

(10) Wastes not already so labeled must, on arrival at the facility, be clearly and permanently labeled with the words "Hazardous Waste" and labeled to identify type of waste, generator and date of arrival.

(11) For any hazardous waste stored for longer than 180 days, the owner or operator of the facility must:

(a) Pay the fee as required by 38 M.R.S. § 1319-I;

(b) Prepare a written inventory of all wastes stored for 180 days and submit a copy to the Department on the 181st day, indicating when these wastes will be removed from storage for further handling and how they will be handled; and

(c) Segregate and label these wastes with the date of the 180th day.

(12) The storage of any hazardous waste for longer than 360 days is prohibited unless the owner or operator of a storage facility applies for, in writing, and receives approval to do so from the Commissioner. Any extension must be for a period of time not exceeding 90 days, after which a new extension may be requested. In seeking approval, the owner or operator must demonstrate the maintenance of a segregated area for such waste, the continuing integrity of containers or tanks, the quantification and control of fugitive emissions, continuing security and continuing efforts to move the waste out of storage to other handling. If an approval for storage for longer than 360 days is not granted or if any request for extension is denied, continued storage of that waste is a violation of the license of the facility and, in addition, constitutes unlicensed disposal of the waste.

NOTE: For guidance on classifying residues of hazardous waste in empty tanks, refer to 06-096 C.M.R. ch. 850, § 3(A)(7).

(13) Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line. Tanks holding ignitable or reactive waste are subject to the requirements of 40 C.F.R. § 264.198, except that references to 40 C.F.R. §§ 261.21 or 261.23 shall mean 06-096 C.M.R. ch. 850 and references to 40 C.F.R. § 264.17(b) shall mean Section 6(C)(8) of this Chapter.

D. Inspection, Surveying and Recordkeeping. The facility must comply with the requirements of 40 C.F.R. §§ 264.174 and 264.195. In addition:

(1) Daily inspections must be made to ensure that:

(a) Two feet of freeboard is maintained at all times in uncovered tanks,

(b) No containers, tanks, pipelines or valves are rusting, bulging or leaking.

(2) Weekly inspections must be made to ensure that:

(a) The working surface and the containment and collection system are in good order and free from cracks and leaks.

(b) All safety devices, valves, spill and overfill equipment and fire extinguishing equipment are structurally sound and properly functioning.

(3) Monthly inspections must be made to ensure that:

(a) All tank welds, rivets, bolts, foundation supports for both tanks and piping are in good condition,

(b) All sources of cathodic protection are tested and in good working order,

(c) All pressure relief valves are functioning properly.

(4) Every ten years, beginning on January 1, 1994, all aboveground vertical tanks with a capacity of 31,500 gallons or more must be inspected and deemed suitable for service in accordance with the standards published by the American Petroleum Institute (API) - #653.

(5) The owner or operator of a hazardous waste storage facility must maintain and keep current a written record and diagram, as applicable, showing:

(a) The layout of the facility and where each type of hazardous waste is stored within the facility;

(b) The length of time each waste has been at the facility;

(c) Details of all inspections of and repairs to the base, liners and containment and collection systems;

(d) Details of all accidents and spills, including date and time of discharge or discovery and spill reporting, volume of spill and method of clean up;

(e) Dates of repair or removal of rusted, bulging or leaking containers.

This record/diagram must be maintained at the facility during operation and closure and must be delivered to the Department upon closure. The Department may require that a current copy of that record be kept on file with the Department.

(6) The results of annual tank and pipe testing must be recorded at the facility.

E. Repairs and Response to Leaks or Spills

(1) Breaks in the liner(s) must be repaired immediately.

(2) In the event any container is found to be rusted, bulging, leaking or otherwise unsafe, the wastes contained therein must be transferred immediately to another container that does meet the standards provided in 49 C.F.R. § 173. If the unsuitable container is repaired so that it meets the specifications in 49 C.F.R. § 173, it may be reused.

(3) The facility must comply with the requirements of 40 C.F.R. § 264.196, except that references to other sections in 40 C.F.R. Part 264 shall mean this Chapter, and references to sections in 40 C.F.R. Part 270 shall mean 06-096 C.M.R. ch. 856.

(4) The liquids must be removed from the containment structure of a storage facility which is not enclosed as soon as practicable, but in no case later than 24 hours or at another time approved by the Department after detection of the leak. Upon request by the owner or operator, the Department may extend the 24-hour time limit if the owner or operator demonstrates further removal is not necessary to prevent further harm to human health or the environment. An evaluation must be performed as to whether such liquids are a hazardous waste prior to treatment or disposal of the liquids.

(5) If, at any time during operation, closure, or post-closure of the facility, the performance standards of this section are not being met, a corrective action program must be implemented, details of which must be specified or approved by the Department.

F. Air, Ground Water and Surface Water Monitoring. The Board or Department may require ground water, surface water and air quality monitoring in accordance with the requirements of Sections 8(D), 8(E), and 8(F) of this Chapter if it determines that such monitoring is necessary to ensure protection of public health and safety or of the environment.

G. Closure. The facility must comply with the requirements of 40 C.F.R. §§ 264.178 and 264.197, except that references to other sections of subparts of 40 C.F.R. § 264 shall mean this Chapter, and references to sections of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, and a variance under 40 C.F.R. § 264.193(g) is not allowed.

13. Additional Standards Applicable to Hazardous Waste Incinerators

A. **Applicability**

(1) Principal hazardous constituents (PHCs) and hazardous combustion by-products must be treated to the extent required by the performance standards specified in Section 13(B) of this Chapter. For each waste feed to be burned, one or more PHCs and hazardous combustion by-products will be specified from among those constituents listed in Appendix VIII of 06-096 C.M.R. ch. 850. This specification will be based on the degree of difficulty of incineration of the hazardous constituents of the waste feed and its combustion by-products, their concentration or mass, considering the results of waste analyses and trial burns or alternative data submitted with the facility's license application. Hazardous constituents or by-products which represent the greatest degree of difficulty of incineration will be those most likely to be designated as PHCs or hazardous combustion by-products. Constituents are more likely to be designated as PHCs or hazardous combustion by-products if they are present in large quantities

or concentrations. Trial PHCs will be designated for performance of trial burns in accordance with the procedure specified in 06-096 C.M.R. ch. 856 and 40 C.F.R. § 270.62 and for obtaining a trial burn permit. Trial hazardous combustion by-products will be designated under the same procedure.

(2) Integration of the MACT standards:

(a) The performance standards of Section 13(B)(2) – (8) of this Chapter no longer apply when an owner or operator of a hazardous waste incinerator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 C.F.R. Part 63, Subpart EEE. Compliance shall be demonstrated by conducting a comprehensive performance test and submitting a notification of compliance under 40 C.F.R. §§ 63.1207(j) and 63.1210(d). Permit conditions of an existing incinerator that were based on the standards of Section 13 of this Chapter will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

(b) The MACT standards do not replace the closure requirements of Section 13(E) of this Chapter or the applicable general standards of Section 6 of this Chapter.

(c) For incinerators that elect to comply with the alternative to the particulate matter standards under 40 C.F.R. §§ 63.1206(b)(14) and 63.1219(e), the particulate matter standard of Section 13(B)(5) of this Chapter remains in effect.

B. Performance Standards. A hazardous waste incinerator must be established, constructed, altered, operated and maintained to meet the following performance standards:

(1) A hazardous waste or constituent or derivative thereof must not appear in the atmosphere in concentrations significantly above the background level or exceed ambient air quality standards for Maine at any time. Background levels must be established by monitoring or demonstrated to have been previously established by monitoring.

(2) An incinerator burning hazardous waste must achieve a Destruction Removal Efficiency (DRE) of 99.99 percent or greater (except as noted in Section 13(B)(3) of this Chapter) for each Principal Hazardous Constituent (PHC) designated in its license for each waste stream to be burned. The following equation is used to determine the DRE for each PHC:

$$DRE = \frac{W\,in - W\,out}{W\,in} \times 100$$

Where: W in = Mass feed rate of one PHC in the waste stream feeding the incinerator; and
W out = Mass emission rate of the same PHC present in exhaust emissions prior to release to the atmosphere.

(3) An incinerator burning hazardous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal hazardous constituent (PHC) designated in its license. This performance must be demonstrated on PHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. In addition, the owner or operator of the incinerator must receive the approval of the Board as part of its license to incinerate hazardous wastes F020, F021, F022, F023, F026 or F027.

(4) An incinerator burning hazardous waste containing more than 0.5% halogens must remove at least 99% of the hydrogen halides from the exhaust gas. The stack emissions of hydrogen chlorides from any hazardous waste incinerator must not exceed 50 parts per million (ppm) by volume, adjusted to 7% oxygen by volume.

(5) An incinerator burning hazardous waste must not emit particulate matter exceeding 180 milligrams per dry standard cubic meter (0.08 grams per dry cubic foot) when corrected for 7% oxygen. Tests may be required, if applicable, using the procedures specified by 40 C.F.R. §§ 60.50 through 60.54 (Subpart E, "Standards for Performance of Incinerators") and Part 60, appendix A (Method 3).

(a) Oxygen Correction.

(1) Measured pollutant levels must be corrected for the amount of oxygen in the stack gas according to the formula:

Pc=Pm x 14 / (E-Y)

Where: Pc is the corrected concentration of the pollutant in the stack gas, Pm is the measured concentration of the pollutant in the stack gas, E is the oxygen concentration on a dry basis in the combustion air fed to the device, and Y is the measured oxygen concentration on a dry basis in the stack.

(2) For devices that feed normal combustion air, E will equal 21 percent. For devices that feed oxygen-enriched air for combustion (that is, air with an oxygen concentration exceeding 21 percent), the value of E will be the concentration of oxygen in the enriched air.

(3) Compliance with all emission standards provided by this section must be based on correcting to 7 percent oxygen using this procedure.

(6) Heavy metals must not appear in the atmosphere in concentrations significantly above the background level or exceed ambient air quality standards for Maine at any time. Background levels must be established by monitoring or demonstrated to have been previously established by monitoring.

(7) An incinerator must destroy hazardous combustion by-products designated in its license such that the total mass emission rate of these by-products emitted from the stack is 0.011% or less of the total mass feed rate of PHCs fed into the incinerator.

(8) All combustion residues, such as fly ash, must be handled in accordance with all Federal and State statutory and regulatory requirements for their handling.

C. Operation

(1) An incinerator must be operated in accordance with operating requirements specified in the license. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data) to be sufficient to maintain compliance with the performance standards of Section 13B above.

(2) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance standards to which the operating requirements apply). For each such waste feed, the license will specify acceptable operating limits including the following conditions:

(a) Carbon monoxide (CO) level in the stack exhaust gas;

(b) Waste feed rate;

(c) Combustion temperature;

(d) An appropriate indicator of combustion gas velocity;

(e) Air feed rate;

(f) Such other operating requirements as are necessary to ensure that the performance standards are met.

(3) During start-up and shut-down of an incinerator, hazardous waste must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the license.

(4) Fugitive emissions from the combustion zone must be controlled by:

(a) Keeping the combustion zone totally sealed against fugitive emissions; or

(b) Maintaining a combustion zone pressure lower than atmospheric pressure; or

(c) An alternate means of control demonstrated (as part of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

(5) An incinerator must be operated with a functioning system designed to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under this section.

(6) An incinerator must cease operation when changes in waste feed, incinerator design or operating conditions exceed limits designated in its license.

(7) All hazardous waste incinerators in which halogenated wastes are burned must maintain, at a minimum, a combustion temperature of 1,000º C for a 2 second dwell time with 3% excess oxygen in the stack gas or 1,200º C for a l.5 second dwell time with 2% excess oxygen in stack gas or an equivalent standard. More stringent operating requirements may be required by the Board, depending upon the waste involved, if it is determined by the Board to be necessary to protect the public health and safety or the environment.

(8) Hazardous waste incinerators which burn only non-halogenated wastes must maintain a combustion temperature of not less than 885º C. Specific combustion temperatures will be

established in the license and will depend on the type of non-halogenated waste, its physical condition and the rate at which it is added to the normal fuel feedstock.

D. Monitoring, Inspections, and Recordkeeping

(1) The owner or operator must conduct waste analyses sufficient to verify that all waste feed to the incinerator is within the limits specified in its license.

(2) The owner or operator must monitor stack emissions to verify that the operating requirements established in the license achieve the performance standards.

(3) The owner or operator must monitor on a continuous basis:

(a) Combustion temperature, waste feed rate, combustion gas velocity and air feed rate;

(b) CO, at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere;

(c) Such other parameters, such as CO, CO_2, O_2, total hydrocarbons, and opacity, that the Board determines to be necessary to be monitored at the stack or at other locations in order to demonstrate compliance with the standards and requirements of this Chapter at all times.

(4) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be subjected to thorough visual inspection, at least daily, for leaks, spills, fugitive emissions and signs of tampering.

(5) The emergency waste feed cutoff system and associated alarms must be inspected daily and tested at least weekly to verify operability.

(6) The owner or operator of an incinerator must maintain and keep current for as long as the facility is operated a record of the types and quantities of hazardous waste incinerated, dates of incineration, repairs, accidents or uncontrolled releases and any abatement measures taken.

(7) The monitoring and inspection data must be recorded and all records must be placed in the operating log required by Section 6(C)(10) of this Chapter. The Department may require that a current copy of those records be kept on file with the Department. Upon closure, the operating log must be delivered to the Department.

E. Closure. At closure, the owner or operator must remove all hazardous waste and residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site.

14. Additional Standards for Treatment in Tanks

A. Performance Standards

(1) Facilities for treatment of hazardous waste in tanks must be constructed, altered and operated to meet the following performance standards:

(a) A hazardous waste or constituent or derivative thereof must not escape from the treatment facility to ground or surface waters or to adjacent subsurface soil at any time during the life of the facility.

(b) A hazardous waste or constituent or derivative thereof must not appear in the atmosphere in concentrations significantly above the background level or exceed current ambient air quality standards for Maine at any time.

Background levels must be established by monitoring or demonstrated to have been previously established by monitoring.

(c) The treatment of hazardous waste in an underground tank is prohibited.

(2) An applicant seeking a license to treat hazardous waste in a tank or tanks must demonstrate to the satisfaction of the Board that:

(a) The waste is capable of being treated in a tank or tanks using the processes proposed, based upon a trial test (a bench or small-scale pilot test), that determines the treatment technique, its effectiveness, and any limiting factors;

(b) The design measures and operating procedures will maximize the success of the treatment;

(c) The facility design and components are compatible with the hazardous waste and the treatment process; and

(d) The treatment process can and will be controlled at all times so as to prevent uncontrolled releases of hazardous waste or its constituents or derivatives and to protect the public health and safety and the environment.

B. Design. In addition to the requirements applicable to storage of hazardous waste in tanks under Section 12B, the following requirements apply to treatment in tanks:

(1) Materials used in the construction and operation of all parts of the treatment facility must be compatible with the wastes to be treated and with any treatment chemicals or reagents utilized in the treatment process.

(2) An alarm system to alert the operator to abnormal operations and to malfunctions must be installed prior to operation of the facility.

(3) The facility must have sufficient excess capacity to hold all wastes undergoing treatment if an equipment malfunction or breakdown occurs during the treatment process. The wastes must be able to be held securely until the treatment equipment is repaired.

(4) Fugitive emissions, including volatile organic compounds, from the facility must be controlled in accordance with a plan approved by the Board.

C. Operation. In addition to the requirements applicable to the storage of hazardous waste in tanks under Section 12(C) of this Chapter, the following requirements apply to treatment in tanks.

(1) All hazardous waste must be analyzed immediately prior to treatment, in order to ensure that:

(a) The proper treatment technique, feed rates of treatment chemicals and reagents, and operating conditions (temperature, pressure, flow rate, etc.) are known and will be adhered to;

(b) The treatment technique proposed will not have any detrimental effect upon any of the materials used to construct or operate the treatment apparatus;

(c) The waste contains no components or contaminants which might interfere with or have an adverse impact on the treatment process;

(d) The waste contains no components or contaminants which, when treated, may cause an uncontrolled release of wastes or toxic gases or fumes;

(e) The waste contains no components or contaminants which, when treated, would form substances or residues which the facility could not handle properly in accordance with State and Federal requirements.

(2) Demonstration of the treatment process must be made by trial test. The demonstration, appropriately modified for treatment in tanks, must comply with 06-096 C.M.R. ch. 856, § 10(G).

(3) All treatment chemicals and reagents must be stored in a manner that minimizes the potential for spills, fires, explosions or uncontrolled discharges or releases.

D. Inspection, Surveying and Recordkeeping. In addition to the requirements applicable to the storage of hazardous waste in tanks under Section 12(D) of this Chapter, the following requirements apply to treatment in tanks:

(1) The owner or operator must maintain and keep current a record of:

(a) All hazardous waste(s), by type and volume, received for treatment;

(b) Where at the facility each hazardous waste is being held prior to treatment;

(c) Date of treatment of each waste received, the volume treated and the method of treatment (if more than one method is permitted);

(d) Details of all accidents and spills at the facility; and

(e) All inspections.

This record must be maintained at the facility during operation and upon closure must be delivered to the Department. The Department may require that a current copy of that record be kept on file with the Department.

E. Air, Ground Water and Surface Water Monitoring. The Department may require ground water, surface water and air quality monitoring in accordance with the requirements of Sections 8(D), 8(E), and 8(F) of this Chapter if it determines that such monitoring is necessary to ensure protection of public health and safety or of the environment.

F. Response to Leaks or Spills and Closure. The requirements of Sections 12(E) and 12(G) of this Chapter applicable to the storage of hazardous waste in tanks also apply to the treatment of hazardous waste in tanks.

15. Additional Standards Applicable to Drip Pads

A. Performance Standards

(1) A drip pad, as defined by 40 C.F.R. § 260.10, must be designed, constructed, and installed to prevent any migration of wastes out of the drip pad to adjacent subsurface soil or ground water or surface water at any time during the life, including the post-closure period, of the drip pad.

(2) A drip pad must be established, constructed, altered and operated to meet the following performance standards:

(a) A hazardous waste or constituent or derivative thereof must not appear in ground or surface waters at a concentration above background level, or above current public health drinking water standards for Maine, including the "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016", or standards for aquatic toxicity, whichever is most stringent. Background levels must be those established by the pre-construction analysis required by 06-096 C.M.R. ch. 856, § 10(C)(10)(g) or of the upgradient monitoring well required by Section 8(D)(1) of this Chapter, whichever is lower; and

NOTE: Drinking water and aquatic toxicity standards are obtained from current manuals including but not limited to: State of Maine Rules of the Department of Health and Human Services relating to Drinking Water; "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016"; "Drinking Water and Health" published by the National Research Council; "Suggested No-Adverse Response Levels (SNARLs)" as determined by the Environmental Protection Agency; "Ambient Water Quality Criteria" manuals, published by the Environmental Protection Agency.

(b) A hazardous waste or constituent or derivative thereof, must not appear in the atmosphere in concentrations significantly above the background level or exceed current ambient air quality standards for Maine at any time. Background levels must be established by monitoring or demonstrated to have been previously established by monitoring.

B. Design

(1) The facility must comply with the provisions of 40 C.F.R. §§ 264.570 - 264.574 except that 40 C.F.R. § 264.572 is deleted and any new drip pads must be designed and constructed with synthetic liners and operated as specified in 40 C.F.R. §§ 264.573(b)(1)-(3); in addition to the requirements of 40 C.F.R. § 264.570(c), the contingency plan for responding to drippage in storage yards must meet the requirements of 38 M.R.S. § 1318-C and the facility must comply with the reporting and removal requirements of 38 M.R.S. § 1318-B; the reference to 40 C.F.R. § 262.11 shall mean 06-096 C.M.R. ch. 851, § 5; the reference to 40 C.F.R. § 264.112 shall mean Section 6(C)(16) of this Chapter; the reference to 40 C.F.R. § 264.144 shall mean Section 6(C)(17) of this Chapter; the reference to "parts 261 – 268" shall mean 06-096 C.M.R. chs. 850 – 857; and references to 40 C.F.R. Part 270 shall mean 06-096 C.M.R. ch. 856.

(2) All drip pads must:

(a) Be constructed of non-earthen materials, excluding wood and non-structurally supported asphalt;

(b) Be sloped to free-drain treated wood drippage, rain and other waters, or solutions of drippage and water or other wastes to the associated collection system;

(c) Have a curb or berm around the perimeter;

(d) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.;

(e) Be maintained such that it remains free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad; and

(f) Incorporate a synthetic liner and leakage detection system in accordance with Section 15(B)(3) of this Chapter.

(3) The drip pads must have:

(a) A synthetic liner installed below the drip pad that is designed, constructed, and installed to prevent leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or groundwater or surface water during the active life of the facility. The liner must be:

(i) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from vehicular traffic on the drip pad);

(ii) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

(iii) Installed to cover all surrounding earth that could come in contact with the waste or leakage; and

(b) A leakage detection, collection, and removal system immediately above the liner that is designed, constructed, maintained and operated to detect and collect leakage from the drip pad such that it can be removed from below the drip pad. The leakage detection, collection, and removal system must be:

(i) Constructed of materials that are chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and of sufficient strength and thickness

to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad;

(ii) Designed and operated to function without clogging through the scheduled closure of the drip pad;

(iii) Designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time; and

(iv) Operated so that any leakage collected in the system is removed and the date, time, and quantity of any leakage removed must be documented in the operating log.

(4) The drip pad and associated collection system must be designed and operated to convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off. Unless protected by a structure as described in 40 C.F.R. § 264.570(b), the owner or operator must:

(a) Design, construct, operate, and maintain a run-on control system capable of preventing flows into the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-off that might enter the system.

(b) Design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

(5) The drip pad must be evaluated to determine that it meets the design requirements of Section 15(B)(1)-(4) above of this Chapter and the owner or operator must obtain a statement from a Maine licensed professional engineer certifying that the drip pad design meets those requirements.

C. Operation. Drip pads must be operated in the following manner:

(1) Drippage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.

(2) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues being properly managed as hazardous waste, so as to allow weekly inspections of the entire drip pad surface without interference or hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and the cleaning procedure used in the facility's operating log.

(3) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.

(4) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until drippage has ceased. The owner or operator must maintain records sufficient to document that all treated wood is held on the pad following treatment in accordance with this requirement. Minimally, documentation must include date and time treated wood was removed from treatment vessel, method of determining active drippage or that drippage has ceased, date and time of inspections to determine if drippage has

ceased, inspection results including drippage rate or presence/absence of active drippage, date and time that drippage ceased, signature and printed name of facility inspector.

(5) Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.

(6) Throughout the active life of the drip pad and as specified in the license, if the owner or operator detects a condition that may have caused or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:

(a) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator must:

(i) Enter a record of the discovery in the facility operating log;

(ii) Immediately remove the portion of the drip pad affected by the condition from service;

(iii) Determine what steps must be taken to repair the drip pad and clean up any leakage from below the drip pad, and establish a schedule for accomplishing the repairs; and

(iv) Within 24 hours after discovery of the condition, notify the Department of the condition and, within 10 working days, provide written notice to the Department with a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work;

(b) The Department will review the information submitted, make a determination regarding whether the pad must be removed from service completely or partially until repairs and cleanup are complete and notify the owner or operator of the determination and the underlying rationale in writing; and

(c) Upon completing all repairs and cleanup, the owner or operator must notify the Department in writing and provide a certification signed by an independent, Maine licensed professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with Section 15(C)(6)(a)(iv) of this Chapter.

(7) The owner or operator must maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drippage management practices, and a description of treated wood storage and handling practices.

D. Inspection, Surveying, and Recordkeeping

(1) During construction or installation, liners and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, liners must be inspected and certified as meeting the design requirements of Section 15(B) of this Chapter by

a Maine licensed professional engineer. This certification must be maintained at the facility as part of the facility operating record. After installation, liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.

(2) While a drip pad is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(a) Deterioration, malfunctions or improper operation of run-on and run-off control systems;

(b) The presence of leakage in and proper functioning of leak detection system; and

(c) Deterioration or cracking of the drip pad surface.

(3) The owner or operator of a drip pad facility must maintain and keep current, in the facility operating record for as long as the facility is operated, a record of types and quantities of hazardous constituent(s) used and application rates, any hazardous waste spills and releases, repairs, accidents and abatement measures taken within the facility for the entire life of the drip pad. The Department may require that a current copy of that record be kept on file with the Department. Upon facility closure, such records shall be delivered to the Department.

E. Air, Ground Water and Surface Water Monitoring. The Department may require ground water, surface water and air quality monitoring accordance with the requirements of Sections 8(D), 8(E), and 8(F) of this Chapter if it determines that such monitoring is necessary to ensure protection of public health and safety or of the environment.

F. Closure

(1) The owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pads, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 06-096 C.M.R. ch. 850, § 3(A)(3)(d) applies;

(2) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures and equipment as required in subsection (1) above, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, then the drip pads must be closed in accordance with the closure and post-closure requirements that apply to landfills pursuant to Section 8(H) of this Chapter; and

(3) The owner or operator must comply with 40 C.F.R. § 264. 575.

16. Additional Standards Applicable to Miscellaneous Units

A. Performance Standards

(1) A hazardous waste miscellaneous unit must be established, constructed, altered, and operated to meet the following performance standards:

(a) A hazardous waste or constituent or derivative thereof must not appear in ground or surface waters at a concentration above background level, or above current public health drinking

water standards for Maine, including the "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016", or standards for aquatic toxicity, whichever is most stringent.

NOTE: Drinking water and aquatic toxicity standards are obtained from current manuals including but not limited to: State of Maine Rules of the Department of Health and Human Services relating to Drinking Water; "Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water, December 31, 2016" ; "Drinking Water and Health" published by the National Research Council; "Suggested No Adverse Response Levels (SNARLs)" as determined by the Environmental Protection Agency; and "Ambient Water Quality Criteria" manuals published by the Environmental Protection Agency.

(b) A hazardous waste or constituent or derivative thereof must not appear in the atmosphere in concentrations significantly above the background level or exceed current ambient air quality standards for Maine at any time. Background levels must be established by monitoring or demonstrated to have been previously established by monitoring.

(2) A miscellaneous unit must also meet the appropriate performance standards applicable to other hazardous waste management units.

B. Design, Construction, Operation and Closure

(1) A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure compliance with the performance standards in Section 16(A) of this Chapter. Licenses for miscellaneous units must contain such terms and conditions necessary to protect human health and the environment and ensure compliance with such performance standards, including but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or constituents from the unit. License terms and conditions must include those requirements of this Chapter applicable to other hazardous waste management units that are appropriate for the unit being licensed. Protection of human health and the environment includes, but is not limited to, the factors specified in 40 C.F.R. §§ 264.601(a)-(c). The facility owner or operator and the miscellaneous unit must comply with the requirements of 40 C.F.R. Part 63, Subpart EEE. The facility owner or operator and the miscellaneous unit must also comply with 40 C.F.R. Part 264, Subparts AA, BB and CC.

(2) Hazardous waste munitions and explosives storage units for the storage of "military munitions" as defined in 40 C.F.R. § 260.10 must, in addition, meet the requirements of 40 C.F.R. §§ 264.1201 and 264.1202, except that references to Subpart C of 40 C.F.R. Part 264 shall mean Section 6(C)(8) of this Chapter, references to Subpart D of 40 C.F.R. Part 264 shall mean Section 6(C)(9) of this Chapter, and references to 40 C.F.R. §261.3(d) shall mean 06-096 C.M.R. 850, § 3(A)(3)(d).

C. Monitoring, Analysis, Inspection, Response, Reporting, and Corrective Action

(1) Monitoring, testing, analytical data, inspections, response, and reporting procedures must ensure compliance with the performance standards of Section 16(A) of this Chapter, the general inspection, equipment testing and maintenance, annual reporting, unmanifested waste reporting, and additional reporting requirements specified in Section 6(C) of this Chapter; the

corrective action requirements of Section 6(C)(19) of this Chapter; and any additional requirements necessary to protect human health and the environment as specified in the license.

(2) The Board or Department may require ground water monitoring, surface water monitoring, air monitoring, soils monitoring, or any combination of such monitoring in accordance with a plan approved by the Board or Department, as applicable. If, at any time during operation, closure, or post-closure of the facility (where applicable), the monitoring demonstrates that the performance standards are not being met by the miscellaneous unit, a corrective action program must be implemented, details of which must be specified or approved by the Department.

(3) Hazardous waste munitions and explosives storage units for the storage of "military munitions" as defined in 40 C.F.R. § 260.10 must, in addition, meet the requirements of 40 C.F.R. § 264.1201.

D. Post-Closure Care. A miscellaneous unit that is a disposal unit must be maintained in a manner that complies with the performance standards of Section 16(A) of this Chapter and protects human health and the environment during the post-closure care period. In addition, if a treatment or storage unit has contaminated soils, surface waters, or ground water that cannot be completely removed or decontaminated during closure, then that unit must also meet the performance standards of Section 16(A) of this Chapter and protect human health and the environment during post-closure care. The post-closure requirements of Section 6(C)(16) of this Chapter apply and the post-closure plan must specify the procedures that will be used to satisfy this requirement. Hazardous waste munitions and explosives storage units for the storage of "military munitions" as defined in 40 C.F.R. § 260.10 must, in addition, meet the requirements of 40 C.F.R. § 264.1202.

E. Open Burning Units

(1) In addition to the requirements of Sections 16(A) through 16(D) of this Chapter applicable to miscellaneous units, the following requirements apply to a unit employed for the open burning or detonation of hazardous waste:

(a) The unit must be designed, constructed, operated, and closed in a manner intended to prevent the migration of hazardous waste or constituents into the environment;

(b) Surface slopes of an active portion of the unit must not be greater than 5 percent so as to minimize erosion, but must be greater than 0 percent so as to prevent ponding for periods that will cause the area to be anaerobic;

(c) The distance from any natural soils barrier to the seasonal high water table at the site must be at least 5 feet;

(d) Food chain crops must not be grown within 300 feet of the unit unless the owner or operator demonstrates to the Board that hazardous waste:

(i) Will not be transferred to the food portion of the crop by plant uptake or direct contact and will not otherwise be ingested by food chain animals, or

(ii) Will not occur in greater concentrations in the crops grown within 300 feet of the unit than in the same crops grown on untreated soils under similar conditions elsewhere in the same region;

(e) All hazardous waste must be analyzed immediately prior to burning or detonation to ensure that:

(i) The waste contains no components or contaminants which might interfere with or have an adverse impact on the burning or detonation process,

(ii) The waste contains no components or contaminants which, when burned or detonated, may cause an uncontrolled release of waste or toxic gases or fumes, and

(iii) The waste contains no components or contaminants which, when burned or detonated, would form substances or residues that the facility could not handle properly in accordance with State and Federal requirements;

(f) Ground water monitoring of the unit must be conducted in accordance with Section 8(D) of this Chapter;

(g) Soil monitoring must be conducted in accordance with a program developed or approved by the Department, and if the presence of hazardous waste or constituents is detected at the edge of the unit in excess of background levels, corrective action must be conducted in accordance with a program developed or approved by the Department;

(h) Detailed records of burning or detonation activities in the unit, and corrective action activities conducted at the site, must be maintained as specified or approved by the Department; and

(i) At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components, contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 06-096 C.M.R. ch. 850, § 3(A)(3)(d) applies or, if after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures and equipment, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, the facility must be closed in accordance with the closure and post-closure requirements that apply to landfills.

17. Additional Standards Applicable to Waste Facilities Located in a Flood Plain. Any facility located or to be located within 300 feet of a 100-year flood plain may be constructed, operated or maintained only if the applicant:

A. Demonstrates to the satisfaction of the Board by persuasive evidence that the rebuttable presumption against constructing, operating, or maintaining a facility in such an area has been overcome; and

B. Constructs, operates, and maintains such facility:

(1) To prevent wash-out of any hazardous waste by a 100-year flood; or

(2) Has procedures that will be in effect which will cause the waste to be removed to a location where the waste will not be vulnerable to flood waters and to a location which is authorized to manage hazardous waste safely before flood water can reach the facility; and

(3) Complies with all other applicable facility standards in this Chapter.

18. Additional Standards Applicable to Commercial Facilities. For commercial facilities, the exposure information requirements of 06-096 C.M.R. ch. 856, § 10(C)(13) apply.

19. Variance Requests. Consistent with Federal requirements for authorization to operate the State hazardous waste management program, the Board may, on its own motion or on request, modify or waive one or more of the requirements of Sections 8(B), 9(B), 11(B), 12(B), and 14(B) of this Chapter relating to design of a specified type of facility except that no performance standard may be made less stringent. Such modification or variance must be justified on the basis that greater protection to health, safety, welfare or the environment than that provided by the performance standards is required and will thereby be provided or on the basis that no less protection than that provided by the performance standards will thereby be provided in that the design is an alternate but equivalent one.

20. Severability. Should any provision of this Chapter be declared invalid or ineffective by court decision, the decision shall not invalidate any other provision of this Chapter.

AUTHORITY: 38 M.R.S. §§ 1301 through 1319-Y

EFFECTIVE DATE: March 23, 1983
Amended: February 10, 1985
Amended: November 30, 1986
Amended: March 16, 1994
EFFECTIVE DATE (ELECTRONIC CONVERSION): May 4, 1996
Correction: January 27, 2003 - § 8(B)(11)

Appendix IX of this Chapter corresponds to Appendix IX of 40 C.F.R. § 264. Additional constituents may be required by the Board or Department based upon the waste(s) being handled and the history of the facility.

APPENDIX IX: GROUND-WATER MONITORING LIST[1]

Common name[2]	CAS RN[3]	Chemical abstracts service index name[4] (The following symbols are in use: [a] means Greek alpha and [B] means Greek beta)	Suggested methods[5]
Acenaphthene.....	83-32-9	Acenaphthylene, 1,2-dihydro.....	8100 8270
Acenaphthylene.....	208-96-8	Acenaphthylene.....	8100 8270
Acetone.....	67-64-1	2-Propanone.....	8240
Acetophenone.....	98-86-2	Ethanone, 1 -phenyl.....	8270
Acetonitrile; Methyl cyanide.	75-05-8	Acetonitrile.....	8015
2-Acetylaminofluorene-, 2-AAF.	53-96-3	Acetamide, N-9H-fluoren-2-yl....	8270
Acrolein.....	107-02-8	2-Propenal.....	8030 8240
Acrylonitrile.....	107-13-1	2-Propenenitrile.....	8030 8240
Aldrin.....	309-00-2	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro- 1,4,4a,. 5,8,8a-hexahydro- (1^a,4^a,$4a^B$,5^a,8^a,$8a^B$)-*	8080 8270
Allyl chloride.....	107-05-1	1-Propene, 3-chloro.....	8010 8240
4-Aminobiphenyl.....	92-67-1	[l,l'-Biphenyl]-4-amine.....	8270
Aniline.....	62-53-3	Benzenamine.....	8270
Anthracene.....	120-12-7	Anthracene.....	8100 8270
Antimony.....	(Total)	Antimony.....	6010 7040 7041

Aramite.....	140-57-8	Sulfurous acid, 2-chloroethyl 2-[4-(1,1-dimethylethyl)phenoxy]-l-methylethyl ester.	8270
Arsenic.....	(Total)	Arsenic.....	6010 7060 7061
Barium.....	(Total)	Barium.....	6010 7080
Benzene.....	71-43-2	Benzene.....	8020 8240
Benzo[a]anthracene;/ ... Benzanthracene.	56-55-3	Benz[a]anthracene.....	8100 8270
Benzo[b]fluoranthene.....	205-99-2	Benz[e]acephenanthrylene.....	8100
Benzo[k]fluoranthene.....	207-08-9	Benzo[k]fluoranthene.....	8100 8270
Benzo[ghi]perylene.....	191-24-2	Benzo[ghi]perylene.....	8100 8270
Benzo[a]pyrene.....	50-32-8	Benzo[a]pyrene.....	8100 8270
Benzyl alcohol.....	100-51-6	Benzenemethanol.....	8270
Beryllium.....	(Total)	Beryllium.....	6010 7090 7091
alpha-BHC.....	319-84-6	Cyclohexane, 1,2,3,4,5,6-hexachloro-($1^a,2^a,3^B,4^a,5^B,6^B$)-	8080 8250
beta-BHC.....	319-85-7	Cyclohexane, 1,2,3,4,5,6-hexachloro-($1^a,2^B,3^a,4^B,5^a,6^B$)-	8080 8250
delta-BHC.....	319-86-8	Cyclohexane, 1,2,3,4,5,6-hexachloro-($1^a,2^a,3^a,4^B,5^a,6^B$)-	8080 8250
gamma-BHC; Lindane.....	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-($l^a,2^a,3^B,4^a,5^a,6^B$)-	8080 8250
Bis(2-chloroethoxy)methane.	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis [2-chloro-	8270
Bis(2-chloroethyl)ether.....	111-44-4	Ethane, 1,1'-oxybis[2-chloro-	8270
Bis(2-chloro-l-methylethyl) ether; 2,2'-Di- chlorodiisopropyl ether.	108-60-1	Propane, 2,2'-oxybis[1-chloro-	8010 8270
Bis(2-ethylhexyl) phthalate.	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl)ester.	8060 8270

Bromodichloromethane.....	75-27-4	Methane, bromodichloro.....	8010 8240
Bromoform; Tribromomethane..	75-25-2	Methane, tribromo.....	8010 8240
4-Bromophenyl phenyl ether..	101-55-3	Benzene, 1-bromo-4-phenoxy.....	8270
Butyl benzyl phthalate;..... Benzyl butyl phthalate.	85-68-7	1,2-Benzenedicarboxylic acid, butyl phenylmethylester	8060 8270
Cadmium.....	(Total)	Cadmium.....	6010 7130 7131
Carbon disulfide.....	75-15-0	Carbon disulfide.....	8240
Carbon tetrachloride.....	56-23-5	Methane, tetrachloro.....	8010 8240
Chlordane.....	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7, 8,8-octach-loro-2,3,3a,4,7,7a-hexahydro.	8080 8250
p-Chloroaniline.....	106-47-8	Benzenamine, 4-chloro.....	8270
Chlorobenzene.....	108-90-7	Benzene, chloro.....	8010 8020 8240
Chlorobenzilate.....	510-15-6	Benzeneacetic acid, 4-chloro-a- (4-chlorophenyl)-a-hydroxy-, ethyl ester.	8270
p-Chloro-m-cresol.....	59-50-7	Phenol, 4-chloro-3-methyl.....	8040 8270
Chloroethane; Ethyl chloride.	75-00-3	Ethane, chloro.....	8010 8240
Chloroform.....	67-66-3	Methane, trichloro.....	8010 8240
2-Chloronaphthalene.....	91-58-7	Naphthalene, 2-chloro.....	8120 8270
2-Chlorophenol.....	95-57-8	Phenol, 2-chloro.....	8040 8270
4-Chlorophenyl phenyl ether.	7005-72-3	Benzene, 1-chloro-4-phenoxy..	8270
Chloroprene.....	126-99-8	1,3-Butadiene, 2-chloro.....	8010 8240
Chromium.....	(Total)	Chromium.....	6010 7190 7191
Chrysene.....	218-01-9	Chrysene.....	8100 8270
Cobalt.....	(Total)	Cobalt.....	6010 7200 7201
Copper.....	(Total)	Copper.....	6010 7210
m-Cresol.....	108-39-4	Phenol, 3-methyl.....	8270
o-Cresol.....	95-48-7	Phenol, 2-methyl.....	8270
p-Cresol.....	106-44-5	Phenol, 4-methyl.....	8270
Cyanide.....	57-12-5	Cyanide.....	9010
2,4-D; 2,4-Dichlorophenoxyacetic acid	94-75-7	Acetic acid, (2,4-dichlorophenoxy).	8150

4,4'-DDD.....	72-54-8	Benzene 1,1'-(2,2-dichloroethylidene) bis[4-chloro-	8080 8270
4,4'-DDE.....	72-55-9	Benzene, 1,1'-(dichloroethenylidene)... bis[4-chloro-	8080 8270
4,4'-DDT.....	50-29-3	Benzene,1,1'-(2,2,2-trichloroethylidene) bis[4- chloro-.	8080 8270
Diallate.....	2303-16-4	Carbamothioic acid, bis(l-methylethyl)-, S- (2,3- dichloro-2-propenyl) ester..	8270
Dibenz[a,h]anthracene.....	53-70-3	Dibenz[a,h]anthracene.....	8100 8270
Dibenzofuran.....	132-64-9	Dibenzofuran.....	8270
Dibromochloromethane;.... Chlorodibromomethane	124-48-1	Methane, dibromochloro.....	8010 8240
1,2-Dibromo-3-chloropropane;. DBCP.	96-12-8	Propane, 1,2-dibromo-3-chloro..	8010 8240 8270
1,2-Dibromoethane; Ethylene dibromide.	106-93-4	Ethane, 1,2-dibromo.....	8010 8240
Di-n-butyl phthalate.....	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl. ester	8060 8270
o-Dichlorobenzene.....	95-50-1	Benzene, 1,2-dichloro.....	8010 8020 8120 8270
m-Dichlorobenzene.....	541-73-1	Benzene, 1,3-dichloro.....	8010 8020 8120 8270
p-Dichlorobenzene.....	106-46-7	Benzene, 1,4-dichloro.....	8010 8020 8120 8270
3,3'-Dichlorobenzidine.....	91-94-1	[l,l'-Biphenyl]-4,4'-diamine, 3,3' -dichloro	8270
trans-1,4-Dichloro-2-butene.	110-57-6	2-Butene, 1,4-dichloro-, (E)...	8240
Dichlorodifluoromethane.....	75-71-8	Methane, dichlorodifluoro.....	8010 8240
1,1-Dichloroethane.....	75-34-3	Ethane, 1,1-dichloro.....	8010 8240
1,2-Dichloroethane; Ethylene dichloride.	107-06-2	Ethane, 1,2-dichloro.....	8010 8240
1,1-Dichloroethylene;.... Vinylidenechloride	75-35-4	Ethene, 1,1 -dichloro.....	8010 8240
trans-1,2-Dichloroethylene..	156-60-5	Ethene, 1,2-dichloro-, (E).....	8010 8240
2,4-Dichlorophenol.....	120-83-2	Phenol, 2,4-dichloro.....	8040 8270
2,6-Dichlorophenol.....	87-65-0	Phenol, 2,6-dichloro.....	8270
1,2-Dichloropropane.....	78-87-5	Propane, 1,2-dichloro.....	8010 8240
cis-1,3-Dichloropropene...	10061-01-5	1-Propene, 1,3-dichloro-, (Z)...	8010

			8240
trans-1,3-Dichloropropene.	10061-02-6	1-Propene, 1,3-dichloro-, (E)....	8010
			8240
Dieldrin.....	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene,.	8080
		3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-	8270
		octahydro-, ($1a^{a},2^{B},2a^{a},3^{B},6^{B},6a^{a},7^{B},7a^{a}$)-	
Diethyl phthalate.....	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester.	8060
			8270
O,O-Diethyl 0-2-pyrazinyl. phosphorothioate; Thionazin	297-97-2	Phosphorothioic acid, O,O-diethyl . 0-pyrazinylester.	8270
Dimethoate.....	60-51-5	Phosphorodithioic acid, 0,0-dimethyl	8270
		S-[2-(methylamino)-2-oxoethyl] ester.	
p-(Dimethylamino)azobenzene.	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)	8270
7,12-Dimethylbenz[alanthracene.	57-97-6	Benz[a]anthracene, 7,12-dimethyl.....	8270
3,3'-Dimethylbenzidine....	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl.	8270
alpha, alpha-Dimethylphenethyla-. mine.	122-09-8	Benzeneethanamine, a,a-dimethyl.	8270
2,4-Dimethylphenol.....	105-67-9	Phenol, 2,4-dimethyl.....	8040
			8270
Dimethyl phthalate.....	131-11-3	1,2-Benzenedicarboxylic acid,	8060
		dimethyl ester.	8270
m-Dinitrobenzene.....	99-65-0	Benzene, 1,3-dinitro.....	8270
4,6-Dinitro-o-cresol.....	534-52-1	Phenol, 2-methyl-4,6-dinitro.....	8040
			8270
2,4-Dinitrophenol.....	51-28-5	Phenol, 2,4-dinitro.....	8040
			8270
2,4-Dinitrotoluene.....	121-14-2	Benzene, 1-methyl-2,4-dinitro..	8090
			8270
2,6-Dinitrotoluene.....	606-20-2	Benzene, 2-methyl-1,3-dinitro....	8090
			8270
Dinoseb; DNBP; 2-sec-Butyl-. 4,6-dinitrophenol	88-85-7	Phenol, 2-(1 -methylpropyl)-4,6-dinitro.	8150
			8270
Di-n-octyl phthalate.....	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl.	8060
		ester	8270
1,4-Dioxane.....	123-91-1	1,4-Dioxane.....	8015
Diphenylamine.....	122-39-4	Benzenamine, N-phenyl.....	8270
Disulfoton.....	298-04-4	Phosphorodithioic acid, O,O-diethyl..	8140
		S-[2-(ethylthio)ethyl]ester	8270
Endosulfan I.....	959-98-8	6,9-Methano-2,4,3-benzodioxathiepin,.	8080
		6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-	8250
		hexahydro-, 3-oxide, ($3^{a},5a^{B},6^{a},9^{a},9a^{B}$)-	
Endosulfanil.....	33213-65-9	6,9-Methano-2,4,3-benzodioxathiepin,.	8080
		6,7,8,9,10,10-hexachloro- 1,5,5a,6,9,9a-	
		hexahy dro-, 3-oxide, ($3^{a},5a^{a},6^{B},9^{B},9a^{a}$)-	
Endosulfan sulfate.....	1031-07-8	6,9-Methano-2,4,3-benzodioxathiepin,.	8080
		6,7,8,9,10,10-hexachloro- 1,5,5a,6,9,9a	
		-hexahydro-, 3,3-dioxide.	8270
Endrin.....	72-20-8	2,7:3,6-Dimethanonaphth[2,3-b]oxirene,.	8080
		3,4,5,6,9,9-hexachloro-la,2,2a,3,6,6a,7,7a-	8250
		octahydro-, ($la^{a},2^{B},2a^{B},3^{a},6^{a},6a^{B},7^{B},7a^{a}$)-	

Endrin aldehyde.....	7421-93-4	1,2,4-Methenocyclopenta[cd]pentalene-5-.	8080
		carboxaldehyde, 2,2a,3,3,4,7-hexachlorodeca-	8270
		hydro-,(l^a,2^B,$2a^B$,4^B,$4a^B$,5^B,$6a^B$,$6b^B$,7R*)-	
Ethylbenzene.....	100-41-4	Benzene, ethyl.....	8020
			8240
Ethyl methacrylate.....	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester.	8015
			8240
			8270
Ethyl methanesultonate.....	62-50-0	Methanesulfonic acid, ethyl ester...	8270
Famphur.....	52-85-7	Phosphorothioic acid, 0-[4-.....	8270
		[(dimethylamino)sulfonyl]phenyl]-0,0-dimethyl	
		ester.	
Fluoranthene.....	206-44-0	Fluoranthene.....	8100
			8270
Fluorene.....	86-73-7	9H-Fluorene.....	8100
			8270
Heptachlor.....	76-44-8	4,7-Methano-lH-indene, ...	8080
		1,4,5,6,7,8,8-heptachloro	8270
		3a,4,7,7a-tetrahydro-	
Heptachlor epoxide.....	1024-57-3	2,5-Methano-2H-indeno[1,2-b]oxirene,	8080
		2,3,4,5,6,7,7-heptachloro-1a,lb,5,5a,6,6a,	8270
		hexahydro-, ($1a^a$,lb^B,2^a,5^a,$5a^B$,6^B,$6a^a$)	
Hexachlorobenzen.....	118-74-1	Benzene, hexachloro.....	8120
			8270
Hexachlorobutadiene.....	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro.	8120
			8270
Hexachlorocyclopentadiene..	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro.	8120
			8270
Hexachloroethane.....	67-72-1	Ethane, hexachloro.....	8120
			8270
Hexachlorophene.....	70-30-4	Phenol, 2,2'-methylenebis[3,4.6-trichloro.	8270
Hexachloropropene.....	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro.	8270
2-Hexanone.....	591-78-6	2-Hexanone.....	8240
Indeno(1,2,3-cd)pyrene....	193-39-5	Indeno[1,2,3-cd]pyrene.....	8100
			8270
Isobutyl alcohol.....	78-83-1	1 -Propanol, 2-methyl.....	8015
lsodrin.....	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-	8270
		hexachloro-1,4,4a,5,8,8a hexahydro-.	
		(1a,4a,4aB,5B,8B,8aB)-.	
lsophorone.....	78-59-1	2-Cyclohexen-l-one, 3,5,5-trimethyl.	8090
			8270
Isosafrole.....	120-58-1	1,3-Benzodioxole, 5-(1-propenyl).	8270
Kepone.....	143-50-0	1,3,4-Metheno-2H-cyclobuta-	
		[cd]pentalen-2-one,.	8270
		l,la,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	
Lead.....	(Total)	Lead.....	6010
			7420
			7421
Mercury.....	(Total)	Mercury.....	7470
Methacrylonitrile.....	126-98-7	2-Propenenitrile, 2-methyl.....	8015
			8240
Methapyrilene.....	91-80-5	1,2,Ethanediamine, N,N-dimethyl-N'-2-.	8270

		pyridinyl-N'- (2-thienylmethyl)-.	
Methoxychlor.....	72-43-5	Benzene,1,1'-(2,2,2,trichloroethylidene)	8080
		bis[4- methoxy-	8270
Methyl bromide; Bromomethane.	74-83-9	Methane, bromo.....	8010
			8240
Methyl chloride; Chloromethane.	74-87-3	Methane, chloro.....	8010
			8240
3-Methylcholanthrene.....	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl.	8270
Methylene bromide; Dibromomethane.	74-95-3	Methane, dibromo.....	8010
			8240
Methylene chloride; Dichlorometh-. ane	75-09-2	Methane, dichloro.....	8010
			8240
Methyl ethyl ketone; MEK..	78-93-3	2-Butanone.....	8015
			8240
Methyl iodide; iodomethane..	74-88-4	Methane, iodo.....	8010
			8240
Methyl methacrylate.....	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester.	8015
			8240
Methyl methanesulfonate....	66-27-3	Methanesulfonic acid, methyl ester..	8270
2-Methylnaphthalene.....	91-57-6	Naphthalene, 2-methyl.....	8270
Methyl parathion; Parathion methyl	298-00-0	Phosphorothioic acid, 0,0-dimethyl .	8140
		O-(4-nitro-phenyl) ester	8270
4-Methyl-2-pentanone;.. Methyl isobutyl ketone.	108-10-1	2-Pentanone, 4-methyl.....	8015
			8240
Naphthalene.....	91-20-3	Naphthalene.....	8100
			8270
1,4-Naphthoquinone.....	130-15-4	1,4-Naphthalenedione.....	8270
1-Naphthylamine.....	134-32-7	1 -Naphthalenamine.....	8270
2-Naphthylamine.....	91-59-8	2-Naphthalenamine.....	8270
Nickel.....	(Total)	Nickel.....	6010
			7520
o-Nitroaniline.....	88-74-4	Benzenamine, 2-nitro.....	8270
m-Nitroaniline.....	99-09-2	Benzenamine, 3-nitro.....	8270
p-Nitroaniline.....	100-01-6	Benzenamine, 4-nitro.....	8270
Nitrobenzene.....	98-95-3	Benzene, nitro.....	8090
			8270
o-Nitrophenol.....	88-75-5	Phenol, 2-nitro.....	8040
			8270
p-Nitrophenol.....	100-02-7	Phenol, 4-nitro.....	8040
			8270
4-Nitroquinoline 1-oxide.	56-57-5	Quinoline, 4-nitro-, 1-oxide....	8270
N-Nitrosodi-n-butylamine.	924-16-3	1-Butanamine, N-butyl-N-nitroso.	8270
N-Nitrosodiethylamine....	55-18-5	Ethanamine, N-ethyl-N-nitroso..	8270
N-Nitrosodimethylamine...	62-75-9	Methanamine, N-methyl-N-nitroso.	8270
N-Nitrosodiphenylamine...	86-30-6	Benzenamine, N-nitroso-N-phenyl	8270
N-Nitrosodipropylamine; Di-n-pro-. pylnitrosamine.	621-64-7	1-Propanamine, N-nitroso-N-propyl	8270
N-Nitrosomethylethylamine.	10595-95-6	Ethanamine, N-methyl-N-nitroso...	8270
N-Nitrosomorpholine.....	59-89-2	Morpholine, 4-nitroso..... ..	8270
N-Nitrosopiperidine.....	100-75-4	Piperidine, 1 -nitroso.....	8270
N-Nitrosopyrrolidine.....	930-55-2	Pyrrolidine, 1-nitroso.....	8270
5-Nitro-o-toluidine.....	99-55-8	Benzenamine, 2-methyl-5-nitro....	8270

Parathion.....	56-38-2	Phosphorothioic acid, O,O-diethyl-O-(4-nitro-phenyl) ester	8270
Polychlorinated biphenyls;	PCBs.See Note 6	1,1'-Biphenyl, chloro derivatives..	8080 8250
Polychlorinated dibenzo-p-dioxins; PCDDs.	See Note 7	Dibenzo[b,e][1,4]dioxin, chloro derivatives	8280
Polychlorinated dibenzofurans; PCDFs.	See Note 8	Dibenzofuran, chloro derivatives..	8280
Pentachlorobenzene.....	608-93-5	Benzene, pentachloro.....	8270
Pentachloroethane.....	76-01-7	Ethane, pentachloro.....	8240 8270
Pentachloronitrobenzene....	82-68-8	Benzene, pentachloronitro.....	8270
Pentachlorophenol.....	87-86-5	Phenol, pentachloro.....	8040 8270
Phenacetin.....	62-44-2	Acetamide, N-(4-ethoxyphenyl).....	8270
Phenanthrene.....	85-01-8	Phenanthrene.....	8100 8270
Phenol.....	108-95-2	Phenol.....	8040 8270
p-Phenylenediamine.....	106-50-3	1,4-Benzenediamine.....	8270
Phorate.....	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	8140 8270
2-Picoline.....	109-06-8	Pyridine, 2-methyl.....	8240 8270
Pronamide.....	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-pro-pynyl)-.	8270
Propionitrile; Ethyl cyanide.	107-12-0	Propanenitrile.....	8015 8240
Pyrene.....	129-00-0	Pyrene.....	8100 8270
Pyridine.....	110-86-1	Pyridine.....	8240 8270
Safrole.....	94-59-7	1,3-Benzodioxole, 5-(2-propenyl).	8270
Selenium.....	(Total)	Selenium.....	6010 7740 7741
Silver.....	(Total)	Silver.....	6010 7760
Silvex; 2,4,5-TP.....	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)	8150
Styrene.....	100-42-5	Benzene, ethenyl-.....	8020 8240
Sulfide.....	18496-25-8	Sulfide.....	9030
2,4,5-T; 2,4,5-Trichlorophenoxyacetic acid.	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)	8150
2,3,7,8-TCDD; 2,3,7,8-Tetrachloro-	1746-01-6	Dibenzo[b,e][1,4]dioxin, ... 2,3,7,8-tetrachlorodibenzo-p-dioxin	8280
1,2,4,5-Tetrachlorobenzene	95-94-3	Benzene, 1,2,4,5-tetrachloro.....	8270
1,1,1,2-Tetrachloroethane.	630-20-6	Ethane, 1,1,1,2-tetrachloro.....	8010 8240
1,1,2,2-Tetrachloroethane.	79-34-5	Ethane, 1,1,2,2-tetrachloro.....	8010 8240
Tetrachloroethylene; Perchloroeth-.	127-18-4	Ethene, tetrachloro.....	8010

ylene; Tetrachloroethene.			8240
2,3,4,6-Tetrachlorophenol..	58-90-2	Phenol, 2,3,4,6-tetrachloro.....	8270
Tetraethyl dithiopyrophosphate;. Sulfotepp	3689-24-5	Thiodiphosphoric acid ($[(HO)_2P(S)]_20$), tetraethyl ester	8270
Thallium.....	(Total)	Thallium.....	6010
			7840
			7841
Tin.....	(Total)	Tin.....	7870
Toluene.....	108-88-3	Benzene, methyl.....	8020
			8240
o-Toluidine.....	95-53-4	Benzenamine, 2-methyl.....	8270
Toxaphene.....	8001-35-2	Toxaphene.....	8080
			8250
1,2,4-Trichlorobenzene..	120-82-1	Benzene, 1,2,4-trichloro.....	8270
1,1,1-Trichloroethane; Methylchlor-	71-55-6	Ethane, 1,1,1-trichloro..... oform.	8240
1,1,2-Trichloroethane.	79-00-5	Ethane, 1,1,2-trichloro.....	8010
			8240
Trichloroethylene; Trichloroethene	79-01-6	Ethene, trichloro.....	8010
			8240
Trichlorofluoromethane....	75-69-4	Methane, trichlorofluoro.....	8010
			8240
2,4,5-Trichlorophenol.....	95-95-4	Phenol, 2,4,5-trichloro.....	8270
2,4,6-Trichlorophenol.....	88-06-2	Phenol, 2,4,6-trichloro.....	8040
			8270
1,2,3-Trichloropropane....	96-18-4	Propane, 1,2,3-trichloro.....	8010
			8240
O,O,O-Triethyl phosphorothioate..	126-68-1	Phosphorothioic acid, 0,0,0-triethyl ester	8270
sym-Trinitrobenzene.....	99-35-4	Benzene, 1,3,5-trinitro..... .	8270
Vanadium.....	(Total)	Vanadium.....	6010
			7910
			7911
Vinyl acetate.....	108-05-4	Acetic acid, ethenyl ester.....	8240
Vinyl chloride.....	75-01-4	Ethene, chloro.....	8010
			8240
Xylene (total).....	1330-20-7	Benzene, dimethyl.....	8020
			8240
Zinc.....	(Total)	Zinc.....	6010
			7950

[1] The regulatory requirements pertain only to the list of substances; the right hand columns (Methods and PQL) are given for informational purposes only. See also footnotes 5 and 6.

[2] Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

[3] Chemical Abstracts Service registry number. Where "Total" is entered, all species in the ground water that contain this element are included.

[4] CAS index names are those used in the 9th Cumulative Index.

[5] Suggested Methods refer to analytical procedure numbers used in EPA Report SW-846 "Test Methods for Evaluating Solid Waste" third edition, November 1986. Analytical details can be found in SW-846 and in documentation on file at EPA. CAUTION: The methods listed are representative SW-846 procedures and may not always be the most suitable method(s) for monitoring an analyte under the regulations.

[6] Polychlorinated biphenyls (CAS RN 1336-36-3); this category contains congener chemicals, including constituents of Aroclor-1016 (CAS RN 12674-11-2), Aroclor-1221 (CAS RN 11104-28-2), Aroctor-1232 (CAS RN 11141-16-5), Aroclor-1242 (CAS RN 53469-21-9), Aroclor-1248 (CAS RN 12672-29-6), Aroclor-1254 (CAS RN 11097-69-1), and Aroclor-1260 (CAS RN 11096-82-5).

[7] This category contains congener chemicals, including tetrachlorodibenzo-p-dioxins (see also 2,3,7,8-TCDD), pentachlorodibenzo-p-dioxins, and hexachlorodibenzo-p-dioxins.

[8] This category contains congener chemicals including tetrachlorodibenzofurans, pentachlorodibenzofurans, and hexachlorodibenzofurans.

Chapter 855: INTERIM LICENSES FOR WASTE FACILITIES FOR HAZARDOUS WASTE

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Chapter 855: INTERIM LICENSES FOR WASTE FACILITIES FOR HAZARDOUS WASTE

SUMMARY: This Chapter establishes the requirements and procedures for issuance, by the Board of Environmental Protection, of interim licenses for hazardous waste facilities in existence on April 1, 1980 or in existence on the date they first become subject to regulation.

l. Legal Authority. This Chapter is authorized by and adopted under 38 M.R.S. §§ 1301 through 1319-Y which directs the Board of Environmental Protection to implement an interim licensing program for those waste facilities for hazardous waste which were in existence on April 1, 1980, or are in existence on the effective date of statutory or regulatory changes that first render the facilities subject to hazardous waste licensing requirements, including the requirements of this Chapter, *Standards for Hazardous Waste Facilities*, 06-096 C.M.R. ch. 854, or *Licensing of Hazardous Waste Facilities*, 06-096 C.M.R. ch. 856.

2. Preamble. It is the purpose of the Department of Environmental Protection (Department), consistent with legislative policy, to provide effective controls for handling of hazardous wastes. This Chapter establishes requirements and procedures for the issuance, by the Board of Environmental Protection, of interim licenses for hazardous waste facilities.

NOTE: Pursuant to 38 M.R.S. § 341-A, Sections (2) and (4), the term "Department" is defined to include the Board of Environmental Protection and the Commissioner of the Department of Environmental Protection (Commissioner). The term "Board" is used in this Chapter in reference to the Board or a Board action, generally related to the Board's issuance of interim hazardous waste facility licenses. The term "Department" is generally used in this Chapter in reference to the Commissioner (or the Commissioner's designee) and to the administration, oversight or monitoring of compliance with the standards of this Chapter and the terms and conditions of interim licenses issued by the Board.

Portions of this Chapter refer to federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise specified, the federal regulations referenced are those final regulations as amended up to July 1, 2019, as they appeared in volume 40 of the Code of Federal Regulations (C.F.R.) and are hereby incorporated by reference. Where specifically stated, the terms of a referenced federal regulation are hereby incorporated as terms of this Chapter, except that in regulations incorporated thereby, "EPA" shall mean "the Maine Department of Environmental Protection (Department)"; "Administrator", "Regional Administrator" and "Director" shall mean the Maine Board of Environmental Protection, the Commissioner of the Department of Environmental Protection or the Commissioner's designated representative, as applicable; and the references to terms or phrases including "treat", "store", or "dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or Maine's *Hazardous Waste Management Rules*, 06-096 C.M.R chs. 850 - 860, the more stringent of the requirements apply. Other changes to regulations incorporated hereby are as expressly made in this Chapter.

3. Persons Who Must Obtain Interim Licenses. Any person, as defined in 38 M.R.S. § 361-A(4), who, on April 1, 1980, owned or operated a hazardous waste facility or who owns or operates a hazardous waste facility which is in existence on the effective date of statutory or regulatory changes that first render the facility subject to the hazardous waste licensing requirements, including requirements of this Chapter, 06-096 C.M.R. ch. 854, or 06-096 C.M.R. ch. 856, is required to apply for and receive an

interim license in order to lawfully continue the operation of such facility, except for persons not required to obtain a license under 06-096 C.M.R. ch. 856, §§ 6 or 18.

4. Definitions

A. Alter. "Alter" means any change in or to a waste facility for hazardous waste after an interim license for that facility has been applied for or issued including, but not limited to, changes in ownership, operational control, methods of operation and type or amount of wastes handled.

B. Handle. "Handle" means to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose of.

C. Hazardous waste. "Hazardous waste" means a waste substance or material in any physical state identified as hazardous waste in *Identification of Hazardous Wastes,* 06-096 C.M.R. ch. 850.

D. Storage. "Storage" means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the hazardous wastes.

E. Waste Facility for Hazardous Waste. "Waste facility for hazardous waste" means any land area, structure, location, equipment or combination of them, including dumps, used for handling hazardous waste. A land area or structure does not become a waste facility solely because it is used to store, for 90 days or less, hazardous wastes generated on the same premises.

5. Procedure for Obtaining an Interim License

A. The owner or operator of a hazardous waste facility which was in existence on April l, 1980 or is in existence on the effective date of statutory or regulatory changes that first render the facility subject to the requirement to have a license under 06-096 C.M.R. ch. 856, who intends to continue the operation of such facility, or the owner or operator of an interimly licensed facility that handles a newly listed hazardous waste, shall, using the form provided by the Department:

NOTE: Any owner or operator that does not intend to continue the operation of such facility is still responsible for all closure and post closure requirements, as well as any generator standards.

(1) Notify the Department of Environmental Protection of its location; and

(2) Provide the Department of Environmental Protection with a detailed description of the operation of the facility; and

(3) Identify the hazardous waste(s) that the facility handles; and

(4) Indicate an intent to file an application for a license (non-interim) for the facility for hazardous waste when rules and procedures related to such licenses are promulgated by the Board of Environmental Protection.

B. The Board of Environmental Protection will issue an interim license for a waste facility for hazardous waste when it finds that:

(1) The hazardous waste facility was in existence on April 1, 1980 or the waste facility is in existence on the effective date of statutory or regulatory changes that first render the facility subject to the requirement to have a license under 06-096 C.M.R. ch. 856;

(2) The information required by Section 5(A) of this Chapter has been provided in full by the owner or operator of the waste facility for hazardous waste within 60 days of first becoming subject to the license requirements of 06-096 C.M.R. ch. 856;

(3) The waste facility for hazardous waste is being operated and will be altered or operated only in accordance with rules adopted by the Board, including, where applicable, but not limited to the *Solid Waste Management Rules*, 06-096 C.M.R. ch. 400 and the *Site Location of Development Law Rules*, 06-096 C.M.R. chs. 371 through 376;

(4) If the waste facility for hazardous wastes has a discharge or emission license under 38 M.R.S. §§ 413 or 590, the facility is operated in accordance with that license;

(5) The facility is not located in areas prohibited under 06-096 C.M.R. ch. 854, § 7;

(6) The facility will not manage F020-F023, F026, or F027 wastes except under the conditions specified in 40 C.F.R. § 265.1(d)(1)(i)-(v), provided, however, that references to other sections or subparts of 40 C.F.R. Part 265 shall mean this Chapter;

(7) The waste management activity is not prohibited under 06-096 C.M.R. ch. 854, §§ 5(B)-5(E); and

(8) The facility was not previously denied a noninterim hazardous waste license, or an interim license which was issued to the facility has not expired pursuant to Section 7 of this Chapter.

C. If an owner or operator of a hazardous waste management facility has filed an interim application with the Department pursuant to Section 5(A) of this Chapter but has not yet filed a final application pursuant to 06-096 C.M.R. ch. 856, the owner or operator shall file an amended interim application:

(1) No later than the effective date of regulatory provisions listing or designating wastes as hazardous in Maine in addition to those already listed or designated, if the facility is treating, storing, or disposing of any of those newly listed or designated wastes; or

(2) As necessary to comply with the provisions of Section 6 of this Chapter.

D. An interim license may be issued under such terms and conditions as the Board may prescribe and is valid only so long as the waste facility for hazardous waste is in compliance with such license and with the requirements of this Chapter.

6. Alteration of Hazardous Waste Facility. A hazardous waste facility for which an interim license has been applied for or issued may be altered only with the approval of the Board of Environmental Protection, under the following conditions:

A. After an owner or operator submits the form provided by the Department but before the interim license sought thereby has been issued, approval of an alteration must be applied for by submission of a revised form;

B. After an interim license for a hazardous waste facility has been issued, application for approval of an alteration to the facility must be made in writing, must describe in detail the alteration for which approval is sought and must explain the need for the alteration. Approval of a change in ownership or operational control of a facility must be sought no later than 90 days prior to the date on which the proposed change is to be made. Approval of other alterations must be sought no later than 30 days prior to the date on which the proposed alteration is to be made, except that where a licensee demonstrates that the alteration must be made because of an emergency condition, approval may be sought and granted on such shorter notice as the Department determines to be reasonable under the emergency condition. Except as provided below, the Board will not approve alterations to a waste facility during interim status which amount to reconstruction of the facility. "Reconstruction" means when the capital investment in the alterations to the facility exceeds fifty (50) percent of the capital cost of a comparable entirely new waste facility for hazardous waste.

NOTE: Alterations will be handled by the Board of Environmental Protection on a case-by-case basis and the Board reserves the right to apply a more stringent test than EPA's "reconstruction" test.

Approval of an amendment to an interim license may be granted if it meets the requirements of Sections 5(A) and 5(B) of this Chapter or the requirements of Section 5(C) of this Chapter as applicable and:

(1) It is necessary to prevent a threat to human health or the environment, because of an emergency situation, or

(2) It is necessary to comply with Federal regulations (including the interim status standards of this Chapter) or State or local laws.

After application and upon demonstration to the Department by a new owner or operator of compliance with all applicable interim standards, the Department may transfer the interim license to the new owner or operator; and

C. Any proposed new, replacement, or lateral expansion of a hazardous waste pile, landfill, or surface impoundment is subject to the licensing requirements of 06-096 C.M.R. ch. 854 and 06-096 C.M.R. ch. 856 as a new facility prior to construction or operation of such a facility.

D. If all other requirements of this Chapter are met, the following changes may be made even if they amount to reconstruction:

(1) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.

(2) Changes necessary to comply with an interim status corrective action order issued by EPA under Section 3008(h) of RCRA or another federal authority, by the Board or the Department under comparable state authority, or by a court in a judicial proceeding brought by EPA or the State of Maine, provided that such changes are limited to the treatment, storage, or disposal of solid waste and hazardous waste from releases that originate within the boundary of the facility.

7. Expiration of Interim Licenses. An interim license for a waste facility for hazardous waste expires on the earliest of the following dates:

A. The date of the final administrative disposition of the application for hazardous waste facility license (non-interim);

B. The date of a finding by the Board that the disposition referred to in Section 7(A) of this Chapter has not been made because of the applicant's failure to furnish information, reasonably required or requested, to process the application;

C. The date of expiration of the license issued under 38 M.R.S. §§ 413 or 590;

D. The date on which the application for a hazardous waste facility license (non-interim) is due and the person operating under the interim license has failed to apply for the hazardous waste facility license (non-interim);

E. For interim licenses issued prior to November 8, 1984, unless the owner or operator of the facility has filed a complete application with the Department before one of the following dates and that application demonstrates compliance with all applicable ground water monitoring and financial responsibility requirements:

(1) November 8, 1985, for a land disposal facility;

(2) November 8, 1986, for a hazardous waste incinerator;

(3) November 8, 1989, for any facility other than a land disposal facility or hazardous waste incinerator; or

F. Twelve months after the facility first becomes subject to the licensing requirement of 06-096 C.M.R. ch. 856 unless the owner or operator of the facility has filed a complete application pursuant to 06-096 C.M.R. ch. 856 with the Department before such date and that application demonstrates compliance with all applicable ground water monitoring and financial responsibility requirements.

8. Deadlines

A. Applications. Application for an interim license for a waste facility for hazardous waste must be made by filing the form provided by the Department within 45 days of the effective date of rules of the Board in which a waste handled in the facility is identified as hazardous. An application is "filed" on the date as of which it is determined by the Department to be complete, consistent with this Chapter and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2.

B. Issuance. Interim licenses will be issued or deemed to have been issued by the date of the second regular meeting of the Board of Environmental Protection to occur after an application is complete, unless non-issuance is due to delay ascribed to the applicant.

9. Hazardous Waste Facility Requirements

A. All facilities with an interim license shall comply with applicable requirements of *Land Disposal Restrictions*, 06-096 C.M.R. ch. 852 and the following requirements:

(1) Every facility owner or operator shall apply for and obtain an EPA identification number in accordance with the EPA notification procedures at 40 C.F.R. § 265.11;

(2) 40 C.F.R. § 265.12, Required Notices, except that the phrase "of this part and part 270 of this chapter" in 40 C.F.R. § 265.12(b) shall mean "of this Chapter and 06-096 C.M.R. ch. 856";

(3) 40 C.F.R. § 265.13, Waste Analysis, except that all references to 40 C.F.R. Part 268 or sections or subparts thereof shall mean 06-096 C.M.R. ch. 852, all references to "this part" shall mean "this Chapter", all references to Part 261 shall mean 06-096 C.M.R. ch. 850, the references to 40 C.F.R. §§ 265.200, 265.225, 265.252, 265.273, 265.314, 265.341, 265.375, and 265.402 in 40 C.F.R. § 265.13(b)(6) shall mean this Chapter, and the reference to 40 C.F.R. § 260.22 in 40 C.F.R. § 265.13(b)(7)(iii) shall mean 06-096 C.M.R. ch. 850;

(4) 40 C.F.R. § 265.14, Security;

(5) 40 C.F.R. § 265.15, General Inspection Requirements, except that references to 40 C.F.R. §§ 265.174, 265.193, 265.195, 265. 226, 265.260, 265.278, 265.304, 265.347, 265.377 and 265.403 shall mean this Chapter;

(6) 40 C.F.R. § 265.16, Personnel Training;

(7) 40 C.F.R. § 265.19, Construction quality assurance program, applicable to all surface impoundments, waste piles and landfill units, except that references to 40 C.F.R. Part 270 shall mean 06-096 C.M.R. ch. 856;

(8) 40 C.F.R. §§ 265.17, 265.31-265.37, Preparedness and Prevention, except that references to "this part" shall mean this Chapter. In addition, the precautions required to be taken by 40 C.F.R. § 265.17 must meet applicable requirements of codes, standards and rules of the Department of Public Safety (State Fire Marshal's Office);

(9) 40 C.F.R. §§ 265.51-265.56, Contingency Plan and Emergency Procedures;

(10) The owner or operator shall keep a written record at this facility. The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(a) A description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by Appendix I to 40 C.F.R. § Part 265, except that references to 40 C.F.R § 265.73 shall mean Section 9(A)(10) of this Chapter (i.e., this section), and references to 40 C.F.R. Part 261 or sections or subparts thereof shall mean 06-096 C.M.R. ch. 850;

(b) The information specified in 40 C.F.R. § 265.73(b)(2)-(14), provided that all references to Part 265 or subparts or sections thereof (except for 40 C.F.R. §§ 265.1034(c) through 265.1034(f), 265.1035, 265.1063(d) through 265.1063(i), 265.1064, and 265.1083 through 265.1090) shall mean applicable provisions of this Chapter, and all references to Part 268 or subparts or sections thereof (except 40 C.F.R. § 268.5) shall mean applicable provisions of 06-096 C.M.R. ch. 852;

(11) 40 C.F.R. § 265.74, Availability, Retention, and Disposition of Records, except that the reference to 40 C.F.R. § 265.73(b)(2) shall mean Section 9(A)(10)(b) of this Chapter;

(12) Annual Reporting and 40 C.F.R. § 265.75, except that other comparable forms may be required by the Department, and the report must be prepared and submitted annually no later than March 1st for the preceding calendar year;

(13) 40 C.F.R. § 265.76, Unmanifested Waste Report, except that the reference to 40 C.F.R. § 263.20(e) shall mean *Hazardous Waste Manifest Requirements*, 06-096 C.M.R. ch. 857, § 8(B);

(14) In addition to submitting annual reports and unmanifested waste reports as specified in Sections 9(A)(12) and 9(A)(13) of this Chapter, the owner/operator shall comply with 40 C.F.R. § 265.77 and shall report to the Department releases, fires, and explosions as specified in Section 9(A)(9) of this Chapter, and submit facility closure reports and other reports as mandated in other provisions of this Chapter;

(15) 06-096 C.M.R. ch. 857 and 40 C.F.R. § 265.72, Manifest Discrepancies; and all applicable requirements of transboundary movement of hazardous waste in accordance with 40 C.F.R. Part 262, Subpart H;

(16) 40 C.F.R. §§ 265.111-265.115 closure for all facilities, and 40 C.F.R. §§ 265.116 - 265.120, post-closure for all disposal facilities, and all waste piles, surface impoundment and tanks closing as landfills, except that:

(a) References to other sections or subparts of 40 C.F.R. Part 265 shall mean this Chapter;

(b) References to 40 C.F.R. Part 270 or Part 124, or sections or subparts thereof, shall mean 06-096 C.M.R. ch. 856;

(c) References to 40 C.F.R. Part 262 shall mean *Standards for Generators of Hazardous Waste*, 06-096 C.M.R. ch. 851;

(d) References to 40 C.F.R. Part 265, Subpart G shall mean Section 9(A)(16) of this Chapter (i.e., this section);

(e) 40 C.F.R. §§ 265.112(b)(8), 265.112(c)(1)(iv), 265.112(e), 265.118(c)(5), and 265.118(d)(1)(iii) shall be deleted;

(f) Certification of closure of any unit (not just land disposal units as provided in 40 C.F.R. § 265.115) used to handle hazardous waste is required within 60 days of completion of closure; and

(g) Closure plans or notifications of closure required under 40 C.F.R. § 265.112(d) must be submitted at least 180 days prior to the date closure of the unit or facility is expected to begin;

(17) The financial requirements of 40 C.F.R. §§ 265.141-265.143 and 40 C.F.R. §§ 265.147-265.150 for all facilities and 40 C.F.R. §§ 265.144-265.146 for all facilities subject to post-closure requirements, except that:

(a) References to other sections or subparts of 40 C.F.R. Part 265 shall mean this Chapter;

(b) References to sections or subparts of 40 C.F.R. Part 264 shall mean 06-096 C.M.R. ch. 854;

(c) References to section 3008 of RCRA shall mean applicable Board or Department procedures; and

(d) References to sections or subparts of 40 C.F.R. Part 124 or 270 shall mean 06-096 C.M.R. ch. 856;

(18) The air emission standards of 40 C.F.R. Part 265, Subparts AA, BB, and CC, except that references to Subparts I, J, or K and 40 C.F.R. § 265.1 shall mean this Chapter; and

(19) When environmental investigation or monitoring data, or reports interpreting environmental investigation or monitoring data, are submitted to the Department, the submittal must be accompanied by one or more electronic Environmental Data Deliverables (EDDs) containing all data in formats specified by the Department in accordance with Maine's *Uniform Electronic Transaction Act*, 10 M.R.S. § 9418 (2)(A). This applies to data for all environmental media and waste materials. The data includes but is not limited to laboratory analytical data, field analytical data and monitoring parameters, water level and water flow data.

B. Surface impoundments, landfills, and land treatment facilities shall monitor ground water to determine the facility's impact on the quality of ground water in the uppermost aquifer underlying the facility, in accordance with 40 C.F.R. §§ 265.90(b)-(e), 265.91-265.94, and Appendix III to 40 C.F.R. Part 265, except that references to sections or subparts of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850. A "qualified groundwater scientist" must be independent, meet the requirements as the term is defined in 40 C.F.R. § 260.10 and meet the requirements of 06-096 C.M.R. ch. 856, § 10(A)(8).

C. Container storage facilities shall comply with the requirements of 40 C.F.R. §§ 265.171-265.178, except that the references to 40 C.F.R. § 265.17(b) shall mean Section 9(A)(8) of this Chapter, and the treatment of hazardous waste in containers is prohibited unless licensed by the Department pursuant to 06-096 C.M.R. ch. 856.

D. Facilities at which tanks are used to store or treat hazardous wastes shall comply with the requirements of 40 C.F.R. §§ 265.190(a) - (c), and 265.191-265.202, except that:

(1) References to sections of 40 C.F.R. Part 270 shall mean 06-096 C.M.R. ch. 856;

(2) References to sections of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850;

(3) References to other sections or subparts of 40 C.F.R. Part 265 shall mean this Chapter;

(4) No variance from secondary containment under 40 C.F.R. §§ 265.193(f)(4) and 265.193(g) shall be allowed; and

(5) Use of open tanks not meeting the requirements of 06-096 C.M.R. ch. 854, § 12(B)(5) - (7) is prohibited.

E. Facilities that use surface impoundments to store, treat, or dispose of hazardous waste shall comply with the requirements of 40 C.F.R. §§ 265.221-265.226, 265.229, 265.230, and 265.231, including

the definition of "incompatible wastes" in 40 C.F.R. § 260.10 and examples in appendix V of 40 C.F.R. 265, except that references to 40 C.F.R. § 265.17(b) shall mean Section 9(A)(8) of this Chapter, references to sections of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, references to other sections or subparts of 40 C.F.R. Part 265 shall mean this Chapter, and 40 C.F.R. §§ 265.221(g) and 265.229(b) shall be deleted. In addition:

(1) The owner or operator of a surface impoundment that does not meet the liner requirements of 06-096 C.M.R. ch. 854, § 9(B) shall:

(a) Include in the closure plan for the surface impoundment both a plan for complying with Section 9(E)(2) of this Chapter and a contingency plan for complying with Section 9(E)(3) of this Chapter in case not all contaminated subsoils can be practicably removed at closure;

(b) Prepare a contingency post-closure plan for complying with Section 9(E)(3) of this Chapter in case not all contaminated subsoils can be practicably removed at closure; and

(c) Base the cost estimates for closure and post-closure care required under Section 9(A)(16) of this Chapter on the cost of complying with the more expensive of the two closure and post-closure scenarios.

(2) The owner or operator shall remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 06-096 C.M.R. ch. 850, § 3(A)(3)(d) applies;

(3) If after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures and equipment as required in Section 9(E)(2) of this Chapter, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, the owner or operator shall close the facility in accordance with the closure and post-closure requirements that apply to landfills and comply with 40 C.F.R. § 265.228(b)(1)-(4);

(4) The Department may grant a variance to Section 9(E)(2) of this Chapter if the owner or operator demonstrates that the hazardous constituents in the waste will not migrate into ground water, surface water and air in violation of the applicable performance standards in 06-096 C.M.R. ch. 854 for as long as the waste and other materials will remain on-site. Facilities receiving a variance to Section 9(E)(2) shall close the facility in accordance with the closure and post closure requirements that apply to landfills;

(5) All earthen dikes must have a protective cover, such as grass, shale, or rock, to minimize wind and water erosion and to preserve their structural integrity; and

(6) Surface impoundments newly regulated as described in 40 C.F.R. § 265.221(h) must meet the design and operating requirements of 40 C.F.R. §§ 265.19, 265.221(a)-(e), 265.222 and 265.223, except that the requirements in 40 C.F.R. § 265.221(a) apply regardless of when construction commences and references to sections of 40 C.F.R. § 264 shall mean 06-096 C.M.R. ch. 854, § 9(B).

F. Facilities that treat or store hazardous waste in piles shall comply with 40 C.F.R. §§ 265.251-265.260, including the definition of "incompatible wastes" in 40 C.F.R. § 260.10 and examples in appendix V of 40 C.F.R. 265, except that references to 40 C.F.R. § 265.17(b) shall mean Section

9(A)(8) of this Chapter, references to other sections or subparts of 40 C.F.R. Part 265 shall mean this Chapter, references to sections of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, and references to 40 C.F.R. Part 268 shall mean 06-096 C.M.R. ch. 852. In addition, the owner or operator of a waste pile that does not meet the liner requirements of 06-096 C.M.R. ch. 854, § 11(B) shall:

(1) Include in the closure plan for the waste pile both a plan for complying with 40 C.F.R. § 265.258(a) and a contingency plan for complying with 40 C.F.R. § 265.258(b) in case not all contaminated subsoils can be practicably removed at closure;

(2) Prepare a contingency post-closure plan for complying with 40 C.F.R. § 265.258(b) in case not all contaminated subsoils can be practicably removed at closure; and

(3) Base the cost estimates for closure and post-closure care required under Section 9(A)(16) of this Chapter on the cost of complying with the more expensive of the two closure and post-closure scenarios.

G. Hazardous waste land treatment facilities shall comply with the requirements of 40 C.F.R. §§ 265.272-265.282, except that references to 40 C.F.R. § 265.17(b) shall mean Section 9(A)(8) of this Chapter, references to other sections or subparts of 40 C.F.R. Part 265 shall mean this Chapter, and references to sections or subparts of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, and references to 40 C.F.R. Part 268 shall mean 06-096 C.M.R. ch. 852.

H. Facilities that dispose of hazardous waste in landfills shall comply with the requirements of 40 C.F.R. §§ 265.301-265.316 including the definition of "incompatible wastes" in 40 C.F.R. § 260.10 and examples in appendix V of 40 C.F.R. Part 265, except that references to 40 C.F.R. § 265.17(b) shall mean Section 9(A)(8) of this Chapter, references to sections of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, references to 40 C.F.R. Part 268 shall mean 06-096 C.M.R. ch. 852, references to other sections or subparts of 40 C.F.R. Part 265 shall mean this Chapter, and the requirements of 06-096 C.M.R. ch. 854, § 8(C)(5) of shall govern the disposal of liquids in lieu of 40 C.F.R. § 265.314.

I. Facilities that incinerate hazardous waste shall comply with the requirements of 40 C.F.R. §§ 265.340(b) and 265.341-265.352, except that references to 40 C.F.R. § 265.13 shall mean 9(A)(3) of this Chapter, references to the Assistant Administrator for Solid Waste and Emergency Response shall mean the Board or the Department, as applicable, references to Subpart O of 40 C.F.R. Part 264 shall mean 06-096 C.M.R. ch. 854, § 13, and references to sections of 40 C.F.R. Part 270 shall mean 06-096 C.M.R. ch. 856.

J. Facilities that thermally treat hazardous wastes in devices other than enclosed devices using controlled flame combustion (i.e., other than incinerators) shall comply with the requirements of 40 C.F.R. §§ 265.373-265.383, except that references to 40 C.F.R. § 265.13 shall mean Section 9(A)(3) of this Chapter, references to the Assistant Administrator for Solid Waste and Emergency Response shall mean the Board or the Department, as applicable, references to Subpart O of 40 C.F.R. Part 264 shall mean 06-096 C.M.R. ch. 854, § 13, and references to sections of 40 C.F.R. Part 270 shall mean 06-096 C.M.R. ch. 856.

K. Facilities which treat hazardous wastes by physical, chemical or biological means in other than tanks, surface impoundments, and land treatment facilities shall comply with the requirements of 40 C.F.R. §§ 265.401-265.406, except that references to 40 C.F.R. § 265.17(b) shall mean Section

9(A)(8) of this Chapter, references to sections of 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850, and references to 40 C.F.R. § 265.13 shall mean Section 9(A)(3) of this Chapter.

L. Facilities that use new or existing "drip pads" (as defined in 40 C.F.R. § 260.10) shall comply with 40 C.F.R. §§ 265.440 - 265.445, except that 40 C.F.R. § 265.442 is deleted and any new drip pads must be designed and constructed with synthetic liners and operated as specified in 40 C.F.R. 265.443(b)(1)-(3); in addition to the requirements of 40 C.F.R. § 265.440(c), the contingency plan for responding to drippage in storage yards must meet the requirements of 38 M.R.S. § 1318-C and the facility must comply with the reporting and removal requirements of 38 M.R.S. § 1318-B; references to 40 C.F.R. §§ 265.112 and 265.118 shall mean Section 9(A)(16) of this Chapter; and references to 40 C.F.R. § 265.144 shall mean Section 9(A)(17) of this Chapter. In addition, facilities shall monitor groundwater consistent with the requirements in Section 9(B) of this Chapter.

M. Facilities that store munitions and explosive hazardous wastes shall comply with the additional standards applicable to miscellaneous units of 06-096 C.M.R. ch. 854, § 16.

N. Pursuant to 38 M.R.S. § 1319-S, the Board may require the present or subsequent owner of the land used for a hazardous waste facility to execute and record a written instrument which imposes a restrictive covenant on the present and future uses of all or part of the land.

O. The requirements of this Chapter remain in effect until all applicable closure and post-closure activities are completed and have been certified or until a license under 06-096 C.M.R. ch. 856 is issued.

10. Penalties. Failure to comply with these rules subjects any person to civil and criminal liability pursuant to 38 M.R.S., §§ 349(1), 349(2) and 1319-T.

AUTHORITY: 38 M.R.S. §§ 1301 through 1319-Y

EFFECTIVE DATE: July 1, 1980
Amended March 23, 1983
Amended February 10, 1985
Amended November 30, 1986
Amended March 16, 1994

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 4, 1996

Chapter 856: LICENSING OF HAZARDOUS WASTE FACILITIES

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Chapter 856: LICENSING OF HAZARDOUS WASTE FACILITIES

SUMMARY: This Chapter specifies the application requirements and procedures by which owners and operators may apply for a license to establish, construct, alter or operate a hazardous waste facility and the procedures by which such applications will be reviewed and acted upon by the Department and Board of Environmental Protection.

l. Legal Authority. This Chapter is authorized by 38 M.R.S. § 1301 through 1319-Y, which prohibits the establishment, construction, alteration and operation of a hazardous waste facility without a license, establishes the authority of the Board of Environmental Protection (Board) to adopt rules for licensing, the authority for the Department of Environmental Protection (Department) and the Board to issue licenses, and sets out the findings which the Department and Board will make in order to issue a license.

NOTE: Pursuant to 38 M.R.S. § 341-A, Sections (2) and (4), the term "Department" is defined to include the Board of Environmental Protection and the Commissioner of the Department of Environmental Protection (Commissioner). The term "Department" as used in this Chapter means either the Board or the Commissioner (or the Commissioner's designee), as applicable depending on the specific circumstances and whether the license is issued by the Board, such as full hazardous waste facility licenses, or issued by the Commissioner, such as abbreviated licenses under Section 11(A) of this Chapter.

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2. Preamble. It is the purpose of the Department of Environmental Protection, consistent with legislative policy, to provide necessary controls over hazardous waste facilities so as to ensure the protection of public health, safety, welfare and the environment.

3. Definitions. For the purpose of this Chapter, terms not defined in this section have the meaning given them under 38 M.R.S. §§ 361-A and 1303-C. The following terms as used in this Chapter have the following meaning unless the context indicates otherwise:

A. By-product. "By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form in which it is produced by the process.

B. Commercial hazardous waste facility. "Commercial hazardous waste facility" means a facility which accepts, for handling, hazardous wastes other than those generated on site by the owner of the facility. The handling of residual hazardous wastes generated on site in the process of handling hazardous wastes are included within the scope of the facility's operations. Commercial hazardous waste facility includes mobile treatment facilities.

C. Elementary neutralization unit. "Elementary neutralization unit" means a device which is used on site for neutralizing wastes that are hazardous solely because they exhibit the corrosivity characteristic defined in 06-096 C.M.R. ch. 850 or are listed in 06-096 C.M.R. ch. 850, § 3(C) solely for this reason and meets the definition of tank, tank system, container, transport vehicle or vessel in 40 C.F.R. § 260.10.

D. Facility property. "Facility property" means all of the property, as defined by its legal boundaries, on which is or will be located the existing or proposed waste facility for hazardous waste for which the license is sought.

E. Mobile treatment facility. "Mobile treatment facility" means a facility or unit capable of being moved and operated at sites for a limited period of time. In order to qualify as a "mobile treatment facility" units located at generator sites must be operational at more than one site in a calendar year.

F. New waste facility for hazardous waste. "New waste facility for hazardous waste" means a facility which did not exist prior to the effective date of this Chapter or which did not handle hazardous waste prior to the effective date of this Chapter.

G. Publicly owned treatment works. "Publicly owned treatment works" (POTW) means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "municipality." This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

H. Substantial modification. "Substantial modification" means any change in size or operation of a licensed facility which may pose a risk to health, safety, welfare or the environment which is significantly different in kind or degree from that posed by the facility without the modification, or may pose a significant risk which was not considered in the original application or is not addressed in the existing license.

I. Thermal treatment. "Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge.

J. Transfer facility. "Transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

4. Prohibitions

A. No person shall establish, construct or operate a new waste facility for hazardous waste or substantially modify a licensed facility without a license issued by the Department, and no person shall alter the design, construction or operation of a licensed facility without prior Department approval.

B. After the date upon which an application for a license under this Chapter is due, no person shall operate a waste facility for hazardous waste for which an interim license has been issued, unless the application has been filed. The Department will give written notification to the owner or operator of an interimly licensed facility of the date upon which the application is due, which date must not be earlier than sixty (60) days after the date of the notice.

C. No person shall:

(l) Operate a licensed waste facility for hazardous waste except in accordance with its license, the terms and conditions thereof and with the requirements of law and rule;

(2) Operate a waste facility for hazardous waste in any manner which could endanger public health, safety, welfare or the environment. Operating a waste facility for hazardous waste without a license as required by this Chapter constitutes a presumption of such endangerment.

D. Possession of a license as required by this Chapter is not a defense to a violation of this Chapter or to any other violation of law or rule.

E. No person shall handle hazardous waste except at a waste facility for which a license for such handling has been issued by the Department.

F. No person shall operate a mobile treatment facility for more than 60 days at any one site in any 365 days without specific authorization from the Department.

5. Persons Who Shall Apply for and Obtain Licenses

A. Any person who proposes to own or operate a waste facility for hazardous waste shall, prior to establishment, construction or operation of the facility, apply for and obtain a license as required by this Chapter.

B. Any person who proposes to continue to own or operate a waste facility for hazardous waste for which an interim license is in force shall apply for and obtain a license as required by this Chapter.

C. Any person who proposes to alter the design, construction or operation of a licensed waste facility for hazardous waste shall, prior to alteration of the facility, apply for and obtain approval from the Department for the alteration. Approval of an alteration, if granted, will ordinarily be by amendment to the license and may be with or without conditions.

D. Any person who proposes to undertake or institute a substantial modification to a licensed hazardous waste facility shall, prior to undertaking or instituting the modification, apply for and obtain a license for the modification as required by this Chapter.

E. Where the owner and the operator are not the same person, either may obtain the license but both shall, by signing the certification on the application form, sign and certify the application.

F. Any person who owns or operates a facility for hazardous waste under interim or final license which closes and is subject to post-closure requirements of 06-096 C.M.R. ch. 854 or 06-096 C.M.R. ch. 855 shall apply for and obtain from the Board a post-closure care license prior to closure of the facility. The denial of a license for the active life of a facility or unit does not affect the requirement to obtain a post-closure license under this section. Approval of a post-closure license, if granted by the Board, may be with or without conditions. The owner or operator shall obtain a license or licenses during the entire post-closure care period. Owners or operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under 06-096 C.M.R. ch. 855 shall obtain a post-closure license unless they can demonstrate to the Board that the closure met the standards for closure by removal or decontamination under 06-096 C.M.R. ch. 854. The demonstration must be made as part of an application for a post-closure license, based upon information in the application. License

processing procedures govern the review and final determination regarding the demonstration. At a minimum, the post-closure license must address applicable ground water monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements of 06-096 C.M.R. ch. 854. In the case of a license application for post-closure care only, the requirements of Sections 10(A) and 10(K) of this Chapter apply.

6. Persons Not Required to Obtain a License. The following persons are not required to obtain a license:

A. Generators of hazardous waste who accumulate hazardous waste on site for 90 days or less, as provided in 06-096 C.M.R. ch. 851, § 8(B).

B. Farmers who dispose of hazardous waste pesticide residues from their own use as provided in 06-096 C.M.R. ch. 851, § 4(C) and 06-096 C.M.R. ch. 851, § 10.

C. Owners or operators of totally enclosed treatment facilities as defined in 40 C.F.R. § 260.10.

D. Owners or operators of wastewater treatment units as defined in 40 C.F.R. § 260.10 provided all the hazardous wastes and wastewaters treated in such units are generated on-site, the owners or operators are in compliance with 40 C.F.R. § 264.17(b), and the owners and operators are in compliance and submit a certification to the Department prior to operating the wastewater treatment unit (or by June 30, 1995 for units operating before June 30, 1995) that they are in compliance with the following requirements:

(1) The wastewater treatment units and associated piping are constructed of materials compatible with the wastes managed in such units during routine and upset conditions;

(2) The wastewater treatment units must have a secondary containment system of sufficient capacity to contain whichever is greater; 110% of the capacity of the largest unit or 20% of the combined capacity of the wastewater treatment units, except that, secondary containment of sewer lines is not required;

(3) The wastewater treatment units are equipped with automatic high level alarms, and such alarms are inspected and tested at least twice per year;

(4) Procedures for responding to the activation of the automatic high level alarms have been established that are sufficient to prevent a release of hazardous waste to the environment and the wastewater treatment units are operated within the parameters of the facility's design;

(5) The wastewater treatment system is subject to a water discharge license pursuant to 38 M.R.S. §§ 413 through 414(B), *Pretreatment Program*, 06-096 C.M.R. ch. 528, or 40 C.F.R. §§ 403.8 and 403.9 (pretreatment agreement) containing limits on the hazardous characteristics and any hazardous constituents for which the waste is hazardous (see Appendix VII of 06-096 C.M.R. ch. 850), and the license provides for testing for such characteristics and/or constituents at least annually;

(6) Periodic inspections of wastewater treatment unit components are performed, and such inspections include the draining of tanks and trenches to ensure the integrity of the structures by inspecting for corrosion and other forms of deterioration at least every five years;

(7) All sewer lines are inspected and/or tested for structural integrity, including corrosion, at least every five years;

(8) Whenever the owner or operator discovers that temporary or permanent repairs to the wastewater treatment units or associated piping are necessary to maintain structural integrity, the owner or operator shall notify the Bureau of Water Quality and the Bureau of Remediation and Waste Management within 24 hours of the discovery, and within 72 hours of such discovery, shall submit a written plan and repair schedule for review and approval of the Department;

(9) Repairs to equipment and structures are performed whenever necessary to maintain structural integrity prior to return to service;

(10) Wastewater analysis and inspection records must be retained at the facility and made available to any department or municipal official for inspection; and

(11) The certification must be submitted to the Bureau of Remediation and Waste Management, Hazardous Waste Management Unit at the address specified in Section 10(A)(1) of this Chapter.

The certification must be made by a person authorized to sign a license application under Section 10(A)(3) of this Chapter, and such certification must read:

I certify, under penalty of law, that the requirements of 06-096 C.M.R. ch. 856, § 6(D) have been met for all wastewater treatment units which are unlicensed under the terms of that provision. I am aware there are significant penalties for submitting false information including the possibility of fine and imprisonment.

E. Generators of hazardous waste who physically treat hazardous waste in compactors designed and operated to prevent releases of liquids and vapors that are always closed, except when it is necessary to add or remove waste, provided the generators do not commingle different types of hazardous waste in the compactor.

NOTE: Generators should consult with compactor manufacturers to determine if their particular waste can be safely compacted. The requirements of 06-096 C.M.R. ch. 851 and 06-096 C.M.R. ch. 852 apply to compactors and the compacted waste including the labeling, maximum accumulation time, inspection, land disposal restriction and closure provisions.

F. Generators of hazardous waste who physically treat waste in tanks or containers and immediately reinsert the waste back into the manufacturing process without any other form of treatment, provided the waste is not used or reused in a manner constituting disposal or burned to recover energy or used to produce a fuel. "Physically treat" for the purposes of this section is limited to the use of pulverizers, grinders and hammers to reduce the particle size of hazardous waste such that the waste is more amenable for reuse.

G. Generators of laboratory hazardous waste who neutralize hazardous waste which is hazardous solely due to the characteristic of corrosivity in quantities less than 500 milliliters per treatment within their laboratory.

NOTE: Generators need to ensure that their waste is only hazardous for corrosivity and not for other hazardous waste characteristics, such as toxicity (including metals), ignitability, or reactivity.

H. Persons conducting removal or remedial action activities exempt from state licensing under section 121(e) of the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980.

I. The owner or operator of an elementary neutralization unit, as defined in Section 3(C) of this Chapter, provided:

(1) The unit is subject to a pretreatment agreement with the operator of a publicly owned treatment works, or wastewater from the unit is discharged to a wastewater treatment system licensed under 38 M.R.S. §§ 413 through 414-B, 06-096 C.M.R. ch. 528, or 40 C.F.R. §§ 403.8 and 403.9;

(2) All pipes, sewers and other unit components that may contain, convey or otherwise be in contact with corrosive hazardous waste are constructed of materials compatible with the management of corrosive waste, and the location of all such components is identified in a spill prevention control and clean-up plan submitted to the Commissioner as provided under 38 M.R.S. § 1318-C;

(3) Each identified unit component is inspected at a frequency specified in the spill prevention control and clean-up plan and repaired as necessary to maintain structural integrity;

(4) Inspection records, including the date and time of inspection, the name of the inspector and the date and nature of any significant repairs or corrective actions, are retained and made available to department officials upon request, and to municipal officials if effluent from the unit is subject to a pretreatment agreement under section 307(b) of the federal Clean Water Act; and

(5) The owner or operator complies with 40 C.F.R. § 265.17(b), which, in general, requires that the treatment of corrosive hazardous wastes be conducted so that it does not cause violent reaction, damage the structural integrity of the unit or otherwise threaten human health and the environment.

7. Advisory Rulings. All requests for advisory rulings on the applicability of hazardous waste statutes to particular situations or on other matters must be based upon existing facts and not upon hypothetical situations. Such requests must be made in writing and addressed to Division of Materials Management, Bureau of Remediation and Waste Management, Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017. Issuance of advisory rulings is discretionary with the Department on a case-by-case basis.

8. Access to the Site. The filing of an application for a license constitutes the granting of permission by the applicant to allow authorized representatives of the Department access to the site of the facility or proposed facility in order to evaluate whether or not the facility will meet the standards set forth in 06-096 C.M.R. ch. 854 and this Chapter. In so far as practical, access will be during normal business hours.

9. References to Federal Regulations. Portions of this Chapter refer to federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise specified, the federal

regulations referenced are those final regulations as amended up to July 1, 2019, as they appeared in volume 40 of the Code of Federal Regulations (C.F.R.) and are hereby incorporated by reference. Where specifically stated, the terms of a referenced federal regulation are hereby incorporated as terms of this Chapter, except that in regulations incorporated thereby, "EPA" shall mean Maine Department of Environmental Protection; "Administrator", "Regional Administrator" and "Director" shall mean the Maine Board of Environmental Protection, the Commissioner of the Department of Environmental Protection or the Commissioner's designated representative, as applicable; and the references to terms or phrases including "treat", "store", or "dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or 06-096 C.M.R. chs. 850 - 860, the more stringent of the requirements apply. Other changes to regulations incorporated hereby are as expressly made in this Chapter.

10. Application Requirements

A. General Requirements

(1) An applicant for a license for a waste facility for hazardous waste shall file an application in accordance with the requirements of this section, (except for applications submitted under Section 11 of this Chapter), including a completed license application form and all supporting materials.

"Applicant" includes a person applying for a license for a substantial modification to a licensed facility. "Application" includes an application for a substantial modification to a licensed facility. However, information filed with the Department as part of an application for an initial license for a facility may satisfy some or all of the application requirements for a license for a substantial modification to the facility, if the applicant so requests and if the Department makes the determination that the information on file provides a proper basis for review of and decision on the application for the modification.

Application forms must be obtained from and filed with:

Department of Environmental Protection
Bureau of Remediation and Waste Management
Division of Materials Management
17 State House Station
Augusta, Maine 04333-0017

NOTE: Applicants are encouraged to contact the Division of Materials Management (Telephone No. 207-287-7688) for assistance and information prior to the filing of an application.

(2) An applicant who owns or operates or proposes to own or operate a waste facility for hazardous waste in which more than one type of handling is performed may file a single application for a license to include all those types of handling. The application shall meet all license application requirements applicable to each type of handling.

(3) The application must be signed and certified by:

(a) A principal executive officer of at least the level of a vice-president, if the applicant is a corporation;

(b) A general partner or the proprietor, as appropriate, if the applicant is a partnership or sole proprietorship; or

(c) A principal executive officer or ranking elected official, if the applicant is a municipality, state, federal, or other public agency.

Signing of the application constitutes certification thereof in accordance with the certification statement on the application form.

(4) With the application, an applicant shall remit the appropriate application fee as established below, by certified check or money order made payable to the Maine Hazardous Waste Fund:

Type of Facility	Fee
Disposal Facility	$10,000
Commercial Treatment Facility	$7,000
On-Site Treatment Facility	$4,000
Other waste facility for hazardous waste, including storage facilities	$2,500
Treatment facility under license by rule provisions (i.e., Abbreviated Licenses in Section 11 of this Chapter), where the hazardous waste treated is 1,000 kg or less per calendar month	$75
All other facilities for hazardous waste under license by rule provisions (i.e., Abbreviated Licenses in Section 11 of this Chapter)	$400
Facility post-closure license	$2,000

A refund of fifty (50) percent of the fee will be returned to an applicant who withdraws an application within thirty (30) calendar days of its submission.

(5) The application fees are required for initial applications and for any applications for a substantial modification to a facility or a license. The fee is not required for renewal applications or for an application to allow a change of ownership or operator, where, in such cases, no substantial change to the facility or license is sought.

(6) An applicant shall complete the application form and submit it and all supporting materials as required by rule. On the application form, the Department will specify the number of copies to be submitted.

(7) All engineering designs, reports, plans, and other technical engineering documents must be signed and certified by a State of Maine Registered Professional Engineer.

(8) All geological work must be signed and certified by a State of Maine Certified Geologist, except that soils work may be signed and certified by a State of Maine Certified Soils Scientist.

(9) All survey work must be signed and certified by a State of Maine Registered Land Surveyor.

(10) All drawings must be done on paper no smaller than 8½ x 11 inches and no larger than 30 x 40 inches in size folded to 8½ x 11 inches.

(11) The Department will consider an application only when an applicant has demonstrated sufficient title, right, or interest in all of the property which is proposed for development or use. An applicant shall demonstrate in writing sufficient title, right, or interest, as follows:

(a) When the applicant owns the property, a copy of the deed(s) to the property must be supplied.

(b) When the applicant has a lease on the property, a copy of the lease must be supplied. The lease must be of sufficient duration, as determined by the Department, to permit construction and reasonable use of the facility.

(c) When the applicant has an option to buy or lease the property, a copy of the option agreement must be supplied. Option agreements must contain terms deemed sufficient by the Department to establish future title or a leasehold of sufficient duration.

(d) When the applicant has eminent domain power over the property, evidence must be supplied as to the ability and intent to use the eminent domain power to acquire sufficient title, right, or interest as determined by the Department.

(12) Pre-application Public Meeting and Notice. An applicant shall comply with the pre-application meeting requirements of *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2, §§ 2(A), 10(B)(5) and 13(A) and 40 C.F.R. § 124.31, including the following requirements:

(a) The applicant shall hold at least one meeting with the public in order to solicit questions from the community and inform the community of proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses;

(b) The applicant shall submit a summary of the meeting, along with the list of attendees and their addresses developed under Section 10(A)(12)(a) of this Chapter, and copies of any written comments or materials submitted at the meeting, to the Department as a part of the application;

(c) The applicant shall provide public notice of the pre-application meeting at least 30 days prior to the meeting. The applicant shall provide to the Department documentation of the public notice. The applicant shall provide public notice of the pre-application public meeting in all of the following forms:

(i) A newspaper advertisement. The applicant shall publish a notice in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility. In addition, the Department may instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties or equivalent jurisdictions, where the Department determines that such publication is necessary to inform the affected public;

(ii) A visible and accessible sign. The applicant shall post a notice on a clearly marked sign at or near the facility. If the applicant places the sign on the facility property,

then the sign must be large enough to be readable from the nearest point where the public would pass by the site;

(iii) A broadcast media announcement. The applicant shall broadcast a notice at least once on at least one local radio station or television station. The applicant may employ another medium with prior approval of the Department; and

(iv) A notice to the Department. The applicant shall send a copy of the newspaper notice to the Department and to the municipality, or if the facility is located in an unorganized territory, to the county clerk of the county of its location.

(d) The notices required under Section 10(A)(12)(c) of this Chapter must include:

(i) The date, time, and location of the meeting;

(ii) A brief description of the purpose of the meeting;

(iii) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;

(iv) A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and

(v) The name, address, and telephone number of a contact person for the applicant.

NOTE: Pursuant to 38 M.R.S. § 1319-R(3), all applicants for a license to construct, operate, or substantially expand a commercial hazardous waste facility shall give, at the same time, written notice to the municipal officers of the municipality in which the proposed facility will be located. In addition, the municipality through its municipal officers is granted intervenor status in any proceeding for site review of a commercial hazardous waste facility.

(13) Within 15 working days of receipt of an application, the Commissioner of the Department will notify the applicant of the date the application was accepted by the Department as being complete for processing or return it specifying in writing the reasons for returning the application. No further processing of an application will occur until the Department determines it to be complete. The statutory time period within which the Department acts upon the application pursuant to 38 M.R.S. § 344 does not begin until the application is determined to be complete. If the applicant does not submit a complete application for a facility, renewal, modification, closure, post-closure or any other required application, the Department may deny a license for the facility or unit.

(14) In reviewing applications determined to be complete for processing, the Board or Department may require additional information from the applicant on any aspect of the facility relating to compliance with the standards of 06-096 C.M.R. ch. 854 and this Chapter.

(15) An applicant shall give public notice of the filing of an application by:

(a) Filing a copy of the application, and any changes thereto, with the clerk of the municipality in which the facility is or will be located or, if the facility is or will be located in the unorganized territory, with the county clerk of the county of its location.

The application and changes must be so filed at the time each is filed with the Department except in the case of a mobile treatment facility which need not file the notice until the time of filing of Phase II of its application;

NOTE: For a mobile treatment facility, the application consists of two phases. Phase I is an evaluation of treatment technology and conditions of operation; and Phase II is an assessment of the location(s) where the unit will be used.

(b) Publishing notice, in size and form at least equivalent to standard legal notices and containing the information specified below, in at least one newspaper of general circulation in the area in which the facility is or will be located. For the purposes of a mobile treatment facility, the circulation area means the entire State of Maine for Phase I of the application. Notice must be published once during the week in which the application is filed and once during the following week;

(c) Broadcasting notice containing the information specified below over at least one radio station broadcasting in the area in which the facility is or will be located. Notice must be broadcast at least once each day of the week in which the application is filed; for the purposes of a mobile treatment facility, the circulation area means the entire State of Maine for Phase I of the application; and

(d) Giving notice to all owners of property abutting the facility property. For mobile treatment facilities, this notice must be given at the time of the filing of Phase II of the application, as defined in 06-096 C.M.R. ch. 854, § 6(G).

(16) The public notice must include, but not be limited to:

(a) The name, location and type (e.g., hazardous waste storage facility; hazardous waste incinerator) of the facility;

(b) The name of the owner and operator of the facility and the name, address, and telephone number of a contact person for the applicant;

(c) A statement that the application has been filed and the date filed;

(d) Identification of the hazardous waste(s) to be handled at the facility and descriptions of the method(s) of handling;

(e) A statement that public comments are invited and will be considered by the Department if filed within 45 days of the last day of the week in which the application is filed;

(f) A statement that a public hearing may be requested by any person, groups of persons, or agency with respect to the application. The request for hearing must be in writing, indicate the interest of the party filing the request, the reasons why a hearing is warranted and must be filed within 45 days of the last day of the week in which the application is filed;

(g) A statement that comments and hearing requests must be filed with the Department, that more information can be obtained from the Department, and that people can write to the Department to be put on the facility mailing list, at the following Department address:

Department of Environmental Protection
Bureau of Remediation and Waste Management
Division of Materials Management
17 State House Station
Augusta, Maine 04333-0017
Telephone # (207) 287-7688; and

(h) The locations at which and the times during which the application and supporting materials may be examined.

(17) The applicant shall submit to the Department evidence demonstrating that notice has been published and broadcast as required above, within 5 days of completion of publication and broadcasting. If such evidence is not received, or if notice requirements have not been complied with, processing of the application will cease and will not recommence until notice has been given as required.

(18) For a facility at which hazardous waste will be disposed, the applicant shall provide information demonstrating that the volume of waste and the risks related to its handling will have been reduced to the maximum practical extent by treatment and volume reduction prior to disposal.

(19) The applicant shall demonstrate, in the application, sufficient financial capacity, including projections of utilization of the facility by hazardous waste generators, to construct, operate, and maintain all aspects of the facility in accordance with requirements of statute and rules.

(20) Except as provided in Section 13(A)(10) of this Chapter, applicants shall keep records of all data used to complete license applications and any supplemental information submitted pursuant to this Chapter for a period of at least three years from the date the application is signed.

(21) If a hearing is mandatory, the applicant shall file notice in accordance with 5 M.R.S. § 9051(A).

B. Information Required for All Applications. An applicant shall include in the application (except for post-closure care license applications as provided in Section 10(K) of this Chapter and except for abbreviated license applications submitted under Section 11 of this Chapter) the information required by 40 C.F.R. §§ 270.13 and 270.14(a) and (b), except that references to other sections of 40 C.F.R. Parts 124, 270, and 271 shall mean this Chapter, references to 40 C.F.R. Part 264 or sections or subparts thereof shall mean applicable provisions of 06-096 C.M.R. ch. 854, references to 40 C.F.R. Part 266 shall be deleted, and:

(l) The information required by 40 C.F.R. § 270.13(j) must be a specification of the hazardous wastes listed or designated under 06-096 C.M.R. ch. 850 to be handled at the facility, an estimate of the quantity of each waste to be handled annually and a general description of the process(es) to be used for handling each waste.

(2) The information required by 40 C.F.R. § 270.14(b)(1) must also include plan and profile views of all dikes, dams, berms and other similar structures, and drawings of all buildings, all tanks, stationary equipment, machinery and related structures, indicating type, number, location and capacity or size; and drawings showing landscaping and screening.

(3) The general inspection schedule required by 40 C.F.R. § 270.14(b)(5) must include daily inspection of the facility during daylight hours in order to check for equipment malfunctions or deterioration, operator procedural compliance, conditions of hazardous waste containers or any other factor which if not corrected could cause or contribute to any unauthorized release, leak or discharge of hazardous waste at the facility. An inspection log must be maintained on the facility site with daily inspections and results thereof noted in the log.

(4) The contingency plan required by 40 C.F.R. § 270.14(b)(7) must also include the emergency notification requirements of 40 C.F.R. § 264.56(d)(2)(i)-(vi) and must include the requirement that emergency notification be given to the Department of Public Safety (State Police) by calling 1-800-452-4664 or 207-624-7076. Notification must include all of the information required by 40 C.F.R. § 264.56(d)(2)(i)-(vi) and in addition must include the following:

(a) A current assessment of the situation, including any potential hazards that remain and an estimated time that problems caused by the emergency situation are expected to be resolved;

(b) A list of other local, state and federal agencies which were notified of the emergency situation; and

(c) Any assistance that the facility still requires to solve problems caused by the emergency.

NOTE: The Maine Department of Public Safety (State Police) will immediately notify the Department.

(5) A map, plotted on the most current 1:24,000 scale (7½ minute) United States Geological Survey (USGS) topographical quadrangle must also be provided, showing the location of the facility property and of the facility itself and extending one mile beyond the property boundaries. If a 7½ minute map has not been printed by USGS, a 1:62,500 scale (15 minute) map may be used.

(6) A survey of the facility property boundaries must also be provided.

(7) Copies of all state and municipal zoning restrictions applicable to the facility property and to the area within one half (½) mile of the property boundaries must also be provided.

(8) The application shall also include a list of all other federal, state and local environmental licenses or permits required for the facility, indicating whether each has been applied for and the date of such application. If licenses have been issued, include a copy of each license. If any environmental license or permit for the facility, or issued to the owner or operator for any other facility or activity, has been either suspended, revoked, or denied identify the license or permit, give date(s) of and reason(s) for suspension or revocation or denial and indicate present status.

(9) The application shall also include a map showing all wells, springs, ponds, streams, other bodies of surface water, and public drinking water supplies on the facility site and within one mile of the property boundaries, and any intake or discharge structures, underground injection

wells, if any, and hazardous waste treatment, storage, disposal or handling structures on the property.

(10) A plan of operation for the facility must be submitted as well which, at a minimum, provides the following information:

(a) The amounts of each hazardous waste, by specific type, to be received weekly;

(b) A detailed narrative explaining how the facility will operate, including, but not limited to, design capacity, on site storage, if any, technological processes for each type of hazardous waste and flow diagram schematics for all parts of the facility;

(c) Total capacity and life expectancy of the facility, including calculations used to derive these data;

(d) Hours and days of operation at the facility and the number of conveyances delivering hazardous wastes that are expected daily and that can be accommodated daily;

(e) A detailed plan for monitoring facility operation, including monitoring of the generation of hazardous waste incidental to operation of the facility and handling thereof and monitoring of the effects of the facility on air, land and water. The plan must indicate the location of any monitoring wells and other monitoring devices, specify analytical parameters, indicate what laboratory and/or analytic capability will be required, how it will be provided, and include a schedule for filing monitoring reports with the Department; and

(f) An evaluation of the impact of the facility on the surrounding environment, including an evaluation of the impact of a worst-case malfunction or failure. The detail required will depend upon the type of waste facility, the nature of its location and surrounding environment.

NOTE: A single map or plan may be used to satisfy more than one requirement of this Chapter, if different elements are clearly indicated. Applicants are encouraged to include narrative descriptions of drawings and of laboratory or field tests, which explain or clarify the application.

(11) Evidence that the applicant has acquired liability insurance or an alternative liability assurance mechanism in an amount(s), type and form specified in 06-096 C.M.R. ch. 854. A certificate of insurance from the underwriter will suffice providing that the wording of the Hazardous Waste Facility Certificate of Liability Insurance is identical to the wording contained in 40 C.F.R. § 264.151(j) except that subparagraph 2(b) must read:

"The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer."

The certificate of insurance also must contain the discovery endorsement as required by 06-096 C.M.R. ch. 854, § 6(C)(17)(n), if applicable.

(12) A plan for closure of the facility upon termination of its use. The plan must demonstrate that requirements for closure established by 06-096 C.M.R. ch. 854 will be met, must contain detailed estimates of costs of closure, including calculations thereof, and must include copies of assurance funding instruments as specified by 06-096 C.M.R. ch. 854.

(13) A notice, to be filed by the Department in the Registry of Deeds for the county in which the facility is located, which states that a hazardous waste facility is located on the property, gives the name and address of the owner of the facility property and the name and address of the facility operator, specifies the hazardous wastes handled at the facility and the methods of handling and indicates that a facility closure plan is on file with the Department.

(14) For a facility at or in which hazardous waste will remain after termination of its use, a plan for post-closure monitoring and maintenance of the facility for the 30-year period subsequent to termination of its use. The plan must demonstrate that the requirements for post-closure established by 06-096 C.M.R. ch. 854 will be met, must contain detailed cost estimates, including calculations thereof, and must include assurance funding instruments as specified by 06-096 C.M.R. ch. 854.

(15) A schedule that lists all records and reports required by the Department's rules to be kept or made for the facility, specifying:

(a) For each record or report, the type and frequency of entries therein;

(b) For each record or report, the frequency of submission to the Department;

(c) For each record or report, the duration of time each is required to be retained by the facility owner or operator and where retained; and

(d) The name and position of the individual who will sign records and reports. The individual signing such records and reports shall either be authorized to sign the application under Section 10(A) of this Chapter or be authorized in accordance with 40 C.F.R. § 270.11.

If an authorization is no longer accurate because of a change of individual or position, a new authorization which satisfies the requirements of 40 C.F.R. § 270.11 must be submitted with or prior to submission of any records or reports to be signed by an authorized representative.

(16) Ground water information requirements for hazardous waste units. The following additional information regarding protection of ground water is required from owners or operators of hazardous waste surface impoundments, piles, land treatment units, and landfills (except if the facilities are exempt from ground water monitoring requirements under 06-096 C.M.R. ch. 854), and from owners or operators of miscellaneous units where ground water monitoring of the units is deemed appropriate by the Department:

(a) A summary of the ground water monitoring data obtained during the interim status period under 06-096 C.M.R. ch. 855, where applicable;

(b) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

(c) On the topographic map required in this Chapter, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined in 06-096 C.M.R. ch. 854, the proposed location of ground water monitoring wells as required under 06-096 C.M.R. ch. 854, and to the extent possible, the information required in Section 10(B)(16)(b) of this Chapter;

(d) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(i) Delineates the extent of the plume on the topographic map required in 40 C.F.R. § 270.14(b)(19); and

(ii) Identifies the concentration of each Appendix IX of 06-096 C.M.R. ch. 854 constituent throughout the plume or identifies the maximum concentrations of each Appendix IX constituent in the plume;

(e) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the general ground water monitoring requirements of 06-096 C.M.R. ch. 854;

(f) If the presence of hazardous constituents has not been detected in the ground water at the time of license application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of 06-096 C.M.R. ch. 854. This submission must address the following items specified under 06-096 C.M.R. ch. 854:

(i) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the ground water;

(ii) A proposed ground water monitoring system;

(iii) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(iv) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring date;

(g) If the presence of hazardous constituents has been detected in the ground water at the point of compliance at the time of license application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of 06-096 C.M.R. ch. 854. The owner or operator shall also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of 06-096 C.M.R. ch. 854 unless all hazardous constituents are present at concentrations that do not exceed the performance standards of 06-096 C.M.R. ch. 854, § 8(A). To demonstrate compliance with the compliance monitoring requirements of 06-096 C.M.R. ch. 854, the owner or operator shall address the following items:

(i) A description of the wastes previously handled at the facility;

(ii) A characterization of the contaminated ground water, including concentrations of hazardous constituents;

(iii) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with 06-096 C.M.R. ch. 854;

(iv) Proposed concentration limits for each hazardous constituent, based on the performance standards of 06-096 C.M.R. ch. 854, § 8(A)(3)(a);

(v) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with the requirements of 06-096 C.M.R. ch. 854; and

(vi) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data; and

(h) If hazardous constituents have been measured in the ground water which exceed the performance standards of 06-096 C.M.R. ch. 854, § 8(A)(3)(a), or if ground water monitoring conducted at the time of license application under 06-096 C.M.R. ch. 855 at the waste boundary indicates the presence of hazardous constituents from the facility in ground water over background concentrations, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of 06-096 C.M.R. ch. 854. To demonstrate compliance with 06-096 C.M.R. ch. 854, the owner or operator shall address, at a minimum, the following items:

(i) A characterization of the contaminated ground water, including concentrations of hazardous constituents;

(ii) The concentration for each hazardous constituent found in the ground water as set forth in the performance standards of 06-096 C.M.R. ch. 854, § 8(A)(3)(a);

(iii) Detailed plans and an engineering report describing the corrective action to be taken; and

(iv) A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action.

(17) Information requirements for Solid Waste Management Units (SWMUs). The following information is required for each solid waste management unit at a facility seeking a license:

NOTE: Federal law requires that SWMUs must be addressed in a license for corrective action (i.e., remediation) of any releases. RCRA § 3004 (u) requires corrective action for releases of hazardous waste or hazardous constituents from SWMUs identified in a facility license. A SWMU can be a place or unit where solid or hazardous wastes are placed at any time, or where wastes have been routinely and systematically released.

(a) The location of the unit on the topographic map required under this section;

(b) Designation of type of unit;

(c) General dimensions and structural description (supply any available drawings);

(d) When the unit was operated;

(e) Specification of all wastes that have been managed at the unit, to the extent available; and

(f) All available information pertaining to any release of hazardous wastes or hazardous constituents.

In addition, the owner/operator shall conduct and provide the results of sampling and analysis of ground water, land surface and subsurface strata, surface water, or air, which may include the installation of wells, where the Department or the Board ascertains it is necessary to complete a RCRA Facility Assessment that will determine if a more complete investigation is necessary.

(18) Such other information as may be required to demonstrate that the facility has been designed, will be established, constructed or altered and will operate to meet the standards set forth in 06-096 C.M.R. ch. 854, and to establish license terms and conditions under Section 12(E) of this Chapter.

(19) Consistent with federal requirements for authorization to operate the State hazardous waste management program, the Department may, on its own motion or on request, modify or waive one or more of the requirements of Section 10B. Such modification or waiver must be justified on the basis that greater protection to public health, safety or welfare or the environment is required and will thereby be provided or on the basis that no less protection will thereby be provided.

(20) The Department may require an applicant to maintain an information repository in accordance with 40 C.F.R. § 124.33. In making this determination, the Department may consider a variety of factors, including: the level of public interest; the type of facility; the presence of an existing repository; and the proximity to the nearest copy of the administrative record. If the Department determines, at any time after submittal of a permit application, that there is a need for a repository, then the Department may notify the facility that it must establish and maintain an information repository. The information repository must contain all documents, reports, data, and information deemed necessary by Department to fulfill the purposes for which the repository is established. The Department maintains discretion to limit this information. The Department may specify requirements for the facility to inform the public about the information repository. At a minimum, the facility must provide a written notice about the information repository to all individuals on the facility mailing list.

(21) An applicant must include in its application provisions it will implement to comply with the applicable air emission standards of 40 C.F.R. Part 264, Subparts AA, BB, and CC, including the requirements of 40 C.F.R. §§ 270.24, 270.25 and 270.27.

C. Application for License for Landfill or Surface Impoundment: Additional Requirements. In addition to the information required for all applications, an applicant for a license for a landfill or a surface impoundment shall include in the application:

(1) Information required for surface impoundments under 40 C.F.R. §§ 270.17(a)-(j) and 270.27, and information required for landfills under 40 C.F.R. § 270.21(a)-(j) provided, however, that references to sections or subparts of 40 C.F.R. Part 264 shall mean 06-096 C.M.R. ch. 854, references to sections or subparts of 40 C.F.R. Part 270 shall mean this Chapter, the exemptions from liner requirements set forth in 40 C.F.R. §§ 264.221(a) and (b), 264.301(a) and (b) do not apply, all wastes must be removed from a surface impoundment at closure unless the Department has determined that closure as a landfill is protective of public health and the environment, and 40 C.F.R. § 270.21(c) shall be deleted.

(2) A survey of the boundaries of the landfill(s) or surface impoundment(s).

(3) A map showing existing topographical contours of the facility property and proposed final elevations. Contours and elevations must be shown at two (2) foot intervals and at a scale of one (1) inch to one hundred (100) feet or larger scale. Elevations must be based on a United States Geological Survey (USGS) benchmark and elevations above mean sea level must be used. A permanent benchmark must be set on the site.

(4) A map showing present actual land uses on the facility property and within one half (½) mile from the property boundaries.

(5) Current vertical aerial photographs that provide a stereo view of the facility property as it exists at the time of the application.

(6) An analysis of borings and test pits which evaluate subsurface conditions of the facility property. Borings must penetrate the entire thickness of unconsolidated materials and a minimum of five feet into the underlying bedrock. A minimum of one boring per acre is required. The Department may require additional borings as needed to properly evaluate subsurface conditions. Abandoned boreholes and test pits must be sealed to prevent surface water infiltration and/or the movement of ground water from one aquifer to another.

(7) Piezometric measurements for all aquifers underlying the facility property. A minimum of five piezometric stations is required. A minimum of six months of monthly piezometric readings, to include the spring high ground water period, is required, unless the applicant demonstrates to the satisfaction of the Department that proper evaluation of ground water movement can be made from readings from a shorter time period, from readings which do not re-include the spring high ground water period, or both. The Department may require additional piezometric stations, additional piezometric readings, or both as needed to properly evaluate ground water movement.

(8) Results of the geologic and hydrogeologic investigations required by Section 10(C)(6) and 10(C)(7) of this Chapter must be presented in the following forms:

(a) A bedrock contour map, scale of 1 inch = 100 feet and with 5 foot contour intervals, and analysis of the nature of the bedrock and the alignment of structural elements in the bedrock;

(b) A surficial geologic map of the same scale as the bedrock contour map, with analysis of surficial deposits and representative cross sections to show three-dimensional relationships;

(c) A ground water contour map, two foot contour intervals;

(d) A ground water flow net analysis of the movement of ground water into, within and from the facility property and of the direction of possible leachate flow. The analysis must consist of equipotential and flow lines in both horizontal and vertical planes; and

(e) An analysis of the attenuative capacities of facility property soils, including cation exchange capacities, hydraulic conductivities, grain size and pH.

(9) Water balance analyses for the facility property, using average monthly values of precipitation and evapotranspiration, during operation of the landfill or surface impoundment and after closure.

(10) A ground water monitoring plan, which a minimum, must include:

(a) Monitor well specifications, including:

(i) Location;

(ii) Depth of wells;

(iii) Screened intervals;

(iv) Type and size of casing;

(v) Type and size of screen; and

(vi) Type and grain size of packing, grouting and other sealing materials, and fluids used in drilling;

(b) Procedures and techniques of sample collection;

(c) Sample preservation and shipment;

(d) Chain of custody control;

(e) Analytical procedures;

(f) Quality control procedures;

(g) Background concentrations for all wells, springs and surface bodies of water within l,000 feet of the facility property, established from chemical, physical and biological analytic data with consultation and approval of the Department. Parameters will vary depending on the waste to be placed in the landfill or surface impoundment; and

(h) Limits of detection of all parameters (e.g., chemical, physical and biological).

(11) Elevations and cross sections, at the rate of one (1) cross section per 100 feet, of all fill areas, pits, ponds, lagoons, and subsurface tanks on the facility property.

(12) An instrument which imposes a restrictive covenant on the facility property, to be executed by all the owners of the facility property and by the Commissioner of the Department. The

instrument must be filed and recorded by the Department in the office of the Registry of Deeds for the County in which the facility property is located. The covenant must state that the property has been used as a landfill or surface impoundment for hazardous wastes and must provide that neither the property owners, their agents, employees, nor the heirs, successors, lessees, or assignees of any of them shall engage in or permit on the property, without written authorization by the Commissioner of the Department, any filling, grading, digging, excavating, building, drilling, mining or other activity which might disturb the integrity of the closure of the facility or otherwise increase the possibility of harm to the public or the environment from the facility or facility property.

(13) Information on the potential for the public to be exposed to hazardous waste or hazardous constituents through discharges related to the facility. At a minimum such information must be prepared by an individual or individuals qualified to assess potential exposure and effects of such exposure and must address:

(a) Reasonably foreseeable potential releases from both normal operations and accidents at the facility, including discharges associated with transportation to and from the facility;

(b) The potential pathways, including ground or surface water contamination, air emissions, and food chain contamination, of human exposure to hazardous wastes or constituents resulting from the discharges described under (a) above;

(c) The size and potential susceptibility of the community within the likely pathway of exposure, a comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants; and

(d) The potential magnitude and nature of the human exposure resulting from such discharges including evidence as to the risks or health effects associated with such discharges or exposure.

(14) A statement of the minimum freeboard to be maintained at the surface impoundment(s) and the basis of the design to demonstrate compliance with 06-096 C.M.R. ch. 854.

D. Application for License for Incinerator: Additional Requirements. In addition to the information required for all applications, an applicant for a license for a facility which incinerates hazardous waste shall:

(1) Comply with the requirements of 40 C.F.R. §§ 270.19(b), 270.19 (c), and 270.19 (e), except that:

(a) The terms Principal Hazardous Constituent ("PHC") shall be substituted for the terms Principal Organic Hazardous Constituent ("POHC"), the terms “appropriate analytical techniques” shall mean analytical techniques approved by the Department, and references to the performance standards, operating requirements and monitoring requirements of 40 C.F.R. §§ 264.343, 264.345 and 264.347 shall mean the performance standards, operating requirements and monitoring requirements of 06-096 C.M.R. ch. 854, §§ 13(B), 13(C) and 13(D), respectively;

(b) In addition to the requirements of 40 C.F.R. § 270.19(b) or (c), the applicant shall submit as part of the trial burn plan, or with the information submitted in lieu of a trial burn, an

analysis of emissions, ash, scrubber effluent and other residues which identifies combustion byproducts. The initial analysis may be a scan and the applicant shall propose and justify limits of detection for each PHC. The Department may require other detection limits if necessary to adequately protect public health, safety, welfare or the environment;

(c) The applicant shall submit as part of the trial burn plan, or with the information submitted in lieu of a trial burn, modeling, using models approved by the Department, to demonstrate that heavy metals emissions comply with the standard set in 06-096 C.M.R. ch. 854, § 13(B)(5);

(d) References to 40 C.F.R. § 270.62 shall mean Section 10(D)(2) of this Chapter; and

(e) References to 40 C.F.R. Part 261 shall mean 06-096 C.M.R. ch. 850.

(2) Comply with the requirements of 40 C.F.R. §§ 270.62 (a) through (d) excluding the opening paragraph prior to section (a), and the Department will act in accordance with those requirements, except that:

(a) The term "PHC" shall be substituted for the term "POHC" and references to the performance standards, operating requirements and monitoring requirements of 40 C.F.R. §§ 264.343, 264.345 and 264.347 respectively shall mean the performance standards, operating requirements and monitoring requirements of 06-096 C.M.R. ch. 854, §§ 13(B), 13(C) and 13(D), respectively;

(b) In addition to the requirements of 40 C.F.R. §§ 270.62 (a) through (d), the trial burn plan must include the analysis and modeling required by Section 10(D)(1)(c) and (d), and the determinations and results of the trial burn, which the applicant shall make and submit, must include quantitative analysis of emissions, ash, scrubber effluent and other residues to identify and quantify those combustion byproducts which are or contain PHCs. The limits of detection for each PHC must be as approved or required by the Department;

(c) Based on the trial burn, the Department, in addition to setting operational requirements in the final license, will set any monitoring and inspection requirements which apply in addition to those established by 06-096 C.M.R. ch. 854, § 13(D).

(d) References to other sections of 40 C.F.R. § Part 270 shall mean this Chapter; and

(e) References to 40 C.F.R. § Part 261 or subparts thereof shall mean 06-096 C.M.R. ch. 850; and

(f) The exemption set forth in 40 C.F.R. § 270.19(a) shall not apply.

(3) Boilers, industrial furnaces, and other devices used to burn, incinerate, or combust hazardous wastes that do not meet the definition of “incinerator” pursuant to 40 C.F.R. §260.10 must comply with provisions applicable to incinerators referenced in this Chapter, 06-096 C.M.R. ch. 854, 06-096 C.M.R. ch. 855 or federal regulations, and references to 40 C.F.R. § 270.66 or 40 C.F.R. Part 266 shall mean 40 C.F.R. § 270.62 or 40 C.F.R. Part 264.

(4) Submit information on the potential for the public to be exposed to hazardous waste or hazardous constituents through discharges related to the facility. At a minimum such

information must be prepared by an individual or individuals acceptable to the Department as qualified to assess potential exposure and effects of such exposure and must address:

(a) Reasonably foreseeable potential releases from both normal operations and accidents at the facility, including discharges associated with transportation to and from the facility;

(b) The potential pathways, including ground or surface water contamination, air emissions, and food chain contamination, of human exposure to hazardous wastes or constituents resulting from the discharges described under (a) above;

(c) The size and potential susceptibility of the community within the likely pathway of exposure, a comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants; and

(d) The potential magnitude and nature of the human exposure resulting from such discharges including evidence as to the risks or health effects associated with such discharges or exposure.

E. Application for License to Store or Treat Hazardous Waste in Tanks: Additional Requirements. In addition to the information required for all applications, the applicant for a license to store or treat hazardous waste in tanks shall include in the application the information required by 40 C.F.R. §§ 270.16(a)-(k) and 270.27, except that references to sections in 40 C.F.R. Part 264 shall mean 06-096 C.M.R. ch. 854 and 40 C.F.R. § 270.16(h) shall be deleted. An applicant for a license to treat hazardous waste in tanks must also include in the application:

(1) Design standards used or to be used in design and construction of the tank(s);

(2) Design specifications for tanks(s), including specification of construction materials and lining materials, including relevant characteristics such as corrosion or erosion resistance;

(3) Tank dimensions, capacity and shell thickness;

(4) A diagram of piping, instrumentation and process flow;

(5) A description of feed systems, safety cutoff, bypass systems and pressure controls such as vents;

(6) A description of procedures for handling incompatible, ignitable or reactive wastes; and

(7) Information on how the owner or operator intends to comply with the remaining applicable design, construction, and operating requirements of 06-096 C.M.R. ch. 854.

F. Application for License for Waste Pile: Additional Requirements. In addition to the information required for all applications, the applicant for a license for a facility that stores hazardous waste in a waste pile shall comply with the requirements of 40 C.F.R. § 270.18(a)-(i), provided, however, that an exemption as set forth in 40 C.F.R. §§ 264.250(c), 264.251(a) for an existing portion of a waste pile, 264.251(b), or 264.90(b)(5) shall not apply, references to other sections of 40 C.F.R. Part 264 shall mean 06-096 C.M.R. ch. 854, references to other sections of 40 C.F.R. Part 270 shall mean this Chapter, and the treatment of hazardous waste in a waste pile is prohibited.

G. Application for License for Land Treatment: Additional Requirements. In addition to the information required for all applications, the applicant for a license for a facility that uses land treatment to treat or dispose of hazardous waste shall:

(1) Comply with the requirements of 40 C.F.R. §§ 270.20(a)-(i) and 270.63, provided, however, that references to other sections of 40 C.F.R. Part 270 or Part 124 shall mean this Chapter, and references to sections or subparts of 40 C.F.R. Part 264 shall mean 06-096 C.M.R. ch. 854; and

(2) Submit information on the potential for the public to be exposed to hazardous waste or hazardous constituents through discharges related to the facility. At a minimum such information must be prepared by an individual or individuals qualified to assess potential exposure and effects of such exposure and must address:

(a) Reasonably foreseeable potential releases from both normal operations and accidents at the facility, including discharges associated with transportation to and from the facility;

(b) The potential pathways, including ground or surface water contamination, air emissions, and food chain contamination, of human exposure to hazardous wastes or constituents resulting from the discharges described under (a) above;

(c) The size and potential susceptibility of the community within the likely pathway of exposure, a comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants; and

(d) The potential magnitude and nature of the human exposure resulting from such discharges including evidence as to the risks or health effects associated with such discharges or exposure.

H. Application for License for Storage Facility Utilizing Containers: Additional Requirements. In addition to the information required for all applications, the applicant for a license for a facility that stores hazardous waste in containers shall comply with the requirements of 40 C.F.R. §§ 270.15(a)-(e) and 270.27, except that references to sections of 40 C.F.R. Part 264 shall mean 06-096 C.M.R. ch. 854.

I. Application for License for Commercial Facilities: Additional Requirements. In addition to the information required for all applications, the applicant for a license for a commercial facility that stores or treats hazardous waste may be required to furnish a risk assessment. The risk assessment must consist of information on the potential for the public to be exposed to hazardous waste or hazardous constituents through discharges related to the facility. At a minimum such information must be prepared by an individual or individuals qualified to assess potential exposure and effects of such exposure and must address:

(1) Reasonably foreseeable potential releases from both normal operations and accidents at the facility, including discharges associated with transportation to and from the facility;

(2) The potential pathways, of human exposure, including ground or surface water contamination, air emissions, and food chain contamination, to hazardous wastes or constituents resulting from the discharges described under (a) above;

(3) The size and potential susceptibility of the community, within the likely pathways of exposure, a comparison of expected human exposure levels of the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants; and

(4) The potential magnitude and nature of the human exposure resulting from such discharges, including evidence as to the risks or health effects associated with such discharges or exposure.

J. Application for License for Miscellaneous Units: Additional Requirements. In addition to the information required for all applications, the applicant for a license for a miscellaneous unit shall provide the following information:

(1) A detailed description of the unit being used or proposed for use, including the following:

(a) Physical characteristics, materials of construction, and dimensions of the unit;

(b) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of 06-096 C.M.R. ch. 854, §§ 16(A)-(C) and 16(E); and

(c) For disposal units, a detailed description of the plans to comply with the post-closure requirements of 06-096 C.M.R. ch. 854, § 16(D).

(2) The information required under 40 C.F.R. § 270.23(b)-(e), provided, however, that the references to 40 C.F.R. § 264.601 shall mean 06-096 C.M.R. ch. 854, §§ 16(A) and (B).

K. Additional Requirements for Post-Closure Care Only Licenses. In addition to the information required for all applications required under Section 10(A) of this Chapter, the applicant for a post-closure care only license shall provide, at a minimum, the following information:

(1) A copy of the post-closure inspection schedule required by 06-096 C.M.R. ch. 854, § 6(C)(5) and Section 10(B)(3) of this Chapter;

(2) Flood plain information as specified in 40 C.F.R. § 270.14(b)(11) (iii)-(iv);

(3) A copy of the post-closure plan as specified in Section 10(B)(14) of this Chapter and the notice required by Section 10(B)(13) of this Chapter;

(4) The most recent post-closure cost estimate and associated financial assurances in accordance with 40 C.F.R. § 270.14(b)(16) and 06-096 C.M.R. ch. 854, § 6(C)(17);

(5) Ground water information requirements in accordance with Section 10(B)(16) of this Chapter;

(6) The information on solid waste management units specified in Section 10(B)(17) of this Chapter;

(7) Evidence of financial assurances for corrective action, where applicable; and

(8) In the case of landfills or surface impoundments, the exposure information required by Section 10(C)(13) of this Chapter.

The Department may require the submission of additional information on a case-by-case basis depending upon the nature of the facility, whether and to what extent hazardous waste may be handled during the post-closure care period, and other factors.

L. Application for License for Drip Pads: Additional Requirements. In addition to the information required for all applications, owners and operators of a "drip pad" (as defined in 40 C.F.R. § 260.10) subject to the drip pad requirements of 06-096 C.M.R. ch. 854, § 15 shall provide the information required in 40 C.F.R. § 270.26, except that references to 40 C.F.R. Part 264 or sections thereof shall mean the applicable provisions of 06-096 C.M.R. ch. 854, and references to 40 C.F.R. § 270.14(b)(13) shall mean Section 10(B) of this Chapter.

11. Requirements for Facilities Licensed Under the Abbreviated License Process

NOTE: The Abbreviated License Process is a license by rule provision or shortened licensing process in which the license is approved by the Department (i.e., Commissioner or Commissioner's designee) instead of approved by the Board, is not subject to the full application requirements pursuant to Sections 10(A)(1) and 10(B) of this Chapter, and is not subject to the full hazardous waste facility requirements pursuant to 06-096 C.M.R. ch. 854, § 6(A). The Department has developed abbreviated activity-specific applications for the Abbreviated Licenses in lieu of the full application requirements of Section 10 of this Chapter.

A. The Department may grant a license under the abbreviated license process to the following facilities for the specified activity if the owner or operator submits an application and meets the requirements of Section 11(C) of this Chapter and, for the specified type of facility in this Section below, if all the conditions listed are met:

(1) Elementary neutralization unit. The owner or operator of such a unit:

(a) Complies with 06-096 C.M.R. ch. 854, § 6(D);

(b) Prevents the unknowing entry, and minimizes the possibility for the unauthorized entry, of persons or livestock into or onto the elementary neutralization until, unless:

(1) Physical contact with the waste contained in the unit will not injure unknowing or unauthorized persons or livestock which may enter the unit, and

(2) Disturbance of the waste or equipment by the unknowing or unauthorized entry of persons or livestock into or onto the unit will not cause a violation of the requirement of this section;

(c) Inspects the elementary neutralization unit for malfunctions and deterioration, operator errors, and discharges which may be causing -- or may lead to -- (1) unauthorized release of hazardous waste to the environment, or (2) a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment;

(d) (1) Develops and follows a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as tank walls and pumps) that are important to preventing environmental or human health hazards;

(2) The owner/operator shall keep this schedule at the facility;

(3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative pump, leaking fitting, heavy corrosion);

(4) The frequency of inspection may vary for the items on the schedule. It should be based on the rate of possible deterioration of equipment and the probability of an environmental or human health incident if any deterioration or malfunction or operator error goes undetected between inspections;

(5) The owner or operator shall remedy any deterioration or malfunction of equipment or structures detected in an inspection. This must be done 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; and

(6) The owner or operator shall record inspections in an inspection log. The owner or operator shall keep these records for at least three years from the date of inspection. At the minimum, these records must include the date and time of each inspection, the name of the inspector, a recording of the observations made, and the date and nature of any repairs or other remedial actions taken as a result of inspection observations;

(e) Ensures that the treatment process conducted in the unit does not:

(1) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(2) Produce uncontrolled toxic mists, fumes, or gases in sufficient quantities to threaten human health;

(3) Produce uncontrolled flammable fumes or gases in sufficient quantities to threaten human health;

(4) Damage the structural integrity of the tank or equipment containing the waste; or

(5) Through like means threaten human health or the environment;

(f) Shall not place treatment reagents in an elementary neutralization unit if they could cause the unit or any of its equipment to rupture, leak, abnormally corrode, or otherwise fail before the end of its intended life;

(g) Shall ensure the unit is constructed of sturdy, leakproof material and designed, constructed and operated so as to prevent hazardous wastes from being spilled or leaked into or on any land or water during the operating life of the unit;

(h) Complies with the requirements of 06-096 C.M.R. ch. 857, § 9, and 06-096 C.M.R. ch. 854, §§ 6(C)(10)(a), 6(C)(12) and 6(C)(13);

(i) Removes all hazardous waste and hazardous waste residues from the unit at closure;

(j) Submits within 14 days after any spill or leakage of hazardous waste from an elementary neutralization unit, a written report to the Department which contains the following information:

(1) Name, address, and telephone number of the owner or operator;

(2) Names, address, and telephone number of the facility;

(3) Date, time, and nature of the incident;

(4) Name and quantity of material(s) involved;

(5) The extent of injuries, if any;

(6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(7) Estimated quantity and disposition of recovered material that resulted from the incident;

(k) Reports verbally to the Department within 24 hours of any spill or leakage of hazardous waste from an elementary neutralization unit; and

(l) Contains any spilled corrosive material from the unit, and assesses the possibility for reuse of the spilled material in the manufacturing process. If the owner or operator is unable to reuse the material in the manufacturing process, and desires to manage the spilled material in its wastewater treatment system, the owner or operator shall obtain prior permission from the Department to meter the waste to an on-site treatment plant designed to handle corrosive wastes.

(2) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts for treatment hazardous waste by means other than a sewer line containing domestic sewage, or the generator who discharges the hazardous waste to a POTW through a sewer system containing domestic sewage if:

(a) The POTW that accepts the hazardous waste for treatment by a means other than a sewer line containing domestic sewage has a National Pollutant Discharge Elimination System (NPDES) or Maine Pollutant Discharge Elimination System (MEPDES) permit and the waste to be treated is in fact regulated by that permit and:

(i) The POTW is in compliance with the conditions of that permit and its State wastewater discharge license;

(ii) The POTW is in compliance with 06-096 C.M.R. ch. 857, § 9, and 06-096 C.M.R. ch. 854, §§ 6(C)(10)(a), 6(C)(12), 6(C)(13), and 6(C)(19);

(iii) The POTW is in compliance with 06-096 C.M.R. ch. 854, § 6D and

(iv) The applicant submits the following information to the Department:

(a) The types and quantities of hazardous waste that will be discharged;

(b) A copy of the notification sent to the POTW owner and operator informing the POTW of the types and quantities of hazardous waste proposed by each waste generator to be managed by the POTW; and

(c) A statement to the Department by each waste generator demonstrating it is necessary and appropriate to send the waste to the POTW due to a lack of feasible alternatives;

(b) The generator discharges to a POTW with a NPDES or MEPDES permit, the waste to be treated is in fact regulated by that permit, and the applicant (i.e., generator) submits an agreement to the Department that contains the following items:

(i) A copy of the written notification to the POTW by the generator discharging hazardous waste into the sewer system specifying the types and quantities of hazardous waste that will be discharged and a description of the anticipated treatment with the POTW will provide the generator; and

(ii) A statement by each waste discharger or generator to the Department demonstrating it is necessary and appropriate to discharge the waste to the POTW due to a lack of feasible alternatives.

The handling of any sludge or residue from the POTW which is hazardous is not deemed to be licensed under this section.

(3) Transfer facility:

(a) It is a transfer facility as defined in Section 3 of this Chapter;

(b) The transfer facility is used by a licensed transporter for the storage of manifested shipments of hazardous waste;

(c) The wastes are shipped to it and stored therein in the same containers, which containers meet the applicable requirements of 49 C.F.R. Parts 173, 178, and 179 and are labeled and marked in accordance with 06-096 C.M.R. ch. 851, § 8;

(d) The wastes are stored for a period of ten days or less;

(e) The transfer facility is provided with adequate security to prevent tampering and release of hazardous waste to the environment;

(f) The wastes are stored on a firm working surface, such as asphalt or concrete, which is at least four inches in thickness and impervious and which must be kept entire and that is designed to resist the effects of the wastes stored there, and which is constructed with a raised berm around the entire storage facility;

(g) The wastes are stored such that incompatible, reactive and ignitable wastes are segregated so as not to create a dangerous situation and to prevent wastes from coming into contact with one another;

(h) The transfer facility has adequate protection for fire; and

(i) The transfer facility has provisions for the proper maintenance of the structure including the firm working surface and any sealant.

(4) Facility where a hazardous waste is beneficially used or reused on the site of its generation:

(a) The waste does not leave the site unless transported in accordance with the applicable provisions of 06-096 C.M.R. ch. 853 and 06-096 C.M.R. ch. 857 for hazardous waste;

(b) The waste in quantities of 600 kilograms or more is stored prior to beneficial use or reuse in accordance with 06-096 C.M.R. ch. 851, §§ 8(B)(2)-(5) and 13(B)(1), 13(C)(1), 13(C)(3), 13(C)(4) and 13(D), or is stored in quantities of less than 600 kilograms in accordance with 06-096 C.M.R. ch. 851, §§ 8(B)(2)-(4) and 13(B)(1), 13(C)(1), 13(C)(3), 13(C)(4) and 13(D);

(c) The waste is beneficially used or reused on the site and if the waste is altered or treated in any manner, a detailed description of the alteration or treatment is provided to the Department;

(d) The waste is beneficially used or reused on-site within 90 days of the date when it was generated; and

(e) The waste is not used or reused in a manner constituting disposal or incinerated, burned or otherwise thermally treated unless in accordance with Section 11(A)(6) of this Chapter, or Section 10(D) of this Chapter and 06-096 C.M.R. ch. 854, § 13.

(5) Facility, not otherwise identified in Section 11 of this Chapter, where a hazardous waste is beneficially used or reused off the site of generation, and if recycled by being reclaimed it is recycled by the same entity (e.g., same corporation), where the terms "recycled", "reclaimed", and "used" or "reused" are as defined in 40 C.F.R. § 261.1(c)(4),(5)and (7) if:

(a) For waste generated and recycled within the State:

(i) The following information is submitted to the Department for its review and approval: a detailed description of the type of waste to be recycled, the alteration or treatment (if any) of the waste prior to the beneficial use or reuse, and the process by which the waste will be beneficially used or reused;

(ii) The storage of hazardous waste, if any, at the site of its generation is conducted in tanks or containers in accordance with the requirements of 06-096 C.M.R. ch. 851, and the storage of hazardous waste prior to the beneficial use or reuse by the recipient, if any, is conducted in tanks or containers in accordance with the requirements of 06-096 C.M.R. ch. 854 and 06-096 C.M.R. ch. 855;

(iii) The waste is beneficially used or reused at the receiving facility within 90 days of the date when the waste first arrived at the facility;

(iv) The waste is not incinerated, burned or otherwise thermally treated unless in accordance with Section 11(A)(6) of this Chapter, or Section 10(D) of this Chapter and 06-096 C.M.R. ch. 854, § 13;

(v) The waste is not recycled in a manner constituting disposal or accumulated speculatively as defined in 40 C.F.R. § 261.1(c)(8);

(vi) The waste is not F020, F021, F022, F023, F026, F027, and F028;

(vii) The recipient clearly marks each container with the name of the receiving facility, the date each container was received, and the license number authorizing the receipt of the waste; and the recipient maintains the generator labels on each container in a manner which is visible for inspection;

(viii) All waste is transported in accordance with the applicable provisions of 06-096 C.M.R. ch. 853 and 06-096 C.M.R. ch. 857 for hazardous waste;

(ix) The generator and the recipient obtain an abbreviated license issued jointly for the activities described above; and

(x) Fees must be paid on all shipments of waste pursuant to 38 M.R.S. § 1319-I(2)(B).

(b) For waste generated outside the State but recycled within the State:

The generator and the recipient comply with the provisions of Section 11(A)(5)(a)(i)-(x) of this Chapter; except that only the recipient is required to obtain an abbreviated license under this section.

(6) Incinerator or other thermal treatment unit:

(a) The unit is not a cast iron and fire-tube boiler or a boiler having a capacity level of less than 25 million Btu per hour;

(b) The hazardous waste being thermally treated is hazardous solely because it is ignitable and the owner or operator submits waste analyses to the Department which so demonstrate, specifying the source(s) of the waste;

(c) The amount of waste being thermally treated does not exceed 10% of the total feed stock burned at any one point in time and the owner or operator submits to the Department, a detailed description of the design and operation of the unit, including specification of how the 10% level is to be maintained at all times;

(d) The waste is used for energy recovery and the owner or operator submits information so documenting to the Department; and

(e) The Department makes an affirmative determination based upon the above information that the unit is licensed under the abbreviated license process. Thereafter, the owner or operator shall maintain a record of all wastes thermally treated, including the waste sources, sufficient to demonstrate compliance with subparagraphs (b), (c) and (d) above and shall submit on a quarterly basis a copy of that record to the Department.

(i) The Department may require analysis of the emissions, ash, scrubber effluent or other residues in order to determine that the unit meets the requirements of this section. These analyses may be required initially or whenever the Department determines that such information is necessary to protect public health, safety, or welfare or the environment, or both; and

(ii) The Department may determine that in order to protect the public health, safety, or welfare or the environment, a unit which meets the requirements of subparagraphs (a), (b), (c) and (d) above is nonetheless not deemed to be licensable under the abbreviated license process and that all applicable incinerator licensing requirements and standards of 06-096 C.M.R. ch. 854 and this Chapter apply.

(7) Facility where waste is reused in a wastewater treatment facility:

(a) The waste is spent pickle liquor (Hazardous Waste No. K062);

(b) The facility holds a NPDES or MEPDES permit, such use does not violate any condition or term of that permit or license and the waste to be treated is in fact regulated by the permit or license;

(c) The waste is beneficially reused within 90 days of the date when the waste first arrived at the facility and is stored prior to beneficial reuse in accordance with 06-096 C.M.R. ch. 851, §§ 8(B)(2)-(5);

(d) The waste is not stored in underground tanks; and

(e) The owner or operator of the facility submits to the Department a document that identifies and describes the facility process in which the waste is to be used and the location and manner of storage of the waste.

(8) Facility where polychlorinated biphenyls (PCBs) are stored:

(a) The total volume of PCBs, which are subject to these regulations (as specified in 06-096 C.M.R. ch. 850, § 3(C)(2)(c)(iii)), and the storage time at the site falls within either of the following categories:

(i) Greater than 165 gallons but for ten (10) working days or less, or

(ii) Less than 165 gallons for more than 10 days;

(b) The owner or operator of the facility submits to the Department a PCB management plan for the site. The PCB management plan must include, but not be limited to, preventative, spill containment and security measures to ensure that the public health and the environment will be protected during PCB handling and storage. The plan must be site specific but need not be specific to individual PCB units or equipment;

(c) The PCBs are stored in containers and tanks having identifying labels (unless stored in PCB equipment) and such containers or tanks are stored on an asphalt or concrete pad; and

(d) The Commissioner approves the PCB management plan.

(9) Precious metal recovery unit. The owner or operator of a facility where hazardous waste is treated for the recovery of precious metals contained in the waste:

(a) Shall store the waste prior to treatment for precious metal recovery in a manner that meets the requirements of 06-096 C.M.R. ch. 851, including the requirement that the waste be treated for recovery of precious metals within 90 days of the date the waste arrived at the facility;

(b) Shall maintain a system/test method for ensuring that any waste which is discharged to a POTW or through a NPDES or MEPDES permit is not hazardous as identified in 06-096 C.M.R. ch. 850;

(c) Maintains a valid license for the treatment, disposal, or both of wastewater generated by the recovery process that includes testing at appropriate frequency for at least the characteristic(s) or hazardous constituent(s) which render the waste hazardous;

(d) Does not incinerate, burn or otherwise thermally treat the waste except in accordance with Section 11(A)(6) of this Chapter, or Section 10(D) of this Chapter and 06-096 C.M.R. ch. 854, § 13;

(e) Submits to the Department documents identifying the wastes being treated for precious metal recovery, describing the process by which precious metals are recovered from the waste and the system/test method for ensuring that only non-hazardous waste is discharged under their wastewater discharge license;

(f) Complies with all applicable notification, manifest, recordkeeping and reporting requirements of 06-096 C.M.R. ch. 857; and

(g) The activity is authorized upon receipt of a letter from the Department of the above information.

(10) Volume reduction unit. The owner or operator of a wastewater treatment unit as defined in 40 C.F.R. § 260.10 that is employed to reduce waste volume where:

(a) The waste does not leave the site unless transported by a licensed hazardous waste transporter using a hazardous waste manifest in accordance with the applicable provisions of 06-096 C.M.R. ch. 853 and 06-096 C.M.R. ch. 857 for hazardous waste;

(b) Any waste storage prior to treatment in the unit is conducted in compliance with 06-096 C.M.R. ch. 851, §§ 8(B)(2)-(5);

(c) The waste is reduced in volume on the site of generation, the waste treatment is described in detail, and the unit is not otherwise subject to an abbreviated license under this Chapter;

(d) Waste reduction is performed within 90 days of waste generation;

(e) The waste is not incinerated, burned, or thermally treated except as provided in Section 11(A)(6) of this Chapter, or Section 10(D) of this Chapter and 06-096 C.M.R. ch. 854, § 13;

(f) The waste reduction is conducted in a manner that prevents releases of hazardous waste or constituents, or treatment residuals, into the environment; and

(g) The owner or operator takes the precautions to prevent reactions specified in 40 C.F.R. §§ 264.17(b)(1) - (5).

(11) Facility, not otherwise identified in Section 11(A) of this Chapter, where a hazardous waste is treated in a tank within 90 days of initial generation:

(a) The waste is treated on the site of generation and does not leave the site unless transported in accordance with the applicable provisions of 06-096 C.M.R. ch. 853 and 06-096 C.M.R. ch. 857 for hazardous waste;

(b) The facility complies with the provisions of Sections 11A(1)(a) through (k) of this Chapter;

(c) The facility complies with the tank provisions of 06-096 C.M.R. ch. 855, §9(D) and all applicable standards for generators of hazardous waste in 06-096 C.M.R. ch. 851 and 06-096 C.M.R. ch. 852;

(d) A detailed description of the treatment method is provided to the Department; and

(e) The waste is not incinerated, burned, or thermally treated except as provided in Section 11(A)(6) of this Chapter, or Section 10(D) of this Chapter and 06-096 C.M.R. ch. 854, § 13.

(12) Facility that generates a hazardous waste in solid form with insufficient liquid content to be free flowing and such that it does not fail the paint filter test, Method 9095B of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication SW-846) or the liquid release test, Method 9096 of SW 846; where such hazardous waste is beneficially used or reused off the site of generation, where the terms "used" or "reused" are as defined in 40 C.F.R. § 261.1(c)(5) or "reclaimed" as defined in 40 C.F.R. § 261.1(c)(4); and which for the purposes of this section the hazardous waste does not contain any volatile components, nor does it exhibit the hazardous characteristic of reactivity, corrosivity or ignitability as defined in 06-096 C.M.R. ch. 850, if:

(a) For waste generated and used, reused or reclaimed within the State:

(i) The following information is submitted to the department for review and approval:

(1) A detailed description of the type of waste to be used, reused or reclaimed; a certification that the waste is a characteristic hazardous waste sludge or a by-product exhibiting a characteristic of hazardous waste or meets the description of 40 C.F.R. § 261.2(e)(1); and a description of the process by which the waste will be beneficially used, reused or reclaimed;

(2) A demonstration is made to the department that a viable market exists for the waste in accordance with the requirements of 40 C.F.R. § 261.2(f). This demonstration must include documentation such as a contract that a product is produced from the waste and an analysis of any contaminants that are contained in the product as a result of using the waste; and

(3) A plan that demonstrates the ability and capacity of the equipment and storage areas to beneficially use, reuse or reclaim the waste within 90 days of the date when the waste first arrived at the facility.

(ii) The storage of hazardous waste, if any, at the site of its generation is conducted in tanks or containers in accordance with the requirements of 06-096 C.M.R. ch. 851, except that:

(1) Permission may be granted for storage up to an additional 90 days when the applicant demonstrates to department satisfaction that additional time is necessary to accumulate an economical amount of waste; and

(2) The waste must be labeled "Maine Recyclable Hazardous Material – Federally Exempt".

(iii**)** The storage of hazardous waste prior to the beneficial use, reuse or reclamation by the recipient, if any, is conducted in tanks or containers in accordance with the requirements of 06-096 C.M.R. ch. 854 and 06-096 C.M.R. ch. 855;

(iv) The waste is not incinerated, burned or otherwise thermally treated unless in accordance with Section 11(A)(6) of this Chapter, or Section 10(D) of this Chapter and 06-096 C.M.R. ch. 854, § 13;

(v) The waste is not used, reused or reclaimed in a manner constituting disposal or accumulated speculatively as defined in 40 C.F.R. § 261.1(c)(8);

(vi) The waste is not identified as F020, F021, F022, F023, F026, F027 or F028 under 06-096 C.M.R. ch. 850, Appendix VII;

(vii) The recipient clearly marks each container with the name and address of the receiving facility, the date each container was received, and the number of the uniform bill of lading (UBOL) for recyclable hazardous materials or the manifest document number; and the recipient maintains the generator labels on each container in a manner which is visible for inspection;

(viii) All waste is transported in accordance with U.S. Department of Transportation (DOT) regulations by a carrier and the department receives copies of the UBOL or manifest, including a description of the waste within seven days of when the waste is accepted by the carrier and within seven days after the shipment is accepted at the facility;

(ix) The waste is designated as "Maine Recyclable Hazardous Material / Federally Exempt." The prefix MR must be added before the four-digit state code for all shipments. The material may be shipped via common carrier if the shipment is accompanied by a UBOL supplied by the department and the generator, shipper and recycling facility comply with the instructions for the UBOL. The material may be

shipped via licensed hazardous waste transporter if the shipment is accompanied by a manifest and the generator, transporter and recycling facility comply with the instructions for the manifest;

(x) The generator and the recipient obtains an abbreviated license issued jointly for the activities described above; and

(xi) The generator pays the waste shipment fees due under 38 M.R.S., § 1319-I(2)(B) or arranges for payment of the fee by a third party such as the carrier or recycling facility.

(b) For waste generated outside the State but used or reused within the State, the recipient complies with the provisions of Section 11(A)(12)(a)(i) through (xi) of this Chapter; except that just the recipient is required to obtain an abbreviated license under this Section.

(c) For waste generated in the State but which is used, reused or reclaimed outside of the State:

(i) The generator submits the information contained in Section 11(A)(12)(a)(i)(1) and (2) of this Chapter to the Department for review and approval, except no prior approval by the Department is required for any treatment of the waste that occurs outside of the state;

(ii) All waste is transported in accordance with DOT regulations by a carrier and the department receives copies of the UBOL or manifest including a description of the waste within seven days of when the waste is accepted by the carrier and within seven days after the shipment is accepted at by the recipient;

(iii) The waste is designated as Maine Recyclable Hazardous Material/Federally Exempt. The prefix MR must be added before the four-digit state code for all shipments. The material may be shipped via common carrier if the shipment is accompanied by a UBOL supplied by the department and the generator, shipper and recipient comply with the instructions for the UBOL. The material may be shipped via licensed hazardous waste transporter if the shipment is accompanied by a manifest and the generator, transporter and recipient comply with the instructions for the manifest;

(iv) The generator complies with Section 11(A)(12)(a)(ii) of this Chapter; and

(v) The generator complies with Section 11(A)(12)(a)(xi) of this Chapter.

(d) For the purposes of this subsection, "carrier" means both a common carrier and a licensed hazardous waste transporter.

(13) Electronics Demanufacturing Facility. A facility where universal waste is prepared for recycling by demanufacturing electronic units, including but not limited to computers, televisions, video display terminals, into the various sub components. The owner or operator of an electronic demanufacturing facility shall comply with the following requirements:

(a) Submit to the Department for its review and approval a detailed description of the type of waste to be recycled, the processing method for the alteration or dismantling of the waste, and the process by which the waste will be beneficially used or reused;

(b) Ensure that no crushing or other treatment of the universal waste or hazardous sub components other than dismantling occurs. The baling of steel, plastic, aluminum and electrical cables is acceptable provided no hazardous substances are released in the process;

(c) Ensure that the storage of any universal waste and dismantled electronics is conducted at the site in accordance with the requirements of 06-096 C.M.R. ch. 850, §§ 3(A)(13) and 3(A)(14) or in accordance with a plan submitted and approved under this abbreviated process;

(d) Ensure that the demanufacturing facility clearly marks each container or electronic unit with the name or identification number of the generator, the date each container or electronic unit was received, and the date the first item or sub component is placed in the dismantled sub component containers;

(e) Ensure that the waste is dismantled at the demanufacturing facility within 180 days of the date when the waste first arrived at the facility;

(f) Ensure that the dismantled sub components are shipped from the demanufacturing facility within 180 days of the date the waste is dismantled;

(g) Ensure that the waste and sub components are not recycled in a manner constituting disposal, unless the waste components are determined to not contain hazardous constituents or no feasible recycling option is available in which case the waste components may be sent for disposal;

(h) Transport all waste in accordance with the applicable provisions of 06-096 C.M.R. ch. 853 and 06-096 C.M.R. ch. 857 for hazardous waste or universal waste, or for waste components with no hazardous constituents in accordance with a plan submitted and approved under this abbreviated process; and

(i) Submit an annual report to the Department that documents the quantity of waste incoming to the facility, and the quantity of universal waste and sub component material outgoing from the facility on forms specified by the Department.

B. Operation of a facility under an abbreviated license process constitutes the granting of permission by the owner or operator to allow authorized representatives of the Department to conduct periodic inspections of the facility and sampling of the waste(s) to determine compliance with the provisions and intent of this section.

C. The owner or operator of a facility under an abbreviated license process shall:

(1) Pay the annual fee as required by 38 M.R.S. § 1319-H(2) and Section 13(C) of this Chapter except that transfer facilities as described in Section 11(A)(3) of this Chapter are not required to pay the fee.

(2) Submit, with the annual fee, a statement, signed and dated, that:

(a) Identifies the owner and operator by name(s), address(es), and telephone number(s);

(b) Identifies the facility by name, location, address, and telephone number;

(c) Identifies the type of facility and process as enumerated in Section 11(A) of this Chapter; and

(d) Identifies the type and quantity of the hazardous waste(s) handled at the facility under the abbreviated license granted by the Department.

(3) Upon closure of the facility or cessation of use of the unit, remove all hazardous waste and hazardous waste residues to a facility licensed to handle the waste. Remaining containers, tanks, liners, bases, equipment, structures, and soil containing or contaminated with hazardous waste residues must be decontaminated or disposed of at a facility licensed to handle the waste. The owner or operator of the facility shall provide 45 days written notice to the Department prior to closure or cessation of use and shall submit to the Department within l0 days of completion of closure, certification that closure was completed in accordance with the provisions of this Chapter. The certification must be made by the owner or operator and by an independent State of Maine licensed professional engineer and must be submitted within 90 days from the date of facility closure or cessation of use of the unit.

D. A facility is licensed under the abbreviated process only so long as the requirements of this section are met.

E. Eligibility for an abbreviated license may be terminated by the Department if any of the requirements of Section 11 of this Chapter are violated, if any of the requirements of 06-096 C.M.R. ch. 854 or this Chapter are violated, or if the Department determines that the requirements for an abbreviated license are not sufficient to protect human health, safety or welfare or the environment. Any handling activity which is subject to full licensing requirements under federal law shall not be eligible for an abbreviated license.

F. An owner or operator that notifies the Department of activity covered under Section 11(A)(1) of this Chapter is considered to be licensed under the Abbreviated License Process for that activity provided the owner or operator notified the Department using the registration form supplied by the Department by March 31, 1994, or prior to the activity if after March 31, 1994, and complies with all applicable rules. To retain the license, the owner or operator is required to register with the Department annually, in January of each year, pay the appropriate annual fee per 38 M.R.S. § 1319-H, and maintain compliance with all applicable rules.

G. An owner or operator of a precious metal recovery unit that receives a letter of receipt from the Department for an Abbreviated License Application under Section 11(A)(9) of this Chapter is authorized to continue operating such an activity until the Department requests a modification. The modification may include requesting a change in operation or the cessation of the activity.

12. Decisions

A. In accordance with the statutory requirements of 38 M.R.S. §§ 345-A and 1319-R, the Department will within a reasonable period of time after receipt of the application order a public hearing on the application or propose to:

(1) Approve the application with standard conditions only and set forth, in writing, its findings that the applicable statutory criteria are met with a sufficient explanation to make interested persons aware of the basis for the approval;

(2) Approve the application, subject to standard and special conditions and set forth, in writing, its findings that the applicable statutory criteria are met with a sufficient explanation to make interested persons aware of the basis for the approval; or

(3) Deny the application in its entirety or deny only the portion pertaining to the active life of a facility or unit and set forth, in writing, its findings with a sufficient explanation to make interested persons aware of the basis for disapproval.

If a public hearing on the application is held, the Department will propose a decision under Sections 12(A)(1), 12(A)(2) or 12(A)(3) of this Chapter within a reasonable time after the conclusion of the hearing.

NOTE: Hearings on applications are generally discretionary pursuant to 38 M.R.S. § 345-A and 06-096 C.M.R. ch. 2, § 7; however, 38 M.R.S. § 1319-R requires that a public hearing be held for any application for a license to construct, newly operate, or substantially expand a commercial hazardous waste facility. In this instance, "substantially expand" means "the expansion of an existing licensed hazardous waste facility by more than 25%, as measured by volume of waste or affected land area, from the date of its initial licensed operation." A decision made by the Department under Sections 12(A)(1), 12(A)(2), or 12(A)(3) of this Chapter is a proposed decision until the Department acts under subsection C of this section.

B. Immediately following a decision by the Board under Section 12(A)(1), 12(A)(2), or 12(A)(3) of this Chapter (for licenses other than abbreviated licenses issued under Section 11 of this Chapter), the Department will give or cause to be given public notice, including notice to the applicant, of the proposed decision, invite written comments on its appropriateness and offer the opportunity to request a public hearing concerning the decision, stating that comments and hearing requests must be received within 45 days of the date of the notice. Such a notice will include the Department contact person and the locations and times that the decision may be examined.

C. At its next regularly scheduled meeting following the 45 day comment period referenced in Section 12(B) of this Chapter, the Board will, having considered and responding to any comments or requests:

(1) Affirm the proposed decision as final without modification;

(2) Modify the proposed decision at its discretion and issue as final or if the Board determines that the modification represents a significant change in construction, operation or alteration of the facility or in terms or conditions of the proposed decision, it will issue the modified decision as a new proposed decision, subject to the requirements of Sections 12(A) and 12(B) of this Chapter and this subsection;

(3) Reverse the proposed decision, issuing the reversal as a new proposed decision, subject to the requirements of Sections 12(A) and 12(B) of this Chapter and this subsection; or

(4) Order a public hearing on the proposed decision upon request or at the discretion of the Board and, following the hearing, act under Sections 12(A)(1), 12(A)(2), or 12(A)(3) of this Chapter.

D. Appeals by an aggrieved party may be made in accordance with 38 M.R.S. §§ 341-D(4) and 346; the Maine Administrative Procedure Act, 5 M.R.S. § 11001; and the *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2..

E. If the application is complete, if the required findings can be made, if the applicant has not misrepresented any facts in its application, and if issuance of a license will not cause or contribute to a violation of law or rule, the license will be issued, for a term specified by the Department, not to exceed 5 years. Each license issued under this Chapter will contain terms and conditions as the Department deems necessary to comply with applicable statutory law, the regulations adopted thereunder, and to protect human health and the environment.

F. In determining whether issuance of the license will cause or contribute to a violation of law or rule, the Department may consider any prior violation, suspension or revocation of any license issued to the owner, operator or facility pursuant to this Chapter or of any other environmental license, permit, certification or other approval issued to the owner, operator or facility by this State or any political subdivision thereof or by any other State or Federal agency. The Department may require the applicant to present evidence of changed conditions or circumstances sufficient, in the Department's judgment, to warrant issuance of the license notwithstanding any prior violation, suspension or revocation.

G. An application for a license for more than one type of handling may be granted in whole or in part and the license may be issued as a single license for all types of handling or as separate licenses for each type of handling, as the Department determines to be appropriate. The Department may deny the license application either in its entirety or in part, or only the portion pertaining to the active life of a facility or unit.

H. A license for a substantial modification may be granted as an amendment to the existing license or as a new license, as the Department determines to be appropriate.

I. The municipality in which a facility is located, for which a license has been applied for, or if the facility is located in an unorganized territory, the county clerk of the county of its location, will be notified of any proposed or final decision regarding an application.

J. In the case of a mobile treatment facility, the Department may prohibit the operation of such a facility through denying phase 2 approval if the Department determines that such operation at that site poses a threat to public health or the environment.

13. License Terms and Conditions

A. The following standard conditions will apply to all licenses issued under this Chapter:

(l) Relation of license to application. The plans, specifications, descriptions and other documentation submitted by the licensee in support of the application and approved by the Department in issuing the license constitute terms of the license which must be complied with by the licensee. Any variation or change in the plans, specifications, descriptions or other documentation must be approved by the Department prior to implementation. Upon completion of any construction or alteration approved by the Department, the licensee shall submit to the Department a written certification by a registered professional engineer that the facility has been constructed or altered in accordance with the terms of the license.

NOTE: Variations or changes in the plans, specifications, descriptions or other documentation which alter, modify or substantially expand a facility must be approved by the Department prior to implementation, and are usually approved through a license modification or license amendment in accordance with 06-096 C.M.R. Ch. 2.

(2) Duty to comply. The licensee shall comply with all conditions of the license. Any noncompliance constitutes a violation of law and is grounds for enforcement action, for license suspension or revocation or for denial of a renewal application.

(3) Duty to reapply. If the licensee wishes to continue an activity regulated by this license after the expiration date of this license, the licensee shall apply for and obtain a new license.

(4) Duty to halt or reduce activity. It shall not be a defense for a licensee in an enforcement action that it would have been necessary to halt or reduce the licensed activity in order to maintain compliance with the conditions of this license.

(5) Duty to mitigate. The licensee shall take all reasonable steps to minimize or correct any adverse impact on human health or the environment resulting from noncompliance with this license.

(6) Proper operation and maintenance. The licensee shall at all times properly operate and maintain all facilities and systems which are installed or used by the licensee to achieve compliance with the conditions of this license. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the license.

(7) License actions. This license may be modified, suspended or revoked by the Department for cause, including but not limited to where the standards or regulations on which the license was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the license was issued. The filing of a request by the licensee for a license modification does not stay any license condition.

(8) Property rights. This license does not convey any property rights of any sort, or any exclusive privilege.

(9) Duty to provide information. The licensee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, suspending or revoking this license or to determine compliance with this license. The licensee shall also furnish to the Commissioner, upon request, copies of records required to be kept by the licensee and not otherwise required to be filed with the Department.

(10) Monitoring and records

(a) Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

(b) The licensee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this license, the certification required by 06-096 C.M.R. ch. 854, § 6(C)(10)(b), and records of all data used to complete the application for this license, for a period of at least 10 years from the date of the sample, measurement, report or application unless otherwise specified in this Chapter or 06-096 C.M.R. ch. 854. This period may be extended by request of the Commissioner at any time and is automatically extended for the period of any enforcement action. The licensee shall maintain records from all ground water monitoring wells and associated ground water surface elevations, for the life of the facility, and, for disposal facilities, for the post-closure care period as well.

(c) Records of monitoring information must include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(11) Transfers. This license is not transferable to any person except with the prior approval of the Department, upon demonstration that the transferee is able to comply with the license. The Department will require amendment of the license to change the name of the licensee and to incorporate such other requirements as may be necessary.

(12) Monitoring reports. All licenses must include the requirements specified in 40 C.F.R. § 270.31, provided that references to 40 C.F.R. Parts 264, 266, or 267 shall mean 06-096 C.M.R. ch. 854. Monitoring results must be reported to the Department at the intervals specified elsewhere in this license.

(13) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this license must be submitted no later than l4 days following each schedule date.

(14) Noncompliance and occurrence reporting. The licensee shall report any noncompliance, any release or discharge of hazardous waste and any fire or explosion at a facility. Information must be provided orally within 24 hours from the time the licensee becomes aware of the circumstances. A written submission must also be provided within 5 days, or with permission of the Commissioner within 15 days, of the time the licensee becomes aware of the circumstances. For noncompliance, the written submission must contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. For a release or discharge, fire or explosion the written submission must include:

(a) Name, address, and telephone number of the owner or operator;

(b) Name, address, and telephone number of the facility;

(c) Date, time, and type of incident;

(d) Name and quantity of waste(s) involved;

(e) The extent of injuries, if any;

(f) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(g) Estimated quantity and disposition of hazardous waste released or discharged.

(15) Other information. Where the licensee becomes aware that it failed to submit any relevant facts in a license application, or submitted incorrect information in a license application or in any report to the Commissioner, it shall promptly submit such facts or information.

(16) Signatory requirement. All applications, reports, or information submitted to the Commissioner must be signed by an authorized signatory. Any person signing such documents shall make the following certification:

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

(17) Commencement of Operation. For a new facility, the licensee may not commence handling of hazardous waste; and for a facility being altered or substantially modified the licensee may not handle hazardous waste in the altered or modified portion of the facility until:

(a) The licensee has submitted to the Commissioner by certified mail or hand delivery a letter signed by the licensee and a registered professional engineer stating that the facility has been constructed, altered or modified in compliance with the license; and

(b) (i) The Commissioner has inspected the new, altered or modified facility and finds it is in compliance with the conditions of the license; or

(ii) If within 15 days of the date of submission of the letter required by (a) above, the licensee has not received notice from the Commissioner of the intent to inspect, then the inspection referenced in subparagraph (b)(i) above is waived and the licensee may commence handling of hazardous waste.

(18) Other Permits and Licenses. The licensee shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction, alteration, modification and operation as appropriate.

(19) Bid Specification. A copy of this license must be included in or attached to all contract bid specifications for the facility.

(20) Contractor Copy. The licensee shall not direct or permit any work within the scope of this license to be done by a contractor until the licensee has given the contractor a copy of this license.

(21) Construction/Operation Within Two Years. If the construction or operation of the facility has not begun within two years, this license expires and the licensee shall reapply to the Department for a license. No construction or operation of the facility may be undertaken until a new license is granted. The new application must state the reasons why construction or operation was not begun within two years from the granting of the initial license and the reasons why construction or operation will begin within two years from the granting of a new license. The new application may incorporate, by reference, information submitted in the initial application, but must include all information required by law or rule at the time the new application is submitted.

(22) Annual Fee. The licensee shall pay the annual fee as required by 38 M.R.S. § 1319-H(2) and subsection C, below. This license is not effective until and unless the annual fee has been paid.

(23) Annual Report. The licensee shall prepare and submit an annual report in accordance with 06-096 C.M.R. ch. 854, § 6(C)(12).

(24) 06-096 C.M.R. ch. 857, Manifest Requirements and Manifest Discrepancies. The licensee shall comply with all manifest requirements. If a discrepancy in a manifest is discovered, the licensee shall attempt to reconcile the discrepancy. If not resolved within fifteen days, the licensee shall immediately submit a letter report, including a copy of the manifest, to the Department.

(25) Inspection and entry. The licensee shall allow the Department, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

(i) Enter at reasonable times upon the licensee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this license;

(ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this license;

(iii) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this license; and

(iv) Sample or monitor at reasonable times, for the purposes of assuring license compliance or as otherwise authorized by law or rule, any substance or parameters at any location.

B. Special Conditions. The Department may place special terms and conditions, including compliance schedules, as part of any license issued under this Chapter. However, terms and conditions must be addressed toward specifying particular means of satisfying minor or easily corrected problems, or both, relating to compliance with the hazardous waste statutes and may not

substitute for or reduce the burden of proof of the applicant to affirmatively demonstrate to the Department that each of the applicable standards has been met. A compliance schedule must require compliance as soon as possible but must not be for a period of time longer than the term of the license. A schedule that exceeds 1 year from date of issuance must set forth interim requirements and the dates for their achievement.

C. Annual Fee. A licensee shall pay an annual fee according to the schedule below. The fee must be payable on the date on which the Department makes a final decision under Section 12(C)(1) or (2) of this Chapter or, in the case of a facility abbreviated license, 15 days after the effective date of the license, and must be paid thereafter on each anniversary of that date for the term of the license. A license, including an abbreviated license, is not effective until and unless the annual fee has been paid. The fee must be paid by certified check or money order made payable to the Maine Hazardous Waste Fund.

Type of Facility	Annual Fee
Disposal facility	$1,500
Commercial and on-site treatment facility	$1,000
Other waste facility for hazardous waste, including storage facilities	$500
Treatment facility under license by rule provisions (i.e., Abbreviated Licenses in Section 11 of this Chapter) where the hazardous waste treated is:	
1,000 kg/month or less	$100
over 1,000 kg/month	$200
Facility Post Closure License	$500

D. Insurance and Closure and Post-Closure Funding Assurance. A license will not be in effect until and unless:

(1) All required insurance coverage is in force and effect;

(2) All assurance of closure funding, post-closure funding, or both is made as required;

(3) All financial tests are met as required; and

(4) All deposits or payments into trusts are made as required.

E. Standard Condition of Approval for Mobile Treatment Facilities. The licensee of a mobile treatment facility which holds a valid hazardous waste treatment license for a specific site, who wishes to return to that site shall give fifteen (15) working days written advance notice to the Department and to the local municipal officials.

14. Renewal of a License

A. An application for renewal of a license must be filed with the Department no earlier than two hundred and ten (210) and no later than one hundred and eighty (180) days prior to expiration of the existing license, unless a different time is established in the license.

B. An application for renewal of a license must include such updated, supplemental or new information as may then be required to enable the Department to act upon the renewal application.

C. An operator of a mobile treatment facility may apply to the Department for one extension of its license for a specific site.

15. Suspension and Revocation

A. The Department may seek suspension or revocation of a license for any violation of applicable law, of rule, of the license or any term or condition thereof, or upon or in conjunction with the suspension or revocation of any other license, permit, certification or approval for the handling of hazardous waste issued to the owner, operator or facility by this State or political subdivision thereof or by any other State or Federal agency.

B. The Department will seek revocation of a license which is again suspended within 18 months of its prior suspension or revocation.

C. A licensee whose license has been revoked may not reapply for a license within one calendar year from the effective date of the revocation.

16. Emergency Temporary Permission for Storage of Hazardous Waste for more than 90 Calendar Days by a Generator

A. When a generator of hazardous waste, who ordinarily stores hazardous waste on the site of generation for less than ninety (90) calendar days pursuant to 06-096 C.M.R. ch. 851, needs to temporarily store that waste on that site for more than ninety (90) calendar days because of an emergency condition, the generator shall, as soon as possible, orally advise the Department and within 48 hours apply in writing to the Commissioner for emergency temporary permission for an extension of the 90-day generator storage limit to allow the storage of hazardous waste for more than ninety (90) calendar days.

B. The oral advice and written application must give the generator's name and location, describe the operation of the generating facility, identify the type and amount of hazardous waste generated therein and type and amount of those hazardous wastes which must be so stored and specify the method and conditions of storage, including its expected duration. The applicant shall also describe the usual method or system of handling the hazardous wastes which are proposed to be so stored, state the emergency condition which prevents the use of that method or system and state what, if any, alternatives to storage exist, whether they have been explored and why they cannot be utilized.

C. If the oral advice and/or written application demonstrates, in the judgment of the Commissioner, that an emergency exists which poses an imminent and substantial endangerment to human health or the environment and which requires that the generator temporarily store the wastes as specified and that such temporary storage will not itself create or threaten imminent and substantial endangerment to human health or the environment, the Commissioner may provide emergency temporary permission for an extension to allow such storage. The extension:

(1) May be oral; if so, it must be followed within 5 days by a written emergency extension;

(2) Must not exceed 30 days in duration. The Commissioner may grant a maximum of two (2) extensions, in 30-day increments, such that the maximum period of the emergency extension does not exceed 90 days;

(3) Must specify the wastes to be stored and the location and manner of storage;

(4) May be terminated by the Commissioner at any time, without process, if the Commissioner determines that termination is appropriate to protect human health or the environment; and

(5) Must incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Chapter and of 06-096 C.M.R. ch. 854.

D. If a generator applies more than one time for an extension under this section, the Commissioner may, whether or not it issues the extension, require the generator to apply for a hazardous waste storage facility license under the regular licensing provisions of this Chapter and 06-096 C.M.R. ch. 854.

17. Applicability of Criteria for Facility Development. The findings and conclusions required by 38 M.R.S. § 1319-R must be made for issuance of a non-abbreviated license under this Chapter.

18. Emergency Circumstances

A. A person engaged in treatment (other than thermal treatment or land treatment) or containment activities during immediate response to any of the following situations is not required to obtain a license to do so:

(1) A discharge of a hazardous waste;

(2) An imminent and substantial threat of a discharge of a hazardous waste;

(3) A discharge of a material which, when discharged, becomes a hazardous waste; or

(4) An emergency response: (a) to an immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of "military munitions"; (b) to an "explosives or munitions emergency"; or (c) as part of an "explosives or munitions emergency response"; as those terms (noted in quotations) are defined in 40 C.F.R. § 260.10. In addition to any other reporting requirements, including those of 38 M.R.S. § 1318-B and 06-096 C.M.R. ch. 801, the responsible parties involved shall retain records for three years identifying the dates of the response, the responsible parties responding, the type and description of materials addressed, and its disposition.

Under emergency circumstances, the Commissioner may give permission to a generator or transporter to transport hazardous waste without a license pursuant to 06-096 C.M.R. ch. 853, § 10(C) or without a hazardous waste manifest pursuant to 06-096 C.M.R. ch. 857, §10.

B. Any person who is covered by Section 18(A) of this Chapter shall in addition to all other applicable reporting requirements, including those of 38 M.R.S. § 1318-B and 06-096 C.M.R. ch. 801, immediately notify the Department, upon undertaking treatment, identifying the type and quantity of the waste involved, the nature of the treatment and the circumstances warranting such

treatment. Any person who is covered by Section 18(A) of this Chapter shall comply with applicable requirements of 06-096 C.M.R. chs. 850 through 858 after the immediate response.

C. The Department has the authority and responsibility to direct that part of the response to a discharge which involves treatment or removal and may require modification or cessation of any treatment activity at any time.

D. An owner or operator of a facility otherwise regulated by 06-096 C.M.R. ch. 854 where a discharge or threat of discharge requiring immediate response occurs, shall comply with all applicable requirements of 06-096 C.M.R. ch. 854, §§ 6(C)(5) and 6(C)(6).

E. Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is subject to all applicable requirements of 06-096 C.M.R. ch. 854, 06-096 C.M.R. ch. 855 and 06-096 C.M.R. ch. 856.

19. Severability. Should any provision of this Chapter be declared invalid or ineffective by court decision, the decision does not invalidate any other provision of this Chapter.

AUTHORITY: 38 M.R.S. §§ 1301 through 1319-Y

EFFECTIVE DATE: March 23, 1983
Amended February 10, 1985
Amended November 30, 1986
Amended March 16, 1994
Amended May 4, 1996 (electronic conversion)
Amended January 1, 2000
Amended March 26, 2000
Amended November 3, 2002

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Chapter 857: HAZARDOUS WASTE MANIFEST REQUIREMENTS

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Chapter 857: HAZARDOUS WASTE MANIFEST REQUIREMENTS

SUMMARY: This Chapter establishes requirements for the use of manifests to track the movement of hazardous waste from the point of generation to any intermediate points and finally to its ultimate disposition and establishes related responsibilities and liabilities of generators, transporters and owners and operators of waste facilities for hazardous waste.

l. Legal Authority. This Chapter is authorized by and adopted under 38 M.R.S. §§ 1301 through 1319-Y.

2. Preamble. It is the purpose of the Department of Environmental Protection (Department), consistent with legislative policy, to provide effective controls for the management of hazardous waste in order to protect public health, safety and welfare and the environment. This Chapter provides one such control by requiring the use of a manifest to track the movement of hazardous waste from the point of generation to any intermediate points and finally to its ultimate disposition and by establishing related responsibilities and liabilities of generators, transporters, and owners and operators of waste facilities for hazardous waste.

Portions of this Chapter refer to federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise specified, the federal regulations referenced are those final regulations as amended up to July 1, 2019, as they appeared in volume 40 of the Code of Federal Regulations (C.F.R.) and are hereby incorporated by reference. Where specifically stated, the terms of a referenced federal regulation are hereby incorporated as terms of this Chapter, except that in regulations incorporated thereby, "Administrator", "Regional Administrator" and "Director" shall mean the Maine Board of Environmental Protection, the Commissioner of the Department of Environmental Protection or the Commissioner's designated representative, as applicable; the references to terms or phrases including "treat", "store", or "dispose" shall mean "handle"; and "EPA" shall mean the Maine Department of Environmental Protection except for references to 40 C.F.R. Part 262, Subpart B (§§ 262.20 − 262.27) and Subpart H (§§ 262.80 − 262.84), and for references to 40 C.F.R. § 3.10, 40 C.F.R. § 260.2(c), 40 C.F.R. § 260.4, and 40 C.F.R. § 260.5 in which "EPA" shall retain its meaning as "EPA". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or Chapters 850 - 860, the more stringent of the requirements shall apply. Other changes to regulations incorporated hereby are as expressly made in this Chapter.

3. Definitions

A. Board. "Board" means the Board of Environmental Protection.

B. Department. "Department" means the Department of Environmental Protection.

C. Designated Facility. "Designated facility" means:

(1) A hazardous waste facility as defined in Section 3(H) of this Chapter and which has been designated on the manifest by the generator pursuant to 40 C.F.R. § 262.20;

(2) "Designated facility" also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with 40 C.F.R. § 264.72(f) or 40 C.F.R. § 265.72(f); and

(3) If a waste is destined to a facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

D. Electronic Manifest (or e-Manifest). "Electronic Manifest" (or "e-Manifest") means the electronic format of the hazardous waste manifest that is obtained from the U.S. Environmental Protection Agency's (EPA's) national e-Manifest system and transmitted electronically to the system, which is the legal equivalent of EPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

E. Electronic Manifest System (or e-Manifest System). "Electronic Manifest System" (or "e-Manifest System") means EPA's national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

F. Generator. "Generator" means a person whose act or process produces a waste which is or may be hazardous.

G. Handle. "Handle" means to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose of.

H. Hazardous Waste Facility. "Hazardous waste facility" means a hazardous waste treatment, storage, or disposal facility which:

(1) Has received a permit, (or interim status) in accordance with the federal hazardous waste permit program (40 C.F.R. § 270 and 40 C.F.R. § 124);

(2) Has received a permit (or interim status) from a state authorized in accordance with 40 C.F.R. § 271 and if located in Maine is licensed pursuant to *Interim Licenses for Waste Facilities for Hazardous Waste*, 06-096 C.M.R. ch. 855 or *Licensing of Hazardous Waste Facilities*, 06-096 C.M.R. ch. 856;

(3) Is regulated under 40 C.F.R. § 261.6(c)(2) or Subpart F of 40 C.F.R. § 266, only if operating and authorized outside of Maine.

I. Manifest. "Manifest" means the shipping document which the U.S. Environmental Protection Agency (EPA) designates as EPA Form 8700-22 (OMB Control number 2050-0039) also referred to as the "uniform hazardous waste manifest" including, if necessary, the continuation sheet EPA Form 8700-22A, or the electronic manifest (as defined in Section 3(D) of this Chapter), originated and signed in accordance with the applicable requirements of 40 C.F.R. Parts 262 through 265 and any applicable state requirements for state-regulated hazardous waste. For universal waste regulated pursuant to 06-096 C.M.R. ch. 858 and waste oil regulated pursuant to 06-096 C.M.R. ch. 860, "manifest" may also mean the Maine Recyclable Material Uniform Bill of Lading (or "UBOL") as described in Section 4 of this Chapter.

J. Manifest Tracking Number. "Manifest tracking number" means the alphanumeric identification number which is pre-printed in Item 4 of the manifest by a registered source.

K. Site. "Site" means the same or geographically contiguous property which may be divided by a public or private right-of-way, provided that the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way.

Noncontiguous properties owned by the same person but connected by a right-of-way which the owner controls and to which the public does not have access is also considered site property.

L. Signature. "Signature" means either a legible handwritten signature when applied to EPA Forms 8700-22 and 8700-22A, or an electronic signature that meets the requirements of 40 C.F.R. § 262.25(a) when applied to Electronic Manifests.

M. Transport. "Transport" means the movement of hazardous waste from the point of generation to any intermediate points and finally to the point of ultimate disposition. Movement of hazardous waste on the site where it is generated or on the site of a licensed waste facility for hazardous waste is not "transport."

N. Transporter. "Transporter" means a person who transports hazardous waste in any quantity within, into or through the State of Maine.

O. User of the Electronic Manifest System. "User of the electronic manifest system" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste facility, or any other person that:

(1) Is required to use a manifest to comply with:

(a) Any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

(b) Any federal or state requirement to track the shipment, transportation, and receipt of rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

(2) Elects to use the e-Manifest system to obtain, complete and transmit an electronic manifest format supplied by the EPA electronic manifest system, or

(3) Elects to use the paper manifest form and submits to the e-Manifest system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with Section (9)(A)(4) of this Chapter. These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.

P. Waste. "Waste" means any useless, unwanted or discarded substance or material, whether or not such substance or material has any other or future use and includes any substance or material that is spilled, leaked, pumped, poured, emitted, emptied, or dumped onto the land or into the water or ambient air.

4. Manifest Form. The uniform hazardous waste manifest form (EPA Form 8700-22 and if necessary 8700-22A), and the Maine Recyclable Material Uniform Bill of Lading (UBOL) form approved by the Board, including the instructions on the back of the manifest and UBOL forms, are hereby incorporated as provisions of this Chapter. The UBOL may be used in lieu of the uniform hazardous waste manifest for shipments of universal waste, as defined and regulated pursuant to 06-096 C.M.R. ch. 858. For universal waste shipped using a UBOL, the term "hazardous waste facility" as used in this Chapter may include "central accumulation facility", "consolidation facility" or "recycling facility" as those terms are defined in 06-096 C.M.R. ch. 858. All information required on the manifest and UBOL forms and all related instructions are requirements of this Chapter, to which penalties for non-compliance attach.

The Department may authorize an alternative form to the UBOL for the transport of universal wastes if it contains the information required to meet the needs of the Department.

NOTE: In 2008, the Department approved a manifest form entitled "Maine Recyclable Material Uniform Bill of Lading" for shipments of universal waste in lieu of the Uniform Hazardous Waste Manifest (i.e., EPA Form 8700-22 and if necessary, Form 8700-22A). The Maine Recyclable Material Uniform Bill of Lading replaced a previously-approved form (entitled "Maine Recyclable Hazardous Materials Uniform Bill of Lading") to address certain concerns of the Electronics Industry Association, to remove the word "Hazardous" from its title, and to provide for the documentation and tracking of shipments of Maine universal wastes including those which are not included from the list of U.S. Department of Transportation (DOT) regulated hazardous materials, as well as universal wastes that are DOT regulated hazardous materials.

5. General Requirements

A. A generator that transports, or offers for transportation, a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, shall prepare a manifest on EPA Form 8700-22 and, if necessary, EPA Form 8700-22A and shall comply with the manifest requirements of 40 C.F.R. § 262.20(a), and Sections 7 and 9, respectively, of this Chapter. Persons required to prepare a manifest under 40 C.F.R. § 262.20(a)(1) may prepare and use a paper manifest from an EPA-approved source in accordance with 40 C.F.R. §§ 262.21(g)(1) and (2), or prepare and use an electronic manifest in accordance with 40 C.F.R. § 262.20(a)(3).

B. A transporter shall comply with the manifest requirements of 40 C.F.R. § 263.20 and Section 8 of this Chapter, including the requirements for the use of a paper uniform hazardous waste manifest or an electronic manifest, as applicable.

C. Each generator, transporter and owner or operator of a hazardous waste facility shall comply with all the requirements and instructions which are specified on the manifest.

D. If the transporter is unable to deliver the hazardous waste to the designated facility or to the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.

E. In lieu of using the paper manifest a person required to prepare a manifest may prepare and use an electronic manifest, provided that the person:

(1) Complies with the requirements in Section 5(F) of this Chapter; and

(2) Complies with the requirements of 40 C.F.R. § 3.10 for the reporting of electronic documents to EPA.

F. Use of electronic manifest by generators, transporters, and owners or operators of a hazardous waste facility:

(1) *Legal equivalence to paper manifest*: Electronic manifests that are obtained, completed, and transmitted in accordance with 40 C.F.R. § 262.20(a)(3), and used in accordance with Section 5(E) of this Chapter in lieu of EPA Forms 8700-22 and 8700-22A are the legal equivalent of

paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in this Chapter to obtain, complete, sign, provide, use, or retain a manifest, except as provided in Section 5(F)(11) of this Chapter.

(2) Any requirement in this Chapter to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 C.F.R. § 262.25(a).

(3) Any requirement in this Chapter to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to EPA's electronic manifest system.

(4) Any requirement in this Chapter for a generator, transporter, or owner or operator of a hazardous waste facility to keep or retain a copy of a manifest is satisfied by the retention of an electronic manifest on the e-Manifest system in the account of the generator, transporter, or owner or operator, respectively, and provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

(5) Any requirement in this Chapter for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except as provided in Section 5(F)(11) of this Chapter.

(6) No generator, transporter, or owner or operator of a hazardous waste facility may be held liable for the inability to produce an electronic manifest for inspection under this Chapter if the generator, transporter, or owner or operator of a hazardous waste facility can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which it bears no responsibility.

(7) A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

(8) A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.

(9) An owner or operator of a hazardous waste facility may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or from portable equipment brought to the owner's or operator's site by the transporter who delivers the hazardous waste shipment to the facility.

(10) A generator may use an electronic manifest for the tracking of waste shipments involving any hazardous waste only if it is known at the time the e-Manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest, except that:

- A generator may sign by hand and retain a paper copy of the manifest signed by hand by the initial transporter, in lieu of executing the generator copy electronically, thereby

enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically.

(11) *Requirement for one printed copy*: To the extent the DOT's hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 C.F.R. § 177.817 as amended up to October 1, 2019, a generator originating an electronic manifest shall also provide the initial transporter with one printed copy of the electronic manifest, and the transporter or any subsequent transporter shall carry one printed copy of the electronic manifest on the transport vehicle.

(12) *Special procedures for electronic signature methods undergoing tests*: If a generator, transporter, or owner or operator of a hazardous waste facility prepares, uses or accepts an electronic manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the generator, transporter, or owner or operator of a hazardous waste facility shall also prepare, use, or accept, and sign a paper manifest (EPA Form 8700-22 and 8700-22A if necessary) including an ink signature, respectively, by the generator/offeror with its certification, by the transporter with its acknowledgement of receipt of materials, and by the facility with its certification of receipt and of any discrepancies, on the printed copy of the manifest provided under Section 5(F)(11) of this Chapter.

NOTE: The Electronic Manifest System is operated and maintained by EPA. Use of the Electronic Manifest System is subject to EPA's fee structure found in 40 C.F.R. Part 264 Subpart FF and 40 C.F.R. Part 265 Subpart FF.

G. Post-receipt manifest data corrections: After facilities have certified to the receipt of hazardous waste by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. Generators or transporters may participate electronically in the post-receipt data corrections process in accordance 40 C.F.R. § 264.71(l), which applies to corrections made to either paper or electronic manifest records, as follows:

(1) Interested persons shall make all corrections to manifest data by electronic submission either by directly entering corrected data to the web-based service provided in e-Manifest for such corrections, or by an upload of a data file containing corrections relating to one or more previously submitted manifests.

(2) Each correction submission must include the following:

(a) The Manifest Tracking Number and date of receipt by the facility of the original manifest(s) for which data are being corrected;

(b) The item number(s) of the original manifest that is the subject of the submitted correction(s); and

(c) For each item number with corrected data, the data previously entered, and the corresponding data as corrected by the correction submission.

(3) Each correction submission must include a statement that the person submitting the corrections certifies that to the best of the person's knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

(a) The certification statement must be executed with a valid electronic signature; and

(b) A batch upload of data corrections may be submitted under one certification statement.

(4) Upon receipt by the system of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

(5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the system, certified by the respondent as specified in Section 5(G)(3) of this Chapter, and with notice of the corrections to other interested persons shown on the manifest.

H. Manifest copy submission requirements of 40 C.F.R. § 260.4 for certain interstate waste shipments; and applicability of electronic manifest system and user fee requirements of 40 C.F.R. § 260.5 to facilities receiving state-only regulated waste shipments:

(1) In any case in which the state in which waste is generated, or the state in which waste will be transported to a designated facility, requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste, regardless of the state in which the facility is located, shall complete, sign and date, submit the manifest to the e-Manifest system, and pay the appropriate fee to EPA in accordance with 40 C.F.R. §§ 260.4 (a)(1) through (4).

(2) In any case in which a state requires a uniform hazardous waste manifest (EPA Form 8700-22 and if necessary continuation sheet EPA Form 8700-22A) to be used under state law to track the shipment and transportation of a state-only regulated waste, as defined in 40 C.F.R. 260.5(a), the facility receiving such a waste shipment for management shall comply with the manifest provisions and pay the appropriate fee to EPA in accordance with 40 C.F.R. § 260.5 (b).

I. Availability of Information and Confidentiality of Information:

(1) No claim of business confidentiality may be asserted by any person with respect to information entered on a Hazardous Waste Manifest (EPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (EPA Form 8700-22A), or an electronic manifest format that may be prepared and used in accordance with 40 C.F.R. § 262.20(a)(3).

(2) EPA will make any electronic manifest that is prepared and used in accordance with 40 C.F.R. § 262.20(a)(3), or any paper manifest that is submitted to the e-Manifest system under 40 C.F.R §§ 264.71(a)(2)(v) or 265.71(a)(2)(v) or Section 9(A)(4) of this Chapter available to the public under 40 C.F.R. § 260.2(c)(2) when the electronic or paper manifest is a complete and final document. Electronic manifests and paper manifests submitted to the e-Manifest system are considered by EPA to be complete and final documents and publicly available information after 90 days have passed since the delivery to the designated facility or the hazardous waste shipment identified in the manifest.

NOTE: State confidentiality provisions such as 38 M.R.S. § 1310-B(2) are not applicable to the information entered on a Hazardous Waste Manifest (EPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (EPA Form 8700-22A), or an electronic manifest because it is submitted and maintained in a federal database and will be made available to the public to the extent and in the manner authorized by the federal Freedom of Information Act, 5 U.S.C. section 552, section 3007(b) of RCRA and EPA regulations implementing the Freedom of Information Act and section 3007(b) and 40 C.F.R. § 260.2, as applicable.

6. Exceptions

A. A person may transport polychlorinated biphenyls (PCBs) which are contained in a totally enclosed manner in PCB equipment without using a manifest provided that the PCBs are not discarded or intended to be discarded. In addition, a person who discharges or suffers a discharge of PCBs or who generates PCB contaminated material as a result of routine servicing of off-site PCB containing equipment may transport that PCB waste to a facility with an approved PCB management plan or to a Maine hazardous waste storage facility licensed to handle PCBs without using a manifest provided that the facility is under the control of the entity who has care or custody of or who owns the PCBs waste.

NOTE: The generator-controlled facility which first accepts the waste shall be the site of generation.

B. A person may transport universal wastes without using a manifest, provided that the Uniform Bill of Lading referenced in Section 4 of this Chapter or an alternative form approved by the Department, or for small universal waste generators and central accumulation facilities the log requirements of Section 13 of this Chapter, are utilized. For the purposes of administering Section 13 of this Chapter, where the rule in Sections 5, 7, 8, and 9 of this Chapter states "manifest" it shall be replaced, as applicable, with "Manifest or Uniform Bill of Lading" and when using the Maine Recyclable Material Uniform Bill of Lading, copies 6, 7, and 8 (i.e., “Destination State – Mailed by Generator” copy, “Generator State – Mailed by Generator” copy, and “Generator Copy”, respectively) must be distributed per the instructions for use of the Maine Recyclable Material Uniform Bill of Lading printed on the back of the form.

NOTE: In 2008, the Department approved an alternative form entitled “Maine Recyclable Material Uniform Bill of Lading.” For shipments of universal wastes, this form should be used in place of the previously-approved “Recyclable Hazardous Material Uniform Bill of Lading”. The Maine Recyclable Material Uniform Bill of Lading form, as revised by removal of the word “Hazardous” from its title, is approved for documenting shipments of Maine universal wastes which are not included in the list of DOT regulated hazardous materials, as well as universal wastes that are hazardous materials.

7. Manifest Requirements for Generators

NOTE: Additional requirements for generators appear in other rules of the Department dealing with specific aspects of hazardous waste management. See, for example, *Standards for Generators of Hazardous Waste*, 06-096 C.M.R. ch. 851; *Land Disposal Restrictions*, 06-096 C.M.R. ch. 852; *Standards for Hazardous Waste Facilities*, 06-096 C.M.R. ch. 854; and *Licensing of Hazardous Waste Facilities*, 06-096 C.M.R. ch. 856.

A. A generator of hazardous waste who transports, or offers for transport, hazardous waste for handling shall:

(l) Complete the generator portion of the manifest in accordance with the manifest's instructions, including a signature by the generator.

(a) A generator shall designate on the manifest one waste facility for hazardous waste authorized to handle the waste covered by the manifest under a State hazardous waste program approved by the EPA or under the Federal hazardous waste program, or otherwise meeting the definition of designated facility in this Chapter.

(b) A generator may also designate on the manifest one alternate waste facility authorized to handle the hazardous waste covered by the manifest under a State hazardous waste program approved by the EPA or under the Federal hazardous waste program. The waste may be delivered to the alternate facility in the event that an emergency prevents its delivery to the primary designated facility.

(c) If the generator is also the transporter for all or part of the waste's transport, the generator shall also complete the appropriate transporter portion of the manifest.

(d) A generator shall identify and list each waste separately on the manifest.

NOTE: Lab packs containing hazardous wastes are not exempted from this requirement.

(e) *Special procedures when electronic manifest is unavailable*: If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator shall obtain and complete a paper manifest (EPA Form 8700-22) and if necessary, a continuation sheet (EPA Form 8700-22A) in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with the requirements of this Chapter.

(2) After having obtained the transporter's signature and date of acceptance thereon, remove the Generator's Initial Copy and give the remaining copies of the manifest to the transporter, or for e-Manifests by submission to EPA's electronic manifest system in accordance with Section 5(F)(3) of this Chapter.

NOTE: If a continuing transporter is used, the generator is responsible for supplying the transporter with a legible photocopy of the manifest which must contain signatures where required.

(3) Retain the signed Generator's Initial Copy of the manifest or retain the e-Manifest on the generator's e-Manifest System account for at least three (3) years or until the completed and signed Designated Facility to Generator copy or equivalent e-Manifest is returned to the generator by the designated facility which received the waste. The Designated Facility to Generator copy must be retained by the generator for at least three (3) years, or for e-Manifests retain by submission to EPA's electronic manifest system in accordance with Section 5(F)(4) of this Chapter.

NOTE: The Designated Facility to Generator copy of the manifest is the copy signed by the generator, all transporters and the owner or operator of the designated facility which received the waste.

B. A generator, by generating hazardous waste and initiating its transport, agrees to its return as a rejected load or residue in accordance with the manifest discrepancy provisions of 40 C.F.R. § 264.72 and 40 C.F.R. § 265.72. Upon return of the hazardous waste, the generator shall accept any of the waste which cannot be delivered to a designated facility and shall:

(1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest;

(2) Provide a copy of the manifest to the transporter, or for e-Manifests by submission to EPA's electronic manifest system in accordance with Section 5(F)(3) of this Chapter;

(3) Within thirty (30) days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator, or for e-Manifests by submission to EPA's electronic manifest system in accordance with Section 5(F)(3) of this Chapter; and

(4) Retain at the generator's site a copy of each manifest for at least three (3) years from the date of delivery, or for e-Manifests retain by submission to EPA's electronic manifest system in accordance with Section 5(F)(4) of this Chapter.

Thereafter, the generator shall manage the returned waste in accordance with all the generator requirements of 06-096 C.M.R. chs. 850 through 858 for the waste as if the generator had generated the waste on the date of its return.

For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility with a new manifest, the generator shall comply with the applicable manifest requirements, substituting "alternate facility" for "designated facility", and using the date the waste was accepted by the initial transporter for transportation of the rejected hazardous waste shipment from the designated facility to the alternate facility to meet the timeframe requirements of Sections 7(E) and 7(G) of this Chapter for tracking, notifications and Exception Reports. For shipments of universal waste returned to the generator, the generator shall comply with the instructions for the Maine Recyclable Material Uniform Bill of Lading.

C. Generators who ship hazardous waste within the United States solely by rail or water shall comply with the requirements of 40 C.F.R. §§ 262.23(c) and (d) and in addition, if the generator does not use the e-Manifest system, shall send a copy of the paper manifest to the Department and a copy of the paper manifest to the State where the designated hazardous waste facility is located (if required by the destination state) at the same time as the manifest is sent to the designated waste facility.

D. Generators who import hazardous waste from or export hazardous waste to a foreign country even for the purpose of recovery shall obtain, prepare and use a manifest or electronic manifest in compliance with the requirements of this Chapter and comply with 40 C.F.R Part 262 Subpart H and 40 C.F.R. § 260.11(g). Copies of all notices, reports, manifests and other documents filed with the EPA in accordance with the requirements of Subpart H, including those of 40 C.F.R. §§

262.83(b), 262.83(f), 262.83(g), 262.83(h), 262.84(b), and 262.84(f), must be filed with the Department. In addition:

(1) The terms "AES compliance filing date", "CRT exporter", "electronic import-export reporting compliance date" and "recognized trader" are defined in 40 C.F.R. § 260.10;

(2) Cathode ray tubes (CRTs) which are hazardous waste pursuant to 06-096 C.M.R. ch. 858, § 5(A), including intentionally broken CRTs, processed CRT glass, and CRTs broken as a result of an accidental event involving more than 10 CRTs are subject to the export requirements of 40 C.F.R. §§ 261.39(a)(5)(i) through (xi);

(3) Availability of information; confidentiality of information:

(a) No claim of business confidentiality may be asserted by any person with respect to information contained in CRT export documents prepared, used and submitted under 40 C.F.R. § 261.39(a)(5) and with respect to information contained in hazardous waste export, import, and transit documents prepared, used and submitted under 40 C.F.R. §§ 262.82, 262.83, 262.84, 263.20, 264.12, 264.71, 265.12, 265.71, and 267.71, whether submitted electronically into EPA's Waste Import Export Tracking System (WIETS) or in paper format;

(b) EPA will make any CRT export documents prepared, used and submitted under 40 C.F.R. § 261.39(a)(5) and any hazardous waste export, import, and transit documents prepared, used and submitted under 40 C.F.R. §§ 262.82, 262.83, 262.84, 263.20, 264.12, 264.71, 265.12, 265.71, and 267.71 available to the public under 40 C.F.R. § 260.2(d) when these electronic or paper documents are considered by EPA to be final documents. These submitted electronic and paper documents related to hazardous waste exports, imports and transits and cathode ray tube exports are considered by EPA to be final documents on March 1 of the calendar year after the related CRT exports or hazardous waste exports, imports, or transits occur.

E. A generator who does not receive the Designated Facility to Generator copy from the designated waste facility within thirty-five (35) days from the date waste was accepted by the initial transporter shall immediately notify the Department and shall immediately undertake to track and locate the waste, contacting the transporter(s) of the waste and the designated facility(ies) and keeping the Department advised.

F. A generator who transports or offers for transport, hazardous waste to a designated facility located in another state and who does not receive the Designated Facility to Generator copy of the manifest from the designated facility or an e-Manifest record of receipt by the designated facility within thirty-five (35) days from the date the waste was accepted by the initial transporter shall, in addition to the requirements of Section 7(E) of this Chapter, notify:

(l) The governmental agency responsible for administering the manifest system in the state in which the designated facility is located, and

(2) The governmental agencies responsible for administering the manifest system in the states in which the waste may have been delivered; or

(3) The EPA, if any one of the above states does not have a State hazardous waste program approved by the EPA.

NOTE: The names and addresses of State and Federal agencies may be obtained by calling the Department at (207) 287-7688.

G. A generator who has not received the Designated Facility to Generator copy of the manifest from the designated facility within forty-five (45) days from the date the waste was accepted by the initial transporter shall file a written Exception Report with the Department. The Exception Report must include:

(l) A legible copy of the manifest for which the generator has not received the Designated Facility to Generator copy; and

(2) A cover letter signed by the generator or the generator's authorized representative explaining the efforts that have been and are being taken to locate the waste and the results of those efforts.

NOTE: If a generator uses a Maine Recyclable Material Uniform Bill of Lading and either the generator or the Department identifies any discrepancies in the UBOL or associated shipment, it is the generator's responsibility to resolve the discrepancies to the Department's satisfaction.

H. For any hazardous waste rejected at the designated and alternate facility if designated, the generator shall provide to the Department within 20 days of such rejection a Rejection Report indicating:

(1) Uniform Hazardous Waste Manifest number(s) for the rejected waste shipments;

(2) The disposition of the rejected waste; and

(3) Any changes in the information previously supplied by the generator on the Uniform Hazardous Waste Manifest.

Copies of the Rejection Report must be provided to the transporter(s), the facility(s) that rejected the waste, and the appropriate regulatory agencies of the Generator and Destination State(s).

I. A generator who initiates a shipment of hazardous waste shall certify to one of the 40 C.F.R. § 262.27 statements in Item 15 of the uniform hazardous waste manifest.

J. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under Section 8(G) of this Chapter does not affect the generator's liability or responsibility for complying with any applicable requirement under this Chapter, or grant any additional authority to the transporter to act on behalf of the generator.

8. Manifest Requirements for Transporters

NOTE: Other requirements for transporters appear in other rules of the Department dealing with specific aspects of hazardous waste management. See, for example, *Licensing of Transporters of Hazardous Waste*, 06-096 C.M.R. ch. 853.

A. A transporter of hazardous waste shall:

(1) Not accept hazardous waste from a generator or from another transporter unless the waste is:

(a) Accompanied by its manifest (EPA Form 8700-22), and if necessary, any continuation sheets (EPA Form 8700-22A), properly completed by the generator pursuant to Section 7(A) of this Chapter and by any prior transporter(s) pursuant to Section 8(A)(3) of this Chapter, including signature and identification numbers; or

(b) Documented with an electronic manifest that is obtained, completed, and transmitted in accordance with 40 C.F.R. § 262.20(a)(3) and Section 5(E) of this Chapter, and signed with a valid and enforceable electronic signature pursuant to 40 C.F.R. § 262.25(a).

(2) Ensure that the manifest accompanies the hazardous waste and if an electronic manifest is used, carry on the transport vehicle one printed copy of the electronic manifest in accordance with Section 5(F)(11) of this Chapter.

(3) In the presence of the generator, or for subsequent transporters, the prior transporter, complete the appropriate transporter portion of the manifest in accordance with the manifest's instructions, including the transporter's signature and date of acceptance, and immediately give a signed copy of the manifest to the generator or prior transporter, noting any discrepancies in manifest information;

(4) Upon delivery of the hazardous waste to another transporter or to the designated facility:

(a) Complete delivery information section of transporter portion of manifest;

(b) Obtain the subsequent transporter's or the facility owner's or operator's signature and date of acceptance on the manifest;

(c) Give the original and remaining copies of the paper manifest to the subsequent transporter or to the facility owner or operator, or in the case of an e-Manifest, by submission to EPA's electronic manifest system in accordance with Section 5(F)(3) of this Chapter;

(d) Retain, for at least three (3) years from the date the hazardous waste was accepted by the transporter, the Transporter's Copy of the manifest signed by the generator, prior transporters, the transporter, and subsequent transporters or the owner or operator of the designated hazardous waste facility, or for e-Manifests retain by submission to EPA's electronic manifest system in accordance with Section 5(F)(4) of this Chapter. If more than one transporter is involved, and the generator has not provided a photocopy of the Transporter's Copy of the manifest, the original transporter shall make photocopies so that each transporter retains a Transporter's Copy of the manifest.

(5) *Special procedures when electronic manifest is not available*: If after a manifest has been originated electronically and signed electronically by the initial transporter, and the electronic manifest system should become unavailable for any reason, then:

(a) The transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce copies (sufficient to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste) of either the printed manifest that is carried on the transport vehicle pursuant to Section 5(F)(11) of this Chapter, or another completed paper manifest for this purpose.

(b) On each printed copy, the transporter shall include a notation in the Special Handling and Additional Description space (Item 14) that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system, shall include the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically.

(c) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste shall ensure that each paper copy is individually signed and that a legible signature appears on each copy.

(d) From the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies must be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

B. The requirements of Sections 8(A)(2), 8(A)(3), and 8(A)(4) of this Chapter do not apply to rail or water (bulk shipment) transporters if such a transporter complies with requirements of 40 C.F.R. §§ 263.20(e)(1)-(5) and (f)(1)-(5), and 40 C.F.R. §§ 263.22(b) and (c), except that, if a paper manifest or shipping paper is used instead of an e-Manifest, a copy of the paper manifest or shipping paper must also be sent to the Department by each delivering transporter upon delivery to any other transporter or to the designated facility within seven (7) days of delivery.

C. Transporters who transport hazardous waste out of the United States shall comply with the applicable requirements of 40 C.F.R. §§ 263.20(a)(1), 263.20(a)(2) and 263.20(g).

D. A transporter shall deliver the entire quantity of hazardous waste which the transporter has accepted from a generator or a prior transporter to:

(l) The next designated transporter;

(2) The waste facility designated on the manifest;

(3) The alternate designated facility, if an emergency prevents delivery to the primary designated facility; or

(4) The place outside the United States designated by the generator.

E. *Emergency condition*: If the hazardous waste cannot be delivered in accordance with Sections 8 (D)(2), 8(D)(3), or 8(D)(4) of this Chapter because of an emergency condition other than rejection of the waste by the designated facility or alternate designated facility, then the transporter shall contact the generator for further instructions and shall revise the manifest according to the generator's instructions, or shall return the waste to the generator.

F. *Transporter without generator's authorization*: If the hazardous waste is not delivered to the next designated transporter in accordance with Section 8(D)(1) of this Chapter, and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter shall contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. The current transporter may thereafter make such revisions if:

(1) The hazardous waste is not delivered in accordance with Section 8(D)(1) of this Chapter because of an emergency condition; or

(2) The current transporter proposes to change the transporter(s) designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety; and

(3) The generator authorizes the revision.

G. *Transporter with generator's authorization*: If the hazardous waste is not delivered to the next designated transporter in accordance with Section 8(D)(1) of this Chapter, and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporter(s) designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided that:

(1) The current transporter is authorized by a contractual provision that provides explicit authorization for the transporter to make such transporter changes, as agent of and on behalf of the generator;

(2) The transporter enters in Item 14 of each manifest for which such a change is made, the following statement of its authority as the generator's agent: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf;" and

(3) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

H. *Generator's liability and grant of authority*: The generator's grant of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under Section 8(G) of this Chapter does not affect the generator's liability or responsibility for complying with any applicable requirement under this Chapter, or grant any additional authority to the transporter to act on behalf of the generator.

I. If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter shall obtain the following:

(1) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's signature and date of signature, and the Manifest Tracking Number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter shall retain a copy of this manifest in accordance with 40 C.F.R. § 263.22 and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter shall obtain a new manifest to accompany the shipment, and the new manifest must include all of the required information in 40 C.F.R. §§ 264.72(e)(1)-(6) or 264.72(f)(1)-(6) or 40 C.F.R. §§ 265.72(e)(1)-(6) or 265.72(f)(1)-(6).

(2) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to rejection, the

description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and EPA Identification Number for the alternate facility or generator to whom the shipment must be delivered. The transporter shall retain a copy of the manifest in accordance with 40 C.F.R. § 263.22 and give a copy to the rejecting facility. If the original manifest is not used, the transporter shall obtain a new manifest for the shipment and comply with 40 C.F.R. §§ 264.72(e)(1)-(6) or 40 C.F.R. §§ 265.72(e)(1)-(6).

J. If hazardous waste in any amount is discharged during transportation, the transporter shall:

(l) Take immediate appropriate action to protect public health and safety and the environment;

(2) Immediately notify the Maine Department of Public Safety by calling 1-800-452-4664 or (207) 624-7076.

NOTE: The Maine Department of Public Safety (State Police) will immediately notify the Department.

(3) Immediately notify, if required by 49 C.F.R. § 171.15, the National Response Center at 1-800-424-8802 or (202) 426-2675;

(4) Immediately notify the local public safety agency;

(5) Report in writing as required by 49 C.F.R. § 171.16 to the Director, Office of Hazardous Materials Regulation, Department of Transportation, Washington, DC 20590; and

(6) If the transporter is a water (bulk shipment) transporter, give the same notice as required by 33 C.F.R. § 153.023 for oil and hazardous substances.

Compliance with this Section of this Chapter does not relieve a transporter of any obligations or liabilities for such discharges imposed by statute or other rules.

NOTE: For further information and guidance, refer to 06-096 C.M.R. ch. 801 of the Department's rules, Discharge of Hazardous Matter; Removal and Written Reporting Procedures.

9. Manifest Requirements for Owners or Operators of Hazardous Waste Facilities

NOTE: Other requirements for owners and operators of waste facilities for hazardous waste appear in other rules of the Department dealing with specific aspects of hazardous waste management. See, for example, 06-096 C.M.R. ch. 852; 06-096 C.M.R. ch. 854; 06-096 C.M.R. ch. 855; and 06-096 C.M.R. ch. 856.

A. The owner or operator of a hazardous waste facility shall:

(1) Not accept hazardous waste from a generator or transporter unless the waste is accompanied by its manifest, properly completed by the generator and all transporters;

(2) Not accept any hazardous waste for which the facility is not licensed;

(3) Upon acceptance of a shipment of hazardous waste:

(a) Complete the facility owner or operator portion of the manifest including the owner's or operator's signature and date of acceptance, noting on the manifest discrepancy space any discrepancy, as defined in 40 C.F.R. §§ 264.72(a) and (b), and attempts made to reconcile the discrepancy. If a discrepancy in a manifest is discovered, the owner or operator shall attempt to reconcile the discrepancy, in accordance with 40 C.F.R. § 264.72(c). If not resolved within 15 days, the owner or operator shall immediately submit a letter report including the discrepancy, the attempts to reconcile it, and a copy of the manifest to the Department. If the waste is rejected, the facility owner or operator shall note that on the manifest discrepancy space and comply with Section 9(A)(7) of this Chapter.

(b) Send the signed Designated Facility to Generator copy of the manifest to the generator within thirty (30) days of acceptance, or for e-Manifests by submission to EPA's electronic manifest system in accordance with Section 5(F)(3) of this Chapter.

(c) Immediately give the Transporter's Copy of the manifest to the transporter, or for e-Manifests by submission to EPA's electronic manifest system in accordance with Section 5(F)(3) of this Chapter, and

(d) Retain at the designated facility, the Designated Facility's Copy of the manifest signed by the generator, all transporters and the designated facility for at least three (3) years from the date of the designated facility's acceptance of the waste, or for e-Manifests retain by submission to EPA's electronic manifest system in accordance with Section 5(F)(4) of this Chapter; except that if the designated facility is the point of ultimate disposition of the waste, the owner or operator shall retain the copy of any paper manifest for the life of the facility or until the designated facility establishes to the satisfaction of the Commissioner that the waste is no longer hazardous; when the designated facility is no longer in operation, the owner's or operator's copies of the paper manifests must be submitted to the Commissioner or disposed of as the Commissioner may direct.

(e) In addition, determine whether the generator state regulates any additional wastes (beyond those regulated federally) as hazardous waste under its state hazardous waste program (i.e., state-only hazardous waste or other state-regulated waste) that requires the use of a manifest, and if so, do not accept the waste unless accompanied by a manifest, and comply with the manifest copy submission requirements and electronic manifest user fee requirements of Section 5(H) of this Chapter which incorporates by reference 40 C.F.R. §§ 260.4 and 260.5.

(4) *Paper manifest submission requirements*:

(a) Until June 29, 2021, send the top copy (Page 1), i.e., "Designated Facility to EPA's e-Manifest system" copy, of any paper manifest and any paper continuation sheet to the EPA's e-Manifest system for purposes of data entry and processing, or in lieu of submitting the paper copy to EPA, the owner or operator may transmit to the EPA e-Manifest system an image file of Page 1 of the manifest and any continuation sheet, or both a data file and image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest system must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, EPA will not accept mailed paper manifests from facilities for processing in the e-Manifest system.

(b) Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest system for purposes of data entry and processing may be met by the owner or operator only by transmitting to the EPA system an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest system must be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services; and

(5) *Special procedures applicable to replacement manifests*: If a facility receives hazardous waste that is accompanied by a paper replacement manifest (completed or reproduced pursuant to the "special procedures when electronic manifest is not available" under either Section 7(A)(1)(e) or 8(A)(5) of this Chapter) for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

(a) Upon delivery of the hazardous waste to the designated facility, the owner or operator shall sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;

(b) The owner or operator of the facility shall give back to the final transporter one copy of the paper replacement manifest;

(c) Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility shall send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the electronic manifest system; and

(d) The owner or operator of the facility shall retain at the facility one copy of the paper replacement manifest for at least three years from the date of delivery, and as required in accordance with Section 9(A)(3)(d) of this Chapter if the designated facility is the point of ultimate disposition of the waste.

(6) *Imposition of user fee for manifest submissions to EPA*: The owner or operator of a designated facility who is a user of the electronic manifest system shall comply with the requirements of 40 C.F.R. § 264.71(j) and 40 C.F.R. Part 264 Subpart FF, or 40 C.F.R. § 265.71(j) and 40 C.F.R. Part 265 Subpart FF, as implemented and enforced by EPA.

(7) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in 06-096 C.M.R. ch. 850, § 3(A)(7), the owner or operator of the facility shall:

(a) In accordance with 40 C.F.R. § 264.72(d)(1), consult with the generator prior to forwarding the waste to an alternate facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the designated facility may return the rejected waste or residue to the generator. The designated facility shall send the waste to the alternative facility or to the generator within 60 days of the rejection or the container residue identification.

(b) In accordance with 40 C.F.R. § 264.72(d)(2), the designated facility shall ensure that either the delivering transporter retains custody of the waste, pending any arrangements for forwarding rejected wastes or residues to another facility under 40 C.F.R. § 264.72(d), or the facility shall provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared pursuant to 40 C.F.R. §§ 264.72(e) and (f).

(c) Comply with 40 C.F.R. §§ 264.72 (e), (f) and (g) and retain a copy of the manifest in accordance with Section 9(A)(3)(d) of this Chapter.

B. An owner or operator of a hazardous waste facility which accepts a bulk shipment of hazardous waste by rail or water shall comply with the requirements of 40 C.F.R. § 264.71(b), and in addition, if the manifest has not been received, shall send a copy of the shipping paper to the Department within seven (7) days of acceptance.

C. If hazardous waste accepted by a facility is subsequently to be moved to another facility, for whatever reason, the owner or operator of the waste facility from which the waste is to be moved becomes the generator of the waste and is subject to the generator requirements of this Chapter and other related rules, including the generator requirements of 06-096 C.M.R. ch. 851. The owner or operator of the waste facility from which the waste is to be moved must also determine whether the consignment state (i.e., the state to which a shipment of waste is manifested) regulates any additional wastes (beyond those regulated federally) as hazardous waste under its state hazardous waste program (i.e., state-only hazardous waste or other state-regulated waste) that requires the use of a manifest, and if applicable, initiate a manifest for the shipment and comply with the generator requirements of this Chapter and other related rules, including the generator requirements of 06-096 C.M.R. ch. 851.

D. An owner or operator of a hazardous waste facility which accepts hazardous waste imported from a foreign source shall comply with 40 C.F.R. §§ 264.71(a)(3), 264.71(d), 265.71(a)(3), 265.71(d) and all applicable requirements of transboundary movement of hazardous waste in accordance with 40 C.F.R. Part 262 Subpart H.

E. An owner or operator of a hazardous waste facility licensed to handle or treat universal waste shall keep a record of each shipment of universal waste received at the facility (i.e., destination facility). The record may take the form of a log, manifest, or uniform bill of lading. The record for each shipment of universal waste received must include the following:

(1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;

(2) The quantity of each type of universal waste received (e.g., lamps, ballasts, CRTs, mercury switches); and

(3) The date of receipt of the shipment of universal waste.

10. Permission to Move Hazardous Waste in Exceptional Circumstances. In exceptional circumstances, where required to protect public health or safety or the environment, the Commissioner may give permission to a generator or transporter of hazardous waste or to an owner or operator of a waste facility for hazardous waste to deliver, transport or accept hazardous waste without a manifest. In all such cases, each generator, transporter and owner or operator who deals with the waste shall file a written report with the Department giving such information as the Department may require.

11. Extended Retention of Records. The periods of retention of records established in this Chapter are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Commissioner of the Department of Environmental Protection or by the Regional Administrator or Administrator of the EPA.

12. Department's Hazardous Waste Manifest and Maine Recyclable Material Uniform Bill of Lading Copies: Where to Send. Generators, transporters and owners and operators of waste facilities for hazardous waste, unless using the e-Manifest System, shall send copies of the manifest or Uniform Bill of Lading or other form approved for use by the Department as required by this Chapter to the Department at:

Hazardous Waste Manifest
Bureau of Remediation and Waste Management
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

13. Log Requirements. In lieu of a manifest or Maine Recyclable Material Uniform Bill of Lading, an instate small universal waste generator or instate central accumulation facility operator may utilize a log system of tracking provided the following requirements are met:

A. For a small universal waste generator:

(1) The waste is sent to either an instate central accumulation facility or instate consolidation facility;

(2) All the required universal waste information pursuant to Section 13(B)(4) below of this Chapter is recorded on the log sheet upon the generator's arrival at the facility; and

(3) The instate central accumulation facility or the instate consolidation facility submits, on a quarterly basis, waste tracking information to the Department in a format specified by the Department; or the facility attaches the completed log forms to the associated Maine Recyclable Material Uniform Bill of Lading and submits these to the Department at the time of the shipment from the facility.

B. For a central accumulation facility:

(1) The waste is sent to an instate consolidation facility;

(2) In the case of transfer stations and recycling centers, the operator ensures that all the universal waste information is recorded on the log sheet;

(3) The log sheet accompanies the universal waste to the instate consolidation facility;

(4) The log sheet contains at a minimum the following information:

(a) Name, address and phone number of generator or in the case of a household, the notation that it is from a household in lieu of a specific name, address and phone number;

(b) Date universal waste was delivered to facility; and

(c) Type and quantity of universal waste delivered; and

(5) The instate consolidator submits, on a quarterly basis, waste tracking information to the Department in a format specified by the Department; or the instate consolidator attaches the completed log forms to the associated Maine Recyclable Material Uniform Bill of Lading and submits these to the Department at the time of the shipment from the instate consolidator.

C. For the instate consolidation facility:

(1) The instate consolidation facility ensures that the log sheets are accurately completed;

(2) On a quarterly basis, the instate consolidation facility submits a waste tracking document to the Department in a format specified by the Department; or the facility submits the completed log forms attached to the associated Maine Recyclable Material Uniform Bill of Lading to the Department at the time of the shipment from the instate consolidation facility.

AUTHORITY:	38 M.R.S. §§ 1301 through 1319-Y.
EFFECTIVE DATE:	November 24, 1980
AMENDED	March 23, 1983 February 10, l985 November 30, 1986 March 16, 1994
EFFECTIVE DATE (ELECTRONIC CONVERSION):	May 4, 1996
AMENDED:	January 23, 2001
MINOR CORRECTIONS:	March 5, 2001 July 23, 2008 – informational notes added to Sections 4 and 6
AMENDED:	

Chapter 858: UNIVERSAL WASTE RULES

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Chapter 858: STANDARDS FOR UNIVERSAL WASTE

SUMMARY: This Chapter establishes standards and requirements for all universal waste.

l. Legal Authority. This Chapter is authorized by and adopted under 38 M.R.S. §§ 1301 to 1319-Y.

2. Preamble. It is the purpose of the Department of Environmental Protection (Department), consistent with legislative policy, to provide effective controls for the management of hazardous waste. Universal waste is a subset of hazardous waste. This Chapter provides for one of these controls by establishing certain standards which must be met by generators, and facilities managing universal waste.

3. Incorporations by Reference. Portions of this Chapter refer to specific federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise noted, the federal regulations referenced are those regulations as amended up to July 1, 2019, as they appeared in volume 40 of the *Code of Federal Regulations* (C.F.R.) and are hereby incorporated by reference. Where specifically stated, the terms of a referenced federal regulation are hereby incorporated as terms of this Chapter, except that in regulations incorporated thereby, "EPA" shall mean "the Maine Department of Environmental Protection"; "Administrator", "Regional Administrator" and "Director" shall mean the Maine Board of Environmental Protection, the Commissioner of the Department of Environmental Protection or the Commissioner's designated representative, as applicable, and the references to terms or phrases including "treat", "store", or "dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or 06-096 C.M.R. chs. 850 - 860, the more stringent of the requirements shall apply. Other changes to regulations incorporated hereby are as expressly made in this Chapter.

NOTE: Other requirements for generators, transporters, and facilities appear in other rules of the Department dealing with specific aspects of hazardous waste management, including universal waste. See, for example, *Hazardous Waste Manifest Requirements,* 06-096 C.M.R. ch. 857; *Licensing of Hazardous Waste Facilities,* 06-096 C.M.R. ch. 856; *Standards for Hazardous Waste Facilities,* 06-096 C.M.R. ch. 854; and *Licensing of Transporters of Hazardous Waste,* 06-096 C.M.R. ch. 853.

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4. Definitions. For the purposes of this Chapter, terms not defined in this section have the meaning given them in 06-096 C.M.R. ch. 850, or in 38 M.R.S. §§ 361-A and 1303-C.

A. **Architectural Paint.** Architectural paint means interior and exterior architectural coatings sold in containers of 5 gallons or less that is unused but intended for painting components of houses or other buildings. For the purposes of this Chapter, architectural paint only includes materials defined as a hazardous waste by characteristic or that contains a listed hazardous waste in accordance with 06-096 C.M.R. ch. 850, § 3, that are generated by a person or entity that generates less than 100 kilograms (kg) in a calendar month (approximately 27 gallons or less) and accumulates no more than 55 gallons of hazardous waste at any one time in aggregate, including hazardous wastes other than architectural paints, or acutely hazardous waste in amounts less than or equal to those amounts specified in 06-096 C.M.R. ch. 850, § 3(A)(5)(c). Architectural paint does not include industrial, original equipment or specialty coatings, ignitable or F-listed paint thinners, mineral spirits or solvents used for cleaning paint-related equipment, or other

ignitable or F-listed paint thinners or solvents contaminated with architectural paint. Architectural paint also does not include: aerosol paints (spray cans), arts and crafts paints, adhesives and caulking compounds, epoxies, glues, automotive and marine paints, 2-component coatings, deck cleaners, industrial maintenance (IM) coatings, original equipment manufacturer (OEM) paints and finishes (shop applications), paint additives, colorants, tints, resins, roof patch and repair, tar, asphalt and bitumen based products, traffic and road marking paints, and wood preservatives. Architectural paint may only be managed as universal waste if an approved Stewardship plan is also in place.

NOTE: Latex, water-based, and acrylic interior and exterior paints are not generally hazardous waste.

NOTE: Household hazardous wastes that are also a type of universal waste may be managed through the universal waste program.

B. **Ballast.** Ballast means a device that electronically controls light fixtures and includes a capacitor containing 0.1 kg or less of dielectric.

C. **Cathode Ray Tubes.** Cathode Ray Tubes (CRTs) means a product video display component of televisions, computer displays, military and commercial radar, and other display devices.

D. **Central Accumulation Facility.** Central Accumulation Facility means a facility where:

(1) A generator combines its own universal wastes from the generator's various facilities;
(2) A licensed solid waste transfer station or recycling center where universal waste generators may take their universal wastes;
(3) A facility where less than 200 universal waste items are collected from generators that are serviced by the facility; or
(4) For architectural paints, a paint retailer including paint, hardware and home improvement stores that accepts architectural paint from consumers as defined by 38 M.R.S. §2144.

NOTE: Section 4(D)(3) of this Chapter allows sign service companies, electricians, and other service companies that service a generator's lights, and other universal waste, to take these wastes back to their facilities by using a log, store them for a period of time and then transport them to an instate Consolidation facility. The instate consolidator would then take the log information and submit a Quarterly Report to the Department.

E. **Collection Container.** Collection container means a container that is designed to store more than one universal waste item, and for architectural paint, a reusable plastic or metal tote or drum. For a one or two day collection event of paint waste, a plastic lined cardboard gaylord box or lined roll off box may be used.

F. **Consolidation Facility.** Consolidation Facility means a facility where universal waste is consolidated and temporarily stored while awaiting shipment to a recycling, treatment or

disposal facility. This facility is typically where a central accumulation facility will send its waste initially.

G. **Hazardous Waste Management Rules**. *Hazardous Waste Management Rules* means 06-096 C.M.R. chs. 850 through 858 inclusive.

H. **Lamp.** Lamp means a bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of lamps are fluorescent lamps, high intensity discharge lamps, neon lamps, mercury vapor lamps, high pressure sodium lamps and metal halide lamps. Lamp includes both lamps that fail the Toxicity Characteristic Leaching Procedure (TCLP) and those that contain mercury but pass the TCLP.

I. **Mercury Device.** Mercury Device means a manufactured item that has mercury added. Examples of mercury devices are mercury thermometers, mercury manometers, sphygmomanometers, and mercury switches. The term does not include a motor vehicle mercury switch.

J. **Mercury Switch**. Mercury Switch means a mercury added manufactured item that uses metallic mercury to measure, control or regulate the flow of gas, fluids or electricity.

K. **Mercury Thermostat.** Mercury Thermostat means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element.

L. **Motor Vehicle Mercury Switch**. Motor Vehicle Mercury Switch means a mercury switch used in a motor vehicle. It includes mercury light switches used to turn a light bulb or lamp on and off and a mercury switch used in anti-lock braking systems.

M. **Recycling Center.** Recycling Center means a publicly owned or publicly contracted facility that primarily handles municipal recyclables and that receives pre-separated, uncontaminated, unwanted paper, cardboard, glass, plastic, metal, and universal wastes. A recycling center is not a recycling facility.

N. **Recycling Facility.** Recycling Facility means a “destination facility”, as defined in 40 C.F.R. § 273.9, or a facility, where universal wastes are dismantled, hazardous constituents recovered, reclaimed or separated for reuse, which is authorized or licensed to do so in accordance with 06-096 C.M.R. ch. 854, 06-096 C.M.R. ch. 855, and 06-096 C.M.R. ch. 856 or under the destination facility’s State regulatory program.

O. **Small Universal Waste Generator.** Small Universal Waste Generator means a person or entity that generates in any calendar month or accumulates on site at any one time no more than:

(1) 200 universal waste items, including batteries as described in Section 12, or
(2) 4,000 motor vehicle mercury switches, or
(3) 40 tons of cathode ray tubes.

The total weight of all universal waste including batteries must be no more than 5,000 kg.

A one-time generation of lamps under a Green Lights or other similar energy conversion program that is completed within six months or a mercury thermometer collection event, is exempt from the 200 item count provided no more than 5,000 kg of universal waste are generated and the waste is managed in accordance with the standards for a Green Lights Program or mercury thermometer collection event in Section 10 of this Chapter.

NOTE: 5,000 kg approximately equals 20,000 lamps.
40 tons of Cathode Ray Tubes (CRT's) approximately equals 4,000 CRT's.
An anti-lock brake system is considered one universal waste unit even though it may contain up to three mercury switches per unit.

P. **Universal Wastes**. Universal wastes are those wastes determined by the Department to meet the criteria in 06-096 C.M.R. ch. 850, § 3(D). These universal wastes are:

(1) Architectural paint;

(2) Cathode ray tubes;

(3) Lamps;

(4) Mercury Devices;

(5) Mercury thermostats;

(6) Motor Vehicle Mercury Switches; and

(7) Totally enclosed, non-leaking polychlorinated biphenyl (PCB) ballast.

NOTE: Only mercury-containing lamps or lamps otherwise hazardous are included as universal wastes.

NOTE: Batteries are managed as universal waste in accordance with Section 12.

5. Prohibitions. Generators, owners or operators of any central accumulation or consolidation facility, and transporters of universal wastes are prohibited from conducting the following activities:

A. Disposing, diluting or treating universal wastes. The intentional breakage of universal wastes including CRTs and lamps is a form of treatment and is prohibited at locations other than a recycling facility licensed or authorized to do so. Except for incidental breakage of 10 or less CRTs or lamps as a result of an accidental event, universal waste items which are broken and no longer intact do not qualify as universal waste and instead

are subject to the applicable regulations of 06-096 C.M.R. chs. 850 – 857 as hazardous waste.

B. Sending a universal waste to any facility other than:

(1) a central accumulation facility;
(2) a consolidation facility for universal waste;
(3) an approved recycling facility for universal wastes as defined in Section 4(N) of this Chapter, which is licensed or authorized in accordance with 06-096 C.M.R. ch. 854, 06-096 C.M.R. ch. 855, and 06-096 C.M.R. ch. 856 or under the destination facility's State regulatory program; or
(4) an approved disposal or treatment facility authorized to handle PCB ballasts, the residues from mercury spill kits, or architectural paint that cannot be recycled, which is licensed or authorized in accordance with 06-096 C.M.R. ch. 854, 06-096 C.M.R. ch. 855, and 06-096 C.M.R. ch. 856, or under the destination facility's State regulatory program.

NOTE: Generators that self-transport waste shall comply with universal waste transporter requirements, as provided in Section 7(D) of this Chapter.

6. Household Hazardous Waste. Household hazardous waste (or household universal waste), which meets the description of universal waste in Section 4(P) of this Chapter but which is exempt under 06-096 C.M.R. ch. 850, § 3(A)(4)(a)(vii), when combined or mixed with non-household universal or hazardous wastes is no longer exempt and must be managed either in accordance with the universal waste requirements of this Chapter or the *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 through 857.

7. Generator Standards. All generators of universal wastes shall comply with either the full *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 through 857 or the following alternative generator standards.

A. Determine whether the waste generated is hazardous in accordance with Section 5 of 06-096 C.M.R. ch. 851 and, pursuant to 38 M.R.S. §1663 determine that all mercury containing lamps are a universal waste;

NOTE: All mercury containing lamps are universal wastes as required by statute, regardless of TCLP test results.

B. Determine whether the waste is a universal waste under Section 4(P) of this Chapter;

NOTE: If a hazardous waste is not eligible for regulation under the universal waste rules, then the full hazardous waste management rules apply, 06-096 C.M.R. chs. 850 through 857.

C. Properly track the universal waste via a manifest, Recyclable Hazardous Material Uniform Bill of Lading, or the log system in accordance with 06-096 C.M.R. ch. 857;

D. Utilize a licensed transporter in accordance with 06-096 C.M.R. ch. 851, § 7 or a common carrier in accordance with 06-096 C.M.R. ch. 853, § 10(B);

E. Transport or offer for transport, universal waste only to a facility authorized to handle the waste under a state program, and which is authorized to handle the waste under the federal hazardous waste regulatory program, if applicable, and which is one of the types of facilities named in Section 5(B) of this Chapter;

F. Store all universal waste in containers. Containers must not show evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. The containers must be closed, structurally sound, compatible with the content of the waste, and must not be leaking, spilling, dented or damaged such that it could cause leakage under reasonably foreseeable conditions;

G. Immediately contain and transfer all releases of waste and residues resulting from spills or leaks from broken or ruptured universal waste to a container that meets the requirements of the Maine *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 through 857, except that waste and residues from incidental breakage of 10 or less CRTs or lamps as a result of an accidental event may still be managed as a universal waste;

H. Determine by testing, or handle as hazardous, clean up residues resulting from spills or leaks from events other than incidental breakage of lamps or CRTs in accordance with Maine *Hazardous Waste Management Rules*, 06-096 C.M.R. chs. 850 through 857, including generator accumulation time limit, storage and disposal standards, and count this waste toward the determination of hazardous waste generator status;

I. Train all employees and contractors who handle or have responsibility for managing universal wastes on proper handling and emergency procedures. Maintain the documentation of employee and contractor training. The documentation must include the name of the person receiving the training, the date of the training and the information covered during the training;

J. Conduct weekly inspections of universal waste storage areas and maintain a written inspection log to document the inspections. The log must include the name of the inspector, date of inspection, number and condition of waste containers and descriptions of actions taken to address any problem discovered during the inspection. The number of universal wastes (i.e., number of lamps, thermostats, individual architectural paint original containers) must be maintained onsite;

NOTE: The generator may find the inspection log to be the easiest way to keep track of the number of universal wastes onsite.

K. Store universal waste in a secured area which can be locked when not in use;

L. Label each universal waste container or collection container with an accumulation start date and the date the container becomes full;

M. Store universal wastes for no more than one year from the date the waste is first placed in the container or collection container. A generator may store waste for more than one year only if the generator stores the waste for no more than 90 days from the date the container or collection container becomes full when the activity is solely for the purposes of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. The handler bears the burden of proving that such

activity was solely for the purposes of accumulation of such quantities as necessary to facilitate proper recovery, treatment or disposal. For the purposes of the accumulation of the following waste in collection containers no larger than the following capacities, the accumulation time of 90 days from the collection container full date is deemed "necessary to facilitate proper recovery, treatment or disposal":

(1) Architectural paint – container of 5 gallons or less;

(2) Cathode Ray Tubes - no larger than a single gaylord container;

NOTE: A gaylord container is typically a 4'x4'x4' container that will typically contain 24 CRTs.

(3) Lamps - no larger than a 190-bulb capacity container;

(4) Mercury Thermostats - container of no larger than 30 gallons;

(5) Mercury Devices - containers of no larger than 55 gallons; and

(6) Motor Vehicle Mercury Switches - containers of no larger than 5 gallons.

Motor Vehicle Mercury Switches must be shipped off site at least every three years regardless of whether the quantity accumulated reaches the capacity limit identified in this subsection.

NOTE: This universal waste in storage will not be considered part of your hazardous waste accumulation for the purpose of your generation status.

N. Store universal waste containers or collection containers, with adequate aisle space to be able to inspect the condition of the containers and collection containers and determine the accumulation start dates and container and collection container full dates;

O. Comply with the export and import requirements of 40 C.F.R. Part 262 Subpart H and 40 C.F.R. § 260.11(g) and obtain, prepare and use a manifest or electronic manifest in compliance with the requirements of 06-096 C.M.R. ch. 857. Copies of all notices, reports, manifests and other documents filed with the EPA in accordance with the requirements of Subpart H, including those of 40 C.F.R. §§ 262.83(b), 262.83(g), 262.83(h), and 262.84(b), must be filed with the Department. In addition:

(1) The terms "AES compliance filing date", "CRT exporter", "electronic import-export reporting compliance date" and "recognized trader" are defined in 40 C.F.R. § 260.10;

(2) Universal waste CRTs (i.e., intact, unbroken CRTs) are subject to the export notification and recordkeeping requirements of 40 C.F.R. § 261.41;

(3) Availability of information; confidentiality of information:

(a) No claim of business confidentiality may be asserted by any person with respect to information contained in CRT export documents prepared, used

and submitted under 40 C.F.R. §§ 261.41(a) and with respect to information contained in hazardous waste export, import, and transit documents prepared, used and submitted under 40 C.F.R. §§ 262.82, 262.83, 262.84, 263.20, 264.12, 264.71, 265.12, 265.71, and 267.71, whether submitted electronically into EPA's Waste Import Export Tracking System (WIETS) or in paper format;

(b) EPA will make any CRT export documents prepared, used and submitted under 40 C.F.R. §§ 261.41(a) and any hazardous waste export, import, and transit documents prepared, used and submitted under 40 C.F.R. §§ 262.82, 262.83, 262.84, 263.20, 264.12, 264.71, 265.12, 265.71, and 267.71 available to the public under this section when these electronic or paper documents are considered by EPA to be final documents. These submitted electronic and paper documents related to hazardous waste exports, imports and transits and cathode ray tube exports are considered by EPA to be final documents on March 1 of the calendar year after the related CRT exports or hazardous waste exports, imports, or transits occur.

P. Generators that accumulate more than 4,000 motor vehicle mercury switches or 200 other items of universal wastes at any one time or in any given month shall notify the Department of the handling of universal wastes and receive an EPA Identification Number, unless the generator has previously notified the Department and the site has been previously assigned an EPA Identification Number. Alternatively, generators that handle less than 40 tons of cathode ray tubes or 5,000 kg of other universal wastes are required to notify the Department but may do so on a state waste notification form provided by the Department in lieu of notifying EPA using the EPA form. This notification must include the specific type of universal wastes handled by the generator. The requirement of an EPA Identification Number for those that generate or accumulate only universal waste is intended as a registration provision and does not make other sections of the hazardous waste rules applicable unless other hazardous wastes are generated or accumulated;

NOTE: A generator may obtain an EPA identification number by applying to the Department of Environmental Protection, Bureau of Remediation and Waste Management, State House Station #17, Augusta, Maine 04333-0017 using EPA form 8700-12.

NOTE: A generator or central accumulation facility that meets the threshold in Section 7(P) of this Chapter but is not required to obtain an EPA identification number is required to notify the Department of its activities by submitting either a Notification of State Universal Waste Activities form or an EPA 8700-12 form to the Department of Environmental Protection at the above address.

Q. **Reduced requirements for small universal waste generators**

(1) A small universal waste generator may log information at the Central Accumulation facility or instate Consolidation facility in accordance with 06-096 C.M.R. ch. 857, § 13(A);

(2) In lieu of Section 7(J) of this Chapter, a small universal waste generator shall keep track of the number of universal waste items onsite (i.e. number of lamps, thermostats);

NOTE: The Department recommends that the universal waste area is inspected when placing wastes in the area to ensure that the area is in compliance with the rules and to minimize exposures to toxic releases.

(3) A small universal waste generator is not required to notify the Department of this activity, as provided in 7(P) of this Chapter;

(4) A small universal waste generator shall maintain a copy of the log or a certificate of receipt from the receiving facility if transporting and using a log; and

(5) Records related to personnel training may be retained by the instate consolidation facility in lieu of a small universal waste generator as provided in 7(T) of this Chapter;

R. **Ship universal waste**

(1) Whole, intact, and unbroken except as authorized by the Department as incidental breakage;

(2) In proper packaging that includes closed containers that are compatible for the type and amount of waste and that meet the US DOT standards;

(3) Accompanied by a Recyclable Hazardous Material Uniform Bill of Lading, manifest, or log (as applicable); and

(4) Via a common carrier or licensed hazardous waste transporter, or if operating as a small universal waste generator, the small universal waste generator may self-transport its universal waste in accordance with the universal waste transporter requirements of 06-096 C.M.R. ch. 853 §11;

S. Comply with the Recyclable Hazardous Material Uniform Bill of Lading, manifest or log requirements of 06-096 C.M.R. ch. 857;

NOTE: An instate small universal waste generator and an instate central accumulation facility are allowed to use the log in lieu of the manifest or bill of lading provided they are transporting to an instate consolidation facility.

T. Retain the following records at the generator facility, the central accumulation facility, and the consolidation facility (where applicable);

(1) Inspection logs for at least one year from generator's shipment or facility's receipt of the universal waste;

(2) Documentation of employee or contractor training for at least three years from the date of generator shipment or facility receipt of the universal waste or for the length of employee service whichever is greater. An instate consolidation facility

may maintain the record of training for small universal waste generators and central accumulation locations on behalf of these entities; and

(3) Recyclable Hazardous Materials Uniform Bill of Lading, or manifest, or log for at least three years from the date of shipment or receipt of the universal waste;

U. Submit the following information to the Department:

(1) The original Recyclable Hazardous Materials Uniform Bill of Lading or proper manifest copies within 7 days of shipment; and

(2) The quarterly universal waste report from the consolidation facility in accordance with the provisions of 06-096 C.M.R. ch. 857, § 13(C)(2);

V. In addition to Sections 5, 6, and 7(A) through (U) of this Chapter, cathode ray tubes (CRT) must also be managed in accordance with the following requirements:

(1) Pack CRT in containers, boxes, gaylord, or another acceptable container method approved by the Department that will contain any breakage. CRTs must have packing materials adequate to prevent breakage during storage, handling and transportation;

(2) Seal securely, such as with tape, around the box openings of all full boxes and immediately if incidental breakage should occur;

(3) Do not stack containers or boxes of CRT's more than five feet in height;

(4) Store CRT's in an inside, dry area not exposed to weather;

(5) Mark the container or box with the words "Waste Cathode Ray Tube"; and

(6) Designate each waste CRT storage area by a clearly marked sign which states "Waste Cathode Ray Tube Storage" or Universal Hazardous Waste Storage";

W. In addition to Sections 5, 6 and 7(A) through (U) of this Chapter, lamps must also be managed in accordance with the following requirements:

(1) Pack lamps in containers or boxes with packing materials adequate to prevent breakage during storage, handling, and transportation;

(2) Seal securely, such as with tape, around the box openings of all full boxes and immediately if incidental breakage should occur;

(3) Do not stack containers or boxes of lamps more than five feet in height;

(4) Store lamps in an inside, dry area not exposed to weather;

(5) Mark the container with the words "Waste Lamps"; and

(6) Designate each waste lamp storage area by a clearly marked sign which states "Waste Lamp Storage" or "Universal Hazardous Waste Storage";

X. In addition to Sections 5, 6 and 7(A) through (U) of this Chapter, mercury devices must also be managed in accordance with the following requirements:

(1) Pack mercury devices in rigid, sealable containers with packing materials adequate to prevent breakage during storage, handling, and transportation;

(2) Store mercury devices in an inside, dry area not exposed to weather;

(3) Mark the containers with the words "Waste Mercury Devices"; and

(4) Designate each mercury device storage area by a clearly marked sign which states "Waste Mercury Device Storage" or "Universal Hazardous Waste Storage";

Y. In addition to Sections 5, 6 and 7(A) through (U) of this Chapter, mercury thermostats must also be managed in accordance with the following requirements:

(1) Pack mercury thermostats in rigid, sealable containers with packing materials adequate to prevent breakage during storage, handling, and transportation;

(2) Store mercury thermostats in an inside, dry area not exposed to weather;

(3) Mark each container with the words "Waste Mercury Thermostats"; and

(4) Designate each waste thermostat area by a clearly marked sign which states "Waste Mercury Thermostat Storage" or "Universal Hazardous Waste Storage";

Z. In addition to Sections 5, 6 and 7(A) through (U) of this Chapter, motor vehicle mercury switches must also be managed in accordance with the following requirements:

(1) Pack switches in rigid, sealable containers with packing material adequate to prevent breakage during storage, handling, and transportation;

(2) Store switches in an inside, dry area not exposed to the weather;

(3) Mark the container with the words "Waste Motor Vehicle Switches";

(4) Designate each waste motor vehicle mercury switch storage area by a clearly marked sign which states "Waste Motor Vehicle Switch Storage" or "Universal Hazardous Waste Storage";

(5) A motor vehicle switch generator may accumulate 4,000 motor vehicle mercury switches before becoming a large universal waste generator. The 200 item limit would continue to apply to all other universal waste items; and

(6) In addition to Section 7(M) of this Chapter, a motor vehicle switch generator shall ship off its motor vehicle mercury switches at least every three years whether or not the container is full;

AA. In addition to Sections 5, 6 and 7(A) through (U) of this Chapter, totally enclosed, non-leaking PCB ballast must also be managed in accordance with the following requirements:

(1) Pack ballasts in rigid, sealable containers with packing materials adequate to prevent breakage during storage, handling, and transportation;

(2) Store ballasts in an inside, dry area not exposed to the weather;

(3) Mark containers with the words "Waste PCB Ballasts"; and

(4) Designate each waste ballast storage area by a clearly marked sign which states "Waste PCB Ballast Storage " or "Universal Hazardous Waste Storage";

BB. In addition to Sections 5, 6 and 7(A) through 7(U) of this Chapter, architectural paint must also be managed in accordance with the following requirements:

(1) Store the paint in its original closed non-leaking container of 5 gallons or less in size;

(2) Store container or collection container in an inside, dry area not exposed to the weather;

(3) Store the securely closed original paint containers within secondary containment to contain liquids in the event of a leak, and store away from storm drains and floor drains, and away from ignition sources; and

(4) Mark collection containers with the words “Waste Paint” or designate each waste storage area or container by a clearly marked sign which states “Waste Paint Storage” or “Universal Hazardous Waste Storage”.

NOTE: In addition to the requirements contained in this Chapter, Architectural paint will also be subject to any requirements in an approved stewardship program plan.

8. Central Accumulation Facility. The owner or operator of a central accumulation facility shall comply with the following requirements:

A. Sections 5, 6, and 7, excluding 7(J), (L), (M) and (P);

B. Conduct weekly inspections of universal waste storage areas and maintain a written inspection log to document the inspections. The log must include the name of the inspector, date of inspection, number, and condition of original waste containers and collection containers, and descriptions of actions taken to address any problem discovered during the inspection;

C. Obtain an EPA ID number as outlined in Section 7(P) of this Chapter or if handling less than 5,000 kg notify the Department on a waste notification form provided by the Department;

D. Ship to a consolidation facility for universal waste or a properly approved recycling facility for universal waste, or in the case of ballasts, residues from mercury spill kits, and architectural paint which cannot be recycled ship to a properly approved disposal or treatment facility within one year of receipt of the waste;

E. Mark each container with the date the universal waste is received at the facility; or mark each collection container with the date the first universal waste item is placed into collection container and the date the collection container is full;

F. Maintain an inventory system on-site that identifies the date and manifest or Uniform Bill of Lading number or log information i.e., name of generator, log, date, type and number of universal waste items (if applicable) for each universal waste container or group of containers that is received at the facility and the date and manifest or Uniform Bill of Lading number (if applicable) for each waste container or group of containers that is shipped from the facility;

G. For architectural paint, pack original securely closed containers completely in the collection container, keep the collection container closed except when adding containers of architectural paint, and label the collection container with the words "Waste Paint;" and

NOTE: This universal waste in storage as part of a take back program will not be considered part of the facility's hazardous waste accumulation for the purpose of the facility's hazardous waste generation status.

H. When the facility no longer accepts universal wastes, remove all universal waste and any residues from the universal wastes to a facility licensed to handle the wastes. Provide written notice to the Department within ten (10) days of ceasing acceptance of each type of universal waste.

9. Consolidation Facility. The owner or operator of a consolidation facility shall comply with the following requirements:

A. Sections 5, 6, and 7, excluding 7(J), (L), (M) and (P) of this Chapter;

B. Conduct weekly inspections of universal waste storage areas and maintain a written inspection log to document the inspections. The log must include the name of the inspector, date of inspection, number, and condition of original waste containers and collection containers, and descriptions of actions taken to address any problem discovered during the inspection;

C. Ship to a properly approved recycling facility for universal waste, or in the case of ballasts, the residues from mercury spill kits, and architectural paint which cannot be recycled to a properly approved treatment or disposal facility within one year of receipt of waste;

D. Obtain an EPA ID number as outlined in Section 7(P) of this Chapter;

E. Mark each container with the date the universal waste is received at the facility; or mark each collection container with the date the first universal waste item is placed into the collection container and the date the collection container is full;

F. Maintain an inventory system on-site that identifies the date and manifest or Uniform Bill of Lading number or log information i.e., name of generator, log date, and type and number of universal waste items (if applicable) for each universal waste container or group of containers that is received at the facility and the date and manifest or Uniform Bill of Lading number for each waste container or group of containers that is shipped from the facility;

G. For architectural paint where paint will be transferred out of the original container for consolidation in another container, consolidators shall:

(1) Make hazardous waste determinations for paint including any unidentified architectural paint in accordance with 06-096 C.M.R. ch. 851, § 5;

(2) Separate any characteristic or listed hazardous waste paint containers from other paint containers and only consolidate hazardous waste paints with other hazardous waste paints in the same containers;

(3) Identify and separate any waste or containers which do not meet the criteria of architectural paint pursuant to Section 4(A) of this Chapter. Manage any of these wastes and containers identified as hazardous waste in accordance with the applicable standards for hazardous waste of 06-096 C.M.R. chs. 850 through 857, including labeling with the words “hazardous waste” and disposal through a licensed hazardous waste transporter;

(4) Conduct all transfer and consolidation activities over secondary containment;

(5) Empty individual architectural paint containers by draining the emptied container for at least thirty (30) seconds after the steady flow of paint has ceased and individual droplets are clearly evident. Then perform that procedure two more times, or crush the can using a commercially available crusher that collects vapors, liquids, and is explosion proof;

(6) Place empty containers in a collection container that is closed except when adding or removing containers and that will prevent the release of any residue or vapors that remains after complying with Section 9(G)(5) of this Chapter;

(7) Remove and clean up all discharges of hazardous waste to the Department’s satisfaction;

(8) Ship all architectural paint on a hazardous waste manifest or uniform bill of lading;

(9) Submit for Department review and approval a closure plan with financial assurance sufficient for a third party to conduct the closure activities. The closure

plan and financial assurance must be in accordance with 06-096 C.M.R. ch. 854, §§ (6)(C)(15) and (6)(C)(16) and must be updated annually in accordance with the rules;

(10) Submit quarterly reports on a form approved by the Department that identifies the number of individual containers and volume of architectural paint received, the number of individual containers and volume determined not to meet the definition of architectural paint, the name and location of all facilities where architectural paint and non-hazardous paint waste has been shipped, and the number of individual containers and volumes remaining on site at the end of the reported quarter;

(11) Submit proof of liability insurance; and

(12) Submit an environmental monitoring plan.

H. For architectural paint, pack original securely closed containers directly into collection containers, keep the collection container closed except when adding containers of paint, label the container with the words “Waste Paint”; and

I. Conduct closure of the facility in accordance with 06-096 C.M.R. ch. 851, § 11.

10. Green Light and Thermometer Collection Programs. A small universal waste generator that generates greater than 200 lamps or thermometers per month or at any one time under (i) a Green Lights Program or other similar energy conversion program that is completed within a six month period; or (ii) a single short term event of a maximum of five consecutive days per year for the collection of mercury thermometers, or such other period of time approved by the Department, shall comply with the following requirements:

A. Ship the lamps or thermometers directly to a properly approved recycling facility for universal waste on a manifest or Recyclable Hazardous Materials Uniform Bill of Lading; and

B. Comply with all other requirements for a small universal waste generator. A small universal waste generator conducting a Green Lights or thermometer collection event of 200 items or more under this Section is not required to obtain an EPA ID Number or notify the Department on a state waste notification form pursuant to Section 7(P) of this Chapter.

11. Alternate Standards. Notwithstanding Sections 7, 8 and 9 of this Chapter, the Department may on a case by case basis approve alternative standards for tracking and reporting universal waste, in the case of a manufacturer's sponsored product take back program, also known as a "product stewardship" program or other similar manufacturer sanctioned collection program. Criteria of approval under this Section must include an annual report from the manufacturer on the amount of the particular product collected through this program in the state and the program must meet the federal universal waste requirements of 40 C.F.R. Part 273. The operator of such a program shall file a request with the Department and identify the regulatory tracking and reporting elements for which the operator is seeking alternative approval.

12. Special Requirements for Certain Batteries

Batteries that are described in 40 C.F.R. § 273.2, must be managed in accordance with 40 C.F.R. Part 273, except that references to 40 C.F.R. Parts 260 through 272 shall mean 06-096 C.M.R. chs. 850 through 857 of the Maine *Hazardous Waste Management Rules* and except that 40 C.F.R. § 273.8(a)(2) is not incorporated, and instead, batteries handled by federal very small quantity generators are regulated as small quantity handlers pursuant to 40 C.F.R. Part 273 Subpart B. In addition, instead of 40 C.F.R. § 273.2(c), a battery becomes a waste on the date that it becomes useless, unwanted, or intended for disposal, and spent lead acid batteries described in 40 C.F.R. §§ 273.2(a)(2) and 273.2(b)(1) are regulated under 06-096 C.M.R. chs. 850 through 858 instead of 40 C.F.R. Part 266, Subpart G.

13. Import Requirements for Universal Waste

Persons handling universal waste that is imported from a foreign country into the State of Maine are subject to the requirements of 40 C.F.R. Part 262 Subpart H and the applicable requirements of Sections 13(A) through 13(C) of this Section below, immediately upon the waste entering the State of Maine:

A. A universal waste transporter is subject to the universal waste transporter requirements of 06-096 C.M.R. ch. 853, § 11.

B. A universal waste handler is subject to all applicable requirements of this Chapter, including those for generators of universal waste, central accumulation facilities, and consolidation facilities.

C. An owner or operator of a recycling facility as defined in Section 4(N) of this Chapter which accepts universal waste imported from a foreign country is subject to the hazardous waste facility requirements of 06-096 C.M.R. ch. 854, 06-096 C.M.R. ch. 855, and 06-096 C.M.R. ch. 856.

STATUTORY AUTHORITY: 38 M.R.S. §1319-O(1) and § 2144

EFFECTIVE DATE:
March 11, 2015 – filing 2015-031

NON-SUBSTANTIVE CORRECTIONS:
April 28, 2017 – formatting and numbering

AMENDED:
June 11, 2018 – filing 2018-101

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