

CHAPTER 65-50

HAZARDOUS WASTE MANAGEMENT REGULATIONS

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Chapter Authority: 1 CMC §§ 2646-2649; 1 CMC § 2650; 2 CMC §§ 3101-3135.

Chapter History: Amdts Adopted 30 Com. Reg. 28515 (May 27, 2008); Amdts Proposed 30 Com. Reg. 28161 (Jan. 31, 2008); Adopted 6 Com. Reg. 2985 (July 16, 1984); Proposed 6 Com. Reg. 2814 (June 15, 1984).

Commission Comment: PL 3-23 (effective Oct. 8, 1982), the “Commonwealth Environmental Protection Act,” codified as amended at 1 CMC §§ 2646-2649 and 2 CMC §§ 3101-3135, created the Division of Environmental Quality (DEQ) within the Department of Public Health and Environmental Services. See 1 CMC § 2646. The act authorized the Chief (now the Director) of the Division to administer, implement and enforce specific powers and duties relating to environmental protection and to develop rules and regulations to implement PL 3-23 and other laws administered by the Division. See 1 CMC §§ 2647 and 2648. PL 3-23 § 7, 2 CMC § 3121, granted the Director of the Department of Public Health and Environmental Services the exclusive power to issue regulations pursuant to the act.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 304(d):

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

Section 304. Department of Public Works.

...

(d) Environmental Quality. The Division of Environmental Quality is transferred from the Department of Public Health to the Department of Public Works. To the maximum extent practicable, the Secretary of Public Works shall integrate land-based earth moving permits into the building permit process.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 11-108 (effective Dec. 3, 1999) repealed Executive Order 94-3 § 304(d) in its entirety. See PL 11-108 § 2. PL 11-108 “reclassified [the Division of Environmental Quality] as an independent regulatory agency, acting from within the office of the Governor” and placed all administrative duties and authority with regards to DEQ with the Governor or his designee. PL 11-108 §§ 1 and 3, codified at 1 CMC § 2650.

In 2008, DEQ promulgated new Hazardous Waste Management Regulations that repealed and replaced the regulations originally codified in this chapter. The structure and the content of the 2008 Hazardous Waste Regulations are significantly different than the 1984 regulations. Accordingly, previous history is cited only in the chapter history and is not cited in the individual sections.

Executive Order No. 2013-24, promulgated at 35 Com. Reg. 34596 (Nov. 28, 2013), established a new Bureau of Environmental and Coastal Quality. This Order reorganized the Division of Environmental Quality as a division of the Bureau of Environmental and Coastal Quality, and provided that “all rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Executive Order shall continue to be effective until revised, amended, repealed or terminated.”

Part 001 - Hazardous Waste Management System: General

§ 65-50-001 Authority and Scope

The Division of Environmental Quality is responsible for protecting, preserving, and enhancing the environmental quality of water, air, and land of the Commonwealth. The Hazardous Waste Regulations in this chapter are intended to address potential sources of pollution that may result from the hazardous waste. To ensure the proper management of hazardous waste from cradle to grave, handlers of hazardous waste are required to meet acceptable standards and practices applicable to their specific waste type and quantity. The regulations in this chapter are promulgated by the Division of Environmental Quality pursuant to the Commonwealth Environmental Protection Act, 1982, 2 CMC §§ 3101 to 3135, Public Law 3-23 and Public Law 11-103, hereinafter the “Act”. The regulations and technical provisions in this chapter shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

Modified 1 CMC § 3806(d), (g).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: The Commission changed “3134” to “3135” to correct a citation error. The Commission inserted commas after the words “preserving” and “air” pursuant to 1 CMC § 3806(g).

§ 65-50-005 Applicability

(a) The regulations in this chapter shall apply to all persons that handle (generate, transport, treat, store, or dispose) any quantity of hazardous waste, except as exempted by this chapter.

(b) The regulations in this chapter shall apply to all persons that import a hazardous substance or material containing a hazardous substance to the CNMI.

(c) The regulations in this chapter do not apply to an explosives or munitions emergency or explosives or munitions emergency response such as the emergency collection, transportation, treatment or detonation of military munitions by the Department of Public Services.

Modified 1 CMC § 3806(d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-010 Prohibitions

(a) No disposal of any quantity of hazardous waste by placing the hazardous waste on the ground surface is allowed.

(b) No disposal or discharge of any quantity of hazardous waste by placing the hazardous waste into the water or ocean is allowed.

(c) No disposal of hazardous waste by incineration or burning is allowed unless the operation is authorized in writing by EPA Region 9.

(d) No disposal of hazardous waste by placing the hazardous waste in a drain, sink or other system such as a septic system, including the publicly owned treatment works.

(e) No hazardous waste shall be treated in the CNMI unless the operation is authorized in writing by EPA Region 9.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-015 Definitions

When used in this chapter, the following terms have the meanings given below:

(a) A material is “accumulated speculatively” if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that during the calendar year (commencing on January 1) the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the

75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under § 65-50-315 are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

(b) “Battery” means an intact device consisting of one or more electrically connected electrochemical cells which are designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed. Note, broken batteries or batteries without caps are presumed to be hazardous waste.

(c) A “by-product” is 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. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public’s use and is ordinarily used in the form it is produced by the process.

(d) “Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

(e) “CRT collector” means a person who receives used, intact CRTs for recycling, repair, resale, or donation.

(f) “CRT glass manufacturer” means an operation or part of an operation that uses a furnace to manufacture CRT glass.

(g) “CRT processing” means conducting all of the following activities:

- (1) Receiving broken or intact CRTs; and
- (2) Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and
- (3) Sorting or otherwise managing glass removed from CRT monitors.

(h) “Designated facility” means:

- (1) A hazardous waste treatment, storage, or disposal facility which:
 - (i) Has received a permit (or interim status) in accordance with the federal requirements of 40 CFR parts 270 and 124;
 - (ii) That has been designated on the manifest by the generator pursuant to § 65-50-650.
- (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 § 65-50-650(a)(1)(iv).

(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.

(i) “Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in § 65-50-805(d). A facility, at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.*

(j) “Director” means the Director of the Division of Environmental Quality or his designee.

(k) “Discharge or hazardous waste discharge” means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

(l) “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

(m) “Disposal facility” means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

(n) “Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in § 65-50-805(d)(1) and (d)(3). A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.*

* So in original; subsections (i) and (n) both define “destination facility” and vary slightly.

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

(p) “EPA hazardous waste number” means the number assigned by EPA to each hazardous waste listed in part 500 and to each characteristic identified in part 400.

(q) “EPA identification number” means the number assigned by EPA to each generator, transporter, and treatment, storage, or disposal facility.

(r) “Excluded scrap metal” is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

(s) “Explosives or munitions emergency” means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

(t) “Explosives or munitions emergency response” means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

(u) “Explosives or munitions emergency response specialist” means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include Department of Defense (DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and DOD-certified civilian or contractor personnel; and other federal, state, or local government, or civilian personnel similarly trained in explosives or munitions emergency responses.

(v) “Facility” means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

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

(x) “Generator” means any person, by site, whose act or process produces hazardous waste identified or listed in part 400 or listed in part 500 or whose act first causes a hazardous waste to become subject to regulation.

(y) “Hazardous waste constituent” means a constituent that caused the solid waste to be on the hazardous waste lists in part 500, or a constituent listed in table 1 of § 65-50-420(b).

(z) “Home scrap metal” is scrap metal as generated by steel mills, foundries, and refineries such as turnings, cuttings, punchings, and borings.

(aa) “Incinerator” means any enclosed device that:

- (1) Uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or
- (2) Meets the definition of infrared incinerator or plasma arc incinerator.

(bb) “Incompatible waste” means a hazardous waste which is unsuitable

- (1) Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or
- (2) Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

(cc) “Individual generation site” means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

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

(ee) “Management or hazardous waste management” means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

(ff) “Manifest” means: The shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A), originated and signed by the generator or offeror in accordance with the instructions in the appendix to 40 CFR part 262 and the applicable requirements of § 65-50-650.

(gg) “Manifest tracking number” means: The alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits), which is preprinted in Item 4 of the Manifest by a registered source.

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

(ii) “Military” means the Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE), or other parties under contract or acting as an agent for the foregoing, who handle military munitions.

(jj) “Military munitions” means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S. Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (DOE), and National Guard personnel. The term military munitions also include all ammunition products and components produced or used by Japan during and prior to World War II. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include non-nuclear components of nuclear devices, managed under DOE’s nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

(kk) “Military range” means designated land and water areas set aside, managed, and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnance, or weapon systems, or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.

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

(mm) “Open burning” means the combustion of any material without the following characteristics:

- (1) Control of combustion air to maintain adequate temperature for efficient combustion,
- (2) Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and

(3) Control of emission of the gaseous combustion products.
(See also “incineration” and “thermal treatment”.)

(nn) “Operator” means the person responsible for the overall operation of a facility.

(oo) “Owner” means the person who owns a facility or part of a facility.

(pp) “Person” means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

(qq) “Pesticide” means mean a pesticide as defined under FIFRA.

(rr) “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. (Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled.)

(ss) “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.

(tt) “Publicly owned treatment works or 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” (as defined by section 502(4) of the CWA). This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

(uu) A material is “reclaimed” if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

(vv) A material is “recycled” if it is used, reused, or reclaimed.

(ww) “Remediation waste” means all solid and hazardous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, that are managed for implementing cleanup.

(xx) “Remediation waste management site” means a facility where an owner and/or operator is or will be treating, storing or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action

under 40 CFR § 264.101, but is subject to corrective action requirements if the site is located in such a facility.

(yy) “Scrap metal” is 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.

(zz) “Sludge” means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

(aaa) “Small quantity generator” means a generator who generates less than 1000 kg of hazardous waste in a calendar month.

(bbb) “Sorbent” means a material that is used to soak up free liquids by either adsorption or absorption, or both. “Sorb” means to either adsorb or absorb, or both.

(ccc) A “spent material” is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing;

(ddd) “Storage” means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

(eee) “Tank” means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

(fff) “Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of § 65-50-805(d)(3).

(ggg) “Totally enclosed treatment facility” means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

(hhh) “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.

(iii) “Transport vehicle” means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

(jjj) “Transportation” means the movement of hazardous waste by air, rail, highway, or water.

(kkk) “Transporter” means a person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water.

(lll) “Unexploded ordnance (UXO)” means military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

(mmm) “Universal waste” means any of the following hazardous wastes that are managed under the universal waste requirements of part 800:

- (1) Batteries as described in § 65-50-801(b);
- (2) Pesticides as described in § 65-50-801(c);
- (3) Mercury-containing equipment as described in § 65-50-801(d); and
- (4) Lamps as described in § 65-50-801(e).

(nnn) “Universal waste handler”:

(1) Means:

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

(2) Does not mean:

- (i) A person who treats (except under the provisions of § 65-50-805(d)(1) or (d)(3)), disposes of, or recycles universal waste; or
- (ii) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

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

(ppp) “Universal waste transporter” means a person engaged in the offsite transportation of universal waste by air, rail, highway, or water.

(qqq) A material is “used or reused” if it is either:

(1) Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

(2) Employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

(rrr) “Used oil” means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

(sss) “Vessel” includes every description of watercraft, used or capable of being used as a means of transportation on the water.

(ttt) “Wastewater treatment unit” means a device which:

(1) Is part of a wastewater treatment facility that is subject to regulation under either section 402 or 307(b) of the Clean Water Act; and

(2) Receives and treats or stores an influent wastewater that is a hazardous waste as defined in part 300, or that generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in part 300, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in part 300; and

(3) Meets the definition of tank in § 65-50-015.

Modified 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: The Commission changed “caps presumed” to “caps are presumed” to correct a manifest error in subsection (b). The Commission changed “waste be on” to “waste to be on” to correct a manifest error in subsection (y). The Commission added “)” to the end of subsection (rr). The Commission removed the extra “)” in subsection (yy).

§ 65-50-020 Fees for Hazardous Waste and Universal Waste Management

(a) Annual Fee for Hazardous Waste Handlers (Generators and Transporters)

(1) By March 31 of each calendar year, a hazardous waste generator in existence on January 1 of that calendar year shall submit to the DEQ a fee of

(i) \$100.00 per facility for Conditionally Exempt Small Quantity Generators. The fee shall be accompanied with the annual inventory required by § 65-50-620.

(ii) \$500.00 per facility for Small Quantity Generators. The fee shall be accompanied with the annual inventory required by § 65-50-620.

(iii) \$1000.00 per facility for Large Quantity Generators. The fee shall be accompanied with the annual inventory required by § 65-50-620.

(2) By March 31 of each calendar year, a hazardous waste transporter in existence on January 1 of that calendar year shall submit to the DEQ a fee of \$200.00. DEQ shall issue the transporter a certificate indicating that the fee has been received.

- (3) First year fees shall be prorated by month.
- (4) All annual fees shall be accounted for separately by the DEQ. These funds shall only be used for the purpose of conducting hazardous substance and petroleum program outreach and compliance assistance, emergency response activities, site stabilization activities, and site investigation and remediation.

(b) Annual Fee for Universal Waste Handlers

(1) By March 31 of each calendar year, a universal waste handler in existence on January 1 of that calendar year shall submit to the DEQ a fee of \$100.00 per facility. The fee shall be accompanied with the annual inventory required by § 65-50-805(f).

(2) By March 31 of each calendar year, a universal waste transporter in existence on January 1 of that calendar year shall submit to the DEQ a fee of \$200.00. DEQ shall issue the transporter a certificate indicating that the fee has been received.

(3) First year fees shall be prorated by month.

(4) All annual fees shall be accounted for separately by the DEQ. These funds shall only be used for the purpose of conducting hazardous substance and petroleum program outreach and compliance assistance, emergency response activities, site stabilization activities, and site investigation and remediation activities.

Modified 1 CMC § 3806(c), (f), (g).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: The Commission changed “a of” to “a fee of” to correct a manifest error in subsections (a)(2), (b)(1) and (b)(2). The Commission inserted a comma after the word “activities” in subsections (a)(4) and (b)(4) pursuant to 1 CMC § 3806(g).

Part 100 - [Reserved]

Part 200 - Standards Applicable to Importers of Hazardous Materials

§ 65-50-201 Purpose and Scope

(a) Any person desiring to import hazardous materials (the importer) as identified in 49 C.F.R part 172.101 as defined in this chapter to the Commonwealth of the Northern Mariana Islands (CNMI), from the United States or any foreign country, shall comply with the requirements of this part.

(b) When importing such a hazardous material listed in 49 C.F.R part 172.101 for industrial or commercial purposes, excluding household grade products, a person must meet all the requirements of this part.

(c) When importing such a hazardous material listed in 49 C.F.R part 172.101 for industrial or commercial purposes, a person must maintain a copy of the Material Safety Data Sheet (MSDS) for each material at their facility. The MSDS must be in English. The MSDS must be made available to DEQ for review and inspection.

(d) The import and use of pesticides is subject to the requirements of the CNMI pesticide regulations [NMIAC chapter 65-70] and not required to comply with the requirements of § 65-50-201.

(e) Any person importing a hazardous waste as defined by this chapter shall also comply with the requirements in part 1000.

(f) Any person importing universal waste as defined by this subchapter shall also comply with the requirements in part 800.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008); Adopted 6 Com. Reg. 2985 (July 16, 1984); Proposed 6 Com. Reg. 2814 (June 15, 1984).

Commission Comment: The Commission changed “imports” to “import” to correct a manifest error in subsection (a).

§ 65-50-205 [Reserved]

§ 65-50-210 [Reserved]

§ 65-50-215 [Reserved]

§ 65-50-220 Notice of Intent

(a) Persons desiring to import a hazardous material (the importer) as identified in the table to 49 C.F.R part 172.101 shall submit a complete notice of intent to the Director of the DEQ on a form provided at least ten working days prior to arranging for transportation of the restricted hazardous material to the CNMI. Incomplete forms will be returned to the importer as not approved.

(b) The initial notice of intent form for each hazardous material must be accompanied with the Material Safety Data Sheet and a copy of the product label. All documents must be in English. Subsequent imports of the same product within twelve months or the initial notice do not require this additional information.

(c) [Reserved]

(d) Complete forms will be reviewed by the DEQ to determine the accuracy of the information. DEQ’s review will include a determination the information submitted is consistent. Accurate forms will be signed and returned to the importer within ten business days of receipt of a complete form. Inaccurate forms will be returned to the importer as not approved.

(e) Upon receipt of a signed notice of intent form, the import* can arrange for transportation to the CNMI. Copies of completed notices of intent forms will be provided to the Commonwealth Ports Authority.

(f) A signed notice of intent form is valid for one shipment of the respective restricted hazardous materiel.

(g) A signed notice of intent form is valid for ninety days (e.g. an importer must arrange for transportation of the restricted hazardous materiel within ninety days of receipt of the signed form).

* So in original.

Modified 1 CMC § 3806(e), (g).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008); Adopted 6 Com. Reg. 2985 (July 16, 1984); Proposed 6 Com. Reg. 2814 (June 15, 1984).

Commission Comment: The Commission changed “will be provide” to “will be provided” to correct a manifest error in subsection (f).

§ 65-50-225 Notice of Arrival

Upon arrival of the hazardous material into the CNMI, the importer shall notify the Director on a form provided for. The Notice of Arrival shall not be substituted for the Notice of Intent to import.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-230 Inspection

Upon arrival of the shipment, DEQ, or other agencies as agreed by the Director, shall inspect the hazardous material and shall compare the results of the inspection and the entry papers for the shipment with the information provided by the importer on the notice of intent. If no discrepancies are noted, the shipment shall be released. However, if any discrepancies are noted, the shipment, including all nonhazardous items that are part of the shipment, may be detained until the Director resolves such discrepancies.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-235 Shipments Arriving Without Notice or Not Conforming With the Notice

(a) When a shipment of a restricted hazardous material arrives in the CNMI without either the Notice of Intent or Notice of Arrival, the shipment, including all non-hazardous items that are part of the shipment, shall be detained or denied access into the CNMI and the Director of the DEQ shall be notified. The Director shall determine the disposition of the shipment.

(b) When a shipment of a restricted hazardous material arrives in the CNMI and the quantity or type of material arriving does not match the notice, the shipment, including all

non-hazardous items that are part of the shipment, shall be detained or denied access and the Director of the DEQ shall be notified. The Director shall determine the disposition of the shipment.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-240 Detained, Denied, and Impounded Shipments

(a) All expenses arising from detainment, denial, and impoundment of a hazardous material shipment that would have been averted by the timely and complete submission of the Notice of Intent and/or Notice of Arrival shall be payable by the importer.

(b) The importee* shall have ninety days from arrival in which to return or dispose of the hazardous material in a manner approved of by the Director. If the importer fails to return or dispose of the hazardous material within the ninety day period, the Director may sell, dispose, or destroy the denied shipment in a manner consistent with law and all expenses for storage, cartage, labor, shipping and disposal costs shall be payable by the importer and in default of such payment shall constitute a lien against any further items of any nature imported by the importer.

* So in original.

Modified 1 CMC § 3806(e).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: The Commission designated subsections (a) and (b), which were not designated in the original. The Commission inserted a comma after the word “dispose” in subsection (b) pursuant to 1 CMC § 3806(g).

Part 300 - Definition of Solid Waste and Hazardous Waste

§ 65-50-301 Purpose and Scope

(a) Part 300 identifies those solid wastes which are subject to regulation as hazardous wastes under this chapter and which are subject to the notification requirements of section 3010 of RCRA.

(b) The definition of solid waste contained in part 300 applies only to wastes that also are hazardous for purposes of implementing this chapter. For example, it does not apply to materials (such as non-hazardous scrap, paper, textiles, or rubber) that are not otherwise hazardous wastes and that are recycled.

Modified 1 CMC § 3806(d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-305 Definition of Solid Waste

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

- (a)(1) A solid waste is any discarded material that is not excluded by this chapter.
- (2) A discarded material is any material which is:
- (i) Abandoned by being: disposed of; or burned or incinerated; or accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated;
 - (ii) Recycled, as explained in subsection (b) of this section; or
- (3) Considered inherently waste-like, as explained in subsection (c)(2) of this section; or
- (4) A military munition identified as a solid waste in § 65-50-015 or part 900.
- (b) Materials are solid wastes if they are recycled – or accumulated, stored, or treated before recycling – as specified in subsections (1) through (4) of this section.
- (1) Used in a manner constituting disposal. Materials noted with a “+” in column 1 of Table 1 are solid wastes when they are:
- (i) Applied to or placed on the land in a manner that constitutes disposal; or
 - (ii) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste). However, commercial chemical products listed in Appendix IV are not solid wastes if they are applied to the land and that is their ordinary manner of use.
- (2) Burning for energy recovery. Materials noted with a “+” in column 2 of Table 1 are solid wastes when they are:
- (i) Burned to recover energy;
 - (ii) Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste). However, commercial chemical products listed in Appendix IV are not solid wastes if they are themselves fuels.
- (3) Reclaimed. Materials noted with a “+” in column 3 of Table 1 are solid wastes when reclaimed. Materials noted with a “-” in column 3 of Table 1 are not solid wastes when reclaimed.
- (4) Accumulated speculatively. Materials noted with a “+” in column 4 of Table 1 are solid wastes when accumulated speculatively.

Table 1

	1	2	3	4
Spent Materials	+	+	+	+
Sludges (listed in 40 CFR Part 261.31 or 261.32)	+	+	+	+
Sludges exhibiting a characteristic of hazardous waste	+	+	-	+
By-products (listed in 40 CFR 261.31 or 261.32)	+	+	+	+
By-products exhibiting a characteristic of hazardous waste	+	+	-	+
Commercial chemical products listed in 40 CFR 261.33	+	+	-	-
Scrap metal other than excluded scrap metal (see 261.1(c)(9))	+	+	+	+

1 Use constituting disposal (Section 65-50-305(b)(1) and 40 CFR part 261.2(c)(1))

2 Energy recovery fuel (Section 65-50-305(b)(2) and 40 CFR part 261.2(c)(2))

3 Reclamation (Section 65-50-305(b)(3) and 40 CFR part 261.2(c)(3))

4 Speculative accumulation (Section 65-50-305(b)(4) and 40 CFR part 261.2(c)(4))

Note: The terms “spent materials,” “sludges,” “by-products,” and “scrap metal” and “processed scrap metal” are defined in Part 001.

- (c) Materials that are not solid waste when recycled.
- (1) Materials are not solid wastes when they can be shown to be recycled by being:
 - (i) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
 - (ii) Used or reused as effective substitutes for commercial products; or
 - (iii) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed such that there is no placement on the land.
- (2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (c)(1)(i) through (iii) of this section):
 - (i) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or
 - (ii) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or
 - (iii) Materials accumulated speculatively.

Modified 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: The Commission corrected manifest errors in the table in subsection (b)(4) by fixing the alignment of the table, correcting the spelling of “reclamation,” inserting periods and closing parenthesis.

§ 65-50-310 Definition of Hazardous Waste

A solid waste, as defined in § 65-50-305, is a hazardous waste if:

- (a) It is not excluded from regulation as a hazardous waste under § 65-50-315; and
- (b) It meets any of the following criteria:
 - (1) It exhibits any of the characteristics of hazardous waste identified in part 400 of this chapter. Further, for the purposes of applying the Toxicity Characteristic to mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in table 1 to part 400 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.
 - (2) It is listed in part 500 of this chapter
 - (3) It is a mixture of solid waste and one or more hazardous wastes listed in part 500.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-315 Exclusions

(a) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:

(1) 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 material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). Hotel and resort waste are solid waste. A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this subtitle*, if such facility:

* As stated in original, NMIAC cross reference cannot be determined.

(i) Receives and burns only household waste (from single and multiple dwellings, and other residential sources) and solid waste from commercial or industrial sources that does not contain hazardous waste; and

(ii) Such facility does not accept hazardous wastes and the owner and/or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

(2) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:

(i) The growing and harvesting of agricultural crops.

(ii) The raising of animals, including animal manures.

(3) Mining overburden returned to the mine site.

(4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily from the combustion of coal or other fossil fuels, except for facilities that burn or process hazardous waste.

(b) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit, is not subject to regulation under this chapter or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

(c) Samples.

(1) Except as provided in paragraph (2) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter or to the notification requirements of section 3010 of RCRA, when:

- (i) The sample is being transported to a laboratory for the purpose of testing; or
 - (ii) The sample is being transported back to the sample collector after testing; or
 - (iii) The sample is being stored by the sample collector before transport to a laboratory for testing; or
 - (iv) The sample is being stored in a laboratory before testing; or
 - (v) The sample is being stored in a laboratory after testing but before it is returned to the sample collector; or
 - (vi) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
- (2) In order to qualify for the exemption in subsections (c)(1)(i) and (ii) of this section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:
- (i) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
 - (ii) Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
 - (A) Assure that the following information accompanies the sample:
 - (I) The sample collector's name, mailing address, and telephone number;
 - (II) The laboratory's name, mailing address, and telephone number;
 - (III) The quantity of the sample;
 - (IV) The date of shipment; and
 - (V) A description of the sample.
 - (B) Package the sample so that it does not leak, spill, or vaporize from its packaging.
- (3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (c)(1) of this section.
- (d) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under 404 of the Federal Water Pollution Control Act (33 U.S.C. § 1344) or section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. § 1413) is not a hazardous waste. For this subsection, the following definitions apply:
- (1) The term dredged material has the same meaning as defined in 40 CFR § 232.2;
 - (2) The term permit means:
 - (i) A permit issued by the U.S. Army Corps of Engineers (Corps) or an approved State under section 404 of the Federal Water Pollution Control Act (33 U.S.C. § 1344);
 - (ii) A permit issued by the Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. § 1413); or
 - (iii) In the case of Corps civil works projects, the administrative equivalent of the permits referred to in subsections (d)(2)(i) and (ii) above, as provided for in Corps regulations (for example, see 33 CFR §§ 336.1, 336.2, and 337.6).

Modified 1 CMC § 3806(c), (d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: The Commission inserted commas after the words “trash” and “grounds” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 65-50-320 Requirements for Certain Recyclable Materials

(a) The following recyclable materials are not subject to the regulations in this chapter, and are not subject to the notification requirements of section 3010 of RCRA:

- (1) Scrap metal that is not excluded under part 300;
- (2) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to this chapter, but is regulated under the CNMI Used Oil Regulations [NMIAC chapter 65-110]. Used oil that is recycled includes any used oil which is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil which is re-refined, reclaimed, burned for energy recovery, or reprocessed.
- (3) Used oil filters that have been gravity hot drained.
- (4) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.
- (5) Shredded circuit boards being recycled provided that they are:
 - (i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and
 - (ii) Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.
- (6) Other recyclable materials as approved in writing by the Director.

(b) Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.

- (1) Used, broken CRTs are not solid wastes if they meet the following conditions:
 - (i) Prior to processing: These materials are not solid wastes if they are destined for recycling and if they meet the following requirements:
 - (A) Storage. The broken CRTs must be either:
 - (I) Stored in a building with a roof, floor, and walls, or
 - (II) Placed in a container (i.e. , a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).
 - (B) Labeling. Each container in which the used, broken CRT is contained must be labeled or marked clearly with one of the following phrases: “Used cathode ray tube(s)-contains leaded glass “ or “Leaded glass from televisions or computers.” It must also be labeled: “Do not mix with other glass materials.”
 - (ii) Transportation. The used, broken CRTs must be transported in a container meeting the requirements of subsections (b)(1)(i)(A) and (b)(1)(i)(B) of this section.
 - (iii) Processing.
 - (A) All processing activities of CRTs must be performed within a building with a roof, floor, and walls; and
 - (B) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

Modified 1 CMC § 3806(c), (d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-325 Residues of Hazardous Waste in Empty Containers

(a) Any hazardous waste remaining in either:

- (1) An empty container; or
- (2) An inner liner removed from an empty container, as defined in subsection (a)(2) of this section, is not subject to this chapter or to the notification requirements of section 3010 of RCRA.

(b)(1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in part 500 of this chapter is empty if:

(i) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and

(ii) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or

(iii)(A) No more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons in size; or

(B) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size.

(2) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric.

(3) A container or an inner liner removed from a container that has held an acute hazardous waste listed in part 500 of this chapter is empty if:

(i) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

(ii) The container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

(iii) 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.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-330 PCB Waste Regulated under the Toxic Substance Control Act

The disposal of PCB-containing dielectric fluid and electric equipment containing such fluid authorized for use and regulated under 40 CFR part 761 and that are hazardous only because they fail the test for the Toxicity Characteristic (Hazardous Waste Codes D018

through D043 only) are exempt from this chapter and the notification requirements of section 3010 of RCRA.

Modified 1 CMC § 3806(d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Part 400 - Characteristics of Hazardous Waste

§ 65-50-401 General

(a) A solid waste, as defined in part 300, which is not excluded from regulation as a hazardous waste under part 300, is a hazardous waste if it exhibits any of the characteristics identified in this part.

(b) A hazardous waste which is identified by a characteristic in this part is assigned every EPA Hazardous Waste Number that is applicable as set forth in this part. This number must be used in complying with the notification requirements of section 3010 of RCRA and all applicable recordkeeping and reporting requirements under the regulations in this chapter.

(c) For purposes of this part, the Director will consider a sample obtained using any of the applicable sampling methods specified in Appendix I to 40 CFR part 261 to be a representative sample within the meaning of part 300.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-405 Characteristic of Ignitability

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

(1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60°C (140°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 (incorporated by reference, see § 260.11), or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D 3278-78 (incorporated by reference, see 40 CFR § 260.11 and part 100*).

* Part 100 of this chapter (NMIAC cross reference for original part 2) is reserved.

(2) 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.

(3) It is an ignitable compressed gas.

(i) The term “compressed gas” shall designate 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.

(ii) A compressed gas shall be 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 shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be acceptable to the Bureau of Explosives and approved by the director, Pipeline and Hazardous Materials Technology, U.S. Department of Transportation (see Note 2).

(B) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), 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 (see Note 1), there is any significant propagation of flame away from the ignition source.

(D) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum.

(4) 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 (see Note 4).

(i) 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 Class A explosive or a Class B explosive, as defined in § 65-50-415, in which case it must be classed as an explosive,

(B) The material is forbidden to be offered for transportation according to 49 CFR § 172.101 and 49 CFR § 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 U.S. Department of Transportation, it has been determined that the material does not present a hazard in transportation.

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

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-410 Characteristic of Corrosivity

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

(1) 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 Method 9040C in "Test Methods for Evaluating Solid

Waste, Physical/Chemical Methods,” EPA Publication SW-846 (incorporated by reference, see 40 CFR § 260.11 and part 100*).

(2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55°C (130°F) as determined by Method 11 10A in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846 (incorporated by reference, see 40 CFR § 260.11 and part 100*).

* Part 100 of this chapter (NMIAC cross reference for original part 2) is reserved.

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

Modified 1 CMC § 3806(f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-415 Characteristic of Reactivity

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

- (1) It is normally unstable and readily undergoes violent change without detonating.
- (2) It reacts violently with water.
- (3) It forms potentially explosive mixtures with water.
- (4) 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.
- (5) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- (6) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
- (7) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.
- (8) It is a forbidden explosive as defined in 49 CFR § 173.51, or a Class A explosive as defined in 49 CFR § 173.53 or a Class B explosive as defined in 49 CFR § 173.88.*

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

* So in original. 49 CFR § 173.88 is no longer in effect.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-420 Toxicity Characteristics

(a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure, Test Method 1311 in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846 (incorporated by reference, see 40 CFR § 260.11 and part 100*), the

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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.

* Part 100 of this chapter (NMIAC cross reference for original part 2) is reserved.

(b) A solid waste that exhibits the characteristic of toxicity has the EPA Hazardous Waste Number specified in Table 1 which corresponds to the toxic contaminant causing it to be hazardous.

Table 1 Maximum Concentration of Contaminants for the Toxicity Characteristic

EPA HW No.	Regulatory Contaminant	CAS No.	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
D024	m-Cresol	108-39-4	200.0
D025	p-Cresol	106-44-5	200.0
D026	Cresol		200.0
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
D012	Endrin	72-20-8	0.02
D031	Heptachlor (and its epoxide).	76-44-8	0.008
D032	Hexachlorobenzene	118-74-1	0.13
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	Pentachlorophenol	87-86-5	100.0
D038	Pyridine	110-86-1	5.0
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-Trichlorophen	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

Note: CAS No. is the Chemical abstracts service number.

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Note: If the quantitation limit is greater than the calculated regulatory level, the quantitation limit becomes the regulatory level.

Note: 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.

Modified 1 CMC § 3806(f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Part 500 - Lists of Hazardous Waste

§ 65-50-501 General

- (a) A solid waste is a hazardous waste if it is listed in this part.
- (b) The basis for listing the classes or types of wastes listed in this part is identified by employing one or more of the following Hazard Codes:
- (1) Ignitable Waste (I)
 - (2) Corrosive Waste (C)
 - (3) Reactive Waste (R)
 - (4) Toxicity Characteristic Waste (E)
 - (5) Acute Hazardous Waste (H)
 - (6) Toxic Waste (T)

Appendix VII to 40 CFR part 261 identifies the constituent which caused the Administrator to list the waste as a Toxicity Characteristic Waste (E) or Toxic Waste (T) in § 65-50-505 and § 65-50-510.

- (c) Each hazardous waste listed in this part is assigned an EPA Hazardous Waste Number which precedes the name of the waste. This number must be used in complying with the notification requirements of section 3010 of the RCRA and certain recordkeeping and reporting requirements under this chapter.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-505 Hazardous Waste from Non-specific Sources

The solid wastes in Appendix I to this chapter are listed hazardous wastes from non-specific sources.

Modified 1 CMC § 3806(d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-510 Hazardous Waste from Specific Sources

The solid wastes in Appendix II to this chapter are listed hazardous wastes from specific sources.

Modified 1 CMC § 3806(d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-515 Discarded Commercial Chemical Products, Off-specification Species, Container Residues, and Spill Residues Thereof

(a) The materials or items in Appendix III and IV are hazardous wastes if and when they are discarded or intended to be discarded as described in § 65-50-305(a), when they are mixed with waste oil or used oil or 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.

(1) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in Appendix III or IV.

(2) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in Appendix III or IV.

(3) Any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in Appendix III or IV, unless the container is empty as defined in § 65-50-325 of this chapter. (Comment: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, EPA considers the residue to be intended for discard, and thus, a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.)

(4) 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 Appendix III or IV, 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 Appendix III or.*

(Comment: The phrase “commercial chemical product or manufacturing chemical intermediate having the generic name listed in . . .” refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in Appendix III or IV. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in

Appendix III or IV, such waste will be listed in either § 65-50-505 or § 65-50-510 or will be identified as a hazardous waste by the characteristics set forth in part 400 of this chapter.)

(5) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a)(1) through (a)(4) of this section, and are listed in Appendix III to this chapter are identified as acute hazardous wastes (H). (Comment: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound only is listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.) These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Appendix III.

* So in original.

(b) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a)(1) through (a)(5) of this section, and are listed in Appendix IV to this chapter are identified as toxic wastes (T), unless otherwise designated. (Comment: 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. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.) These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Appendix IV.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Part 600 - Standards Applicable to Generators of Hazardous Waste

§ 65-50-601 Purpose, Scope and Applicability

(a) The regulations in this chapter establish standards for generators of hazardous waste.

(b) Any person who imports hazardous waste into the CNMI must comply with the standards applicable to generators established in this part.

(c) [Reserved.]

(d) Persons responding to an explosives or munitions emergency in accordance with 40 CFR § 264.1(g)(8)(i)(D) or (iv) or § 265.1(c)(11)(i)(D) or (iv), and § 270.1(c)(3)(i)(D) or (iii) are not required to comply with the standards of this part. Note 1: A generator who

treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 40 CFR parts 264, 265, 266, 268, and 270.

Modified 1 CMC § 3806(d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-605 Hazardous Waste Determination

(a) A person who generates a solid waste, as defined in part 300 of this chapter, must determine if that waste is a hazardous waste using the following method:

(1) He should first determine if the waste is excluded from regulation under § 65-50-315 of this chapter.

(2) He must then determine if the waste is listed as a hazardous waste in part 500 of this chapter.

(3) He must then determine whether the waste is identified in part 400 of this chapter by either:

(i) Testing the waste according to the methods set forth in part 400, or according to an equivalent method approved in writing by the Director; or

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

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-610 EPA Identification Number

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

(b) A generator who has not received an EPA identification number may obtain one by applying to EPA using EPA form 8700-12 (Available on DEQ and EPA's websites). Upon receiving the request, EPA will assign an EPA identification number to the generator.

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

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-615 Classification of Generators and Accumulation Time Limits

(a) A generator of hazardous waste is considered a conditionally exempt small quantity generator (CESQG) if in any calendar month; the generator generates hazardous waste in quantities not exceeding 100 kilograms in that calendar month, or generates acutely toxic hazardous waste in quantities less than 1 kilogram in that calendar month (or 100 kilograms of residue or contaminated soil containing an acutely toxic hazardous waste).

(1) A CESQG may accumulate hazardous waste on-site for 1 year. An extension may be granted at the discretion of the Director on a case-by-case basis.

(b) A generator of hazardous waste is considered a small quantity generator (SQG) if in any calendar month; the generator generates hazardous waste in quantities between 100 kilograms and 1000 kilograms in that calendar month.

(1) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days. An extension of up to 30 days may be granted at the discretion of the Director on a case-by-case basis.

(c) A generator of hazardous waste is considered a large quantity generator (LQG) if in any calendar month, the generator generates hazardous waste in quantities greater than 1000 kilograms in that calendar month, or generates acutely toxic hazardous waste in of 1 kilogram or larger in that month.

(1) A LQG who must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 120 days. An extension of up to 30 days may be granted at the discretion of the Director on a case-by-case basis.

(d) When making the quantity determinations of this part and 40 CFR part 262, the generator must include all hazardous waste that it generates, except hazardous waste that:

(1) Is exempt from this chapter under §§ 65-50-320, 65-50-325, or 65-50-330 (see also 40 CFR §§ 261.4(c) through (f), 261.6(a)(3), 261.7(a)(1), or 261.8); or

(2) Is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in part 001; or

(3) Is recycled, without prior storage or accumulation, only in an onsite process subject to regulation under part 4.5.5(B);* or

(4) Is used oil managed under the requirements of part 4.5.3;* or

(5) Is spent lead-acid batteries managed under the requirements of part 800; or

(6) Is universal waste managed under part 800.

* This part does not exist in original so NMIAC cross reference cannot be inserted.

(e) In determining the quantity of hazardous waste generated, a generator need not include:

(1) Hazardous waste when it is removed from on-site storage; or

(2) Hazardous waste produced by on-site treatment (including reclamation) of his hazardous waste, so long as the hazardous waste that is treated was counted once; or

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

(f) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under this chapter, and the notification requirements of section 3010 of RCRA:

- (1) A total of one kilogram of acute hazardous wastes listed in Appendix I, II, III or IV.
- (2) A total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in Appendix I, II, III or IV. (Comment: "Full regulation" means those regulations applicable to generators of greater than 1,000 kg of non-acutely hazardous waste in a calendar month.)

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-620 Annual Hazardous Material and Hazardous Waste Inventory

No later than March 31 of each year, a generator of hazardous waste must submit to the DEQ an inventory of the quantity (kilograms or pounds) and type (i.e. product name(s) including the active ingredients which make it hazardous for hazardous materials, and hazardous waste number(s) for hazardous waste) of all hazardous materials and hazardous waste in storage at the facility as of March of that same year. The inventory must also describe all hazardous waste transportation, treatment, and disposal activities during the previous year. The inventory must be submitted in writing to the Director of the DEQ. The owner and/or operator of the generating facility must sign the inventory stating that the inventory is true and accurate.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-625 Annual Transportation of Hazardous Waste

(a) Unless authorized for hazardous waste treatment, storage or disposal activities in writing by EPA, all hazardous waste accumulated at the facility as reported in the inventory (see § 65-50-620 above) must be transported from the facility to a designated treatment, storage or disposal facility authorized by EPA to accept that specific hazardous waste no later than June 30 of that same calendar year. Note, SQGs and LGQs are required to transport their waste more frequently.

(b) By September 30 of each calendar year, the generator shall submit to DEQ documentation (e.g. copy of the Uniform Hazardous Waste Manifest, copy of the Bill of Lading) demonstrating that the hazardous waste in inventory March of that year was appropriately treated or disposed.

Modified 1 CMC § 3806(c).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-630 Standards Applicable to All Classifications of Generators

- (a) Storage conditions and accumulation time limit.
 - (1) A generator may accumulate hazardous waste on-site provided that:
 - (i) The waste is placed:

(A) In containers and the generator complies with the requirements of subsection (a)(3) of this section

(B) In another manner approved in writing by the Director of the DEQ.

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

(iii) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and

(2)(i) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in Appendix I, II, III, or IV in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without complying with the accumulation time limits provided he:

(A) Complies with subsection (a)(3) of this section; and

(B) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

(ii) A generator who accumulates either hazardous waste or acutely hazardous waste listed in Appendix I, II, III, or IV in excess of the amounts listed in subsection (a)(2)(i) of this section at or near any point of generation must, with respect to that amount of excess waste, must place that waste in the hazardous waste storage area within three days of reaching the excess accumulation. During the three day period the generator must continue to comply with subsections (a)(2)(i)(A) through (a)(2)(i)(B) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

(3) Use and management of containers (e.g. drums).

(i) Applicability.

The regulations in this section apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste.

(ii) Condition of containers.

If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner and/or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.

(iii) Compatibility of waste with container.

The owner and/or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(iv) Management of containers.

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

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

(Comment: Re-use of containers in transportation is governed by U.S. Department of Transportation regulations, including those set forth in 49 CFR § 173.28.)

(v) Inspections.

At least weekly, the owner and/or operator must inspect areas where containers are stored. The owner and/or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

(vi) Special requirements for ignitable or reactive waste.

(A) Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

(B) The owner and/or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner and/or operator must confine smoking and open flame to specially designated locations.

(C) "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(vii) Special requirements for incompatible wastes.

(A) Incompatible wastes, or incompatible wastes and materials, (see Appendix V for examples) must not be placed in the same container, unless the following is complied with.

(I) Where specifically required by other sections of this part, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

(a) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(b) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

(c) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(d) Damage the structural integrity of the device or facility containing the waste; or

(e) Through other like means threaten human health or the environment.

(II) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material, unless subsection (a)(3)(vii)(A)(1) above is complied with.

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

(Comment: The purpose of this is to prevent fires, explosions, gaseous emissions, leaching, or other discharge of hazardous waste or hazardous waste constituents which could result from the mixing of incompatible wastes or materials if containers break or leak.)

(viii) Air emission standards.

The owner and/or operator shall manage all hazardous waste placed in a container in accordance with the applicable requirements of 40 CFR § 265 subparts AA, BB, and CC.

(ix) Storage area requirements.

(A) Hazardous waste must be stored in an area with secondary containment sufficient to contain the volume of the two largest containers.

- (B) Incompatible hazardous waste must be stored in separate storage areas.
- (C) Hazardous waste storage areas must be indoors or in an area protected from the weather.

(b) Pre-Transport Requirements

(1) Packaging.

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

(2) Labeling.

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

(3) Marking.

(i) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR part 172;

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

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

Generator's Name and Address _____.

Generator's EPA Identification Number _____.

Manifest Tracking Number _____.

(4) Placarding.

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

(c) Transport requirements

(1) Large quantity generators and small quantity generators must comply with the Manifest requirements of § 65-50-650.

(2) Conditionally exempt small quantity generators must comply with the requirements of §§ 65-50-650(a)(1)(vii)* and (viii). CESQGs must obtain a receipt such as a bill of lading for all off-site shipments of hazardous waste. The receipt must contain all the information specified in § 65-50-650(a)(1)(viii).*

(d) Recordkeeping and Reporting

(1) A generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years or until he receives a signed copy from the designated facility

which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

(2) A generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.

(3) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with § 262.11 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

(4) A generator must keep copies of all receipts or bills of lading (e.g. §§ 65-50-650(a)(1)(vii) and (viii))* for at least three years.

(5) The periods or retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

(e) Additional reporting.

The Director, as he deems necessary, may require generators to furnish additional reports concerning the quantities and disposition of wastes that he has cause to believe may be hazardous waste. The Director will request this information in writing. All responses from the generator must also be provided in writing within the time frame specified by the Director.

Modified 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: *In subsections (c)(2) and (d)(4), the original references parts 7.11(A)(vii) and (viii) that do not exist. The Commission inserted the NMIAC cross references for parts 7.11.1(A)(vii) and (viii).

The Commission corrected manifest errors in this section. The Commission changed “complying the” to “complying with the” in subsection (a)(2)(i). The Commission inserted a periods at the end of subsections (a)(3) and (a)(3)(ix).

§ 65-50-635 Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators

(a) A generator is a conditionally exempt small quantity generator in a calendar month if he generates no more than 100 kilograms of hazardous waste in that month.

(b) In addition to the requirements of this part applicable to all generators and in order for hazardous waste and acutely toxic hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in § 65-50-615(a) of this part to be excluded from full regulation, the generator must comply with the following requirements:

(1) The generator may accumulate hazardous waste on-site. If he accumulates at any time acute hazardous wastes in quantities greater than those set forth in § 65-50-615(a), all of those accumulated wastes are subject to full regulation. The time period for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit;

- (2) A conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:
- (i) Permitted by EPA under 40 CFR part 270;
 - (ii) In interim status under 40 CFR parts 270 and 265;
 - (iii) Authorized to manage hazardous waste by a state with a hazardous waste management program approved under part 40 CFR § 271;
 - (iv) Approved in writing by the Director to be treated, stored or disposed at a permitted, licensed, or registered solid waste facility, and, if managed in a municipal solid waste landfill is subject to 40 CFR part 258;
 - (v) Reserved*; or
 - (vi) A facility which:
 - (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
 - (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
 - (vii) For universal waste managed under part 800, a universal waste handler or destination facility subject to the requirements of part 800.
- (3) Hazardous waste subject to the reduced requirements of this section may not be mixed with non-hazardous waste.
- (4) 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.
- (5) If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject full regulation and also subject to the CNMI Used Oil regulations. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated.

* So in original.

Modified 1 CMC § 3806(c), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-640 Standards Applicable to CESQGs and SQGs

- (a) A CESQG and/or a SQG may accumulate hazardous waste on-site provided that:
- (1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
 - (2) The generator complies with the following requirements:
 - (i) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (a)(2)(iv) of this section. This employee is the emergency coordinator.
 - (ii) The generator must post the following information next to the telephone:
 - (A) The name and telephone number of the emergency coordinator;
 - (B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and
 - (C) The telephone number of the fire department, unless the facility has a direct alarm.

- (iii) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;
- (iv) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:
 - (A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
 - (B) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
 - (C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include the following information:
 - (I) The name, address, and U.S. EPA Identification Number of the generator;
 - (II) Date, time, and type of incident (e.g., spill or fire);
 - (III) Quantity and type of hazardous waste involved in the incident;
 - (IV) Extent of injuries, if any; and
 - (V) Estimated quantity and disposition of recovered materials, if any.

Modified 1 CMC § 3806(c).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-645 Standards Applicable to Large Quantity Generators

An LQG may accumulate hazardous waste on-site provided that:

- (a) Personnel training.
 - (1)(i) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner and/or operator must ensure that this program includes all the elements described in the document required under subsection (a)(4)(iii) of this section.
 - (ii) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
 - (iii) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable:
 - (A) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
 - (B) Key parameters for automatic waste feed cut-off systems;
 - (C) Communications or alarm systems;
 - (D) Response to fires or explosions;

- (E) Response to ground-water contamination incidents; and
 - (F) Shutdown of operations.
 - (iv) For facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration (OSHA) regulations 29 CFR §§ 1910.120(p)(8) and 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this section, provided that the overall facility training meets all the requirements of this section.
 - (2) Facility personnel must successfully complete the program required in subsection (a)(1) of this section within six months after the effective date of the regulations in this subchapter or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of the regulations in this subchapter must not work in unsupervised positions until they have completed the training requirements of subsection (a)(1) of this section.
 - (3) Facility personnel must take part in an annual review of the initial training required in subsection (a)(1) of this section.
 - (4) The owner and/or operator must maintain the following documents and records at the facility:
 - (i) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
 - (ii) A written job description for each position listed under subsection (a)(4)(i) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;
 - (iii) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subsection (a)(4)(i) of this section;
 - (iv) Records that document that the training or job experience required under subsections (a)(1), (a)(2), and (a)(3) of this section has been given to, and completed by, facility personnel.
 - (5) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.
- (b) Preparedness and Prevention
- (1) Applicability.

The regulations in this subsection apply to facilities where hazardous waste is generated.
 - (2) Maintenance and operation of facility.

Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
 - (3) Required equipment.

All facilities must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

- (i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- (ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;
- (iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
- (iv) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(4) Testing and maintenance of equipment.

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

(5) Access to communications or alarm system.

(i) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under section (b)(3).

(ii) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under section (b)(3).

(6) Required aisle space.

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

(7) Arrangements with local authorities.

(i) The owner and/or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

(A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;

(B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

(C) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(D) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(ii) Where state or local authorities decline to enter into such arrangements, the owner and/or operator must document the refusal in the operating record.

(c) Contingency Plan and Emergency Procedures

(1) Applicability.

The regulations in this subsection apply to facilities where hazardous waste is generated.

(2) Purpose and implementation of contingency plan.

(i) Each owner and/or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

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

(3) Content of contingency plan.

(i) The contingency plan must describe the actions facility personnel must take to comply with subsections (c)(2) and (c)(7) of this section in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

(ii) If the owner and/or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR part 112, or 40 CFR part 1510 of chapter V*, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this part. The owner and/or operator may develop one contingency plan which meets all regulatory requirements. EPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

(iii) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, pursuant to subsection (b)(7)* above.

* The original referenced (C)(vii) which is not correct. The Commission inserted the correct NMIAC cross reference for subsection (B)(vii). 40 CFR Part 1510 is no longer in effect.

(iv) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (c)(6)), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

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

(vi) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be

used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(4) Copies of contingency plan.

A copy of the contingency plan and all revisions to the plan must be:

- (i) Maintained at the facility; and
- (ii) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(5) Amendment of contingency plan.

The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

- (i) Applicable regulations are revised;
 - (ii) The plan fails in an emergency;
 - (iii) The facility changes – in its design, construction, operation, maintenance, or other circumstances – in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
 - (iv) The list of emergency coordinators changes; or
 - (v) The list of emergency equipment changes.
- (6) Emergency coordinator.

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(Comment: The emergency coordinator's responsibilities are more fully spelled out in subsection (c)(7). Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) handled by the facility, and type and complexity of the facility.)

(7) Emergency procedures.

(i) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(A) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(B) Notify appropriate state or local agencies with designated response roles if their help is needed.

(ii) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

(iii) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion

(e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

(iv) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report his findings as follows:

(A) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(B) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under part 1510 of this title)*, or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

(I) Name and telephone number of reporter;

(II) Name and address of facility;

(III) Time and type of incident (e.g., release, fire);

(IV) Name and quantity of materials involved, to the extent known;

(V) The extent of injuries, if any; and

(VI) The possible hazards to human health, or the environment, outside the facility.

(v) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(vi) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(vii) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(Comment: Unless the owner and/or operator can demonstrate, in accordance with § 261.3(c) or (d) of this chapter,* that the recovered material is not a hazardous waste, the owner and/or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of parts 262, 263, and 265 of this chapter.)*

* So in original; presumably refers to federal law; NMIAC cross-references not available.

(viii) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(A) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(ix) The owner and/or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:

(A) Name, address, and telephone number of the owner and/or operator;

- (B) Name, address, and telephone number of the facility;
- (C) Date, time, and type of incident (e.g., fire, explosion);
- (D) Name and quantity of material(s) involved;
- (E) The extent of injuries, if any;
- (F) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- (G) Estimated quantity and disposition of recovered material that resulted from the incident.

(d) Biennial report.

(1) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the Regional Administrator by March 1 of each even numbered year. The Biennial Report must be submitted on EPA Form 8700-13A, must cover generator activities during the previous year, and must include the following information:

- (i) The EPA identification number, name, and address of the generator;
- (ii) The calendar year covered by the report;
- (iii) The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;
- (iv) The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States;
- (v) A description, EPA hazardous waste number (from 40 CFR part 261, subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by EPA identification number of each such off-site facility to which waste was shipped.
- (vi) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
- (vii) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.
- (viii) The certification signed by the generator or authorized representative.

(2) Any generator who treats, stores, or disposes of hazardous waste on-site must submit a biennial report covering those wastes in accordance with the provisions of 40 CFR parts 270, 264, 265, and 266. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth at 40 CFR § 262.56.

Modified 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: The Commission corrected a manifest error as noted by the * below subsection (c)(3)(iii).

§ 65-50-650 The Manifest

(a) LQGs, SQGs and CESQGs must comply with the following with respect to off-site shipments of hazardous waste:

(1) General requirements.

(i) A small quantity generator and/or large quantity generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the Appendix to 40 CFR part 262. A conditionally exempt small quantity generator does not need to comply with the manifest requirements for on island transportation to a transfer facility or a permitted hazardous waste treatment, storage or disposal facility.

(ii) A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.

(iii) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(iv) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.

(v) The requirements of this section do not apply to hazardous waste produced by SQG in a calendar month where:

(A) The waste is reclaimed under a contractual agreement pursuant to which:

(I) The type of waste and frequency of shipments are specified in the agreement;

(II) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

(B) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement. A copy of the invoice and/or Bill of Lading must be maintained by the generator.

(vi) The requirements of § 65-50-650 do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding 40 CFR § 263.10(a), the generator or transporter must comply with the requirements for transporters set forth in 40 CFR §§ 263.30 and 263.31 in the event of a discharge of hazardous waste on a public or private right-of-way.

(vii) The requirements of § 65-50-650 do not apply to hazardous waste produced by CESQG in a calendar month where the hazardous waste is provided to a person authorized by EPA to transport hazardous waste and the CESQG complies with the requirements of subsection (a)(1)(viii) below and the transporter complies with the requirements of § 65-50-705(a)(8).

(viii) A CESQG may offer their hazardous waste to transporter for shipment to a designated facility provided that:

(A) The CESQG obtains a written receipt from the transporter accepting the hazardous waste for transportation. The receipt must contain the following information:

- (I) The facility name, location contact name, phone number of the CESQG.
- (II) The facility name, location contact name, phone number of the transporter.
- (III) The EPA Identification number for the CESQG.
- (IV) The EPA Identification number for the transporter.
- (V) The type(s) and quantity(ies) of each container of hazardous waste.
- (VI) The date the hazardous waste was removed from the CESQG's facility.
- (B) The CESQG must maintain copies of all written receipts for at least three years at a location in the CNMI. The CESQG must make these written receipts available within one working day or less to the DEQ upon request either verbal or written.
- (2) Manifest tracking numbers, manifest printing, and obtaining manifests.
A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under 40 CFR part 262.21 subsections (c) and (e).
- (3) Number of copies.
The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner and/or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.
- (4) Use of the manifest.
 - (i) The generator must:
 - (A) Sign the manifest certification by hand; and
 - (B) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
 - (C) Retain one copy, in accordance with § 65-50-630(d).
 - (ii) The generator must give the transporter the remaining copies of the manifest.
 - (iii) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this section to the owner and/or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.
 - (iv) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:
 - (A) The next non-rail transporter, if any; or
 - (B) The designated facility if transported solely by rail; or
 - (C) The last rail transporter to handle the waste in the United States if exported by rail.
 - (iv) For shipments of hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.
- Note: See § 65-50-705(a)(5) for special provisions for water (bulk shipment) transporters.
- (5) Waste minimization certification.
A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:
 - (i) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically

practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;” or

(ii) “I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.”

(b) Exception reporting.

(1)(i) A generator of greater than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner and/or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner and/or operator of the designated facility to determine the status of the hazardous waste.

(ii) A generator of greater than 1000 kilograms of hazardous waste in a calendar month must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner and/or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(A) A legible copy of the manifest for which the generator does not have confirmation of delivery;

(B) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(2) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner and/or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.

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

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Part 700 - Standards Applicable to Transporters of Hazardous Waste

§ 65-50-701 General

(a) Scope

(1) The regulations in this subchapter establish standards which apply to persons transporting hazardous waste within the CNMI and the United States if the transportation requires a manifest under part 600.

(2) The regulations in this subchapter do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(3) A transporter of hazardous waste must also comply with part 600, Standards Applicable to Generators of Hazardous Waste, if he:

(i) Transports hazardous waste into the CNMI from abroad; or

(ii) Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.

(iii) Stores the waste at the transfer facility or any other facility for longer than ten days from the time the waste was first removed from the generator's facility.

(4) The regulations in this part do not apply to transportation during an explosives or munitions emergency response, conducted in accordance with 40 CFR §§ 264.1(g)(8)(i)(D) or (iv) or 265.1(c)(11)(i)(D) or (iv), and 270.1(c)(3)(i)(D) or (iii).

(5) Part 900 of this subchapter identifies how the requirements of this part apply to military munitions classified as solid waste.

(b) EPA identification number.

(1) A transporter must not transport hazardous wastes without having received an EPA identification number from the Administrator.

(2) A transporter who has not received an EPA identification number may obtain one by applying to the EPA using EPA Form 8700-12. Upon receiving the request, EPA will assign an EPA identification number to the transporter.

(c) Transfer facility requirements.

(1) A transporter may store manifested shipments of hazardous waste in containers at a transfer facility for a period of ten days

(2) A transporter who stores any hazardous waste for longer than 24 hours shall store the hazardous waste on an impervious surface, provide for secondary containment with capacity for the largest container plus 10 percent, and provide for protection from natural elements such as rain and sun.

(3) If necessary due to circumstances beyond the control of the transporter, a transporter may apply in writing to the Director for additional time to store the hazardous waste at the transfer facility. The request must state the nature of the circumstances, the time period requested, and the steps the transporter has taken to secure the hazardous waste while in storage and the steps taken to remove the waste from the facility.

Modified 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-705 Compliance with the Manifest System and Record Keeping

(a) The manifest system.

(1) Manifest requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the requirements of § 65-50-650.

- (2) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property.
- (3) The transporter must ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter must ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.
- (4) A transporter who delivers a hazardous waste to another transporter or to the designated facility must:
- (i) Obtain the date of delivery and the handwritten signature of that transporter or of the owner and/or operator of the designated facility on the manifest; and
 - (ii) Retain one copy of the manifest in accordance with § 65-50-705(c); and
 - (iii) Give the remaining copies of the manifest to the accepting transporter or designated facility.
- (5) The requirements of subsections (a)(3), (a)(4) and (a)(6) of this section do not apply to water (bulk shipment) transporters if
- (i) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and
 - (ii) A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures); and
 - (iii) The delivering transporter obtains the date of delivery and handwritten signature of the owner and/or operator of the designated facility on either the manifest or the shipping paper; and
 - (iv) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and
 - (v) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with § 65-50-705(c).
- (6) Transporters who transport hazardous waste out of the United States must:
- (i) Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States;
 - (ii) Retain one copy in accordance with § 65-50-705(c)(3);
 - (iii) Return a signed copy of the manifest to the generator; and
 - (iv) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.
- (7) A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month need not comply with the requirements of this subsection or those of § 65-50-705(c) provided that:
- (i) The waste is being transported pursuant to a reclamation agreement as provided for in § 65-50-650;
 - (ii) The transporter records, on a log or shipping paper, the following information for each shipment:
 - (A) The name, address, and U.S. EPA Identification Number of the generator of the waste;
 - (B) The quantity of waste accepted;

- (C) All DOT-required shipping information;
- (D) The date the waste is accepted; and
- (iii) The transporter carries this record when transporting waste to the reclamation facility; and
- (iv) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.
- (8) A transporter transporting hazardous waste from a generator who generates less than 100 kilograms of hazardous waste in a calendar month (i.e. CESQG) need not comply with the requirements of this subsection or those of § 65-50-705(c) provided that:
 - (i) The transporter provides the CESQG with a written receipt when accepting the hazardous waste for transportation. The receipt must contain the following information:
 - (A) The facility name, location contact name, phone number of the CESQG.
 - (B) The facility name, location contact name, phone number of the transporter.
 - (C) The EPA Identification number for the CESQG.
 - (D) The EPA Identification number for the transporter.
 - (E) The type(s) and quantity(ies) of each container of hazardous waste.
 - (F) The date the hazardous waste was removed from the CESQG's facility.
 - (ii) The transporter must maintain copies of all written receipts for at least three years at a location in the CNMI. The transporter must make these written receipts available within one working day or less to the DEQ upon request either verbal or written.
- (b) Compliance with the manifest.
 - (1) The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:
 - (i) The designated facility listed on the manifest; or
 - (ii) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or
 - (iii) The next designated transporter; or
 - (iv) The place outside the United States designated by the generator.
 - (2)(i) If the hazardous waste cannot be delivered in accordance with subsection (b)(1) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.
 - (ii) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:
 - (A) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and 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 must retain a copy of this manifest in accordance with § 65-50-705(c), 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 must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in 40 CFR §§ 264.72(e)(1) through (6) or (f)(1) through (6) or 40 CFR §§ 265.72(e)(1) through (6) or (f)(1) through (6).

(B) 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 the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and Identification Number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with § 65-50-705(c), and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with 40 CFR § 264.72(e)(1) through (6) or 40 CFR § 265.72(e)(1) through (6).

(c) Recordkeeping.

(1) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner and/or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(2) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in § 65-50-705(a)(5)(ii) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(3) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(4) The periods of retention referred to in this part are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

Modified 1 CMC § 3806(c), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-710 Hazardous Waste Discharges

(a) Immediate action

(1) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(2) If a discharge of hazardous waste occurs during transportation and an official (state or local government or a federal agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers and without the preparation of a manifest.

(3) An air, rail, highway, or water transporter who has discharged hazardous waste must:

(i) Give notice, if required by 49 CFR § 171.15, to the National Response Center (800-424-8802 or 202-426-2675); and

(ii) Report in writing as required by 49 CFR § 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

(4) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR § 153.203 for oil and hazardous substances.

(b) Discharge clean up

A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

Modified 1 CMC § 3806(c), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Part 800 - Standards for Universal Waste Management

§ 65-50-801 Applicability

(a) Applicability.

(1) This part establishes requirements for managing the following:

(i) Batteries as described in § 65-50-801(b);

(ii) Pesticides as described in § 65-50-801(c);

(iii) Mercury-containing equipment as described in § 65-50-801(d); and

(iv) Lamps as described in § 65-50-801(e).

(2) This part provides an alternative set of management standards in lieu of regulation under parts 001 through 700 of this subchapter.

(b) Applicability – batteries.

(1) Batteries covered under part 800.

(i) The requirements of this part apply to persons managing batteries, as described in § 65-50-801(g),* except those listed in subsection (b)(2) of this section.

(2) Batteries not covered under part 800.

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

(i) Batteries, as described in § 65-50-801(g),* that are not yet wastes under part 300 of this chapter, including those that do not meet the criteria for waste generation in subsection (b)(3) of this section.

(ii) Batteries, as described in § 65-50-801(g),* that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in part 400.

(3) Generation of waste batteries.

(i) A used battery becomes a waste on the date it is discarded (e.g., broken, no longer able to hold a charge, when sent for reclamation, etc.). It is the burden of the handler to demonstrate that a used battery not in service is not a waste.

(ii) An unused battery becomes a waste on the date the handler decides to discard it.

(c) Applicability – pesticides.

(1) Pesticides covered under part 800.

The requirements of this part apply to persons managing pesticides, as described in § 65-50-801(g),* meeting the following conditions, except those listed in subsection (c)(2) of this section:

(i) Recalled pesticides that are:

(A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under FIFRA section 19(b), including, but not limited to those owned by the registrant responsible for conducting the recall; or

(B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.

(ii) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

(2) Pesticides not covered under part 800.

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

(i) Pesticides not meeting the conditions set forth in subsection (c)(1) of this section. These pesticides must be managed in compliance with the hazardous waste regulations in parts 001 through 700;

(ii) Pesticides that are not wastes under part 300, 400, and 500 of this subchapter, including those that do not meet the criteria for waste generation in subsection (c)(3) of this section or those that are not wastes as described in subsection (c)(4) of this section; and

(iii) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in part 500 or if it exhibits one or more of the characteristics identified in part 400.

(3) When a pesticide becomes a waste.

(i) A recalled pesticide described in subsection (c)(1)(i) of this section becomes a waste on the first date on which both of the following conditions apply:

(A) The generator of the recalled pesticide agrees to participate in the recall; and

(B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

(C) An unused pesticide product described in subsection (c)(1)(ii) of this section becomes a waste on the date the generator decides to discard it.

(4) Pesticides that are not wastes.

The following pesticides are not wastes:

(i) Recalled pesticides described in subsection (c)(1)(i) of this section, provided that the person conducting the recall:

(A) Has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of “solid waste” under part 300; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including this part 800. This pesticide remains subject to the requirements of FIFRA; or

(B) Has made a decision to use a management option that, under part 300, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this part 800. This pesticide,

including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

(ii) Unused pesticide products described in subsection (c)(1)(ii) of this section, if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.

(d) Applicability – mercury-containing equipment.

(1) Mercury-containing equipment covered under part 800. The requirements of this part apply to persons managing mercury-containing equipment, as described in § 65-50-801(g),* except those listed in subsection (d)(2) of this section.

(2) Mercury-containing equipment not covered under part 800. The requirements of this part do not apply to persons managing the following mercury containing equipment:

(i) Mercury-containing equipment that is not yet a waste under part 300 of this subchapter. Subsection (d)(3) of this section describes when mercury-containing equipment becomes a waste;

(ii) Mercury-containing equipment that is not a hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in part 400 or is listed in part 500; and

(iii) Equipment and devices from which the mercury-containing components have been removed.

(3) Generation of waste mercury-containing equipment.

(i) Used mercury-containing equipment becomes a waste on the date it is discarded.

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

(e) Applicability – lamps.

(1) Lamps covered under part 800. The requirements of this part apply to persons managing lamps as described in § 65-50-801(g),* except those listed in subsection (e)(2) of this section.

(2) Lamps not covered under part 800. The requirements of this part do not apply to persons managing the following lamps:

(i) Lamps that are not yet wastes under part 300 of this subchapter as provided in subsection (e)(3) of this section.

(ii) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in part 400 of this subchapter.

(3) Generation of waste lamps.

(i) A used lamp becomes a waste on the date it is discarded.

(ii) An unused lamp becomes a waste on the date the handler decides to discard it.

(f) Applicability – household and conditionally exempt small quantity generator waste.

(1) Persons managing the wastes listed below may, at their option, manage them under the requirements of this part:

(i) Household wastes that are exempt under § 65-50-315(a) of this subchapter and are also of the same type as the universal wastes defined at § 65-50-801(g),* and/or

(ii) Conditionally exempt small quantity generator wastes that are exempt under § 65-50-635 of this subchapter and are also of the same type as the universal wastes defined at § 65-50-801(g).*

(2) Persons who commingle the wastes described in subsections (f)(1)(i) and (f)(1)(ii) of this section together with universal waste regulated under this part must manage the commingled waste under the requirements of this part.

(g) [Reserved.]

* This is the correct NMIAC reference (NMIAC § 65-50-801(g)) for original § 9.1.7, which is a reserved section.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-805 Standards for Handlers of Universal Waste

(a) Applicability.

This section applies to handlers of universal waste (as defined in § 65-50-801(g)).*

* This is the correct NMIAC reference (NMIAC § 65-50-801(g)) for original § 9.1.7, which is a reserved section.

(b) Prohibitions.

A handler of universal waste is:

- (1) Prohibited from disposing of universal waste; and
- (2) Prohibited from diluting or treating universal waste, except by responding to releases as provided in 40 CFR § 273.37; or by managing specific wastes as provided in § 65-50-805(d).

(c) Notification.

(1)(i) Except as provided in subsections (c)(1)(ii) and (c)(1)(iii) of this section, a handler of universal waste must obtain an EPA Identification Number, prior to accumulating, storing or offering for transportation any quantity of universal wastes.

(ii) A handler of universal waste who has already notified EPA of his hazardous waste management activities and has received an EPA Identification Number is not required to renotify under this section.

(iii) A handler of universal waste who manages recalled universal waste pesticides as described in § 65-50-801(c)(1)(i) and who has sent notification to EPA as required by 40 CFR part 165 is not required to notify for those recalled universal waste pesticides under this section.

(2) This notification must include:

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

(v) A statement indicating that the estimated maximum quantity the handler is accumulating of universal waste at one time.

(d) Waste management.

(1) Universal waste batteries. A handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

(A) Sorting batteries by type;

(B) Mixing battery types in one container;

(C) Discharging batteries so as to remove the electric charge;

(D) Regenerating used batteries;

(E) Disassembling batteries or battery packs into individual batteries or cells (see subsection (d)(1)(iii) below);

(F) Removing batteries from consumer products; or

(G) Removing electrolyte from batteries.

(iii) A handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in part 400.

(A) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of parts of this subchapter (e.g. parts 001 through 700 and part 1000 through 1400). The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to part 600.

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

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

(i) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or

(ii) A container that does not meet the requirements of subsection (d)(2)(i) of this section, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (d)(2)(i) of this section; or

- (iii) A tank that meets the requirements of 40 CFR part 265 subpart J, except for 40 CFR §§ 265.197(c), 265.200, and 265.201; or
- (iv) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- (3) Mercury-containing equipment. A handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - (i) A handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.
 - (ii) A handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:
 - (A) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;
 - (B) Removes the ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - (C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks of broken ampules from that containment device to a container that meets the requirements of § 65-50-650;
 - (D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of § 65-50-630(c);*
 - (E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - (F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - (G) Stores removed ampules in closed, non-leaking containers that are in good condition;
 - (H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation;
 - (iii) A handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:
 - (A) Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and
 - (B) Follows all requirements for removing ampules and managing removed ampules under subsection (d)(3)(ii) of this section; and

(iv)(A) A handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in part 400:

- (I) Mercury or clean-up residues resulting from spills or leaks and/or
- (II) Other solid waste generated as a result of the removal of mercury-containing ampules or housings (e.g., the remaining mercury-containing device).

(B) If the mercury, residues, and/or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of this subchapter. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it in compliance with part 600.

(C) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(4) Lamps. A handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

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

* § 65-50-630(c) is the correct NMIAC cross reference for § 7.7.3. The original reference to § 7.7.3 may be incorrect.

(e) Labeling/marketing.

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

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

(2) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in § 65-50-801(c)(1)(i) are contained must be labeled or marked clearly with:

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

(ii) The words “Universal Waste-Pesticide(s)” or “Waste pesticide(s);”

(3) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in § 65-50-801(c)(1)(ii) are contained must be labeled or marked clearly with:

- (i)(A) The label that was on the product when purchased, if still legible;
 - (B) If using the labels described in subsections (e)(3)(i)(A) of this section is not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172;
 - (C) If using the labels described in subsections (e)(3)(i)(A) and (e)(3)(i)(B) of this section is not feasible, another label prescribed or designated by the pesticide collection program; and
 - (ii) The words “Universal Waste-Pesticide(s)” or “Waste pesticide(s).”
- (4)(i) Mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: “Universal Waste-Mercury Containing Equipment,” “Waste Mercury-Containing Equipment,” or “Used Mercury-Containing Equipment.”
- (ii) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: “Universal Waste-Mercury Thermostat(s),” “Waste Mercury Thermostat(s),” or “Used Mercury Thermostat(s).”
- (5) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with any one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)”.
- (f) Accumulation time limits.
- (1) A handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of subsection (f)(2) of this section are met.
- (2) A handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.
- (3) A handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:
- (i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 - (ii) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
 - (iii) Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received;
 - (iv) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
 - (v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(4) No later than March 31 of each year, a handler of universal waste must submit to the DEQ an inventory of the quantity (kilograms or pounds) and type of universal waste in storage at the facility as of March of that same year. The inventory must also describe all universal waste transportation, treatment, and disposal activities during the previous year. The inventory must be submitted in writing to the Director of the DEQ. The owner and/or operator of the universal waste handling facility must sign the inventory stating that the inventory is true and accurate.

(5)(A) Unless authorized for universal waste treatment, storage or disposal activities in writing by EPA, all universal waste accumulated at the facility as reported in the inventory (see subsection (f)(4) above) must be transported from the facility.

(B) By June 30 of each calendar year, the universal waste handler shall submit to DEQ documentation (e.g., copy of the Uniform Hazardous Waste Manifest, bill of lading) demonstrating that the universal waste in inventory March of that year was appropriately treated or disposed.

(g) Employee training.

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

(h) Response to releases.

(1) A handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

(2) A handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of the regulations in this subchapter. The handler is considered the generator of the material resulting from the release, and is subject to part 600.

(i) [Reserved]

(j) Tracking universal waste shipments.

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

(i) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;

(ii) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats);

(iii) The date of receipt of the shipment of universal waste.

(2) Shipments off-site. A handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take

the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:

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

(3) Record retention.

(i) A handler of universal waste must retain the records described in subsection (j)(1) of this section for at least three years from the date of receipt of a shipment of universal waste.

(ii) A handler of universal waste must retain the records described in subsection (j)(2) of this section for at least three years from the date a shipment of universal waste left the facility.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-810 Standards for Universal Waste Transporters

(a) Applicability.

This section applies to universal waste transporters.

(b) Prohibitions.

A universal waste transporter is:

- (1) Prohibited from disposing of universal waste; and
- (2) Prohibited from diluting or treating universal waste, except by responding to releases as provided in § 65-50-810(e).

(c) Waste management.

(1) A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR § 171.8. For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in part 600. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.

(2) Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR § 173.2. As universal waste shipments do not require a manifest under part 600, they may not be described by the DOT proper shipping name “hazardous waste, (l) or (s), n.o.s.”, nor may the hazardous material’s proper shipping name be modified by adding the word “waste”.

(d) Storage time limits.

(1) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

(2) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of § 65-50-805 of this part while storing the universal waste.

(e) Response to releases.

(1) A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.

(2) A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of the regulations in this subchapter. If the waste is determined to be a hazardous waste, the transporter is subject to part 600.

(f) Off-site shipments.

(1) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(2) If the universal waste being shipped off-site meets the Department of Transportation's definition of hazardous materials under 49 CFR § 171.8, the shipment must be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR part 172.

Modified 1 CMC § 3806(c), (d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-815 Standards for Destination Facilities

(a) Applicability.

(1) The owner and/or operator of a destination facility is subject to all applicable requirements of 40 CFR parts 264, 265, 266, 268, 270, and 124, and the notification requirement under section 3010 of RCRA.

(2) The owner and/or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with § 65-50-805(c).

(b) Off-site shipments.

(1) The owner and/or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(2) The owner and/or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner and/or operator of the destination facility rejects a shipment or a portion of a shipment, he must contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner and/or operator of the destination facility must:

(i) Send the shipment back to the original shipper, or

(ii) If agreed to by both the shipper and the owner and/or operator of the destination facility, send the shipment to another destination facility.

(3) If the owner and/or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner and/or operator of the destination facility must immediately notify the appropriate regional EPA office of the illegal shipment, and provide the name, address, and phone number of the shipper. The EPA regional office will provide instructions for managing the hazardous waste.

(4) If the owner and/or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner and/or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

(c) Tracking universal waste shipments.

(1) The owner and/or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

(i) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;

(ii) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats);

(iii) The date of receipt of the shipment of universal waste.

(2) The owner and/or operator of a destination facility must retain the records described in subsection (c)(1) of this section for at least three years from the date of receipt of a shipment of universal waste.

Modified 1 CMC § 3806(c), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-820 Import Requirements

(a) Imports.

Persons managing universal waste that is imported from a foreign country into the CNMI are subject to the applicable requirements of this part, part 200 and part 1000, immediately after the waste enters the United States, as indicated in paragraphs (a)(1) through (a)(3) of this section:

(1) A universal waste transporter is subject to the universal waste transporter requirements of subpart D of this part.*

(2) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of § 65-50-805, as applicable.

(3) An owner and/or operator of a destination facility is subject to the destination facility requirements of § 65-50-815 of this part.

* So in original; reference is unclear so NMIAC cross reference cannot be determined.

Modified 1 CMC § 3806(c), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-825 Petitions to Include Other Wastes Under Part 800

(a) General.

(1) Any person seeking to add a hazardous waste or a category of hazardous waste to this part may petition for a regulatory amendment under this section to the Director of the DEQ.

(2) To be successful, the petitioner must demonstrate to the satisfaction of the Director that regulation under the universal waste regulations of part 800 is: appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the hazardous waste program. The petition must include the information required by 40 CFR § 260.20(b). The petition should also address as many of the factors listed in § 65-50-825(b) as are appropriate for the waste or waste category addressed in the petition.

(3) The Director will evaluate petitions using the factors listed in § 65-50-825(b). The Director will grant or deny a petition using the factors listed in § 65-50-825(b). The decision will be based on the weight of evidence showing that regulation under part 800 is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.

(b) Factors for petitions to include other wastes under part 800.

(1) The waste or category of waste, as generated by a wide variety of generators, is listed in part 500, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in part 400. (When a characteristic waste is added to the universal waste regulations of this part 800 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in § 65-50-015 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of this part 800;

(2) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);

(3) The waste or category of waste is generated by a large number of generators (e.g., more than 10) and is frequently generated in relatively small quantities by each generator;

(4) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(5) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to 40 CFR §§ 273.13, 273.33, and 273.52; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(6) Regulation of the waste or category of waste under part 800 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or storm water systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA.

(7) Regulation of the waste or category of waste under part 800 will improve implementation of and compliance with the hazardous waste regulatory program; and/or

(8) Such other factors as may be appropriate.

Modified 1 CMC § 3806(c), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Part 900 - Military Munitions

§ 65-50-901 Applicability

(a) The regulations in this part identify when military munitions become a solid waste, and, if these wastes are also hazardous under this part or part 300, the management standards that apply to these wastes.

(b) Unless otherwise specified in this part, all applicable requirements in the regulations in this subchapter apply to waste military munitions.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-905 Reserved

§ 65-50-910 Definition of Solid Waste

(a) A military munition is not a solid waste when:

(1) Used for its intended purpose, including:

(i) Use in training military personnel or explosives and munitions emergency response specialists (including training in proper destruction of unused propellant or other munitions); or

(ii) Use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems; or

(iii) Recovery, collection, and on-range destruction of unexploded ordnance and munitions fragments during range clearance activities at active or inactive ranges. However, “use for intended purpose” does not include the on-range disposal or burial of unexploded ordnance and contaminants when the burial is not a result of product use.

(2) An unused munition, or component thereof, is being repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities, unless such activities involve use constituting disposal as defined in § 65-50-305(b)(1), or burning for energy recovery as defined in § 65-50-305(b)(2).

(3) Found by a person and report to the CNMI Explosive Response Team or reported by calling 911 and provided all requested information. Such used or unused military munition is not a solid waste, and thus not hazardous wastes, until placed into secure storage by the CNMI Explosive Response Team.

(b) An unused military munition is a solid waste when any of the following occurs:

(1) The munition is abandoned by being disposed of, burned, detonated (except during intended use as specified in § 65-50-910(a)), incinerated, or treated prior to disposal; or

(2) The munition is removed from storage in a military magazine or other storage area for the purpose of being disposed of, burned, or incinerated, or treated prior to disposal, or

(3) The munition is deteriorated or damaged (e.g., the integrity of the munition is compromised by cracks, leaks, or other damage) to the point that it cannot be put into serviceable condition, and cannot reasonably be recycled or used for other purposes; or

(4) The munition has been declared a solid waste by an authorized military official or a trained member of the CNMI Department of Public Safety's Explosive Response Team or their authorized representative(s).

(c) A used or fired military munition is a solid waste:

(1) When transported off range or from the site of use, where the site of use is not a range, for the purposes of storage, reclamation, treatment, disposal, or treatment prior to disposal; or

(2) If recovered, collected, and then disposed of by burial, or landfilling either on or off a range.

(d) For purposes of RCRA section 1004(27), a used or fired military munition is a solid waste, and, therefore, is potentially subject to federal RCRA corrective action authorities under sections 3004(u) and (v), and 3008(h), imminent and substantial endangerment authorities under section 7003, or DEQ enforcement authorities under part 1300 of this subchapter or any other DEQ applicable authority, if the munition 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 operator of the range must 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).

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-915 Standards Applicable to the Transportation of Solid Waste Military Munitions

(a) Criteria for hazardous waste regulation of waste non-chemical military munitions in transportation.

(1) Waste military munitions that are being transported and that exhibit a hazardous waste characteristic or are listed as hazardous waste under part 400 or part 500, are listed

or identified as a hazardous waste (and thus are subject to this subchapter), unless all the following conditions are met:

- (i) The waste military munitions are not chemical agents or chemical munitions;
 - (ii) The waste military munitions must be transported in accordance with the Department of Defense shipping controls applicable to the transport of military munitions;
 - (iii) The waste military munitions must be transported from a military owned or operated installation to a military owned or operated treatment, storage, or disposal facility; and
 - (iv) The transporter of the waste must provide oral notice to the Director within 24 hours from the time the transporter becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of § 65-50-915(a)(1) that may endanger health or the environment. In addition, a written submission describing the circumstances shall be provided within 5 days from the time the transporter becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of § 65-50-915(a)(1) .
- (2) If any waste military munitions shipped under § 65-50-915(a)(1) are not received by the receiving facility within 45 days of the day the waste was shipped, the owner and/or operator of the receiving facility must report this non-receipt to the Director within 5 days.
- (3) The exemption in § 65-50-915(a)(1) from regulation as hazardous waste shall apply only to the transportation of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to storage, treatment or disposal.
- (4) The conditional exemption in § 65-50-915(a)(1) applies only so long as all of the conditions in are met.

(b) Reinstatement of exemption. If any waste military munition loses its exemption under § 65-50-915(a)(1), an application may be filed with the Director for reinstatement of the exemption from hazardous waste transportation regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of § 65-50-915(a)(1). If the Director finds that reinstatement of the exemption is appropriate based on factors such as the transporter's provision of a satisfactory explanation of the circumstances of the violation, or a demonstration that the violations are not likely to recur, the Director may reinstate the exemption under § 65-50-915(a)(1). If the Director does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement shall be deemed granted, retroactive to the date of the application. However, the Director may terminate a conditional exemption reinstated by default in the preceding sentence if the Director finds that reinstatement is inappropriate based on factors such as the transporter's failure to provide a satisfactory explanation of the circumstances of the violation, or failure to demonstrate that the violations are not likely to recur. In reinstating the exemption under § 65-50-915(a)(1), the Director may specify additional conditions as are necessary to ensure and document proper transportation to protect human health and the environment.

(c) Amendments to DOD shipping controls. The Department of Defense shipping controls applicable to the transport of military munitions referenced in § 65-50-915(a)(1)(ii) are Government Bill of Lading (GBL) (GSA Standard Form 1109), requisition tracking form DD Form 1348, the Signature and Talley Record (DD Form 1907), Special Instructions for Motor Vehicle Drivers (DD Form 836), and the Motor Vehicle Inspection Report (DD Form 626) in effect on November 8, 1995, except as provided in the following sentence. Any amendments to the Department of Defense shipping controls shall become effective for purposes of paragraph (a)(1)* of this section on the date the Department of Defense publishes notice in the Federal Register that the shipping controls referenced in § 65-50-915(a)(1)(ii) have been amended.

* This reference is unclear. The original provides “paragraph (a)(1) of this section,” but such a paragraph designation does not exist in the original. Therefore, the NMIAC cross reference cannot be determined.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-920 Standards Applicable to Emergency Responses

Explosives and munitions emergencies involving military munitions or explosives are subject to 40 CFR §§ 262.10(i), 263.10(e), 264.1(g)(8), 265.1(c)(11), and 270.1(c)(3), or alternatively to 40 CFR § 270.61.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-925 Standards Applicable to the Storage of Solid Waste Military Munitions

(a) Criteria for hazardous waste regulation of waste non-chemical military munitions in storage.

(1) Waste military munitions in storage that exhibit a hazardous waste characteristic or are listed as hazardous waste under part 400 or part 500, are listed or identified as a hazardous waste (and thus are subject to this subchapter), unless all the following conditions are met:

(i) The waste military munitions are not chemical agents or chemical munitions.

(ii) The waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB).

(iii) The waste military munitions must be stored in accordance with the DDESB storage standards applicable to waste military munitions.

(iv) Within 90 days of August 12, 1997 or within 90 days of when a storage unit is first used to store waste military munitions, whichever is later, the owner and/or operator must notify the Director of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in § 65-50-925(a)(1) is claimed.

(v) The owner and/or operator must provide oral notice to the Director within 24 hours from the time the owner and/or operator becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of § 65-50-925(a)(1) that may

endanger health or the environment. In addition, a written submission describing the circumstances shall be provided within 5 days from the time the owner and/or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of § 65-50-925(a)(1).

(vi) The owner and/or operator must inventory the waste military munitions at least annually, must inspect the waste military munitions at least quarterly for compliance with the conditions of § 65-50-925(a)(1), and must maintain records of the findings of these inventories and inspections for at least three years.

(vii) Access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.

(2) The conditional exemption in § 65-50-925(a)(1) from regulation as hazardous waste shall apply only to the storage of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to transportation, treatment or disposal.

(3) The conditional exemption in § 65-50-925(a)(1) applies only so long as all of the conditions in § 65-50-925(a)(1) are met.

(b) Notice of termination of waste storage. The owner and/or operator must notify the Director when a storage unit identified in § 65-50-925(a)(1)(iv) of this section will no longer be used to store waste military munitions.

(c) Reinstatement of conditional exemption. If any waste military munition loses its conditional exemption under § 65-50-925(a)(1), an application may be filed with the Director for reinstatement of the conditional exemption from hazardous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of § 65-50-925(a)(1). If the Director finds that reinstatement of the conditional exemption is appropriate based on factors such as the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation, or a demonstration that the violations are not likely to recur, the Director may reinstate the conditional exemption under § 65-50-925(a)(1). If the Director does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement shall be deemed granted, retroactive to the date of the application. However, the Director may terminate a conditional exemption reinstated by default in the preceding sentence if he/she finds that reinstatement is inappropriate based on factors such as the owner's or operator's failure to provide a satisfactory explanation of the circumstances of the violation, or failure to demonstrate that the violations are not likely to recur. In reinstating the conditional exemption under § 65-50-925(a)(1), the Director may specify additional conditions as are necessary to ensure and document proper storage to protect human health and the environment.

(d) Waste chemical munitions.

(1) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under part 400 or part 500, are listed or identified as a hazardous waste and shall be subject to the applicable regulatory requirements of the regulations in this subchapter.

(2) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under part 400 or part 500, are not subject to the storage prohibition in RCRA section 3004(j), codified at 40 CFR § 268.50.

(e) Amendments to DDESB storage standards. The DDESB storage standards applicable to waste military munitions, referenced in § 65-50-925(a)(1)(iii), are DOD 6055.9-STD (“DOD Ammunition and Explosive Safety Standards”), in effect on November 8, 1995, except as provided in the following sentence. Any amendments to the DDESB storage standards shall become effective for purposes of § 65-50-925(a)(1) on the date the Department of Defense publishes notice in the Federal Register that the DDESB standards referenced in § 65-50-925(a)(1) have been amended.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-930 Standards Applicable to the Treatment and Disposal of Solid Waste Military Munitions

The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 40 CFR parts 260 through 270.

Modified 1 CMC § 3806(f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Part 1000 -Imports of Hazardous Waste

§ 65-50-1001 Applicability

Any person who imports hazardous waste from a foreign country into the CNMI must comply with the requirements of this part and part 200.

Modified 1 CMC § 3806(c), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-1005 General Requirements

(a) When importing hazardous waste, a person must meet all the requirements of § 65-50-630(a) for the manifest except that:

(1) In place of the generator’s name, address and EPA identification number, the name and address of the foreign generator and the importer’s name, address and EPA identification number must be used.

(2) In place of the generator's signature on the certification statement, the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter.

(b) A person who imports hazardous waste may obtain the manifest form from any source that is registered with the U.S. EPA as a supplier of manifests (e.g. states, waste handlers, and/or commercial forms printers).

(c) In the International Shipments block, the importer must check the import box and enter the point of entry (city and State) into the United States.

(d) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with 40 CFR § 264.71(a)(3) and § 265.71(a)(3).

(e) The importer must comply with the requirements for importer of hazardous materials in part 200.

(f) The importer must comply with the requirements for importers of universal waste in part 800 if importing universal waste as defined by this subchapter.

Modified 1 CMC § 3806(c), (d), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-1010 Management Plan

The importer must provide DEQ with a written management plan on how and where the hazardous waste will be managed in the CNMI, including a detailed description of any treatment, storage or disposal of said hazardous waste. The plan must include copies of all federal and CNMI permits and permit applications associated with the hazardous waste and any location where the waste will be managed. The plan must be submitted to DEQ at least thirty days prior to the hazardous waste arriving in the CNMI. The plan must be approved in writing by the DEQ Director prior to the hazardous waste being released. Failure to comply with this requirement shall result in the detainment of the shipment, including all non-hazardous items that are part of the shipment, and shall be subject to the provisions of § 65-50-240.

Modified 1 CMC § 3806(c), (e), (f).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Part 1100 -[Reserved]

Part 1200 -[Reserved]

Part 1300 -Inspection and Enforcement Authority and Procedures

§ 65-50-1301 Inspections

(a) The Director of DEQ may enter and inspect a facility for the purpose of conducting inspections adequate to determine compliance with this subchapter and the terms of a facilities hazardous waste management permit, in accordance with the Commonwealth Environmental Protection Act, 1982, 2 CMC §§ 3101 to 3135, as amended, hereinafter the “Act”. The inspections may be conducted with or without advance notice, for good purpose at the discretion of Director of DEQ. DEQ shall conduct inspections at reasonable times, except in the event of an emergency. Failure to grant full access to the facility is a violation of this subchapter and grounds for immediate termination of the permit.

(b) The authority to inspect shall include the ability:

(1) To obtain any and all information, including any records and reports, from an owner and/or operator of the facility necessary to determine whether the owner and/or operator is in compliance with the regulations.

(2) To inspect any equipment and monitor for violations of the regulations.

(3) To observe any operations including the use or disposal of solid and hazardous waste.

(4) To collect samples, and conduct monitoring or testing to ensure that the owner and/or operator is in compliance with the CNMI and federal regulations, where sampling is required pursuant to a permit issued by DEQ, is done within the consent of the owner and/or operator, or otherwise permitted by law.

(c) Each inspection shall be commenced and completed with reasonable promptness. If DEQ analyzes any samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, and/or agent in charge.

(d) Any records or reports of information obtained as a part of any inspection conducted under this part shall be available to the public, unless the owner and/or operator can demonstrate to the satisfaction of the Director that such information should be considered confidential business information or a trade secret as defined by law.

Modified 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment; The Commission designated subsection (a), which was not designated in the original. The Commission changed “3134” to “3135” in subsection to correct a citation error.

§ 65-50-1305 Enforcement and Penalties

The Director of DEQ is authorized to require remedies, assess penalties, or compel other mitigating measures as may be necessary to address significant adverse effects of violations or to protect the public health and welfare, in accordance with the Act, 2 CMC § 3131, as amended.

(a) **Enforcement and Remedies:** The Director shall enforce the Act, this subchapter, and a permit or order issued hereunder, pursuant to and in accordance with the authority in the Act, 2 CMC § 3131, as amended.

(b) **Civil Penalties:** The Director may assess civil penalties to the maximum extent allowed by the Act, 2 CMC § 3131, as amended.

(c) **Criminal Penalties:** Any person, who knowingly and willfully commits any act in violation of the Act, this subchapter, or any permit issued there under, may be subject to criminal penalties as set forth in the Act, 2 CMC § 3131, as amended.

(d) The Director may suspend, modify, or revoke any permit, license, registration or certification issued by DEQ for violation of the Act, the regulations or any permit or license issued pursuant to this subchapter.

(e) The Director may request that the Attorney General institute a civil action in the Commonwealth Superior Court for a temporary restraining order, injunction, penalties or any other remedy authorized by law to enforce any provision of the Act, regulations, administrative order, or permit granted pursuant to this subchapter.

Modified 1 CMC § 3806(d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: The Commission created the title to this section.

§ 65-50-1310 [Reserved]

Part 1400 -Miscellaneous Provisions

§ 65-50-1401 Severability

Should any provision of the regulations in this subchapter or its application to any person or circumstance be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining portion of the regulations and/or application of the affected provision to other persons or circumstance shall not be affected thereby.

Modified 1 CMC § 3806(d).

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

§ 65-50-1405 Effective Date

This subchapter will take effect ten calendar days after notice of adoption is published in the Commonwealth Register.

Modified 1 CMC § 3806(c), (e).

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History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

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Appendix I Hazardous Wastes from Non-Specific Sources

a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 40 CFR §§ 260.20 and 260.22 and listed in Appendix IX to 40 CFR part 261.

APPENDIX I – HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 40 CFR §§260.20 and 260.22 and listed in appendix IX to 40 CFR Part 261.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
Generic:		
F001	The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent 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 spent solvents and spent solvent mixtures	(T)
F002	The following spent 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 spent 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 listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures	(T)
F003	The following spent non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; and all spent 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, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures	(I)*
F004	The following spent non-halogenated solvents: Cresols and cresylic acid, and nitrobenzene; all spent 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 spent solvents and spent solvent mixtures	(T)
F005	The following spent non-halogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent 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, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures	(I,T)
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	(T)

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	aluminum	
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 process	(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 waste water 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 materials 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 include wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)	(H)
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 §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 radical	(T)

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	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	
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, F021, 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 §261.35 of this chapter or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (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 oil 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 process or oily cooling waters, sludges generated in aggressive biological treatment units as	(T)

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	defined in §261.31(b)(2) (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. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under §261.4(a)(12)(i), if those residuals are to be disposed of.	
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. Sludges 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 process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in §261.31(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) 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 subpart D of this part. (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)

*†(I,T) should be used to specify mixtures that are ignitable and contain toxic constituents.

(b) Listing Specific Definitions: (1) For the purposes of the F037 and F038 listings, oil/water/solids is defined as oil and/or water and/or solids.(2) (i) For the purposes of the F037 and F038 listings, aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and (A) the units employ a minimum of 6 hp per million gallons of treatment volume; and either (B) the hydraulic retention time of the unit is no longer than 5 days; or (C) the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the Toxicity Characteristic.

(ii) Generators and treatment, storage and disposal facilities have the burden of proving that their sludges are exempt from listing as F037 and F038 wastes under this definition. Generators and treatment, storage and disposal facilities must maintain, in their operating or other onsite records, documents and data sufficient to prove that: (A) the unit is an aggressive biological treatment unit as defined in this subsection; and (B) the sludges sought to be exempted from the definitions of F037 and/or F038 were actually generated in the aggressive biological treatment unit.

(3) (i) For the purposes of the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.

(ii) For the purposes of the F038 listing, (A) sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement and (B) floats are considered to be generated at the moment they are formed in the top of the unit.

†(I,T) should be used to specify mixtures that are ignitable and contain toxic constituents.

(b) Listing Specific Definitions:

(1) For the purposes of the F037 and F038 listings, oil/water/solids is defined as oil and/or water and/or solids.

(2)(i) For the purposes of the F037 and F038 listings, aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter, rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and (A) the units employ a minimum of 6 hp per million gallons of treatment volume; and either (B) the hydraulic retention time of the unit is no longer than 5 days; or (C) the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the Toxicity Characteristic.

(ii) Generators and treatment, storage and disposal facilities have the burden of proving that their sludges are exempt from listing as F037 and F038 wastes under this definition. Generators and treatment, storage and disposal facilities must maintain, in their operating or other onsite records, documents and data sufficient to prove that: (A) the unit is an aggressive biological treatment unit as defined in this subsection; and (B) the sludges sought to be exempted from the definitions of F037 and/or F038 were actually generated in the aggressive biological treatment unit.

(3)(i) For the purposes of the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.

(ii) For the purposes of the F038 listing, (A) sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement and (B) floats are considered to be generated at the moment they are formed in the top of the unit.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

**Appendix II
Hazardous Wastes from Specific Sources**

a) The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 40 CFR §§ 260.20 and 260.22 and listed in appendix IX to 40 CFR part 261.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
Wood preservation: K001	Bottom sediment sludge from the treatment of wastewaters 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)

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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 methy 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 1,1,1-trichloroethane	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-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 chlorobenzenes	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-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)

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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 toluene diisocyanate via phosgenation of toluenediamine	(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 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)
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	(R,T)

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	acids and their salts. (This listing does not include K125 or K126.)	
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 must, 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 must 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 paragraph (c) of this section that are equal to or greater than the corresponding paragraph (c) levels, 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 §258.40, (ii) disposed in a Subtitle C landfill unit subject to either §264.301 or §265.301, (iii) disposed in other Subtitle D landfill units that meet the design criteria in §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 paragraph (b)(1) of this section. Paragraph (d) of this section describes the process for demonstrating that a facility's nonwastewaters are not K181. This listing does not apply to wastes that are otherwise identified as hazardous under §§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	(T)
Inorganic chemicals:		
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used	(T)
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)

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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	(T)
Pesticides:		
K031	By-product salts generated in the production of MSMA and cacodylic acid	(T)
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 hexachlorocyclopentadiene 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 diethylphosphorodithioic 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 salt	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts	(C, T)
K125	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	(T)

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	production or formulation of ethylenebisdithiocarbamic acid and its salts	
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide	(C, T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide	(T)
Explosives:		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives	(R)
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:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry	(T)
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 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)
Iron and steel:		
K061	Emission control dust/sludge from the primary production of steel in electric furnaces	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332)	(C,T)
Primary copper:		
Primary lead:		
Primary zinc:		
Primary aluminum:		

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K088	Spent potliners from primary aluminum reduction	(T)
Ferroalloys:		
Secondary lead:		
K069	Emission control dust/sludge from secondary lead smelting. (Note: This listing is stayed administratively for sludge generated from secondary acid scrubber systems. The stay will remain in effect until further administrative action is taken. If EPA takes further action effecting this stay, EPA will publish a notice of the action in the Federal Register)	(T)
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 by-products 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 by-products 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 by-products 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 by-products produced from coal	(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal	(T)

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K147	Tar storage tank residues from coal tar refining	(T)
K148	Residues from coal tar distillation, including but not limited to, still bottoms	(T)

(b) *Listing Specific Definitions:* (1) For the purposes of the K181 listing, dyes and/or pigments production is defined to include manufacture of the following product classes: dyes, pigments, or FDA certified colors that are classified as azo, triarylmethane, perylene or anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azolic, benzidine, and pyrazolone products. Triarylmethane products include both triarylmethane and triphenylmethane products. Wastes that are not generated at a dyes and/or pigments manufacturing site, such as wastes from the offsite use, formulation, and packaging of dyes and/or pigments, are not included in the K181 listing.

(c) *K181 Listing Levels.* Nonwastewaters containing constituents in amounts equal to or exceeding the following levels during any calendar year are subject to the K181 listing, unless the conditions in the K181 listing are met.

Constituent	Chemical abstracts No.	Mass levels (kg/yr)
Aniline	62-53-3	9,300
o-Anisidine	90-04-0	110
4-Chloroaniline	106-47-8	4,800
p-Cresidine	120-71-8	660
2,4-Dimethylaniline	95-68-1	100
1,2-Phenylenediamine	95-54-5	710
1,3-Phenylenediamine	108-45-2	1,200

(d) *Procedures for demonstrating that dyes and/or pigment nonwastewaters are not K181.* The procedures described in paragraphs (d)(1)–(d)(3) and (d)(5) of this section establish when nonwastewaters from the production of dyes/pigments would not be hazardous (these procedures apply to wastes that are not disposed in landfill units or treated in combustion units as specified in paragraph (a) of this section). If the nonwastewaters are disposed in landfill units or treated in combustion units as described in paragraph (a) of this section, then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 listing description, the generator must maintain documentation as described in paragraph (d)(4) of this section.

(1) *Determination based on no K181 constituents.* Generators that have knowledge (e.g., knowledge of constituents in wastes based on prior sampling and analysis data and/or information about raw materials used, production processes used, and reaction and degradation products formed) that their wastes contain none of the K181 constituents (see paragraph (c) of this section) can use their knowledge to determine that their waste is not K181. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.

(2) *Determination for generated quantities of 1,000 MT/yr or less for wastes that contain K181 constituents.* If the total annual quantity of dyes and/or pigment nonwastewaters generated is 1,000 metric tons or less, the generator can use knowledge of the wastes (e.g., knowledge of constituents in wastes based on prior analytical data and/or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of paragraph (c) of this section. To make this determination, the generator must:

(i) Each year document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 metric tons.

(ii) Track the actual quantity of nonwastewaters generated from January 1 through December 31 of each year. If, at any time within the year, the actual waste quantity exceeds 1,000 metric tons, the generator must comply with the requirements of paragraph (d)(3) of this section for the remainder of the year.

(iii) Keep a running total of the K181 constituent mass loadings over the course of the calendar year.

(iv) Keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:

(A) The quantity of dyes and/or pigment nonwastewaters generated.

(B) The relevant process information used.

(C) The calculations performed to determine annual total mass loadings for each K181 constituent in the nonwastewaters during the year.

(3) *Determination for generated quantities greater than 1,000 MT/yr for wastes that contain K181 constituents.* If the total annual quantity of dyes and/or pigment nonwastewaters generated is greater than 1,000 metric tons, the generator must perform all of the steps described in paragraphs (d)(3)(i)–(d)(3)(xi) of this section in order to make a determination that its waste is not K181.

(d) Procedures for demonstrating that dyes and/or pigment nonwastewaters are not K181. The procedures described in paragraphs (d)(1)–(d)(3) and (d)(5) of this section establish when nonwastewaters from the production of dyes/pigments would not be hazardous (these procedures apply to wastes that are not disposed in landfill units or

treated in combustion units as specified in paragraph (a) of this section). If the nonwastewaters are disposed in landfill units or treated in combustion units as described in paragraph (a) of this section, then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 listing description, the generator must maintain documentation as described in paragraph (d)(4) of this section.

(1) Determination based on no K181 constituents. Generators that have knowledge (e.g., knowledge of constituents in wastes based on prior sampling and analysis data and/or information about raw materials used, production processes used, and reaction and degradation products formed) that their wastes contain none of the K181 constituents (see paragraph (c) of this section) can use their knowledge to determine that their waste is not K181. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.

(2) Determination for generated quantities of 1,000 MT/yr or less for wastes that contain K181 constituents. If the total annual quantity of dyes and/or pigment nonwastewaters generated is 1,000 metric tons or less, the generator can use knowledge of the wastes (e.g., knowledge of constituents in wastes based on prior analytical data and/or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of paragraph (c) of this section. To make this determination, the generator must:

(i) Each year document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 metric tons.

(ii) Track the actual quantity of nonwastewaters generated from January 1 through December 31 of each year. If, at any time within the year, the actual waste quantity exceeds 1,000 metric tons, the generator must comply with the requirements of paragraph (d)(3) of this section for the remainder of the year.

(iii) Keep a running total of the K181 constituent mass loadings over the course of the calendar year.

(iv) Keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:

(A) The quantity of dyes and/or pigment nonwastewaters generated.

(B) The relevant process information used.

(C) The calculations performed to determine annual total mass loadings for each K181 constituent in the nonwastewaters during the year.

(3) Determination for generated quantities greater than 1,000 MT/yr for wastes that contain K181 constituents. If the total annual quantity of dyes and/or pigment nonwastewaters generated is greater than 1,000 metric tons, the generator must perform all of the steps described in paragraphs ((d)(3)(i)-(d)(3)(xi) of this section) in order to make a determination that its waste is not K181.

(i) Determine which K181 constituents (see paragraph (c) of this section) are reasonably expected to be present in the wastes based on knowledge of the wastes (e.g., based on prior sampling and analysis data and/or information about raw materials used, production processes used, and reaction and degradation products formed).

(ii) If 12-phenylenediamine is present in the wastes, the generator can use either knowledge or sampling and analysis procedures to determine the level of this constituent

in the wastes. For determinations based on use of knowledge, the generator must comply with the procedures for using knowledge described in paragraph (d)(2) of this section and keep the records described in paragraph (d)(2)(iv) of this section. For determinations based on sampling and analysis, the generator must comply with the sampling and analysis and recordkeeping requirements described below in this section.

(iii) Develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes. At a minimum, the plan must include:

- (A) A discussion of the number of samples needed to characterize the wastes fully;
- (B) The planned sample collection method to obtain representative waste samples;
- (C) A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes.
- (D) A detailed description of the test methods to be used, including sample preparation, clean up (if necessary), and determinative methods.

(iv) Collect and analyze samples in accordance with the waste sampling and analysis plan.

(A) The sampling and analysis must be unbiased, precise, and representative of the wastes.

(B) The analytical measurements must be sufficiently sensitive, accurate and precise to support any claim that the constituent mass loadings are below the listing levels of paragraph (c) of this section.

(v) Record the analytical results.

(vi) Record the waste quantity represented by the sampling and analysis results.

(vii) Calculate constituent-specific mass loadings (product of concentrations and waste quantity).

(viii) Keep a running total of the K781 constituent mass loadings over the course of the calendar year.

(ix) Determine whether the mass of any of the K187 constituents listed in paragraph (c) of this section generated between January 1 and December 31 of any year is below the K181 listing levels.

(x) Keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:

- (A) The sampling and analysis plan.
- (B) The sampling and analysis results (including QA/QC data)
- (C) The quantity of dyes and or pigment nonwastewaters generated.
- (D) The calculations performed to determine annual mass loadings.

(xi) Nonhazardous waste determinations must be conducted annually to verify that the wastes remain nonhazardous.

(A) The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are nonhazardous. The generator can then use knowledge of the wastes to support subsequent annual determinations.

(B) The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels.

(C) If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a nonhazardous determination. If testing is reinstated, a description of the process change must be retained.

(4) Recordkeeping for the landfill disposal and combustion exemptions. For the purposes of meeting the landfill disposal and combustion condition set out in the K181 listing description, the generator must maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or meets the landfill design standards set out in the listing description, or was treated in combustion units as specified in the listing description.

(5) Waste holding and handling. During the interim period, from the point of generation to completion of the hazardous waste determination, the generator is responsible for storing the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the subtitle C requirements during the interim period, the generator could be subject to an enforcement action for improper management.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Appendix III

Acutely Hazardous 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 as described in § 261.2(a)(2)(i), when they are mixed with waste oil or used oil or 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 paragraph (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 paragraph (e) or (f) of this section.

(c) Any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f) of this section, unless the container is empty as defined in § 261.7(b) of this chapter.

(Comment: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, EPA considers the residue to be intended for discard, and thus, a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.)

(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.

(Comment: The phrase “commercial chemical product or manufacturing chemical intermediate having the generic name listed in...” refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that

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contains any of the substances listed in paragraph (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in paragraph (e) or (f), such waste will be listed in either § 261.31 or § 261.32 or will be identified as a hazardous waste by the characteristics set forth in subpart C of this part.)

(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 § 261.5(e).

(Comment. For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound only is listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.)

These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous waste No.	Chemical abstracts No.	Substance
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone.
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol

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P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H ₃ AsO ₄
P012	1327-53-3	Arsenic oxide As ₂ O ₃
P011	1303-28-2	Arsenic oxide As ₂ O ₅
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl-
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha,alpha-dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate.
P188	57-64-7	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	¹ 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime
P021	592-01-8	Calcium cyanide

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P021	592-01-8	Calcium cyanide $\text{Ca}(\text{CN})_2$
P189	55285-14-8	Carbamic acid, [(dibutylamino)- thio]methyl-, 2,3-dihydro-2,2-dimethyl- 7-benzofuranyl ester.
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]- 5-methyl-1H- pyrazol-3-yl ester.
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1- (1-methylethyl)-1H- pyrazol-5-yl ester.
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester.
P127	1563-66-2	Carbofuran.
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan.
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide $\text{Cu}(\text{CN})$
P202	64-00-6	m-Cumenyl methylcarbamate.
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride $(\text{CN})\text{Cl}$
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P004	309-00-2	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	465-73-6	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)-

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P037	60-57-1	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	¹ 72-20-8	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	60-51-5	Dimethoate
P046	122-09-8	alpha,alpha-Dimethylphenethylamine
P191	644-64-4	Dimetilan.
P047	¹ 534-52-1	4,6-Dinitro-o-cresol, & salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramidate, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O- [(methylamino)-carbonyl]oxime.
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-[[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester.
P066	16752-77-5	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P198	23422-53-9	Formetanate hydrochloride.

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P197	17702-57-7	Formparanate.
P065	628-86-4	Fulminic acid, mercury(2+) salt (R,T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P192	119-38-0	Isolan.
P202	64-00-63	Isopropylphenyl N-methylcarbamate.
P007	2763-96-43	(2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-,
P196	15339-36-3	Manganese dimethyldithiocarbamate.
P092	62-38-4	Mercury, (acetato-O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis[chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride.
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyl]oxy]phenyl]-
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P199	2032-65-7	Methiocarb.
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate

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P069	75-86-5	2-Methylactonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb.
P128	315-8-4	Mexacarbate.
P072	86-88-4	alpha-Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN) ₂
P075	¹ 54-11-5	Nicotine, & salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO ₂
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P194	23135-22-0	Oxamyl.
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	51-28-5	Phenol, 2,4-dinitro-
P047	¹ 534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester).
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate.
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate.

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TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine.
P188	57-64-7	Physostigmine salicylate.
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
P203	1646-88-4	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl] oxime.
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P017	598-31-2	Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	¹ 54-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-.
P114	12039-52-0	Selenious acid, dithallium(1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	¹ 57-24-9	Strychnidin-10-one, & salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	¹ 57-24-9	Strychnine, & salts
P115	7446-18-6	Sulfuric acid, dithallium(1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl ₂ O ₃
P114	12039-52-0	Thallium(I) selenite
P115	7446-18-6	Thallium(I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide [(H ₂ N)C(S)] ₂ NH
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P185	26419-73-8	Tirpate.
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V ₂ O ₅
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	¹ 81-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S'),
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN) ₂
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10% (R,T)
P205	137-30-4	Ziram.
P001	¹ 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P001	¹ 81-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P002	591-08-2	Acetamide, -(aminothioxomethyl)-
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P003	107-02-8	2-Propenal
P004	309-00-2	Aldrin
P004	309-00-2	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)-
P005	107-18-6	Allyl alcohol
P005	107-18-6	2-Propen-1-ol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P008	504-24-5	4-Aminopyridine
P008	504-24-5	Pyridinamine
P009	131-74-8	Ammonium picrate (R)

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P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P010	7778-39-4	Arsenic acid H_3AsO_4
P011	1303-28-2	Arsenic oxide As_2O_5
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic oxide As_2O_3
P012	1327-53-3	Arsenic trioxide
P013	542-62-1	Barium cyanide
P014	108-98-5	Benzenethiol
P014	108-98-5	Thiophenol
P015	7440-41-7	Beryllium powder
P016	542-88-1	Dichloromethyl ether
P016	542-88-1	Methane, oxybis[chloro-
P017	598-31-2	Bromoacetone
P017	598-31-2	2-Propanone, 1-bromo-
P018	357-57-3	Brucine
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P020	88-85-7	Dinoseb
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $Ca(CN)_2$
P022	75-15-0	Carbon disulfide
P023	107-20-0	Acetaldehyde, chloro-
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	Benzenamine, 4-chloro-
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P027	542-76-7	3-Chloropropionitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide $Cu(CN)$

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	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)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methyl amino)-2-oxoethyl] ester
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime
P045	39196-18-4	Thiofanox
P046	122-09-8	Benzeneethanamine, alpha,alpha-dimethyl-
P046	122-09-8	alpha,alpha-Dimethylphenethylamine
P047	¹ 534-52-1	4,6-Dinitro-o-cresol, & salts
P047	¹ 534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

P048	51-28-5	2,4-Dinitrophenol
P048	51-28-5	Phenol, 2,4-dinitro-
P049	541-53-7	Dithiobiuret
P049	541-53-7	Thioimidodicarbonic diamide [(H ₂ N)C(S)] ₂ NH
P050	115-29-7	Endosulfan
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P051	¹ 72-20-8	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
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P054	151-56-4	Aziridine
P054	151-56-4	Ethyleneimine
P056	7782-41-4	Fluorine
P057	640-19-7	Acetamide, 2-fluoro-
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P058	62-74-8	Fluoroacetic acid, sodium salt
P059	76-44-8	Heptachlor
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P060	465-73-6	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)-
P060	465-73-6	Isodrin
P062	757-58-4	Hexaethyl tetraphosphate
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P064	624-83-9	Methane, isocyanato-
P064	624-83-9	Methyl isocyanate
P065	628-86-4	Fulminic acid, mercury(2+) salt (R,T)
P065	628-86-4	Mercury fulminate (R,T)
P066	16752-77-5	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester
P066	16752-77-5	Methomyl

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P067	75-55-8	Aziridine, 2-methyl-
P067	75-55-8	1,2-Propylenimine
P068	60-34-4	Hydrazine, methyl-
P068	60-34-4	Methyl hydrazine
P069	75-86-5	2-Methylactonitrile
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P070	116-06-3	Aldicarb
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
P071	298-00-0	Methyl parathion
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester
P072	86-88-4	alpha-Naphthylthiourea
P072	86-88-4	Thiourea, 1-naphthalenyl-
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN) ₂
P075	¹ 54-11-5	Nicotine, & salts
P075	¹ 54-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts
P076	10102-43-9	Nitric oxide
P076	10102-43-9	Nitrogen oxide NO
P077	100-01-6	Benzenamine, 4-nitro-
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P078	10102-44-0	Nitrogen oxide NO ₂
P081	55-63-0	Nitroglycerine (R)
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P082	62-75-9	Methanamine, -methyl-N-nitroso-
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P084	4549-40-0	Vinylamine, -methyl-N-nitroso-
P085	152-16-9	Diphosphoramidate, octamethyl-
P085	152-16-9	Octamethylpyrophosphoramidate
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-

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TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

P087	20816-12-0	Osmium tetroxide
P088	145-73-3	Endothall
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P089	56-38-2	Parathion
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P092	62-38-4	Mercury, (acetato-O)phenyl-
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P093	103-85-5	Thiourea, phenyl-
P094	298-02-2	Phorate
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P095	75-44-5	Carbonic dichloride
P095	75-44-5	Phosgene
P096	7803-51-2	Hydrogen phosphide
P096	7803-51-2	Phosphine
P097	52-85-7	Famphur
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P099	506-61-6	Potassium silver cyanide
P101	107-12-0	Ethyl cyanide
P101	107-12-0	Propanenitrile
P102	107-19-7	Propargyl alcohol
P102	107-19-7	2-Propyn-1-ol
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	¹ 157-24-9	Strychnidin-10-one, & salts
P108	¹ 157-24-9	Strychnine, & salts

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

P109	3689-24-5	Tetraethyldithiopyrophosphate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P110	78-00-2	Plumbane, tetraethyl-
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Methane, tetranitro-(R)
P112	509-14-8	Tetranitromethane (R)
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl_2O_3
P114	12039-52-0	Selenious acid, dithallium(1+) salt
P114	12039-52-0	Tetraethyldithiopyrophosphate
P115	7446-18-6	Thiodiphosphoric acid, tetraethyl ester
P115	7446-18-6	Plumbane, tetraethyl-
P116	79-19-6	Tetraethyl lead
P116	79-19-6	Thiosemicarbazide
P118	75-70-7	Methanethiol, trichloro-
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Ammonium vanadate
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V_2O_5
P120	1314-62-1	Vanadium pentoxide
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide $Zn(CN)_2$
P122	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations greater than 10% (R,T)
P123	8001-35-2	Toxaphene
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate.
P127	1563-66-2	Carbofuran
P128	315-8-4	Mexacarbate
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl]oxime.
P185	26419-73-8	Tirpate

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

P188	57-64-7	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)
P188	57-64-7	Physostigmine salicylate
P189	55285-14-8	Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P189	55285-14-8	Carbosulfan
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P190	1129-41-5	Metolcarb
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidthioic acid, 2-(dimethylamino)-N-[[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese, bis(dimethylcarbomodithioato-S,S')-,
P196	15339-36-3	Manganese dimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyl]oxy]phenyl]-
P198	23422-53-9	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)-carbonyl]oxy]phenyl]-monohydrochloride
P199	2032-65-7	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P204	57-47-6	Physostigmine
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-,

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		methylcarbamate (ester), (3aS-cis)-
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S'),
P205	137-30-4	Ziram

¹CAS Number given for parent compound only.

¹CAS Number given for parent compound only.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: The Commission converted brackets to parenthesis, as brackets are reserved for Commission use.

Appendix IV
Toxic 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 as described in § 261.2(a)(2)(i), when they are mixed with waste oil or used oil or 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 paragraph (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 paragraph (e) or (f) of this section.

(c) Any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f) of this section, unless the container is empty as defined in § 261.7(b) of this chapter.

(Comment: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, EPA considers the residue to be intended for discard, and thus, a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.)

(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.

(Comment: The phrase “commercial chemical product or manufacturing chemical intermediate having the generic name listed in...” refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in paragraph (e) or (f). Where a manufacturing

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process waste is deemed to be a hazardous waste because it contains a substance listed in paragraph (e) or (f), such waste will be listed in either § 261.31 or § 261.32 or will be identified as a hazardous waste by the characteristics set forth in subpart C of this part.)

(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 § 261.5(e).

(Comment: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound only is listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.)

(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 generator exclusion defined in § 261.5 (a) and (g).

(Comment: 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. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.)

These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous waste No.	Chemical abstracts No.	Substance
U394	30558-43-1	A2213.
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U240	¹ 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts & esters

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U112	141-78-6	Acetic acid ethyl ester (I)
U144	301-04-2	Acetic acid, lead(2+) salt
U214	563-68-8	Acetic acid, thallium(1+) salt
see F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha,8beta,8aalp,8balp)]-
U280	101-27-9	Barban.
U278	22781-23-3	Bendiocarb.
U364	22961-82-6	Bendiocarb phenol.
U271	17804-35-2	Benomyl.
U157	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz[c]acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U018	56-55-3	Benz[a]anthracene
U094	57-97-6	Benz[a]anthracene, 7,12-dimethyl-

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U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzene (I,T)
U038	510-15-6	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)- alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	108-90-7	Benzene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R,T)
U239	1330-20-7	Benzene, dimethyl- (I,T)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro- (I)
U220	108-88-3	Benzene, methyl-

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U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzydine
U202	¹ 81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate.
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-,
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U064	189-55-9	Benzo[rst]pentaphene
U248	¹ 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations of 0.3% or less
U022	50-32-8	Benzo[a]pyrene
U197	106-51-4	p-Benzoquinone
U023	98-07-7	Benzo[trichloride (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-4	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-

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U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U143	303-34-4	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*),7aalpha]]-
U031	71-36-3	n-Butyl alcohol (I)
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester.
U271	17804-35-	Carbamic acid, [1-[(butylamino)carbonyl]-1H-2benzimidazol-2-yl]-, methyl ester.
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester.
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester.
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester.
U097	79-44-7	Carbamic chloride, dimethyl-
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester.
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester.
U114	¹ 111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts & esters

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U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U279	63-25-2	Carbaryl.
U372	10605-21-7	Carbendazim.
U367	1563-38-8	Carbofuran phenol.
U215	6533-73-9	Carbonic acid, dithallium(1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)
U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha & gamma isomers
U026	494-03-1	Chlornaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U050	218-01-9	Chrysene
U051		Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide (CN)Br
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U056	110-82-7	Cyclohexane (I)

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U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	¹ 94-75-7	2,4-D, salts & esters
U059	20830-81-3	Daunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U395	5952-26-1	Diethylene glycol, dicarbamate.

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U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbesterol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylnitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U404	121-44-8	Ethanamine, N,N-diethyl-
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-

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U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis-(I)
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U410	59669-26-0	Ethanimidothioic acid, N,N'-[thiobis[(methylimino)carbonyloxy]]bis-, dimethyl ester
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester.
U359	110-80-5	Ethanol, 2-ethoxy-
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate.
U004	98-86-2	Ethanone, 1-phenyl-
U043	75-01-4	Ethene, chloro-
U042	110-75-8	Ethene, (2-chloroethoxy)-
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether (I)
U114	¹ 111-54-6	Ethylenebisdithiocarbamic acid, salts & esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U359	110-80-5	Ethylene glycol monoethyl ether
U115	75-21-8	Ethylene oxide (I,T)

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U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro-(I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino)-carbonyl]amino]-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide

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U135	7783-06-4	Hydrogen sulfide H ₂ S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpine
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I, T)
U092	124-40-3	Methanamine, N-methyl- (I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I, T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I, T)
U225	75-25-2	Methane, tribromo-

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U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methyl chloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20830-81-5	12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthalenamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene

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U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	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	63-25-2	1-Naphthalenol, methylcarbamate.
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium(1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxyaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol

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U161	108-10-1	Pentanol, 4-methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate.
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U145	7446-27-7	Phosphoric acid, lead(2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U189	1314-80-3	Phosphorus sulfide (R)
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-
U149	109-77-3	Propanedinitrile

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U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U193	1120-71-4	1,3-Propane sultone
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-1	2-Propenamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propham.
U411	114-26-1	Propoxur.
U387	52888-80-9	Prosulfocarb.
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	181-07-2	Saccharin, & salts
U203	94-59-7	Safrole

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U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS ₂ (R,T)
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U206	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium(I) acetate
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium(I) chloride
U216	7791-12-0	thallium chloride TlCl
U217	10102-45-1	Thallium(I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb.
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-
U409	23564-05-8	Thiophanate-methyl.
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene

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U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U389	2303-17-5	Triallate.
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U226	71-55-6	1,1,1-Trichloroethane
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine.
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride
U248	¹ 81-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10% or less
U001	75-07-0	Acetaldehyde (I)
U001	75-07-0	Ethanal (I)
U002	67-64-1	Acetone (I)

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U002	67-64-1	2-Propanone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U004	98-86-2	Ethanone, 1-phenyl-
U005	53-96-3	Acetamide, -9H-fluoren-2-yl-
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U007	79-06-1	2-Propenamide
U008	79-10-7	Acrylic acid (I)
U008	79-10-7	2-Propenoic acid (I)
U009	107-13-1	Acrylonitrile
U009	107-13-1	2-Propenenitrile
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha,8beta,8aalp,8balp)]-
U010	50-07-7	Mitomycin C
U011	61-82-5	Amitrole
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U012	62-53-3	Aniline (I,T)
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Auramine
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
U015	115-02-6	Azaserine
U015	115-02-6	L-Serine, diazoacetate (ester)
U016	225-51-4	Benz[c]acridine
U017	98-87-3	Benzal chloride
U017	98-87-3	Benzene, (dichloromethyl)-
U018	56-55-3	Benz[a]anthracene
U019	71-43-2	Benzene (I,T)
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U021	92-87-5	Benzidine

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U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U022	50-32-8	Benzo[a]pyrene
U023	98-07-7	Benzene, (trichloromethyl)-
U023	98-07-7	Benzotrichloride (C,R,T)
U024	111-91-1	Dichloromethoxy ethane
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
U025	111-44-4	Dichloroethyl ether
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U026	494-03-1	Chlornaphazin
U026	494-03-1	Naphthalenamine, N,N'-bis(2-chloroethyl)-
U027	108-60-1	Dichloroisopropyl ether
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U028	117-81-7	Diethylhexyl phthalate
U029	74-83-9	Methane, bromo-
U029	74-83-9	Methyl bromide
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U030	101-55-3	4-Bromophenyl phenyl ether
U031	71-36-3	1-Butanol (I)
U031	71-36-3	n-Butyl alcohol (I)
U032	13765-19-0	Calcium chromate
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U033	353-50-4	Carbonic difluoride
U033	353-50-4	Carbon oxyfluoride (R,T)
U034	75-87-6	Acetaldehyde, trichloro-
U034	75-87-6	Chloral
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha & gamma isomers
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U037	108-90-7	Benzene, chloro-

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U037	108-90-7	Chlorobenzene
U038	510-15-6	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U041	106-89-8	Epichlorohydrin
U041	106-89-8	Oxirane, (chloromethyl)-
U042	110-75-8	2-Chloroethyl vinyl ether
U042	110-75-8	Ethene, (2-chloroethoxy)-
U043	75-01-4	Ethene, chloro-
U043	75-01-4	Vinyl chloride
U044	67-66-3	Chloroform
U044	67-66-3	Methane, trichloro-
U045	74-87-3	Methane, chloro- (I,T)
U045	74-87-3	Methyl chloride (I,T)
U046	107-30-2	Chloromethyl methyl ether
U046	107-30-2	Methane, chloromethoxy-
U047	91-58-7	beta-Chloronaphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U048	95-57-8	o-Chlorophenol
U048	95-57-8	Phenol, 2-chloro-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U050	218-01-9	Chrysene
U051		Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U052	1319-77-3	Phenol, methyl-
U053	4170-30-3	2-Butenal
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Benzene, (1-methylethyl)-(I)
U055	98-82-8	Cumene (I)
U056	110-82-7	Benzene, hexahydro-(I)

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U056	110-82-7	Cyclohexane (I)
U057	108-94-1	Cyclohexanone (I)
U058	50-18-0	Cyclophosphamide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U059	20830-81-3	Daunomycin
U059	20830-81-3	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-trihydroxy-1-methoxy-, (8S-cis)-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-
U060	72-54-8	DDD
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
U061	50-29-3	DDT
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-di chloro-2-propenyl) ester
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Benzo[rs]pentaphene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U067	106-93-4	Ethane, 1,2-dibromo-
U067	106-93-4	Ethylene dibromide
U068	74-95-3	Methane, dibromo-
U068	74-95-3	Methylene bromide
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	Benzene, 1,2-dichloro-
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	Benzene, 1,3-dichloro-
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	Benzene, 1,4-dichloro-
U072	106-46-7	p-Dichlorobenzene

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U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	2-Butene, 1,4-dichloro-(I,T)
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U075	75-71-8	Methane, dichlorodifluoro-
U076	75-34-3	Ethane, 1,1-dichloro-
U076	75-34-3	Ethylidene dichloride
U077	107-06-2	Ethane, 1,2-dichloro-
U077	107-06-2	Ethylene dichloride
U078	75-35-4	1,1-Dichloroethylene
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	1,2-Dichloroethylene
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U080	75-09-2	Methane, dichloro-
U080	75-09-2	Methylene chloride
U081	120-83-2	2,4-Dichlorophenol
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	2,6-Dichlorophenol
U082	87-65-0	Phenol, 2,6-dichloro-
U083	78-87-5	Propane, 1,2-dichloro-
U083	78-87-5	Propylene dichloride
U084	542-75-6	1,3-Dichloropropene
U084	542-75-6	1-Propene, 1,3-dichloro-
U085	1464-53-5	2,2'-Bioxirane
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U086	1615-80-1	N,N'-Diethylhydrazine
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbesterol

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U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U090	94-58-6	Dihydrosafrole
U091	119-90-4	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U092	124-40-3	Methanamine, -methyl-(I)
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	Benz[a]anthracene, 7,12-dimethyl-
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-(R)
U097	79-44-7	Carbamic chloride, dimethyl-
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	1,2-Dimethylhydrazine
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U101	105-67-9	2,4-Dimethylphenol
U101	105-67-9	Phenol, 2,4-dimethyl-
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U103	77-78-1	Sulfuric acid, dimethyl ester
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U107	117-84-0	Di-n-octyl phthalate

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U108	123-91-1	1,4-Diethyleneoxide
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U110	142-84-7	Dipropylamine (I)
U110	142-84-7	1-Propanamine, N-propyl-(I)
U111	621-64-7	Di-n-propylnitrosamine
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U112	141-78-6	Acetic acid ethyl ester (I)
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U114	¹ 111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts & esters
U114	¹ 111-54-6	Ethylenebisdithiocarbamic acid, salts & esters
U115	75-21-8	Ethylene oxide (I,T)
U115	75-21-8	Oxirane (I,T)
U116	96-45-7	Ethylenethiourea
U116	96-45-7	2-Imidazolidinethione
U117	60-29-7	Ethane, 1,1'-oxybis-(I)
U117	60-29-7	Ethyl ether (I)
U118	97-63-2	Ethyl methacrylate
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U119	62-50-0	Ethyl methanesulfonate
U119	62-50-0	Methanesulfonic acid, ethyl ester
U120	206-44-0	Fluoranthene
U121	75-69-4	Methane, trichlorofluoro-
U121	75-69-4	Trichloromonofluoromethane
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U124	110-00-9	Furfural (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U125	98-01-1	Furfural (I)

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U126	765-34-4	Glycidylaldehyde
U126	765-34-4	Oxiranecarboxyaldehyde
U127	118-74-1	Benzene, hexachloro-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U128	87-68-3	Hexachlorobutadiene
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U129	58-89-9	Lindane
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Ethane, hexachloro-
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U133	302-01-2	Hydrazine (R,T)
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H ₂ S
U136	75-60-5	Arsinic acid, dimethyl-
U136	75-60-5	Cacodylic acid
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U138	74-88-4	Methane, iodo-
U138	74-88-4	Methyl iodide
U140	78-83-1	Isobutyl alcohol (I,T)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-

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		tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]-
U143	303-34-4	Lasiocarpine
U144	301-04-2	Acetic acid, lead(2+) salt
U144	301-04-2	Lead acetate
U145	7446-27-7	Lead phosphate
U145	7446-27-7	Phosphoric acid, lead(2+) salt (2:3)
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U146	1335-32-6	Lead subacetate
U147	108-31-6	2,5-Furandione
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U149	109-77-3	Malononitrile
U149	109-77-3	Propanedinitrile
U150	148-82-3	Melphalan
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U153	74-93-1	Methanethiol (I,T)
U153	74-93-1	Thiomethanol (I,T)
U154	67-56-1	Methanol (I)
U154	67-56-1	Methyl alcohol (I)
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U155	91-80-5	Methapyrilene
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U157	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)

TITLE 65: DIVISION OF ENVIRONMENTAL QUALITY

U159	78-93-3	2-Butanone (I,T)
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U161	108-10-1	Methyl isobutyl ketone (I)
U161	108-10-1	4-Methyl-2-pentanone (I)
U161	108-10-1	Pentanol, 4-methyl-
U162	80-62-6	Methyl methacrylate (I,T)
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U163	70-25-7	Guanidine, -methyl-N'-nitro-N-nitroso-
U163	70-25-7	MNNG
U164	56-04-2	Methylthiouracil
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U165	91-20-3	Naphthalene
U166	130-15-4	1,4-Naphthalenedione
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	1-Naphthalenamine
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	2-Naphthalenamine
U168	91-59-8	beta-Naphthylamine
U169	98-95-3	Benzene, nitro-
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U170	100-02-7	Phenol, 4-nitro-
U171	79-46-9	2-Nitropropane (I,T)
U171	79-46-9	Propane, 2-nitro- (I,T)
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	Ethanamine, -ethyl-N-nitroso-
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea

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U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	N-Nitroso-N-methylurea
U177	684-93-5	Urea, N-methyl-N-nitroso-
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U179	100-75-4	Piperidine, 1-nitroso-
U180	930-55-2	N-Nitrosopyrrolidine
U180	930-55-2	Pyrrolidine, 1-nitroso-
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U181	99-55-8	5-Nitro-o-toluidine
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U182	123-63-7	Paraldehyde
U183	608-93-5	Benzene, pentachloro-
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Ethane, pentachloro-
U184	76-01-7	Pentachloroethane
U185	82-68-8	Benzene, pentachloronitro-
U185	82-68-8	Pentachloronitrobenzene (PCNB)
U186	504-60-9	1-Methylbutadiene (I)
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Acetamide, -(4-ethoxyphenyl)-
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U189	1314-80-3	Phosphorus sulfide (R)
U189	1314-80-3	Sulfur phosphide (R)
U190	85-44-9	1,3-Isobenzofurandione
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U191	109-06-8	Pyridine, 2-methyl-
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U192	23950-58-	Pronamide

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	5	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U193	1120-71-4	1,3-Propane sultone
U194	107-10-8	1-Propanamine (I,T)
U194	107-10-8	n-Propylamine (I,T)
U196	110-86-1	Pyridine
U197	106-51-4	p-Benzoquinone
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U200	50-55-5	Reserpine
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-
U201	108-46-3	1,3-Benzenediol
U201	108-46-3	Resorcinol
U202	181-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts
U202	181-07-2	Saccharin, & salts
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS ₂ (R,T)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino)-4-carbonyl]amino]-
U206	18883-66-4	Streptozotocin
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U209	79-34-5	1,1,2,2-Tetrachloroethane

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U210	127-18-4	Ethene, tetrachloro-
U210	127-18-4	Tetrachloroethylene
U211	56-23-5	Carbon tetrachloride
U211	56-23-5	Methane, tetrachloro-
U213	109-99-9	Furan, tetrahydro-(I)
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Acetic acid, thallium(1+) salt
U214	563-68-8	Thallium(I) acetate
U215	6533-73-9	Carbonic acid, dithallium(1+) salt
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium(I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Nitric acid, thallium(1+) salt
U217	10102-45-1	Thallium(I) nitrate
U218	62-55-5	Ethanethioamide
U218	62-55-5	Thioacetamide
U219	62-56-6	Thiourea
U220	108-88-3	Benzene, methyl-
U220	108-88-3	Toluene
U221	25376-45-8	Benzenediamine, ar-methyl-
U221	25376-45-8	Toluenediamine
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U222	636-21-5	o-Toluidine hydrochloride
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R,T)
U223	26471-62-5	Toluene diisocyanate (R,T)
U225	75-25-2	Bromoform
U225	75-25-2	Methane, tribromo-
U226	71-55-6	Ethane, 1,1,1-trichloro-
U226	71-55-6	Methyl chloroform

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U226	71-55-6	1,1,1-Trichloroethane
U227	79-00-5	Ethane, 1,1,2-trichloro-
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Ethene, trichloro-
U228	79-01-6	Trichloroethylene
U234	99-35-4	Benzene, 1,3,5-trinitro-
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U236	72-57-1	Trypan blue
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
U237	66-75-1	Uracil mustard
U238	51-79-6	Carbamic acid, ethyl ester
U238	51-79-6	Ethyl carbamate (urethane)
U239	1330-20-7	Benzene, dimethyl- (I,T)
U239	1330-20-7	Xylene (I)
U240	¹ 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts & esters
U240	¹ 94-75-7	2,4-D, salts & esters
U243	1888-71-7	Hexachloropropene
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-
U244	137-26-8	Thiram
U246	506-68-3	Cyanogen bromide (CN)Br
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
U247	72-43-5	Methoxychlor
U248	¹ 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations of 0.3% or less
U248	¹ 81-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less

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U249	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations of 10% or less
U271	17804-35-2	Benomyl
U271	17804-35-2	Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester
U278	22781-23-3	Bendiocarb
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U279	63-25-2	Carbaryl
U279	63-25-2	1-Naphthalenol, methylcarbamate
U280	101-27-9	Barban
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butyryl ester
U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol, 2-ethoxy-
U359	110-80-5	Ethylene glycol monoethyl ether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-,
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Propham
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Prosulfocarb

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U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U389	2303-17-5	Triallate
U394	30558-43-1	A2213
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-
U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis(8(iminocarbonothioyl))]bis-, dimethyl ester
U409	23564-05-8	Thiophanate-methyl
U410	59669-26-0	Ethanimidothioic acid, N,N'-[thiobis[(methyylimino)carbonyloxy]]bis-, dimethyl ester
U410	59669-26-0	Thiodicarb
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U411	114-26-1	Propoxur
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
See F027	87-86-5	Pentachlorophenol
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
See F027	93-72-1	Silvex (2,4,5-TP)
See F027	93-76-5	2,4,5-T
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol

¹CAS Number given for parent compound only.

History: Adopted 30 Com. Reg. 28515 (May 27, 2008); Proposed 30 Com. Reg. 28161 (Jan. 31, 2008).

Commission Comment: The Commission converted brackets to parenthesis, as brackets are reserved for Commission use.