

**CHAPTER 260a. HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL**

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**Authority**

The provisions of this Chapter 260a issued under sections 105, 401—403 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.401—6018.403 and 6018.501); sections 105, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.105, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); amended under section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)); sections 5(b) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b) and 691.402); section 302 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.302); section 480(e) of the Pennsylvania Used Oil Recycling Act (58 P. S. § 480(e)); and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); sections 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), unless otherwise noted.

**Source**

The provisions of this Chapter 260a adopted April 30, 1999, effective May 1, 1999, 29 Pa.B. 2367, unless otherwise noted.

**Cross References**

This chapter cited in 25 Pa. Code § 252.3 (relating to scope); 25 Pa. Code § 264a.141 (relating to definitions); and 25 Pa. Code § 298.10 (relating to applicability).

**Subchapter A. GENERAL**

Sec.

- 260a.1. Incorporation by reference, purpose, scope and applicability.
- 260a.2. Availability of information.
- 260a.3. Terminology and citations related to Federal Regulations.

**§ 260a.1. Incorporation by reference, purpose, scope and applicability.**

(a) Except as expressly provided in this chapter, 40 CFR Part 260 and its appendices (relating to hazardous waste management system: general) are incorporated by reference.

(b) Regarding the requirements incorporated by reference, nothing contained in this article relieves or limits a person or municipality who generates, transports, stores, treats or disposes of hazardous waste from complying with the Pennsylvania law, including: The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305);

the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); the Pennsylvania Bituminous Coal Mine Act (52 P. S. §§ 1406.1—1406.21); the Pennsylvania Anthracite Coal Mine Act (52 P. S. §§ 70-101—70-1405); and the act of July 9, 1976 (P. L. 931, No. 178) (52 P. S. §§ 27.7-1—27.7-9).

#### Cross References

This section cited in 25 Pa. Code § 298.1 (relating to definitions); 25 Pa. Code § 298.55 (relating to analysis plan); and 25 Pa. Code § 298.61 (relating to restrictions on burning).

### § 260a.2. Availability of information.

40 CFR 260.2 (relating to availability of information) is not incorporated by reference.

### § 260a.3. Terminology and citations related to Federal regulations.

(a) For purposes of interfacing with 40 CFR Parts 260—279, the following terms apply, unless otherwise noted:

(1) The terms “Administrator,” “Regional Administrator,” “Assistant Administrator,” “Assistant Administrator for Solid Waste and Emergency Response” and “State Director” are substituted with “Department.”

(2) When referring to an operating permit or to the Federal hazardous waste program, “Resource Conservation and Recovery Act (42 U.S.C.A. §§ 6901—6986),” “RCRA,” “Subtitle C of RCRA,” “RCRA Subtitle C” or “Subtitle C” is substituted with the act.

(3) “Environmental Protection Agency” or “EPA” and all names or associated acronyms are substituted with “Department” except when referring to the terms “EPA Form,” “EPA Identification Number,” “EPA Acknowledgment of Consent,” “EPA Hazardous Waste Number,” “EPA publication,” “EPA publication number,” “EPA Test Methods” and “EPA Guidance” including any mailing addresses associated with these terms.

(4) “Used oil” is substituted with “waste oil.”

(5) “State,” “authorized state,” “approved state” or “approved program” is substituted with “the Commonwealth.”

(6) Whenever the regulations require compliance with procedures found in 40 CFR Part 270 (relating to EPA administered permit programs: the hazardous waste permit program), compliance is accomplished by the procedures found in Chapter 270a (relating to hazardous waste permit program).

(7) The Commonwealth equivalent of 40 CFR Part 273 (relating to universal waste management) is found in Chapter 266b (relating to universal waste management).

(8) The Commonwealth equivalent of 40 CFR Part 279 (relating to standards for the management of used oil) is found in Chapter 298 (relating to management of waste oil).

(b) Federal regulations that are cited in this article or that are cross referenced in the Federal regulations incorporated by reference include any Pennsylvania modifications made to those Federal regulations.

(c) References to 40 CFR Part 124 (relating to procedures for decision making) found in Federal regulations incorporated by reference are substituted with Pennsylvania procedures found in Chapter 270a.

(d) References to the “Department of Transportation” or “DOT” mean the United States Department of Transportation.

(e) The effective date for the *Code of Federal Regulations* incorporated by reference in this article is May 1, 1999. The incorporation by reference includes any subsequent modifications and additions to the CFR incorporated in this article.

#### Source

The provisions of this § 260a.3 amended June 1, 2001, effective June 2, 2001, 31 Pa.B. 2873. Immediately preceding text appears at serial pages (254872) to (254873).

#### Cross References

This section cited in 25 Pa. Code § 260a.10 (relating to definitions); 25 Pa. Code § 261a.1 (relating to incorporation by reference, purpose and scope); 25 Pa. Code § 261a.39 (relating to conditional exclusion for used, broken cathode ray tubes (CRTS) and processed CRT glass undergoing recycling); 25 Pa. Code § 262a.21 (relating to manifest tracking numbers, manifest printing and obtaining manifests); 25 Pa. Code § 262a.50 (relating to applicability); 25 Pa. Code § 262a.80 (relating to applicability); 25 Pa. Code § 263a.11 (relating to EPA identification number); 25 Pa. Code § 263a.20 (relating to manifest system); 25 Pa. Code § 264a.12 (relating to required notices); 25 Pa. Code § 264a.71 (relating to use of the manifest system); 25 Pa. Code § 264a.147 (relating to liability requirements); 25 Pa. Code § 265a.12 (relating to required notices); 25 Pa. Code § 265a.71 (relating to use of the manifest system); 25 Pa. Code § 265a.141 (relating to definitions); 25 Pa. Code § 265a.147 (relating to liability requirements); 25 Pa. Code § 266b.30 (relating to applicability); 25 Pa. Code § 266b.60 (relating to applicability); 25 Pa. Code § 267a.71 (relating to use of the manifest system); 25 Pa. Code § 268a.1 (relating to incorporation by reference, purpose, scope and applicability); 25 Pa. Code § 270a.2 (relating to definitions); 25 Pa. Code § 270a.5 (relating to noncomplying and program reporting by Director); 25 Pa. Code § 270a.10 (relating to general application requirements and permit issuance procedures); 25 Pa. Code § 270a.60 (relating to permits-by-rule); 25 Pa. Code § 270a.72 (relating to changes during interim status); and 25 Pa. Code § 298.12 (relating to prohibitions).

### Subchapter B. DEFINITIONS

Sec.  
260a.10. Definitions.

#### § 260a.10. Definitions.

A term defined in this section replaces the definition of the term in 40 CFR 260.10, or, in situations for which no term exists in 40 CFR 260.10, the term shall

be defined in accordance with this section. The substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporated definition of “EPA region,” “State,” “United States,” “Administrator” and “Regional Administrator.”

*Act*—The Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Disposal*—The incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of this Commonwealth.

*Existing tank system or existing component*—The Federal definition for “existing tank system or existing component” in 40 CFR 260.10 is incorporated by reference except that the date referenced is January 16, 1993, instead of July 14, 1986.

*Facility*—The land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place, or where hazardous waste is treated, stored or disposed.

*Fund*—The Host Municipalities Fund.

*Hazardous Sites Cleanup Act*—The Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305).

*Hazardous Sites Cleanup Fund*—The fund established by section 901 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.901).

*Host municipality*—A municipality, other than a county, where a qualifying facility is located, either in whole or in part, within its established corporate boundaries.

*Management or hazardous waste management*—The entire process, or a part thereof, of storage, collection, transportation, processing, treatment and disposal of solid wastes by a person engaging in the process. The term “hazardous waste management” refers to management of hazardous waste.

*New hazardous waste management facility or new facility*—The Federal definition for “new hazardous waste management facility or new facility” in 40 CFR 260.10 is incorporated by reference except that the date referenced is November 19, 1980, instead of October 21, 1976.

*New tank system or new tank component*—The Federal definition for “new tank system or new tank component” in 40 CFR 260.10 is incorporated by reference except that the date referenced is January 16, 1993, instead of July 14, 1986.

*Pennsylvania hazardous waste facilities plan*—A plan required by sections 104(14) and 105(f) of the act (35 P. S. §§ 6018.104(14) and 6018.105(f)) and adopted by the EQB which identifies current and future hazardous waste treatment and disposal facilities necessary for the proper management of hazardous waste in this Commonwealth.

*Person*—An individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal government or agency,

State institution and agency (including, but not limited to, the Department of General Services and the State Public School Buildings Authority), or other legal entity which is recognized by law as the subject of rights and duties. In any provision of the act prescribing a fine, imprisonment or penalty, or a combination of the foregoing, the term includes the officers and directors of a corporation or other legal entity having officers and directors.

*RCRA*—The Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6986).

*Registered professional engineer or professional engineer*—An engineer registered to practice engineering in this Commonwealth.

*Registered professional geologist or professional geologist*—A geologist registered to practice geology in this Commonwealth.

*Responsible official*—For corporations, a corporate officer; for limited partnerships, a general partner; for all other partnerships, a partner; for a sole proprietorship, the proprietor; for a municipal, state or Federal authority or agency, an executive officer or ranking elected official responsible for compliance of the hazardous waste activities and facilities of the authority or agency with all applicable rules and regulations.

*Source reduction*—The reduction or elimination of the quantity or toxicity of hazardous waste generated. Source reduction may be achieved through changes within the production process, including process modifications, feedstock substitutions, improvements in feedstock purity, shipping and packing modifications, housekeeping and management practices, increases in the efficiency of machinery and recycling within a process. The term does not include dewatering, compaction, reclamation, treatment, or the use or reuse of waste.

*State manifest document number*—The state abbreviation, the letter and the unique number assigned to the manifest, usually preprinted on the form, for recording and reporting purposes.

*Storage*—The containment of a waste on a temporary basis that does not constitute disposal of the waste. It will be presumed that the containment of waste in excess of 1 year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

*Transportation*—The offsite removal of solid waste at any time after generation.

*Treatment*—

(i) A method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of waste to neutralize the waste or to render the waste nonhazardous, safer for transport, suitable for recovery, suitable for storage, or reduced in volume.

(ii) The term includes an activity or processing designed to change the physical form or chemical composition of waste to render it neutral or non-hazardous.

**Source**

The provisions of this § 260a.10 amended September 7, 2001, effective September 8, 2001, 31 Pa.B. 5075; amended December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102. Immediately preceding text appears at serial pages (282462) to (282464).

**Cross References**

This section cited in 25 Pa. Code § 269a.1 (relating to definitions); 25 Pa. Code § 269a.101 (relating to definitions); and 25 Pa.Code § 298.1 (relating to definitions).

**Subchapter C. RULEMAKING PETITIONS**

Sec.

260a.20. Rulemaking petitions.

260a.30. [Reserved].

**§ 260a.20. Rulemaking petitions.**

Each petition shall be submitted in accordance with Chapter 23 (relating to Environmental Quality Board—policy for processing petitions—statement of policy) instead of the procedures in 40 CFR 260.20(b)—(e) (relating to general).

**§ 260a.30. [Reserved].****Source**

The provisions of this § 260a.30 corrected May 14, 1999, effective May 1, 1999, 29 Pa.B. 2576; reserved January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (294480).

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