

**CHAPTER 262a. STANDARDS APPLICABLE TO GENERATORS
OF HAZARDOUS WASTE**

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Authority

The provisions of this Chapter 262a 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), unless otherwise noted.

Source

The provisions of this Chapter 262a 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 § 261a.7 (relating to residues of hazardous waste in empty containers); 25 Pa. Code § 270a.60 (relating to permits by rule); 25 Pa. Code § 272.541 (relating to basic requirements); 25 Pa. Code § 272.551 (relating to household hazardous waste transportation, storage and disposal; and 25 Pa. Code § 298.10 (relating to applicability).

Subchapter A. GENERAL

Sec.

- 262a.10. Incorporation by reference, purpose, scope and applicability.
 262a.11. Hazardous waste determination.
 262a.12. EPA identification numbers.

§ 262a.10. Incorporation by reference, purpose, scope and applicability.

Except as expressly provided in this chapter, 40 CFR Part 262 and its appendices (relating to standards applicable to generators of hazardous waste) are incorporated by reference. In 40 CFR 262.10(g) (relating to purpose, scope and applicability), the term “section 3008 of the act” is replaced with “Article VI of the Solid Waste Management Act (35 P. S. §§ 6018.601—6018.617).” 40 CFR 262.10(j) and (k) (relating to purpose, scope, and applicability) and Part 262 Subpart J (relating to University Laboratories XL Project—Laboratory Environmental Management Standard) are not incorporated by reference.

Authority

The provisions of this § 262a.10 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)); section 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).

Source

The provisions of this § 262a.10 amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (317319).

Cross References

This section cited in 25 Pa. Code § 272.541 (relating to collection contractor).

§ 262a.11. Hazardous waste determination.

In addition to the requirements incorporated by reference, a determination that a waste is not hazardous under 40 CFR 262.11 (relating to hazardous waste determination) does not preclude the Department from determining the waste to be hazardous, using the characteristics and testing methods set forth in 40 CFR Part 261 (relating to identification and listing of hazardous waste).

Source

The provisions of this § 262a.11 adopted December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102.

§ 262a.12. EPA identification numbers.

In addition to the requirements incorporated by reference:

- (1) A generator shall submit a subsequent notification to the Department if:
 - (i) The generator activity moves to another location.
 - (ii) The generator facility's designated contact person changes.
 - (iii) The ownership of the generator facility changes.
 - (iv) The type of regulated activity that takes place at the generator facility changes.
 - (v) The generator's generator status changes, except when the generator status change is temporary.
 - (vi) The name of the facility changes.
- (2) A generator shall offer a shipment of hazardous waste only to a transporter with a valid license issued by the Department.

Authority

The provisions of this § 262a.12 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)); section 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).

Source

The provisions of this § 262a.12 amended December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102; amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (317320).

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Cross References

This section cited in 25 Pa. Code § 272.541 (relating to collection contractor).

Subchapter B. MANIFEST

Sec.

262a.20. [Reserved].

262a.21. Manifest tracking numbers, manifest printing and obtaining manifests.

262a.22. [Reserved].

262a.23. [Reserved].

§ 262a.20. [Reserved].**Source**

The provisions of this § 262a.20 amended December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102; reserved January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (294489).

§ 262a.21. Manifest tracking numbers, manifest printing and obtaining manifests.

Regarding the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR 262.21 (relating to manifest tracking numbers, manifest printing and obtaining manifests).

Authority

The provisions of this § 262a.21 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)); section 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).

Source

The provisions of this § 262a.21 amended December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102; amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (294489).

§ 262a.22. [Reserved].**Source**

The provisions of this § 262a.22 reserved January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (294490).

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§ 262a.23. [Reserved].**Source**

The provisions of this § 262a.23 amended December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102; reserved January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (294490).

Subchapter C. PRETRANSPORT REQUIREMENTS

Sec.
262a.34. Accumulation time.

§ 262a.34. Accumulation time.

In addition to the requirements incorporated by reference, a generator who accumulates hazardous waste onsite as specified in 40 CFR 262.34(a)(1)(i) (relating to accumulation time) shall also comply with Chapter 265a, Subchapter I (relating to use and management of containers).

Source

The provisions of this § 262a.34 adopted December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102.

Subchapter D. RECORDKEEPING AND REPORTING

Sec.
262a.41. [Reserved].
262a.42. Exception reporting.
262a.43. Additional reporting.

Cross References

This subchapter cited in 25 Pa. Code § 272.541 (relating to basic requirements).

§ 262a.41. [Reserved].**Source**

The provisions of this § 262a.41 reserved January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (294491).

§ 262a.42. Exception reporting.

Regarding the requirements incorporated by reference, the phrase “for the region in which the generator is located” contained in 40 CFR 262.42 (relating to exception reporting) is not incorporated by reference.

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§ 262a.43. Additional reporting.

In addition to the requirements incorporated by reference:

(1) Spills and discharges which are in amounts less than the reportable quantities, which do not result in discharges into waters of this Commonwealth, and which are managed according to an approved contingency plan, need not be reported.

(2) The reportable quantities are:

(i) Liquid hazardous waste or liquids that become hazardous waste when spilled or discharged shall be reported to the Department when the quantity spilled or discharged equals or exceeds the reportable quantity for the waste contained in 40 CFR 302.4 (relating to designation of hazardous substances) or 10 gallons, whichever is more stringent. Liquids are flowable substances which contain less than 20% solids by dry weight. Flowable refers to flow in the sense of pourable as a liquid.

(ii) Solid hazardous waste or solids that become hazardous wastes when spilled or discharged shall be reported to the Department when the quantity spilled or discharged equals or exceeds the reportable quantity for the waste contained in 40 CFR 302.4 or 500 pounds, whichever is more stringent.

(3) A discharge or spill into waters of this Commonwealth shall be reported regardless of quantity spilled or discharged.

(4) In the event of a discharge or spill equal to or greater than the reportable quantity of hazardous waste or material that becomes a hazardous waste when spilled or discharged, the generator shall take appropriate immediate action to protect the health and safety of the public and the environment and immediately notify the Department by telephone at (800) 541-2050 with the following information:

- (i) The name of the person reporting the spill.
- (ii) The name and identification number of the generator.
- (iii) The phone number where the person reporting the spill can be reached.
- (iv) The date, time and location of the spill.
- (v) A brief description of the incident.
- (vi) For each material involved in the spill:
 - (A) The shipping name, hazard class and U.N. Number.
 - (B) The estimated quantity of material spilled.
- (vii) The extent of contamination of land, water or air, if known.

(5) If a discharge or spill of hazardous waste, or hazardous material that becomes a hazardous waste when spilled or discharged, occurs during onsite unloading, loading, storage or plan operation, and a Departmental official acting within the scope of his official responsibilities determines that immediate removal of the material is necessary to protect the health and safety of the public and the environment, that official may authorize in writing the removal of

the material by transporters who do not have identification numbers or license and without the preparation of a manifest.

(6) A generator shall clean up a spill or discharge of hazardous waste, or material that becomes a hazardous waste when spilled or discharged, that occurs during onsite unloading, loading, storage or plan operation, and take actions that may be required or approved by the Department so that the discharge or spill no longer presents a hazard to the health and safety of the public or environment.

(7) In addition, the generator shall file a written report on a spill or discharge of a reportable hazardous waste or material that becomes a hazardous waste when spilled or discharged, with the Department within 15 days after the incident, and supply the Department with other information it may require or request that pertains to the discharge. The report on the spill or discharge shall be entitled "Hazardous Waste Spill Report" and shall contain the following information:

- (i) The name, address and identification number of the generator and the date, time and location of the incident.
- (ii) A brief description of the circumstances causing the incident.
- (iii) A description of each of the hazardous wastes or materials that become hazardous wastes when spilled or discharged involved in the incident, including the estimated quantity spilled by weight or volume.
- (iv) A legible copy of the manifest document, if applicable.
- (v) A description of a contamination of land, water or air that has occurred due to the incident.
- (vi) A description of the actions the generator intends to take to prevent a similar occurrence in the future.

Source

The provisions of this § 262a.43 adopted December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102.

Subchapter E. EXPORTS OF HAZARDOUS WASTE

Sec.
262a.50. Applicability
262a.55—262a.57. [Reserved].

§ 262a.50. Applicability.

Relative to the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR Part 262, Subpart E (relating to exports of hazardous waste).

Source

The provisions of this § 262a.50 adopted December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102.

§§ 262a.55—262a.57. [Reserved].**Source**

The provisions of these §§ 262a.55—262a.57 reserved December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102. Immediately preceding text appears at serial page (284434).

**Subchapter H. TRANSFRONTIER SHIPMENTS OF
HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD**

Sec.

262a.80. Applicability.

§ 262a.80. Applicability.

Relative to the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR Part 262, Subpart H (relating to transfrontier shipments of hazardous waste for recovery within the OECD).

Subchapter I. SOURCE REDUCTION STRATEGY

Sec.

262a.100. Source reduction strategy.

Cross References

This subchapter cited in 25 Pa. Code § 262a.34 (relating to accumulation time); and 25 Pa. Code § 272.541 (relating to collection contractor).

§ 262a.100. Source reduction strategy.

(a) By January 17, 1994, a person or municipality that generates hazardous waste shall prepare a source reduction strategy in accordance with this section. Except as otherwise provided in this article, the strategy shall be signed by the person or municipality that generated the waste, be maintained on the premises where the waste is generated, be available on the premises for inspection by any representative of the Department and be submitted to the Department upon request. The strategy may designate certain production processes as confidential. This confidential information may not be made public without the expressed written consent of the generator. Unauthorized disclosure is subject to appropriate penalties as provided by law.

- (b) For each type of waste generated, the strategy must include:
- (1) A description of the source reduction activities conducted by the person or municipality in the 5 years prior to the date that the strategy is required to be prepared. The description must quantify reductions in the weight or toxicity of waste generated on the premises.
 - (2) A statement of whether the person or municipality established a source reduction program. This program must identify the methods and procedures that the person or municipality will implement to achieve a reduction in the weight or toxicity of waste generated on the premises, quantify the projected reduction in weight or toxicity of waste to be achieved by each method or procedure and specify when each method or procedure will be implemented.
 - (3) If the person or municipality has not established a source reduction program as described in paragraph (2), it shall develop a strategy including the following:
 - (i) A waste stream characterization, including source, hazards, chemical analyses, properties, generation rate, management techniques and management costs.
 - (ii) A description of potential source reduction options.
 - (iii) A description of how the options were evaluated.
 - (iv) An explanation of why each option was not selected.
- (c) The strategy required by this section shall be updated when either of the following occurs:
- (1) There is a significant change in a type of waste generated on the premises or in the manufacturing process, other than a change described in the strategy as a source reduction method.
 - (2) Every 5 years, unless the Department establishes, in writing, a different period for the person or municipality that generated the waste.
 - (d) If hazardous waste generated by a person or municipality will be treated, stored or disposed of at a solid waste management facility which has applied to the Department for approval to treat, store or dispose of the waste, the person or municipality that generated the hazardous waste shall submit the source reduction strategy required by this section to the facility upon the request of the facility.
 - (e) This section does not apply to persons or municipalities that generate a total of less than 1,000 kilograms of hazardous waste in each month of the year.
 - (f) A person or municipality that generates hazardous waste may reference existing documents it has prepared to meet other waste minimization requirements to comply with this section, including those proposed to comply with 40 CFR 262.41(a)(5)—(7) (relating to biennial report).

Appendix A**Uniform Hazardous Waste Manifest and Instructions
(EPA Forms 8700-22 and 8700-22A and their instructions)**

Regarding the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR Appendix to Part 262—Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and their instructions).

Authority

The provisions of this § 262a.100 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)); section 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).

Source

The provisions of this § 262a.100 amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (294494) to (294495).

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