DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR AND WASTE MANAGEMENT

Statutory Authority: 7 Delaware Code, Section 6010, (7 **Del.C.** §6010)
7 **DE Admin. Code** 1302

PROPOSED

Secretary's Order No.: **2008-18**

1. TITLE OF THE REGULATIONS:

Delaware *Regulations Governing Hazardous Waste (DRGHW)*

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

In order for the State of Delaware to maintain authorization from the U. S. Environmental Protection Agency (EPA) to administer its own hazardous waste management program, the State must maintain a program that is equivalent to and no less stringent than the Federal program. To accomplish this, the State regularly amends the *DRGHW* by adopting amendments previously promulgated by EPA. In addition, the State is proposing to make miscellaneous changes to the *DRGHW* that correct existing errors in the hazardous waste regulations, add clarification or enhance the current hazardous waste regulations.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

Amendments to *DRGHW* are proposed and amended in accordance with the provisions found at 7 **Delaware Code**, Chapters 60 and 63.

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None

6. NOTICE OF PUBLIC COMMENT:

The public hearing on the proposed amendments to *DRGHW* will be held on Thursday October 23, 2008 starting at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

7. PREPARED BY:

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1302 Regulations Governing Hazardous Waste

AMENDMENT 1:

Headworks Exemption - Federal Checklist 211

Section 261.3 Definition of hazardous waste.

(a) A solid waste, as defined in §261.2, is a hazardous waste if:

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(2) It meets any of the following criteria:

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(iv) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D of this part and has not been excluded from paragraph (a)(2) of this section under §§ 260.20 and 260.22, paragraph (g) of this section, or paragraph (h) of this section; however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D of this part are not hazardous wastes (except by application of paragraph (a)(2)(i) or (ii) of this section) if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater), and:

(A) One or more of the following solvents listed in §261.31-benzene, carbon tetrachloride, tetrachloroethylene, trichloroethylene or the scrubber waters derived-from the combustion of these spent solvents-Provided, that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million~~;~~ ,or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act, as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 1 part per million on an average weekly basis. Any facility that uses benzene as a solvent and claims this exemption must use an aerated biological wastewater treatment system and must use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Secretary. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received and approved in writing by the Secretary. The Secretary may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. Once approved, if the facility is not following the sampling and analysis plan, the facility shall cease the use of the direct monitoring option and immediately notify DNREC in writing, or if the Secretary finds that the facility is not following the sampling and analysis plan, the Secretary shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

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B) One or more of the following spent solvents listed in §261.31--methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, 2- ethoxyethanol, or the scrubber waters derived-from the combustion of these spent solvents-provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million~~;~~ ,or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 25 parts per million on an average weekly basis. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Secretary. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received and approved in writing by the Secretary. The Secretary may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. Once

approved, if the facility is not following the sampling and analysis plan, the facility shall cease the use of the direct monitoring option and immediately notify DNREC in writing, or if the Secretary finds that the facility is not following the sampling and analysis plan, the Secretary shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

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(D) A discarded hazardous waste, commercial chemical product, or chemical intermediate listed in ~~§261.33~~ §§261.31 through 261.33, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this paragraph (a)(2)(iv)(D), ~~"~~de minimis~~"~~ losses are inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing. Any manufacturing facility that claims an exemption for de minimis quantities of wastes listed in §§ 261.31 through 261.32, or any nonmanufacturing facility that claims an exemption for de minimis quantities of wastes listed in subpart D of this part must either have eliminated the discharge of wastewaters or have included in its Clean Water Act permit application or submission to its pretreatment control authority the constituents for which each waste was listed (in 40 CFR 261 appendix VII) of this part; and the constituents in the table '"Treatment Standards for Hazardous Wastes"' in 40 CFR 268.40 for which each waste has a treatment standard (i.e., Land Disposal Restriction constituents). A facility is eligible to claim the exemption once the permit writer or control authority has been notified of possible de minimis releases via the Clean Water Act permit application or the pretreatment control authority submission. A copy of the Clean Water permit application or the submission to the pretreatment control authority must be placed in the facility's on-site files and made immediately available upon request; or

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(F) One or more of the following wastes listed in §261.32--wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)--Provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that can not be demonstrated to be reacted in the process, destroyed through treatment, or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilution~~s~~ into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 5 parts per million on an average weekly basis. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Secretary. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received and approved in writing by the Secretary. The Secretary may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. Once approved, if the facility is not following the sampling and analysis plan, the facility shall cease the use of the direct monitoring option and immediately notify DNREC in writing, or if the Secretary finds that the facility is not following the sampling and analysis plan, the Secretary shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

(G) Wastewaters derived from the treatment of one or more of the following wastes listed in §261.32--organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156). Provided, that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system

(at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 5 milligrams per liter on an average weekly basis. Facilities that choose to measure concentration levels must file copy of their sampling and analysis plan with the Secretary. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received and approved in writing by the Secretary. The Secretary may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. Once approved, if the facility is not following the sampling and analysis plan, the facility shall cease the use of the direct monitoring option and immediately notify DNREC in writing, or if the Secretary finds that the facility is not following the sampling and analysis plan, the Secretary shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected.

AMENDMENT 2:

Cathode Ray Tubes - Federal Checklist 215

Subpart B-Definitions

Section 260.10 is amended by adding in alphabetical order the definitions of "Cathode ray tube," "CRT collector," "CRT generator," "CRT glass manufacturer," and "CRT processing," to read as follows:

§ 260.10 Definitions.

* * * * *

Cathode ray tube or ***CRT*** means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A used, intact CRT means a CRT whose vacuum has not been released. A used, broken CRT means glass removed from its housing or casing whose vacuum has been released.

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CRT collector means a person who receives used, intact CRTs for recycling, repair, resale, or donation. [Note: CRT collectors must also comply with the requirements of Delaware's Regulations Governing Solid Waste.]

CRT generator means a person by site other than a household who offers CRT's for collection or recycling.

CRT glass manufacturer means an operation or part of an operation that uses a furnace to manufacture CRT glass. [Note: CRT glass manufactures must also comply with the requirements of Delaware's *Regulations Governing Solid Waste*.]

CRT processing means conducting any of the following activities:

(1) Receiving broken or intact CRTs; or

(2) Intentionally breaking intact CRTs or further breaking or separating broken CRTs; or

(3) Sorting or otherwise managing glass removed from CRT monitors.

[Note: CRT processing and processors must also comply with the requirements of Delaware's *Regulations Governing Solid Waste*.]

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Section 261.4 is amended by adding a new paragraph (b) (16), to read as follows:

§ 261.4 Exclusions.

(b) * * *

(16) Used, intact or broken cathode ray tubes and CRT glass (CRTs)

(i) Used, intact or broken CRTs while at the site of the CRT Generator as defined in § 260.10 of this chapter are not hazardous waste, provided the CRT's are not disposed and provided they are managed as follows:

A. Used, intact CRT's

(1) Storage: A CRT generator must store used, intact CRT's

(i) in a structurally sound building with a roof, impervious floor, and walls; or

(ii) in a container in good condition, constructed, filled and closed to minimize releases to the environment of CRT glass (including fine solid materials) with the container maintained in a structurally sound roofed structure on an underlying impervious base.

(2) Labeling: Containers in which used, intact CRT's are placed must be labeled or marked "Used cathode ray tube(s)-contains leaded glass ."

(3) A CRT generator may accumulate used, intact CRT's for not longer than one year from the date the CRT is first taken out of service. The CRT generator must be able to demonstrate the length of time that each CRT is accumulated from the date it is first taken out of service.

B. Used, Broken CRT's, including CRT Glass

(1) Storage:

(i) A CRT generator must store used, broken CRT's in a container in good condition, constructed, filled and closed to minimize releases to the environment of CRT glass (including fine solid materials).

(ii) Containers must be maintained in a structurally sound roofed structure on an underlying impervious base.

(2) Labeling: Containers in which used, broken CRT's are placed must be labeled or marked "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."

(3) The CRT generator must be able to demonstrate the length of time that each used, broken CRT is accumulated from the date it is first taken out of service. [Note: The out of service date for a used, broken CRT resulting from breakage of an out of service used, intact CRT, is that of the original out of service date.]

(ii) Used, intact or broken CRTs as defined in § 260.10 of this chapter managed by CRT collectors and processors are not hazardous waste, provided the CRT's are not disposed and provided they are managed in accordance with the applicable requirements of §261.39.

(iii) Used, intact CRTs as defined in § 260.10 of this chapter are not hazardous waste when exported for recycling provided that they meet the requirements of § 261.40.

(iv) Used, intact CRTs as defined in § 260.10 of this chapter are not hazardous waste when exported for reuse provided that they meet the requirements of § 261.41.

(v) Glass removed from CRTs is not a solid waste provided that it meets the requirements of § 261.39(c).

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Part 261 is amended by adding Subpart E to read as follows:

Subpart E-Exclusions/Exemptions

§ 261.39 Conditional Exclusion from Hazardous Waste for Used, Intact or Broken Cathode Ray Tubes and CRT Glass (CRTs) Managed by CRT Collectors and CRT Processors and Processed CRT Glass Undergoing Recycling.

While solid waste, used, intact or broken CRTs are not hazardous waste if they meet the following conditions:

(a) *Prior to processing*: These materials are not hazardous waste if they are destined for recycling and if they meet the following requirements:

(1) Storage.

(i) Used, intact and broken CRTs must be stored in a structurally sound building with a roof, impervious floor, and walls; and

(ii) Used, broken CRTs must be stored in a container in good condition that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

(2) Labeling. Each container in which CRT's are 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."

(3) Transportation. The used, intact or broken CRTs must be transported in a container meeting the requirements of paragraphs (a) (1) (ii) and (2) of this section.

(4) Accumulation and use constituting disposal. The used, intact or broken CRTs must be recycled or sent for recycling during each calendar quarter (commencing January 1, April 1, July 1, and October 1) with the amount of CRT's recycled or sent for recycling equaling at least 75 percent of the amount accumulated at the beginning of each quarter. The CRT collector or processor must be able to demonstrate the actual amount recycled by providing records immediately upon request. Records must be maintained for a period of three years. If the CRT's are used in a manner constituting disposal, they must comply with the applicable requirements of Part 266, Subpart C instead of the requirements of this section.

(5) Exports. In addition to the applicable conditions specified in paragraphs (a) (1)-(4) of this section, exporters of used, intact or broken CRTs must comply with the following requirements:

(i) Notify EPA and the DNREC Secretary of an intended export before the CRTs are scheduled to leave the United States. A complete notification must be submitted sixty (60) days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a twelve (12) month or lesser period. The notification must be in writing, signed by the exporter, and include the following information:

(A) Name, mailing address, telephone number and EPA ID number (if applicable) of the exporter of the CRTs.

(B) The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported.

(C) The estimated total quantity of CRTs specified in kilograms.

(D) All points of entry to and departure from each foreign country through which the CRTs will pass.

(E) A description of the means by which each shipment of the CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.)).

(F) The name and address of the recycler and any alternate recycler.

(G) A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs.

(H) The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.

(ii) Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 1200 Pennsylvania Ave., NW., Washington, DC. A copy of the notification must also be sent to the DNREC Secretary. In all cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export CRTs."

(iii) Upon request by EPA or DNREC, the exporter shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.

(iv) EPA will provide a complete notification to the receiving country.

(b) *Requirements for used CRT processing*: While solid waste, used, intact or broken CRTs undergoing CRT processing as defined in § 260.10 of this chapter are not hazardous waste if they meet the following requirements:

(1) *Storage*. Used, intact or broken CRTs undergoing processing are subject to the requirements of paragraph (a) of this section.

(2) *Processing*.

(i) All activities specified in paragraphs (2) and (3) of the definition of "CRT processing" in § 260.10 of these regulations must be performed within a structurally sound building with a roof, impervious floor, and walls; and

(ii) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

(c) *Processed CRT glass sent to CRT glass making or lead smelting*: Glass from used CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter is not a solid waste after processing unless it is speculatively accumulated as defined in §261.1(c)(8).

(d) *Use constituting disposal*: Glass from used CRTs that is used in a manner constituting disposal must comply with the requirements of Part 266, Subpart C instead of the requirements of this section.

§ 261.40 Conditional Exclusion from Hazardous Waste for Used, Intact Cathode Ray Tubes (CRTs) Exported for Recycling.

While solid waste, used, intact CRTs exported for recycling are not hazardous waste if they meet the requirements, including notice and consent conditions of § 261.39(a).

§ 261.41 Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse.

(a) While solid waste, used, intact CRTs exported for reuse are not hazardous waste if they meet the conditions of 261.39(a)(1) and (2) and if during each calendar quarter (commencing January 1, April 1, July 1, and October 1) the amount of CRT's sent for reuse equals at least 75 percent of the amount accumulated at the beginning of each quarter. The exporter must be able to demonstrate the actual amount exported by providing records immediately upon request. Records must be maintained for a period of three years.

(b) Persons who export used, intact CRTs for reuse must send a one-time notification to the Regional Administrator and the DNREC Secretary. The notification must include a statement that the notifier plans to export used, intact CRTs for reuse, the notifier's name, address, and EPA ID number (if applicable) and the name and phone number of a contact person.

(c) Persons who export used, intact CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported.

AMENDMENT 3:

Federal Correction, International Agreement Countries - Federal Checklist 214

Section 262.58 International Agreements.

(a) Any person who exports or imports hazardous waste subject to manifest requirements of Part 262, or subject to the universal waste management standards of Part 273, to or from designated member countries of the Organization for Economic Cooperation and Development (OECD) as defined in paragraph (a)(1) of this section for purposes of recovery is subject to Subpart H of this part. The requirements of Subparts E and F do not apply.

(1) For the purposes of this Subpart, the designated OECD countries consist of Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, South Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

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AMENDMENT 4:

Uniform Manifest Rule, Delaware Corrections

262.20 General requirements.

(a)

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(2) The revised Manifest form and procedure in 260.10, 261.7, 262.20, 262.21, 262.27, 262.32, ~~262.33,~~ 262.34, 262.54, 262.60, and the appendix to part 262 of these regulations shall not apply until September 5, 2006. The manifest form and procedures in 40 CFR 260.10, 261.7, 262.20, 262.21, 262.32, 262.34, 262.54, 262.60, and the Appendix to part 262, contained in the 40 CFR, parts 260 to 265, edition revised as of July 1, 2004, shall be applicable until September 5, 2006.

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Section 263.21 Compliance with the Manifest.

(a) The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

(1) The designated facility listed on the manifest; or

(2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(3) The next designated transporter, or

(4) The place outside the United States designated by the generator.

~~(b) If the hazardous waste cannot be delivered in accordance with paragraph (a) of this section, the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.~~

(b)(1) If the hazardous waste cannot be delivered in accordance with paragraph (a) 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.

(2) 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:

(i) 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 § 263.22, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in § 264.72(e)(1) through (6) or (f)(1) through (6) or § 265.72(e)(1) through (6) or (f)(1) through (6) of these regulations.

(ii) 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 § 263.22, 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 *DRGHW* § 264.72(e)(1) through (6) or (f)(1) through (6) or § 265.72(e)(1) through (6) or (f)(1) through (6).

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Section 264.72 Manifest Discrepancies.

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(f) Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with § 262.20(a) of this chapter and the following instructions:

(1) Write the facility's U.S. EPA ID number in Item 1 of the new manifest. ~~Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5~~. Write the designated facility's name and mailing address in Item 5. If the designated facility's site address is different, then write the site address in the space in Item 5.

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Section 265.72 Manifest Discrepancies.

(f) Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with § 262.20(a) of this chapter and the following instructions:

(1) Write the facility's U.S. EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5. Write the designated facility's name and mailing address in Item 5. If the designated facility's site address is different, then write the site address in the space in Item 5.

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AMENDMENT 5:

Use of the Manifest, Delaware Correction

Section 262.23 Use of the manifest.

(a) The generator must:

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~~(4) Within 10 days of acceptance by the transporter send a copy of the manifest to the state in which the generator is located and to the state in which the facility is located.~~

(b) The generator must give the transporter the remaining copies of the manifest ~~or portions thereof in accordance with instructions on the standard manifest form~~.

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AMENDMENT 6:

Exception Report Recordkeeping for SQG's
Delaware Clarification

Subpart D Recordkeeping and Reporting

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Section 262.44 Special Requirements for Generators of Between 100 and 1000 Kilograms/Month.

A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month is exempt from the requirements of this subpart, except for the recordkeeping requirements in paragraphs (a), the Exception Reporting requirements in (b), (c), and (d) in §262.40, §262.42(b) exception reporting requirements, and the requirements of §262.43.

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AMENDMENT 7:

Manifest Printing

Delaware retraction of Federal portion

Section 262.21 Manifests tracking numbers, manifest printing, and obtaining manifests.

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(f) Reserved ~~Paper manifests and continuation sheets must be printed according to the following specifications:~~

~~(1) The manifest and continuation sheet must be printed with the exact format and appearance as EPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be preprinted on the manifest form.~~

~~(2) A unique manifest tracking number assigned in accordance with a numbering system approved by EPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.~~

~~(3) The manifest and continuation sheet must be printed on 81/2 x 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.~~

~~(4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be in red ink.~~

~~(5) The manifest and continuation sheet must be printed as six copy forms. Copy to copy registration must be exact within 1/32nd of an inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.~~

~~(6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:~~

~~(i) Page 1 (top copy): "Designated facility to destination State".~~

~~(ii) Page 2: "Designated facility to generator State".~~

~~(iii) Page 3: "Designated facility to generator".~~

~~(iv) Page 4: "Designated facility's copy".~~

~~(v) Page 5: "Transporter's copy".~~

~~(vi) Page 6 (bottom copy): "Generator's initial copy".~~

~~(7) The instructions in the appendix to part 262 of these regulations must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.~~

~~(i) Manifest Form 8700-22.~~

~~(A) The "Instructions for Generators" on Copy 6;~~

~~(B) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and~~

~~(C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.~~

~~(ii) Manifest Form 8700-22A.~~

~~(A) The "Instructions for Generators" on Copy 6;~~

~~(B) The "Instructions for Transporters" on Copy 5; and~~

~~(C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.~~