

Draft Final-Omitted Rulemaking

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

Part I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VII. HAZARDOUS WASTE MANAGEMENT

CHAPTER 261a. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Subchapter A. General

§ 261a.5. [Special requirements for hazardous waste generated by conditionally exempt small quantity generators] [Reserved].

[(a) The reference to 40 CFR Part 279 in 40 CFR 261.5(c)(4) and (j) (relating to special requirements for hazardous waste generated by conditionally exempt small quantity generators is replaced with Chapter 298 (relating to management of waste oil).

(b) In addition to the requirements incorporated by reference, a conditionally exempt small quantity generator may not dispose of hazardous waste in a municipal or residual waste landfill in this Commonwealth.

(c) A conditionally exempt small quantity generator complying with this subchapter and 40 CFR 261.5 is deemed to have a license for the transportation of those conditionally exempt small quantity generator wastes generated by the generator's own operation.]

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§ 261a.8. [Requirements for universal waste] [Reserved].

§ 261a.9. Requirements for universal waste.

In addition to the requirements incorporated by reference, oil-based finishes and photographic solutions as defined in § 266b.3 (relating to definitions) are included as wastes subject to regulation under Chapter 266b (relating to universal waste management).

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CHAPTER 262a. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

Subchapter A. GENERAL

§ 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] 262.10(k) (relating to purpose, scope and applicability) [and Part 262 Subpart J (relating to University Laboratories XL Project – Laboratory Environmental Management Standard) are] is not incorporated by reference.

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§ 262a.12. [EPA identification numbers] [Reserved].

[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.]**

§ 262a.13. Generator category determination.

The reference to 40 CFR Part 279 in 40 CFR 262.13(c)(4) and (f)(iii) (relating to generator category determination) is replaced with Chapter 298 (relating to management of waste oil).

§ 262a.14. Conditions for exemption for a very small quantity generator.

- (a) **In addition to the requirements incorporated by reference, a very small quantity generator may not dispose of hazardous waste in a municipal or residual waste landfill in this Commonwealth.**
- (b) **A very small quantity generator complying with this subchapter and 40 CFR 261.14 (relating to conditions for exemption for a very small quantity generator) is deemed to have a license for the transportation of those very small quantities of waste generated by the generator's own operation.**

§ 262a.16. Conditions for exemption for small quantity generator that accumulates hazardous waste.

In addition to the requirements incorporated by reference, a small quantity generator who accumulates hazardous waste onsite as specified in 40 CFR 262.16 (relating to conditions for exemption for a small quantity generator that accumulates hazardous waste) shall also comply with Chapter 265a, Subchapter I (relating to use and management of containers).

§ 262a.17. Conditions for exemption for a large quantity generator that accumulates hazardous waste.

In addition to the requirements incorporated by reference, a large quantity generator who accumulates hazardous waste onsite as specified in 40 CFR 262.17 (relating to conditions for exemption for a large quantity generator that accumulates hazardous waste) shall also comply with Chapter 265a, Subchapter I (relating to use and management of containers).

§ 262a.18. 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.**

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Subchapter D. RECORDKEEPING AND REPORTING

§ 262a.34. [Accumulation time] [Reserved].

[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 comply with Chapter 265a, Subchapter I (relating to use and management of containers.)]

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CHAPTER 263a. TRANSPORTERS OF HAZARDOUS WASTE

Subchapter A. GENERAL

§ 263a.13. Licensing.

- (a) Except as otherwise provided in subsection (b), § [261a.5(c)] 262a.14(b), § 266a.70(1) or § 266b.50 (relating to requirements for hazardous waste generated by **[conditionally exempt] very** small quantity generators; applicability and requirements; and applicability), a person or municipality**

may not transport hazardous waste within this Commonwealth without first obtaining a license from the Department.

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**CHAPTER 264a. OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE AND
DISPOSAL FACILITIES**

Subchapter B. General Facility Standards

§ 264a.11. Identification number and transporter license.

In addition to the requirements incorporated by reference, a person or municipality who owns or operates a hazardous waste management facility may not accept hazardous waste for treatment, storage or disposal from a transporter who has not received an EPA identification number and a license from the Department, except as otherwise provided. The licensing requirement does not apply to [**conditionally exempt**] very small quantity generators transporting their own hazardous waste provided that the [**conditionally exempt**] very small quantity generator is in compliance with § [251a.5(d)] 262a.14(b) (relating to special requirements for hazardous waste generated by [**conditionally exempt**] very small quantity generators), transporters transporting recyclable materials utilized for precious metal recovery in compliance with § 266a.70(1) (relating to applicability and requirements) or universal waste transporters in compliance with § 266b.50 (relating to applicability).

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**CHAPTER 265a. INTERIM STATUS STANDARDS FOR OWNERS
AND OPERATORS OF HAZARODUS WASTE TREATMENT,
STORAGE AND DISPOSAL FACILITIES**

Subchapter B. GENERAL FACILITY STANDARDS

§ 265a.11. Identification number and transporter license.

In addition to the requirements incorporated by reference, a person or municipality who owns or operates a hazardous waste management facility may

not accept hazardous waste for treatment, storage or disposal from a transporter without an EPA identification number and a license from the Department, except as otherwise provided. The licensing requirement does not apply to **[conditionally exempt] very** small quantity generators transporting their own hazardous waste if the **[conditionally exempt] very** small quantity generator is in compliance with § **[261a.5(d)] 262a.14(b)** (relating to special requirements for hazardous waste generated by **[conditionally exempt] very** small quantity generators), transporters transporting recyclable materials utilized for precious metal recovery in compliance with §266a.70(1) (relating to applicability and requirements) or universal waste transporters in compliance with § 266b.50 (relating to applicability).

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