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## **RCRA, Superfund & EPCRA Hotline Training Module**

**Introduction to:**

**Treatment, Storage, and Disposal  
Facilities**

**(40 CFR Parts 264/265, Subpart A-E)**

**Updated July 1997**

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# RCRA TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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## 1. INTRODUCTION

The management of hazardous waste at treatment, storage, and disposal facilities (TSDFs) plays a large and critical role in the Resource Conservation and Recovery Act (RCRA) regulatory scheme. RCRA §3004 mandates proper design, construction, and operation of all TSDFs in a manner which is protective of human health and the environment. The TSDF regulations are more extensive than the standards for generators and transporters. There are several reasons for this: for example, facilities for hazardous waste treatment, storage, and/or disposal are relatively complicated to construct and maintain, and they are accumulating and storing hazardous wastes in large volumes. By promulgating comprehensive regulations for these facilities both during operation and, if necessary, after closure, EPA hopes to avoid the creation of new abandoned hazardous waste sites and minimize the risk of contaminants being released from TSDFs.

There are many different types of TSDFs that must be regulated. EPA has attempted to design the regulations as straightforwardly as possible by setting general standards for all regulated TSDFs. These standards are considered "good management practices" for any facility engaged in hazardous waste management. In addition to these general standards, a TSDF must comply with separate, unit-specific standards that address the hazards associated with the particular types of hazardous waste management units at a TSDF. This training module presents an overview of the general TSDF standards found in 40 CFR Parts 264/265, Subparts A through E. The unit-specific standards are addressed in other modules.

When you have completed this module you will be able to discuss the general requirements for TSDFs and discern the differences between the applicability of Part 264 versus Part 265. Specifically, you will be able to:

- Identify and explain each exclusion from Part 264/265, and find definitions of excluded units, such as "wastewater treatment unit" and "elementary neutralization unit"
- Locate and describe the requirements for waste analysis and personnel training
- Describe the purpose of a contingency plan and list the emergency notification procedures
- Describe manifest procedures and responsibilities, and list the unmanifested waste reporting requirements.

Use this list of objectives to check your knowledge of this topic after you complete the training session.



## 2. REGULATORY SUMMARY

RCRA §3004 requires that EPA develop standards for both existing TSD facilities that were immediately subject to regulation at the time the statute was enacted and for facilities that would be built after regulations were established. Congress also mandated that the standards for both types of facilities should only be different where absolutely necessary. To make allowances for existing facilities that would not be able to comply with the full regulatory program immediately, EPA promulgated interim status standards under Part 265. New facilities, on the other hand, would be constructed after the regulations were promulgated, thus enabling these facilities to be designed and built to meet the standards EPA deemed necessary to protect human health and the environment. The standards for new facilities are found under Part 264. While the standards in Part 264 are more stringent than those in Part 265, the standards are nearly identical except in the limited circumstances where the standards for new facilities would be impracticable for existing facilities to implement immediately.

Other aspects of the RCRA regulatory program may also affect TSDFs. For example, Part 266 outlines specialized standards for recyclable materials and Part 268 addresses the land disposal restrictions. These requirements are discussed separately in other training modules.

Congress directed EPA to establish a system for issuing TSDFs permits. A TSDF not only must comply with the standards of Parts 264/265, but an owner/operator also needs to obtain a permit under Part 270 (or operate under interim status) to engage in hazardous waste management. A permit is an authorization, license, or equivalent control document issued by EPA or an authorized state to implement the TSDF requirements. TSDF permits are facility-specific and are issued after a documentation and review process. Generators and transporters are not required to obtain permits for several reasons: they generally handle smaller amounts of waste for shorter periods of time and their operations are more changeable, which is not conducive to the long and detailed process of permitting. A TSDF, on the other hand, is a permanent facility in operation for the purpose of making a profit from waste management. The module entitled Permits and Interim Status provides more detail about applying for and receiving a permit.

The standards found in Parts 264/265, Subparts A through E, pertain to general facility operating requirements. The purpose of these five subparts is to define which units are subject to regulation and establish general specifications, set reporting and recordkeeping requirements, and specify procedures for daily operation and emergencies.

Due to the similarities between the respective Part 264 and Part 265 standards, they are addressed simultaneously in this module, with any significant difference highlighted.

## 2.1 APPLICABILITY: SUBPART A

With some exceptions, the Parts 264/265 regulations apply to facilities that treat, store, and dispose of hazardous wastes. The terms "facility," "treat," "store," and "dispose" all have specific definitions found under §260.10. A facility includes all contiguous land, structures, and appurtenances on or in the land used for treating, storing, or disposing of hazardous waste. A single facility may consist of several types or combinations of operational units. Treatment is defined as any method, technique, or process designed to change the physical, chemical, or biological character or composition of any hazardous waste. Storage is defined as holding hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere. Disposal is the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste on or in the land or water. A disposal facility is any site where hazardous waste is intentionally placed and at which the waste will remain after closure. If an area meeting the definition of a facility is engaged in treatment, storage, and/or disposal, it must be in compliance with the standards under Parts 264/265.

Remember, TSDF is a term of art, lumping all such facilities together for the purpose of discussing the regulations. In practice, there are storage facilities, treatment and disposal facilities, and every other combination possible. A facility becomes subject to Parts 264/265 if it chooses to perform any of these three regulated activities.

### EXEMPTIONS

All hazardous waste TSDFs are subject to Parts 264/265 unless they are specifically excluded. Parts 264/265 both include a list of activities that are not regulated. Because Parts 264/265 and Part 270 work in tandem to regulate TSDFs, the same exemptions can be found at the beginning of each of these sections — under Part 264/265, Subpart A, and §270.1. The following exemptions to the TSDF standards apply to both Part 264 and Part 265, unless stated otherwise.

#### Permits-by-Rule

Certain facilities that have permits under other environmental laws may qualify for a special form of a RCRA permit, known as a permit-by-rule. Essentially, a facility with a permit under another environmental law and that meets the conditions in §270.60 is exempt from the substantive requirements of Parts 264/265. Sections 264.1(c), (d), and (e) state that the Part 264 standards apply to permit-by-rule facilities (ocean disposal, underground injection, publicly owned treatment works (POTWs)) only to the extent that they are included in a RCRA permit-by-rule granted under Part 270. Part 265 is different in that only ocean disposal and POTWs are exempt from regulation (§§265.1(c)(1) and (3)). Hazardous waste injection facilities are subject to interim status regulation under Part 265, Subpart R.



Any treatment or storage at a TSDF prior to placement in facilities exempt under permit-by-rule is subject to Parts 264/265 requirements. In addition, sludge generated at a POTW is a solid waste and may be characteristically hazardous, making the owner/operator a hazardous waste generator (45 FR 76080; November 17, 1980).

### **Conditionally Exempt Small Quantity Generator Waste**

Facilities that only treat (including recycling), store, or dispose of waste generated by conditionally exempt small quantity generators (CESQGs) regulated under §261.5 are excluded from Parts 264/265 (§§264.1(g)(1)/265.1(c)(5)). According to §261.5(g)(3), such facilities must be either permitted, licensed, or registered by the state for handling nonhazardous industrial or municipal solid waste, qualify as a recycling facility, or be subject to the universal waste handler or destination facility regulations under Part 273.

### **Recyclable Materials**

According to §§264.1(g)(2) and 265.1(c)(6), owners/operators managing the following recyclable materials are subject to the facility standards of Parts 264/265 only to the extent that the Part 266 or Part 279 recycling regulations refer back to them:

- Hazardous waste burned in boilers and industrial furnaces
- Precious metals that are recycled
- Lead-acid batteries that are reclaimed
- Used oil that is recycled.

Owners or operators managing the following recyclable materials are not subject to Parts 264/265 (§§264.1(g)(2)/265.1(c)(6)):

- Industrial ethyl alcohol that is reclaimed
- Used batteries returned to the manufacturer for regeneration
- Scrap metal
- Fuels produced from refining oil-bearing hazardous wastes
- Oil reclaimed from hazardous waste.

For more details about hazardous waste recycling exemptions, see the module entitled Definition of Solid Waste and Hazardous Waste Recycling.

### **Generators**

According to §§264.1(g)(3)/265.1(c)(7), generators accumulating waste on-site in accordance with §262.34 do not need a permit and do not have to comply with Part 264. They must comply with only those sections of Part 265 that are specified in §262.34.

## Farmers

According to §§264.1(g)(4)/265.1(c)(8), a farmer disposing of pesticide wastes on their own property in compliance with §262.70 is not subject to the standards of Parts 264/265. Congress did not want dual-regulation of farmers under RCRA and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Therefore, farmers meeting the conditions outlined in §262.70 are exempt from both generator and TSDF regulations.

## Totally Enclosed Treatment

A totally enclosed treatment system is excluded from Parts 264/265 (§§264.1(g)(5)/265.1(c)(9)). A totally enclosed treatment facility must meet the following criteria:

- Be completely contained on all sides, including top and bottom (they may have protected relief valves)
- Pose negligible potential for escape of constituents to the environment except through natural calamities or acts of sabotage or war
- Be connected directly by pipeline or similar totally enclosed device to an industrial process which produces a product, by-product, or intermediate material that is reused in the process (§260.10).

The exemption for totally enclosed treatment facilities applies only to the enclosed unit. Effluent from the facility is regulated when the waste entering the totally enclosed treatment facility is derived from listed waste or when the effluent is characteristically hazardous.

## Elementary Neutralization

Per §§264.1(g)(6)/265.1(c)(10), elementary neutralization units (ENUs) are excluded from Parts 264/265 regulation. In order to qualify as an ENU, the unit must be either a container, tank, tank system, transport vehicle, or vessel and only neutralize wastes that are hazardous solely for the characteristic of corrosivity. Neutralization in a surface impoundment or any other land-based unit is subject to regulation (45 FR 76074; November 17, 1980).

## Wastewater Treatment Unit

Wastewater treatment units are also excluded under Parts 264/265 regulation. To meet the exclusion from Parts 264/265 (§§264.1(g)(6)/265.1(c)(10)), these units must meet all three parts of the definition of a wastewater treatment unit in §260.10. Specifically, wastewater treatment tanks must be managing hazardous wastewater, meet the definition of a tank or tank system, and have a discharge subject to Clean

Water Act pretreatment standards or permitting requirements (i.e., the discharge is sent to a POTW or to surface water under a National Pollutant Discharge Elimination System (NPDES) permit). Since only the unit is exempt from regulation, any hazardous sludge generated in the wastewater treatment unit is subject to regulation when it is removed from the tank (45 FR 76074; November 17, 1980).

### **Emergency Response**

Sections 264.1(g)(8) and 265.1(c)(11) exclude emergency response actions to immediately contain or treat a spill of hazardous waste or a material that becomes a hazardous waste when spilled. EPA has not formally defined the term "immediately," but it is interpreted to be of very short duration, usually less than a day or two (48 FR 2508; January 19, 1983). Of course any hazardous waste generated must be managed in accordance with Part 262, and any treatment or storage after the emergency situation has passed is subject to full Subtitle C regulations. If the activity does not fall within the scope of this exclusion, an emergency permit of 90 days or less may be required (§270.61).

### **Transfer Facilities**

Manifested wastes that are in transit and stored in containers by a transporter for less than 10 days at a transfer facility in accordance with §263.12 are not subject to generator or TSDF standards (§§264.1(g)(9)/265.1(c)(12)). A transfer facility is any transportation-related facility, including loading docks and parking and storage areas, where shipments of hazardous waste are held during the normal course of transportation (§260.10).

### **Adding Absorbent**

Adding absorbent to waste can constitute hazardous waste treatment, requiring compliance with Parts 264/265. According to §§264.1(g)(10)/265.1(c)(13), however, adding absorbent to waste when the waste is first put into the container is excluded from the requirements of Parts 264/265. Adding absorbent after the waste has accumulated does not qualify for this exemption. If a waste is transferred to a new container, more absorbent may be added if the absorbent is being added when the waste is first placed in the new container (47 FR 8304; February 25, 1982). Since generators can treat hazardous waste in accumulation tanks and containers without obtaining a permit, this additional exemption from permitting may be used infrequently.

### **Universal Waste Handlers**

Sections 264.1(g)(11)/265.1(c)(14) exclude handlers and transporters of materials defined as universal wastes under Part 273. At present, three different materials are defined as universal wastes: hazardous waste batteries, pesticides, and thermostats.

## **OTHER APPLICABILITY ISSUES**

Although Subpart A of Parts 264/265 primarily addresses the applicability of TSDF standards, it also places some restrictions or conditions on operating facilities.

### **Imminent Hazard Action**

Sections 264/265.4 state that imminent hazard enforcement actions may be brought against TSDFs pursuant to RCRA §7003, notwithstanding any other provisions of Parts 264/265.

### **Dioxin-Containing Waste**

Interim status facilities may not manage dioxin-containing wastes (F020-F023, F026, and F027) unless the requirements in §265.1(d) are met.

## **2.2 GENERAL FACILITY STANDARDS: SUBPART B**

The general facility standards address seven major areas: identification numbers, waste analysis, security, inspection requirements, personnel training, location standards, and requirements for ignitable, reactive, or incompatible wastes. These standards are nearly identical for permitted and interim status facilities, with the exception of the location standards. Each of the six are described here.

### **IDENTIFICATION NUMBER**

All TSDF owners and operators must obtain a site-specific EPA identification number (§§264/265.12).

### **WASTE ANALYSIS**

TSDFs need to verify the composition (i.e., hazardous constituents and characteristics) of incoming waste in order to treat, store, or dispose of the waste properly. A waste analysis plan (WAP) outlines the verification procedures, including specific sampling methods, necessary to ensure proper treatment, storage, or disposal (§§264/265.13). The WAP must be written and kept on site.

Before an owner/operator treats, stores, or disposes of any hazardous waste, he or she must obtain a detailed chemical and physical analysis of a representative sample of the waste. This information may be supplied either through sampling and laboratory analysis or through acceptable knowledge. Acceptable knowledge is defined broadly to include process knowledge (obtaining data from existing published or documented waste analysis or studies), waste analysis data (obtained from the generator), or through the facility's records of analyses performed before the effective date of the RCRA regulations.

## Waste Analysis Plan

The WAP must, at a minimum, contain six basic elements:

- Procedures to ensure that the waste expected at the off-site TSDF, if applicable, is the waste described in the manifest
- Parameters to be analyzed
- Sampling methods
- Testing and analytical methods
- Frequency of waste re-evaluation, or frequency of spot check or fingerprint analysis (for off-site TSDFs)
- Acceptance and rejection criteria for each wastestream (for off-site TSDFs).

## Frequency of Analysis

The waste analysis must be repeated periodically to ensure that the information on a given waste is accurate and up to date. At a minimum, the waste analysis must be repeated (1) when the TSDF is notified, or has reason to believe, that the process or operation generating the hazardous wastes has changed; and (2) when inspection indicates that the hazardous waste received does not match the information on the accompanying manifest. Off-site combustion facilities should characterize all wastes prior to burning to verify that permit conditions will be met.

## SECURITY

Security provisions are intended to prevent accidental entry and minimize the possibility of unauthorized entry of people or livestock onto the active portion of the facility (§§264/265.14). Unless the owner/operator of a facility demonstrates to the Regional Administrator that livestock or unauthorized persons who enter the facility will not be harmed or cause any portion of the regulations to be violated, the facility must install the following security measures (§§264/265.14(a)(1) and (2)):

- A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility (e.g., television monitoring, guards)
- or
- An artificial or natural barrier which completely surrounds the active portion of the facility (e.g., fence), and a means to control entry to the active portion at all times via gates or entrances (if the active portion is located at a larger

facility that has barriers and a means to control entry that meet the above standards, the active portion does not need its own system)

and

- A sign reading: "Danger — Unauthorized Personnel Keep Out" at each entrance to the active portion. The sign must be written in English and any other language that is predominant in the area surrounding the facility. It must be legible from a distance of 25 feet. Alternate language conveying the same message may be used (45 FR 33181; May 19, 1980).

## **INSPECTION REQUIREMENTS**

The owner/operator must visually inspect the facility for malfunction, deterioration, operator errors, and discharges (§§264/265.15). The inspection provisions are carried out according to a written inspection schedule which is developed and followed by the owner/operator and kept at the facility. The schedule must identify the types of problems to be looked for, and set the frequency of inspection, which may vary. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. Unit-specific inspections or requirements also must be included in the schedule (e.g., §265.226 for surface impoundments). The owner/operator must record inspections in a log or summary, and must remedy any problems identified during inspections. The records must include the date and time of inspection, the name of the inspector, notation of observations, and the date and nature of any necessary repairs or other remedial actions, and must be kept at the facility for three years.

## **PERSONNEL TRAINING**

Personnel at TSDFs must successfully complete a program of classroom instruction or on-the-job training in compliance with §§264/265.16. At a minimum, the training should focus on effective response to emergencies.

The training program must be completed six months from the date the facility is subject to Parts 264/265 or Part 266 regulation, or six months after the date a worker is newly employed. New employees are required to work under supervision until their training is complete. Facility personnel must take part in an annual review of their initial training.

Training-related documents and records must be kept at the facility. These must include a job title for each person and the name of the employee filling that position. Also, a written job description is needed for each position and records documenting that the training or job experience has been completed satisfactorily by the employee holding that position. Finally, the files must contain the training records on current personnel and past employees for three years.

## **REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE**

Special care must be taken in handling ignitable, reactive, or incompatible wastes (§§264/265.17). Ignitable and reactive wastes must be protected from ignition sources. "No Smoking" signs must be placed where ignitable and reactive wastes are stored and separate smoking areas designated (§§264/265.17(a)). Sections 264.17(b)(1) through (5) and corresponding language in Part 265 state additional, self-explanatory handling requirements. Owners/operators for whom §§264.17(a) and (b) are applicable must document their compliance with those sections (§264.17(c)).

## **LOCATION STANDARDS**

As mentioned earlier, the location standards differ between new and existing facilities. The location standards for new facilities provided in §264.18 place restrictions on siting new facilities, including restrictions on locating TSDFs in floodplains or earthquake-sensitive areas. Existing facilities are not subject to the floodplains and seismic considerations, because the facilities are already in operation.

Both interim status and permitted TSDFs may not place noncontainerized or bulk liquid hazardous waste in a salt dome, salt bed formation, or underground mine or cave. Congress has granted one exception to this rule: the Department of Energy's Waste Isolation Pilot Project (WIPP) in New Mexico (§§264.18(c)/265.18).

## **CONSTRUCTION QUALITY ASSURANCE**

Interim status and permitted landfills, waste piles, and surface impoundments are required to implement a construction quality assurance (CQA) program under §§264/265.19. The CQA program ensures that all design criteria are met during the construction of a unit. A written CQA plan is required, and the CQA officer (i.e., a registered professional engineer) must certify that the unit meets all design criteria and permit specifications before waste can be received in the unit.

## **2.3 PREPAREDNESS AND PREVENTION: SUBPART C**

The preparedness and prevention standards are intended to minimize and prevent emergency situations at TSDFs. Facilities must be operated and maintained in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The regulations require maintenance of equipment, alarms, minimum aisle space, and provisions for contacting local authorities. Specifically, §§264/265.32 mandate that a facility must have an internal communication or alarm system, a phone or radio capable of summoning emergency assistance, fire-fighting equipment, and adequate water supply. Sections

264/265.33 and 264/265.34 require that this equipment be maintained and tested regularly, and that all personnel have access to an alarm system or emergency communication device. In addition, the facility must have aisle space that is sufficient to ensure easy movement of personnel, and equipment during emergencies must be maintained at the facility unless the owner/operator demonstrates that it is unnecessary (§§264/265.35).

Facilities must also have provisions for contacting local authorities that might be involved in emergency responses at the facility. The local authorities must be familiar with the facility and properties of the hazardous waste(s) handled at the facility (§§264/265.37). Local authorities include police, fire department, hospitals, and emergency response teams. Where more than one local authority is involved, a lead authority must be designated. Where state or local authorities decline to enter into such arrangements, the owner/operator must document the refusal in the operating record (§264/265.37(b)).

## **2.4 CONTINGENCY PLAN AND EMERGENCY PROCEDURES: SUBPART D**

Contingency plans and emergency procedures provide the owner/operator with mechanisms to respond effectively to emergencies. The goal is to minimize hazards resulting from fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or constituents to air, soil, or surface water. The provisions of the contingency plan must be carried out immediately in response to an emergency, and are to be documented in a written contingency plan maintained at the facility.

### **CONTINGENCY PLAN**

The plan describes arrangements with local authorities and lists names, addresses, and telephone numbers of all people qualified to act as emergency coordinators. If more than one emergency coordinator is listed, a primary contact must be designated. The plan must include a list of all emergency equipment and evacuation plans, where applicable. If the owner/operator has already prepared an emergency or contingency plan in accordance with other regulations (e.g., spill prevention, control, and countermeasures, or SPCC), amending the existing plan to incorporate hazardous waste management provisions is sufficient to fulfill the requirements of Subpart D.

A copy of the contingency plan (and any revisions) must be maintained at the facility and provided to all local authorities who may have to respond to emergencies (§§264/265.53).

The contingency plan must be reviewed and amended when the applicable regulations or facility permits are revised, the plan fails in an emergency, or there



are changes to the facility, the list of emergency coordinators, or the list of emergency equipment (§§264/265.54).

## **EMERGENCY COORDINATOR**

The emergency coordinator (§§264/265.55) is responsible for assessing emergency situations and making decisions to respond. There must be at least one employee either on the facility premises or on call to fill this role. This person must have the authority to commit the resources needed to carry out the contingency plan.

## **EMERGENCY PROCEDURES**

In the event of an imminent or actual emergency situation, the emergency coordinator must immediately activate internal facility alarms or communication systems and notify appropriate state and/or local authorities. In cases where there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and extent of any released materials. At the same time, the coordinator must assess possible hazards to human health or the environment. If the coordinator determines that the emergency threatens human health or the environment outside of the facility and finds that evacuation of local areas may be advisable, the coordinator must notify appropriate authorities and either the designated government official for the area or the National Response Center.

During an emergency, measures must be taken to ensure that fires, explosions, and releases do not occur, recur, or spread. If the facility stops operation, the coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment (§§264/265.56 (a)-(f)).

## **POST-EMERGENCY PROCEDURES**

After an emergency, any residue from the release, fire, or other event must be treated, stored, or disposed of according to all applicable RCRA regulations. The facility may end up assuming generator status for management of these residues. The coordinator must ensure that all emergency equipment is cleaned and fit for use before operation is resumed. The owner/operator must document in the facility operating record events that required the implementation of the contingency plan. Within 15 days of the accident, the owner/operator must submit a written report describing the incident to the Regional Administrator (§§264/265.56(g)-(j)).

## **2.5 MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING: SUBPART E**

The paperwork required by Subpart E is designed to track hazardous waste from cradle to grave. The manifest system tracks each shipment of hazardous waste while the operating record and biennial report summarize facility activity over time.

### **MANIFEST**

TSDFs that accept waste from off site are the final signatories to the manifest. When a manifested waste shipment is received, all copies of the manifest are signed and dated by the facility owner/operator. Signed copies of the manifest are kept by the transporter and the TSDF, and a copy is sent to the generator within 30 days to verify acceptance of the waste (§§264/265.71). If the owner/operator of a TSDF must send the waste on to another TSDF for further treatment or disposal, a new manifest with a new designated facility must be initiated.

### **MANIFEST DISCREPANCIES**

As discussed above, upon receipt of a manifested waste the owner/operator of a TSDF must determine if the manifest accurately describes the waste it accompanies. Any discrepancies in weight (for bulk shipments, over 10 percent), piece count (for batch or containerized waste shipments, one container per truckload), or waste type are considered significant and should be noted on all copies of the manifest at the time of signature. The owner/operator must try to reconcile the discrepancy with the transporter or generator promptly. Any discrepancies not resolved within 15 days of waste receipt must be reported to the Regional Administrator with an explanatory letter and a copy of the manifest (§§264/265.72).

### **UNMANIFESTED WASTE**

If a TSDF accepts waste from off-site without a manifest, an unmanifested waste report must be prepared in accordance with §§264/265.76. The report must be submitted on EPA Form 8700-13B to the Regional Administrator within 15 days of receiving the waste.

### **OPERATING RECORD**

Until closure, the owner/operator is required to keep a written operating record on-site describing all waste received, methods and dates of treatment, storage, and disposal, and the wastes' location within the facility as detailed in Appendix I of Parts 264/265 (§§264/265.73). All information should be cross-referenced with the manifest number. The operating record also must include waste analysis results, details of emergencies requiring contingency plan implementation, inspection results (for three years), groundwater monitoring data, land treatment and

incineration monitoring data, and closure and post-closure cost estimates. Most records may be kept on computer or microfiche, but original, signed copies of manifests must be kept for inspection purposes.

## **BIENNIAL REPORT**

Biennial reports must be filed with the Regional Administrator on March 1 of each even-numbered year, covering the facility's activities for the previous year (§§264/265.75). For example, the biennial report covering 1997 activities would be due March 1, 1998. The facility report (Form 8700-13B) is sent to the facility by the region. In addition, many facilities also must submit a biennial report to their state office each odd-numbered year.

If the facility owner/operator also shipped waste off-site, a generator report (EPA Form 8700-13A) must be filed in addition to a TSD facility report (48 FR 3977; January 28, 1983).

## **ADDITIONAL REPORTS**

Other reports that must be made to the Regional Administrator include, but are not limited to, reports of releases, fires and explosions, groundwater contamination and monitoring data, and facility closure (§§264/265.77). Releases may also trigger Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Emergency Planning and Community Right-to-Know Act (EPCRA) reporting.

## **RECORD AVAILABILITY**

Sections 264/265.74 specify that all records and plans must be available for inspection. Required record retention periods are automatically extended during enforcement actions or as requested by the Administrator. When a facility certifies closure, a copy of records of waste disposal locations and quantities must be submitted to the Regional Administrator and to the local land authority.



### 3. SPECIAL ISSUES

The following discussions should prepare you for some frequently asked or particularly intricate questions relating to RCRA standards for TSDFs.

#### 3.1 TSDF AS GENERATOR

As discussed earlier, if the owner/operator of a TSDF initiates a waste shipment, a new manifest must be prepared to comply with Part 262 standards (§§264/265.71(c)). To take this a step further, if a TSDF generates hazardous wastes other than those generated as a result of treatment, the TSDF would be considered a RCRA generator. For example, if the TSDF discarded used solvents (such as solvents used to degrease equipment) that were listed in 40 CFR Part 261, it would be considered the generator and would have to comply with the regulatory requirements applicable to generators in Part 262. Compliance with the Part 262 regulations can include an accumulation area under §262.34 which is exempt from permitting. This exempt accumulation area would only be available to hazardous wastes which are generated by the TSDF on-site.

#### 3.2 TSDF AS TRANSFER FACILITY

TSDFs may also serve as "transfer facilities," (§260.10) and may hold the waste that is appropriately packaged in accordance with DOT regulations for up to 10 days provided the TSDF is not the final destination (i.e., designated facility) for that waste.

#### 3.3 OSHA REQUIREMENTS

There are several areas of RCRA's general TSDF regulations that overlap with Occupational Safety and Health Administration (OSHA) hazardous waste operations (HAZWOPER) regulations. These regulations, found at 29 CFR §1910.120, require a training program, contingency plan, and provisions for preparedness and prevention. The specific requirements are generally different than the provisions for TSDFs because OSHA regulations are designed to protect the worker rather than the environment. Some of the requirements are similar enough, however, that complying with the regulations under OSHA may at least partially satisfy the RCRA requirements for training, contingency plan, and preparedness and prevention.

