

Environmental Protection Agency

§ 263.30

years after termination or expiration of the agreement.

[45 FR 33151, May 19, 1980, as amended at 45 FR 86973, Dec. 31, 1980; 51 FR 10176, Mar. 24, 1986; 51 FR 28685, Aug. 8, 1986; 61 FR 16315, Apr. 12, 1996]

§ 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.

§ 263.22 Recordkeeping.

(a) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(b) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in § 263.20(e)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(c) For shipments of hazardous waste by rail within the United States:

(1) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in § 263.20(f)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter; and

(2) The final rail transporter must keep a copy of the signed manifest (or

the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

NOTE: Intermediate rail transporters are not required to keep records pursuant to these regulations.

(d) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(e) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

[45 FR 33151, May 19, 1980, as amended at 45 FR 86973, Dec. 31, 1980]

Subpart C—Hazardous Waste Discharges

§ 263.30 Immediate action.

(a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(b) If a discharge of hazardous waste occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers and without the preparation of a manifest.

(c) An air, rail, highway, or water transporter who has discharged hazardous waste must:

(1) Give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802 or 202-426-2675); and

(2) Report in writing as required by 49 CFR 171.16 to the Director, Office of

§ 263.31

Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

(d) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

§ 263.31 Discharge clean up.

A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by Federal, State, or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Subpart A—General

Sec.

- 264.1 Purpose, scope and applicability.
- 264.2 [Reserved]
- 264.3 Relationship to interim status standards.
- 264.4 Imminent hazard action.

Subpart B—General Facility Standards

- 264.10 Applicability.
- 264.11 Identification number.
- 264.12 Required notices.
- 264.13 General waste analysis.
- 264.14 Security.
- 264.15 General inspection requirements.
- 264.16 Personnel training.
- 264.17 General requirements for ignitable, reactive, or incompatible wastes.
- 264.18 Location standards.
- 264.19 Construction quality assurance program.

Subpart C—Preparedness and Prevention

- 264.30 Applicability.
- 264.31 Design and operation of facility.
- 264.32 Required equipment.
- 264.33 Testing and maintenance of equipment.
- 264.34 Access to communications or alarm system.
- 264.35 Required aisle space.
- 264.36 [Reserved]
- 264.37 Arrangements with local authorities.

40 CFR Ch. I (7–1–04 Edition)

Subpart D—Contingency Plan and Emergency Procedures

- 264.50 Applicability.
- 264.51 Purpose and implementation of contingency plan.
- 264.52 Content of contingency plan.
- 264.53 Copies of contingency plan.
- 264.54 Amendment of contingency plan.
- 264.55 Emergency coordinator.
- 264.56 Emergency procedures.

Subpart E—Manifest System, Recordkeeping, and Reporting

- 264.70 Applicability.
- 264.71 Use of manifest system.
- 264.72 Manifest discrepancies.
- 264.73 Operating record.
- 264.74 Availability, retention, and disposition of records.
- 264.75 Biennial report.
- 264.76 Unmanifested waste report.
- 264.77 Additional reports.

Subpart F—Releases From Solid Waste Management Units

- 264.90 Applicability.
- 264.91 Required programs.
- 264.92 Ground-water protection standard.
- 264.93 Hazardous constituents.
- 264.94 Concentration limits.
- 264.95 Point of compliance.
- 264.96 Compliance period.
- 264.97 General ground-water monitoring requirements.
- 264.98 Detection monitoring program.
- 264.99 Compliance monitoring program.
- 264.100 Corrective action program.
- 264.101 Corrective action for solid waste management units.

Subpart G—Closure and Post-Closure

- 264.110 Applicability.
- 264.111 Closure performance standard.
- 264.112 Closure plan; amendment of plan.
- 264.113 Closure; time allowed for closure.
- 264.114 Disposal or decontamination of equipment, structures and soils.
- 264.115 Certification of closure.
- 264.116 Survey plat.
- 264.117 Post-closure care and use of property.
- 264.118 Post-closure plan; amendment of plan.
- 264.119 Post-closure notices.
- 264.120 Certification of completion of post-closure care.

Subpart H—Financial Requirements

- 264.140 Applicability.
- 264.141 Definitions of terms as used in this subpart.
- 264.142 Cost estimate for closure.
- 264.143 Financial assurance for closure.