

Hazardous Waste Generator Regulations Compendium

Volume 8: Recordkeeping and Reporting Applicable to Small and Large Quantity Generators
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This document includes the following sections:

- Resource View – outlines the document types by which resources are organized.
- Resources by Document Category – lists resources for each document category outlined in the *Resource View*.
- CFR View – provides relevant Code of Federal Regulations (CFR) language reformatted for easy reading.

These three main sections are cross-referenced, i.e., each section includes hyperlinks to the other sections. In addition, each section and its accompanying index include a hyperlink to the Main Index that allows the user to easily navigate from one section to another.

Introduction

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About the Compendium

The Hazardous Waste Generator Regulations Compendium serves as a user-friendly reference to assist regulators, industrial facilities generating and managing solid and hazardous wastes, and the general public in locating resources relevant to specific regulatory topics within the federal hazardous waste generator program.

The objective of this document is to consolidate and streamline the various resources on a topic into a user-friendly format, including references to relevant CFR language, Federal Register (FR) notices, documents posted on RCRA Online (i.e., guidance in the form of memoranda issued by EPA, Q&As, and other publications), and other resources, such as Frequent Questions webpages. The Compendium has been divided into multiple volumes that are available here: www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-compedium.

This document does not change any of the existing solid or hazardous waste requirements, nor does it offer an exhaustive list of relevant resources, as new resources may come into being or older ones may be relevant to a specific issue, but not included. Certain available resources, such as superseded RCRA Online documents, have not been referenced. Rather than including or reproducing referenced resources, this document generally provides hyperlinks to individual resources. As an exception, the Compendium does include relevant sections of the most current CFR regulatory language (as of the date on the cover of the Compendium). The included CFR language has been reformatted to make it easier to read, but it is not a substitute for the official CFR itself, or for the requirements in the CFR. The Government Printing Office frequently updates the e-CFR website; where appropriate, hyperlinks to the respective CFR section at the e-CFR website are provided.

Most states are authorized to administer their own RCRA Subtitle C hazardous waste program. Therefore, states may have their own set of regulations that apply in lieu of federal regulations. State regulations must be at least as stringent as the federal standards, but they can be more stringent. Please visit the following website to determine if the state regulatory program is different from the federal program: <https://www.epa.gov/hwgenerators/links-hazardous-waste-programs-and-us-state-environmental-agencies>, and check with your state agency.

About the Recordkeeping and Reporting Volume

This volume of the Compendium lists resources and CFR language pertaining to Generator Recordkeeping and Reporting requirements that are found at 40 CFR 262.11, 262.18 and 262 Subpart D (262.40-262.44). For more information regarding other topics that apply to facilities generating hazardous waste, refer to other volumes of the Compendium and [EPA's Hazardous Waste Generators Webpage](#).

Please note that the Hazardous Waste Generator Improvements rule of 2016 created new sections in Part 262, which contains the regulations pertaining to generators. Accordingly, some citations in the generator requirements in older resources in this Compendium are outdated, including references to § 261.5, § 262.34, and others. Please see the preamble to the final Hazardous Waste Generator Improvements rule for a discussion of the reorganization of the regulations (81 FR

85735–85740, November 28, 2016). For a specific crosswalk of the regulation citation changes, refer to www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-crosswalk.

For more information on these regulations and any other questions or comments concerning this document, please contact EPA’s Office of Resource Conservation and Recovery:

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Resource View

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Generator Recordkeeping and Reporting

Resource Index:

- Resource Type:
 - [Memoranda](#)
 - [Question and Answer \(Q&A\)](#)
 - [Federal Register Notices](#)
 - [Biennial Report Form and Site Instructions](#)

Resources by Document Category

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Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
Memoranda	13181	Interpretation of 40 CFR 268.7 Requirements	05/13/1988	EPA Forms; Notice Requirements; Certification Requirements; Treatment Standards; Land Disposal Restrictions (LDRs)	
	13667	Recordkeeping Requirements for Small Quantity Generators Subject to Land Disposal Restrictions	05/09/1994	Small Quantity Generators (SQGs); EPA Forms; Land Disposal Restrictions (LDRs); Manifests	
	14032	Clarification of Requirements Involving the Counting of Wood Preserving Waters for Biennial Reporting	06/04/1996	Hazardous Waste Data; Biennial Reporting; Quantity Determinations; Wood Preserving Waste	
	14105	Use of Automated Information Technologies in the Hazardous Waste Manifest System	11/12/1996	Manifest; EPA Forms; Electronic System Signatures; Rules of Evidence; Reasonable Access	
	14791	Hazardous Waste Manifesting Requirements Applicable to Rail Transporters	07/02/2008	Manifest; Rail Shipments; Signatures; Electronic Delivery	
	14926	Implementing the Small Quantity Generator Re-Notification Requirement from the 2016 Generator Improvements Final Rule	04/22/2020	Small Quantity Generators (SQGs); EPA Forms; Re-Notification; RCRAInfo; SQG Deactivation	

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
Q&A	12199	Maintaining Copies of Manifests and Biennial Reports	04/01/1984	Onsite; Manifests; Biennial Reporting	
	12204	Date of Shipment Determines Time Period for Exception Reporting	04/01/1984	Exception Reporting	
	13455	Amendments to Part 262 Hazardous Waste Determination and Recordkeeping Requirements of Part 262 and 268	03/01/1991	Land Disposal Restrictions (LDRs); Waste Identification; Listed and Characteristic Hazardous Wastes	
	13678	Biennial Reporting for Wastes Treated in Exempt Units	06/01/1994	Hazardous Waste Data; Large Quantity Generators (LQGs); Treatment; Biennial Reporting; Generator Status	
	14694	Recordkeeping Requirements for Owners or Operators Assuming Generator Responsibilities	12/01/2003	New Owner/Operator; Retention Period	
Federal Register Notices	45 FR 33140	Standards for Generators of Hazardous Waste	5/19/1980	Generators; Reporting; Retention Period	
	51 FR 10146	Generators of Hazardous Waste Final Rule	3/24/1986	Exception Reporting; Biennial Reporting; Small Quantity Generators (SQGs); Manifest Copies	See preamble language on pages 10158-10160 and regulatory language on page 10176

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
	81 FR 85732	Hazardous Waste Generator Improvements Rule	11/28/2016	Reporting; Large Quantity Generators (LQGs); EPA Forms; Small Quantity Generators (SQGs); Other Determinations; Non-Hazardous Determinations; Retention Period	See preamble language on pages 85752-85753 and regulatory text on pages 81858-81859
Biennial Report Form and Instructions	Weblink	Biennial Report and Instructions	05/31/2020	Biennial Reporting; Large Quantity Generators (LQGs)	
	Weblink	Biennial Report Reportable and Non-Reportable Wastes	01/15/2020	Biennial Reporting; Large Quantity Generators (LQGs)	Additional instructions for Biennial Report

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CFR Location	Title/Topic
262.11(f)	Hazardous Waste Determination and Recordkeeping for Small and Large Quantity Generators
262.18(d)	Small Quantity Generator Re-notification
262.40	Recordkeeping
262.41	Biennial Report for Large Quantity Generators
262.42	Exception Reporting
262.43	Additional Reporting
262.44	Recordkeeping for Small Quantity Generators
268.7	Testing, Tracking, and Recordkeeping Requirements for Generators, Reverse Distributors, Treaters, and Disposal Facilities

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NOTE: The CFR language may have been excerpted, reformatted and appended with subheadings and explanations/terms in brackets.

§ 262.11(f) Hazardous Waste Determination and Recordkeeping for Small and Large Quantity Generators

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(f) A small or large quantity generator must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 40 CFR 261.3. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described at paragraphs (c) and (d) of this section. The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at paragraph (d)(1) of this section. The periods of record 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

§ 262.18(d) Small Quantity Generator Re-notification

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(d) Re-notification.

(1) A small quantity generator must re-notify EPA starting in 2021 and every four years thereafter using EPA Form 8700-12. This re-notification must be submitted by September 1st of each year in which re-notifications are required.

(2) A large quantity generator must re-notify EPA by March 1 of each even-numbered year thereafter using EPA Form 8700-12. A large quantity generator may submit this re-notification as part of its Biennial Report required under § 262.41.

§ 262.40 Recordkeeping

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(a) A generator must keep a copy of each manifest signed in accordance with 262.23(a) for three years or until he received a signed copy from the designated facility which received the waste. The signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

(b) A generator must keep a copy of each Biennial Report and Exception report for a period of at least three years from the due date of the report.

(c) See 262.11(f) [included above] for recordkeeping requirements for documenting hazardous waste determinations.

(d) The periods or 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.

§ 262.41 Biennial Report for Large Quantity Generators

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(a) A generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage, or disposal facility (TSDF) within the United States must complete and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of the following even-numbered year and must cover generator activities during the previous year.

(b) Any generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who treats, stores, or disposes of hazardous waste on site must complete and submit EPA form 8700-13 A/B to the Regional Administrator by March 1 of the following even-numbered year. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators pursuant to § 262.17(f).]

(c) Exports of hazardous waste to foreign countries are not required to be reported on the Biennial Report form. A separate annual report requirement is set forth at § 262.83(g) for hazardous waste exporters.

§ 262.42 Exception Reporting

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(a)

(1) A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(2) A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste in a calendar month, must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery;

(ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(b) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.

(c) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of 40 CFR 264.72(e)(1) through (6) or 40 CFR 265.72(e)(1) through (6)), the generator must comply with the requirements of paragraph (a) or (b) of this section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of paragraph (a) or (b) of this section for a shipment forwarding such waste to an alternate facility by a designated facility:

(1) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility, and

(2) The 35/45/60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

§ 262.43 Additional Reporting

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The Administrator, as deemed necessary under sections 2002(a) and 3002(a)(6) of RCRA, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 40 CFR part 261.

§ 262.44 Recordkeeping for Small Quantity Generators

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A small quantity generator is subject only to the following independent requirements in this subpart:

- (a) Section 262.40 (a), (c), and (d), Recordkeeping;
- (b) Section 262.42(b), Exception Reporting; and
- (c) Section 262.43, Additional Reporting.

§ 268.7 Testing, Tracking, and Recordkeeping Requirements for Generators, Reverse Distributors, Treaters, and Disposal Facilities

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(a) Requirements for generators and reverse distributors.

(1) A generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in § 268.40, 268.45, or § 268.49. This determination can be made concurrently with the hazardous waste determination required in § 262.11 of this chapter, in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing would normally determine the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using test method 1311 in “Test Methods of Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846, (incorporated by reference, see § 260.11 of this chapter), depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. (Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, where the waste treatment facility must comply with the requirements of § 264.13 of this chapter and paragraph (b) of this section.) In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in §268.40, and are described in detail in § 268.42, Table 1. These wastes, and soils contaminated with such wastes, do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines they are managing a waste or soil contaminated with a waste, that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, they must comply with the special requirements of § 268.9 of this part in addition to any applicable requirements in this section.

(2) If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility

receiving the waste, and place a copy in the file. The notice must include the information in column “268.7(a)(2)” of the Generator Paperwork Requirements Table in paragraph (a)(4) of this section. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the EPA Hazardous Waste Numbers and Manifest Number of the first shipment and must state “This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.”) No further notification is necessary until such time that the waste or facility change, in which case a new notification must be sent and a copy placed in the generator’s file.

(3) If the waste or contaminated soil meets the treatment standard at the original point of generation:

(i) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in the file. The notice must include the information indicated in column “268.7(a)(3)” of the Generator Paperwork Requirements Table in § 268.7(a)(4) and the following certification statement, signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 40 CFR part 268 subpart D. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

(ii) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in column “268.7(a)(3)” of the Generator Paperwork Requirements Table in § 268.7(a)(4).

(iii) If the waste changes, the generator must send a new notice and certification to the receiving facility, and place a copy in their files. Generators of hazardous debris excluded from the definition of hazardous waste under § 261.3(f) of this chapter are not subject to these requirements.

(4) For reporting, tracking, and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed: There are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to case-by-case extensions under § 268.5, disposal in a no-migration unit under § 268.6, or a national capacity variance or case-by-case capacity variance under subpart C of this part. If a generator’s waste is so exempt, then with the initial shipment of waste, the generator must send a one-

time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column “268.7(a)(4)” of the Generator Paperwork Requirements Table below. If the waste changes, the generator must send a new notice to the receiving facility and place a copy in their files.

Generator Paperwork Requirements Table

Required Information	§ 268.7 (a)(2)	§ 268.7 (a)(3)	§ 268.7 (a)(4)	§ 268.7 (a)(9)
1. EPA Hazardous Waste Numbers and Manifest Number of first shipment	✓	✓	✓	✓
2. Statement: this waste is not prohibited from land disposal			✓	
3. The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice	✓	✓		
4. The notice must include the applicable wastewater/non-wastewater category (see § 268.2(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide)	✓	✓		
5. Waste analysis data (when available)	✓	✓	✓	
6. Date the waste is subject to the prohibition			✓	
7. For hazardous debris, when treating with the alternative treatment technologies provided by § 268.45: the contaminants subject to treatment, as described in § 268.45(b); and an indication that these contaminants are being treated to comply with § 268.45	✓		✓	
8. For contaminated soil subject to LDRs as provided in § 268.49(a), the constituents subject to treatment as described in § 268.49(d), and the following statement: This contaminated soil [does/does not] contain listed hazardous waste and [does/does not] exhibit a characteristic of hazardous waste and [is subject to/complies with] the soil treatment standards as provided by § 268.49(c) or the universal treatment standards	✓	✓		
9. A certification is needed (see applicable section for exact wording)		✓		✓

(5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 CFR 262.15, 262.16, and 262.17 to meet applicable LDR treatment standards found at § 268.40, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1 to § 268.45, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

(i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this part, including the selected testing frequency.

(ii) Such plan must be kept in the facility's on-site files and made available to inspectors.

(iii) Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of § 268.7(a)(3).

(6) If a generator determines that the waste or contaminated soil is restricted based solely on his knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using the test method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as referenced in § 260.11 of this chapter, and all waste analysis data must be retained on-site in the generator's files.

(7) If a generator determines that he is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or is exempted from Subtitle C regulation under 40 CFR 261.2 through 261.6 subsequent to the point of generation (including deactivated characteristic hazardous wastes managed in wastewater treatment systems subject to the Clean Water Act (CWA) as specified at 40 CFR 261.4(a)(2) or that are CWA-equivalent, or are managed in an underground injection well regulated by the SDWA), he must place a one-time notice describing such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste, in the facility's on-site files.

(8) Generators must retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this section for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal.

The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator. The requirements of this paragraph apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 40 CFR 261.2 through 261.6, or exempted from Subtitle C regulation, subsequent to the point of generation.

(9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at § 268.42(c):

(i) With the initial shipment of waste to a treatment facility, the generator must submit a notice that provides the information in column “§ 268.7(a)(9)” in the Generator Paperwork Requirements Table of paragraph (a)(4) of this section, and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under appendix IV to 40 CFR part 268 and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 40 CFR 268.42(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

(ii) No further notification is necessary until such time that the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

(iii) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in § 268.2(i)) need not be determined.

(iv) The generator must also comply with the requirements in paragraphs (a)(6) and (a)(7) of this section.

(10) Small quantity generators with tolling agreements pursuant to 40 CFR 262.20(e) must comply with the applicable notification and certification requirements of paragraph (a) of this section for the initial shipment of the waste subject to the agreement. Such generators must retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved

enforcement action regarding the regulated activity or as requested by the Administrator.

(b) Treatment facilities must test their wastes according to the frequency specified in their waste analysis plans as required by 40 CFR 264.13 (for permitted TSDs) or 40 CFR 265.13 (for interim status facilities). Such testing must be performed as provided in paragraphs (b)(1), (b)(2) and (b)(3) of this section.

(1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility must test an extract of the treatment residues, using test method 1311 (the Toxicity Characteristic Leaching Procedure, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 as incorporated by reference in § 260.11 of this chapter) to assure that the treatment residues extracted meet the applicable treatment standards.

(2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility must test the treatment residues (not an extract of such residues) to assure that they meet the applicable treatment standards.

(3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.

(i) No further notification is necessary until such time that the waste or receiving facility change, in which case a new notice must be sent and a copy placed in the treatment facility's file.

(ii) The one-time notice must include these requirements:

Treatment Facility Paperwork Requirements Table

Required Information	§ 268.7 (a)(2)
1. EPA Hazardous Waste Numbers and Manifest Number of first shipment	✓
2. The waste is subject to the LDRs. The constituents of concern for F001-F005 and F039, and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.	✓
3. The notice must include the applicable wastewater/non-wastewater category (see §§ 268.2(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide)	✓
4. Waste analysis data (when available)	✓
5. For contaminated soil subject to LDRs as provided in 268.49(a), the constituents subject to treatment as described in 268.49(d) and the following statement, “this contaminated soil [does/does not] exhibit a characteristic of hazardous waste and [is subject to/complies with] the soil treatment standards as provided by 268.49(c)”.	✓
6. A certification is needed (see applicable section for exact wording)	✓

(4) The treatment facility must submit a one-time certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 40 CFR 268.40 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 40 CFR 268.49 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(i) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the file.

(ii) Debris excluded from the definition of hazardous waste under § 261.3(f) of this chapter (i.e., debris treated by an extraction or destruction technology provided by Table 1, § 268.45, and debris that the Director has determined does not contain hazardous waste), however, is subject to the notification and certification requirements of paragraph (d) of this section rather than the certification requirements of this paragraph.

(iii) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in whole or in part on the analytical detection limit alternative specified in § 268.40(d), the certification, signed by an authorized representative, must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the non-wastewater organic constituents have been treated by combustion units as specified in 268.42, Table 1. I have been unable to detect the non-wastewater organic constituents, despite having used best good-faith efforts to analyze for such constituents. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(iv) For characteristic wastes that are subject to the treatment standards in § 268.40 (other than those expressed as a method of treatment), or § 268.49, and that contain underlying hazardous constituents as defined in § 268.2(i); if these wastes are treated on-site to remove the hazardous characteristic; and are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 40 CFR 268.40 or 268.49 to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(v) For characteristic wastes that contain underlying hazardous constituents as defined § 268.2(i) that are treated on-site to remove the hazardous characteristic to treat underlying hazardous constituents to levels in § 268.48 Universal Treatment Standards, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 40 CFR 268.40 to remove the hazardous characteristic and that underlying hazardous constituents, as defined in § 268.2(i) have been treated on-site to meet the § 268.48 Universal Treatment Standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

(5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this section.

(6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of § 266.20(b) of this chapter regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) must, for the initial shipment of waste, prepare a one-time certification described in paragraph (b)(4) of this section, and a one-time notice which includes the information in paragraph (b)(3) of this section (except the manifest number). The certification and notification must be placed in the facility's on-site files. If the waste or the receiving facility changes, a new certification and notification must be prepared and placed in the on site files. In addition, the recycling facility must also keep records of the name and location of each entity receiving the hazardous waste-derived product.

(c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 CFR 266.20(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this part must:

(1) Have copies of the notice and certifications specified in paragraph (a) or (b) of this section.

(2) Test the waste, or an extract of the waste or treatment residue developed using test method 1311 (the Toxicity Characteristic Leaching Procedure, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 as incorporated by reference in § 260.11 of this chapter), to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in subpart D of this part. Such testing must be

performed according to the frequency specified in the facility's waste analysis plan as required by § 264.13 or § 265.13 of this chapter.

(d) Generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under § 261.3(f) of this chapter (i.e., debris treated by an extraction or destruction technology provided by Table 1, § 268.45, and debris that the EPA Regional Administrator (or his designated representative) or State authorized to implement part 268 requirements has determined does not contain hazardous waste) are subject to the following notification and certification requirements:

(1) A one-time notification, including the following information, must be submitted to the EPA Regional hazardous waste management division director (or his designated representative) or State authorized to implement part 268 requirements:

(i) The name and address of the Subtitle D facility receiving the treated debris;

(ii) A description of the hazardous debris as initially generated, including the applicable EPA Hazardous Waste Number(s); and

(iii) For debris excluded under § 261.3(f)(1) of this chapter, the technology from Table 1, § 268.45, used to treat the debris.

(2) The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under § 261.2(f)(1) of this chapter, if a different type of debris is treated or if a different technology is used to treat the debris.

(3) For debris excluded under § 261.3(f)(1) of this chapter, the owner or operator of the treatment facility must document and certify compliance with the treatment standards of Table 1, § 268.45, as follows:

(i) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

(ii) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

(iii) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following: "I certify under penalty of law that the debris has been treated in accordance with the requirements of 40 CFR 268.45. I am aware that there are

significant penalties for making a false certification, including the possibility of fine and imprisonment.”

(e) Generators and treaters who first receive from EPA or an authorized state a determination that a given contaminated soil subject to LDRs as provided in § 268.49(a) no longer contains a listed hazardous waste and generators and treaters who first determine that a contaminated soil subject to LDRs as provided in § 268.49(a) no longer exhibits a characteristic of hazardous waste must:

- (1) Prepare a one-time only documentation of these determinations including all supporting information; and,
- (2) Maintain that information in the facility files and other records for a minimum of three years.