

ENVIRONMENTAL QUALITY

CHAPTER 53

HAZARDOUS WASTE

Subchapter 6

Standards Applicable to Generators of Hazardous Waste

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| Rule | 17.53.601 | Adoption of Federal Standards Applicable to Generators of Hazardous Waste (40 CFR 262) |
| | 17.53.602 | Exceptions and Additions to Adoption of Federal Standards Applicable to Generators of Hazardous Waste |
| | 17.53.603 | Annual Report from Generators of Hazardous Waste |
| | 17.53.604 | Additional Reporting Requirements |

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17.53.601 ADOPTION OF FEDERAL STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE (40 CFR 262) (1) Except as provided otherwise in ARM 17.53.602, the department hereby adopts and incorporates by reference 40 CFR 262, pertaining to hazardous waste generator standards. (History: 75-10-204, 75-10-404, 75-10-405, MCA; IMP, 75-10-204, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01.)

17.53.602 EXCEPTIONS AND ADDITIONS TO ADOPTION OF FEDERAL STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE (1) In 40 CFR 262.11(c)(1), pertaining to hazardous waste determination, the phrase "or according to an equivalent method approved by the Administrator under 40 CFR 260.21" is not adopted and incorporated by reference.

(2) In 40 CFR 262.40(b), pertaining to generator recordkeeping, "annual" is substituted for "biennial."

(3) ARM 17.53.603 is substituted for 40 CFR 262.41, pertaining to biennial reporting.

(4) In 40 CFR 262.42(a)(2) and (b), pertaining to exception reporting, the words "in the Region in which the generator is located" are not adopted and incorporated by reference.

(5) ARM 17.53.604 is substituted for 40 CFR 262.43, pertaining to additional reporting requirements.

(6) In 40 CFR 262.51, 262.52, 262.53, 262.54, 262.56, and 262.57, pertaining to exports of hazardous waste, references to "EPA" are retained.

(7) Exception reports required from primary exporters pursuant to 40 CFR 262.55 must be filed with EPA and the department.

(8) Annual reports required from primary exporters pursuant to 40 CFR 262.56 must be filed with EPA and the department.

(9) In 40 CFR 262.57(b), pertaining to export record keeping, the reference to the "Administrator" is retained. The department may also require extensions of record retention times for hazardous waste export records.

(10) Conditionally exempt small quantity generators are not subject to the requirements of ARM 17.53.603.

(11) In 40 CFR 262, Appendix, Item 19, pertaining to the Uniform Hazardous Waste Manifest and instructions, the second paragraph and the list of EPA administrators is not adopted and incorporated by reference. Also, "Montana" is substituted for "authorized States (i.e., those States that have received authorization from the U.S. EPA to administer the hazardous waste program)". (History: 75-10-204, 75-10-404, 75-10-405, MCA; IMP, 75-10-204, 17-10-225, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2002 MAR p. 789, Eff. 3/15/02; AMD, 2002 MAR p. 3397, Eff. 12/13/02; AMD, 2005 MAR p. 442, Eff. 4/1/05.)

17.53.603 ANNUAL REPORT FROM GENERATORS OF HAZARDOUS WASTE (1) A generator who generates or ships hazardous waste shall submit annual reports to the department, on forms obtained from the department, no later than March 1 of each year. The annual report must cover generator activities during the previous calendar year and must include the following information:

- (a) the EPA identification number, name, and address of the generator;
- (b) the calendar year covered by the report;
- (c) the EPA identification number, name, and address for each off-site facility in the United States to which waste was shipped during the year;
- (d) the name and EPA identification number of each transporter used during the reporting year for shipments to a facility within the United States;
- (e) a description, EPA hazardous waste number, DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a facility within the United States. This information must be listed by the EPA identification number of each off-site facility to which waste was shipped;
- (f) a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
- (g) a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years; and
- (h) the certification signed and dated by the generator or the generator's authorized representative, made in accordance with 40 CFR 270.11.

(2) Any generator who treats, stores, or disposes of hazardous waste on-site must submit an annual report covering those wastes in accordance with the provisions of subchapters 8, 9, and 12 of this chapter.

(3) Reporting for exports of hazardous waste is subject to the requirements of 40 CFR 262.56 rather than the requirements of this rule.

(4) A conditionally exempt small quantity generator, as defined in ARM 17.53.301(2), that has registered with the department and desires to remain registered shall submit an annual report pursuant to ARM 17.53.603(1). (History: 75-10-404, 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2009 MAR p. 2371, Eff. 12/11/09.)

17.53.604 ADDITIONAL REPORTING REQUIREMENTS (1) The department, as deemed necessary under 75-10-404, MCA, may require generators to furnish additional reports concerning the quantities and disposition of hazardous wastes identified or listed in this chapter. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01.)

